

PGCPB No. 2025-011

File No. 4-24026

## R E S O L U T I O N

WHEREAS, Anna L. Carozza Trust UW FBD Maria C. Volpe and Anna L. Carozza Trust UW FBD Sandra L. Carey are the owners of a 59.93-acre tract of land known as Parcels 92, 32, and 35, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Commercial, General, and Office (CGO) and Military Installation Overlay (MIO); and

WHEREAS, on November 08, 2024, Global RER PGC Investments, LLC filed an application for approval of a Preliminary Plan of Subdivision for 199 lots and 39 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-24026 for Carozza Property 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 held on January 23, 2025; 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 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid conceptual site plan, approved under the prior Zoning Ordinance, and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence at the time of the approval of the conceptual site plan; and

WHEREAS, therefore, the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, 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 January 23, 2025 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 TCP1-016-2022-02 and APPROVED Preliminary Plan of Subdivision 4-24026, including Variations from Section 24-121(a)(4) and 24-128(b)(7)(A), for 199 lots and 39 parcels, 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. On Sheet 4, rename Parcel 5 to Parcel JJ.

- b. Show 10-foot-wide public utility easements along the site frontages of MD 223 (Woodyard Road) and MD 4 (Pennsylvania Avenue).
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, to clearly label all specimen trees with a number and indication of whether the tree is proposed for removal.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (16177-2022), and any subsequent revisions thereof.
4. Prior to approval, the final plat of subdivision shall include:
  - a. Right-of-way dedication along Marlboro Pike, in accordance with the approved preliminary plan of subdivision.
  - b. The granting of public utility easements along both sides of all public streets, and along at least one side of all private streets, in accordance with the approved preliminary plan of subdivision.
  - c. A note indicating approval of a variation from Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations to allow the proposed lot depths of Lots 11 and 23–39, Block A; and Lots 44–76, Block B (as measured from Pennsylvania Avenue (MD 4) freeway) shown on the PPS. This note shall only appear on the final plats on which the above-listed lots appear.
  - d. A note indicating approval of a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations to allow Lots 1–34, Block B; Lots 1–43, Block C; and Lots 1–24, Block D to be served by private alleys, while fronting on private streets or open space. This note shall only appear on the final plats on which the above-listed lots appear.
5. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for and provide adequate on-site recreational facilities.
6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Park and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.
7. 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 an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land

Records, and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.

8. 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 guarantee for construction of recreational facilities.
9. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*, the applicant shall provide the following facilities and show the following facilities at the time of detailed site plan (DSP):
  - a. A minimum 10-foot-wide shared-use path, shared road pavement markings, and signage along the frontage of Marlboro Pike; any modifications shall be in accordance with the Prince George's County Department of Public Works and Transportation and Maryland State Highway Administration adopted standards.
  - b. Shared road pavement markings and/or signage along the frontage of Woodyard Road (MD 223); any modifications shall be in accordance with the Prince George's County Department of Public Works and Transportation and Maryland State Highway Administration adopted standards.
  - c. A minimum 5-foot-wide sidewalk along both sides of all internal private roadways.
  - d. Crosswalks and associated Americans with Disabilities Act curb ramps at all vehicular access points and crossing all drive aisles.
  - e. Long- and short-term bicycle parking at each proposed multifamily building, and short-term parking at all commercial buildings and recreational or gathering areas. The location and number of which shall be determined at the time of DSP.
  - f. A minimum 5-foot-wide sidewalk along both sides of all internal public roadways; any modifications shall be in accordance with the Prince George's County Department of Public Works and Transportation adopted standards.
10. 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 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.
11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to a homeowners association or property owners association, as identified on the approved preliminary plan of subdivision and detailed site plan. 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 association 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 association. 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. Covenants recorded against the conveyed property ensuring retention, and future maintenance, of the property by the association including the reservation of the right of approval by the Prince George's County Planning Director.
12. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-016-2022-02. 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 (TCP1-016-2022-02 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 (WCO). 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.”
13. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a woodland and wildlife habitat 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.”

14. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section of the Prince George’s County Planning Board, 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."

15. Prior to issuance of any permits which impact 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.
16. At the time of detailed site plan (DSP), the applicant shall submit a Phase II noise study based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The DSP shall identify all dwelling units requiring enhanced building shell design or construction materials for interior noise mitigation, and the architecture shall reflect the enhancements required to these units. The DSP shall show the locations and details of features provided for outdoor noise mitigation. The ground-level mitigated 65 dBA/Leq noise contour, and the ground-level mitigated 55 dBA/Leq noise contour shall be delineated on the DSP. If there are any upper-level outdoor activity areas, the upper-level mitigated 65 dBA/Leq noise contour, and the upper-level 55 dBA/Leq noise contour shall also be delineated on the DSP. The noise contours shall account for the locations of all buildings and noise barriers.
17. At the time of the detailed site plan for the commercial development, the applicant shall demonstrate that the development on Parcels 3 and 4 will meet the definition of an integrated shopping center provided in Section 27.107.01(a)(208) of the prior Zoning Ordinance.

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 property is located in the southwest quadrant of interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), along the north side of

Marlboro Pike. The property consists of three parcels, known as Parcels 92, 32, and 35, recorded by deed in the Prince George's County Land Records in Book 13557 page 730 (Parcels 92 and 32) and in Book 34621 page 147 (Parcel 35). The property is zoned Commercial, General, and Office (CGO) and is also subject to the Military Installation Overlay (MIO) Zone for height. However, this preliminary plan of subdivision (PPS) was reviewed in accordance with the Zoning Ordinance, and Subdivision Regulations ("prior Zoning Ordinance" and "prior Subdivision Regulations") effective prior to April 1, 2022, pursuant to Section 27-1704 of the Zoning Ordinance.

The subject property was included in Conceptual Site Plan CSP-22001, which was approved by the Prince George's County Planning Board on February 2, 2023 (PGCPB Resolution No. 2023-13), pursuant to the prior Zoning Ordinance. Pursuant to Section 27-1704(a) of the Zoning Ordinance, CSP-22001 remains valid for a period of 20 years from April 1, 2022; and pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid CSP, approved under the prior Zoning Ordinance, and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the prior Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the Mixed Use-Transportation Oriented (M-X-T) Zone and the prior version of the Military Installation Overlay (M-I-O) Zone, which were effective prior to April 1, 2022. The property is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan).

The subject PPS is required for the division of land, construction of multiple dwelling units, and development of more than 5,000 square feet of gross floor area. In accordance with Section 24-4503(a)(4) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2024-054.

The site is currently vacant and mostly wooded. This PPS allows subdivision of the property into 199 lots and 39 parcels for development of 199 single-family attached dwellings, 401 multifamily dwellings, and 50,000 square feet of commercial development. Thirty-four of the parcels are to be conveyed to a homeowners association (HOA) or property owners association (POA), and used for open space/recreation, private streets and alleys, and stormwater management (SWM). Two parcels are for multifamily buildings, two parcels are for commercial development, and one parcel is for recreation associated with multifamily development.

The applicant filed a request for a variation from Section 24-121(a)(4) of the prior Subdivision Regulations to allow lot depths of less than 300 feet, adjacent to a freeway (MD 4). This request is discussed further in the Site Layout and Access finding of this resolution.

The applicant filed a request for a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations to allow lots in the M-X-T Zone to be served by private alleys, without frontage on public streets. This request is discussed further in the Site Layout and Access finding of this resolution.

3. **Setting**—The subject property is located on Tax Map 99 in Grids F-1 and F-2, and Tax Map 100 in Grids A2 and A3, and is within Planning Area 77. North of the site is MD 4 and beyond is

the ongoing Westphalia Town Center mixed-use project, which is located in the Town Activity Center-Edge (TAC-E) and MIO Zones (Prior M-X-T and M-I-O Zones). South of the site is Marlboro Pike and beyond are single-family detached dwellings in the Residential, Rural (RR) and MIO Zones (Prior Rural Residential (R-R) and M-I-O Zones) and townhouses in the Residential, Single-Family-Attached (RSF-A) and MIO Zones (Prior Townhouse (R-T) and M-I-O Zones). To the east is MD 223 with vacant property in the Legacy Comprehensive Design (LCD), CGO, Residential, Multifamily-48 (RMF-48), and MIO Zones (Prior Commercial Office (C-O), Local Activity Center (L-A-C), M-X-T, and M-I-O Zones). To the west are two single-family detached dwellings in the RR/MIO Zones (Prior R-R and M-I-O Zones) with the Melwood Townhouse Office Condominium and vacant property beyond in the CGO and MIO Zones (Prior C-O and M-I-O Zones).

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

	<b>EXISTING</b>	<b>EVALUATED</b>
Zones	CGO/MIO	M-X-T/M-I-O
Use(s)	Vacant	Residential/Commercial
Acreage	59.93	59.93
Parcels	0	39
Lots	0	199
Dwelling Units	0	600
Subtitle 25 Variance	Yes (25-122(b)(1)(G))*	No
Variation	No	Yes (Sections 24-121(a)(4) and 24-128(b)(7)(A))

**Note:** \*This Subtitle 25 variance for removal of 22 specimen trees was approved pursuant to CSP-22001 Carrozza Property. No additional specimen trees were requested for removal with subject PPS.

The subject PPS, 4-24026, was accepted for review on November 8, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was referred to the Subdivision and Development Review Committee (SDRC) and comments were provided to the applicant at its meeting on November 22, 2024. The requested variations from Sections 24-121(a)(4) and 24-128(b)(7)(A) of the prior Subdivision Regulations were submitted alongside the PPS and were also reviewed at the SDRC meeting on November 22, 2024, as required by Section 24-113(b) of the prior Subdivision Regulations. Revised plans were received on December 12, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—On February 8, 2022, the County Council of Prince George’s County, Maryland, sitting as the District Council, signed into law the Final Conditional Approval, an ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and to grant final conditional zoning approval of Zoning Map Amendment A-10051-C. This action conditionally approved A-10051-C, to rezone the subject property from

the prior R-R Zone to the prior M-X-T Zone. None of the conditions of A-10051-C are applicable to this PPS.

A Conceptual Site Plan (CSP-22001 Carozza Property) was approved by the Prince George's County Planning Board on February 2, 2023, and the resolution of approval was adopted on February 23, 2023 (PGCPB Resolution No. 2023-13), for a mixed-use development consisting of 199 townhouse units, 401 multifamily units, and 50,000 square feet of commercial space. The following conditions of approval of CSP-22001 are relevant to the review of the PPS:

- a. **At the time of preliminary plan of subdivision, design all intersections within the site to be perpendicular and properly aligned. (Condition 2)**

The PPS includes perpendicular and properly aligned intersections throughout the site. This condition has been met.

- b. **Prior to issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans. (Condition 4)**

Condition 4 remains relevant, due to the presence of wetlands on-site, and is carried forward with this PPS.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan is evaluated, as follows:

#### **Plan 2035**

Plan 2035 places the subject property in the Established Communities Growth Policy Area. "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. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met" (page 20).

#### **Master Plan**

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. The master plan recommends residential-low land use on the subject property. Residential-low land use is described as "Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings" (page 40). The development evaluated with this PPS consists of 600 single-family attached dwellings and multifamily dwellings at a density of 10.01 dwelling units per acre. Therefore, the evaluated use does not conform with the master plan's recommended land use. However, in July 2021, the District Council approved Zoning Map

Amendment (ZMA) A-10551-C to rezone the property from the R-R Zone to the M-X-T Zone. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. The Planning Board finds that, pursuant to Section 24-121(a)(5), the District Council has not imposed the recommended zoning. In addition, by adopting ZMA A-10551-C, events have occurred to render the land use recommendations of the master plan no longer relevant. Therefore, this PPS is not required to conform to the land use recommendation of the master plan.

The PPS must still conform to the relevant master plan recommendations that do not conflict with the M-X-T zoning imposed by the District Council. Relevant policies and strategies of the master plan are listed below in **BOLD** text, with responses to each policy following in plain text.

### **Transportation**

#### **Policy 1: Develop a road network that balances regional mobility and local accessibility needs. (page 92)**

Strategy 3 in support of this policy recommends obtaining right-of-way (ROW) for the roads recommended in the master plan, through dedication or other methods (page 92). Dedication of ROW for Marlboro Pike is discussed in the Transportation finding of this resolution.

#### **Policy 2: Ensure that the road system is improved concurrently with development, so that road and intersection capacities match demand.**

The approved ADQ for this site evaluated and required improvements to the road system to ensure that it will be improved concurrently with the development evaluated with this PPS, so that road and intersection capacities will match demand.

### **Living Areas and Community Character**

#### **Policy 1: 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 PPS allows development of a suburban mixed-use neighborhood of attached and multifamily dwellings, and provides a network of open space and community facilities, to conform with this policy.

#### **Strategy 4: Ensure that all new development in the area is compatible with existing development in terms of architecture and scale. (page 179).**

Architecture for the development will be evaluated for compatibility with existing development at the time of detailed site plan (DSP), in accordance with the M-X-T Zone requirements.

**Strategy 6: Install sidewalks along residential streets that currently lack them. (page 179)**

Sidewalks are provided along the streets included in the PPS, as further discussed in the Transportation finding of this resolution.

**Strategy 8: Design site features such as storm water management facilities during the development process so that they become amenities in the development. (page 179)**

The PPS depicts the presence of SWM facilities on-site. At the time of the DSP required for this development, the applicant may design the SWM facilities in a way to ensure that they function as site amenities.

**Strategy 9: Provide green edges (woods, and landscaping) in new developments to provide a buffer that blends naturally into surrounding wooded areas. (page 179)**

The Type 1 tree conservation plan (TCP1) submitted alongside this PPS provides woodland preservation and afforestation; however, there are no adjoining off-site wooded areas. Proposed landscaping for the development will be evaluated at the time of DSP.

**Strategy 11: Incorporate environmentally sensitive design and green building/energy efficiency techniques. (page 179)**

The TCP1 for the project shows how this site will meet environmental site design (ESD), to the maximum extent practicable. The applicant is encouraged to incorporate green building/energy efficiency techniques into the development.

Additional relevant master plan policies related to the environment and to bicycle and pedestrian friendly development are listed and addressed in the Environmental and Transportation findings of this resolution, respectively.

The PPS conforms to the relevant policies and strategies of the master plan. The project is expected to be a high-quality, suburban development organized around a network of open spaces with a strong pedestrian circulation system. The project is expected to integrate well into the built environment of its surroundings. Review of the project with the DSP will ensure that these expectations are met.

**Zoning**

The 2013 sectional map amendment associated with the master plan retained the subject property in the R-R Zone. In July 2021, the District Council approved Zoning Map Amendment A-10051-C to change the property from the R-R to the M-X-T Zone. On November 29, 2021, the District Council approved Council Resolution CR-136-2021, the Countywide Sectional Map

Amendment, which reclassified the subject property from the M-X-T Zone to the CGO Zone. However, this PPS was reviewed according to the prior M-X-T zoning.

**Aviation/Military Installation Overlay Zone**

This PPS is within the prior M-I-O Zone for height. The majority of the subject property is under the Conical Surface (20:1) – Right Runway Area E, while a small area at the western end of the site is under the Inner Horizontal Surface – Right Runway Area D. At the time of DSP, the height of all structures will be evaluated for conformance to Section 27-548.54 of the prior Zoning Ordinance, to ensure that no structure exceeds the height limit for structures under these surfaces.

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM Concept Plan (16177-2022) and letter was submitted with this PPS. The SWM concept plan was approved on June 7, 2024, and is valid until June 7, 2027. The approved SWM concept plan shows the use of five submerged gravel wetlands and two micro-bioretenention facilities located peripheral to the development areas. Submittal of the approved SWM concept letter and plan will be required for subsequent development review applications. No further information pertaining to SWM is required at this time.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, 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 for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The CSP identified multiple locations as future recreation areas, which will be complemented by on-site tree conservation, landscaping, and pedestrian connections throughout the development. Nearby park facilities include Melwood Hills Park located 2.27 miles southeast of the subject site and Westphalia Central Park located 4.04 miles northwest of the subject property. The master plan indicates there is sufficient local parkland to meet projected needs through 2030.

This PPS is in alignment with the master plan's intention to provide quality, safe, and convenient parks and recreational facilities within mixed-use developments, providing respite, and contributing to the desirability and livability of the community for current and future residents.

Sections 24-134 and 24-135, 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 residential development. Based on the density of development, 10 percent of the net residential lot area, 6 acres, could be required to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for

public parks. However, given the density, this PPS provides on-site recreational facilities for future residents to meet the mandatory dedication of parkland requirement.

The PPS identifies Parcels B and N as locations for open space/recreation areas and Parcel U as outdoor recreation only. The list of recreational facilities for the townhouse portion of the residential development includes playgrounds for pre-school aged and school aged children, two sitting areas, a natural surface trail, and a pavilion. Parcels 1, 2, and JJ are identified as recreation amenity areas for the multifamily residential community. The list of recreational facilities for the multifamily residential development includes a swimming pool and two sitting areas. While the identified areas for the residents are appropriate for recreation facilities for future residents, additional outdoor play areas should be provided close to the multifamily residential buildings. The applicant provided details and cost estimates for the recreational facilities that shall be updated with review of the DSP and, reviewed by Urban Design staff of the Development Review Division of the Prince George's County Planning Department, with final details of the recreational facilities to be provided.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through on-site recreation facilities, in accordance with Section 24-135(b) of the prior Subdivision Regulations.

9. **Site Access and Layout**—The development is organized into four pods, located in the western, central, and eastern portions of the site. The western pod consists of 49 townhouse lots in Block A. The central pod consists of 150 townhouse lots in Blocks B, C, and D. The two eastern pods are the multifamily and commercial portions of the development.

According to the applicant, there will be an HOA for the townhouse portion of the development, and Parcels A through CC will be conveyed to this HOA. However, this HOA is not proposed to take ownership of the open space, private street, or recreation parcels (Parcels DD-GG, Parcel HH, and Parcel JJ, respectively) which are associated with the commercial and multifamily portions of the development. The parcel table on the coversheet indicates that Parcels DD-GG, Parcel HH, and Parcel JJ will be conveyed to a POA. One or more additional POAs will need to be established to take ownership of these parcels and ensure maintenance of the facilities within them. There may also need to be an overarching association to which the associations for the different pods of development belong, to ensure coordinated maintenance of the overall site. Parcel JJ is labeled as Parcel 5 on Sheet 4 of the PPS and shall be correctly labeled prior to signature approval of the PPS.

The townhouses are served by private streets and alleys. The commercial portion is served by a private street (Private Road H). The multifamily portion is served by public streets (Public Roads G and C). All private streets and alleys will be owned and maintained by either an HOA or a POA.

Parcel JJ has frontage along Private Road H and a public road traffic circle within the development, and will contain recreation facilities for the multifamily portion of the development. The TCP1 shows that vehicular access to Parcel JJ is through adjoining Parcel 2, which is for multifamily development and accessed by a public road. Vehicular access to Parcel JJ through

Parcel 2 is approved, given that Parcel JJ will only contain recreation facilities serving the residents. Pedestrian access to the facilities on Parcel JJ will be from the public and private roads along Parcel JJ's frontage.

The private street serving the commercial portion of the development may be permitted, pursuant to Section 24-128(b)(15) of the prior Subdivision Regulations, so long as the commercial portion can qualify as an integrated shopping center pursuant to Section 27-107.01(a)(208) of the prior Zoning Ordinance. As required by Section 24-128(b)(15)(i), the private street has a ROW width of 56.5 feet and connects to a public ROW. Pursuant to subsection (ii), the private ROW is adequate to serve the extent of the development, and it will not result in any adverse impact on the access and use of other parcels within the integrated shopping center. Pursuant to subsection (iii), the development shall comply with all other applicable regulations of the Prince George's County Code. According to the applicant's statement of justification (SOJ), and pursuant to the requirements of Section 27-107.01(a)(208), the commercial development will feature at least three retail stores, will be planned and developed under a uniform development scheme, and will be served by common and immediate off-site parking and loading facilities. The DSP shall demonstrate that the requirements of Section 27-107.01(a)(208) are met.

In the M-X-T Zone, access to townhouses via private streets is permitted pursuant to Section 24-128(b)(7)(A). This section also allows private alleys to serve any permitted use, provided the lots served have frontage on and pedestrian access to a public ROW. However, Lots 1-34, Block B; Lots 1-43, Block C; and Lots 1-24, Block D are served by alleys and do not have frontage on a public ROW. The applicant submitted a request for a variation from Section 24-128(b)(7)(A) to allow these units to instead front on private streets and open spaces, as discussed below.

#### **Variation Request**

The below listed criteria are contained in Section 24-113 of the prior Subdivision Regulations and must be met for a variation to be approved. The criteria are listed below in **BOLD** text, and findings regarding each criterion follow in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The PPS includes alleys that are part of a hierarchical vehicular circulation system and have been designed with sufficient width to accommodate passenger

and emergency vehicles, in order to ensure safe vehicular access to all units within the development. Units served by alleys will have safe pedestrian circulation to the development's street network, as shown with the pedestrian circulation shown on the TCP1. Since adequate access to all units is provided via private streets, alleys, and a pedestrian circulation system, there is no need for additional public streets within the development. The provision of these elements, in lieu of public streets, will not affect any adjacent properties. For these reasons, the PPS, as designed, will not be detrimental to the public safety, health, or welfare, or injurious to other properties, with the approval of this variation.

**(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The site is unique in that it is rectilinear with a freeway (MD 4) along the entire northern boundary and a collector roadway along the southern boundary. It has several constraints on where dwellings may be located on the property, including on-site environmental features, which include primary management area (PMA), consisting of wetland bisecting the western portion of the site, scattered wetlands in the eastern portion of the site, and steep slopes throughout the site. The freeway, in particular, limits where dwellings may be placed on the site, as the dwellings must be sufficiently set back from the freeway to allow appropriate mitigation of noise and other traffic nuisances, yet the property has an overall lot depth of approximately 740 to 800 feet, as measured from the freeway. The site constraints and the M-X-T Zone, per Section 27-542(a)(2), encourage a compact development form in order to place dwellings in the area of the site most suitable for development, and alleys help achieve this development form. These factors are unique to the property and not generally applicable to other properties, and they form the condition upon which the variation is based. Therefore, this criterion is met.

**(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

Granting this variation will not constitute a violation of any law, ordinance, or regulation. The granting of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

As described above, there are several aspects of the site's topographical conditions and physical surroundings which constrain the site layout, including

the on-site environmental features and the abutting freeway. If the strict letter of Section 24-128(b)(7)(A) were to be carried out, a particular hardship to the owner would result because, in order to continue to provide alleys to the affected units, public streets would have to be provided for the units to front on, which would be a greater amount of infrastructure required, compared to private streets. Public streets are generally wider and limit the ability for on-street parking. Given the unique conditions which include wetlands and steep slopes throughout the site and the abutting freeway, which limit the site development areas, and since the development can be effectively served by private streets and alleys, there is no need for greater infrastructure investment. The private streets allow more compact development while serving the needs of residents. Strict compliance with this regulation presents a hardship to the applicant, as it would require additional infrastructure but would not result in a superior design outcome. For these reasons, this criterion is found to be met.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24 113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is evaluated in accordance with the prior M-X-T Zone. Therefore, this criterion is not applicable.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations. Therefore, the variation from Section 24-128(b)(7)(A) to allow Lots 1–34, Block B; Lots 1–43, Block C; and Lots 1–24, Block D to be served by private alleys, while not having frontage on a public ROW, is hereby approved.

Section 24-121(a)(4) of the prior Subdivision Regulations requires that residential lots adjacent to a freeway shall be platted with a depth of 300 feet, as measured from the freeway. This requirement affects Lots 11 and 23–39, Block A; and Lots 44–76, Block B. The applicant submitted a request for a variation from Section 24-121(a)(4) to allow these lots to fall below the 300-foot minimum lot depth.

#### **Variation Request**

The criteria listed below are contained in Section 24-113 of the prior Subdivision Regulations and must be met for a variation to be approved. The criteria are listed in **BOLD** text, and findings regarding each criterion follow in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The purpose of the lot depth requirement given in Section 24-121(a)(4) is to ensure there is enough space to provide adequate protection and screening from traffic nuisances associated with the adjoining ROWs, which may include noise, vibration, light, particulate matter, etc. On this site, these protection measures can be located on HOA land, between the lots and the freeway of MD 4, which measures between approximately 115 and 170 feet deep. This is sufficient area for mitigation to be provided, to protect residences and outdoor activity areas from high noise levels. The specific noise mitigation measures shall be detailed with the DSP, as discussed further in the Noise finding of this resolution. These noise mitigation measures shall provide the same, or better protection as a lot which is 300 feet deep and directly abutting the roadway. Other nuisances generated by the ROWs shall also be addressed, at the time of DSP, through screening, planting, and other techniques required or recommended by the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Because the nuisances generated by the right-of-way can be mitigated without providing a 300-foot depth for the lots, the granting of the variation will not be detrimental to the public safety, health, or welfare. The variation will not affect any properties outside of the subdivision, and so granting the variation will not be injurious to other property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

This site is unique in that it is relatively narrow compared to its length; the overall depth of the property, as measured from the freeway, is approximately 740 to 800 feet. Accordingly, strict application of the 300-foot lot depth requirement provides a very significant constraint on development, as it would require that lots cover approximately 40 percent of the property's overall lot depth. As provided in the applicant's SOJ, the site also faces constraints from steep slopes and the Landscape Manual, both of which limit the ability to locate the dwellings any farther away from the freeway (closer to Marlboro Pike) than provided on the PPS. These factors are unique to the property and not generally

applicable to other properties, and they form the condition upon which the variation is based. Therefore, this criterion is found to be met.

**(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The approval of a variation from Section 24-121(a)(4) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Granting this variation will not constitute a violation of any other law, ordinance, or regulation.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The particular physical surroundings and topographical conditions of the subject property discussed above, including its narrow depth compared to its length and the steep slopes on-site, form the basis of the variation request. If the strict letter of the regulations were carried out, the site layout would have to be revised so as to remove Lots 11 and 23–39, Block A; and Lots 44–76, Block B. This would be a significant loss of units and a hardship to the owner, especially because, as provided in the discussion under Criterion 1 above, the open space which would be achieved by removing these lots would not be necessary to provide mitigation of traffic nuisances for the remaining lots. Therefore, compliance with the 300-foot lot depth would present a particular hardship to the owner.

**(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not in any of the above-listed zones. Therefore, this criterion is not applicable.

Based on the preceding findings, the purposes of prior Subtitle 24 are served to a greater extent by the alternative proposal set forth and the variation from Section 24-121(a)(4), to allow the lot depths of Lots 11 and 23–39, Block A; and Lots 44–76, Block B (as measured from MD 4) shown on the PPS, is hereby granted.

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

## **Transportation Related Master Plan Conformance**

### **Master Plan Right-of-Way**

The subject property fronts Marlboro Pike (C-629) which is designated as a collector roadway with an ultimate ROW width of 80 feet. The PPS includes proper ROW delineation and provides 1.55 acres of dedication along Marlboro Pike. The ROW dedication conforms to the requirements of the MPOT and the master plan.

The subject property also has frontage along MD 223 (Woodyard Road; A-53), which is designated as an arterial roadway with an ultimate ROW width of 120–150 feet, for which previous dedication has occurred. No access is provided to MD 223, and no ROW dedication is required with this PPS.

MD 4 (Pennsylvania Avenue; F-6) borders the site to the north, which is designated as a freeway with an ultimate ROW width of 300 feet, for which previous dedication has occurred. There are no vehicular connections provided to MD 4 from the subject site, and no ROW dedication is required with this PPS.

### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends a shared use facility along Marlboro Pike and Woodyard Road. The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling (MPOT, pages 9–10):

#### **Complete Streets**

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**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 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.**

**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.**

**Policy 6: Work with the State Highway Administration and the Prince George's County Department of Public Works and Transportation to develop a complete streets policy to better accommodate the needs of all users within the right-of-way.**

In addition, the master plan recommends the following:

**Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities (page 105).**

**Strategy 3: Provide shared-use sidepaths or wide shoulders at the time of road improvements at the following locations (page 107):**

- **MD 223 from MD 4 to Livingston Road.**

**Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes (page 107).**

**Strategy 1: Incorporate bicycle-compatible road improvements with future frontage improvements or road construction projects (page 107).**

To address the master plan recommendations, a minimum 5-foot-wide sidewalk shall be provided along both sides of all internal roadways. For the internal public roadways, the requirement may be modified by the operating agency with written correspondence. Marlboro Pike is a planned shared roadway facility; therefore, a minimum 10-foot-wide, shared-use path, shared roadway pavement markings, and signage shall be provided along the property frontage, with concurrence from the operating agency. Pavement markings shall also be provided along the entire frontage of MD 223, with concurrence from the operating agency. Consistent with Strategy 3 above, a shared-use sidepath may be required along the MD 223 frontage at a future time, but not with the current development, as there are no road improvements to this frontage required with this PPS.

The site is served by several internal roadways that are perpendicularly aligned, with no offset intersections. Crosswalks and associated Americans with Disabilities Act (ADA) curb ramps shall be provided at all vehicular access points and crossing points and throughout the site, to facilitate pedestrian movement through the site.

Designated space for short-term bicycle parking shall also be provided at recreational and commercial areas, while both short- and long-term bicycle parking is required at the multifamily buildings.

#### **Additional Transportation Findings**

There are four access points to the site, of which the most western access point is identified as Site Access Number 1 and the eastern most access is identified as Site Access Number 4. Site Access Numbers 1, 2, and 3 are full access movements, while Site Access Number 4 is a right in/out only access point. At the time of permitting, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has recommended the applicant improve Marlboro Pike to accommodate a left turning lane at Site Access Number 1, and full length left

turning lanes at Site Access Number 2 and Number 3, to facilitate the turning movement into the site. This improvement is not required as a matter of adequacy, however, the road operating agency may determine improvements to be made at the time of their review of an access permit for roadways under their authority. The 2012 “Transportation Review Guidelines, Part 1” provide the following (page 15):

**Notwithstanding findings made by the Planning Board with regard to Subtitles 24 or 27, persons seeking to develop properties that require access to county roadways or state highways must meet the requirements of the appropriate agency to obtain the right to construct the access.**

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under the prior Subdivision Regulations, and will conform to the MPOT and master plan.

11. **Public Facilities**—This PPS was reviewed for conformance to the master plan in accordance with Section 24-121(a)(5). Chapter 7 of the master plan pertains to public facilities and identifies the following goals (page 119):

1. **Provide residents of Subregion 6 needed public facilities in locations that serve existing and future populations.**
2. **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.**
3. **Maintain the high level of service by providing essential equipment and professional training for personnel.**
4. **Priority will be given to funding public facilities to support development in the Developing Tier.**

The development evaluated with this PPS will not impede achievement of any of the above-referenced goals. The analysis provided with approved ADQ-2024-054 illustrates that, pursuant to adopted tests and standards, public safety facilities will be adequate to serve the proposed development, contingent on appropriate mitigation conditioned with the ADQ. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

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 the subject 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 4, Community System Adequate for Development Planning. This category comprises properties where water and sewer lines are available and/or accessible for extending. The *Water and Sewer Plan* states that once a property has been changed to Category 4 and meets certain criteria, a plan amendment application to move to Category 3 may be submitted. Category 3 status allows the owner of the property to obtain appropriate water and sewer extension authorization, and it must be obtained prior to recording the final plat and receiving building permits. The current water and sewer Category 4 is sufficient for PPS approval.

The property is within Tier 2 of the Sustainable Growth Act. Tier 2 includes those properties currently planned for service by public sewerage systems.

12. **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 MD 223, MD 4, and Marlboro Pike, and provides two new public streets, Public Road G and Public Road C. The PPS provides the required PUEs along Marlboro Pike, Public Road G, and Public Road C, but not along MD 223 or MD 4. These two roads are owned by the Maryland State Highway Administration (SHA), and any required improvements must be coordinated with SHA. However, PUEs are required by the Subdivision Regulations, not by SHA, and the PUEs are required to be located on the subject property, rather than within the abutting SHA ROW. Prior to signature approval of the PPS, the PPS shall be revised to include PUEs abutting MD 223 and MD 4.

PUEs are also required along at least one side of all private streets, pursuant to Section 24-128(b)(12) of the prior Subdivision Regulations. The PPS provides PUEs along at least one side of all private streets.

13. **Historic**—The master plan includes goals and policies related to historic preservation (pages 161–173). However, these are not specific to the subject site.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is high. There are no historic sites or resources on, or adjacent to, the subject property. However, one documented property, Melwood Farm (77-002), was in the eastern portion of the subject property. The house on Melwood Farm was constructed circa 1813 and was a two-story frame structure, with a five-bay main (south) façade. There was an external chimney on the west gable end. The east wing was thought to be older than the west end and had double-end chimneys. A one- and one-half-story addition was located on the east end and had a small external end chimney. The house was demolished between 1980 and 1984.

Part of the property was used as a sand and gravel mine for materials to construct MD 4; however, the portion of the property where Melwood Farm was located was not disturbed. Several other houses and barns appear in the 1938 aerial photograph, in areas that were not mined for sand and gravel. A Phase I archeology survey was completed on the undisturbed portion of the property in July 2022. A total of 499 shovel test pits (STPs) were excavated, including 465 regular interval STPs and 34 radial STPs. Of these, 27 STPs were positive for historic cultural material, resulting in the recovery of 203 artifacts representing three historic archeological sites: 18PR1231, 18PR1232, and 18PR1233, and two historic isolated finds/non-site field scatters. All three newly identified sites are associated with demolished structures that appear on the United States Geological Survey topographic maps as recently as 1957.

Previously identified site 18PR1091 was recorded within the study area during a previous survey conducted in 2016, but was not found to extend beyond its current boundary during this investigation. Two isolated finds, comprising two twentieth-century artifact scatters containing wire nails and modern glass were also identified.

Sites 18PR1231, 18PR1232, and 18PR1233 comprise small artifact assemblages associated with the late-nineteenth and/or early-twentieth-century occupation of documented historic structures within the study area. These structures were subsequently demolished, impacting the integrity of the surrounding soils. The report notes that no horizontal or vertical patterning was noted within the artifact assemblages that could suggest temporally stratified deposits or specific activity areas. These sites do not appear to retain the potential to provide significant data relevant to rural historic lifeways in Prince George’s County, and no further work is necessary on sites 18PR1231, 18PR1232, and 18PR1233.

14. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-016-2021	N/A	Staff	Approved	3/9/2021	N/A
A-10051	N/A	Staff	Approved	2/8/2022	N/A
CSP-22001	TCP1-016-2022	Planning Board	Approved	2/2/2023	2023-13
NRI-016-2021-01	N/A	Staff	Approved	6/16/2023	N/A
4-22033	TCP1-016-2022-01	Planning Board	Withdrawn	N/A	N/A
4-24026	TCP1-016-2022-02	Planning Board	Approved	1/23/2025	2025-011

### Grandfathering

This project is subject to the grandfathering provisions of the 2024 Woodland Conservation Ordinance (WCO) because the property had a tree conservation plan that was approved before June 30, 2024. In accordance with the grandfathering provisions, the property must conform to the environmental regulations of the 2010 WCO and the 2018 Prince George’s County Environmental Technical Manual (ETM). The property is also subject to the environmental

regulations in prior Subtitles 24 and 27 because it has a previously approved conceptual site plan, CSP-22001.

### **Site Description**

A review of the available information indicates that streams, wetlands, and steep slopes exist on the property. There is no potential forest interior dwelling species habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. There is one stream system on-site that drains to the north. The property is not adjacent to any roadways indicated as scenic or historic. The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, and within the Established Communities of the General Plan Growth Policy Map, as designated by Plan 2035.

### **Environmental Conformance with Applicable Plans**

#### **Master Plan Conformance**

The master plan contains goals, policies, and strategies in the Environmental Infrastructure section. The following guidelines have been determined to be applicable to the PPS. The text in **BOLD** is the policy text from the master plan, and the plain text provides comments on plan 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 (page 68).**

Approximately 95 percent of the site is within the green infrastructure network and contains regulated areas and evaluation areas. The regulated areas are associated with the stream system and wetlands on-site. The evaluation area is located on the remainder of the site and is primarily wooded. The TCP1 retains the stream system within an area of woodland preservation, with limited impacts for a utility connection and pedestrian bridge crossing. Additional woodland conservation is provided across the site within the regulated and evaluation areas. Based on the minimization of disturbance inside the green infrastructure network, this PPS meets the intent of protecting critical resources.

**Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded (page 72).**

This development consists of a mixed-use development with parking and infrastructure. The site has a SWM concept approval letter and is consistent with the TCP1, which shows the use of submerged gravel wetlands, micro-bioretenment, and bioswales to meet ESD, to the maximum extent practicable.

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

The development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented, to the greatest extent possible.

**Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas (page 79).**

Strategy 2, under this policy, recommends requiring the use of full cut-off optic light fixtures for all uses to reduce sky glow (page 80). Accordingly, at the time of DSP, the applicant should demonstrate the use of full cut-off light fixtures for all uses.

**Policy 9: Reduce adverse noise impacts to meet acceptable state noise standards (page 80).**

Reduction of adverse noise impacts upon the residential portion of the development is discussed in the Noise finding of this resolution.

**Conformance with the Green Infrastructure Plan**

The 2017 Countywide Green Infrastructure Plan (GI 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* (Resource Conservation Plan) (CR-11-2017). According to the GI Plan, the site contains regulated and evaluation areas. The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the GI Plan, and the plain text provides findings on plan conformance:

**Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

***Strategies***

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, re-stored, 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.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

Approximately 95 percent of the subject property is within designated evaluation and regulated areas, with the main regulated area located along the on-site stream system. Other areas of the site feature isolated wetlands. The property is within both the Western Branch and Charles Branch of the Patuxent River watershed and is not within a Tier II catchment area. The PPS leaves the stream system mostly undisturbed, with the only impact for a utility connection and pedestrian crossing. Woodland preservation is provided within the stream buffer and PMA to further protect the on-site stream. Woodland preservation is provided around the on-site stream system and isolated wetlands, to further buffer the sensitive areas and protect downstream habitats.

There are several impacts to regulated environmental features (REF) for SWM which are discussed later in this finding.

**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.**

Sensitive species habitat was not identified on this site, and it is not in a special conservation area. Stormwater management was reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County Soil Conservation District.

**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 GI Plan shows that majority of the site is mapped as regulated areas and evaluation areas. The only area outside of these designations is along the frontage of Marlboro Pike, in the southeast section of the property. This area also

represents one of the only cleared areas on the property, having been utilized as a staging area during the development of MD 4, and is a preferred area for development. Due to the long narrow configuration of the property, opportunities to provide a contiguous tract of preservation are very limited; however, the PPS minimizes the impacts to the regulated areas, with the majority of impacts instead being to the wooded portions of the evaluation area and to the previously cleared area referenced above.

Network gaps are a mapped feature on a previous version of the GI Plan. The current GI Plan maps only regulated areas and evaluation areas. It is indicated in the Resource Conservation Plan that network gaps are not mapped due to their inherent complexity, with network gaps to be identified during the development review process. This site is located between MD 4 to the north and a residential development to the south. The majority of the site is wooded and within the evaluation area of the GI Plan. The PPS minimizes the impacts on the green infrastructure network on-site by limiting impacts to the regulated areas, with majority of impacts instead to the wooded portions of the evaluation area. For the above reasons, there are no network gaps identified on-site, and no new network gaps will be created through the development of the subdivision.

**2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

The PPS minimizes the impacts on the green infrastructure network on-site by limiting impacts to the regulated areas, with the majority of impacts to the wooded portions of the evaluation area. A Type I Tree Conservation Plan, TCP1-016-2022-02, was provided with this PPS, and it shows that the required woodland conservation requirement is to be met through on-site woodland preservation and off-site credits.

**2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

Off-site mitigation is reviewed at the time of grading permit. Section 25-122(a)(6) of the County Code provides guidance for the off-site mitigation locations. The considerations for off-site locations are as follows: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. The PPS minimizes the impacts on the green infrastructure network on-site by limiting impacts to the regulated areas, with the majority of impacts to the wooded portions of the evaluation area. TCP1-016-2022-02 shows that the required woodland conservation requirement is to be met through on-site woodland preservation and off-site credits.

**Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan [Green Infrastructure 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.**

No fragmentation of REF by transportation systems is included with this PPS.

- 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 trail shown between the two townhouse pods of the development is located outside the REF and their buffers, to the fullest extent possible, as further discussed in the Preservation of Regulated Environmental Features/Primary Management Area section below.

No master-planned trail systems are provided with this PPS. However, a neighborhood pedestrian trail is shown to connect the development pods. Although this trail crosses REF, the location of this trail is co-located with a necessary sewer line crossing, thus minimizing impacts to REF.

**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.**

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements, prior to certification of the subsequent DSP and associated Type 2 tree conservation plan (TCP2). Conservation easements shall be placed over the REF with the final plat. This property is not associated with a special conservation area or other lands containing sensitive features.

**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.**

The PPS received SWM concept approval from DPIE. The approved SWM concept plan shows use of submerged gravel wetlands and micro-bioretenion devices to meet the current requirements of ESD, to the maximum extent practicable.

- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

There are no outfalls into the on-site stream system. SWM facilities are located in proximity to isolated wetlands, which are dotted throughout the site, and not associated with any stream buffers. Expansion of the forested stream buffers is a current practice when the stream buffers established in the Subdivision Regulations are associated with steep slopes, floodplain, wetlands, and their associated buffers. The PPS provides over the woodland conservation threshold of 15 percent, with approximately 21.8 percent on-site as preservation and reforestation.

### **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.**

Woodland exists on-site along the stream system and throughout the site. The site is approximately 97 percent wooded, including the area along the stream system. This PPS provides on-site preservation, reforestation, and off-site credits to meet the woodland conservation requirements, and exceeds the 15 percent woodland conservation threshold with preservation and reforestation of approximately 21.8 percent of the site. Fee-in-lieu is not approved with this PPS. The use of off-site mitigation for this project is found to be appropriate, since conservation in excess of the woodland conservation threshold is to be met on-site.

- 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 ETM and the Landscape Manual, which can count toward the tree canopy coverage requirement for the development.

- 7.4      Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Tree canopy coverage requirements will be evaluated at the time of the associated DSP review. Policy 7, Strategy 7.4 will be evaluated with the landscape plan and planting schedule on the TCP2. In order to monitor the plantings, a reforestation bond is required for reforestation areas. If the plantings do not succeed, they will be required to be replaced, in accordance with the requirements of Subtitle 25.

***Forest Canopy Strategies***

- 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.**

Woodlands will be cleared with this PPS; however, the woodland conservation threshold will be met with on-site woodland preservation. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. Woodland conservation is located throughout the site, around the PMA and REF.

- 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.**

This site does not contain potential forest interior dwelling species (FIDS) habitat.

- 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.**

Private streets are provided throughout the site to maximize compact development, while avoiding REF, to the extent practicable. Maximization of the preservation of the regulated environmental areas, woodland conservation, SWM, and the provision of on-site recreation areas contribute to the green space

and open spaces on-site. These areas are provided throughout the site and serve multiple eco-services.

## **Environmental Review**

### **Natural Resources Inventory/Environmental Features**

An approved Natural Resources Inventory (NRI-016-2021-01) was submitted with this PPS. The site contains REF, steep slopes, streams, and wetlands and their associated buffers, which comprise the PMA. The site also contains specimen trees. The site statistics table on the NRI shows 2.51 acres of PMA on the site, with 751 linear feet of regulated streams. The TCP1 shows the correct information, in conformance with the NRI.

### **Woodland Conservation**

The site is subject to the grandfathering provisions of the 2024 WCO because the property has a TCP that was approved before June 30, 2024, and shall conform to the environmental regulations of the 2010 WCO and the 2018 ETM. TCP1-016-2022-02 accompanies the PPS and requires minor revisions to be found in conformance with the WCO.

The site contains a total of 57.40 acres of woodlands and no wooded floodplain. The site has a woodland conservation threshold of 15 percent, or 8.99 acres. TCP1-016-2022-02 identifies the clearing of 46.61 acres of woodland, resulting in a total woodland conservation requirement of 20.64 acres. The woodland conservation requirement is to be met with 9.75 acres of on-site preservation, 3.36 acres of reforestation, and 7.53 acres of off-site credits. Technical revisions are required to the TCP1, prior to signature approval of the PPS, and are included in the conditions of approval in this resolution.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the County Code requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree in its entirety or preserve an appropriate percentage of the CRZ 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.

Pursuant to Section 25-119(d) of the County Code, a Subtitle 25 variance for the removal of specimen trees was submitted for review with the CSP-22001 application. TCP1-016-2022 showed the removal of Specimen Trees ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30 for a total of 22 specimen trees. The condition of trees to be removed ranges from poor to excellent. The required findings of Section 25-119(d) were adequately addressed for the removal of 22 specimen trees, identified as Specimen Trees ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30. The Planning Board approved the requested variance for the removal of 22 specimen trees with CSP-22001. Modifications have been made with this PPS to retain Specimen Tree ST-12. No additional specimen trees are approved for removal with PPS 4-24026.

**Preservation of Regulated Environmental Features/Primary Management Area**

The site contains REFs, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA.

Section 24-130(b)(5) of the Subdivision Regulations states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, and 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 REF. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can 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 development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code. Impacts to REF must first be avoided, and then minimized.

With CSP-22001, nine impacts to PMA were proposed, totaling 31,952 square feet (0.73 acre). Impacts 1, 5, 6, and 8 were approved; Impacts 3, 4, and 7 for SWM were not approved, and are evaluated with this PPS; Impact 2 was no longer requested; and Impact 9 was not approved. Impact 9 was not identified as a requested impact, but was called out as impacting wetland buffers within the CSP letter of justification (LOJ) and was, therefore, considered an impact.

An LOJ and an exhibit for PMA impacts were provided with the acceptance submittal of this PPS. This LOJ identifies 10 impacts, with modifications to previously approved impacts. for a revised total of 26,192 square feet (0.60 acre). PMAs are identified in accordance with the reviews conducted by other agencies, the Army Corps of Engineers and the Maryland Department of the Environment (MDE). A detailed summary of each impact is below.

**Impact 1**

With the CSP, Impact 1 contained 5,500 square feet (0.13 acre) of permanent impacts to the stream and wetlands, for a pedestrian walkway crossing a stream to connect the western and central sections of the site, and for a sanitary sewer pipe. This impact was approved with the CSP. With the PPS, this previously approved impact is expanded to

7,244 square feet (0.17 acre), which is an increase of 1,744 square feet. This expansion is necessary to increase the culvert size per DPIE requirements. This impact combines needed inter-connectivity between development pods by colocating a necessary utility connection and a pedestrian crossing. The result of the change is a redesign of the culvert for the road crossing and is approved.

#### **Impact 2**

Impact 2 proposed 185 square feet (0.004 acre) of impacts to the stream buffer, for a retaining wall associated with the townhouses in the central phase. This impact was then withdrawn from the CSP and was not requested with this PPS.

#### **Impact 3**

With the CSP, Impact 3 contained 2,432 square feet (0.06 acre) of impacts to an isolated wetland for SWM and associated grading. There are no modifications to this impact with the PPS. This location was chosen in order to tie into an existing culvert under MD 4. This impact is limited to an isolated wetland which is an REF; however, it is not connected directly to PMA or adjacent to a stream system. In general, impacts to REF for stormwater are to be avoided. However, approval of the SWM concept plan by DPIE indicates that this is the best practicable location for the culvert, while protecting the REF. This impact is reflective of the approved SWM concept plan and is approved.

#### **Impact 4**

With the CSP, Impact 4 contained 4,372 square feet (0.10 acre) of impacts to an isolated wetland for SWM and associated grading. Similar to Impact 3, Impact 4 is required for connection to the existing culvert. With the PPS, this impact has expanded by 90 square feet (0.002 acre) for a new total of 4,462 square feet (0.10 acre). This impact is limited to an isolated wetland which is a REF; however, it is not connected directly to PMA or adjacent to a stream system. In general, impacts to REF for stormwater should be avoided. However, approval of the SWM concept plan by DPIE indicates that this is the best practicable location for connection to the existing culvert, while protecting the REF. This impact is reflective of the approved SWM concept plan and is approved.

#### **Impact 5**

With the CSP, Impact 5 contained 4,661 square feet (0.11 acre) of impacts to an isolated wetland for building and grading. The LOJ states that this impact is the result of relocating the site access, so it aligns with North Marwood Boulevard, across Marlboro Pike. Due to the grading required, this PMA area will be heavily disturbed. It is also central to the site. The TCP1 shows utility connection through this area to service the development, and townhomes are shown within the PMA. This impact was approved with the CSP. This impact is limited to an isolated wetland which is a REF; however, it is not connected directly to PMA or adjacent to a stream system. In general, impacts to REF for stormwater should be avoided, however, the impact allows the best practicable location for development, while protecting the REF. No modifications are approved to this impact with the PPS.

#### **Impact 6**

With the CSP, Impact 6 contained 5,558 square feet (0.13 acre) of impacts to an isolated wetland for a public utility easement, sanitary sewer, roadway, sidewalk, and grading. This impact serves to connect the eastern portion of the development to the central section. This impact was approved with the CSP, as this alignment reduces impacts to other wetland areas. No modifications are approved to this impact with the PPS.

#### **Impact 7**

With the CSP, Impact 7 contained 2,215 square feet (0.05 acre) of impacts to an isolated wetland buffer for the construction of a SWM facility. As with Impacts 3 and 4 above, this location will tie into the existing culvert under MD 4. With this PPS, Impact 7 is no longer approved, since the SWM facility has been relocated.

#### **Impact 8**

With the CSP, Impact 8 contained 6,914 square feet (0.16 acre) of impacts to an isolated wetland buffer for a parking lot, drive aisle, and sidewalks. This impact was approved with the CSP. This impact is limited to an isolated wetland which is a REF; however, it is not connected directly to PMA or adjacent to a stream system. In general, impacts to REF for stormwater should be avoided, however, the impact allows the best practicable location for development while protecting the REF. This impact has been further modified with the PPS and has been reduced to only 168 square feet (0.004 acre). This revision to Impact 8 is approved with this PPS.

#### **Impact 9**

With the CSP, 300 square feet (0.007 acre) of impact to an isolated wetlands buffer located in the eastern portion of the site was identified as Impact 9. This impact was not approved with the CSP. With the current PPS, the grading has been adjusted to avoid impacts to the wetland, however the addition of the required 10-foot-wide PUE on the southern side of Public Road C and the western side of Public Road G results in 351 square feet (0.008 acre) of PMA impacts. These impacts to the isolated wetland buffers were analyzed as Impact 9. This impact is limited to an isolated wetland which is a REF; however, it is not connected directly to PMA or adjacent to a stream system. In general, impacts to REF for stormwater should be avoided, however, the impact allows the best practicable location for development while protecting the REF. The declaration of terms and provisions of public utility easements, as recorded in Liber 3703 at folio 748, grants the perpetual right to the public utility companies for maintenance of the PUEs. As a result, PUEs are not appropriate to count as wetland buffer preservation and must be counted as being cleared. Thus, Impact 9 is approved.

#### **Impact 10**

The PPS includes a new 1,316-square-foot (0.03 acre) impact to an isolated wetland buffer to allow for frontage improvements along Marlboro Pike, as required by DPIE. This impact is approved.

Ten impacts were identified on the PMA/REF LOJ for this PPS. Of these 10 impacts, Impacts 2 and 7, approved with CSP-22001, are no longer requested; Impacts 1, 4, and 9, approved with

CSP-22001, have expanded in size; Impacts 3, 5, and 6 have not changed from the CSP approval; Impact 8 has been significantly reduced from the CSP approval; and Impact 10 is a new impact with this PPS. Impacts 1, 3, 5, 6, 8, and 10, for a total of 26,192 square feet (0.60 acre), are approved with this PPS.

### **Soils**

The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include the Marr-Dodon complex, Sassafras sandy loam, Sassafras-Urban land complex, Udorthents – highway, and Udorthents – reclaimed gravel pits. According to available mapping information, unsafe soils containing Marlboro clay or Christiana clay do not occur on this property. This information is provided for the applicant's benefit.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the master plan, the GI Plan, and the relevant environmental requirements of Subtitle 25 and prior Subtitle 24.

15. **Urban Design**—The subject PPS satisfies the minimum lot requirements of the M-X-T Zone, as required by the prior Zoning Ordinance. The development evaluated with this PPS is subject to DSP approval.

The regulations and requirements of the prior Zoning Ordinance apply to development within the M-X-T Zone with regards to landscaping, buffering, screening, fencing, and other bulk regulations such as building setbacks, which will be evaluated at the time of DSP review.

16. **Noise**—The property abuts MD 4, a freeway, and MD 223, an arterial roadway. Therefore, the applicant was required to provide a noise study, analyzing whether any noise mitigation would be needed for the subject property.

The most recent standards require that noise must be mitigated to be no more than 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interior of dwelling units.

The Phase I noise study submitted by the applicant conducted its primary analysis to determine day-night average noise levels (Ldn) on the property and provided findings regarding which areas of the site would need noise mitigation based on that metric. However, noise contours showing measurements in Leq were also provided. The study delineated the future ground-level (5-foot) unmitigated 65 dBA/Leq noise contour during the daytime and the future ground-level unmitigated 55 dBA/Leq noise contour during the nighttime. These two noise contours are reproduced on the PPS.

Based on the unmitigated noise contours shown on the PPS, common outdoor activity areas on Parcel B, Parcel N, Parcel U, and Parcel JJ would be exposed to noise exceeding the required maximums. Depending on their positioning, common outdoor activity areas on Parcel 1 and Parcel 2 could be exposed as well. In addition, rear yards of Lots 23–40, Block A, and Lots 43 through 81, Block B, would be exposed to noise exceeding the required maximums. Mitigation will be required to ensure these outdoor activity areas are protected from high noise levels. No noise contours were provided at an upper level. It is currently unconfirmed whether there will be any upper-level outdoor activity areas, such as roof decks or balconies, which may be exposed to high noise levels and require mitigation. No recommendations for noise mitigation were provided with the Phase I study.

At the time of the DSP, the applicant shall submit a Phase II noise study to determine appropriate noise mitigation for the site. The Phase II study shall show the ground-level mitigated 65 dBA/Leq daytime noise contour and the ground-level mitigated 55 dBA/Leq nighttime noise contour, based on the positions of dwellings and noise mitigation features provided. The Phase II study shall confirm whether there are any upper-level outdoor activity areas and, if there are, show the locations of these activity areas. The Phase II study shall provide noise mitigation, to ensure that all outdoor activity areas at ground-level and upper-levels will not be exposed to noise above the required maximum levels. The mitigation may consist of buildings or noise barriers, such as fences or berms.

The Phase I noise study also found that the façades of dwellings closest to MD 4 would be exposed to noise levels above 65 dBA. Standard building construction materials are capable of reducing noise levels, at building exteriors, of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, to ensure noise levels in the dwelling interiors remain below the required level of 45 dBA, noise mitigation will be required for the dwellings exposed to exterior noise levels above 65 dBA. This mitigation may consist of upgraded building materials, which reduce sound transmission from outside the dwellings. At the time of DSP, when the final positions of the dwellings are known, the Phase II study and the DSP shall identify which dwellings will need interior noise mitigation, and building's shells or structures shall be designed to reduce interior noise levels in the units to 45 dBA or less.

17. **Community Feedback**—The Planning Board received two exhibits submitted by a citizen purporting to represent several of the neighboring community associations, which outlined several points of opposition to the proposed development. These points included opposition to the prior and pending development approvals for the subject property including A-10051-C, CSP-22001, and DSP-22008. Of these cases, A-10051-C, which rezoned the property from the R-R to the M-X-T Zone was approved by the District Council in February 2022; CSP-22001 was approved by the Planning Board in February 2023; and DSP-22008 has not yet been accepted for review. As such, approval of the aforementioned cases was not a consideration for the review of this PPS.

The letter also included concerns about excessive traffic generated by the subdivision, and its impact to adjoining roads and intersections. However, traffic adequacy was evaluated and approved, pursuant to the required criteria under Certificate of Adequacy ADQ-2024-054. Approval of an ADQ is required before this PPS can be approved. In addition, this PPS was

evaluated for conformance to the applicable master plan and MPOT and was found to be in conformance.

The citizens also opposed approval of the TCP1 amendment that accompanied this PPS, specifically citing concerns regarding approval for the removal of 22 specimen trees and PMA impacts. However, these specimen trees were approved for removal with the CSP and no additional specimen trees were approved for removal with this PPS. It was noted that the TCP1 reduced the total number of specimen trees to be removed from 22 to 21 specimen trees. Impacts to the PMA were also evaluated and approved with the CSP. With the subject PPS, some of those impacts have been removed, some have been reduced, some have been expanded, and one additional impact was requested.

The letter of opposition also contended that the PPS does not conform to the master plan, since it evaluates mixed-use development, while the master plan recommends residential-low land use on the subject property. Conformance to the master plan and its recommended land use is addressed in the Community Planning finding of this resolution.

18. **Planning Board Hearing on January 23, 2025**—At the January 23, 2025 Planning Board hearing, staff presented the PPS to the Planning Board. The applicant’s attorney then provided a project history and summary, concurred with staff’s recommendations, and requested a minor revision to one of the conditions of approval. Staff indicated their agreement with the applicant’s proposed revisions to the conditions. In their motion, the Planning Board approved the revisions to the conditions of approval requested by the applicant.

Three citizens signed up to speak, however, only two were present at the hearing to provide testimony. It was clarified that the two individuals were neither attorneys representing other individuals or community associations, nor were they members on boards of the community associations they sought to represent. As such, the Planning Board Chair allowed them to provide testimony in their individual capacity. During the hearing, it was also noted that one of the two exhibits submitted in opposition, a 34-page document, was received after the noon deadline on January 21, 2025. Therefore, the Planning Board could not consider the latter document in their deliberation although it was noted that the document was almost identical to the exhibit that was submitted on time. Finally, the citizens were reminded that the prior rezoning of the property, the CSP, and the DSP were matters not before the Planning Board in this PPS case, and could also not be considered by the Planning Board. With that, the citizens provided testimony, in which they reiterated their issues of concern regarding the proposed development. During their deliberation, the Planning Board inquired why there was not a continuous pedestrian connection around Parcel DD, instead of requiring pedestrians to cross vehicular traffic. The applicant agreed that the location of pedestrian sidewalks will be evaluated in further detail with the DSP.

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.

\* \* \* \* \*

PGCPB No. 2025-011


File No. 4-24026

Page 37

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, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, January 23, 2025, in Largo, Maryland.

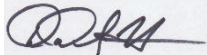
Adopted by the Prince George's County Planning Board this 20th day of February 2025.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:JB:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: February 6, 2025