

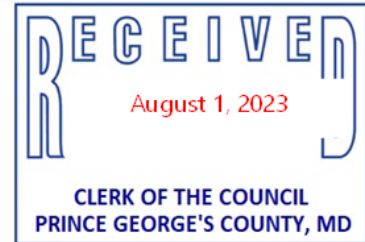


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

August 1, 2023

BHC, Incorporated, C/O Mid-Atlantic Builders
11611 Old Georgetown Road, 2nd Floor
Rockville, MD 20852



Re: Notification of Planning Board Action on
Comprehensive Design Plan CDP-0303-01
Kenwood Village

Dear Applicant:

This is to advise you that, on **July 27, 2023**, the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board, pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-523 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**August 1, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: Andrew Shelly
Reviewer

Attachment: PGCPB Resolution No. **2023-84**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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PGCPB No. 2023-84

File No. CDP-0303-01

RESOLUTION

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

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

WHEREAS, the applicant, BHC, Inc., submitted an application for approval of a comprehensive design plan under the procedures of the prior Zoning Ordinance; and

WHEREAS, pursuant to Section 27-1704(h) of the Zoning Ordinance, property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance; and

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

WHEREAS, in consideration of evidence presented at a public hearing on July 13, 2023, regarding Comprehensive Design Plan CDP-0303-01 for Kenwood Village, the Planning Board finds:

1. **Request:** This comprehensive design plan (CDP) amendment is to develop a 63.10-acre site with up to 124 single-family detached residential dwelling units.
2. **Development Data Summary:**

Zone(s)	LCD (Prior R-S)
Gross tract area	63.1 acres*
100-year floodplain	11.8 acres**
Net Comprehensive Design Zone (CDZ) Area***	57.2 acres
Density permitted	(1.6 to 2.6 du/ac)
Base density of the prior R-S-zoned property (1.6 du/ac x 63.1 acres less 50% of the floodplain) in terms of dwelling units	91 dwelling units
Maximum density (2.6 du/ac x 63.1 acres less 50% of the floodplain) in terms of number of dwelling units	148 dwelling units
Proposed density (2.17 du/ac x 63.1 acres less 50% of the floodplain) in terms of dwelling units	124 dwelling units

Notes: *A condition has been included herein, requiring the applicant to revise the site acreage in General Note 2, on the coversheet of the CDP, to conform with the approved basic plans.

**A condition has been included herein, requiring the applicant to provide the 100-year floodplain acreage and net tract area acreage, on the coversheet of the CDP, to conform with the approved basic plans.

***Per Section 27-486(a) of the prior Zoning Ordinance, residential density determinations in the R-S Zone shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain.

3. **Location:** This subject property is located south of the proposed intersection of White House Road and Harry S Truman Drive in Upper Marlboro, Maryland, and within Planning Area 78 and Council District 6.
4. **Surroundings:** The site is bounded to the north by White House Road, with single-family residences in the Residential, Single-Family-95 (RSF-95) Zone beyond; to the south by agricultural land in the Agricultural-Residential (AR) Zone; to the east by a vacant parcel zoned Residential Estate (RE); and to the west by a single-family detached dwelling in the RE Zone and Marlboro Road beyond.
5. **Previous Approvals:** The overall site was rezoned by the Prince George's County District Council in November 1992, from the Residential Estate (R-E) Zone to the Residential Suburban Development (R-S) Zone, through Zoning Map Amendments (Basic Plans) A-9802-C and A-9803-C (Zoning Ordinance Nos. 50-1992 and 51-1992, respectively) for 92 to 126 dwelling units, subject to 14 conditions and 4 considerations.

A Comprehensive Design Plan, CDP-0303, was approved by the Prince George's County Planning Board on March 3, 2005. Subsequently, on October 17, 2005, CDP-0303 was approved by the District Council, subject to 37 conditions and 2 considerations, for development of 84 single-family detached dwelling units.

A Preliminary Plan of Subdivision (PPS 4-06159) was approved by the Planning Board on September 13, 2007, subject to 33 conditions. A Specific Design Plan, SDP-0805, was approved by the Planning Board on March 28, 2013, and subsequently approved by the District Council on July 24, 2013, subject to 11 conditions, for development of 72 single-family detached dwelling units. SDP-0805 was amended twice via the Planning Director; SDP-0805-01 was approved on August 1, 2014 and SDP-0805-02 was approved on February 23, 2015.

Basic Plans A-9802-C and A-9803-C were later amended by the District Council on February 27, 2023. These amendments titled, A-9802-C-01 and A-9803-C-01, respectively, amended the prior conditions of approval and added new conditions of approval. The amendments were requested to allow resubdivision of this subject property into as many as

124 lots, to accommodate a new narrow-frontage detached single-family dwelling type, which was suggested to provide a more affordable housing type than currently available detached dwellings, but a larger and more commodious dwelling type than single-family attached (townhouse) dwellings. The amendments were approved, subject to 16 conditions and 4 considerations that supersede the prior approved basic plans for this property.

The density range permitted with these revised amendments was 92 to 148 dwelling units. This calculation was determined by Section 27-486(a) of the prior Prince George's County Zoning Ordinance. Residential density determinations in the prior R-S Zone shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain. The gross acreage is 63.1 acres and the area of 100-year floodplain is 11.8 acres, 50 percent of which is 5.9 acres. Therefore, the net comprehensive design zone area (net CDZ) is 57.2 acres. The R-S Zone permits a minimum density of 1.6 dwelling units per acre and a maximum density of 2.6 dwelling units per acre. A project may only reach 2.6 dwelling units per acre, if an applicant achieves public benefit features and density increment factors. The density range permitted and proposed calculations are, as follows:

Density Range Permitted

Minimum density calculation permitted (1.6 du/acre x 57.2 acres) = 92 dwelling units

Maximum density calculation permitted (2.6 du/acre x 57.2 acres) = 148 dwelling units

Density Range Proposed

Minimum density calculation proposed (1.6 du/acre x 57.2 acres) = 92 dwelling units

Maximum density calculation proposed (2.17 du/acre x 57.2 acres) = 124 dwelling units

An approved stormwater management (SWM) concept plan was not submitted with this application. Instead, unapproved SWM Concept Plan 19807-2022 was submitted, showing two submerged gravel wetlands. A SWM concept letter and plan approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) will be required to be submitted with future applications. SWM is required to meet environmental site design, to the maximum extent practicable, for water quantity and quality control measures.

The subject property was rezoned Legacy Comprehensive Design (LCD) through the approved Countywide Sectional Map Amendment via Prince George's County Council Resolution CR-136-2021, effective April 1, 2022.

6. **Design Features:** This CDP amendment is to increase the number of single-family detached units to 124, through a decrease in the minimum lot size. Development Envelopes A through D will have lot sizes decrease from 6,000 square feet to 4,200 square feet and Envelope E lot sizes will decrease from 10,000 square feet to 4,200 square feet. This CDP also revises revising the provided landscape buffer widths, reducing the southern property boundary landscape width from 50 feet to 25 feet, and allowing disturbance in the buffer to permit construction of SWM facilities located approximately 550 feet from the right-of-way of White House Road. The CDP amendment then shows the location of a second entrance onto Harry S Truman Drive, a proposed master-planned arterial roadway. It is not anticipated that Harry S Truman Drive will be

constructed in conjunction with this development, but a connection can be made once the road is constructed in the future. These revisions are consistent with the latest approved basic plan amendments (A-9802-C-01 and A-9803-C-01), which were approved by the District Council on February 27, 2023.

The subject property has a gross acreage of 63.1 acres, of which 19.4 acres in the western portion of the development have been dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The site has 11.8 acres of 100-year floodplain, which provides a net lot CDZ area of 57.2 acres, in accordance with Section 27-486(a). The entire tract of land is in the LCD Zone. The CDP is designed such that single-family detached residential units are provided in the eastern portion of the property, in two groups, separated by a stream, primary management area (PMA), and open space. The groups are connected via a single public street running east to west, bridging the stream, PMA, and open space, and each has established recreational facility areas.

Vehicular access to the subject site will be provided via the intersection of Kenwood Village Lane and White House Road, an arterial roadway. A second entrance to the subject site can be provided via Harry S Truman Drive, a proposed master-planned arterial roadway. This CDP does not provide the second entrance, but the applicant has indicated it can be provided when the road is constructed in the future. Each residential lot will have frontage on a public street, as shown in the circulation plan. The building blocks of this development include interconnecting streets and complimentary conceptual building and parking envelopes. In addition, a significant green area network, which substantially surrounds the development, has been provided. The project has been designed to be a compact development that will minimize impacts to sensitive environmental features, preserves sensitive environmental areas, and be completed in one phase.

The CDP phase of the three-phase CDZ process requires submission of a plan that establishes the general location, distribution, and sizes of buildings and roadways. The plan includes several drawings, the schedule for development of all or portions of the proposal, and standards for height, open space, public improvements, and other design features. The regulations for any of the CDZs are, at the same time, more flexible and more rigid than those of other zones in Prince George's County. The zones are more flexible, in terms of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of zoning law, once approved by the Planning Board and the District Council. All development standards, including density, will be established through approval of this CDP.

Comprehensive design guidelines, which consist of the applicant's entire statement of justification (SOJ) and the document entitled *Text of CDP-0303*, as included in Exhibit C, incorporated herein by reference, have been provided with this CDP. The SOJ is organized to address all relevant findings and conditions of approval. Meanwhile, the revised design guidelines are organized into nine sections, including Introduction, Overview, Compliance with County Master Plan, Compliance with the approved Basic Plans, Site Analysis, Comprehensive Design Plan, Compliance with Standards for Public Facilities, Phasing, and Conclusion. Those design guidelines and the subsequent amendments to them, as requested with this application, will be the

basis for future review and approval of SDPs for this development project. However, the applicant can request amendments to those design guidelines/development standards and the Planning Board can approve alternative design options, at the time of SDPs, if the Planning Board can find that the alternative designs are beneficial to the development project and will not be detrimental to the approved CDP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments (Basic Plans) A-9802-C-01 and A-9803-C-01:** The District Council approved Basic Plans A-9802-C-01 and A-9803-C-01 on February 27, 2023, for development of up to 124 single-family detached dwelling units in the prior R-S Zone. Both approved basic plans were subject to the same 16 conditions and 4 considerations. The conditions that are relevant to the review of this CDP are provided, as follows:

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

The CDP does not provide direct access to any residential lot from White House Road or Harry S Truman Drive. All residential lots will be accessed via internal streets.

2. **The Applicant(s)/developer(s) and the Applicant(s) heirs, successors, and/or assignees shall dedicate a 120-foot right-of-way for Ritchie Marlboro Road relocated (A-39) (Harry S Truman Drive).**

This condition has been satisfied by recordation of the final subdivision plats for Kenwood Village. The 120-foot right-of-way for Ritchie Marlboro Road relocated (A-39) (Harry S Truman Drive) is now provided on the CDP, which is acceptable.

4. **At no time prior to Phase II approval or construction of the proposed development shall the Chesapeake Beach trail corridor be damaged, filled with debris or become a storage area for supplies or equipment.**

The Chesapeake Beach trail corridor is located outside of the limits of disturbance for this application and will not be damaged, filled with debris, or become a storage area for supplies or equipment by the applicant.

5. **There shall be no grading or cutting of trees on the site prior to Phase II approval, except with the written permission of the Prince George's County Planning Board.**

The subject property has an approved CDP and SDP, but no grading has occurred on the site, based on a review of the most recent aerial photography available. The applicant does not plan or expect grading to occur, prior to approval of this CDP amendment.

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

All residential lots on the CDP have been demonstrated to be at least 4,200 square feet, in all development envelopes.

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

The applicant demonstrates the approximate locations of the above-mentioned buffers on the provided CDP. These buffers will be further reviewed during subsequent future applications, which include the PPS and SDP. In addition, the applicant anticipates requesting a substitution of a 6-foot-high sight-tight fence, in lieu of a 6-foot-high, black, vinyl-clad, chain-link fence, at the time of SDP review. This revision would be supported by the Planning Board, to decrease the views of the residential lots from White House Road and protect the character of the roadway, in accordance with Consideration 1.

- 8. A Type I Tree Conservation Plan, in accordance with the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, is required for review by the Environmental Planning Section to be approved by the Planning Board prior to Comprehensive Design Plan approval. Woodland Conservation of 25 percent of the net tract is recommended.**

A revision to a Type 1 Tree Conservation Plan (TCP1-017-04-03) was submitted with this application. Woodland conservation of 25 percent of the net tract is shown on the plan, which must continue to be met with future development applications.

- 9. Phase II shall show consistency with the Patuxent River Policy Plan in buffering of streams.**

The applicant shall demonstrate conformance to this condition with future development applications.

- 10. Approval of existing Conditions, 100-year Floodplain, and Stormwater Management (SWM) Concept Plan by the Prince George's County Department of the Environment (DOE), prior to the approval of a Preliminary Plan of Subdivision, unless determined by DOE prior to submittal of the Preliminary Plan that this study will not be required until time of specific Design Plan. At a minimum, the following shall**

be included: 50-foot buffers between the floodplain and lot lines; SWM ponds shall provide 2-10-100-year attenuation; water quality shall be achieved by infiltration or ponds; water quality ponds shall be located outside of wetland areas; and all impervious areas shall drain directly to a water quality facility.

The applicant shall demonstrate conformance to this condition with future development applications. The 100-year floodplain study and SWM concept plan shall be reviewed and approved by DPIE, rather than the Prince George's County Department of the Environment (DOE). This review shall be conducted by DPIE, as the original basic plan condition was created prior to the foundation of DPIE, who is now in charge of floodplain study and SWM concept plan reviews. A 100-year floodplain study was previously submitted by the applicant and approved, in conjunction with CDP-0303 and PPS 4-06159.

- 11. The Applicant(s) shall submit a 100-year Floodplain Study and a Stormwater Management (SWM) Concept Plan to the Prince George's County Department of Environmental Resources for approval prior to approval of the Preliminary Plan of Subdivision. The SWM Concept Plan shall also address road improvements to White House Road and construction of Harry S Truman Drive.**

The applicant shall demonstrate conformance to this condition with future development applications. The 100-year floodplain study and SWM concept plan shall be reviewed and approved by DPIE, rather than the Prince George's County Department of Environmental Resources. This review shall be conducted by DPIE, as the original basic plan condition was created prior to the foundation of DPIE, who is now in charge of floodplain study and SWM concept plan reviews. A 100-year floodplain study was previously submitted by the applicant and approved, in conjunction with CDP-0303 and PPS 4-06159.

- 12. A 75-foot non-disturbance buffer shall apply along both sides of all streams and shall be expanded to include the 100-year floodplain, wetlands, steep slopes and soils with erodibility factors of .35 and greater. Such buffers shall be approved by the Environmental Planning Section prior to Specific Design Plan, Phase III. Additional screen plantings may be required to provide adequate screening, to be approved by the Urban Design Section.**

The applicant shall demonstrate conformance to this condition with future development applications, which include the PPS and SDP.

- 13. The Applicant(s) shall submit a detailed soils study to demonstrate the site is geographically suitable for the proposed development, for approval by the Prince George's Soil Conservation District and the Environmental Planning Section, prior to the Specific Design Plan approval.**

The applicant shall demonstrate conformance to this condition, at the time of SDP acceptance. A prior geotechnical report was submitted with the prior SDP, and was found to be geographically suitable for the proposed development. The condition has been revised and included herein to state that “prior to acceptance of the specific design plan, a geotechnical report shall be provided to determine the suitability of the soils for the proposed development.”

- 14. At the time of review of the Preliminary Plan of Subdivision, the Applicant(s) shall allocate developable areas to provide adequate on-site recreational facilities.**

The provided CDP demonstrates two recreational facility areas, with one in each development envelope. A condition has been included herein, requiring the applicant to provide dog waste stations at appropriate locations within the subject property. The applicant shall also be required to further explore, at the time of SDP, the construction and location of a dog park.

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

The provided CDP displays the location of where a second entrance onto Harry S Truman Drive extended could be, in accordance with the approved basic plans. The applicant indicated that this connection could be provided, in the future with construction of the roadway, and conformance to this condition will continue to be evaluated with future applications.

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

The applicant stated that 5-foot-wide sidewalks will be provided on all internal streets. In addition, the applicant will provide bicycle racks at each of the two recreational facilities and sharrows on all internal streets.

Considerations

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

The character and visual image of White House Road will be protected by preserving the regulated environmental features (REF) and maintaining an undisturbed buffer, on both sides of the adjacent stream.

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

The applicant provides adequate buffers through preservation of existing vegetation or the provision of additional landscaping. The installation of an underground gas line, by Washington Gas, establishes an additional buffer and setback from any future development that may occur along the majority of the southern property line, as shown on the CDP.

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

The CDP provides 50-foot vegetative buffers along White House Road and Harry S Truman Drive, to offer visual and sound screening that will be evaluated as part of a future SDP application.

4. **The dwellings in all development envelopes shall front on the primary street to the greatest extent possible, with the rears of dwellings oriented toward the interior of the envelopes. The 2010 Prince George's County Landscape Manual (Landscape Manual) buffering requirements shall apply to any dwellings whose rears face Harry S Truman Drive. Preservation of existing trees shall be the preferred buffering technique to be supplemented, as required by the Landscape Manual.**

The provided residential lots on the CDP are anticipated to front on the primary street to which the lot has access. The rear lots will either be oriented to environmental preservation areas or areas internal to the site. The buffer along Harry S Truman Drive will conform to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and be evaluated, at the time of SDP.

8. **Prince George's County Zoning Ordinance:** This application has been reviewed for conformance with the requirements of the Zoning Ordinance, governing development in the R-S Zone, as follows:

- a. **Uses**—The R-S Zone, which is one of nine CDZs, is envisioned as a moderate-density suburban residential zone that will provide flexibility and imaginative utilization of the land, to achieve a balance and high-quality residential development that cannot be achieved through conventional zoning designation. The general principle for land uses in this zone is that uses should be either residential in nature, or necessary to serve the

dominant residential uses. These latter uses shall be integrated with the residential environment, without disrupting the residential character or residential activities.

Section 27-511. – Purposes.

(a) The purposes of the R-S Zone are to:

- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors;**
 - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change; and**
 - (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

The Planning Board finds that the CDP is consistent with the purposes of the R-S Zone, as the subject property proposes a residential permitted use at a density that is consistent with the zone, the Plan Prince George's 2035 Approved General Plan (Plan 2035), and the 2013 *Approved Subregion 6 Master Plan and Section Map Amendment* (Subregion 6 Master Plan and SMA). All regulations for a single-family detached residential dwelling use, in accordance with Section 27-515(b), are met.

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, or Section Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;**

The Planning Board finds that the CDP meets this purpose, as this property was rezoned to the R-S Zone and conforms with the approved amended basic plans and the master plan.

- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

The Planning Board finds that the CDP assures compatibility with the proposed surrounding land uses, as the single-family detached residential use, with a moderate density, is consistent with the neighboring properties.

(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

The Planning Board finds that the CDP meets this purpose of the R-S Zone, as the project incorporates public benefit features into the development and receives density bonuses, in return.

(5) Encourage and stimulate balanced land development;

The Planning Board finds that the CDP meets this purpose by providing a new housing type for this development, which will act as a transition in affordability between single-family attached (townhouse) dwellings in the area and the conventional single-family detached dwellings available on the market.

(6) Improve the overall quality and variety of residential environments in the Regional District; and

The Planning Board finds that the CDP retains the previously approved environmental buffers and meets the woodland conservation threshold of 25 percent. The subject property does not permit the removal of specimen trees, with this approval, nor impacts to the PMA.

(7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.

The Planning Board finds that the CDP is not a qualifying property, under this provision.

Section 27-513. - Regulations.

(d) Other regulations.

(1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

The Planning Board finds that the CDP is consistent with this requirement, as each lot has frontage on and direct vehicular access to a public street.

- (2) **Additional regulations concerning development and use of property in the R-S Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The Planning Board finds that the CDP will provide off-street parking in two-car garages and each driveway will be able to accommodate two vehicles. Parking, signage, and landscaping will be fully analyzed with a future SDP application.

- (3) **Notwithstanding any other requirement of this Subdivision, the types of dwelling units permitted shall be limited to one-family detached and attached dwellings. No more than thirty-five percent (35%) of the total number of dwelling units shall be attached units; however, the restrictions for attached dwelling units of this subsection, above, shall not apply to Mixed Retirement Development in the R-S Zone.**

The Planning Board finds that this regulation is not applicable, as the CDP does not permit any single-family attached dwelling units.

- (4) **Notwithstanding any other provision of this Subtitle, a grading permit to support the development of uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be issued so long as it is in conformance with an approved Comprehensive Design Plan.**

The Planning Board finds that this regulation is not applicable, as the CDP does not permit any uses in the prior Employment and Institutional Area (E-I-A) Zone.

- (5) **Notwithstanding the provisions of Section 27-123 of this Code, the minimum standards set forth in the Landscape Manual for landscaping, buffering, and screening for all uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be modified by the approved Comprehensive Design Plan.**

The Planning Board finds that this regulation is not applicable, as the CDP does not permit any uses permitted in the prior E-I-A Zone.

(e) Adjoining properties.

- (1) For the purposes of this Section, the word “adjoining” also includes properties separated by streets, other public rights-of-way, or railroad lines.**

The applicant acknowledges the definition of “adjoining,” for this section.

(f) Gross density.

- (1) In establishing the maximum gross density, the District Council shall consider the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change and the existing zoning of the property being rezoned.**

The District Council established maximum density through the approval of Basic Plans A-9802-C-01 and A-9803-C-01.

- b. **Density Increments**—The subject site is in the LCD Zone, and previously in the R-S Zone, which has specific density requirements and factors that can be utilized to increase density, subject to development caps established in the approved basic plans. In the R-S Zone, in accordance with Section 27-513 of the prior Zoning Ordinance, the base density is 1.6 dwelling units per acre and the maximum density is 2.6 dwelling units per acre. The 124 dwelling units, in the prior R-S Zone, are at a density of 2.17 dwelling units per acre, which is above the base density, but still within the maximum allowed density of 2.6 dwellings per acre.

To achieve a density above the minimum of 1.6 dwelling units per acre, the applicant has proposed public benefit features and density increment factors, as stipulated in Section 27-513(b), as follows:

(b) Public Benefit Features and Density Increment Factors.

- (1) For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units. (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property.)**

The applicant requests a density increment using this factor with this CDP amendment. Specifically, the applicant requests a maximum of 124 dwelling units and, in order to qualify for this increment, a minimum of 4.34 acres of open space must be provided ($124 \text{ dwelling units} / 100 = 1.24$; $1.24 \times 3.5 = 4.34$). The applicant provides 19 acres of permanent

open space, which includes environmentally sensitive areas, as well as recreational and homeowners association areas. This open space does not include the 19.4 acres dedicated to M-NCPPC, which is planned for active recreation. This open space qualifies the applicant for an increment factor of up to 25 percent in dwelling units. Thus, a total of 22 additional dwelling units will be achieved by using this density increment factor.

- (2) **For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5% in dwelling units.**

The applicant did not request a density increment using this factor.

- (3) **For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant did not request a density increment using this factor.

- (4) **For recreational development of open space (including minimum improvements of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10% in dwelling units.**

The applicant is providing on-site recreational facilities within the subdivision and, at the time of the previous SDP, agreed to pay \$70,000 towards the grading and development of land dedicated to M-NCPPC. These conditions qualify the applicant for an increment factor of 10 percent of the dwelling units. Thus, a total of nine additional dwelling units will be achieved by using this density increment factor.

- (5) **For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**

Pursuant to Section 24-134 of the Prince George's County Subdivision Regulations, the mandatory dedication requirement for this property would be 5 percent of the net area. With a net area of 57.2 acres, the mandatory dedication requirement would be 2.86 acres. The dedication of 19.4 acres to M-NCPPC, for construction of a park, greatly exceeds this requirement. This condition then qualifies the applicant for an increment factor of 30 percent of the dwelling units. Thus, a total of 27 additional dwelling units will be achieved by using this density

increment factor. The Planning Board finds that the M-NCPPC land should not be considered open space, as it was eligible to be developed, prior to its dedication.

- (6) **For creating activity centers with space provided for quasi-public services (such as churches, day care center for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10 percent in dwelling units.**

The applicant has not requested a density increment using this factor.

- (7) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5 percent in dwelling units.**

The applicant has not requested a density increment using this factor.

In summary, the applicant has provided additional improvements and amenities that are above and beyond what is normally required, to satisfy density increment Criterion (1), (4), and (5) above. As a result, the Planning Board finds that the applicant has earned density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (# of units)
1	25	22
4	10	9
5	30	27

The applicant requests only a density increment of 37 percent, an equivalent of 33 dwelling units, which is within the allowable limits of density increments, in accordance with the above analysis.

- c. **Development Standards**—A comprehensive set of development standards has been included in this CDP, for the entire development, as discussed in Finding 6 above. The development standards are acceptable and will guide the future development of Kenwood Village, if approved with this CDP.
- d. Section 27-521 of the Zoning Ordinance requires the Planning Board to find conformance with the following findings for approval of a CDP:
- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement**

the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

As discussed in Findings 7 and 8 above, the subject site was rezoned from R-E to R-S, in the prior Zoning Ordinance, by Basic Plans A-9802 and A-9803. These basic plans were later amended to revise conditions, particularly regarding lot size. The density range permitted by the amended basic plans increased, but the requested density of 124 dwelling units was still within the original range of 92 to 126 dwelling units. The Planning Board finds that the development, combined with the unique environmental factors that create an enclave suitable for the proposed subdivision, will result in a development with a better environment than could be achieved under other regulations.

(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;

The Planning Board finds that the flexibility inherent in CDZs, such as the prior R-S Zone, will allow the applicant to produce a much better environment and achieve high standards for the development, than in regular Euclidean zones. This CDP will create a better environment, when compared to existing development in the surrounding area. Urban design elements imposed in a suburban setting, the preservation of environmental features (and the views into them), unique architecture, and accessible recreational areas, create a development that will satisfy the needs of the residents and guests on the subject property, while being proximate to the I-95/495 (Capital Beltway) interchange with Ritchie-Marlboro Road.

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

Approval is warranted because the CDP includes design elements and a land use vision that are consistent with the approved basic plans. The CDP has been conditioned herein, requiring the applicant to include a development standards table on the CDP coversheet. This table will include setback, height, lot coverage, and lot width standards. In addition, the design features included in this CDP are preservation of environmental features and accessibility to recreational areas, such as the neighboring dedicated M-NCPPC property. Further evaluation of the urban design elements will be evaluated, at the time of SDP. The Planning Board supports approval of the CDP because it includes a unique housing size, multiple locations for recreational facilities, and amenities that are consistent with the approved basic plans.

(4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

The Planning Board finds that the development is compatible with existing and proposed land uses, zoning, and facilities in the immediate surroundings. The development and street network were established by previous approvals and align with master plan recommendations. The amended basic plans establish buffers to ensure compatibility with abutting properties to the south and east of the subject property.

Even though the applicant obtained amendments to the original basic plans, development in this CDP remains generally the same, as was previously approved. The approved basic plans envision a community with low to medium residential development on the property. The development is to implement this land use vision. In addition, the design standards, as revised, are appropriate for this location.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

The Planning Board finds that the building coverage is minimal and within the maximum allowable density. The exact percentages will be determined, at the time of SDP.

(B) Building setbacks from streets and abutting land uses; and

The applicant will implement a new product type in Kenwood Village that has not yet been constructed in the County.

The units will be narrow and deep, creating a lower maintenance structure (due to a lower lot size and high-quality materials), but with the internal square footage desired. As single-family detached homes, the units will provide more privacy than a single-family attached (townhouse) unit. The applicant modified building setbacks, from those approved in the prior CDP. Specifically, the applicant will provide 20-foot front and rear yard setbacks and 5-foot side yard setbacks for all lots in the development. This will create a compact development, which will integrate into the natural environment surrounding the community. The Planning Board finds these setbacks sufficient, given the environmental conditions of the site, and notes that all buffers will be implemented, at the time of SDP. In addition, the development will conform to the requirements of the Landscape Manual, to ensure compatibility with abutting properties.

(C) Circulation access points;

White House Road is an arterial roadway (A-36) which was dedicated, pursuant to prior approvals. Harry S Truman Drive extended is also an arterial roadway (A-39), which was dedicated, pursuant to prior approvals. A single point of ingress and egress is proposed from each roadway; although, it is anticipated that the access to Harry S Truman Drive will not be constructed, until Harry S Truman Drive is extended to connect to Ritchie Marlboro Road. The Planning Board finds the circulation access points to be sufficient for CDP approval.

Additional evaluation, analysis, and review of these elements will be carried out, at the time of PPS and SDP reviews.

(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

The Planning Board finds that this CDP will be constructed as a single phased development, which can exist as a unit capable of sustaining an environment of continuing quality and stability.

(7) The staging of development will not be an unreasonable burden on available public facilities;

The development will be subject to a PPS, at which time adequacy of public facilities will be tested. However, at this time, the Planning Board finds that the development will not create an unreasonable burden on available public facilities, as all analyzed intersections meet the adequacy requirements with the proposed improvements to add a westbound White House Road right turn lane at Harry S. Truman Drive and convert the westbound through right turn lane to a through only lane. Further analysis of these facilities is provided within the Transportation Planning referral section, which is included herein.

(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

- (A) The proposed adaptive use will not adversely affect indistinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**

- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The Planning Board finds that the CDP does not permit an adaptive re-use of an historic site.

- (9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

This plan incorporates the applicable design guidelines of Section 27-274 of the Zoning Ordinance, and the Planning Board finds that the CDP conforms, subject to conditions included herein. The Planning Board is in agreement with the analysis provided in the applicant's SOJ, which is demonstrated within the CDP.

- (10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

The Planning Board has reviewed this application and found that the CDP is in conformance with TCP1-017-04-03, which is recommended for approval, subject to conditions contained herein.

- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).**

The Planning Board finds that REF on the subject property were preserved, to the fullest extent possible, based on the limits of disturbance shown on the TCP1. No PMA impacts are permitted with this application.

- (12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

The Planning Board finds that this provision is not applicable to the subject application because it was not placed in a CDZ, pursuant to Section 27-226(f)(4) of the prior Zoning Ordinance.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The Planning Board finds that this provision is not applicable to the subject application because this development is not a regional urban community.

9. **Comprehensive Design Plan CDP-0303:** The District Council affirmed the Planning Board's approval of CDP-0303 (PGCPB Resolution No. 05-65) on October 17, 2005, with 37 conditions and two considerations. CDP-0303 proposed development of 84 single-family detached dwelling units. Exhibit D, provided by the applicant in the SOJ and incorporated herein for reference, examines the conditions from CDP-0303. The Planning Board finds that the conditions of the subject approval entirely supersede those contained in CDP-0303.

1. **Before approval of a specific design plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T, for a possible signal at the intersection of White House Road at Harry S Truman Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of DPW&T. If a signal is deemed warranted by DPW&T, then the applicant shall bond the signal before release of building permits for the subject property, and shall install it when directed by DPW&T.**

At the time this condition was originally adopted, unsignalized intersections, with a delay of greater than 50 seconds, were typically required to conduct a signal warrant study. Currently, that practice has changed and now requires a three-step process for unsignalized intersections. The analysis conducted for the proposed intersection of White House Road and Harry S Truman Drive indicates that it does not meet the three-step adequacy test for unsignalized intersections, under background and total conditions, with the current intersection configuration. However, construction of a westbound deceleration lane on White House Road is proposed with the development of the site, as noted in the traffic impact analysis (TIS) submitted with the application. The Planning Board finds that, according to the latest TIS and the 2022 Transportation Review Guidelines Supplement, a traffic signal warrant study is not needed. Therefore, this condition may be removed.

2. **During review of the preliminary plan of subdivision, the appropriate point of transition from a 60-foot right-of-way to a 50-foot right-of-way along the major internal street shall be determined. The point of transition shall be consistent with typical practices, and shall consider lotting patterns and the overall internal street network.**

The CDP shows an 80-foot right-of-way along Kenwood Village Lane, north of Street A, and a 50-foot right-of-way along all other internal road segments, which the Planning Board finds acceptable. Therefore, this condition may be modified, from an 80-foot right-of-way to a 50-foot right-of-way, and has been included herein.

3. **If any portion of the 50-foot buffer required by condition 13 in the approvals of A-9802 or A-9803 will be used for woodland conservation, then larger caliper trees and permanent protection shall be provided, for the reforestation. The buffer area shall be placed in a permanent conservation easement.**

Condition 13 of the original basic plan approvals was replaced with Condition 12 of the amended basic plans. This condition reflected the current requirement of a 75-foot nondisturbance buffer along both sides of all streams, rather than a 50-foot nondisturbance buffer. The condition now reads, as follows:

“A 75-foot non-disturbance buffer shall apply along both sides of all streams and shall be expanded to include the 100-year floodplain, wetlands, steep slopes and soils with erodibility factors of .35 and greater. Such buffers shall be approved by the Environmental Planning Section prior to Specific Design Plan, Phase III. Additional screen plantings may be required to provide adequate screening, to be approved by the Urban Design Section.”

The applicant would submit that this condition has been superseded and should be deleted. The buffer is fully wooded and no reforestation is provided within the buffer, to necessitate the planting of larger caliper trees. There is already a condition that requires a conservation easement to be included on the final plat. Based on the provided evidence, the Planning Board finds the condition duplicative and that it should be removed.

4. **The preliminary plan of subdivision application shall include a detailed soils study demonstrating that the site is geologically suitable for the proposed development.**

This condition was met with the previously approved PPS. There are no areas proposed for development, under this application, that had not been included in prior approvals. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

5. **Before comprehensive design plan certification, the existing tree lines on TCP-I/17/04 shall be corrected to show one continuous tree line, not multiple conflicting tree lines.**

The Planning Board finds that this condition was met prior to certification of TCP11-17-04 and, therefore, should be removed.

6. **A revised Type I Tree Conservation Plan, TCP-I/17/04, shall be submitted as part of the preliminary plan of subdivision application. The revised TCP-I shall add the following information:**

- a. **A refined limit of disturbance and conceptual grading proposed for the site.**
- b. **All anticipated PMA impacts.**

- c. **All stormwater management outfalls; on-site and off-site sewer and water connections; and road construction impacts adjacent to the property.**
- d. **A table of proposed off-site infrastructure improvements associated with this application.**
- e. **Labelling of each woodland conservation area with a distinct identifier, showing the acreage and type of woodland conservation.**

The Planning Board finds that this condition was met with the certification of TCP1-17-04-01, in association with PPS 4-06159, and therefore should be removed.

7. **The preliminary plan of subdivision application shall include a wetland study showing the streams and wetlands on this site.**

A wetland study was provided with PPS 4-06159. As part of the approved Natural Resources Inventory (NRI-001-2023), an updated wetland study, which satisfies this condition, was submitted. The Planning Board finds this condition has been satisfied and may be removed.

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

PMA impacts were approved with previous applications; however, with the change in layout and the requirement of a new PPS, the PMA impacts shall be reevaluated at the time of the new PPS. The Planning Board finds that this condition should then be carried forward, as written, and included herein.

9. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall be approved by the Environmental Planning Section and shall contain the delineated Patuxent River Primary Management Area, except areas of approved impacts. 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 the prior written consent of the Planning Director. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

This condition was previously met; however, with a change in layout, a new final plat will be required. The Planning Board finds that this condition shall be carried forward, as written, and included herein.

- 10. Before issuance of permits which impact wetlands, wetland buffers, streams, or Waters of the United States, the applicant shall submit to the Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

The Planning Board finds that this condition should be carried forward, as written, and included herein.

- 11. A copy of the approved stormwater management concept plan and approval letter shall be submitted with the preliminary plan of subdivision application.**

This condition was previously satisfied with approval of the prior PPS. However, an updated approved SWM concept plan and letter shall be submitted no later than 40 days prior to the PPS hearing. The Planning Board finds that this condition shall be carried forward, as revised, and included herein.

- 12. The preliminary plan of subdivision application shall include a Phase I noise study addressing potential adverse noise impacts from existing and widened White House Road (A-36) along the northern property boundary.**

During the review of the prior PPS, it was determined that the 65 dBA line did not extend beyond the REF being retained on the subject property. Therefore, no mitigation was required. However, the Planning Board finds that this study shall be submitted with the future PPS and this condition shall be carried forward, as written, and included herein.

- 13. The applicant shall convey to the M-NCPPC 14.1 acres of open space, as designated on Exhibit A. The land to be conveyed shall be subject to the conditions in Exhibit C.**

The Planning Board finds that this condition should be removed, as 19.4 acres was previously dedicated to M-NCPPC with the recordation of the prior final plats. That deed is recorded in the Land Records of Prince George's County Maryland at liber 37708 folio 1.

- 14. The applicant shall dedicate 5,003 square feet off-site, as shown on Exhibit B. Before final plat, the applicant shall file for review and approval by Parks and Recreation a deed and metes and bounds description of the dedicated land. The land to be conveyed shall be subject to the conditions in Exhibit C.**

The Planning Board finds that this condition should be removed, as the applicant dedicated 4,117.45 square feet to M-NCPPC, in conformance with Condition 14. That deed is recorded in the Land Records at liber 37667 folio 425.

- 15. The applicant shall construct an eight-foot-wide asphalt trail connector from the end of Street A, to and around the stormwater management pond to be built on dedicated parkland.**

At the time of approval of prior SDP-0805, it was determined that the SWM pond on dedicated parkland was no longer required or proposed. The same is true within the CDP. Previously, DPR found that construction of a trail connector, from the subject subdivision to the dedicated parkland, is not feasible because of the major master-planned road (120-foot-wide Harry S Truman Drive) that separates the subdivision from the park. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 16. The applicant shall grade the portion of the parkland for the open play field, as shown on DPR Exhibit A.**

Condition 10 of SDP-0805 required that, prior to the issuance of the 34th building permit, the applicant shall make a payment to the M-NCPPC in the amount of \$70,000 in 2013 dollars in lieu of grading of the southern portion of the dedicated parkland, construction of a 10-foot-wide gravel maintenance access road and preparation of detailed construction drawings for the improvements to the dedicated parkland. The applicant agreed to carry the proposed fee in-lieu forward with this application, which has been included as a condition herein. Thus, the Planning Board finds that the condition requiring grading of M-NCPPC land be removed and replaced with a condition regarding the fee in-lieu.

- 17. The applicant shall construct a stormwater management pond on dedicated parkland, in accordance with applicable standards in the Parks and Recreation Facilities Guidelines. The pond shall be designed as a recreational amenity. For public safety and aesthetic reasons, the slope around the pond shall be gentle, generally 5:1 or less, the pedestrian trail system shall have seating areas, and the area around the pond shall have attractive landscaping.**

An SWM pond is no longer necessary on the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 18. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR prior to construction.**

No trails were proposed on prior SDP-0805 and no trails are provided in conjunction with this application. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 19. Before submission of a specific design plan (SDP), the applicant shall submit for review and approval by DPR a conceptual site plan for the improvements to be constructed on dedicated parkland.**

As noted above regarding Condition 16, Condition 10 of SDP-0805 required payment of a fee in-lieu of submitting site plans for improvements to the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 20. Construction drawings for the park improvements shall be approved by DPR staff and not be unreasonably withheld, prior to signature approval of the SDP.**

As noted above regarding Condition 16, Condition 10 of SDP-0805 required payment of a fee in-lieu of submitting construction drawings for improvements to the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 21. Before issuance of building permits for 50 percent of the lots, the applicant shall complete all improvements on dedicated parkland.**

As noted above regarding Condition 16, Condition 10 of SDP-0805 required payment of a fee in-lieu of constructing improvements to the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 22. Before submission of a final plat of subdivision, the applicant shall enter into a Recreational Facilities Agreement (RFA), for construction of the trail and pond improvements and grading for open play fields on park property. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.**

As noted above regarding Condition 16, Condition 10 of SDP-0805 required payment of a fee in-lieu of constructing improvements on the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 23. The applicant shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the park improvements in an amount to be determined by DPR, at least two weeks before applying for a grading permit.**

As noted above regarding Condition 16, Condition 10 of SDP-0805 required payment of a fee in-lieu of constructing improvements on the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 24. Before conveyance of 14.1 acres to M-NCPPC, including a stormwater management pond, the applicant shall enter into joint multiuse stormwater management system maintenance agreements among the applicant, the County Department of Environmental Resources, and the Department of Parks and Recreation, for construction, operation, and maintenance of the stormwater management facility.**

The SWM pond is no longer proposed on the dedicated parkland. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

- 25. Before submitting a preliminary plan of subdivision application, the applicant shall identify archeological resources in the project area by conducting Phase I archeological investigations.**

A qualified archeologist shall conduct all investigations and follow the Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994). These investigations shall be presented in a draft report following the same guidelines. The report shall follow the American Antiquity or Society for Historical Archeology style guide, and cite whether a submittal is a draft report or final report on the cover and inside cover page of the document, along with the relevant development case numbers.

Following approval of the draft report, four copies of the final report shall be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations will be required.

The design of a Phase I archeological methodology shall be appropriate to identify prehistoric and historic sites, including slave dwellings and burials. Documentary research shall include an examination of known prehistoric and historic archeological sites in the surrounding area, their physical locations as related to known structures, and their cultural interrelationships. The field investigations shall include a pedestrian survey, to locate attributes such as surface depressions, fieldstones, and vegetation common to historic structures and burial/cemetery environs, and shovel test excavations shall be at least at 20-meter or 50-foot intervals.

This condition was satisfied with approval of the prior PPS. Therefore, the Planning Board finds it is no longer applicable and should be removed. Separate conditions regarding the provision of archeological signage have been included herein.

- 26. If it is determined that potentially significant archeological resources exist in the project area, then before Planning Board approval of a preliminary plan of subdivision, the applicant shall provide a plan for:**

- a. Evaluating the resource at the Phase II level, or**
- b. Avoiding and preserving the resource in place.**

The plan for Phase II work shall be approved by M-NCPPC staff prior to any further work.

This condition was satisfied with approval of the prior PPS. Therefore, the Planning Board finds it is no longer applicable and should be removed.

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

The Planning Board finds that this condition remains, as M-NCPPC is conducting studies and acquiring right-of-way, in support of this master plan facility. The condition has been revised herein, stating that the plans will include the location of a future 8-foot-wide asphalt trail connection, since it has yet to be constructed.

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

The Planning Board finds that this condition should be carried forward, as written, and included herein.

- 29. The 50-foot buffers along the east and south boundaries shall be labeled as nondisturbance buffers, and a six-foot-high black vinyl clad chain link fence shall be indicated on the plans.**

Condition 7 of Basic Plans A-9802-C-01 and A-9803-C-01 modified the buffers previously approved, as follows:

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

6-foot-high black vinyl-clad chain link fence (or approved alternative), extending to the east side of Harry S Truman Drive.”

Thus, the 50-foot buffer along the eastern boundary is a nondisturbance buffer, except for the area where a proposed SWM facility is located and can be labeled as such. The 25-foot buffer, along the southern property line, is a landscaped buffer and will be planted, in accordance with the Landscape Manual. The type of fencing shall be designated, at the time of SDP. Thus, this condition has been superseded. The Planning Board agrees with the applicant that the condition shall be revised to state, “At the time of SDP, the buffers and fencing required, pursuant to Condition 7 of Zoning Map Amendments (Basic Plans) A-9802-C-01 and A-9803-C-01, shall be appropriately identified and labeled.” This condition has been included herein.

- 30. Before approval of a preliminary plan of subdivision and specific design plan for the site, the trails coordinator shall review and approve the design and location of the trails internal to the site.**

The Planning Board finds that this condition may be removed, as no trails are provided internal to the site.

- 31. The required side yard setback in Development Envelopes A through D shall be six feet, and the required side yard setback in Development Envelope E shall be eight feet.**

With the modification of lot sizes through the amendment of the basic plans, revised development regulations are being proposed by the applicant. A minimum front yard depth of 20 feet, a side yard setback of 5 feet, and a rear yard setback of 20 feet are proposed in all development envelopes. As a result, the Planning Board finds that this condition should be modified to require the applicant to add a development regulations table to the CDP, consistent with the approved basic plans and as conditioned herein.

- 32. At the time of preliminary plan of subdivision, adequate lot depth with respect to possible noise or visual impacts from adjacent White House Road shall be reviewed.**

During the review of the prior PPS, it was determined that the 65 dBA line did not extend beyond the REF being retained on the subject property. However, the Planning Board finds the condition applicable, as a noise study will need to be submitted and evaluated again with the future PPS. The condition, therefore, should be carried forward, as written, and included herein.

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

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

Landscape requirements will be reviewed, at the time of SDP. The Planning Board finds that this condition should be carried forward, as written, and included herein.

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

The Planning Board finds that this condition should be carried forward, as written, and included herein.

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

The Planning Board finds that this condition should be carried forward, as written, and included herein.

- 36. Trailhead facilities for Chesapeake Beach Railroad Trail at this location are not to be provided until the master-planned trail is under construction on adjacent property.**

As referenced above, regarding Condition 27, the Planning Board anticipates that the facility will be constructed in the future. However, the Planning Board finds that Condition 36 should be revised to state that, if a trail connection is approved on the subject property outside the public right-of-way, then prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall execute a public use easement agreement. This public use agreement shall be to the benefit of M-NCPPC to allow for the eventual construction of the trail connection to the Chesapeake Beach Railroad right-of-way. The easement agreement shall be recorded among the Prince George's County Land Records, with the Liber/folio shown on the final plat, prior to recordation. The final plat shall then reflect the location and extent of the easement. This condition allows for a timeline to be established to dedicate the land needed for the proposed trail connection, if it is approved on the subject property, via a public use easement agreement.

- 37. The potential dedication of land for Harry S Truman Drive through the subject property shall be reviewed at the time of Preliminary Plan approval and shall take into account the recommendations of the Westphalia Comprehensive Conceptual Planning Study (2005); the impacts on the proposed development; the status of**

other road improvements in the vicinity; the engineering constraints; the environmental impacts; and the general feasibility of the road extension.

This issue was resolved, at the time of the prior PPS. The right-of-way for Harry S Truman Drive was dedicated with the recordation of the final plats of subdivision. Therefore, the Planning Board finds that this condition is no longer applicable and should be removed.

Considerations

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

The Planning Board finds that this consideration should be carried forward, as written and included herein. The applicant notes that a major gas transmission line has been constructed, since this consideration was initially included which provides a physical buffer between the subject property and most of the property to the south. Fencing and landscaping will be provided that will further screen these properties. The fencing and landscaping can be addressed, at the time of SDP.

2. **At the time of specific design plan review, recreation facilities for subdivision shall be reevaluated and redesigned, so that recreation facilities are located near all lots. The facilities must include more than one centralized recreational facility. Existing or planned neighborhood park facilities adjacent to the subject site, and the trail head connection in its vicinity, shall not relieve the applicant of the responsibility to provide adequate recreation facilities proximate to all lots in the proposed subdivision.**

The Planning Board recommends removal of this consideration, as a condition has been included herein (Condition 11) that requires the applicant to provide on-site recreational facilities. Thus, the Planning Board finds this consideration duplicative.

10. **Preliminary Plan of Subdivision 4-06159:** The Planning Board approved PPS 4-06159 (PGCPB Resolution No. 07-169(A)) on September 13, 2017, for development of 72 residential lots and three parcels, subject to 32 conditions. This CDP proposes 124 single-family detached residential units and, therefore, requires approval of a new PPS and a new determination of adequacy to establish the new layout of lots and parcels. The new PPS will supersede PPS 4-06159, once approved. New final plats of subdivision for the proposed development will be required, subsequent to approval of this CDP and following PPS, before any permits can be approved for this site.

11. **Specific Design Plan SDP-0805 and amendments:** The District Council affirmed the Planning Board's approval of SDP-0805 (PGCPB Resolution No. 13-31) on July 24, 2013, with 11 conditions, which approved development of 72 single-family detached residential lots. SDP-0805-01 was approved by the Planning Director on August 1, 2024. This approval revised the building regulations associated with SDP-0805. On February 23, 2015, the Planning Director approved SDP-0805-02, which revised the lot lines and utility locations on the SDP. None of the SDP conditions are applicable to this CDP.
12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance:** This CDP has been reviewed for conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Tree Canopy Coverage Ordinance, as follows:
 - a. **Woodland Conservation Ordinance**—The site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. In addition, this application is subject to the Environmental Technical Manual. Type 1 Tree Conservation Plan (TCP1-017-04-03) was submitted with the subject application.

The site contains a total of 52.49 acres of woodlands and 6.37 acres of wooded floodplains, and has a woodland conservation threshold of 25 percent, or 11.77 acres. The TCP1 states that the applicant will clear 29.67 acres of woodland and 0.26 acre of wooded floodplain, resulting in a total woodland conservation requirement of 11.77 acres. The woodland conservation requirement will be met with 14.93 acres of on-site preservation. A condition has been provided herein noting that the crediting of woodland conservation shown on any property to be dedicated to, or is owned by, M-NCPPC is subject to written approval by DPR, prior to certification of the Type 2 tree conservation plan which specifically states the location, acreage, and methodology of the woodland conservation credits.

Natural Resources Inventory NRI-001-2023, which only covers the area of the proposed residential development, was submitted with this application. An application to update Natural Resources Inventory Equivalency Letter NRI-135-05-01 was included with this development request. This NRI equivalency letter covers the entire site and will be required to be approved prior to certification of this CDP, as conditioned herein. According to NRI-001-2023, the site contains areas of REF, such as steep slopes, streams or wetlands, and 100-year floodplain located along White House Road, in the central portion of the site and in the area of the proposed Harry S Truman Drive. The wetlands on-site are associated with streams that run along White House Road and through the center of the property. NRI-001-2023 shows the residential site containing 146 specimen trees on-site or in close proximity to the property, which range in condition from dead to good. No specimen trees are requested for removal with this CDP. The CDP shows all required information correctly, in conformance with the NRI. A condition has been included herein, requiring the applicant to provide an SOJ for any necessary PMA impacts, prior to acceptance of a future PPS application. The SOJ shall address all

proposed impacts on REF. PMA impacts solely associated with the creation of lots will not be allowed.

- b. **Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties in the prior R-S Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. At the time of SDP review, the applicant must demonstrate conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.

13. **Referral Comments:** This application was referred to the following agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and are summarized, as follows:

- a. **Community Planning**—In a memorandum dated May 24, 2023 (Bishop to Shelly), the following comments were offered:

Pursuant to Section 27-480(g)(1) of the prior Zoning Ordinance, the design guidelines or standards in the CSP are intended to implement the development concept recommended by the master plan, sector plan, or sectional map amendment zoning change. These guidelines establish and provide guidance for the development regulations to be incorporated in the SDP. Map 27 of the master plan shows the recommended use as “residential low and provides guidance for how the use and the development regulations established by the Master Plan should be incorporated in the Specific Design Plan. The subject application provides the single-family detached development and is consistent with the Master Plan and SMA.”

Pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the Subregion 6 Master Plan and SMA.

The master plan recommends residential low land uses for the subject property. This use encourages residential subdivisions that are primarily single-family detached dwellings and are developed with areas of up to 2.6 dwelling units per acre, as well as the following recommendations:

- **Develop a comprehensive trail/sidewalk system to connect the community.**
- **Expand and enhance recreational activities and opportunities for youth, particularly in older communities.**
- **Ensure that all new development in the area is compatible with existing development in terms of architecture and scale.**
- **Install sidewalks along residential streets that currently lack them.**

- **Encourage conservation subdivisions in environmentally sensitive areas and adjacent to parks where additional open space would be beneficial.**
- **Design site features such as storm water management facilities during the development process so that they become amenities in the development.**
- **Provide green edges (woods, and landscaping) in new developments to provide a buffer that blends naturally into surrounding wooded areas.**
- **Incorporate historic sites, vistas, archeological resources, and cultural features into development design.**
- **Incorporate environmentally sensitive design and green building/energy efficiency techniques.**

- b. **Transportation Planning**—In a revised memorandum dated June 29, 2023 (Yang to Shelly), a comprehensive review of the application’s conformance with the requirements of previous approvals, the prior Zoning Ordinance, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the TIS dated October 13, 2022, was completed and summarized as follows:

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated, according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed, if the delay exceeds 50 seconds; (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed and the standard of CLV is 1,150 or less.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if the delay exceeds 50 seconds, the CLV is computed and the standard of CLV is 1,150 or less.

Trip Generation

The trip generation is estimated using the Planning Board’s “Transportation Review Guidelines, Part 1” (Guidelines), the higher amounts from the *Trip Generation Manual* (Institute of Transportation Engineers), and the user provided information. The table below summarizes trip generation for each peak period, which will be used in reviewing traffic-generated impacts and developing a trip cap for the site:

Trip Generation Summary								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single-Family Housing (Prince George’s County Rates)	124	unit	19	74	93	73	39	112
Total Trip Cap Recommendation			93			112		

The traffic generated by the proposed CDP would impact the following intersections in the transportation system:

- Ritchie Marlboro Road and Sansbury Road (signalized)
- Ritchie Marlboro Road and White House Road (signalized)
- White House Road and Harry S Truman Drive (unsignalized)
- White House Road and Site Access (unsignalized)

Existing Traffic

The critical intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Sansbury Road	992	927	A	A
Ritchie Marlboro Road and White House Road	913	750	A	A
White House Road and Harry S Truman Drive	73 s*	276 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	944	886	Pass	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.				

Background Traffic

The traffic study identified 25 background developments whose impact would affect study intersections. In addition, annual growth of one percent, over six years, was applied to primary through traffic volumes, along all study roads. The analysis revealed the

following results. All intersections meet the adequacy requirements, except the proposed White House Road and Harry S Truman Drive intersection during the PM peak hour.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Sansbury Road	1077	1371	B	D
Ritchie Marlboro Road and White House Road	1223	1123	C	B
White House Road and Harry S Truman Drive	241 s*	1191 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1075	1155	Pass	Fail
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.				

Total Traffic

The only current access point for this development is on White House Road. The access intersection will be an unsignalized T-intersection, with the driveway controlled by a stop sign. The study intersections, when analyzed with total developed future traffic, operate as follows. All intersections meet the adequacy requirements, except the proposed White House Road and Harry S Truman Drive intersection during the PM peak hour.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Sansbury Road	1092	1387	B	D
Ritchie Marlboro Road and White House Road	1248	1158	C	C
White House Road and Harry S Truman Drive	352 s*	1393 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1142	1190	Pass	Fail
White House Road and Site Access	46 s*	35 s*	Pass	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.				

Total Traffic with Improvement

The applicant will add a westbound White House Road right turn lane at Harry S Truman Drive and convert the westbound through-right turn lane to a through only lane. The study intersections, when analyzed with total developed future traffic with the improvement, operate as follows:

TOTAL TRAFFIC WITH IMPROVEMENT CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Sansbury Road	1092	1387	B	D
Ritchie Marlboro Road and White House Road	1248	1158	C	C
White House Road and Harry S Truman Drive	314 s*	1378 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1060	1147	Pass	Pass
White House Road and Site Access	46 s*	35 s*	Pass	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.				

It was noted that the development will not be an unreasonable burden on available public facilities, as required by Section 27-521, if the application is approved with four conditions included herein. These include providing the amount of right-of-way dedication, in accordance with the MPOT, on the PPS and demonstrating the shared-use path and the specifications and details for all master plan facilities, along the frontage of White House Road, on the SDP, unless modified by the appropriate operating agency with written correspond. Prior to approval of the first building permit, the Planning Board finds that two roadway improvements are necessary, based on the review of the provided traffic impact analysis. The first roadway improvement is the reconstruction of westbound White House Road at Harry S Truman Drive, to have one through only lane and one right turn lane. The second roadway improvement is the installation of an eastbound right turn only lane along White House Road, at the site access. Prior to approval of the first building permit, both transportation improvements shall have full financial assurances, been permitted for construction through the operating agency’s access permit process, and have an agreed upon timeline for construction with the appropriate operating agency. The Planning Board also recommends the continuance of Condition 28 of the prior CDP, which has been included herein.

- c. **Environmental Planning**—In a memorandum dated June 23, 2023 (Rea to Shelly), it was noted that the provided TCP1 is acceptable. A condition has been included herein, requiring the applicant to provide the approved Natural Resources Inventory Equivalency Letter, NRI-135-05-01, prior to certification of the proposed CDP. In addition, conditions have been provided regarding subsequent future applications. Conditions 4 through 8 recommend the continuance of certain CDP conditions and have been analyzed within Finding 9.

Soils

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

been included herein, requiring the applicant to submit a geotechnical report to determine the suitability of the soils for the development, prior to acceptance of the SDP.

Special Roadways

White House Road, which borders the subject property on the north, is a designated historic road. Appropriate buffering for special roadways, consistent with the requirements originally established by CDP-0303, shall be maintained on future development applications.

- d. **Subdivision**—In a memorandum dated May 26, 2023 (Vatandoost to Shelly), it was noted that the application is subject to PPS 4-06159, Wood Property, which was approved by the Planning Board on September 13, 2017 (PGCPB Resolution No. 07-169(A)). PPS 4-06159 approved 72 lots and three parcels for development of 72 single-family detached residential dwelling units on the property. This CDP permits 124 single-family detached residential units and, therefore, requires approval of a new PPS and a new determination of adequacy, to establish the new layout of lots and parcels. The new PPS will supersede PPS 4-06159, once approved. New final plats of subdivision for the proposed development will be required, subsequent to approval of this CDP and following PPS, before any permits can be approved for this site.
- e. **Historic Preservation**—In a memorandum dated May 15, 2023 (Stabler, Smith, and Chisholm to Shelly), an evaluation of historic and cultural resources determined that the probability of archeological sites within the subject property was high. An archeology survey was completed on the property in 2006 and no further work was recommended. Two conditions have been included herein, requiring the applicant to provide interpretive signage summarizing the findings of the archeological investigations conducted on the property. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.
- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated June 1, 2023 (Thompson to Shelly), DPR noted that mandatory dedication of parkland, pursuant to Section 24-134(a), provides for dedication of land, payment of a fee in-lieu, or on-site recreational facilities. This CDP shows the fulfillment of on-site recreation. The details of these amenities and cost estimates will be provided with subsequent PPS and SDP applications, as conditioned herein. A condition has been included herein that requires the applicant and the applicant's heirs, successors, and/or assignees, to provide on-site recreational facilities, in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, to be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of PPS and SDP.
- g. **Prince George's County Fire/EMS Department**—In an email dated May 29, 2023 (Reilly to Shelly), the Fire/EMS Department noted that they had no comments for this subject application.

- h. **Prince George's County Health Department**—In a memorandum dated May 10, 2023 (Adepoju to Shelly), the Health Department noted that a desktop health review of the CDP submission had been completed. Technical comments were provided, and are conditioned herein to be included as notes on the SDP:
- During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
 - During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - There may be abandoned underground well and/or septic structures that may not have been backfilled in an acceptable manner. Contact the Division of Environmental Engineering, Environmental Engineering and Policy Program, at (301) 883-7681 for guidance on how to backfill abandoned well and septic structures.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 4, 2023 (Giles to Shelly), DPIE offered comments that were provided to the applicant, which will be addressed in their separate permitting process.
- j. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated May 11, 2023 (Madagu to Shelly), WSSC offered comments that were provided to the applicant, which will be addressed in their separate permitting process.
14. **Community Feedback:** The Prince George's County Planning Department did not receive any written correspondence from the community for this subject application.
15. **Planning Board:** The Planning Board held a public hearing on this application on July 13, 2023. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures.

Prior to the hearing, and in accordance with the Planning Board's procedures, the applicant provided an exhibit, known as Applicant Exhibit 1, which proposed the removal of Conditions 4, 5, and 7. In addition, the applicant proposed revisions to Conditions 1d, 10, 13, 14, 20, 24, and a new Condition 26. Staff were in agreement with the proposed revised conditions and provided an exhibit, known as Staff Exhibit 1, which amended staff's findings. The Planning Board found these revisions to be sufficient and voted to approve Type 1 Tree Conservation Plan TCP1-0171-04-03 and CDP-0303-01, subject to the revised conditions in Applicant Exhibit 1 and the revised findings in Staff Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-017-04-03, and further APPROVED Comprehensive Design Plan CDP-0303-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan (CDP), the following revisions shall be made, or information shall be provided:
 - a. Revise the site acreage in General Note 2, on the coversheet of the CDP, to conform with the approved basic plans.
 - b. Provide the 100-year floodplain acreage and net tract area acreage, on the coversheet of the CDP, to conform with the approved basic plans.
 - c. Provide a development regulations table on the coversheet of the CDP.
 - d. Provide dog waste stations at appropriate locations within the subject property. Further explore the location and construction of a dog park, at the time of specific design plan.
 - e. Provide the approved Natural Resources Inventory Equivalency Letter, NRI-135-05-01.
2. The preliminary plan of subdivision application shall include the amount of right-of-way dedication, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
3. Prior to acceptance of the preliminary plan of subdivision application, a statement of justification (SOJ) for the necessary primary management area (PMA) impacts shall be included in the application package. The SOJ shall address all proposed impacts on regulated environmental features. PMA impacts solely associated with the creation of lots will not be allowed.
4. All subsequent plan submittals for this property, including the preliminary plan of subdivision and the specific design plans, shall further minimize the extent and number of anticipated PMA impacts as each phase of the development process involves more detailed information. Impacts solely associated with the creation of lots are, not allowed.
5. The preliminary plan of subdivision application shall include a Phase I noise study addressing potential adverse noise impacts from existing and widened White House Road (A-36) along the northern property boundary.
6. At the time of preliminary plan of subdivision, adequate lot depth with respect to possible noise or visual impacts from adjacent White House Road shall be reviewed.

7. A copy of the approved stormwater management concept plan and approval letter shall be submitted no more than 40 days prior to the hearing for the preliminary plan of subdivision application.
8. The applicant and the applicant's heirs, successors, and/or assignees, shall provide on-site recreational facilities, in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, and be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of preliminary plan of subdivision and specific design plan.
9. During the review of the preliminary plan of subdivision, the appropriate point of transition from an 80-foot right-of-way to a 50-foot right-of-way, along the major internal street, shall be determined. The point of transition shall be consistent with typical practices and shall consider lotting patterns and the overall internal street network.
10. Prior to acceptance of the specific design plan, a geotechnical report shall be provided to determine the suitability of the soils for the proposed development.
11. At the time of specific design plan, the shared-use path and the specifications and details for all master plan facilities, along the frontage of White House Road, shall be shown on the plan, unless modified by the appropriate agency with written correspondence.
12. At the time of specific design plan, the applicant shall submit the wording and location of an interpretive sign, detailing the findings of the archeological investigations conducted on the subject property.
13. At the time of specific design plan, the applicant shall provide the following general notes on the coversheet:
 - a. During the construction phases of this project, noise should not be allowed to adversely impact activities on adjacent properties. Indicate intent to conform to the construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
 - b. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to the construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - c. There may be abandoned underground well and/or septic structures that may not have been backfilled, in an acceptable manner. Contact the Prince George's County Health Department, Environmental Engineering/Policy Program at (301) 883-7681 for guidance on how to backfill abandoned well and septic structures.

14. At the time of specific design plan, the buffers and fencing required, pursuant to Condition 7 of Zoning Map Amendments (Basic Plans) A-9802-C-01 and A-9803-C-01, shall be appropriately identified and labeled.
15. Before approval of a specific design plan for the project, the following design issue shall be analyzed and provided for, to the extent feasible:

Appropriate measures to ensure compatibility with the surrounding neighborhood, especially at the periphery of the site, including design techniques such as berming and augmenting screen plantings.
16. Before approval of a specific design plan, the applicant shall add a note to the plans that screening in the buffer running on both sides of the stream parallel to White House Road shall be provided, by leaving the wetlands in a natural state, except for the proposed (and approved) crossing.
17. Prior to specific design plan approval, the applicant shall include on the plans the location of a future 8-foot-wide, asphalt trail connection from the subject site to the property line, for eventual connection to the proposed master plan trail along the Chesapeake Beach Railroad right-of-way, with the concurrence of the Prince George's County Department of Parks and Recreation.
18. Crediting of woodland conservation shown on any property to be dedicated to, or is owned by, the Maryland-National Capital Park and Planning Commission is subject to written approval by the Prince George's County Department of Parks and Recreation, prior to certification of the Type 2 tree conservation plan which specifically states the location, acreage, and methodology of the woodland conservation credits.
19. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall be approved by the Environmental Planning Section and shall contain the delineated Patuxent River Primary Management Area, except areas of approved impacts. 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 the prior written consent of the Planning Director. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
20. Before issuance of permits which impact wetlands, wetland buffers, streams, or Waters of the United States, the applicant shall submit to the Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
21. Prior to issuance of the 47th building permit, the applicant shall install the required interpretive sign, detailing the findings of the archeological investigations.

22. Standard sidewalks shall be indicated on both sides of all internal roads, if approved by the Department of Public Works and Transportation.
23. The public vehicular access to the future master-planned neighborhood park shall be provided from Ritchie Marlboro Road. The access to the park from Kenwood Village shall be limited to pedestrian access only.
24. If a trail connection is approved on the subject property, pursuant to Condition 17, outside the public right-of-way, then prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall execute a Public Use Easement Agreement to the benefit of The Maryland-National Capital Park and Planning Commission, to allow for the eventual construction of the trail connection. The easement agreement shall be recorded among the Land Records of Prince George's County, and the Liber/folio shall be shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement.
25. The applicant shall carry the proposed fee in-lieu, in the amount of \$70,000 in 2013 dollars. This fee is provided in lieu of grading the southern portion of the dedicated parkland, constructing a 10-foot-wide gravel maintenance access road, and preparing detailed construction drawings for improvements to the dedicated parkland.
26. Prior to the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timeline for construction with the appropriate operating agency:
 - a. Reconstruction of westbound White House Road at Harry S. Truman Drive to have one through only lane and one right-turn only lane.
 - b. Installation of an eastbound right-turn only lane along White House Road at the site access.

Consideration

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


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, July 13, 2023, in Upper Marlboro, Maryland.

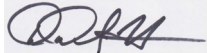
Adopted by the Prince George's County Planning Board this 27th day of July 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AS:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 25, 2023