

PGCPB No. 2024-110

File No. 4-24018

R E S O L U T I O N

WHEREAS, Gabriel Akem is the owner of a 2.95-acre tract of land known as part of Parcel 7 and Parcel 9, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family-95 (RSF-95); and

WHEREAS, on July 15, 2024, Gabriel Akem filed an application for approval of a Preliminary Plan of Subdivision for nine lots and one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-24018 for Addition to Glorious Subdivision 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 24, 2024; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2024, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; 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 24, 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 TCP1-025-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-24018 for 9 lots and 1 parcel, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:

- a. Label the width of the existing sidewalk along the property frontage of Brandywine Road.
 - b. Show and label the existing bicycle lane along the property frontage of Brandywine Road and provide its width dimension.
 - c. Label the ingress/egress easement which will be removed as “to be abandoned” rather than “to be vacated.”
 - d. Revise General Note 21 with the approval date for the stormwater management concept plan.
2. At the time of final plat of subdivision, the applicant and the applicant’s heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along all public rights-of-way, as delineated on the approved preliminary plan of subdivision.
3. Prior to approval of the final plat of subdivision, the applicant and the applicant’s heirs, successors, and/or assignees shall:
 - a. Provide evidence of abandonment of the existing 10-foot-wide ingress/egress easements on Lots 22–24.
 - b. In accordance with Section 24-135 of the prior Prince George’s County Subdivision Regulations, provide a fee-in-lieu payment for mandatory parkland dedication.
 - c. Demonstrate that a homeowners association 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, Prince George’s County Planning Board are included. The Book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
 - d. Demonstrate that the right-of-way for Glorious Court has been dedicated.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan 38043-2024-SDC and any subsequent revisions.
5. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant’s heirs, successors, and/or assignees shall construct the following facilities, and shall show these facilities on the permit plan, prior to its approval unless modified by the operating agency with written correspondence:
 - a. A designated bike lane along the subject site’s entire frontage on Brandywine Road.

- b. A minimum 5-foot-wide sidewalk along the property frontage of Brandywine Road and Glorious Court.
 - c. Continental-style crosswalks at the vehicular entry point, at the intersection of Glorious Court and Brandywine Road, with associated Americans with Disabilities Act (ADA) curb ramps.
- 6. 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 that 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.
- 7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Add the following note below the specimen tree table:

“This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-1, ST-2, ST-3, and ST-6.”

- b. Revise the woodland conservation worksheet to show 0.44 acre of off-site woodland credit, removing the use of fee-in-lieu.
 - c. Have the revised plan signed and dated by the qualified professional who prepared it.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan TCP1-025-2024. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-025-2024) [or most recent revision], 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 and Wildlife Habitat 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, Prince George’s County Planning Department.”
9. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

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

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 property is located on the east side of Brandywine Road, approximately 1,500 feet north of its intersection with Symposium Way and is located on Tax Map 125, in Grids C1 and D1. The subject property is 2.95 acres and consists of property identified in the Maryland State Department of Assessments and Taxation records as part of Parcel 7, recorded in Book 47226 page 353, and Parcel 9, recorded in Book 49434 page 14 of the Prince George’s County Land Records. The property is in the Residential, Single-Family-95 (RSF-95) Zone. However, this preliminary plan of subdivision (PPS) was reviewed in accordance with the Prince George’s County Zoning Ordinance and Prince George’s County Subdivision Regulations, effective prior to April 1, 2022 (the “prior Zoning Ordinance” and “prior Subdivision Regulations”), pursuant to Section 24-1900 *et seq.* of the current Subdivision Regulations. Therefore, this PPS is reviewed pursuant to the standards of the prior One-Family Detached Residential (R-80) Zone for the property, which was in effect prior to April 1, 2022. The site is

subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan).

The PPS allows the subdivision of the subject property into nine lots and one parcel for development of single-family detached dwellings. The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on May 17, 2024. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2024-029.

The property currently features an existing single-family detached dwelling, which is to be razed.

The applicant also filed a request for a variance to Section 25-122(b)(1)(G) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), for the removal of four specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is within Planning Area 81A. North of the site is property owned by Prince George's County, which is used as a parking lot, in the RSF-95 Zone (formerly zoned R-80). To the northeast, east, and southeast of the site is an open space parcel and single-family detached residential development called Summit Creek in the Legacy Comprehensive Design (LCD) Zone (formerly the Residential Suburban Development (R-S) Zone). South of the site lies an approved single-family detached residential development called Glorious Subdivision in the RSF-95 Zone (formerly zoned R-80). West of the site, across Brandywine Road, are single-family detached dwellings in the RSF-95 Zone, and a church in the Commercial, General, and Office (CGO) Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zone	RSF-95	R-80
Use(s)	Single-family Residential	Single-family Residential
Acreage	2.95*	2.95*
Lots	0	9*
Parcels	2	1
Dwelling Units	1	9
Gross Floor Area	0	0
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Subtitle 24 Variation	No	No

Note: *The subject property includes a 0.99-acre tract of land which was included in PPS 4-23006. This prior PPS approved 21 lots, 2 outlots, and 1 parcel for residential development. Of these, the area of Lots 1 through 3, and Outlots A and B of PPS 4-23006, are included with this PPS.

The subject PPS was accepted for review on July 15, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee, which held a meeting on August 2, 2024, where comments were provided to the applicant. Revised plans were received on August 28, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—There are no previous development approvals which apply to Parcel 9. A portion of the property (0.99-acre portion of Parcel 7) is subject to PPS 4-23006. Specifically, Lots 1 through 3 and Outlots A and B of 4-23006 are included with this PPS. These lots and outlots have not yet been platted. The current PPS supersedes 4-23006 for this 0.99-acre portion of the subject property.
6. **Community Planning**—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. Plan 2035 classifies Established Communities as existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established Communities are most appropriate for “context-sensitive infill and low- to medium-density development” (page 20).

Master Plan

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS and final plat shall conform to the master plan, including maps and text, unless events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George's County District Council has not imposed the recommended zoning.

The master plan recommends residential low land uses on the subject property. The master plan further defines residential low land use as 0.5 to 3.5 dwelling units per acre with primarily single-family detached dwellings (page 31). The use of nine single-family attached dwelling units included with this PPS equals a density of 3.05 dwelling units per acre and conforms with the recommended land use and density of the master plan. The master plan also makes the following recommendations that affect the subject property. Other relevant recommendations of the master plan are discussed throughout this resolution.

Land Use and Development Pattern

Goals (page 35)

- **Provide for compatible new development in older, established communities of Accokeek, Brandywine, and Clinton.**

Guidelines (page 43)

- ***Compatibility:* Ensure buildings are appropriately scaled for their site and recognize adjacent land use and development. Give consideration to similarity in density, setback, style, bulk, materials, and site layout to surrounding residential areas. Locate new structures to maintain existing rhythms of building width and spacing, with setbacks that respect predominant setbacks in the neighborhood.**
- ***Heights:* New dwellings should generally be within 10–15 percent of the height of adjacent dwellings. The proportion (relationship of height to width) of new structures should be as similar as possible and compatible with the proportion of existing adjacent structures.**
- ***Variety:* Use quality materials and architectural detailing and, where possible, provide a range of housing forms to add variety and provide diversity and choice.**
- ***Open space:* Incorporate public and private open spaces, such as pocket parks and tot lots, to enhance the appearance and environmental character of the community.**
- ***Trees:* Mature trees are an important part of neighborhood character. Maintain mature trees wherever possible.**
- ***Fences:* Use open fences or low hedges rather than high walls.**
- ***Circulation and connectivity:* Connect on-site and off-site roads, sidewalks, trails, streetscapes, and open space networks. Lay out new streets in a size and scale to maintain continuity of the existing community's circulation system. Avoid closed street systems, and generally restrict culs-de-sac to a short keyhole design.**

Strategies

Ongoing

- **Ensure that infill development complements the community. Use infill development guidelines above in this section when reviewing infill proposals.** (page 45)

The proposed development meets the goals, guidelines, and strategies for infill development given by the master plan. The PPS includes lots which are of a similar size to those in the surrounding area, and these lots allow for density and setbacks compatible with the surrounding residential neighborhoods. The development incorporates some open space on a homeowners association (HOA) parcel. No additional streets or sidewalks are included, and the lots will connect to existing streets and sidewalks off-site, and they are at a size and scale which will maintain continuity of the existing community's circulation system. Preservation of woodlands and specimen trees is discussed in the Environmental finding of this resolution. Proposed building heights and architecture, and any proposed fences, will be evaluated at the time of permitting.

Zoning

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the R-80 Zone to the RSF-95 Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior R-80 zoning.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. A SWM Concept Approval Letter (38043-2024-SDC/P00283-2024-SCD) and associated plan, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the PPS. The SWM concept plan shows stormwater to be directed into 12 dry wells and into a stormdrain system located within the right-of-way (ROW) of an off-site public roadway. The stormdrain then outfalls to the adjacent off-site woodlands along the northeast property line. The dry wells are located on individual lots to provide water quality treatment. The stormdrain outfall is located in an open space parcel, to be conveyed to a HOA for maintenance.

Development of the site, in conformance with SWM concept approval, and any subsequent revisions approved by DPIE, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan*, and

Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The proposed development has no impact on the master plan park and open space recommendations. The master plan indicates that The Maryland-National Capital Park and Planning Commission (M-NCPPC) owns approximately 231 acres of parkland in the planning area, a large portion of which is in the Henson Creek Stream Valley Park. The master plan emphasizes that expanding of facilities and services for youth is a growing priority in Clinton. The new Southern Area Aquatic and Recreation Center (SAARC) facility is assisting in meeting the recreational programming needs of the area youth.

Park and recreation amenities serving the subject property include the Cosca Regional Park, which is 1.5 miles from the development site; this park is improved with a skate park, playgrounds, picnic areas, a lake/pond, a field house, camping facilities, canoe/kayak facilities, a shelter pavilion, a volleyball court, a tram train, trails, an outdoor tennis court, and a lighted softball diamond. The Surratt House historic site, within one mile, provides outdoor space and historic and educational opportunities for visitors. The subject property is also 3.5 miles southwest of Tanglewood Park and 2.5 miles northwest of the Stephen Decatur Community Center.

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of the residential development. The PPS allows for development of nine lots. Based on the density, five percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 0.15 acre. However, the subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. In addition, the recreational guidelines for Prince George's County also set standards based on population; the projected population for the development is 27 new residents. The 0.15 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

Per Section 24-135, the Planning Board may approve the payment of fees in place of Parkland dedication. The payment of a fee in lieu of the mandatory dedication of parkland for the subject property is, therefore, appropriate. The fee may be used to fund improvements at nearby public parks in order to serve the recreational needs of the residents.

Based on the preceding findings, provision of mandatory dedication of parkland shall be met through the payment of a fee-in-lieu, in accordance with Section 24-135(a).

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, the prior Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation facilities.

Master Plan Right-of-Way

The subject property has frontage on Brandywine Road. Per the MPOT and the master plan, the portion of Brandywine Road that fronts the subject property is designated as a four-lane collector roadway with an ultimate ROW width of 80 feet. The PPS reflect a 40-foot-wide ROW from the road centerline and is consistent with the master plan recommendations. The PPS conforms to the requirements of the MPOT and master plan and will be adequate to serve the additional traffic generated by the project.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Bike Lane and Sidewalk: Brandywine Road

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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

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

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

In addition, the site is subject to the master plan, which includes the following policies:

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network (page 118).**

Brandywine Road currently has sidewalks and a bicycle lane along the property frontage and has met the goals of the MPOT. However, the width of the existing sidewalk shall be labeled on the PPS, to ensure that it is a minimum of 5 feet wide. To fulfill the intent of the master plan, PPS 4-23006 included a condition of approval requiring a bike lane to be provided along the subject site's frontage. Since this subject PPS 4-24018 supersedes 4-23006, the requirement of a bike lane is carried forward as a condition of approval. This condition will also ensure that the bike lane remains in place after improvement of the intersection of Brandywine Road/Thrift Road/Glorious Court. Also, the existing bicycle lane, its width, and the striping shall be shown and labeled on the PPS to demonstrate conformance with the goals of the MPOT.

Site Access and On-site Circulation

The lots in this PPS are shown to be accessed via a future road (Glorious Court) located entirely within the abutting subdivision (Glorious Subdivision; PPS 4-23006) to the south and will be an extension of that subdivision. Given that the future Glorious Court has not yet been dedicated, the approval of this PPS is conditional on the completion of the dedication of approximately 700 linear feet of Glorious Court from its intersection with Brandywine Road, in order to provide access to the lots in this PPS. The lots for this development do not have direct access to Brandywine Road. A minimum of five-foot-wide sidewalk shall be provided along the property frontage on Glorious Court and Brandywine Road, and crosswalks with Americans with Disabilities (ADA) curb ramps shall be provided at the intersection of along Brandywine Road and Glorious Court. The overall access, circulation, and roadway configurations are acceptable.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the PPS, meet the findings required of prior Subtitles 24 and 27, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Sections 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. There are policies established for the following areas in the Public Facilities chapter of the master plan: schools, libraries, public safety, parks and recreation, solid waste management/recycling and water and sewer (pages 129–143). The proposed development will not impede achievement of any of the above-referenced goals or policies. This PPS is subject to ADQ-2024-029, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

The subject property is located in Planning Area 81A, known as Clinton and Vicinity. The 2024 through 2029 *Fiscal Year Approved Capital Improvement Program* budget identifies no new public facility proposed for the planning area.

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.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. 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. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems. Accordingly, the subject property is in the appropriate service area at this time.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior 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 10 feet wide along both sides of all public ROWs. The subject property has frontage on Brandywine Road to the west, and future Glorious Court (approved under PPS 4-23006) to the south. The PPS shows the required PUEs along the property frontage on Brandywine Road and Glorious Court.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 155–160). However, these are not specific to the subject site or applicable to the proposed development. A Phase I archaeological survey report was submitted with the subject PPS. The original archeology report was revised to include Parcel 9, which contains a 1932 two-story frame dwelling, recorded in the revised report. No further information is needed, and a Phase II archaeological survey is not required. The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
PPS 4-23006	TCP1-009-2023	Planning Board	Approved	11/9/2023	2023-117
NRI-029-2024	N/A	Staff	Approved	3/18/2024	N/A
PPS 4-24018	TCP1-025-2024	Planning Board	Approved	10/24/2024	2024-110

Applicable Woodland and Wildlife Habitat Conservation Ordinance (WCO)

This project is subject to the provisions of the 2024 WCO because this is a new PPS that was accepted for review after July 1, 2024. The project is also subject to the Environmental Regulations contained in prior Subtitles 24 and 27. In conformance with Section 25-119(c)(2), notification mailings were mailed to abutting and adjoining property owners on September 9, 2024.

Environmental Site Description

This addition to the Glorious Subdivision is comprised of 2.95 acres of land containing an existing single-family dwelling, associated structures, and a woodland area. A review of the available information indicates that the site contains no regulated environmental features (REF) such as streams, nontidal wetlands, their associated buffers, or 100-year floodplain. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity

of the application area. The elevation is highest near the northeast portion of the site adjacent to the Summit Creek subdivision and then drains to the east, north, and west from the high point. This site is located within the Piscataway Creek watershed flowing into the Potomac River. Currently, the subject site has a narrow driveway frontage on Brandywine Road, which is identified as a master plan collector roadway and a historic roadway. This section of Brandywine Road is also identified as part of the John Wilkes Booth escape scenic byway.

Plan 2035

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) 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

In the master plan, the section on environment (pages 67–89) contains eight subsections (A–H), each of which contain policies and strategies. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

A. Green Infrastructure

Policies (page 71)

- **Implement the master plan’s desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

A small area in the northeastern corner of the site is within the evaluation area, within the designated network of the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. This area consists of the on-site woodland area on the eastern half of the property, away from the existing residential dwelling. The TCP1 shows preservation of 0.70 acre of the subject woodland area, over the 20 percent (0.59 acre) woodland conservation threshold. The evaluation area includes limited impacts for infrastructure (stormdrain outfall, sewer line connection), grading, and one single family lot. The woodland preservation area is not fragmented and is designed to connect off-site to existing woodlands. The woodland preservation within the green infrastructure evaluation area serves to protect the green infrastructure network.

B. Water Quality, Stormwater Management, and Groundwater

Policies (page 76)

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SWM design is required to be reviewed and approved by DPIE, to address surface water runoff issues, in accordance with Subtitle 32, Water Resources Protection and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. An approved SWM Concept Plan 38043-2024-SDC/P00283-2024-SCD was submitted with this PPS. The SWM concept plan proposes environmentally sensitive SWM techniques, with the stormwater to be directed into 12 dry wells and proposed stormdrains within the on-site roadway. There are no REFs such as streams, floodplain, or associated wetlands located on-site, however, the on-site woodland preservation will buffer the off-site stream located on the abutting property to the north.

C. Watersheds

Policies (page 82)

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**
- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This PPS allows for the construction of single-family detached dwellings. The existing condition of the property shows that the western portion of the project area consists of an open area with one single-family dwelling and associated structures, and the eastern portion is comprised of woodlands. No mining or agricultural uses are present on-site. The remaining lands were previously farmed

and improved with an existing farmhouse and barns. The surrounding properties are comprised of woodlands, residential uses, and previously farmed areas.

The property is located approximately 300 feet south of an unnamed tributary to North Branch-Piscataway Creek. This area between the site and the unnamed stream is undeveloped and fully wooded. The on-site woodland preservation will buffer the off-site stream, located on the abutting property to the north.

The subject property is located within the Environmental Strategy Area 2, which was formerly the Developing Tier, not the Rural Tier. There are no REFs on-site.

D. Chesapeake Bay Critical Area

Policy (page 83)

- **Enhance the County’s Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay Critical Area.

E. Air Quality and Greenhouse Gas Emissions

Policies (page 84)

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

Air quality is a regional issue that is currently being addressed by the Metropolitan Washington Council of Governments.

2017 Green Infrastructure Plan

According to the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the eastern half of the site is within the evaluation area within the designated network of the plan. The conceptual design, as reflected on the PPS and the TCP1, is in keeping with the goals of the Green Infrastructure Plan by minimizing the clearing of existing woodland and focusing development within the existing non-woodland areas of the site. A detailed evaluation of major green infrastructure components has been provided above in the master plan section of this finding.

Environmental Review

Natural Resources Inventory/Existing Conditions

An approved Natural Resources Inventory Plan (NRI-029-2024) was submitted with the review package, which was approved on March 18, 2024. This NRI was for Parcel 9, consisting of 1.96 acres of land adjacent to PPS 4-23006. The NRI verifies that the subject area contains no REF and 1.00 acre of woodlands, five on-site specimen trees, and three off-site specimen trees. No revisions are required for conformance to the NRI.

Woodland Conservation

The site is subject to the WCO that came into effect July 1, 2024, because the property is greater than 40,000 square feet in size. Based on the TCP1, the overall site contains a total of 1.35 acres of net tract woodlands. The plan shows clearing of 0.55 acre of on-site woodlands for a woodland conservation requirement of 1.14 acres. The woodland conservation worksheet reflects 0.70 acre of woodland preservation on-site and 0.44 acre of fee-in-lieu. The use of fee-in-lieu is not approved and, instead, 0.44 acre of off-site woodland credits shall be purchased.

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 are set forth in Section 25-119(d) of the WCO. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 Variance application and a letter of justification (LOJ) dated June 7, 2024, and revised August 28, 2024, was submitted for review with this PPS. The following analysis reviews the request to remove four specimen trees.

The LOJ requested the removal of four specimen trees identified as Specimen Trees ST-1, ST-2, ST-3, and ST-6. All of the trees requested for removal are in fair condition, with a good to medium construction tolerance. The TCP1 shows the location of the trees proposed for removal. These specimen trees were proposed for removal for the development of the site and associated infrastructure.

Section 25-119(d)(1) 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.

(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 four specimen trees identified as Specimen Trees ST-1, ST-2, ST-3, and ST-6. The subject property is a narrow, rectangular shape, with an open land area containing an existing residential structure with associated buildings. The eastern portion of the property contains existing woodland that abuts wooded property within the green infrastructure network. This PPS will connect and share the infrastructure of the adjoining PPS 4-23006, which is a unique opportunity for this site. To develop the single-family detached dwellings, the existing buildings need to be removed.

Three of the specimen trees, identified as Specimen Trees ST-1, ST-2, and ST-3, are located within close proximity to these structures and their critical root zones will be impacted when the existing structures are razed. The other Specimen Tree, ST-6, is located on the eastern boundary of this PPS and is located within the disturbance area for a planned sewer line connection to the adjacent Eyelet Court, and a storm drain tie-in to the adjacent stormdrain system which is planned for PPS 4-23006.

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

Based on these priorities and the uniqueness of the property setting, it was found that the four specimen trees are located on the developable portion of the site, and in areas necessary to meet the state and county infrastructure requirements. Consolidating the development makes it possible for the preservation of 0.70 acre of woodlands to add to the green infrastructure network and to meet the 20 percent woodland conservation threshold requirement on-site. The removal of these trees will allow for reasonable development of the single-family detached residential development and to share the infrastructure of adjoining PPS 4-23006.

The removal of these specimen trees allows for the protection of the woodlands with the highest priorities, as listed in Section 25-121(b)(1) of the WCO, to the maximum extent practicable and allows development of this site to occur in the lower priority areas (open land with existing structures) of the site. Requiring the applicant to retain these four specimen trees on-site by designing the development to avoid impacts to the critical root zones, would further limit the area of the site available for the orderly development that is consistent with the zoning, 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;

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Prince George's County Environmental Technical Manual for site-specific conditions. 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 four trees requested for removal are due to their location on-site, proximate necessary infrastructure (including demolition of the existing structures), a sewer connection, and a stormdrain connection to an existing system. Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zones of Specimen Trees ST-1, ST-2, ST-3, and ST-6 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;

Not granting the variance request for Specimen Trees ST-1, ST-2, ST-3, and ST-6 would prevent the site from being developed in a functional and efficient manner like other developments of similar size and use. This is not a special privilege that would be denied to other applicants. Other similar residential developments, featuring 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. The request to remove the trees is solely based on the trees' location 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, which have any impact on the location or size of the specimen trees. The 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 violate state 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.

The required findings of Section 25-119(d) have been adequately addressed for the removal of four specimen trees identified as Specimen Trees ST-1, ST-2, ST-3, and ST-6. The variance for removal of four specimen trees for the construction of a residential development is approved.

Regulated Environmental Features/Primary Management Area

According to the approved NRI, the site does not contain any REF or primary management areas (PMA).

Soils

Section 24-131 of the prior Subdivision Regulations states "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 natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes."

The predominant soils found on-site according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, are Croom-Marr complex, Grosstown-Urban land complex, and Hoghole-Grosstown complex soils. Marlboro clay was not identified on-site, but Christiana clay is located just off-site in the northeast corner.

14. **Urban Design**—The subject PPS allows the development of nine single-family detached dwellings as an addition to the previously approved Glorious Subdivision, PPS 4-23006.

The use evaluated for this property in the R-80 Zone is permitted by right per Section 27-441 of the prior Zoning Ordinance. At the time of permit review, the applicant will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance including regulations of the prior R-80 Zone, off-street parking and loading, fences and walls, and

signage. Pursuant to Section 27-124.03 of the prior Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual*. Conformance with applicable landscaping requirements will be further evaluated at the time of permit review.

15. **Citizen Feedback**—The Planning Department did not receive any questions from members of the community regarding the subject PPS application. No citizens registered to speak on the PPS during the October 24, 2024 Planning Board hearing.

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 with Commissioner Doerner absent at its regular meeting held on Thursday, October 24, 2024, in Largo, Maryland.

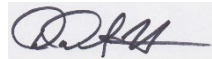
Adopted by the Prince George's County Planning Board this 14th day of November 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: January 7, 2024