

PGCPB No. 2024-104

File No. PPS-2024-001

R E S O L U T I O N

WHEREAS, Walton Maryland, LLC is the owner of a 62.52-acre parcel of land known as Parcels 10, 18, 20, and 62, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Residential Planned Development (R-PD); and

WHEREAS, on June 28, 2024, D.R. Horton, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 143 lots and 17 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2024-001 for Smith Lake Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission at a public hearing on October 10, 2024; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, at the October 10, 2024 public hearing, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-023-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision PPS-2024-001, for 143 lots and 17 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
 - a. Show a 10-foot-wide public utility easement along the west side of Frank Tippet Road.
 - b. On Sheet 2, move the note stating "public use easement to be established at detailed site plan" so that it does not overlap any other notes.
 - c. In General Note 21, add the approval date of the stormwater management concept plan.
2. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of public utility easements along the public and private rights-of-way, as delineated on the approved preliminary plan of subdivision, unless a variation is approved for the omission of public utility easements.
 - b. Right-of-way dedication along Frank Tippet Road, in accordance with the approved preliminary plan of subdivision.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 53887-2024-SDC/P00119-2024-SDC, and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise the TCP1 approval block, “00” approval line, DRD column to add “PPS-2024-001”.
 - b. Remove the dash line symbol covering the existing woodland limits symbol. The existing woodland limits symbol is not visible.
 - c. Add the proposed stormwater management symbols to the legend and label (outfall structure, stormwater pipe, grass swale, rip-rap, submerged gravel wetland, and micro-bioretenention).
 - d. Add a column to the specimen tree table to identify which sheet the specimen tree is shown.
 - e. Add the Site Statistics Table from the approved Natural Resources Inventory NRI-010-05-03.
 - f. Add a note under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 34 specimen trees (Section 25-122(b)(1)(G)), (ST-1 through ST-19, ST-34, ST-38, ST-61 through ST-63, ST-65, ST-69, ST-102 through ST-105, and ST-108 through ST-111).”
 - g. Have the revised plan signed and dated by the qualified professional who prepared it.
5. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-023-2024). The following notes shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-023-2024), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property, are available in the offices of the Maryland-National Capital Park and Planning Commission.”

6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area (PMA), except for approved impacts, and shall be reviewed by the Environmental Planning Section of the Prince George's County Planning Department, prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

7. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan (TCP2) 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.”

8. Prior to issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

9. At the time of final plat, approximately 10 acres of parkland as shown on the preliminary plan of subdivision (Parcel N) shall be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:

- a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division at M-NCPPC, along with the application of the record plat.
- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs, and gutters, and front-foot benefit charges prior to and subsequent to application of the building permit.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee

(suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.

- e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of The Prince George's County Department of Parks and Recreation (DPR). DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
- 10. The applicant, the applicant's successors and/or assignees shall construct a connector trail on Parcels N and Q unless otherwise modified at the time of the detailed site plan. The trail shall be designed in accordance with the standards outlined in the Prince George's County *Park and Recreation Facilities Design Guidelines*. The timing of construction of the trail shall be determined with the approval of the detailed site plan.
 - 11. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) for the connector trail to the Prince George's County Department of Parks and Recreation (DPR) for approval, unless there is no trail approved with the detailed site plan. Upon approval by DPR staff, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation. The public RFA shall establish the timing for the construction of the trail.
 - 12. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantees to the Prince George's County Department of Parks and Recreation (DPR) for construction of the connector trail.
 - 13. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for the connector trail (if the trail is provided), to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, for approval. The easement

agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision.

14. Prior to approval of a final plat of subdivision, in accordance with Section 24-4601(b)(4) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee in-lieu payment of mandatory dedication of parkland. The fee shall be prorated based upon the value of the connector trail, if provided.
15. In conformance with the recommendations of the 2009 *Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and assignees shall provide the following bicycle and pedestrian facilities, and shall show these facilities on the detailed site plan (DET) and a bicycle and pedestrian facilities plan, prior to DET approval:
 - a. A bicycle lane and associated signage and minimum 5-foot-wide Americans with Disabilities Act compliant sidewalk, along the site's frontage of Frank Tippet Road, unless modified by the operating agency with written correspondence.
 - b. Shared-lane markings (sharrows) and "Bicycles May Use Full Lane" signage assemblies along the site's frontage of Commo Road, subject to approval of the permitting agency with written correspondence.
 - c. Minimum 5-foot-wide Americans with Disabilities Act (ADA) compliant sidewalk with associated crosswalks and ADA curb ramps at the site access point, along both sides of internal roadways and throughout the site.
 - d. Inverted U-style bicycle parking racks at all recreational areas.

This condition shall not be construed to remove the applicant's right to request waivers or departures at the time of the detailed site plan, in conformance with Section 27-3614 of the Prince George's County Zoning Ordinance which, if approved, may modify the above requirements.

16. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The covenants shall establish that the HOA is responsible for maintenance of the private streets and for accessibility of the private streets to emergency equipment. The book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
17. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association (HOA), as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations, which are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the HOA shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
18. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit an approved concept erosion, grading, and sediment control plan.
19. At the time of detailed site plan, the applicant shall demonstrate pedestrian connectivity to the Cheltenham Wetlands Park either via a minimum 5-foot-wide Americans with Disabilities Act (ADA) compliant sidewalk (subject to approval of the permitting agency with correspondence) along the subject property's Commo Road frontage, or a trail extending from the terminus of Road F to the westernmost extent of the site, or a combination of a trail segment and a sidewalk segment to the westernmost extent of the site. If either or a combination of both the sidewalk and trail is not feasible to provide to the westernmost extent of the site, the final location of a trail that provides the best opportunity for pedestrian connectivity to the Cheltenham Wetlands Park shall be determined.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the applicable legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**—The subject site consists of four parcels, known as Parcels 10, 18, 20, and 62, recorded by deed in the Prince George’s County Land Records in Book 42875 page 528. The property is located on the west side of Frank Tippet Road, approximately 3,000 feet northwest of the intersection of Frank Tippet Road and US 301 (Robert Crain Highway), and it is located in Tax Map 126, Grids E2, E3, and F3. The property is 62.52 acres and is located in the Residential Planned Development (R-PD) Zone. The site is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan), applicable provisions of Subtitles 24 and 27 of the Prince George’s County Code, and other applicable plans, as outlined herein.

The property currently contains three single-family detached dwellings and associated outbuildings, all of which are to be razed. The site was previously used for agriculture and features a farm pond on the eastern portion of the site, which has developed into a wetland area. This preliminary plan of subdivision (PPS) allows for subdivision of the subject property into 143 lots and 17 parcels for development of 75 single-family detached dwellings and 68 single-family attached dwellings. The majority of the property was previously subject to prior Preliminary Plans of Subdivision 4-05035 and 4-09042, however, both of these preliminary plans of subdivision have expired. A PPS is required for the division of land and the construction of more than one dwelling unit, pursuant to Section 24-3402(b)(3) of the Prince George’s County Subdivision Regulations. The applicant participated in a pre-application conference for the PPS on January 26, 2024, pursuant to Section 24-3302(b)(1) of the Subdivision Regulations, and held a pre-application neighborhood meeting on February 12, 2024, pursuant to Section 24-3303(b)(1) of the Subdivision Regulations.

The subject PPS has an accompanying Type 1 Tree Conservation Plan, TCP1-023-2024. The PPS was accepted for review prior to July 1, 2024, therefore, the TCP1 was reviewed in accordance with the version of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) in effect immediately prior to July 1st. The applicant filed a request for a variance to Section 25-122(b)(1)(G) of the prior WCO to allow removal of 34 specimen trees. This request is discussed further in the Environmental finding of this resolution.

In accordance with Section 24-4503 of the Prince George’s County Subdivision Regulations, approved Certificate of Adequacy ADQ-2024-001 was reviewed concurrently with this PPS. The PPS is supported by, and subject to, the approved ADQ.

3. **Setting**—The subject site is within Planning Area 82A. Commo Road lies to the north of the site, with the Tippet Estates subdivision in the Residential, Rural (RR) Zone beyond. Frank Tippet Road lies to the east of the site, with single-family detached dwellings in the RR Zone beyond. South of the site lies the Boys Village of Maryland Juvenile Detention Center in the RR Zone. West of the site lies the Piscataway Creek stream valley, with The Maryland-National Capital Park and Planning Commission (M-NCPPC)-run Cheltenham Wetlands Park and the Federal Law Enforcement Training Center in the Reserved Open Space (ROS) Zone beyond. Site access is shown from Frank Tippet Road, which is classified as a collector roadway.

4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zone	R-PD	R-PD
Use(s)	Agricultural	Residential
Acreage	62.52	62.52
Lots	0	143
Parcels	4	17
Dwelling Units	3	143
Gross Floor Area	0	0
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Variation	No	No

The subject PPS was accepted for review on June 28, 2024. Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on July 19, 2024, where comments were provided to the applicant. Revised plans were received on August 19, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—The majority of the property was the subject of two previously approved preliminary plans of subdivision and one detailed site plan. PPS 4-05035, Smith Property, was approved by the Prince George’s County Planning Board (PGCPB Resolution No. 05-267) on December 15, 2005, for 60 lots and 5 parcels, for the development of 60 single-family detached dwellings. PPS 4-09042, Smith Lake Estates, was approved by the Planning Board (PGCPB Resolution No. 11-13) on February 3, 2011, for six lots, for the development of six single-family detached dwellings. Detailed Site Plan DSP-07002, Smith Property, was approved on November 9, 2011, by the Development Review Division, as designee of the Prince George’s County Planning Director, for private recreation facilities to accompany 59 single-family detached dwelling units. However, development did not proceed in accordance with these approvals, and the applications have since expired.

On November 29, 2021, the Prince George’s County District Council approved CR-136-2021, the Countywide Map Amendment (CMA), which reclassified the subject property from the Rural Residential (R-R) Zone to the Residential, Rural (RR) Zone effective April 1, 2022.

The property is the subject of Zoning Map Amendment ZMA-2022-003-C, which was approved by the District Council on March 11, 2024 (Zoning Ordinance No. 1-2024), with the final order of approval effective on June 4, 2024. This ZMA rezoned the property from the RR Zone to the R-PD Zone. The ZMA includes a basic plan for the property, which conceptually approved a maximum of 150 single-family dwellings on the property, of which no more than 50 percent are to be single-family attached dwellings. The development evaluated with this PPS is consistent with the basic plan.

The ZMA was approved subject to three conditions and one consideration. Of these, the following are relevant to the review of this PPS:

Conditions

2. At the time of preliminary plan of subdivision:

a. The woodland conservation threshold of 20 percent shall be met onsite.

The woodland conservation worksheet on the TCP1 shows that the 20 percent woodland conservation threshold is 12 acres. The TCP1 meets this threshold, as well as the entire woodland conservation requirement for the development, onsite with 10.86 acres of woodland preservation and 4.84 acres of reforestation, resulting in a total of 15.70 acres. This satisfies this ZMA condition.

b. The Applicant shall procure an extension of the Stormwater Management Concept Plan (42748-2004-02) approved by the Prince George's County Department of Permitting, Inspections and Enforcement on December 19, 2013, that expired on December 19, 2016.

A new stormwater management (SWM) concept plan was required with this PPS to reflect the current development proposal. The SWM Concept Plan (53887-2024-SDC/P00119-2024-SDC) was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on August 13, 2024.

c. The Applicant shall provide a detailed exhibit depicting all passive and active recreation amenities.

The applicant provided a sheet entitled "Conceptual Recreation Facility Exhibit," depicting the location of an active playground, a passive seating area(s), a picnic area, and a trail system that guides residents to active and passive recreation spaces. Additional details of these recreation amenities will also be further evaluated at the time of detailed site plan (DET).

Consideration

Additional areas for passive recreation should be incorporated into the site design, or the proposed passive recreation areas should be enlarged and centrally located for easy access to all residents. The project will be required to demonstrate mandatory dedication of parkland, at the time of preliminary plan of subdivision, which may be met through land dedication, fee-in-lieu, and/or private recreational facilities.

As a requirement of the zoning change approval, the applicant is providing public benefit features. These include dedicating approximately ten acres of land to M-NCPPC and providing public recreation amenities, which include redesigning the existing pond within the development

to (according to the certified basic plan text) “serve as a centralized gathering place for the community with convenient access through pedestrian walkways and trails. Potential amenities such as a pocket park and playground area [are] provided for active recreation; sitting areas around the existing pond provide a peaceful respite for passive recreative activities.”

The PPS includes a conceptual recreation facility exhibit which provides more detail on the amenities than was available with the basic plan. This exhibit shows three passive seating areas (two near the pond and one along Road F) and a community entrance feature (at the Frank Tippet Road site entrance) in areas previously identified by the basic plan as passive recreation areas. The exhibit also shows a picnic area within an area previously identified as an active recreation area, which may serve a passive recreational purpose. The passive recreation amenities are generally centrally located, can be easily accessed by all residents, and appear to be enlarged, which may be verified at the time of the DET. It is further noted that the PPS also includes an open space set-aside exhibit, which shows 4.34 acres of active recreation areas compared to 3.09 acres shown in the basic plan’s open space set-aside exhibit. The above-described amenities address the public benefit features required by the ZMA. The mandatory dedication of parkland requirement under the Subdivision Regulations is addressed separately and is to be met with a fee-in-lieu and/or connector trail, allowing future connection to Cheltenham Wetlands Park and Piscataway Stream Valley Park; this is discussed further in the Parks and Recreation finding of this resolution.

6. **Community Planning**—Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, consistency with the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 places this subject site in the Established Communities Growth Policy Area (Map 1. Prince George’s County Growth Policy Map, page 18). Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the regional transit districts and local centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development.

This PPS is consistent with Plan 2035’s Land Use and Growth Management goals because it is a context-sensitive low-density development, which aligns with the recommended future land use for this area. The PPS advances Plan 2035’s vision to create an active transportation network and promote environmental preservation.

Plan 2035 makes the following recommendations that affect the subject property. The Plan 2035 recommendations are listed in **bold** text, while findings regarding each recommendation are given in plain text:

Transportation and Mobility

TM4.4 Design new transportation systems to accommodate all modes of transportation. Continuous sidewalks on both sides of the road and on-road (bike lanes) bicycle facilities should be included, to the extent feasible and practical, and based on the type and location of the facility proposed. (page 156)

As discussed in the Transportation section of this resolution, requirements are established with this PPS to ensure that the new roadways included with this PPS, and the roadways along the property frontages, are designed to accommodate all modes of transportation, subject to or unless modified by the applicable operating agency.

Natural Environment

Policy 2: Improve and maintain water quality through stormwater management and water resource protection. (page 172)

Conformance with the approved SWM concept plan and an approved erosion, grading, and sediment control plan will ensure consistency with this policy.

Policy 5: Preserve and enhance existing forest and tree canopy coverage levels. (page 176)

At the time of DET, conformance with the TCP1 approved alongside this PPS and conformance with the Tree Canopy Coverage Ordinance will ensure consistency with this policy.

Housing and Neighborhoods

Policy 7: Integrate green building practices and achieve LEED or equivalent certification in housing construction and rehabilitation to enhance indoor air quality, health, energy efficiency, and water quality, among other factors. (page 192)

At the time of DET, the proposed buildings will be evaluated for conformance with Section 27-61600, Green Building Standards, of the Prince George's County Zoning Ordinance, to ensure consistency with this policy.

Community Heritage, Culture, and Design

Policy 11: Research and apply urban design best practices during the master plan process and when evaluating development proposals. (page 216)

Urban design best practices are generally integrated into the Zoning Ordinance and so conformance with the Zoning Ordinance will ensure consistency with this policy. This PPS has been found to conform with the Zoning Ordinance, and conformance will be further evaluated with the DET.

Master Plan

The master plan recommends residential low land use on the subject property. Pursuant to Section 24-3402(e)(1)(D)(iv), Preliminary Plan of Major Subdivision Decision Standards, this PPS conforms to the land use recommendation of the master plan because the 75 single-family detached and 68 single-family attached lots provide a residential density of approximately 2.38 dwelling units per acre, which meets the definition for low-density development.

The master plan makes the following recommendations that affect the subject property. The master plan recommendations are listed in bold text, while findings regarding each recommendation are given in plain text:

Public Facilities

Policy 4: Conserve stream valleys and other natural resource areas. (page 137)

Conformance with the TCP1 approved alongside this PPS will ensure conformance with this policy.

Living Areas and Community Character – Suburban/Developing Tier Communities

Policy: Continue to build high-quality, suburban development organized around a network of open space and community facilities with attention to site design. (page 179)

The proposed development is suburban in nature and includes a central open space with community facilities. The facilities are discussed further in the Parks and Recreation and Urban Design sections of this resolution. Details of the facilities will be evaluated at the time of the DET, to ensure they are of high quality.

Strategy 1: Develop a comprehensive trail/sidewalk system to connect the community. (page 179)

The development includes a comprehensive trail and sidewalk system that will connect the community internally and with nearby development.

Strategy 5: Ensure that all new development in the area is compatible with existing development in terms of architecture and scale. (page 179)

The architecture and scale of the development will be evaluated with the DET; however, the single-family detached and attached lots are arranged in a manner that is compatible with adjacent development. Specifically, single-family detached lots are placed adjacent to the existing single-family homes to the north. Where single-family attached lots are adjacent to existing single-family detached development, intervening parcels are placed to allow for an adequate buffer.

Based on the above findings and other findings regarding master plan conformance made throughout this resolution, the PPS conforms to the applicable policies and strategies of the master plan.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a SWM concept plan has been approved by DPIE.

A SWM Concept Plan and approval letter (53887-2024-SDC/P00119-2024-SDC) were submitted with this PPS. SWM features include one large pond, five submerged gravel wetland facilities, four micro-bioretention ponds, nine grass swales, and 47 rooftop disconnects systems. The concept approval expires August 13, 2027. No fee is required for on-site attenuation/quality control measures.

Development of the site, in conformance with the approved SWM concept plan and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreational facilities.

The property is 50 feet south of the Piscataway Stream Valley Park, which includes the Piscataway Creek Trail, and approximately 600 feet east of the 75-acre Cheltenham Wetlands Park. Cheltenham Wetlands Park is developed with a pond, a picnic area, and the Cheltenham Conservation Trail, a natural surface trail. Southwest of the property is the +930-acre Cheltenham Youth Facility, owned by the State of Maryland, which abuts the entire southwestern boundary of the Property.

The master plan provides goals and policies related to parks and recreation. The plan recommends the acquisition of additional land along the Piscataway Creek watershed. The PPS aligns with the intention of the master plan, to provide natural undeveloped land in the subregion and to support existing development for future residents.

The site was most recently reviewed as ZMA-2022-003-C (Zoning Ordinance 1-2024, approved March 11, 2024), a request to rezone the 62.52-acre property from the RR Zone to the R-PD Zone. As a requirement of the zoning change approval, the applicant is dedicating approximately 10 acres to M-NCPPC and providing public recreation amenities that include redesigning the existing pond within the development to (according to the certified basic plan text) “serve as a centralized gathering place for the community with convenient access through pedestrian walkways and trails. Potential amenities such as a pocket park and playground area [are] provided for active recreation; sitting areas around the existing pond provide a peaceful respite for passive recreative activities.”

Conveyance of the 10-acre dedication parcel (Parcel N, as shown on the PPS) is appropriate to fulfill the proffer of land accepted as a public benefit at the time of the ZMA. The parcel encompasses the western area of the property, south of Commo Road, adjacent to the Cheltenham Youth Facility. The land is within the regulated area of the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Map Amendment* (Green Infrastructure Plan), contains moderate- to steep-slopes and mature forest, and is within the Piscataway Creek watershed. The master plan recommends the acquisition of additional land along the Piscataway Creek watershed. The dedication area is separated from the residential development areas by a buffer of homeowners association (HOA) land. The applicant is conceptually proposing a natural surface trail, accessible from Road F, to activate the land dedication area as a future connection to Cheltenham Wetlands Park and Piscataway Stream Valley Park. The land dedication of ten acres together with the trail, aligns with the master plan recommendations.

Recognizing the applicant's need to provide on-site woodland conservation to meet the requirements of the WCO, the placement of woodland conservation easements on land to be dedicated to M-NCPPC is supported.

Section 24-4601 of the Subdivision Regulations governs the mandatory dedication of parkland. Unless otherwise exempt, a development subject to a PPS is required to dedicate land to M-NCPPC, pay a fee-in-lieu of dedication, and/or provide private recreational facilities to meet the park and recreation needs of the residents of the subdivision. The recreational guidelines for Prince George's County also set standards based on population. The projected population for the development is 428 new residents. Per Sections 24-4601(b)(4)(B) and (C) of the Subdivision Regulations, the Planning Board may approve alternatives to land dedication. A combination of payment of fees per subsection (B), and the provision of a connector trail to the Cheltenham and Piscataway Stream Valley Parks as a recreation facility per subsection (C), shall be provided to meet the mandatory dedication of parkland requirement. The trail alignment and surfacing will be determined with the DET, but the trail is currently anticipated to extend from the west end of Road F westward through HOA Parcel Q and Parcel N (to be conveyed to M-NCPPC). One possible alignment would allow for a future extension of the connector trail onto state land that would ultimately allow connection to the public parkland, if allowed by the State. If provision of this trail is found to be infeasible, the mandatory dedication requirement will be met with a fee-in-lieu only; however, a sidewalk along the Commo Road frontage should be provided in order to provide connectivity to the Cheltenham Wetlands Park, subject to approval by the permitting agency. If the trail is provided, the applicant shall provide a public recreation facilities agreement and a public use easement for the trail. It is noted that this connector trail is separate from the trail provided around the site's central pond, which is included within the public benefit features.

The applicant's proposal, to satisfy the requirement of mandatory dedication of parkland with a combination of a fee-in-lieu and a trail, is found to be acceptable, as the requirements of Sections 24-4601(b)(4)(B) and (C) will be met. The details, layout, and cost estimates for the trail will be further evaluated at the time of DET review. Though not subject to mandatory dedication, the details and layout of the on-site recreation amenities proposed as public benefit features will also be further evaluated at the time of DET.

The provision of a fee-in-lieu and trail will meet the recreational needs of the future residents of this community and is in conformance with the requirements of Subtitle 24, as they pertain to mandatory dedication of parkland.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the Subdivision Regulations, to provide the appropriate transportation facilities.

Master Plan Right-of-Way

The subject property has frontage on Frank Tippet Road (C-610) along the eastern bounds of the site. Both the MPOT and the master plan recommend this portion of Frank Tippet Road as a four-lane collector roadway with an ultimate right-of-way (ROW) width of 80 feet. To meet the ROW requirement, 3,411-square-feet of ROW dedication is shown along the portion of Frank Tippet Road that fronts the property. The dedication shown satisfies the master plan recommendation.

The subject property has frontage along Commo Road, along the northern bounds of the site. Neither the MPOT nor the master plan contain ROW recommendations for this road. The PPS displays Commo Road as a 100-foot-wide ROW, conveyed to Prince George's County, and no additional dedication is required.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Bicycle Lane: Frank Tippet Road
- Planned Shared Roadway: Commo 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, page 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.

In addition, the master plan contains several policies and strategies related to bicycle and pedestrian movement and are copied below (pages 105–107):

Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities.

Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.

Strategy 1: Incorporate bicycle-compatible road improvements with future frontage or road construction projects.

A bicycle lane and signage, as well as a sidewalk, shall be provided along the frontage of Frank Tippet Road to meet the recommendations of the MPOT.

To meet the recommendations of the MPOT, frontage sidewalk and shared roadway bicycle facilities should be provided along the subject property’s frontage on Commo Road. The shared roadway bicycle facilities shall consist of shared-lane markings (sharrows) and “Bicycles May Use Full Lane” signage assemblies. However, the applicant provided that access to Commo Road should be restricted, due to the fact that Commo Road serves as the access point to the Federal Law Enforcement Training Center (FLETC). The land conveyance of what is now Commo Road was provided by a quitclaim deed dated June 16, 1980, recorded in Liber 5277 at folio 190, by and between the United States of America and the County. Numbered paragraph 11 of that deed includes a right of reverter clause that allows the United States, at any time, to have the absolute right to take back possession and ownership of the property conveyed “to fulfill national defense needs.” Furthermore, by letter dated September 20, 2024 (Lewis to Abraham), the Acting Chief Counsel of the FLETC indicated that:

“Frontage improvements benefiting commercial or residential developments, to include sidewalks and bike lanes, would increase pedestrian use and create safety concerns due to heavy traffic volume in the area. Neighborhood access points along Commo Road would increase traffic congestion and cause disruptions to vehicle traffic entering the FLETC gates. Increased residential traffic on Commo Road might also increase security concerns due to vehicles mistakenly approaching the FLETC gate. In the event the United States exercises the right of reverter, residents would also be restricted from using any improvements the County allowed on the property.”

It is unclear whether the presence of sidewalk and shared roadway bikeway facilities would have an adverse effect on national defense needs. The objections raised by the letter from FLETC pertain mostly to vehicular traffic along Commo Road and, because no direct vehicular access to Commo Road from the subdivision is proposed, vehicular traffic along Commo Road should not increase. There is one existing destination along Commo Road unrelated to the FLETC, the Cheltenham Wetlands Park and, while a sidewalk and bikeway facilities would make it easier and safer for residents of the area to access the park, it is not clear that they would increase pedestrian and bicycle traffic to the park. Nevertheless, the County should be the ultimate arbiter of the

quitclaim deed between the County and FLETC and any rights, restrictions, and improvements impacting Commo Road.

It is also recognized that there are site constraints and environmental factors associated with any frontage improvements along Commo Road, including (PMA) and a large number of off-site specimen trees abutting the existing roadway. The challenges and impacts associated with improving the roadway suggest that an alternative pedestrian route should be provided to Cheltenham Wetlands Park, if feasible. As discussed in the Parks and Recreation section of this resolution, a trail is recommended extending from the western terminus of Road F to improve access to the park.

Given that the shared roadway bicycle facilities do not impact or cause expansion of existing Commo Road, they shall be provided subject to approval of the permitting agency. A determination on whether sidewalk facilities shall be provided along Commo Road shall be deferred to the (DET). The DET shall determine whether the recommended trail will be provided, and whether it will be designed in such a way as to provide pedestrian access to the park that will serve as a viable alternative to the MPOT-recommended facilities along Commo Road. In addition, it is noted that the permitting agency will have ultimate authority over whether frontage improvements will be required along Commo Road.

Zoning Ordinance Development Standards – Access and Circulation

Section 24-4201(c) of the Subdivision Regulations requires that streets proposed for dedication to the public comply with the standards in Section 27-6200, Roadway Access, Mobility, and Circulation, and other applicable standards in Subtitle 27 and related design regulations. Section 27-6104 of the Zoning Ordinance provides guidance for the review of PPS development applications. In addition, Section 27-6200 of the Zoning Ordinance provides specific requirements for the current PPS. The relevant sections are 27-6204, 27-6206, 27-6207, and 27-6208, which detail the requirements for vehicular, pedestrian and bicycle cross-access.

Sections 27-6206(e), 27-6207(b)(1), and 27-6208(b)(1) give requirements for vehicular, pedestrian, and bicycle cross access to adjoining developments, respectively. For this project, vehicular cross access is not required pursuant to Section 27-6206(e)(2), because the R-PD Zone is not in a zoning category which requires vehicular cross access. Pursuant to Sections 27-6207(b)(1) and 27-6208(b)(2), pedestrian and bicycle cross access would be required between the townhouse portion of the development and the nonresidential property adjoining to the southeast, the Cheltenham Youth Facility. No other adjoining properties contain a use to which cross access would be required. Cross access to the Cheltenham Youth Facility may not be supportable based on the nature of the use, as cross access could complicate law enforcement and pose safety concerns. Pedestrian and bicycle cross access will, however, be further evaluated with the DET, at which time waivers for pedestrian and bicycle cross access would be required in order to remove the requirement for cross access. It is further noted that the recommended connector trail, if provided, would not provide cross access, as it would ultimately connect to public parkland west of the development rather than the buildings and parking areas of the youth facility.

Regarding Section 27-6204, the PPS includes a circulation exhibit which shows one point of vehicle entry along Frank Tippet Road. The internal vehicular circulation is confined only to the site, thereby ensuring that no cut-through traffic will take place. Sidewalks are provided on both sides of all new internal roadways, along with a trail at the central gathering area surrounding the on-site lake. Additional site design features such as bicycle parking and Americans with Disabilities Act (ADA)-compliant curb ramps with associated crosswalks will be examined with the DET review. Vehicular access, as well as bicycle and pedestrian circulation, for the development are sufficient.

Section 27-6900, the Multifamily, Townhouse, and Three-Family Form and Design Standards, contains additional requirements relevant to the site circulation for the townhouse portion of the development:

Section 27-6903. Multifamily, Townhouse, and Three-Family Form and Design Standards

Development subject to this Section shall comply with the following standards.

(a) Site Access

New multifamily, townhouse, or three-family development with 20 or more dwelling units shall have:

- (1) At least one secondary point of vehicular access to or from the site to ensure emergency vehicle access, if feasible.**

The subject property has frontage along Frank Tippet Road (which is a collector roadway per the MPOT) and Commo Road (which does not have an MPOT designation and is therefore a lower-classified accessway). The site access was evaluated with the review of ZMA-2022-003, and it was determined at that time that access to the site would only be provided along Frank Tippet Road. The transportation findings from ZMA-2022-003 contains the following analysis: "While a single point of access is undesirable given the number of lots being proposed, the on-site environmental constraints and overall topography make additional points of access a challenge." This finding remains in effect. Direct vehicle access to the site along Commo Road would result in poor circulation along Commo Road and would intensify the intersection of Frank Tippet Road and Commo Road, by creating additional westbound trips from eastbound trips to this intersection. A second point of access along Frank Tippet Road is infeasible because of the short length of frontage the property has along this roadway. For these reasons, a single point of access to the property along Frank Tippet Road is appropriate.

- (2) **No primary vehicular access along a local street serving existing single-family detached dwellings—provided, however, that secondary vehicle access for emergency vehicles may be provided along such a local street if other points of access are not available.**

There are no local streets within the development that would serve existing single-family detached dwellings. Therefore, this provision is inapplicable.

Access to the lots is provided via a combination of public streets serving the single-family detached dwellings and private streets serving the single-family attached dwellings. Access via the private streets is permitted, pursuant to Section 24-4204(b)(1)(B).

Based on the preceding findings, the access and circulation are sufficient to meet the requirements of Section 24-4201. The vehicular, pedestrian, and bicycle transportation facilities will serve the subdivision, meet the required findings of Subtitle 24, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan in accordance with Section 24-4104(b)(1). The master plan contains the following overall goals: (page 119)

- **Provide residents of Subregion 6 needed public facilities in locations that serve existing and future populations.**
- **Ensure that all new public facilities will be constructed to LEED standards and existing buildings will be retrofitted to make them as energy efficient and sustainable as possible.**
- **Maintain the high level of service by providing essential equipment and professional training for personnel.**
- **Priority will be given to funding public facilities to support development in the Developing Tier.**

The proposed development will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2024-001, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property in the master plan.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405, the 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, “Community Systems”. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer.

11. **Public Utility Easement**—In accordance with Section 24-4401 of the Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUEs) is provided in Section 24-4205 of the Subdivision Regulations. PUEs must be located outside of the sidewalk and must be contiguous to the ROW. Typically, the public utility companies require that PUEs be provided on both sides of all public roadways, to ensure utility service to each lot without individual road crossing for utilities to each lot. Section 24-4401 of the Subdivision Regulations also provide that a PPS must be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies.

The subject property has frontage on Frank Tippet Road and Commo Road, and the PPS includes internal public and private streets. Ten-foot-wide PUEs are not shown along all of the existing public road frontages. Ten-foot-wide PUEs are shown along the internal road frontages, except in the following locations: along the north side of Road A, the west side of Road B, and the east side of Road E. In these areas, no lots or residential homes are shown, so additional PUEs are not necessary to serve the anticipated development. Prior to signature approval of the PPS, the plans shall be revised to show the missing PUE along Frank Tippet Road. Section 24-4205 would require a PUE along Commo Road, however, there is no nexus to require a PUE along this roadway because there is no development along this roadway that could be served by it. The subject subdivision will be served by PUEs along the internal roadway, while the existing subdivision across Commo Road is already served by public utilities. For these reasons, a PUE shall not be required along Commo Road, as it is not necessary to serve the anticipated development per Section 24-4401.

12. **Historic**—The master plan includes goals and policies related to historic preservation (pages 161–174). However, these are not specific to the subject site or applicable to the development.

The subject property was surveyed for archeological resources in 2008. Five archeological sites were identified on the property: 18PR927 – an early twentieth-century house site; 18PR928 – a late nineteenth- mid twentieth-century African American farmstead; 18PR929 – a prehistoric lithic scatter; 19PR930 – a prehistoric lithic scatter and nineteenth-century artifact scatter; and 18PR931 – an early-to-late woodland short-term prehistoric camp. All sites were significantly

disturbed by plowing and other twentieth-century activities on the property. No intact cultural features were identified in any of the five sites. No further archeological investigations were recommended by the applicant's consultant archeologist due to extensive modern disturbance. No additional investigations are necessary on Sites 18PR927, 18PR928, 18PR929, 18PR930, or 18PR931.

The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

13. **Environmental**—The PPS is in conformance with the environmental regulations of Sections 24-4101(b) and 24-4300 of the Subdivision Regulations, and Section 27-6800 of the Zoning Ordinance, as discussed herein. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-010-05	N/A	Staff	Approved	8/15/2005	N/A
4-05035	TCPI-035-05	Planning Board	Expired	12/15/2005 7/17/2008*	05-267
NRI-010-05-01	N/A	Staff	Approved	17/18/2008	N/A
NRI-010-05-02	N/A	Staff	Approved	8/23/2011	N/A
4-09042	TCPI-035-05-01	Planning Board	Expired	2/3/2011 2/28/2013*	11-13
DSP-07002	TCPI-035-05-01	Planning Director	Expired	11/9/2011	N/A
NRI-010-05-03	N/A	Staff	Approved	8/4/2022	N/A
ZMA-2022-003	N/A	District Council	Approved	3/11/2024	ZHE Decision
PPS-2024-001	023-2024	Planning Board	Approved	10/10/2024	2024-104

Grandfathering

The project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and current regulations of Subtitles 24 and 27 because it is a new PPS that was accepted for review prior to July 1, 2024.

Environmental Site Description

The site is generally triangular in shape and is mostly wooded. A stream is present on-site, which coincides with the northern property boundary, branching out into the property at two locations. The site was previously used for agriculture and features a large farm pond on the eastern portion of the site, which has developed into a wetland area. Regulated environmental features (REF) and (PMA) such as wetlands, wetland buffer, stream bed, stream buffer, steep slopes, and floodplain are present along the northern property line and centrally on-site. Floodplain is present on-site in conjunction with the stream system. The site lies within the Middle Potomac watershed associated with Piscataway Creek. The site contains regulated areas and evaluation areas, as designated in the Green Infrastructure Plan. The site is located within Planning Area 82A. Based on the sensitive species project review area GIS layer, prepared by the Maryland Department of the Environment Heritage and Wildlife Service, forest interior dwelling species (FIDS) are present on-site. The site is within a sensitive species project review area and falls within the

drainage to Piscataway Creek, which is known to support important fish species, including the state-listed threatened American Brook Lamprey. This site is within a Tier II catchment area identified as Piscataway Creek 1 and 2.

Prince George's Plan 2035

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy (Plan 2035).

Environmental Conformance with Applicable Plans

Master Plan

The master plan contains environmental policies and strategies that are applicable to this PPS. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan's conformance.

Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Strategies:

2. **Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**

The on-site stream along the northern property line is an unnamed tributary to Piscataway Creek. The (TCP1) submitted with the PPS largely protects the stream section, with the exception of impacts for stormwater outfall structures and a sanitary sewer connection. These impacts to the stream bed and stream buffer are required to adequately develop the property and are discussed further in the Environmental Review section below. The sewer line impact is needed to supply sanitary sewer services to the site and the stormwater outfall impact location is necessary to prevent erosion and positive water flow. There are other on-site requested impacts (stormwater outfalls and grading for existing pond renovation) to REF, but they are not associated with the on-site stream section.

3. **Preserve and connect habitat areas to the fullest extent possible during the land development process.**

As discussed in Strategy 4 below, the applicant has arranged its reforestation plantings to connect several existing woodland habitat areas to the fullest extent possible.

4. Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.

The TCP1 shows the preservation of the on-site green infrastructure network areas (including the stream buffers) to the fullest extent possible. Reforestation is shown in the existing open areas of the stream buffer, which further protects the REF. These reforestation planting areas will connect several existing woodland habitat areas together and close the green infrastructure network gaps on the property.

The TCP1 will exceed meeting the woodland conservation requirements (15.70 acres) on-site with preservation and reforestation placed into a conservation easement.

Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

Strategies:

1. Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.

The TCP1 shows impacts to the on-site stream buffers and to the stream bed for SWM outfalls and a sewer line extension. As discussed in the Environmental Review section below, these impacts are necessary. The on-site streams will otherwise remain disturbed under the TCP1.

3. Require retrofitting of locations without stormwater management, or with poorly performing facilities, as they are identified during the development review process.

The on-site wetland system is an existing farm pond, which will be renovated to the Maryland Department of the Environment (MDE) small pond standards with a dam improvement. This pond will function as a SWM structure for the development.

7. Require environmentally-sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.

The design of the subdivision will use the existing open areas of the site with minimal woodland clearing.

As shown on the approved SWM plan, best management practices will be used to manage the stormwater, including submerged gravel wetlands, micro-bioretenion ponds, grass swales, and rooftop disconnect systems. These practices will enhance water quality in degraded areas and preserve water quality in areas not degraded.

Policy 3: Increase planning and informational data collection efforts at the watershed level, raising the profile and awareness about the importance of shared aquifers and other resources to water quality and supply.

Strategies:

3. **Educate homeowners about alternatives to conventional lawn care to reduce the runoff of nutrients to waterways, including the use of rain gardens to promote bioretention and provide backyard habitat.**

Rain gardens are not included with this PPS; however, each lot is approved to have a rooftop disconnect system, which involves directing runoff flow from downspouts to nearby natural areas for infiltration. Areas with native plants and nearby woodland conservation areas provide natural infiltration of stormwater runoff, which will encourage backyard habitat.

4. **Require the application of a conglomerate stream buffer, similar to the one that applies in the Patuxent PMA, in all areas of the subregion.**

Since the approval of the master plan, the County adopted a countywide conglomerate identified as the PMA. The approved Natural Resources Inventory NRI-010-05-03 reports that the site contains 16.04 acres of PMA, which is being preserved to the maximum extent practicable.

7. **Require the use of low-nitrogen septic systems in the Rural Tier portion of the subregion within 1,000 feet of any stream or tributary.**

The site will use the public sanitary sewer system. No septic systems are included with this PPS.

Policy 4: Protect, restore, and enhance the Chesapeake Bay Critical Area.

The site is not located within the Chesapeake Bay Critical Area.

Policy 6: Increase awareness regarding air quality and greenhouse gas (GHG) emissions and the unique role that the Developing and Rural Tiers in Subregion 6 have to play in this effort.

Air quality is addressed regionally by the Metropolitan Washington Council of Governments. As mentioned, the on-site REF that provide air quality benefits are to be preserved and protected to the fullest extent practicable.

Policy 7: Encourage the use of green building techniques and community designs that reduce resource and energy consumption.

The applicant shall explore the use of alternative energy solutions with subsequent development proposals and shall strive to utilize green building techniques applicable for the residential development. Green building techniques will be evaluated with the DET.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Energy-saving light fixtures shall be utilized, and light minimization into the environmentally sensitive areas through the use of full cut-off optic light fixtures will be evaluated with DET.

Policy 9: Reduce adverse noise impacts to meet acceptable state noise standards.

The development is not expected to be a noise generator, and there are no adjacent uses or ROWs expected to have an adverse noise impact upon the development.

2017 Green Infrastructure Plan

The Countywide Green Infrastructure Plan (Green Infrastructure Plan) was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved Green Infrastructure Plan, the site contains regulated and evaluation areas comprised of 100-year floodplain, woodlands, wetlands, streams, and steep slopes, which are generally located along the northern boundary. The text in **bold** is the text from the Green Infrastructure Plan, and the plain text provides comments on the plan's conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.

Strategies

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**

- b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**

Stormwater management features are placed outside of REF to the extent practicable. However, the SWM facilities are shown in existing woodlands and open areas. These facilities require outfall structures which need to have positive flow of water and not create soil erosion impacts from uncontrolled water. Woodland clearing is required to construct these outfall structures. These structures are required to be located within the stream or stream buffer, whichever has the desired flat elevation.

The TCP1 shows the preservation of most of the on-site green infrastructure network and afforestation in the existing open areas of the stream buffer. These planting areas will connect existing woodland habitat areas together. The on-site woodland preservation and afforestation areas that meet the woodland conservation requirement will be protected with a woodland and wildlife habitat conservation easement. The areas of preserved PMA will be placed into a conservation easement with the final plat.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

No special conservation areas are located on or within the vicinity of the subject site.

The site has a sensitive species project review area located within its western half. This is due to the possible presence of American Brook Lamprey. The Maryland Department of the Environment, Heritage and Wildlife Service response letter from the NRI application stated that this fish species could be located within the adjacent stream system. The TCP1 shows a sewer line and outfall impacts to the adjacent stream system. These impacts will require a Joint Federal/State permit for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland, which is reviewed by the Maryland Department of the Environment and the U.S. Army Corps of Engineers. This permit will analyze the impacts and determine if any mitigation measures are required.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/or planting of a new corridor with reforestation, landscaping, and/or street trees.

The site contains areas of the stream buffer that are unforested. These reforestation planting areas will connect several existing woodland preservation areas together and close the network gaps within the property. As demonstrated in the woodland conservation worksheet, the development will exceed the entire woodland conservation requirement with on-site preservation and reforestation.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The transportation system will not have an impact on the ecological function of the green infrastructure network on-site, and no waterways or wildlife corridors are being impacted. The applicant is proposing a series of trails and a gazebo in the central area of the property, around the pond, and has provided an exhibit of a conceptual trail off the cul-de-sac at the end of Road F. This conceptual trail is shown within the existing open area on the exhibit plan. The TCP1 shows this area containing a SWM facility and reforestation. No REF or PMA will be impacted by this conceptual trail location; however, impacts are included for the central trail system and are evaluated in the Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA) section below.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

The on-site woodland preservation and reforestation areas that meet the woodland conservation requirement will be protected with a woodland and wildlife habitat conservation easement, as part of the TCP2 review process. The preserved PMA will be placed into a conservation easement with the final plat.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

Strategies

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The TCP1 shows the preservation of most of the on-site green infrastructure network areas such as stream buffers. Reforestation is shown in the existing open areas of the stream buffer. These reforestation planting areas will connect several existing woodland habitat areas together. As shown on the approved SWM plan, best management practices will be used to manage the development's stormwater. These practices will enhance water quality in degraded areas and preserve water quality in areas not degraded.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

The development will meet the entire woodland conservation requirement on-site with woodland preservation and reforestation. Off-site banking and fee-in-lieu will not be used.

7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2018 *Prince George's County Landscape Manual* (Landscape Manual) and apply toward the tree canopy coverage requirement for the development. Tree canopy coverage requirements will be evaluated at the time of the associated DET review.

Forest Canopy Strategies

7.10 Continue to focus conservation efforts on preserving existing forests and ensuring sustainable connectivity between forest patches.

The site contains 22.96 acres of existing woodlands in the net tract and 2.18 acres of wooded floodplain. This development will preserve 10.86 acres of woodland and 2.14 acres of floodplain, and provide 4.84 acres of reforestation to expand and connect existing woodland areas, fulfilling the woodland conservation requirements entirely on-site.

7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.

Tree canopy coverage will be evaluated with the DET. Native landscape planting along the existing woodland edge is encouraged.

7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.

The site is adjacent to a large off-site woodland area and the on-site woodlands are part of the edge forest interior dwelling species (FIDS) habitat area. These edge preservation areas will be protected with a woodland conservation easement. Woodland impacts will be minimized to the required impacts within the FIDS habitat areas and on-site sensitive species project review area.

7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.

The PPS confines the majority of the development (buildings, roads, and SWM structures) within the existing open areas while preserving the woodland riparian areas. The unforested stream buffer areas will be reforested, and the on-site riparian areas will be expanded with planting. The planting of native species on-site is required by both the ETM and the Landscape Manual and can count toward the TCC requirement for the development.

Environmental Review

Natural Resources Inventory/Existing Conditions

Section 27-6802 of the Zoning Ordinance requires an approved NRI plan with PPS applications. Approved NRI-010-05-03 was submitted with the PPS. There are 111 specimen trees located on-site. The site contains REF and PMA areas that include wetlands, a stream, their associated buffers, 100-year floodplain, and a large farm pond. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI.

It should be noted that per a letter dated March 14, 2022, from the Maryland Department of Natural Resources (MDNR), Wildlife and Heritage Service, it was determined that this project falls within the drainage to the Piscataway Creek, which is known to support several important fish species, including the American Brook Lamprey. The guidelines listed below, as outlined in the MDNR Wildlife and Heritage Service letter, should be followed, including the use of environmentally sensitive design, to address stormwater runoff and minimizing the risk of sedimentation in the aquatic habitat:

Maryland Department of Natural Resources – Wildlife and Heritage Service guidelines

Protection Measures for Aquatic Habitats Supporting Rare, Threatened and Endangered Species

- 1. Pursue environmentally sensitive design to address stormwater runoff by promoting the use of nonstructural best management practices to the maximum extent. The goal is to mimic natural infiltration patterns across the site in order to maintain natural hydrology.**
 - a. Methods to pursue include the use of sheet flow to buffers, vegetated channels to convey road runoff (i.e., roadside swales), disconnection of roof and non-roof runoff, methods of bioretention such as rain gardens.**
 - b. Reduce impervious cover as outlined in the MDE stormwater management manual section 5, which is available online at their website: [URL omitted] In addition to these methods, options to pursue include the use of shared parking/driveways and pervious materials wherever possible.**

- c. **Locate impervious surfaces as far as possible from permanent and intermittent streams and their floodplains.**
- 2. **In order to minimize risk of sedimentation in the aquatic and wetland habitats and to minimize changes to the hydrology of these habitats:**
 - a. **Minimize clearing and retain forest - The limits of disturbance should be the minimum needed to build homes, allow access and provide fire protection. Conduct clearing and construction in phases in order to avoid having large areas cleared at one time. Pursue clustered development in order to allow retention of large blocks of contiguous upland forest along streams and wetlands.**
 - b. **Stabilize soil - Stabilization should occur immediately (within 24 hours). Special effort should be made to retain fine particle silt, sand and clay sediments including the incorporation of redundant/additional control measures in the sediment and erosion control plan to ensure maximum filtration of any sediment-laden runoff (e.g., accelerated stabilization, two rows of silt fence spaced 6 ft apart or more, super silt fence instead of silt fence, etc.).**
 - c. **Inspect frequently - All measures should be inspected daily to ensure that they are functional from the very initial stages through final construction, and any problems should be corrected immediately.**
 - d. **Provide a minimum 100 ft undisturbed forested upland buffer to permanent and intermittent streams and nontidal wetlands.**
 - e. **Avoid disturbing steep slopes (15% slope or greater) and areas of highly erodible soils**

Woodland Conservation

The site is subject to the provisions of the 2010 WCO, because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. This project is also subject to the ETM.

Based on the TCP1, the overall site contains a total of 22.96 acres of net tract woodlands and 2.18 acres of wooded floodplain. The plan shows clearing of 11.88 acres of net tract woodlands and 0.04 acre of wooded floodplain. The resulting woodland conservation requirement is 15.70 acres, and this will be met with 10.86 acres of preservation and 4.84 acres of on-site reforestation. With this PPS, the entire woodland conservation requirement will be met on-site.

Technical revisions are required to the TCP1, which are included in the conditions of this resolution.

Specimen Trees

Section 25-122(b)(1)(G) 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. 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.” The code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

Review of Subtitle 25 Variance Request

A Subtitle 25 Variance application and a letter of justification (LOJ) dated June 2024, incorporated by reference herein, were submitted for review with this PPS. The following analysis reviews the request to remove 34 specimen trees.

The LOJ requests the removal of 34 specimen trees identified as Specimen Trees ST-1 through ST-19, ST-34, ST-38, ST-61 through ST-63, ST-65, ST-69, ST-102 through ST-105, and ST-108 through ST-111. The condition of the trees to be removed ranges from poor to good. The TCP1 shows the location of the trees to be removed. These specimen trees are to be removed for development of the site and associated infrastructure.

The LOJ addresses the required findings for removal of 34 specimen trees.

Section 25-119(d) contains six required findings (text in **bold** below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. Removal of the 34 specimen trees requested by the applicant is approved, based on these findings:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain the 34 specimen trees identified as Specimen Trees ST-1 through ST-19, ST-34, ST-38, ST-61 through ST-63, ST-65, ST-69, ST-102 through ST-105, and ST-108 through ST-111. The property is triangular in shape and is mostly wooded, however, it contains a large, central opening in the tree canopy, which was previously farmed. There is also a large centrally located existing farm pond, and extensive REF and PMA areas along the northern and central portions of the site. Most of the 22.96 acres of on-site woodlands are found within the REF and PMA areas. The remaining woodland areas found outside the REF and PMA areas are located east of the existing farm pond, adjacent to Frank Tippet

Road, and edge woodlands outside the PMA buffers. The proposed development was designed to avoid the extensive REF and PMA areas to the maximum extent possible. Any development of the site would require woodland clearing and grading. The TCP1 requests to remove 31 specimen trees outside the REF and PMA areas and three specimen trees within the REF and PMA areas.

This specimen tree removal variance request was analyzed using the Woodland and Wildlife Habitat Conservation Priorities as outlined in Section.25-121(b)(1).

Section 25-121(b)(1)

- (1) The required locational priorities for consideration as woodland conservation are as follows in the order listed:**
- (A) Green infrastructure network elements designated in the Countywide Green Infrastructure Plan and any subsequent updates, or within the designated green infrastructure networks in master or sector plans.**
 - (B) Critical habitat areas.**
 - (C) Contiguous wooded areas with: high structural and species diversity; few nonnative and invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat for forest interior dwelling plant, animal, and bird species.**
 - (D) Champion trees designated by the United States, the State of Maryland, the County or municipalities.**
 - (E) Specimen trees and historic trees.**
 - (F) Forest Legacy Areas as defined by the state.**
 - (G) Trees that are within the environmental setting of a historic site or associated with a historic resource.**

Based on these priorities and the uniqueness of the property setting, most of the 34 specimen trees are located outside the PMA areas on-site, and in order to develop the site and preserve the PMA areas, these specimen trees must be removed. Three specimen trees are located within the PMA and need to be removed due to the existing farm pond restoration and critical root zone impacts. The location of these trees and the amount of critical root zone impacts make it necessary to remove these identified trees. These requested specimen tree removals make it possible to preserve the REF, save 77 specimen trees, protect critical habitat areas, and protect trees on other portions of the site. In addition, removing the 34 specimen trees will allow for development of the site through the creation of roads needed for circulation within the site (ST-3, ST-4, ST-38,

and ST-36); the construction of SWM facilities needed to detain and safely convey stormwater off-site (ST-5, ST-6, ST-17, ST-18, and ST-19); the renovation of the existing farm pond (ST-7, ST-8, ST-12, and ST-34); the removal of existing farm buildings (ST-9, ST-10, ST-11, ST-13, ST-14, ST-15, and ST-16); and the construction of the single-family attached and detached residential development (ST-1, ST-2, ST-61, ST-62, ST-63, ST-69, ST-102, ST-103, ST-104, ST-105, ST-108, ST-109, ST-110, and ST-111).

The specimen trees requested for removal will allow for the protection of the woodlands with the highest priorities, as listed in Section 25-121(b)(1) of the WCO, to be protected to the maximum extent practicable and allow for the development of this site to occur in the lower priority areas of the site. Requiring the applicant to retain these 34 specimen trees on-site would further limit the area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Not granting the variance would prevent the project from being developed in a functional and efficient manner like other developments of similar size and use. The proposed use for single-family attached and single-family detached residential development, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on-site without additional specimen tree removal and PMA impacts.

Accordingly, enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone (CRZ), would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. The 34 trees requested for removal are due to tree condition, location on-site, and to provide the necessary infrastructure including existing building demolition, grading for existing pond renovation, elevation tie-in for lots and roads due to existing grades, and required SWM facilities. Based on the location and species of the specimen trees to be removed, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. When similar trees were encountered on other sites for comparable developments, they have been evaluated under the same criteria.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site-specific conditions. Granting this variance is not a special privilege that would be denied to other applicants. Other similar residential developments featuring REF and specimen trees in similar conditions and locations have been subject to the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. Specimen trees grow to such a large size because they were left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all unique for each site. The request to remove the trees is solely based on the trees' locations on the site and their condition.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

There are no existing conditions relating to land or building uses on the site, or on neighboring properties that have any impact on the location or size of the 34 specimen trees. The specimen trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request will not adversely affect water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs. A SWM Concept Plan and approval letter (53887-2024-SDC/P00119-2024-SDC) were submitted with the PPS.

The required findings of Section 25-119(d) have been adequately addressed for the removal of 34 specimen trees identified as Specimen Trees ST-1 through ST-19, ST-34, ST-38, ST-61 through ST-63, ST-65, ST-69, ST-102 through ST-105, and ST-108 through ST-111. The variance for the removal of 34 specimen trees, for construction of the residential development in the R-PD Zone, is therefore approved.

Preservation of Regulated Environmental Features (REF)

Regulated Environmental Features are required to be preserved and/or restored to the fullest extent possible under Section 24-4300 of the Environmental Standards of Subdivision Regulations. The on-site REF includes streams, stream buffers, wetlands, wetland buffers, and steep slopes.

Section 24-4303(d)(5) of the Subdivision Regulations states: "Where land is located outside the Chesapeake Bay Critical Area Overlay (CBAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation

and/or restoration of REF in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27, Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature.”

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly, and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REF. Stormwater management outfalls may also be considered necessary if the site has been designed to place the outfall at the point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The PPS includes impacts to the PMA for the following seven impacts listed in the table below. A statement of justification (SOJ) was submitted with the TCP1 and is dated May 2024.

PMA Impact Area	PMA (square feet)	Stream Bed (linear feet)	100-year Floodplain (square feet)	Stream Buffer (square feet)	Wetland (square feet)	Wetland Buffer (square feet)
SWM Outfall	905	0	0	905	0	0
Farm Pond Restoration	138,721	0	0	14,742	83,164	42,234
Existing Building Removal	4,408	0	0	4,408	0	0
SWM Outfall	1,194	0	0	1,194	0	0
Road Grading Tie-in	4,241	0	0	4,241	0	0
Road Grading Tie-in	1,466	0	0	1,466	0	0
Sewer Connection / SWM Outfall	4,376	20	1,711	4,376	0	0
Total	155,311 / 3.56 acres	20	1,711 / 0.04 acres	31,332 / 0.72 acres	83,164 / 1.91 acres	42,234 / 0.97 acres

Statement of Justification

The SOJ includes a request to impact 3.56 acres (155,311 square feet) of on-site PMA for three SWM outfalls, to remove an existing structure, restoration of an existing farm pond, connection of a sewer line, and for the construction of two roads. Restoration of the existing farm pond is the largest impact at 3.18 acres. This existing farm pond impact is to bring the pond up to Maryland Department of the Environment (MDE) small pond standards and to improve the depth to improve water quality. The sewer connection will service the entire residential development. Currently, the site is in the MDE permit process for the impacts.

The PMA impacts are considered necessary for the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of the PMA.

Analysis of Impacts

Based on the revised SOJ, the applicant requested seven impact areas, as described below:

Impact A – Stormwater Outfall Impact – PMA impacts totaling 905 square feet were requested for one stormwater outfall structure. Outfalls need to be placed within low lying areas, usually near stream systems, to prevent erosion during storm events. The impact area is in accordance with a SWM facility, which in turn is in accordance with the SWM concept plan. This is a necessary impact which will occur in the PMA.

Impact B – Farm Pond Restructuring and Stormwater Outfall Impact – PMA impacts totaling 138,721 square feet, or 3.18 acres, were requested for pond improvements and an outfall structure. The existing farm pond has been identified as a wetland system by MDE. This pond will be restored to MDE small pond standards to include dam improvement, and the pond will be deepened to improve water quality. The restored pond will function as a SWM structure that is acceptable for all current regulations. Below the improved berm, the existing outfall system will be improved, which requires minimal impacts to wetland and associated buffer, and stream and associated stream buffer. This is a necessary impact which will occur in the PMA.

Impact C- Existing Building Removal Impact – This PMA impact totaling 4,408 square feet is for the removal of an existing dilapidated building within the stream buffer. The impact area will be a temporary disturbance to the PMA and stream buffer. This is a necessary impact which will occur in the PMA that is to be reforested.

Impact D – Stormwater Outfall Impact – This PMA impact totaling 1,194 square feet was requested for one stormwater outfall structure. Outfalls need to be placed within low lying areas, usually near stream systems, to prevent erosion during storm events. The impact area is in accordance with a SWM facility, which in turn is in accordance with the SWM concept plan. This is a necessary impact which will occur in the PMA.

Impact E – Road Construction – This PMA impact totaling 4,241 square feet is for road construction of Road F and will disturb PMA and stream buffer. As part of the engineering for road grading, the new grades need to meet the existing grades. The impact area is away from the wooded stream area and is currently not wooded. This impact area is temporary and will be reforested after construction. This is a necessary impact which will occur in the PMA.

Impact F - Road Construction – This PMA impact totaling 1,466 square feet was requested for road construction at the terminus of Road F. As part of the engineering for road grading, the new grades need to meet the existing grades. The impact area is away

from the wooded stream area, but the impact area is currently not wooded. This impact area will be reforested after construction. The impact area will disturb PMA and stream buffer. This is a necessary impact which will occur in the PMA that is to be reforested.

Impact G – Sewer Connection and Stormwater Outfall Impact – This PMA impact totaling 4,376 square feet was requested for construction of a SWM outfall structure and a sanitary sewer connection. The outfall structure will only impact stream buffer. The sewer connection will have the sewer pipeline cross the stream system along the northern property line and connect off-site to the exiting sewer line within Commo Road. The impact area will disturb PMA, stream bed, stream buffer, and 100-year floodplain. This is a necessary impact which will occur in the PMA to connect to existing infrastructure.

These PMA impacts (Impacts A through G) are found to be necessary to develop the property. Several of the impact areas are currently in unforested areas of the site, are temporary impacts, and will be replanted as part of the TCP1. The majority of the PMA impacts are to restructure an existing farm pond that is identified as a wetland area. This improved pond will be constructed using MDE small pond standards, with an improved dam, and will also be used for on-site SWM.

Based on the level of design information currently available, the limits of disturbance (LOD) shown on the TCP1, and the impact exhibit provided, the REF on the subject property have been preserved and/or restored to the fullest extent possible. Impacts A through G are, therefore, approved.

Soils

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to: a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety less than 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.

The soil types found on-site, according to the United States Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, are Beltsville silt loam, Beltsville-Urban land, Croom-Marr complex, Croom gravely sandy loam, Dodon fine sandy loam, Hoghole-Grosstown complex, and Woodstown sandy loam soils. Unsafe soils containing Marlboro Clays or Christiana complexes are not present on-site.

Erosion and Sediment Control

Section 24-4303(d)(7) of the Subdivision Regulations requires the approval of a concept grading, erosion and sediment control plan by the Prince George's County Soil Conservation District, which shall be required prior to final approval of the PPS (minor or major) if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code. The County requires the approval of an erosion and sediment control plan. An unapproved concept grading, erosion and sediment control plan was submitted with the PPS. The unapproved plan shows infrastructure in areas that are in similar locations as the submitted TCP1, so the plan is in conformance with the TCP1.

The TCP1 must reflect the ultimate LOD, not only for the installation of permanent site infrastructure but also for the installation of all temporary infrastructure, including erosion and sediment control measures. Prior to signature approval of the PPS and TCP1, the applicant shall submit an approved concept erosion, grading, and sediment control plan. A copy of the erosion and sediment control technical plan must be submitted with the TCP2 so that the ultimate LOD for the project can be verified and shown on the TCP2.

Based on the preceding findings, the PPS conforms to the relevant environmental policies of the master plan and the Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24, 25, and 27.

14. **Urban Design**—The initial development of property in a planned development zone is subject to DET approval, per Section 27-3605(b)(2) of the Zoning Ordinance. The use evaluated for this property in the R-PD is permitted per Section 27-5101(e) of the Zoning Ordinance.

Per Section 27-3605, at the time of DET review, the applicant will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, including, but not limited to, the following:

- Section 27-4300 Planned Development Zones;
- Section 27-6200 Roadway Access, Mobility, and Circulation;
- Section 27-6300 Off-Street Parking and Loading;
- Section 27-6400 Open Space Set-Aside;
- Section 27-6500 Landscaping;
- Section 27-6600 Fences and Walls;
- Section 27-6700 Exterior Lighting;
- Section 27-6903 Multifamily, Townhouse and Three-family Form and Design Standards;
- Section 27-61200 Neighborhood Compatibility Standards;
- Section 27-61500 Signage; and
- Section 27-61600 Green Building Standards.

Per Table 27-6403: Required Open Space Set-Asides, a development for residential uses in the R-PD Zone must dedicate 20 percent of the development for open space set-aside features. The net development area for this proposed development is 62.42 acres, which requires approximately

12.50 acres. An exhibit, “Open Space Set-Aside Exhibit,” included in the submittal, shows that the applicant proposes 19.75 acres or 32 percent of open space set-aside, meeting the requirement outlined in the Zoning Ordinance. This will be further evaluated at the time of DET.

Per Section 27-6903(a)(1), a development with more than 20 dwelling units shall have at least one secondary point of vehicular access to or from the site to ensure emergency vehicle access, if feasible. The site access was evaluated with the review of ZMA-2022-003 and it was determined that access to the site would only be provided along Frank Tippet Road. However, this will be further evaluated at the time of DET.

The development is subject to the requirements of the Landscape Manual and the requirements of the Tree Canopy Coverage Ordinance, which became effective July 1, 2024. Conformance with these requirements will be evaluated at the time of the DET.

The recreation amenities proffered with the ZMA as public benefit features are primarily located around the pond at the center of the development. Because these amenities were proffered as a public benefit, a public use easement shall be established over these amenities, at the time of the DET, to ensure public access, as noted on Sheet 2 of the PPS. An associated recreational facilities agreement (RFA) and performance bond may also be needed for these facilities, and the need for these shall be determined at the time of the DET.

The universal design standards, found in Part 6 of the Zoning Ordinance, will be applied to 33 percent of dwelling units in recognition of the goal to enable seniors or people with disabilities to age in place, will be evaluated during submission of DET, in accordance with Condition 3 in ZMA-2022-003. All development standards, approved with ZMA-2022-003, for the subject development shall be met at the time of DET.

15. **Citizen Feedback**—Written correspondence was received from one resident of the Williamsburg Estates subdivision who was unable to attend the October 10, 2024 Planning Board hearing. The concerns raised by the letter include the volume of traffic on Frank Tippet Road and Rosaryville Road, residents’ difficulty exiting neighborhoods along these roads onto the main roadways, developer improvements to infrastructure, resident participation in the traffic study, and environmental and wildlife preservation.

With regard to the concerns about traffic volume and movement, and developer improvements to infrastructure, the applicant submitted a traffic study to evaluate the traffic generated by the proposed development, which was reviewed by Transportation Planning staff with the associated Certificate of Adequacy ADQ-2024-001. The traffic study evaluated eight critical intersections located to the north and south of the development, including the intersection of Frank Tippet Road and Rosaryville Road, and the intersection of Williamsburg Drive and Rosaryville Road, which is one of the entrances to the Williamsburg Estates subdivision. The approved ADQ found that all critical intersections would operate at acceptable levels of service, so long as specific improvements were made at the intersection of Frank Tippet Road and Surrats Road, and the intersection of Dower House Road and MD 223. Improvements to these intersections are included as conditions of approval of ADQ-2024-001. Other intersections along Rosaryville Road and

Frank Tippet Road accessing existing subdivisions were not found to be critical intersections and, therefore, no improvements are required at these intersections.

With regard to the concern about resident participation in the traffic study, the applicant was required to provide notice of the development application to the community and opportunities for residents to provide feedback. These include the pre-application neighborhood meeting, notice of the application submittal, and notice of the Planning Board hearing, all of which were completed by the applicant. At any point prior to the application submittal or following it, residents may contact the applicant or Planning Department staff to share concerns.

With regard to the concerns about protection of the environment and wildlife, the proposed development will be required to meet the requirements of the WCO. The TCP1 demonstrates preservation of the REF on-site, to the fullest extent possible, and the entire woodland conservation requirement will be met on-site. The applicant's requests for impacts to the REF and variance for the removal of specimen trees are supported, as discussed in the Environmental finding. The Maryland Department of Natural Resources also provided guidelines for minimizing the risk of sedimentation in the aquatic habitat of the adjacent Piscataway Creek, and the applicant will need to obtain a joint federal/state wetlands permit for impacts to the stream.

16. **Planning Board hearing of October 10, 2024**—The staff's presentation of this PPS at the October 10, 2024 Planning Board hearing discussed the concerns raised in the citizen's letter received, as well as concerns raised by the applicant regarding potential conflict between frontage improvements on Commo Road and the FLETC. Staff discussed certain proposed changes to the technical staff report contained in Staff's Exhibit 1. Specifically, staff explained the different ways that the subject development could facilitate a pedestrian connection to the Cheltenham Wetlands Park and clarified that, although some of the parkland northwest of the site may be known as the Piscataway Creek Stream Valley Park, demonstrating pedestrian connectivity to the parkland to the northwest, regardless of its name, will be sufficient to meet Condition 19 of this PPS. Staff noted two technical corrections to Staff's Exhibit 1, which have been incorporated herein.

The applicant, in their presentation, highlighted the fact that the subject site is the first site in the County to be rezoned to the R-PD Zone, and they expressed their hope that the development would be a good example of use of the new zoning. The applicant also responded to the citizen's letter, highlighting the project's compliance with transportation adequacy requirements and notice provided to citizens for both this PPS and the preceding ZMA. Finally, the applicant indicated their intent to continue working with staff on an appropriate pedestrian connection to Cheltenham Wetlands Park, at the time of DET, while respecting the needs of the FLETC and environmental considerations.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and Commissioner Doerner absent at its regular meeting held on Thursday, October 10, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of October 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:tr


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Wednesday, October 30, 2024