

PGCPB No. 2024-080

File No. SDP-0805-03

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(h) of the Zoning Ordinance, property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the Zoning Ordinance in existence prior to April 1, 2022, subject to the terms and conditions of the development approvals which it has received; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022, and the subject property's prior R-S zoning; and

WHEREAS, an application was submitted by BHC, Inc. for approval of a specific design plan; and

WHEREAS, in consideration of evidence presented at a public hearing on July 18, 2024, regarding Specific Design Plan SDP-0805-03 for Kenwood, the Planning Board finds:

1. **Request:** The applicant proposes to replace the previously approved single-family residential development with 124 single-family detached dwellings.
2. **Development Data Summary:**

	EXISTING	EVALUATED
Zone	LCD	R-S
Use	Vacant	Single-family detached dwellings
Total Dwelling Units	-	124
Total Gross Acreage	62.95	62.95

Other Development Data:

Parking and Loading Data (per Section 27-568(a) of the prior Prince George's County Zoning Ordinance)

CATEGORY	RATE	REQUIRED	EVALUATED
Single-family detached dwellings	2.0 spaces per dwelling unit	248	496**

Note: **Each unit in the specific design plan (SDP) also proposes a driveway that accommodates two additional parking spaces, which has been factored into the number of parking spaces provided.

3. **Location:** The subject site is located in the southeast quadrant of the intersection of White House Road and Harry S Truman Drive. The subject property is specifically identified on seven subdivision plats, each entitled “Kenwood Village,” and recorded among the Prince George’s County Land Records in Plat Book SJH 242, Plats 50–56.
4. **Surrounding Uses:** The subject property is bounded to the north by the public right-of-way of White House Road, with single-family residences in the Residential, Single-Family-95 (prior One-Family Detached Residential (R-80)) Zone beyond; to the east by property in the Residential Estate (RE, previously Residential-Estate (R-E)) Zone used for agriculture; to the south by Agricultural-Residential (prior Residential-Agricultural) zoned properties used for agriculture; and to the west by a single-family detached house in the RE (prior R-E) Zone.
5. **Previous Approvals:** The subject property was rezoned from the R-E Zone to the Residential Suburban Development (R-S) Zone through the approval of Zoning Map Amendments (Basic Plans) A-9802-C and A-9803-C, by the Prince George’s County District Council, on November 9, 1992.

Comprehensive Design Plan CDP-0303 was approved by the Prince George’s County Planning Board on October 17, 2005 (PGCPB Resolution No. 05-65), for development of 84 single-family detached dwellings.

Preliminary Plan of Subdivision (PPS) 4-06159 was approved by the Planning Board on September 13, 2007 (PGCPB Resolution No. 07-169(A)), for the creation of 72 lots and 3 parcels for development of 72 single-family detached dwellings.

SDP-0805 was approved by the District Council on July 24, 2013, for development of 72 single-family dwellings.

SDP-0805-01 was approved by the Planning Director on August 1, 2014, for revisions to the building regulations of prior approved lots.

SDP-0805-02 was approved by the Planning Director on February 23, 2015, for revisions to prior approved lots which included adjusting lot lines and dimensions, adding street names, and adding a water line extension.

Basic Plans A-9802-C-01 and A-9803-C-01 were approved by the District Council on February 27, 2023, to amend the conditions of the approved basic plans to allow for a reduction in the minimum lot size.

CDP-0303-01 was approved by the Planning Board on July 14, 2023 (PGCPB Resolution No. 2023-84), for development of 124 single-family detached dwellings.

PPS 4-22070 was approved by the Planning Board on January 25, 2024 (PGCPB Resolution No. 2024-003), for the creation of 124 lots and 18 parcels for development of 124 single-family detached dwellings.

6. **Design Features:** The subject property is rectangular in shape and located along the south side of White House Road, south of its intersection with the constructed portion of Harry S Truman Drive. Environmental features, including wetlands and floodplain, cover the majority of the north side of the property, and the 120-foot-wide master-planned right-of-way for Harry S Truman Drive, as shown on the approved PPS, divides the site into eastern and western developable areas.

The site is naturally bisected by regulated environmental features (REF), thus splitting the subject site into two development pods (eastern and western). The area of the site that is west of the Harry S Truman Drive right-of-way was conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC) following the approval of SDP-0805. The eastern pod will contain 71 lots and serve as the primary entrance to the development from White House Road. The western pod is smaller than the eastern pod and will contain the remaining 53 of the 124 total lots of the proposed development.

The approved development will be characterized by special paving at the entrance of the Kenwood subdivision, along with a monument sign and water feature. Furthermore, the approved development will include two child-oriented playgrounds. One will be located in the eastern portion of the development, while the other will be located in the western portion.

Architecture

The SDP is approved for four different housing models: the Magnolia, the Hickory, the Evergreen, and the Birch. Each of the models will have four different elevations: Transitional, Cottage, Farmhouse, and Craftsman, bringing the total number of elevations to 16. All of the approved models will include a two-car garage.

The elevations offer a variety of exterior finishes, including brick and siding. The siding on the proposed units is a combination of cementitious and vinyl materials. Various siding designs are proposed as well, including board and batten, horizontal, shake, and panels. The exterior materials used reflect the housing style. The Transitional units are characterized by predominantly brick front facades; the Farmhouse style is characterized by board and batten siding; the Cottage style is characterized by shake siding; and the Craftsman style is characterized by both horizontal and vertical siding. All of the units will feature a brick or stone water table.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9802-C-01 and A-9803-C-01:** On November 9, 1992, the District Council approved Basic Plans A-9802-C and A-9803-C, subject to 14 conditions and 4 considerations. On February 27, 2023, the District Council approved A-9802-C-01 and A-9803-C-01, which amended the original basic plans to alter the lot sizes and required buffers, and to delete and amend conditions in the original basic plans. The conditions of A-9802-C-01 and A-9803-C-01 that are relevant to the review of this SDP are listed below, in **bold** text. The

Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

- 1. No direct access to any residential lots shall be permitted from White House Road or Harry S Truman Drive.**

The submitted SDP does not propose any direct access to any residential lots from White House Road or Harry S Truman Drive. All access will be from internal residential streets.

- 6. The minimum lot size shall be 4,200 square feet in all development envelopes.**

The subject SDP conforms to this condition regarding minimum lot sizes. The approved minimum lot size is 4,200 square feet in all development envelopes.

- 7. A 50-foot buffer shall be provided along the eastern property boundary and shall include a 6-foot-high black vinyl clad chain link fence (or approved alternative), extending to the south side of White House Road. The only disturbance to this buffer shall be for the construction of stormwater management facilities located within 550 feet from the right-of-way of White House Road. A 25-foot landscaped buffer shall be provided along the southern property boundary and provide the number of plant units required for a "B" bufferyard, as required by the 2010 Prince Georges County Landscape Manual, and shall include a 6-foot-high black vinyl clad chain link fence (or approved alternative), extending to the eastside of Harry S Truman Drive.**

The subject SDP provides a 50-foot buffer along the eastern boundary line, with the exception of a stormwater management (SWM) facility located within 550 feet of White House Road. A SWM Concept Plan, 19807-2022-00, was approved on October 12, 2023, and has been included with the application.

The subject SDP provides a 6-foot-high sight-tight fence in lieu of a black vinyl clad chain link fence along the eastern, southern, and western boundaries of the proposed development. A 25-foot landscape buffer is provided in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

- 13. The applicant shall submit a detailed soils study to demonstrate the site is geologically suitable for the proposed development, for approval by the Soil Conservation District and the Natural Resources Division, prior to Specific Design Plan approval.**

A detailed soils study was submitted with the prior application (SDP-0805-02), which concluded that the subject site was found to be geologically suitable for the proposed development.

15. **The Basic Plan shall be modified to conceptually show a second entrance onto Harry S. Truman Drive extended. At the time of future development applications, this entrance shall not be required if the applicant demonstrates the feasibility of reducing the number of access connections to the site through operational and queuing analysis.**

The basic plan has been modified to conceptually show the location of a second entrance onto Harry S Truman Drive being extended. While no second entrance onto Harry S Truman Drive is being proposed with the subject SDP, a connection is possible through a future road.

16. **The applicant shall provide an interconnected network of pedestrian and bikeway facilities, internal to the site. The exact location and design of said facilities shall be evaluated with future applications.**

The subject SDP shows standard 5-foot-wide sidewalks along both sides of all internal streets. Furthermore, the applicant will be providing bike racks at each of the proposed recreational areas, in addition to providing "Share the Road" bicycle markings on all streets in the proposed development.

Considerations

1. **The character and visual image of White House Road shall be protected and maintained through preservation of the undisturbed buffer along both sides of the adjacent stream. The buffer design shall be approved by the Urban Design Section prior to Specific Design Plan approval.**

The subject SDP demonstrates conformance to this condition by maintaining the undisturbed buffer along both sides of the stream adjacent to White House Road and preserving the on-site REFs.

2. **The site shall be developed to maintain compatibility with the surrounding neighborhood with emphasis on the boundaries of the subject site. This shall be accomplished through design techniques such as berms, additional screen plantings and through compatible lot sizes prior to Specific Design Plan approval.**

Adequate buffers have been maintained through the preservation of existing vegetation, in addition to the landscape buffer that has been provided in accordance with the requirements of the Landscape Manual.

3. **The depths of all lots adjacent to Harry S Truman Drive and White House Road shall be adequate to provide visual and sound screenings as part of Specific Design Plan approval.**

The subject SDP provides an adequate natural buffer that will be retained along White House Road, and adequately screen development from any noise impacts and any visual impacts. Along Harry S Truman Drive, a berm within a 50-foot landscape buffer has been provided to allow for visual and sound screening.

4. **The dwellings in all Development Envelopes shall front on the primary street to the greatest extent possible, with the rears of dwellings oriented toward the interior of the envelopes. Landscape Manual buffering requirements shall apply to any dwellings whose rears face Harry S Truman Drive. Preservation of the existing trees shall be the preferred buffering technique to be supplemented as required by the Landscape Manual.**

The subject SDP shows that all the proposed dwellings front on the primary street on which the lot has access. The rears of all proposed dwellings will be oriented either to the environmental preservation areas, or to the areas that are internal to the development envelopes.

8. **Prince George's County Zoning Ordinance:** The subject SDP is in conformance with the applicable requirements of the prior Prince George's County Zoning Ordinance, in the prior R-S Zone, as follows:
 - a. The subject application is in conformance with the requirements of Section 27-511, Purposes; Section 27-512, Uses; and Section 27-513, Regulations, of the prior Zoning Ordinance, governing development in the R-S Zone. The proposed residential dwellings are a permitted use in the R-S Zone.
 - b. Section 27-528(a) of the prior Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

As discussed in Finding 9 below, this SDP conforms to the CDP. Per Finding 11 below, this SDP conforms to the Landscape Manual, except for Section 4.1, Residential Requirements. An alternative compliance request was submitted with this SDP, which has been discussed in Finding 11 below.

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

This requirement is not applicable to the subject SDP application.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The approved development has an approved PPS, and the site has an approved and valid Certificate Of Adequacy (ADQ-2022-094) demonstrating that adequate public facilities will be available to serve the site.

- (3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

A SWM concept plan has been approved to address the drainage of surface water, to ensure that there are no adverse effects on either the subject property or adjacent properties. The development of the subject property will conform to the approved plan.

- (4) **The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

A Type 2 tree conservation plan (TCP2) has been submitted with this application and recommended for approval, subject to the conditions of this resolution. The proposed SDP conforms with the TCP2.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The plan demonstrates that the on-site REFs have been preserved in general conformance with the previous applicable approvals. Further analysis of the SDP's compliance with this finding is provided in the Environmental Planning section of Finding 14.

9. **Comprehensive Design Plan CDP-0303-01:** CDP-0303-01 was approved by the Planning Board on July 27, 2023 (PGCPB Resolution No. 2023-84), subject to 26 conditions and one consideration. The conditions relevant to the review of this SDP are listed below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

4. **All subsequent plan submittals for this property, including the preliminary plan of subdivision and the specific design plans, shall further minimize the extent and number of anticipated PMA impacts each phase of the development process involves more detailed information. Impacts solely associated with the creation of lots are not allowed.**

The subject SDP demonstrates that impacts to the primary management area (PMA) have been minimized to the maximum extent possible. The impacts proposed are related to providing necessary infrastructure and are not associated solely with the creation of new lots.

8. **The applicant and the applicant's heirs, successors, and/or assignees, shall provide on-site recreational facilities, in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines, and be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of preliminary plan of subdivision and specific design plan.**

The subject SDP establishes two locations for play areas within the community, one in the eastern development pod, and one in the western development pod. The details of the play equipment approved in these recreational areas are depicted on the SDP.

10. **Prior to acceptance of the specific design plan, a geotechnical report shall be provided to determine the suitability of the soils for the proposed development.**

A detailed soils study was submitted with the SDP that assessed the suitability of the soils for the approved development.

11. **At the time of specific design plan, the shared-use path and the specifications and details for all master plan facilities, along the frontage of White House Road, shall be shown on the plan unless modified by the appropriate agency with written correspondence.**

The subject SDP has shown the shared-use path along White House Road.

12. **At the time of specific design plan, the applicant shall submit the wording and location of an interpretive sign, detailing the findings of the archeological investigations conducted on the subject property.**

The wording and location of an interpretative sign that details the findings of prior archeological investigations conducted on the subject property have not been submitted with the subject SDP. A condition requesting conformance to this condition has been included in this resolution.

- 13. At the time of specific design plan, the applicant shall provide the following general notes on the coversheet:**
- a. During the construction phases of this project, noise should not be allowed to adversely impact activities on adjacent properties. Indicate intent to conform to the construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.**
 - b. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to the construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.**
 - c. There may be abandoned underground well and/or septic structures that may not have been backfilled, in an acceptable manner. Contact the Prince George's County Health Department, Environmental Engineering/Policy Program at (301) 883-7681 for guidance on how to backfill abandoned well and septic structures.**

The above general notes have been added to the subject SDP's coversheet.

- 14. At the time of specific design plan, the buffers and fencing required, pursuant to Condition 7 of Zoning Map Amendments (Basic Plans) A-9802-C-01 and A-9803-C-01, shall be appropriately identified and labeled.**

The buffering and fencing required by the above condition are appropriately identified and labeled on the SDP.

- 15. Before approval of a specific design plan for the project, the following design issue shall be analyzed and provided for, to the extent feasible:**

Appropriate measures to ensure compatibility with the surrounding neighborhood, especially at the periphery of the site, including design techniques such as berming and augmenting screen plantings.

The applicant has provided an analysis of the above design issue in their statement of justification (SOJ) and concludes that the SDP will include a sight-tight vinyl fence that will ensure neighborhood compatibility by providing enhanced screening. Furthermore, the REFs which extend along White House Road, will ensure visual compatibility with the surrounding neighborhoods.

- 16. Before approval of a specific design plan, the applicant shall add a note to the plans that screening in the buffer running on both sides of the stream parallel to White House Road shall be provided, by leaving the wetlands in a natural state, except for the proposed (and approved) crossing.**

The subject SDP has included this note in the coversheet of the plans.

17. **Prior to specific design plan approval, the applicant shall include on the plans the location of a future eight-foot-wide, asphalt trail connection from the subject site to the property line for eventual connection to the proposed master plan trail along the Chesapeake Beach Railroad right-of-way, with the concurrence of the Department of Parks and Recreation.**

A 10-foot-wide trail easement is shown along the western boundary of Lot 26, to allow for a future 8-foot-wide asphalt trail connection to be constructed.

18. **Crediting of woodland conservation shown on any property to be dedicated to, or is owned by, the Maryland-National Capital Park and Planning Commission is subject to written approval by the Prince George's County Department of Parks and Recreation, prior to the certification of the Type 2 Tree Conservation Plan which specifically states the location, acreage, and methodology of the woodland conservation credits.**

The approved TCP2 has included woodland conservation on the property that has previously been dedicated to M-NCPPC. The depicted area of the proposed TCP2 was approved on the prior TCP2 for the subject property by the Prince George's County Department of Parks and Recreation (DPR). Furthermore, the subject DSP is not proposing any change to any previous agreements or approvals.

22. **Standard sidewalks shall be indicated on both sides of all internal roads, if approved by the Department of Public Works and Transportation.**

The subject SDP shows standard sidewalks on both sides of all internal roads, which are subject to approval by the Prince George's County Department of Public Works and Transportation (DPW&T).

23. **The public vehicular access to the future master-planned neighborhood park shall be provided from Ritchie Marlboro Road. The access to the park from Kenwood Village shall be limited to pedestrian access only.**

The above condition has been noted by the applicant and the subject SDP does not depict development that would restrict future planned pedestrian access to the neighborhood park.

Consideration

1. **At the time of specific design plan review, the interface between the subject property and the farms to the south shall be reviewed in detail, with consideration of the Basic Plan fencing requirement, accommodation of applicable tree conservation**

requirements, and the request of property owners to the south for additional berming and screening.

The buffering requirements from the initial basic plan approval were modified by the amended basic plan due to the installation of a natural gas line by Washington Gas.

The buffer planting, fence, and the additional setback where the gas line is located will ensure that the approved development will be compatible with future development on abutting properties.

10. **Preliminary Plan of Subdivision 4-22070:** PPS 4-22070 was approved by the Planning Board on January 25, 2024, subject to 15 conditions. The conditions relevant to the review of this SDP are listed below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

1. **Development of the site shall be in conformance with Stormwater Management Concept Plan 19807-2022, and any subsequent revisions.**

With the application, the applicant submitted copies of the approved SWM Concept Plan (19807-2022) and its associated approval letter, which covers the area subject to PPS 4-22070. The approval was issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on October 12, 2023, and expires on October 12, 2026.

2. **Prior to approval, the final plat of subdivision shall include dedication of 10-foot-wide public utility easements along both sides of all public rights-of-way, as delineated on the approved preliminary plan of subdivision.**

The approved SDP shows public utility easements along all existing and proposed public rights-of-way, consistent with the approved PPS.

6. **Prior to acceptance of the specific design plan (SDP), the application package shall include the following:**

- a. **Standard sidewalks shall be shown on both sides of all internal roads, unless modified by the Prince George's County Department of Public Works and Transportation.**

The SDP shows sidewalks along both sides of all internal roads. Conformance with this condition has been further evaluated by the Transportation Planning Section, in Finding 14.

- c. **Written approval from the Prince George's County Department of Parks and Recreation for the woodland conservation credits that are located on property owned by The Maryland-National Capital Park and Planning**

Commission. The written approval shall specifically state the location, acreage, and methodology of the woodland conservation credits.

A memorandum dated March 29, 2024 (Quattrocchi and Thompson to Garland), was included in the SDP submission for the purpose of meeting this condition. Conformance with this condition has been further evaluated by the Environmental Planning Section, in Finding 14.

d. A final geotechnical analysis.

Two separate geotechnical analyses, dated November 12, 2012, and September 15, 2022, were included in the SDP submission. Conformance with this condition has been further evaluated by the Environmental Planning Section, in Finding 14.

e. Revise/supplement the Phase I noise study to provide modeled noise levels using Leq from 7:00 a.m. to 10:00 p.m. and 10:00 p.m. to 7:00 a.m. and provide models for each time frame for upper- and ground-level measurements. In addition, provide the 55 dBA contour on the exhibits/models for the 10:00 p.m. to 7:00 a.m. Leq.

The Phase I noise study was revised, as required, and submitted with the SDP.

7. A wetland study, including the streams, shall be included in future development applications.

A wetland delineation and stream report dated April 2023 was included in the SDP submission. Conformance with this condition has been further evaluated by the Environmental Planning Section, in Finding 14.

11. Prior to approval of the specific design plan, the applicant shall add a note to the plans stating that screening in the buffer on both sides of the stream, that parallels with White House Road, shall be provided by leaving the wetlands in a natural state except for the crossing anticipated as part of the proposed project design.

This note has been added to the SDP as General Note 30, on the coversheet, as required.

13. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

TCP2-006-13-02 was submitted with the SDP. Conformance with this condition has been further evaluated by the Environmental Planning Section, in Finding 14.

15. **No later than 40 days prior to the Prince George’s County Planning Board hearing for the specific design plan (SDP), provide the following information:**
- a. **A Phase II noise analysis, certified by a professional engineer, providing noise modeling from 7:00 a.m. to 10:00 p.m. and 10:00 p.m. to 7:00 a.m., and evaluating the mitigation provided with the SDP, to ensure a 45 dBA or less interior at all times and 44 dBA [sic] at outdoor activity areas from 10:00 p.m. to 7:00 a.m.**
 - b. **Details of noise walls, architecture, and/or other noise mitigation, which shall mitigate the interior of dwellings to 45 dBA or less and outdoor activity areas, including rear yards, to 65 dBA or less from 7:00 a.m. to 10:00 p.m. and 55 dBA or less from 10:00 p.m. to 7:00 a.m.**

A Phase II noise analysis was included in the SDP submission, as required. The Phase I and II analyses both found that no dwellings would be exposed to outdoor noise levels exceeding 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during either period of 7:00 a.m. to 10:00 p.m. (daytime), or 10:00 p.m. to 7:00 a.m. (nighttime). Therefore, because standard building construction is capable of reducing noise in the interior of a dwelling by 20 decibels (dB), no dwelling will be exposed to interior noise levels above 45 dBA/Leq.

The rear yards of Lots 3–6, Block D would be exposed to noise levels above 55 dBA/Leq during the nighttime, under unmitigated conditions. Therefore, the SDP includes a noise barrier at the rear of these lots, and a detail for the barrier’s construction, to ensure noise is mitigated to below 55 dBA/Leq during the nighttime in the rear yard of these lots.

11. **2010 Prince George’s County Landscape Manual:** The approved single-family residential lots in the R-S Zone are subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). The approved SDP provides the appropriate schedules showing that the requirements of the applicable sections are being met, except for Section 4.1 for which an Alternative Compliance AC-24003 was submitted.

The applicant requested alternative compliance from the requirements of Section 4.1(c)(1)(D) of the Landscape Manual, for approximately 84 of the proposed 124 one-family lots within the subject property. As noted, Table 4.1-1, On-Site Residential Planting Requirements, requires at least two shade trees and two ornamental or evergreen trees to be planted on one-family detached lots smaller than 9,500 square feet. The applicant sought relief from these requirements, as follows:

REQUIRED: Section 4.1(c)(1)(D), All one-family detached lots that are smaller than 9,500 square feet

Number of lots	84*
Total number of Shade Trees	168
Total number of Ornamental or Evergreen Trees	168

Note: *The submitted landscape plans show that approximately 40 lots meet the requirements, with two shade trees and two ornamental/evergreen trees each.

PROVIDED: Section 4.1(c)(1)(D), All one-family detached lots that are smaller than 9,500 square feet

Number of lots	84*
Total number of Shade Trees	84*
Total number of Ornamental or Evergreen Trees	168

Note: *The submitted landscape plans show that an additional 86 shade trees are relocated to the common open space from the 84 lots.

The purpose of Section 4.1, in part, is to enhance the aesthetic appearance of the neighborhood and establish a visual relationship between the structures and their surroundings. In this vein, Section 4.1(c)(1)(D) requires a certain number of trees to be planted on lots. The shade trees proposed to be planted in the common open spaces are not always in proximity to those lots from which these trees are relocated.

Therefore, the Alternative Compliance Committee found that the applicant’s proposal did not meet the purposes of Section 4.1 of the Landscape Manual, and additional measures were needed to provide alternative compliance that is equally effective as normal compliance. The Committee recommended and has conditioned herein that: (1) at least one-third of the trees located in the front yards of the lots be switched from ornamental to shade trees; and (2) the remaining ornamental trees in the front yards be planted at least 1.75–2.0 inches.

The combined result of having more shade trees and larger ornamental trees in front yards, and more shade trees in the common open spaces, will better meet the purposes of Section 4.1, and therefore, be equally effective as normal compliance.

The Alternative Compliance Committee found that, given the lot size constraints and considering adequate spacing for shade trees, and the additional shade trees and larger ornamental trees, as conditioned, the applicant’s proposal was equally effective as normal compliance, with respect to Section 4.1(c)(1)(D) of the Landscape Manual.

- Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than

10,000 square feet of existing woodland. TCP2-006-13-02 has been submitted for review which covers the area of this SDP.

Based on the TCP2 submitted with the subject application, the entire site's gross area is 62.95 acres. The total site contains a total of 52.49 acres of woodlands and 7.63 acres of wooded floodplains. The woodland conservation threshold for this project is 25 percent, or 11.33 acres. The TCP2 is broken into two phases, one for the park dedication and the other for the residential portion. This SDP is for the residential portion of the site.

The residential phase proposes to clear 25.65 acres of woodland and 0.26 acre of wooded floodplain resulting in a cumulative woodland conservation requirement of 20.88 acres.

The woodland conservation requirement for the residential phase is proposed to be met with 4.51 acres of on-site preservation and 5.57 acres of off-site mitigation credits. The park woodland conservation requirement will be met with 10.80 acres of preservation for a total of 20.88 acres of woodland conservation provided. Crediting of woodland conservation shown on any property to be dedicated to, or is owned by M-NCPPC, is subject to written approval by DPR. A memorandum dated March 29, 2024, from the Land Acquisition/Management & Development Review Section of DPR was included with the application. The memorandum states that DPR staff consent to the placement of woodland conservation on Parcel A, which is the portion of the site that was previously dedicated to M-NCPPC by the owner.

At the time of PPS, the applicant provided a SOJ of why the woodland conservation requirement cannot be fully met on-site. This statement points out that the off-site woodland mitigation was previously approved with Type 1 Tree Conservation Plan TCP1-017-04-02 and TCP2-006-13-01. Also, the woodland conservation threshold for this development is calculated as 25 percent, or 11.33 acres, which is an increase of 5 percent of what other developments in this zone are required to meet.

As noted, this SDP is for the increase in the number of lots from 72 to 124, however, the area of disturbance has only marginally changed from the previous approvals. All areas suitable for planting have been utilized on the proposed plan. The subject property does not qualify for fee in-lieu, as more than one acre of woodland conservation is required. Off-site mitigation credits have already been processed based on the previous approvals.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 1,500 square feet or greater of gross floor area or disturbance. Properties that are zoned R-S are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 62.95 acres in size, resulting in a TCC requirement of 9.44 acres. A TCC schedule was provided showing that the requirement is being met on-site by the retention of existing woodlands.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by the Planning Board for reference:

- a. **Historic Preservation**—In a memorandum dated June 17, 2024, (Stabler, Smith, and Chisholm to Mitchum), the Historic Preservation Section noted that the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment (master plan)* contains goals and policies related to historic preservation, however, they are not specific to the subject site or applicable to the proposed development. The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
- b. **Community Planning**—In a memorandum dated June 10, 2024 (Bishop to Mitchum), the Community Planning Division provided an evaluation of the application stating that, pursuant to Subtitle 27, Part 8, Division 4, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
- c. **Subdivision Review**—In a memorandum dated June 18, 2024, (Diaz-Campbell to Mitchum), the Subdivision Section provided a review of the subject SDP for conformance with the conditions attached to the approval of PPS 4-22070. The relevant comments have been included in the above findings of this resolution. Subdivision staff also offered the following comments:

The area east of Harry S Truman Drive is subject to PPS 4-22070 (PGCPB Resolution No. 2024-003). This PPS covers 38.32 acres and was approved on January 4, 2024, for 124 lots and 18 parcels, to support development of 124 single-family detached dwellings. PPS 4-22070 superseded an earlier PPS, 4-06159, for these 38.32 acres. PPS 4-22070 also has an associated approved Certificate of Adequacy ADQ-2022-094, which is applicable to the same land area. The development proposed with the subject SDP amendment is consistent with PPS 4-22070.

The area of the property west of Harry S Truman Drive, Parcel A, remains subject to PPS 4-06159 (PGCPB Resolution No. 07-169(A)), which was originally approved in September 2007 and reconsidered in July 2013. This PPS required the dedication of the land west of Harry S Truman Drive (19.1 acres) to M-NCPPC. This dedication has since been accomplished, and the land is not proposed to be developed. However, it remains part of this SDP application. Since no development is proposed, this area remains consistent with PPS 4-06159. There is an automatic ADQ associated with PPS 4-06159 pursuant to Section 24-4503(a)(1) of the Prince George’s County Subdivision Regulations, effective April 1, 2022, for a period of 12 years. This automatic ADQ is also only applicable to Parcel A.

PPS 4-06159 was approved subject to 32 conditions. However, the conditions of approval of this PPS are no longer applicable, because the only land within the SDP that is still subject to PPS 4-06159 is not proposed to be developed and has been conveyed to M-NCPPC.

- d. **Transportation Planning**—In a memorandum dated June 21, 2024 (Daniels to Mitchum), the Transportation Planning Section provided an analysis of the prior approvals, which is incorporated into the above findings of this resolution.

Master Plan Right-of-Way

The site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan. The property has frontage on White House Road (A-36), which is a master-planned arterial road, with a 140-foot ultimate right-of-way.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a planned side path or wide sidewalk along White House Road. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Furthermore, it is noted that there no frontage improvements are proposed with this application; however, the master plan recommendation of a side path along White House Road has been fulfilled by a development abutting the northern portion of the roadway. Transportation staff recommend installation of a side path along the subject property's frontage, which abuts the southern portion of White House Road.

In addition, a bicycle and pedestrian plan was provided with this application to demonstrate the on-site and off-site facilities. A 5-foot-wide sidewalk is proposed along both sides of the internal roadways and include crosswalks throughout the site. Short-term bicycle parking has also been provided at the recreational facilities on-site.

- e. **Environmental Planning**—In a memorandum dated June 7, 2024 (Rea to Mitchum), the Environmental Planning Section provided a comprehensive analysis of the SDP's conformance with all applicable environmental-related conditions attached to previous approvals, which have been included in the above findings. Additional comments are, as follows:

Natural Resource Inventory

The NRI-001-2023, which only covers the area of the proposed residential development, was submitted with this application. According to NRI-001-2023, the site contains areas of REFs, such as steep slopes, streams, or wetlands, and 100-year floodplain located

along White House Road, in the central portion of the site, and in the area of the proposed Harry S Truman Drive. The wetlands on-site are associated with streams that run along White House Road, and through the center of the site. The NRI shows the proposed residential site containing 146 specimen trees that are on-site or near the property, which ranges in condition from dead to good. The SDP shows all the required information correctly in conformance with the NRI.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure, shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the [Environmental] Technical Manual.” If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the WCO), provided all the required findings in Section 25-119(d) of the WCO can be met. A variance must be accompanied by a SOJ, stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance SOJ and specimen tree exhibit in support of a variance to remove 69 specimen trees was approved by the Planning Board with prior case PPS 4-22070. No additional specimen trees are requested for removal with this application.

Regulated Environmental Features

There is PMA, comprised of REFs, which includes streams and associated buffers, 100-year floodplain, steep slopes, and wetlands with their associated buffers. Under Section 27-521(a)(11) of the prior Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the REFs in a natural state to the fullest extent possible. The development proposed impacts to the PMA, which were reviewed and approved by the Planning Board with PPS 4-22070. The development proposed with SDP-0805-03 is reliant on the prior PMA impact approvals. No additional PMA impacts are requested with this application.

Stormwater Management

A SWM Concept Approval Letter (19807-2022) and associated plan were submitted with the application for this site. DPIE issued the approval on August 28, 2023. According to the approved plan, three on-site submerged gravel wetlands are proposed to meet the SWM requirements for this project. No further action regarding SWM is required with this SDP review.

Soils

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, the predominant soils found on-site include Collington-Wist complex, and Widewater, and Issue soils, frequently flooded. Unsafe soils containing Marlboro or Christiana clays have not been identified on this property. A

geotechnical report was submitted with this application and the M-NCPPC's geotechnical planner found no issues with this project.

- f. **Permit Review**—In a memorandum dated June 6, 2024 (Meneely to Mitchum), the Permit Review Section offered no comments on the subject SDP.
 - g. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated January 8, 2024 (Quattrocchi and Thompson to Mitchum), DPR provided an analysis of the prior approvals, which is incorporated into the above findings of this resolution.
 - h. **Prince George's County Department of Public Works and Transportation (DPW&T)**—At the time of the writing of this resolution, DPW&T did not offer comments on this application.
 - i. **Prince George's County Health Department**—At the time of the writing of this resolution, the Health Department did not offer comments on this application.
 - j. **Prince George's County Police Department**—At the time of the writing of this resolution, the Police Department did not offer comments on this application.
 - k. **Prince George's County Fire/EMS Department**—At the time of the writing of this resolution, the Fire/EMS Department did not offer comments on this application.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this resolution, WSSC did not offer comments on this application.
15. **Community Feedback**—As of the writing of this resolution, the Planning Board did not receive any inquiries from the community regarding the subject SDP.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-006-13-02 and APPROVED Alternative Compliance AC-24003, and further APPROVED Specific Design Plan SDP-0805-03 for the above described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant shall revise the plan as follows:
 - a. Remove the 65 dBA/Leq unmitigated nighttime noise contour from the plan drawings.
 - b. Revise the labels for the 55 dBA/Leq unmitigated and mitigated noise contours to add information stating that they are nighttime, ground-level noise contours.
 - c. Add the 65 dBA/Leq unmitigated daytime ground-level noise contour to the plan drawings.

- d. Show the proposed noise barrier on the landscape plan set. Label the noise barrier on both the landscape plan set and the SDP plan set.
 - e. Under Schedule 4.1-1, note the total number of lots that do not meet the requirements of Section 4.1(c)(1)(D) of the 2010 *Prince George's County Landscape Manual*, and the total number of shade trees that will be planted in the common open space. Following this, the information contained in Schedule 4.1-1 shall be revised accordingly.
 - f. Revise the landscape plans to show at least one-third of trees planted in the front yard to be shade trees.
 - g. Revise the landscape plans to show the caliper of ornamental trees planted in the front yard to be at least 1.75 inches.
 - h. Provide a sign detail that shows the wording and location of an interpretive sign that details the findings of the prior conducted archeological investigations conducted on the subject site.
 - i. Add a parking tabulation table that demonstrates the development's conformance to the applicable parking requirements stated in Section 27-568(a) of the prior Prince George's County Zoning Ordinance.
2. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section of the Prince George's County Planning Department for review by the Office of Law and submitted to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber _____ folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
 3. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, waters of the United States, or 100-year floodplain, the applicant shall submit copies of all required federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
 4. Prior to issuance of the 93rd building permit, the applicant and the applicant's heirs, successors, and/or assignees shall make a payment to the Prince George's County Department of Parks and Recreation of \$70,000 in 2013 dollars. This fee is provided in lieu of grading the southern portion of the dedicated parkland, constructing a 10-foot-wide gravel maintenance access road, and preparing detailed construction drawings for improvements to the dedicated parkland. At the time of payment, this amount shall be adjusted for inflation using the Consumer Price Index. The monetary contribution shall be placed into a park account designated for this park.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 18, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of September.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:JM:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: August 19, 2024