

**DISTRICT COUNCIL FOR PRINCE GEORGE’S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

ZONING MAP AMENDMENT

ZMA-2024-004

DECISION

Application:	Request to Rezone from the RE (Residential Estate) Zone to the R-PD (Residential Planned Development) Zone
Applicant:	NVR, Inc. (Project Name- The Grove at Hyde Landing)
Opposition:	Branch Hill Steeds Glen Homeowners Association, et.al.
Hearing Date:	March 25, 2026
Decision Date:	June 23, 2026
Hearing Examiner:	Maurene Epps McNeil
Recommendation:	Approval with Conditions

NATURE OF REQUEST

(1) ZMA-2024-004 is a request to rezone approximately 126.16 acres of land in the RE (Residential Estate) Zone to the R-PD (Residential Planned Development) Zone, which is generally located on the south side of Steed Road, approximately 3,300 feet northwest of its intersection with Piscataway Road (MD 223), and identified as 3801 Steed Road, Clinton, Maryland.

(2) The Technical Staff and the Planning Board recommend that the request be approved with conditions. (Exhibits 22 and 27)

(3) Ms. Alex Votaw, Esq., represented the Branch Hill Steeds Glen Homeowners’ Association, Jerome Tidwell, Sam Lynch, Mendelson McLean, Andre Scott, Herman Art Taylor, Jeremy David, and Derek Taylor in their opposition to the request.

(4) At the close of the hearing, the record¹ was left open to allow Applicant to submit some additional items. These were received on March 27, 2026, and the record was closed at that time.

¹ The record consists of 52 Exhibits and one hearing transcript.

FINDINGS OF FACT

Subject Property/Neighborhood/ Surrounding Uses

(1) The Subject Property is known as Parcel 53, located on Tax Map 115, Grids B-4 and C-4, and Tax Map 124, Grids B-1, B-2, and C-1. It is further described by deed recorded in the Prince George's County Land Records in Liber 24081, and Folio 366, dated January 23, 2006. The subject property is located at 3801 Steed Road, Clinton, Maryland, approximately 3,330 feet northwest of the intersection of Piscataway Road (MD 223) and Steed Road.

(2) The Subject Property is one large parcel (Parcel 53) improved with one dwelling and several other structures, including trailers, barns, and sheds related to the prior farming use on the site (a use described as "just some grazing pastures for some interesting livestock." T. 68) Tinker's² Creek runs to the northwest, in a northeast/southwest direction, and all of the northern portion of the site lies within the existing stream valley.

(3) The Subject Property does not lie within the Chesapeake Bay Critical Area. The Application is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site is over 40,000 square feet and contains more than 10,000 square feet of existing woodland.

(4) The Technical Staff described the Subject Property as surrounded by the following uses:

North: Steed Road and single-family detached dwellings in the RR and RE Zones and undeveloped land in the ROS Zone, as well as Steed Road and single-family dwellings in the RE Zone beyond

South: A horse farm known as the Edelen property in the RE Zone, which is also in review for R-PD rezoning, and Potomac airfield in the RR Zone.

East: The former Hyde Field airport, which ceased operations November 30, 2022; and of which a part was once a sand and gravel mine. This area is proposed for residential development known as Hyde Landing in the R-PD Zone.

West: Maryland National Capital Park and Planning Commission (MNCPPC) Tinkers Creek Stream Valley Park in the ROS and RE Zones.

(5) The Technical Staff defined the neighborhood boundaries as Potomac Electric Power Company ("PEPCO") power lines to the north and east; Allentown Road to the northwest; Indian Head Highway (MD 210) to the West; and Piscataway Road (MD 223)

² Tinkers Creek and Tinker's Creek are used intermittently throughout the record.

to the South. The Technical Staff stated that the neighborhood primarily consists of single-family detached dwellings and parkland. (Exhibit 22)

Master Plan/General Plan

(6) The subject property lies within an area governed by the 2013 Approved Subregion 5 Master Plan (the “Master Plan”) and Sectional Map Amendment, within the Clinton/Tippett Community. The Master Plan recommended Residential Low land use for the subject property, described as “residential areas up to 3.5 dwelling units per acre” and “primarily single-family detached dwellings”. (Master Plan, p. 30) The Future Land Use Map also designates some of the property for “Public Parks and Open Space” use. (Master Plan, p. 31) The Land Use and Development Pattern, Environment, Transportation, Public Facilities, Economic Development, and Historic Preservation. Elements of the Master Plan provide further guidance for the development of the subject property. Each is addressed more fully below.

(7) The 2014 General Plan (also referred to as “Plan Prince George’s 2035” or “Plan 2035”) places the subject property within two Growth Policy areas. The northwest part of the property falls under the Future Water and Sewer Service Areas Growth Policy, while the southeast is within the Established Communities Growth Policy Area. The Established Communities are defined as areas “most appropriate for context-sensitive infill and low-to medium-density development.” (General Plan, p. 20) The Generalized Future Land Use Map 10 suggests that the property be developed with “Residential Low” uses, defined as ‘residential areas up to 3.5 dwelling units per acre [and] primarily single-family detached dwellings.’ (General Plan, pp. 99-100)

Applicant’s Request

(8) The Applicant, NVR, Inc., has been certified in good standing to conduct business within the State of Maryland. (Exhibit 44) Sharhano, LLC, is the owner of the subject property. (Exhibit 6(b); T. 24)

(9) The project name for the proposed development on the subject property is “The Grove at Hyde Landing.” It consists of a single parcel, Parcel 53, with a total of approximately 126.16 gross acres of land, and 25.22 acres within the 100-year floodplain, leaving a total of 100.94 acres of developable land... There will be two points of access to the site from Steed Road – a main entrance near the midpoint of the northeastern property line across from the entrance to the Steeds Glen Subdivision entrance at Ethan Thomas Drive, and a private roadway further north that will lead to the attached dwelling units. It is to the north of the Hyde Landing development, which is also in the R-PD Zone. Applicant’s counsel noted that the two developments will be designed comprehensively “and the requested R-PD Zone facilitates the needed flexibility, both in zoning and in the public benefits, these projects will offer the community and the County.” (T. 18-19)

(10) The Applicant submitted all documentation required by Section 27-3602 (a) of the Zoning Ordinance, *infra*. To wit - an application; a plat signed and sealed by a registered professional Land Surveyor which shows all of the information noted in the law; a zoning sketch map; informational mailing letter, list of addresses, and affidavit; a Statement of Justification; a Basic Plan; and conditions of approval proffered by Applicant, Staff, and the Planning Board (Exhibits 2-4, 7, 9, 14, 17, 22, 27, 31, 32, and 52).

(11) The Basic Plan (Exhibit 52) includes a table of Intensity and Dimensional Standards in accordance with Section 27-4302 (a)(3):

SECTION 27-4302(a)(3)

INTENSITY AND DIMENSIONAL STANDARDS

	<u>Single-Family Detached</u>	<u>Single-Family Attached</u>
Minimum Density	1 du/ac	1 du/ac
Maximum Density	2.97 du/ac	2.97 du/ac
Minimum Net Lot Area	3,500 sq ft	1,500 sq ft
Minimum Lot Width	40 ft	18 ft
Minimum Front Yard Setback Depth	10 ft	10 ft
Minimum Rear Yard Setback Depth	5 ft	5 ft
Minimum Side Yard Setback Depth	5 ft	0 ft
Maximum Lot Coverage	60%	80%
Minimum Distance Between Buildings	8 ft	8 ft
Maximum Principal Structure Height	45 ft	50 ft

DIMENSIONAL STANDARDS (CONT.)

	<u>FENCES</u>	<u>SHEDS</u>	<u>DECKS</u>
Side Yard Setback	0 ft	1 ft	0 ft (4 ft end units)
Rear Yard Setback	0 ft	1 ft	5 ft
Maximum Height	6 ft	10 ft	n/a

- 1) No fences, sheds, or decks are allowed in the front yard of any residential lot.
- 2) Shed footprints shall be no larger than 64 square feet.
- 3) Temporary uses and structures are allowed in accordance with Sec. 27-5300.

The development will include approximately 300 residential single-family attached and detached dwellings, divided equally between attached and detached dwelling, and located on Pods A, B, and C. (Exhibit 26, Slide 9, p. 9; Exhibit 52) Single-family attached dwellings will be located in Pod A, and single-family detached dwellings will be located in Pods B and C. Pod C will be developed last, and “is anticipated to be developed with larger single-family detached lots. All three Pods will share amenities and will be linked. The homes will be concentrated within the non-forested portions of the site as it currently exists, and the environmentally sensitive areas that contain the stream tributaries of the site “will be preserved to the greatest extent possible and added to the Tinkers Creek Stream Valley Park.” (Exhibit 17, p.13; see *a/so*, Ex. 25 Additional Backup, pg. 48 of 116)

(12) In its Statement of Justification³, Applicant described the uses of the site as follows:

Principal uses in the development will be single-family attached homes and single-family detached homes, including permissible accessory structures, such as sheds and detached garages. Trails, paths, open spaces, and recreation facilities are proposed as well. No temporary uses are proposed, except for onsite construction and sales offices. These uses are permitted in Section 27-5101(e).

(Exhibit 17, p. 12)

(13) The Statement of Justification also addressed why Applicant believes the purposes for the R-PD Zone (found in Section 27-4302 of the Zoning Ordinance, *infra*) are met:

The R-PD Zone will allow the Applicant the flexibility to achieve the necessary density and intensity to make a comprehensive residential community viable and sustainable, while allowing for extensive preservation of the existing environmental features. The proposed mixture of residential types for this area will serve a wider range of future residents wishing to live in the County, a mixture that is not allowed by the existing base zone. Although commercial/retail uses are not proposed, the site will be connected to the immediately adjacent R-PD Zone property (Hyde Landing) to the southeast, which features several nonresidential uses. These communities will be closely connected by physical site improvements, retail/commercial services, and social/recreational facilities.

The natural environment is enhanced by concentrating development in a smaller area and minimizing impacts to existing environmentally sensitive areas and topographic features of the property. Moreover, the Applicant is committed to not only preserving the environmental features to the fullest extent possible, but intends to showcase the varied natural elements (streams, forests, meadows) as a central feature and asset of the community.

Approximately 60 acres of open space are set aside in accordance with Part 27-6 of the ... Zoning Ordinance..... Much of this area will be preserved untouched (over 50 acres) and the rest is proposed for active and passive recreation. Thoughtfully designed amenity areas and two public trail segments are provided for active recreation; passive recreative opportunities are available throughout and in the amenity areas as well. All of these amenities are connected to dwellings through a pedestrian and bicycle path network, allowing easy access to community areas to create a well-integrated community. With all of these features, both preserved and added, the development proposes the creation of a community that not only avoids impacting the surrounding community in an adverse way, but actively provides public benefits in a wide range of methods....

The Grove at Hyde Landing presents a varied residential development with proposed homes concentrated on less than half of the Property, leaving a large majority for recreation and preservation. The purposes and provisions of the R-PD Zone are a clear fit for the successful and sustainable residential development of this Property.

(Exhibit 17, p. 30)

(14) Applicant proposed the following Public Benefit Features for the site:

³ The Statement of Justification was prepared by Applicant's counsel and agents (the Senior Land Use Planner and Senior Landscape Architect). (Exhibit 17)

- 3,500 linear feet for a Community Connector Trail: Trail along the southwest portion of the site from Steed Road as part of the Tinker's Creek Master Plan trail system, and an additional 1,600 linear feet trail located along the park for multimodal use. Other required pedestrian/bicycle improvements in the form of sidewalks, a 10-foot-wide path and bicycle lane, crosswalks, and Americans with Disabilities Act (ADA) ramps will be provided as well.
- Stream valley dedication of the Tinker's Creek Watershed (Tier II waterway and a green infrastructure primary corridor) that will connect to the 100-acre stream valley parkland on the Hyde Landing development to the south and to the stream valley parkland owned by M-NCPPC to the north. This will expand and protect the ecosystem.
- Roadway improvement to Steed Road to include expansion of the existing bridge along Steed Road to the south to accommodate the full Master Plan width of four lanes, and extension of a through lane along Steed Road to connect with the subject property's frontage improvements.
- An Additional 5% woodland conservation on-site (added to the 20% requirement in the R-PD Zone).
- Interpretive educational signage concerning water quality and the need for forested buffers, in furtherance of Master Plan green infrastructure policies.

(Exhibits 20 and 22)

(15) Mr. Michael Lenhart, accepted as an expert in traffic engineering and transportation planning, prepared a traffic statement and testified in support of the Application. His traffic statement analyzed the impact of the proposed 150 single-family detached dwellings and 150 single-family attached townhouses on the roadways that could be impacted by the request, utilizing the Transportation Review Guidelines (the "Guidelines"). The traffic statement explained that the Guidelines recommend that the Base Case Scenario (the traffic impact of the density under the existing zoning, assuming the full buildout under the current zoning) be compared with the Base Case Plus Rezoning Scenario (which adds the traffic impact of the proposed zoning). After evaluating both scenarios, Mr. Lenhart concluded that the rezoning will not have a detrimental impact on any local existing/planned roadways, reasoning as follows:

The comparison of these two scenarios ... reveals that the proposed rezoning of The Grove at Hyde Landing would result in an increase of 116 trips during the AM peak hour and 132 trips during the PM peak hour. To reiterate, the Master Plan of Transportation is developed based on calculated traffic volumes in a given plan area based on the build out utilizing the current zoning, and then recommends a designation of primary, collector, major collector, or freeway depending on project volumes based on the existing zoning. The current Master Plan of Transportation was developed based on the *existing* zoning of The Grove at Hyde Landing and *previous* zoning of Hyde Landing. It should be noted that the Hyde Landing development located just south of the subject property was recently rezoned which resulted in a substantial decrease in density and peak hour trips. Specifically, the rezoning of Hyde Landing resulted in a net decrease of 644 AM peak hour trips and 1,151 PM peak hour trips. When accounting for the increase in traffic by the proposed rezoning of The Grove at Hyde Landing and decrease in traffic by the approved rezoning of Hyde Landing, it can be concluded that there will be an areawide decrease of 528 AM peak hour trips and 1,019 PM peak hour when taking into account the rezoning of both adjacent properties. Given that the Master Plan of Transportation was developed prior to the rezoning of these two properties, it can be concluded that the rezoning of The Grove at Hyde Landing will not have an adverse impact on the road network as recommended in the Master Plan of Transportation given there is a cumulative reduction in areawide trips. Therefore, the rezoning of the subject property would not necessitate a change to the Master Plan of Transportation....

[T]he area of the site is 126.16 acres. Per Section 27-4200 of the Prince George's County Zoning Ordinance, the existing density limit for the R-E zone is 1.08 single-family dwelling units/acre. Given the above density limits, the resulting max number of dwelling units for the site is 136 (1.08 dwelling units/ acre * 126.16 acres). This results in 102 AM and 123 PM peak hour trips based on the maximum allowable dwelling units under the current zoning (Base Case Scenario)....

The site is proposed to be developed with 150 single-family units and 150 townhouse units. This results in 218 AM and 255 PM peak hour trips under the proposed rezoning (Base Case Plus Rezoning Scenario). Therefore, the proposed rezoning of The Grove at Hyde Landing would result in an increase of 116 trips during the AM and 132 trips during the PM peak hour. *To reiterate, the proposed rezoning of The Grove at Hyde Landing will result in a slight increase in the number of trips during the AM and PM peak hours. However, the Hyde Landing development located just south of the subject property was recently rezoned which resulted in a substantial decrease in both density and peak hour trips. Given that the Master Plan of Transportation was developed prior to the rezoning of these two properties, it can be concluded that the rezoning of The Grove at Hyde Landing will not necessitate a change to the Master Plan of Transportation due to the cumulative reduction in areawide trips.* [Emphasis in the original.]

(Exhibit 15)

(16) Mr. Steve Allison was accepted as an expert in landscape architecture and arboriculture. He prepared the Natural Resources Inventory ("NRI") (Exhibit 12) for the site and assisted in the preparation of the Basic Plan and Statement of Justification. (T. 100-102) As part of the Environmental Team, he reviewed: the trees that were identified onsite; the forest ecotype; the floodplain and wetland consideration. He provided the following testimony as to what was found and what was recommended to preserve the essential forest area and to achieve forest enhancement:

[In] Tinker's Creek... [w]e have forest. I think it [is] ... about seventy-seven acres.... We had ... one perennial stream, five intermittent, and some ephemeral. And what that means is – [we will] always have water. Intermittent [streams] can have it seasonally, and then ephemeral is more stormwater related, doesn't have the base water table connection as an intermittent. Intermittent,

..., sometimes can have water, sometimes doesn't have water.... We did find a wetland system within the floodplain, and we evaluated the floodplain soils as well [since] ...what you're looking at there is you're trying not to have any chemical reduction or anything in that soil as compared to floodplain soil....

MR. TEDESCO: And could you identify what some of the goals associated with the basic plan were to not only preserve the high-priority forest areas, but also assess the opportunities for forest enhancement?

MR. ALLISON: [I]n the Master Plan, ... they have ... policies that we ... look at, and ... I look at ... could we make this better with design? You know, how does the whole thing work? [T]he first policy is to implement the Master's Plan desired development pattern while protecting sensitive environmental features to the fullest extent, the environmental policies and regulations.

So, I take a look at what can actually [be done] within this envelope? And we meet that kind of by looking at the highest quality forest and see, can we preserve that eco type? How can we preserve it? What is the condition it is in today? [T]he second policy [is] to ensure the new development incorporates open space.... [E]nvironmentally-sensitive design and mitigation activities ... [are] take[n] into consideration. We look to have no net loss of forest when we do these evaluations.

The third policy, ... is protect, preserve and enhance the identified green infrastructure network. And you're going to have come through Tinker's Creek. I look at that as well, and try to see what is currently [there] today, not what it would be proposed by the, by the base zoning, but what it is today if it was never developed; what does it, what does it look like? What does that green infrastructure do? So, I take a look at that as well.

In the green infrastructure plan, they ...list one of the primary corridors to protect is Tinker's Creek, along with the Mattawoman and Piscataway. And I take that into consideration with any restoration goals or things that we can do once we're actually on site, ... [in the] development process....

(T. 103-105)

Mr. Allison explained that the development would not adversely affect the surrounding properties, and would actually improve the current environment since the Applicant will: provide modern stormwater management, reducing sediment and nitrogen that currently flows into Tinkers Creek; keep forest retention near the 25.23 acres required by the base RE Zone although the R-PD Zone requires less; maintenance of 31 acres of the Primary Management Area ("PMA"); and improving the health of the forest by addressing invasive plants, the understory, and vines. (T. 106-109) He averred that "the clustering and compact development [allowed in the R-PD Zone] ... gives you the opportunity to explore options for afforestation and reforestation that ... done well increases the ecotype that's there...." (T. 109) Mr. Allison opined that the request meets the environmental purposes of the R-PD Zone found in Section 27-4301(a)(7) since the proposal is enhancing the woodland that exists today, providing afforestation as necessary, reducing the nutrient load into Tinkers Creek, and preserving the Green Infrastructure Plan. (T. 110-114) Upon cross-examination, he did note that he could not give an actual number for the amount of trees that would be preserved outside of the PMA and the floodplain, but believed they will preserve more than the 25.19 acres proposed in the Application. (T. 115 – 117, 119-120) He concluded by stating that no

public benefits are required under the current zoning, but will be provided under the more flexible R-PD Zone. (T. 129)

(17) Mr. Patrick Donahue, a Regional Vice President for NVR, Inc., provided the following testimony in support of the request:

NVR, Inc. is the parent company of Ryan Homes, NVHomes, and Heartland Homes. Heartland does not build in this area, but we are a national builder. We're about the fourth largest in the country and we do it all basically east of the Mississippi.... We've been building in Prince George's County since 1978, and to my knowledge, we're the only national builder, or the longest tenured national builder, in the County....

What they're trying to do is stop sprawl and stop large lot developments that have a disproportionate impact on the overall community without providing any benefits to it, and so transitioning from RE to R-PD, we're allowed to go to smaller lots. And in doing so, what we're going to do is we're going to develop and touch, in essence, less of the land and allows us to preserve more of the forest, more of the trees, bigger setbacks off of stream valley buffers.

It also allows us -- it gives us the economic freedom to do public benefits, improve some of the road networks, and improve some of the existing traffic congestion out there, so it becomes a win-win for, not only the residents that we're building for, the residents that are going to buy houses in our community, but for the residents that have already bought and already living in the community. It gives them a benefit to development as well, a tangible benefit....

It's still in the early stages, but what we're planning on doing is developing to about 300 units, which equates to about 2.97 units per acre. This [is] in the general plan, the master plan, as I understand it, is designated as low density residential, and that caps out at 3.5 units per acre.

[W]e're going to develop at a density that's even less than what it would be allowed under the general plan, but we're going to cluster that development. And we're going to -- we're going to have a number of different housing types, small single-family detached houses, large single-family detached houses, and some townhouses, that will be probably slightly larger than what we're planning on next door at Hyde Landing....

[W]e're able to target multiple different buyers within the Prince George's County community. The community will also connect to Hyde Landing, so we don't have disparate developments one after another on the street. It's an interconnected development, which -- with trails where people can utilize both the amenities in Hyde Landing and The Grove. It also connects to the Tinker Creek Stream Valley park system, so it's really an integrated development... that we envision....

We are the developer, and so we can have this holistic vision of how does this all fit together and how can we create a cohesive community that is attractive to our residents, but also something very positive for the surrounding community....

(T. 26-31)

(18) Mr. Charlie Howe, a civil engineer employed by Rogers Consulting, testified on Applicant's behalf. He was accepted as an expert in the area of civil engineering. Using Exhibit 48, he described the property, noting that Tinker's Creek runs along the northern boundary and a tributary flowing from Hyde Landing to the south bisects the property. Site access will be from Steed Road to the east. (T. 50-51) A sewer main runs along Tinkers Creek so the site has access to water and sewer and is within Water and Sewer Category 4. (Exhibits 31 and 52) Applicant obtained a WSSC-Approved

Hydraulic Planning Analysis that confirmed the presence of a water main within Steed Road. (T.52) The Department of Permitting, Inspections and Enforcement ("DPIE") has approved the floodplain plan which shows 25.22 acres of hundred-year base flood elevation. He discussed the mix of storm water management treatments that will be provided onsite. (T. 52-53) He also explained in detail how the proposal satisfies certain environmental standards found in Section 27-4301 (d)(1)(K)-(N):

[Subsection] K is related to the onsite potable water and wastewater.... [W]e are in sewer category 4 with the connections that I mentioned before with the approved hydraulic planning analysis already in process. [Subsection] L is in relation to the onsite storm drain facilities.... [These] ... and their connections[are] ...shown on this with the diverse mix of wetlands, bio retentions, [and] disconnections. Details of these facilities will be shown and evaluated at the time of preliminary plan.... The Zoning Ordinance [requires] stormwater management concept approval prior to that preliminary plan, and that... concept plan will be reviewed by DPIE.

[Subsection] M deals with the onsite and offsite public facilities within the development. We're not in a municipality, but a number of public facilities will serve the development, including the Clinton Fire Station 825, located at the Piscataway Road/Brandywine intersection, two miles from the property. The Clinton Police Station is one block off of the Brandywine Road, approximately four miles away.

Nearby park sites include Costco Regional Park, Rose Valley Park, Stephen Decatur Community Center.... [A]t the -- at the time of preliminary plan, [an] out of suite test for the public facilities will be done... [and] at the time for building permit, school facility surcharge per dwelling unit will be assessed....

[S]ubsection N, which is related to provisions for transportation, potable water, wastewater, [and] stormwater management. Again, I touched on the [WSSC] water sewer category change. We're in category 4. We will need to modify that to category 3 prior to planning. There is on site vehicle or pedestrian circulation systems connecting to Steed Road. The facilities improvements will need to be evaluated at preliminary plan....

[In my expert opinion, the planned residential community respects topographic and other environmental characteristics of the sites....]

The [site's] existing drainage patterns will be maintained with the proposed development stormwater management design to include an attenuation of the hundred-year storm to ensure the flow rates do not exceed the current preexisting development flow rates. Mr. Allison will touch more on the environmental portion of that. But again, we are utilizing the open space areas for our development area.

(T.53-55) Upon cross-examination, Mr. Howe averred that the planned culvert crossing over the tributary to Tinker's Creek will be evaluated at the time of concept plan review. He further advised that Applicant will be required to attenuate any impact to pre-development conditions. (T. 58)

(19) Ms. Christine Gillette, a senior landscape architect, was accepted as an expert in the field of landscape architecture. She prepared the Basic Plan and all plan exhibits reviewed in the instant request. (Exhibits 31 and 52) Ms. Gillette provided the following testimony in support of the Application:

The property is one large parcel... located along Steed Road. It's currently used... as... a... small hobby farm... [j]ust some grazing pastures for some interesting livestock.

To the northeast, across Steed Road, is one of the Steeds Glenn neighborhoods. Lot sizes are approximately two-thirds of an acre to one acre. To the northwest... Tinkers Creek runs northeast to southwest, and the entire northern portion of the property lies within the existing stream valley. To the west, there's some vacant land associated with the Potomac airfield. To the southwest is undeveloped woodland, and to the southeast is the approved [Hyde] Landing development, which has residential uses, solar pods, and similar extensive preservation of natural features.

On this basic plan, you can see pod B, which is the portion that will front on Steed Road, and that will feature single-family detached homes, which will be compatible to the residential uses across Steed, and in the greater area. Pod A is more central in that space, and those are the attached single-family... homes, townhouses. And then [pod C], across the waterway, it would be probably larger lots for single-family detached homes.

And each of these pods is designed... to have a variety of recreational spaces, and all of these would be interconnected with a network of sidewalks and trails and of course, roadways for vehicles. [T]hese residential pods... have been located on the site for the most part, where there's currently open space... so the footprints impact the existing environmental features to the least extent possible in this case, and all of those areas are anticipated for preservation in one way or another....

I think one of the phrases you hear a lot today is flexibility. The RPD zone was designed with the new zoning ordinance to provide that flexibility separate from the base zone so that... properties like this can work towards providing a mix of housing types rather than just the one type, perhaps in the base zone, so they can fulfill policies such as the housing opportunity for all countywide housing strategy, as well as the general plan and Subregion 5 [Plan]. Which we've explored, you know, in great detail, of course, in the statement of justification, and was reviewed and supported by technical staff.

Establishing an RPD zone on this property will allow proportional density, net lot area, and dimensional standards to be established for the site, which will meet the purposes of the RPD zone and allow for more efficient use of the land and a higher quality development while still respecting the existing environmental habitats and the surrounding neighborhood character....

[It will address] the goals of flexibility, product type, et cetera, fully understanding that public benefits would be a substantial portion of the design process. The public benefit [SOJ] is Exhibit 20, the improvement exhibit is number 16, and the big picture exhibit is number 21.

(T. 68-74)

(20) Ms. Gillette discussed the Public Benefit Exhibit and Public Benefit Statement of Justification ("SOJ") prepared in consultation with Applicant's other consultants. (Exhibits 16 and 20) She noted that the Exhibits itemized what would normally be required under the standard site development process and what would qualify as public benefits. (T. 82-83) The witness also opined that the rezoning would not adversely impact the surrounding communities since: the proposed use is residential and the adjacent properties are primarily residential, there will be sufficient "environmental and planted buffering", as well as site design, to negate any adverse impact; and, "the density proposed is well under what the master plan allows, [keeping] it in character with the neighboring developments." (T. 84-86) The witness also pointed out an error in the Basic Plan's development data and in the Planning Board's resolution regarding the net lot area, as well as another mistake in the Basic Plan involving setbacks and

building coverage. (T. 74–75, 77) A revised Basic Plan was submitted to address these. (Exhibit 52) Ms. Gillette reviewed the other pages of the Basic Plan (the conceptual land plan, the connectivity index plan, the circulation plan) and explained how they met the provisions of Parts 3 and 6 of the Zoning Ordinance.⁴ (T. 77-83)

(21) Mr. Casey Anderson, accepted as an expert in land use planning, testified on Applicant's behalf and prepared a land planning report that was submitted into the record. (Exhibit 41; T. 157-204) Mr. Anderson's report discussed the impact of the Application on Master/General Plan policy; an environmental analysis of the existing site and proposed changes; a transportation analysis; and a review of the proffered Public Benefits and the R-PD zoning framework. The report closed with a discussion of the purposes for all R-PD Zones, and how the request satisfies all of the findings required in Section 27-3602(c) of the Zoning Ordinance.

(22) Master Plan and Policy - The site lies within the Clinton/Tippett Community of the 2013 Subregion 5 planning area. It is also governed by the 2014 General Plan. Both plans include policies addressing residential growth, environmental preservation, and the integration of public amenities within the new development, as follows:

The Subregion 5 Master Plan identifies the Clinton/Tippett community as one of the primary population centers in the planning area and recognizes that residential development will continue to occur in this part of the County. For the subject property specifically, the Master Plan recommends a Residential Low land use designation and identifies the northwest portion of the site as Future Stream Valley Park....

The Master Plan recommends residential densities up to approximately 3.5 dwelling units per acre for areas designated Residential Low. The proposed R-PD rezoning would permit up to 300 dwelling units on approximately 126 acres, yielding a conceptual density of approximately 2.97 dwelling units per acre... The proposed density therefore falls comfortably within the range contemplated by the Master Plan without approaching its upper boundary....

The Master Plan identifies Tinkers Creek and its tributaries as components of the primary green infrastructure network within Subregion 5. The northwest portion of the subject property, which the Master Plan designates as Future Stream Valley Park, is preserved under the proposed development plan and dedicated to the regional park system... The stream valley dedication, trail connections, and associated road improvements proposed in connection with this application correspond to recommendations already embedded in the adopted plan, and they provide a strong and specific policy basis for the requested rezoning....

Plan Prince George's 2035 ... places the subject property in two distinct growth policy areas: the northwest portion of the site is identified as Future Water and Sewer Service Area, and the southeast portion is identified as an Established Community. Planning staff has determined that, in terms of future land use, the proposal most closely aligns with the Residential Low and Parks and Open Space designations under Plan 2035.

The Residential Low designation contemplates densities up to 3.5 dwelling units per acre, and the Parks and Open Space designation contemplates publicly or privately owned open space and

⁴ The items were admitted over the objection of Counsel for some in opposition. She believed the plans were beyond the scope of expertise, but as the Zoning Ordinance allowed Ms. Gillette to prepare the plans, she was permitted to testify as to their conformance with the law.

recreation areas. The proposed development satisfies both designations simultaneously: the residential component, at 2.97 dwelling units per acre, falls squarely within the Residential Low category⁵, and the preservation of substantial stream valley land directly supports the Parks and Open Space category. The dual-designation structure of the property under Plan 2035 thus reflects a land use vision that the proposed development is specifically designed to implement.

More broadly, Plan 2035 articulates three planning objectives that are directly advanced by this application:

First, the [expansion of] housing opportunities within the County in order to accommodate projected population growth and maintain economic competitiveness within the Washington metropolitan region....

Second, ... the protection of environmental resources (particularly stream valleys and forest systems that form part of the County's green infrastructure network)....

Third, [encouraging] ...the development of complete communities that integrate housing, open space, recreation, and transportation connectivity. The proposed development integrates recreational amenities, trail connections, and open space areas throughout the site, creating a community advancing the General Plan's vision....

For these reasons, the proposed rezoning is consistent with both the Subregion 5 Master Plan and the broader policy framework established by Plan Prince George's 2035.

(Exhibit 41, pp.3-5)

(23) The witness followed with an Environmental Analysis that addressed the environmental characteristics of the site (nearly 126.16 acres with grazing fields, upland forest, a perennial stream system and tributaries and associated wetlands, and a substantial floodplain:

The [SOJ] identifies approximately 77.44 acres of forest, 37 specimen trees, five forest stands, one perennial stream known as Tinkers Creek, five intermittent channels, two ephemeral channels, and a palustrine forested wetland within the Tinkers Creek floodplain. It further notes that approximately 31 acres of forest are high-to-medium-priority retention forest and that 20 of the 37 specimen trees are located within the stream valley system. The topography ranges from relatively flat former grazing fields to steep stream valley conditions.... [Given the amount of environmentally sensitive areas] the appropriate question [in planning terms] is ... not whether the property can be developed at all, but how development can be arranged so that the highest-value ecological resources remain intact while the buildable areas are used efficiently....

The SOJ identifies the stream valley associated with Tinkers Creek and its tributaries, together with the adjacent floodplain, as the areas of highest ecological value on the property. The wetland within the floodplain functions as a water quality filter through floodwater retention and infiltration. The forest within and surrounding the stream system performs critical watershed functions by stabilizing stream banks, filtering runoff, and providing habitat continuity within the broader Tinkers Creek corridor.

The Planning Staff ... notes that the center and northern portions of the property contain regulated environmental features that are required to be preserved and are proposed to be conveyed as stream valley parkland. Staff further notes that the site lies within the Piscataway

⁵ The Land Planner does not address the additional language in the definition of "Residential Low" in both Plans - that the uses are "*intended for single-family detached residential development that may have up to 3.5 dwelling units per acre*" (Master Plan, p. 33) or "*residential areas up to 3.5 dwelling units per acre [and] [p]rimarily single-family detached dwellings.*" [Emphasis added] (General Plan, p. 100)

Creek Tier II watershed and that development in proximity to Tinkers Creek and its tributaries warrants more than the minimum stormwater response given the sensitivity of that system. From a planning standpoint, these findings confirm that the most appropriate environmental strategy is to preserve and expand the vegetated stream corridor and floodplain, and to keep the primary development envelope outside those areas to the fullest extent practicable. That is the strategy reflected in the rezoning application....

The SOJ explains that the proposed land plan places the residential pods within the existing non-forested and previously disturbed grazing field portions of the property, while leaving the Tinkers Creek corridor, its tributaries, and the major forest resources within preservation and open space areas. The SOJ expressly states that... the only impacts proposed within those sensitive areas are limited to water and sewer infrastructure, a road crossing, and a trail connection. It further states that for every acre of forest cleared for these limited improvements, on-site planting will be provided so that there is no net forest loss on the site as a whole....

The R-PD mechanism... functions in this application as a conservation-oriented planning tool. Development is concentrated on less than half of the property, leaving the large majority in recreation and preservation uses, with the community expressly designed with the environment as the primary organizing framework....

Staff found the proposed Basic Plan supportable in part because the woodland conservation requirement can be met on-site and because additional woodland conservation acreage above the R-PD threshold is offered as a public benefit....

The application is tied directly to the 2013 Subregion 5 Master Plan and the 2005 Countywide Green Infrastructure Plan....These policies are satisfied by preserving stream valleys and surrounding forests, limiting impacts to crossing and infrastructure, replanting for any unavoidable clearing, and expanding vegetative zones around streams beyond the basic required buffer....[T]he application advances specific Green Infrastructure Plan policies since the project will plant new forest within the floodplain and stream buffer, protect forest around both streams, and extend preservation beyond the required 100-foot stream buffers wherever site conditions permit.... Historic agricultural use left portions of the floodplain and adjoining areas under-forested, and the proposed development creates an opportunity to restore forested conditions and strengthen the ecosystem function of the Tinkers Creek corridor. Areas long used for grazing can be returned to forested conditions, re-establishing lost ecological functions and improving watershed health.

[The MNCPPC stream valley dedication will be both a public benefit and a planning solution. The site lies totally] within the Tinkers Creek/watershed, [identified in the Master Plan] as one of three primary green infrastructure corridors in the planning area....Under base RE zone development, approximately 6.3 acres of mandatory parkland dedication would ... be required ... [but Applicant is proposing] more than 52 acres of stream valley dedication... [that] would connect the existing stream valley parkland associated with the... Hyde Landing development to the south with ... land to the north and west, creating a larger and more coherent public ecological corridor....

The development concentrates residential density in the grazing fields to minimize forest clearing, and any unavoidable forest clearing will be offset through on-site replanting in the Tinkers Creek floodplain and stream valley....The applicant offers approximately five additional acres above the R-PD threshold as a public benefit, specifically because those acres protect sensitive environmental features and water quality. Staff found this offering acceptable.... Although the zoning category changes, the applicant proposes to maintain or exceed the preservation intensity associated with the existing RE context, while also dedicating major stream valley lands and expanding buffers beyond minimum requirements. In practical planning terms, the environmental posture of this application is more protective....

[The request responds to watershed, water quality, and climate policy concerns since:] the floodplain is largely avoided except for a necessary crossing;... natural resource areas are preserved and expanded through afforestation and reforestation; and ... [the] redevelopment creates an opportunity to capture and treat runoff using modern environmental site design techniques. The SOJ links this approach to the County's Climate Action Plan recommendations concerning preservation of natural resource areas, resilience, and flood-risk reduction....

The proposed trail network is designed to connect with the Tinkers Creek Master Plan trail system and the Hyde Landing trail system, with alignment proposed to minimize environmental impacts....The interpretive signage Component will address water quality, local ecosystems, and the importance of forested stream buffers, with final design subject to review at detailed site plan....

Taken together, the SOJ, Staff Report, and supporting materials provide a well-reasoned and factually supported environmental justification for the rezoning....

(Exhibit 41, pp. 5-9)

(24) The witness next provided a Transportation Analysis of the existing transportation network, transportation impacts of the proposed development, bicycle and pedestrian connectivity, transportation improvements as public benefits, based on the work of the other consultants, and the Staff report. Mr. Anderson provided the following discussion of each:

[T]he Lenhart report concludes that several intersections would operate below acceptable thresholds. The report then evaluates two Capital Improvement Program projects already included in the FY 2025-2030 CIP: the South County Roadway project and the Brandywine Road and MD 223 project. With those CIP improvements in place, the report concludes that all study intersections operate within acceptable thresholds with three exceptions: MD 210 at Old Fort Road ...; Old Fort Road at Allentown Road ...; and Steed Road at Ethan Thomas Drive/site access.... These remaining items represent the normal next-level adequacy work appropriate for subdivision review and do not suggest that residential development at the proposed scale would be inappropriate....

An important component of the transportation planning for this project is the integration of pedestrian and bicycle infrastructure. Staff found that the application conforms with master plan policies for sidewalks, bikeways, and trails.... [T]he pedestrian and bicycle infrastructure proposed here corresponds to specific master plan recommendations rather than representing generic amenity provisions.

(Exhibit 41, pp. 10-11)

(25) The analysis of the proposed transportation public benefits noted that the record provides a comparison between Applicant's base transportation adequacy obligations and its "above-base" proffered commitments. The Lenhart Transportation Report calculates the applicant's pro-rata share of the South County Roadway CIP at \$791,182. In lieu, the Applicant proposes to construct physical improvements to Steed Road at the cost of approximately \$1,800,000.00 – far in excess of its base CIP obligation. The Technical Staff "concluded that these physical improvements constitute immediate and tangible transportation public benefits above the base roadway improvement and contribution requirements." (Exhibit 41, p. 11) The witness concluded

that the development satisfied the transportation planning requirements for the requested rezoning;

Based on the Lenhart Traffic Consulting Report, the Planning Board Staff Report, and the supporting application materials, it is my opinion that the transportation impacts of the proposed development can be adequately addressed through the improvements and contributions identified in the record. The project's pro-rata CIP obligations have been quantified at the zoning stage, the proposed physical improvements to Steed Road exceed the base South County CIP obligation by a material margin and satisfy the master plan's road improvement recommendation for that corridor, and the pedestrian and bicycle infrastructure advances master plan multimodal connectivity objectives....

(Exhibit 41, p.11-12)

(26) The witness next analyzed public benefits and the R-PD zoning framework. The transportation improvements are important public benefits, as noted in the record's comparison of the Applicant's above-base physical commitments and the normal base adequacy requirements. The witness also noted,

The Staff Report estimates the cost of those Improvements at approximately \$1,800,000, exceeding the base CIP obligation by approximately \$1,008,818. Staff expressly concluded that these physical improvements qualify as public benefits above the base roadway improvement and contribution requirements. The SOJ specifically classifies the lane extension as a multimodal transit reputation improvement under the public benefit provisions of the Zoning Ordinance....

A pro-rata CIP payment funds improvements that may be constructed at an indeterminate future date and whose benefits are diffuse. Is Steed Road bridge widening and lane extension are immediate, site-specific, and tangible infrastructure commitments that benefit both the new development and the existing surrounding community....[T]he prospect of a near-term infrastructure improvement that will be built as part of this project has real value to the public as compared to the possibility that the infrastructure will be built at some undetermined point in the future with the assistance of a financial contribution made by a developer.

(Exhibit 41, p.14)

(27) Mr. Anderson analyzed the public benefits provided via stream valley dedication, trail connectivity and infrastructure, recreation and open space amenities, woodland conservation, and interpretive signage, as follows, in pertinent part:

- Applicant's trail commitment was found by Staff to be in conformance with the Master Plan's policies on sidewalks, bikeways, and trails. It "bridges the environmental and transportation benefit categories and reinforces both." Moreover, the trail connection will provide public access across several properties- a difficult feat "when individual properties are developed in the ordinary course of business, so the PD rezoning process proposed ... facilitates high-quality connectivity that would not ordinarily be achieved."
(Exhibit 41, p. 13)

- The Applicant’s dedication of approximately 52 acres of stream valley land within the Tinkers Creek corridor to MNCPPC far exceeds that required under the current RE zoning (approximately 6.3 acres). “Staff recognized the ecological significance of this connection, finding that it creates a better-connected ecosystem by linking previously separate public landholdings into a coherent corridor under common management and control.” Moreover, this dedication “implements a recommendation ... embedded in the Subregion 5 Master Plan [and] ... converts that plan designation into permanent public ownership, permanently removing the highest ecological-value land from the developable inventory.” (Exhibit 41, pp. 12-13)
- Applicant’s recreational amenities and open spaces are proposed to both “serve the needs of residents and ... complement the preserved environmental areas.” Additionally, the “integration of these amenities with the preserved stream valley system and trail network ensures that recreational features are coordinated with environmental preservation rather than competing with it.” (Exhibit 41, p. 14)
- The environmental enhancements proposed (i.e., an additional 5% to the woodland conservation threshold; and interpretive signage to educate residents/visitors about local ecosystems, improvement of water quality, and need for forested stream buffers) “reinforces the long-term stewardship value of the preserved lands and supports community investment in the maintenance of the ecological resources that the development is designed to protect.” (Exhibit 41, p. 15)

(28) The Land Planning Report discussed the Application’s conformance with the purposes of all Planned Development Zones and with the findings that must be met prior to approval, set forth in Sections 27-4301 and 27-3602(c) of the Zoning Ordinance. These purposes are met since:

[T]he development reflects innovative land planning in the way it organizes the site around its natural features ... [since it] uses a clustered development approach that responds to the physical constraints of the property (most notably the Tinkers Creek stream valley system)....

[T]he proposal makes appropriate use of flexibility in development standards...[using them] to shift density onto the portions of the site that are most suitable for development. In doing so, it allows the stream valley corridor, floodplain, and associated forest resources to remain largely intact....

[T]he development places a clear emphasis on environmental protection. The plan preserves the Tinkers Creek corridor and proposes its dedication as part of the County’s stream valley park system. It also incorporates woodland conservation, reforestation, and expanded buffer areas that strengthen the ecological function of the site....

Finally, the proposal integrates open space and recreational amenities into a coherent system. The preserved stream valley, trail connections, and internal open space areas are designed as an interconnected network rather than isolated features. This approach supports both environmental goals and the creation of a functional, livable community....

The Planned Development framework is being used as intended, namely, to produce a development pattern that is more responsive to site conditions, more protective of environmental resources, and ultimately of higher quality than would be achieved under conventional zoning.

(Exhibit 41, pp. 16-17)

(29) Mr. Anderson found that the proposed rezoning satisfies the required findings of Section 27-3602(c)(1)-(4), reasoning in pertinent part as follows:

The first decision standard [found in Section 27-3602(c)(1)] requires that the proposed rezoning conform with the applicable policies of the County's General Plan and the relevant Area Master Plan.... The master plan identifies the Clinton/Tippett community as a location appropriate for residential development while emphasizing the importance of protecting environmentally sensitive resources such as stream valleys and forest stands. The plan recommends residential densities generally up to 3.5 dwelling units per acre in areas designated for low-density residential development.

The proposed development associated with the R-PD rezoning would permit a maximum of approximately 300 dwelling units on approximately 126 acres, resulting in a conceptual density of approximately 2.97 dwelling units per acre. This density falls squarely within the range recommended by the Subregion 5 Master Plan....

Equally important, the proposed development plan preserves a substantial portion of the property's environmentally sensitive features. The northern portion of the property contains the Tinkers Creek stream valley and associated forested areas, which form part of the County's designated Green Infrastructure Network. The development plan clusters residential development in the central and southern portions of the site [thereby implementing] ... master plan policies that seek to protect environmentally sensitive features....

The proposal also advances the broader objectives of ... [the General Plan's emphasis on] the need to provide additional housing opportunities within the County while protecting environmental resources and maintaining community character. Plan 2035 identifies the need to increase the supply of housing units within the region in order to accommodate projected population growth and maintain economic competitiveness....

(Exhibit 41, pp. 17-18)

(30) Section 27-3602 (c)(2) requires that the entire development meet the purposes of the *proposed* PD zone. The witness did not specifically address those five purposes found in Section 27-4302, but did touch on some of the general purposes for all planned Development Zones found in Section 27-4301:

First, the application proposes a clustered development pattern that concentrates residential uses within the portions of the site most suitable for development [and] ... allows significant portions of the property – particularly the stream valley associated with Tinkers Creek – to be preserved....

Second, ... [l]arge portions of the site will remain preserved as environmental open space while additional recreational trails will be incorporated ... [to] provide recreational opportunities for residents and create connections to the broader park and trail network within the region.

Third, the proposed development includes a mix of residential housing types... [that will provide] a range of housing opportunities ... and [promote] a more diverse and inclusive residential community....

Finally, the [development's t]rails, sidewalks, and open space connections will allow residents to access recreational resources and environmental areas throughout the community. At the same time, the preservation of forested areas and stream buffers protects critical ecological resources within the Tinkers Creek watershed.

(Exhibit 41, p.18)

(31) The witness noted that the development will meet the applicable standards of the R-PD Zone, but did not address all of the use standards nor all of the intensity and dimensional standards found in Section 27-4302. (Exhibit 41, p. 19)

(32) Finally, Mr. Anderson opined that the development will not adversely affect surrounding properties, and offered his conclusion on the request:

The surrounding area is characterized by a mixture of low-density residential development, agricultural uses, and substantial areas of parkland and open space.

The proposed development is compatible with this context for several reasons:

First, the density proposed for the development is consistent with the density recommendations of the applicable master plan and is comparable to residential development patterns within the broader area. The development therefore represents a logical continuation of residential land uses within the Clinton community.

Second, the development preserves environmental buffers along the stream valley and forested areas. These preserved areas will provide natural separation between residential development and surrounding properties while protecting environmentally sensitive resources.

Third, transportation impacts associated with the development will be addressed through roadway improvements and contributions toward regional infrastructure projects identified within the County's transportation planning framework. These improvements will help ensure that the transportation network continues to operate effectively as development occurs.

Finally, the overall design of the development emphasizes high-quality community planning through the integration of open space, recreational amenities, and pedestrian connections. These features will enhance the character of the area rather than detract from it. For these reasons, the proposed rezoning and development will not adversely affect surrounding properties and [satisfy] the final decision standard of Section 27-3602(c).

Based on my review of the application materials, the applicable planning documents, and the Prince George's County Zoning Ordinance, it is my professional opinion that the proposed rezoning to the Residential Planned Development (R-PD) Zone satisfies the required findings of Section 27-3602(c). The development represents sound planning practice and advances the County's long-range planning objectives.

(Exhibit 41, pp.19-20)

(33) Mr. Anderson supplemented his findings at the hearing held by this Examiner, in pertinent part, as follows:

[The request satisfies the decision criteria in Section 27-3602.] [F]irst, conformance to the General Plan, as well as the applicable Master Plan.... I believe that the proposed development

is consistent with Plan 2035. [That Plan] puts the property in [the] future water and sewer service area; [and] the southeast part of the property is called 'Established community category.' Staff had determined ... that in terms of future land use, the proposal is most closely aligned with residential low and parks and open space designation. Residential low would ... imply densities up to 3.5 dwelling units per acre. Parks and open space contemplates publicly or privately-owned open space and recreation areas. And I think this project satisfies both [of] those ... categories.

The specific Plan 2035 policies that I think are advanced [would include] Policy 4 to phase development to coincide with public facilities [since the] project is subject to ... adequacy requirements at the Preliminary Plan stage, and Policy 8 strengthen established communities [since] this application calls for transforming under-utilized agricultural property into a planned residential community with parks, trails, sidewalks, stream valley preservation, as well as the transportation improvements....

[The density and consolidated development satisfy the provisions of the Subregion 5 Master Plan.] The multimodal features of this plan, including the bike and pedestrian facilities, as well as the compact form of this development facilitate serving this project with ... bus service along... Steed Road [and] ... the area Master Plan does not contemplate a spread-out form of development ... but attempts to achieve a land use mix that will serve a different transportation scheme in the future....

[The request satisfies the general purposes of the zone.] First, ... it's designed to reduce the inflexibility of the existing base zones. The RE Zone is 40,000 square foot minimum lot size, and rigid dimensional standards would prevent the clustering necessary to protect Tinker's Creek, and to minimize the impact on the natural environment, and provide as much space as possible for recreation and open space. The RPD removes the inflexibility and allows the density to be organized around the site's environmental features....

Secondly, the form and design purposes of the RE, which is a direct response to the physical character of multimodal circulation [include] ... the side path along Master Plan trail, internal pedestrian connections and linkage to the Hyde Landing trail network, which would allow residents to reach some of the commercial development in the community center on the Hyde Landing. Protects natural features on the site because the residential pods are expressly sited in the non-forested, previously undisturbed parts of the property. So, the only intrusions into sensitive areas are for the very limited crossings, utilities, and trail connection, with replanting to ensure that there's no net loss of forest....

The third purpose, to facilitate a mix of uses and housing types, the plan proposes a mix of single-family detached and attached units, which contributes to housing diversity in a subregion ... where single-family attached units are the dominant, although not the exclusive....

The fourth purpose, efficient use of land, is served because, as I've testified previously, concentrating development in the grazing fields and dedicating the Stream Valley Corridor produces a more efficient and environmentally appropriate land use than large lot development under the RE zone would have produced across the full tract.

Fifth, it respects the neighborhood character because the proposed density housing types are consistent with the surrounding residential low context and the Master Plan vision for the area.... It is mostly set back from... the street and does not confront any incompatible land use, and will have very limited visibility from neighboring properties because the residential uses are concentrated in these pods and surrounded by trees.

The sixth purpose, improving communities, services, and facilities... is served by the addition of the trail, the Steed Road improvements, the Stream Valley dedication, and the interpretive signage program. All of those enhance community services and infrastructure for both new and existing residents.

And seventh, respect for the natural features. The entire Land Plan is organized around the Tinkers Creek Stream Valley system, and uses that as basically the foundation of the Land Plan. So, I think that covers the purposes of the R-PD zone.

(T. 167-170, 175-178)

(34) Ms. Venetia Brown and Mr. Michael Brown testified and submitted a letter in support of the request. (Exhibit 46; T. 7-17) In short, both believed the rezoning would result in a development "that reflects the values and needs" of their community and appreciated the Applicant's consistent efforts to keep the community apprised of its proposal "through meetings, presentations, and open dialogue." (Exhibit 46). Ms. Brown stated that infrastructure was a concern from the beginning due to the increasing traffic in the area. However, she believes the Applicant will address her traffic concerns because its agents demonstrated a willingness to meet with residents in the area and listen to their concerns. (T.8-9) Mr. Brown was similarly impressed by Applicant's ability to listen to the community and make alterations to its plans to address their concerns. (T. 12-15).

Opposition's concerns

(35) Ms. Jessica Brown is a civil engineer, but was not qualified as an expert in civil engineering at the hearing held on the Application, due to her not being licensed in Maryland, not providing a curriculum vitae, and her relatively limited experience. Ms. Brown is familiar with the area that surrounds the subject property and lives in a community near Piscataway Road. As such, she often travels along Steed Road, and has experienced prolonged wait times to make the right turn from Piscataway Road to Steed Road (especially during the PM peak hours), and when leaving Steed Road heading towards Temple Hills Road or south of Miller's Farm on Piscataway Road (MD 223).

She also testified that travelers leaving the residential community across from Ethan Thomas Drive wait a long time to exit their neighborhood in the direction towards Allentown Road. She has also experienced delays traveling to or from Steed Road, as it appears to be a main thoroughfare getting people to other parts of Maryland, Virginia or DC. After hearing of Applicant's proposed road improvements, she acknowledged they would prove helpful, but opined these are temporary fixes, since: Applicant will be adding more development that will likely bring more cars; under the concept of "induced demand" the wider roads make people more likely to drive; and. Applicant is not providing other forms of transportation (to decrease reliance on cars). (T. 225 -237)

(36) Mr. Herman Taylor testified in opposition to the request. He and many of his neighbors chose the area due to its perceived character, sense of community, the quiet and the amount of green space. He believes the development will alter the character of the area because the Applicant is proposing too many dwellings when you add those already approved in the adjoining Hyde development.

(37) Mr. Jerome Tidwell testified he drives on Steed Road daily and the instant request would exacerbate the traffic problem. He also believed the Application did not address schools and other public facilities that would be impacted by the request. Finally, he agreed with Mr. Taylor that these 300 homes added to the number approved at Hyde Landing would "overcrowd a community that is already crowded." (T. 269)

(38) Mr. Sam Lynch believed that Approval of the request would raise safety concerns as well as cause traffic to "be horrendous." (T. 271)

(39) Ms. Alex Votaw offered the following comment on behalf of her clients:

As a threshold matter, ZMA-2024-004 is deficient because it fails to include a plat of the existing features signed and sealed by a registered engineer. See e.g., ZO § 27-3601(c)(5)(B); ZO § 27-3602(a)(5)(b). The drawings provided by the Applicant do not have a signature or seal of a registered engineer. On this basis alone, the Planning Board should delay consideration of the application and require the Applicant to submit sufficient plans....

ZMA-2024-004 must be denied because the Applicant cannot demonstrate a change in circumstances or a mistake in the existing zoning.

ZO Section 27-3601 states that the procedures and standards of Section 27-3601 "apply to any amendment to the Official Zoning Map that involves a specific parcel of land." ZO § 27-3601(b). ZMA-2024-004 is a zoning map amendment to the Official Zoning Map that involves a specific parcel of land – the Subject Property. Therefore, ZO Section 27-3601 applies to this application.

ZO Section 27-3601 provides that ZMA applications shall not be granted without the applicant demonstrating either a substantial change in the neighborhood or a mistake in the zoning of the Subject Property. See ZO § 27-3601(e). Here, the Applicant has failed to demonstrate that there has been a substantial change in the neighborhood or that there was a mistake in the rezoning. Moreover, the Applicant could not demonstrate a substantial change nor could the Applicant demonstrate a mistake because neither have occurred in this case. Therefore, the Planning Board must recommend disapproval of the application....

ZMA-2024-004 must be denied because it fails to propose adequate public benefits.

Planned Development applications are required to provide "specific public benefits and project amenities in accordance with Sections 27-4301(d)(3). "ZO § 27-4301(d)(1)(P). Public benefits must be features that are superior to a significantly greater extent than would likely result from development of the site under the basic zone. ZO § 27-4301(d)(3)(A). As such, the public benefits proposed by the Applicant here, must propose features that are "significantly greater than would likely result from the development of the site under" the Residential Estate (RE) Zone. ZO § 27-4301(d)(3)(A).

Here, the Applicant proposes six alleged public benefits—woodland conservation, interpretive signage, funding towards Cosca Regional Park Playground, Tinkers Creek Stream Valley dedication, trail link connectivity, and Steed Road Improvements. None of these proposed public benefits significantly exceed what would already be required in the RE zone. See e.g., Backup 109....

The Applicant proposes to provide only the minimum woodland conservation required for the RE Zone.

The RE base zone requires a woodland conservation threshold of 25 percent which would be 25.23 acres for the Subject Property. Staff Report 23. The Applicant proposes to provide only 25.23 acres of woodland preservation on-site. See *id.* The Applicant asserts that this woodland conservation is a public benefit because the R-PD Zone would only require a woodland conservation threshold of 20 percent.

The Applicant's justification is legally incorrect. As previous established, public benefits must be "significantly greater than would likely result from development of the site under" the RE Zone. See ZO § 27-4301(d)(3)(A). Moreover, "[p]ublic benefits should generally be commensurate with the benefit to the applicant of the planned development zoning." Staff Report 17.

Here, the proposed woodland conservation is not greater than would be required under the RE Zone—the public benefit is merely equal to what would otherwise be required. Meanwhile, the Applicant is increasing the density permitted by the RE zone fivefold. Backup 105. The Applicant is also proposing townhouses (or single-family attached housing) which are substantially more profitable for developers than the single-family housing permitted by the RE zone. Accordingly, the proposed woodland conservation is not a benefit that is commensurate with the substantial benefit generated by the increase in density under the R-PD rezoning. Therefore, the proposed woodland conservation does not, and cannot, qualify as a public benefit....

The Applicant proposes to provide interpretive signage that would be required for any development of the Subject Property.

The applicant proposes to provide educational signage along the proposed trails as a proposed public benefit. Staff Report 23. However, Staff found that the interpretive signage is "a basic requirement that would be applicable for any development of the site and, therefore, not a public benefit feature." Staff Report 24....

The Applicant does not proffer to complete or arrange the improvements to the Cosca Regional Park Playground within the time required for public benefits.

The Applicant proposes to provide \$150,000 towards the group pavilion playground renovation at the Cosca Regional Park Playground. Staff Report 23. However, public benefit features must be able to be completed or arranged prior to issuance of the first certificate of use and occupancy. See ZO § 27-4301(d)(3)(B)(ii). Here, however, the Applicant does not proffer to construct the playground improvements. Staff Report 23. As a result, Staff found that 'With the exclusion of construction to the applicant's proffer, the feature cannot fulfill the requirement for the feature to be completed. Therefore, staff does not find the proposed funding to be an acceptable public benefit feature in support of this application.' Staff Report 23....

The Tinkers Creek Stream Valley dedication does provide a benefit significantly greater than what would already be required by the RE zone.

The RE zone requires the Applicant to dedicate 6.3 acres for parkland. See SR § 24-4601(b)(4)(A). The parkland dedication must come from usable land outside the Primary Management Areas and other conservation areas. Staff Report 18. If the Applicant is not able to dedicate parkland outside the PMA or other conservation areas, the Applicant can dedicate a stream valley park identified in the master plan if the master plan trail is constructed. See SR § 24-4601(b)(4)(A).

Here, the Applicant asserts that the 52 acres of dedicated park land consists of 45 acres in addition to the 6.3 acres of required parkland dedication. See Staff Report 18. However, the area the Applicant designates as the 6.3 acres of required parkland dedication is within a woodland preservation area. *Id.* Thus, the Applicant is not in fact providing the minimum required parkland dedication. *Id.*

Instead, the Applicant is satisfying the base requirements for the RE zone by dedicated a stream valley park and constructing the required master plan trail. *Id.* As such, the Applicant's proposed dedication does not even exceed the RE Zone's minimum requirements. Furthermore, the areas the Applicant proposes to dedicate as parkland consists of primary management areas and conservation areas that the Applicant would be required to preserve as a base requirement....

The proposed trail link connectivity does not significantly exceed features that would be anticipated under the RE Zone.

The Applicant proposes two trails—the Tinkers Creek Stream Valley trail and a multimodal trail. Staff Report 18. Staff explained that the Tinkers Creek Stream Valley trail is a base requirement. See, e.g., Backup 82; Staff Report 18. Thus, the only additional trail proposed is the proposed multimodal trail. Given the substantial increase in density proposed by ZMA-2024-004, the proposed multimodal trail is not a feature commensurate with the benefit gained by the Applicant with the increased development.....

The proposed Steed Road improvements do not qualify as a public benefit because the Applicant proposes to construct the improvements in lieu of contributing CIP funds.

As a proposed benefit, the Applicant proposes to expand Steed Road from a nearby bridge west of the Subject Property to the eastern edge of the Subject Property; Staff Report 22. However, the Applicant proposes to use any CIP contribution that may be required of the project to construct the proposed improvements. *Id.* However, road improvements in front of the Subject Property and COP contributions are base requirements. *Id.* Therefore, the proposed improvements to Steed Road west of the Subject Property do not qualify as a public benefit because they are being offered in lieu of the Applicant's required CIP contribution. As a result, these proposed improvements are not significantly more than would likely result if the Subject Property were developed under the RE zone....

ZMA-2024-004 must be denied because it will adversely impact the surrounding properties.

Zoning Map Amendments cannot be approved if they will adversely impact surrounding properties. See ZO § 27-3602(c)(4). The properties surrounding the Subject Property consist of single-family detached properties and parkland. Staff Report 5. Recent development in the area has already overburdened the public infrastructure including the roads, emergency services, and schools. As staff explained, two adjacent properties are in the development process for higher density housing

developments. See *id.* With the already approved developments, the burden on local resources will be exacerbated. Simply put, the community cannot handle 300 additional dwelling units on top of what has already been approved in the area.

As a proposed benefit, the Applicant proposes to expand Steed Road from a nearby bridge west of the Subject Property to the eastern edge of the Subject Property; Staff Report 22. However, the Applicant proposes to use any CIP contribution that may be required of the project to construct the proposed improvements. *Id.* However, road improvements in front of the Subject Property and COP contributions are base requirements. *Id.* Therefore, the proposed improvements to Steed Road west of the Subject Property do not qualify as a public benefit because they are being offered in lieu of the Applicant's required CIP contribution. As a result, these proposed improvements are not significantly more than would likely result if the Subject Property were developed under the RE zone....

ZMA-2024-004 will "permit the construction of 300 attached and detached single-family dwellings and related facilities, driveways, sidewalks, and site improvements, a fivefold residential population increase under the Base zone." Backup 105. The increases development "was not anticipated by the master plan" and the "added density would negatively affect the natural hydraulic patterns post development." Staff Report 11. The Applicant does not proffer that the proposed development will be designed to ensure that the Subject Property will be able to handle storm water without causing damage to the proposed properties or surrounding properties. There is no promise to treat all anticipated storm water within the boundaries of the Subject Property nor is there a promise that any proposed storm water management facility will be designed to handle the amount of storm water anticipated based on climate change projections. The Applicant only proposes to meet the minimum storm water requirements set by the state which do not currently incorporate climate change projections. The applicant also proposes to remove significant amounts of woodland which will further exacerbate storm water flooding issues in the area.

For all these reasons, ZMA-2024-004 will adversely impact surrounding properties. The Planning Board should ... recommend disapproval of the applications

At minimum, the Planning Board should condition any recommendation of approval on a significant in the number of dwelling units.

A Zoning Map Amendment cannot be approved if the proposed amendment do not conform with the General Plan, the applicable Area Master Plan, or any Functional Master Plan or if the proposed amendment does not meet the purposes and requirements of the proposed PD zone. See ZR § 27-3602(c)(1), (2).

Here, the density proposed by the Applicant makes it impossible for the proposed ZMA to conform with the Master Plan, Functional Master Plan, and the purposes and requirements of the PD zone. For example, Staff described that that "[t]he density and dimensional standards proposed particularly the reduced lot sizes, increased lot coverage, and minimal setbacks, are far more intense than those found in nearby residential areas and even exceed the thresholds permitted in the Residential, Multi-Family-20 (RMF-20) Zone, the densest base zone allowing single-family detached dwellings." Staff Report 7. AS a result, Staff concluded that "the proposed dimensional standards exceed what may be reasonably achievable while conforming to other Code requirements." *Id.*

Staff also found that:

If approved, the projected residential population for the Planned Development Grove at Hyde Landing is five times more than the Base Zone population projection. This increase will significantly elevate demand for recreational amenities, especially in an area where population growth is already outpacing the availability of parkland and facilities. According to the Sub region 5 Master Plan, Clinton is expected to need 730 acres of local

parkland by 2030, compared to the existing 389 acres, indicating a shortfall of over 340 acres (pg. 138).

Backup 105.

The General Plan calls for “context-sensitive” development. Staff Report 9. Furthermore, ZMA-2024-004 “proposes an increase of development, which was not anticipated with the master plan.” Staff Report 11. The density of the proposed development does not conform with the General Plan and Master Plan because the density is not context sensitive and is not anticipated with the master plan. These plans also set forth goals to “conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land” and to “minimize impervious surfaces in the Developing Tier portion of the watershed.” Backup 66.

The Green Infrastructure Plan sets forth policies to “improve water quality through stream restoration, storm water management, water resource protection, and strategic conservation of natural lands” by limiting “the placement of storm water structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.” Backup 73. The level of development proposed by ZMA-2024-004 makes that virtually impossible.

For all of these reasons, if the Planning Board is going to recommend approval of ZMA-2024-004, the Planning Board should impose a condition of approval limiting the number of dwelling units allowed to the number of dwelling units permitted under the base zone—93 dwelling units. The use of the R-PD zoning would still allow the Applicant to provide a wide range of lot types and sizes while the limit on the number of dwelling units would better align ZMA-2024-004 with the General Plan, Master Plan, and the PD zone requirements and purposes. This would also decrease the impact on the neighboring properties by significantly decreasing the burden on public facilities and stormwater management facilities.

(Exhibit 25, pp.19-29)

(40) The record of the hearing was left open to allow the opposition to submit closing argument. The argument restated the perceived deficiencies in the proposed public benefits (stream valley dedication and trail, frontage improvements along Steed Road and CIP contributions, playground improvements for Cosca Park, woodland dedication, and interpretive signage) finding each offered no more than that required under the base zone; requested that additional benefits be required if the request is approved; questioned the Application’s conformance with the General or Master Plan since it includes townhouses; noted the failure of Applicant to establish a change or mistake that will justify the request; and stressed that the request will adversely impact the surrounding properties by impacting its property values and increasing traffic. (Exhibit 50)

Agency Comment

(41) The Health Department submitted a comment noting it “has completed a desktop health impact assessment review” of the request “and does not have comments/recommendations for the proposed zoning reclassification at this time.” (Exhibit 22, Backup p. 116)

(42) The Department of Permitting, Inspections and Enforcement (“DPIE”) reviewed the Application and advised that the Applicant will be required to provide dedications of Steed Road and construct certain roadway/frontage improvements as required by the Department of Public Works and Transportation (DPW&T). It provided a detailed description of the probable roadway frontage improvements that will be required prior to

the issuance of permits. (Exhibit 23, Backup p. 114) DPIE also noted that the 2018 Water and Sewer Plan places “Parcel 53 within Water and Sewer Category 4, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act...” (Exhibit 23, Backup p. 113) DPIE described other requirements that must be met prior to the approval of a site development permit. Finally, the agency stated that a new floodplain study is required for the stream that crosses the site at its center, a 100-year floodplain delineation may be needed “for any site area with cumulative drainage areas of 50 acres or more”, and noted that all previously approved floodplain delineations may need to be updated. (Exhibit 22, Backup pp. 114-115)

(43) The Planning Board Department of Parks and Recreation reviewed Applicant’s proffer of improvements to Cosca Regional Park and the Clearwater Nature Center (Exhibit 23, Backup pp. 105-112) and provided:

DPR staff recommends the District Council condition its approval... with improvements at Cosca Regional Park, Clearwater Nature Center and the conveyance of 58.34 acres of land as undeveloped parkland....

The proposed rezoning will permit the construction of 300 attached and detached single- family dwellings and related facilities... a fivefold residential population increase under the base zone. The proposed improvements at Cosca Regional Park and Clearwater Nature Center will further enhance the coordinated, harmonious, and systematic development of the regional district and provide a public benefit that is significantly greater than would likely result from development in the existing base zone as the improvements are off site and will serve the future residents of the subject property and the public in general by expanding inclusive and nature based recreation. Land conveyance also supports the protection of environmentally sensitive areas, advances the goals of adopted functional master plans, and leverages the Department of Parks and Recreation’s expertise in the stewardship of stream valley Parklands....

The proposed recreation improvements are responsive to population growth and strategically align with the County’s 2040 Functional Master Plan. The offsite facilities serve both immediate and regional populations, while contributing to long-term community resilience and quality of life

The Open Space exhibit shows 60.88-acres (48%) of open space that doubles the 20-percent requirement per Zoning Ordinance Section 27-6400. Conveyance of 58.3 acres of the open space as a public benefit to M-NCPPC is a permanent, measurable dedication of land, which exceeds the mandatory parkland dedication requirement of 6.3-acres under ... County Subdivision Regulations Section 24-4601. The land, within the Tinkers Creek stream valley, a designated Green Infrastructure Corridor, includes Primary Management Area...features, floodplain, wetlands, and specimen trees that would be conveyed to a Homeowners Association. The conveyance of the land to M-NCPPC directly supports the protection of environmentally sensitive areas, advances the goals of adopted functional master plans, and leverages the Department of Parks and Recreation’s... expertise in the stewardship of stream valley park lanes.

The preservation of stream valleys is a goal cited in the [2014 General Plan]...; Formula 2040, Functional Master Plan for Parks, Recreation, and Open Space; and the 2022 Land Preservation, Parks and Recreation Plan for Prince George’s County.... The Subregion 5 Master Plan states the greatest need for local parkland is in Clinton, where the projected need by 2030 will be approximately 730 acres compared to the existing 389 acres....

The proposed public benefits, including the conveyance of 58.3 acres of environmentally sensitive land and targeted improvements to Cosca Regional Park and Clearwater Nature Center,

are tangible, measurable, and exceed subdivision requirements. These benefits directly support Countywide goals for environmental stewardship, recreational equity, and community well-being. The dedication ensures long-term protection of the stream valley ecosystem, supports the creation of a unified park and trail system, and provides additional public benefits through planned improvements to recreation facilities at Cosca Regional Park and Clearwater Nature Center for the benefit of current and future residents....

DPR staff recommend the following strategies that may be implemented throughout the planning and implementation phases to effectively manage scope creep for the campground playground proposed as a public benefit for ZMA-2024-004.... The ZMA shall condition that the Public RFA clearly defines the project scope. This includes specifying all required improvements and providing detailed descriptions of acceptable materials, site conditions, and design standards. By setting these parameters upfront, ambiguity is minimized and expectations are aligned. Design parameters shall be established with the Public RFA that prioritize cost-effective, standardized elements. Recommended practices include selection of flat sites with minimal grading, avoiding tree removal, and using plastic borders with engineered wood fiber (EWF) surfacing. Elaborate drainage systems and complex ADA challenges should be avoided, and the design should focus on a single age group (5-12 years). Economy options for play equipment from major suppliers may be utilized to maintain affordability.

A formal change control process with the Public RFA shall be implemented. Any proposed scope changes must undergo documented review and approval, with an assessment of their impact on cost and timeline before authorization. This ensures that modifications are deliberate and controlled. The Public RFA may establish a fixed budget (up to \$300,000) with a small contingency for unforeseen issues. Communicating these financial constraints early to all stakeholders helps prevent unrealistic expectations and reinforces adherence to the agreed scope. The applicant shall ensure stakeholder alignment through kickoff meetings and regular progress reviews. These sessions should reiterate scope boundaries and confirm that all parties remain committed to the original objectives. DPR staff shall monitor and report scope adherence consistently. Regular project updates should track compliance with the defined scope and flag potential deviations early, allowing for timely corrective action....

The Department also recommended three conditions for consideration at the time of final plat of subdivision and prior to approval of building permits. (Exhibit 22, Backup pp. 111-112)

(44) The Planning Department's Environmental Planning Section reviewed the request and offered extensive comments. It noted that the site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance since Applicant is seeking a rezoning. It also explained that the Subject Property contains 100-year floodplain and Regulated Environmental Features (REF), and is within Environmental Strategy Area 2 as designated within the 2014 General Plan ("Plan 2035"). The main stem of Tinkers Creek is found along the site's western property line, and the site is within its watershed, which is a Tier II waterway. Marlboro Clay is found on-site. The site also contained forest interior dwelling species ("FIDS") habitat. The Environmental Planning Section found that the request satisfies applicable provisions of the General Plan and the Approved Subregion 5 Master Plan, and I adopt its analysis by reference and incorporate it herein. Its analysis provides, in part, as follows:

Plan 2035 locates the entire property in the Established Community's Growth Policy Areas and Environmental Strategy Area ESA-2. Consistent with Subregion 5 Master Plan, Plan 2035 designates General Plan future land use for this property as Residential Low....

The Subregion V Master Plan and Sectional Map Amendment (SMA) approved by the District Council is the current master plan for this area. This master plan identifies Tinkers Creek as one of three green infrastructure primary corridors. Tinkers Creek flows into Piscataway Creek right before the Piscataway Creek Stream Valley Park east of Livingston Road. This master plan includes environmental policies and their respective strategies in the Environment section....

This property is within the Green Infrastructure Network containing Regulated and Evaluation Areas. The Regulated Areas are mapped in association with the main stem of Tinkers Creek along the western property line and within the one on-site tributary to Tinkers Creek bisecting the property. The Evaluation Area is associated with the remaining woodland and open areas adjacent to the stream valleys and provides wildlife connections between the streams. The Tinkers Creek Stream Valley is not identified in the GI Plan of the Prince George's Resource Conservation Plan (May 2017) as a Special Conservation Area; however, the master plan identifies Tinkers Creek as a primary corridor.

The Future Land Use Map (Map IV-1, Page 32 Subregion 5 Master Plan and SMA) places the property within the 'Residential Low' areas. The intent of the Residential Low designation is for single-family detached suburban development limited to 3.5 dwelling units per acre. The 20-percent open space requirement with the current zone would remain unchanged with the proposal to change the zone to R-PD.

Preservation and conservation of the on-site riparian stream buffer, including planting of unforested stream buffers, is a requirement of Subtitle 25 of County Code.

The site is subject to the Woodland Conservation Ordinance (WCO) of County Code which requires a woodland conservation threshold of 25 percent in the RE Zone or 22.66 acres. The proposed change to the R-PD Zone will establish a woodland conservation threshold of 20 percent or 18.12 acres, resulting in a decrease of 4.54 acres of woodland conservation than what is required under the current zoning. The higher woodland conservation threshold associated with the previous zoning is appropriate to protect the sensitive environmental features located on-site and to preserve water quality. The applicant should, at minimum, meet the equivalent of the previous zoning woodland conservation threshold on-site; however, staff is recommending that the entire woodland conservation requirement be met on-site....

The basic plan shows a proposed development footprint outside of the primary management area (PMA) with one stream crossing for a road connecting the residential pods, and minor woodland clearing. This is in keeping with the master plan goals of preserving habitat in general. The on-site main stem of Tinkers Creek and the on-site Tinkers Creek tributary are important wildlife corridors within Subregion 5 that need to remain intact and protected....

A master-planned trail and shared-use path is proposed along Steed Road and a hard surface trail identified as "Tinker Creek Trail" is proposed along Tinkers Creek. The Steed Road trail is shown as not constructed at this time and will follow Steed Road in a northern direction towards the proposed master-planned trail consisting of a bike lane and planned side path. The Tinkers Creek Trail is a multiuse trail mentioned in the Subregion 5 master plan. The plans submitted show the general

locations of the required trail. The final location of the trail should be determined with future applications and designed to minimize REF impacts to the extent possible.

The proposed zoning change is in conformance with the Woodlands, Wildlife and Habitat policy of the Environment section within the Subregion 5 Master Plan and SMA for the reasons outlined above....

In the statement of justification..., the applicant states:... The dominant tree size class and understory species increased around these channels in floodplain flats creating diverse habitats for the site's ecosystems. The single wetland identified on site is... palustrine forested ... and is found within the floodplain of Tinkers Creek. The wetland is fed both from upland runoff and overflow from Tinkers Creek, acting as a water quality filter for the stream through floodwater retention and infiltration.'

The environmental resources located on-site that contain the highest ecological value are located within the existing stream valleys, the intermittent channels, and the large 100-year floodplain of Tinkers Creek....

Of all forest located on the site (approximately 77 acres), 31 acres are rated as high-to medium- priority retention forest and all 37 specimen trees are located within the stream valleys.

The goals associated with this basic plan are to not only preserve the high priority forest areas but also assess opportunities for forest enhancement with the selective removal of invasive species in the center of the site. Measures such as these prevent the encroachment of invasive plant species to the interior stream valleys and create the opportunity for native forest enhancement and/or establishment on-site.

The conceptual utility exhibit shows stormwater management (SWM) facilities and their proximity to natural REF. SWM facilities will be reviewed by the Department of Permitting, Inspections and Enforcement (DPIE), and the applicant proposes to practice environmental site design (ESD) measures to treat both stormwater quantity and quality for the development, as required by Subtitle 32 of County Code. Although ESD is the minimum required for managing stormwater quantities and qualities for new developments by DPIE, more than minimum requirements should be provided for any development within proximity to Tinkers Creek and its tributaries.

Septic systems are not proposed. Development of the site is proposed to be connected to public water and sewer systems.

Tinkers Creek is a Tier II watershed, which is considered a high-quality designation identified by the state. The Subregion 5 Master Plan... calls for preservation of land along high-quality waters and in headwater areas of high-quality watersheds, especially Mattawoman Creek and Piscataway Creek, both of which contain Tier II waters. The site contains one perennial stream (Tinkers Creek), five intermittent stream systems, and two ephemeral stream systems. The basic plan shows development envelopes outside of the on-site floodplain areas with one stream crossing connecting two development pods. Impacts to these waters will be further reviewed by the Maryland Department of the Environment (MDE) and the Prince George's County Soil Conservation District (PGCSCD).

For these reasons, the proposed zoning change is in conformance with the Water Quality, Stormwater Management and Groundwater policy of the Environment section within the Subregion 5 Master Plan and SMA....

This area is not mapped as a Priority Preservation Area (PPA). The subject area is within the Residential Low section of the master plan. The policies under the watershed section of the master plan include an emphasis on retaining low density, retaining forest land, and reducing the density of development and the amount of impervious cover.

The intent of the residential low development description is to limit 'residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.'

Any development on an undeveloped site will increase the impervious area and affect the hydrology of the land, which is why stormwater best management practices are required to help treat stormwater and to protect the Piscataway watershed.

The proposed zoning change is in conformance with the Watersheds Policy of the Environment section within the Subregion 5 Master Plan and SMA for the reasons outlined above....

This site is not located in the Chesapeake Bay Critical Area (CBCA)....

The prior uses of this property for farming will be terminated. The applicant states in the SOJ that the project will be developed with an environmentally considerate design to limit impacts on the existing woodlands on the site by concentrating the residential density within the unforested areas [of] the property. The conservation methods proposed will be reviewed in future development applications.

This proposal is not expected to generate excessive noise. Regarding traffic generated noise impacts on the property, a Phase 1 Noise study may be required with the PPS....

The property was never used for mining activities....

(Exhibit 22, Backup pp. 79-86)

(45) The Environmental Planning Section also provided a detailed analysis of the Application's conformance with the Green Infrastructure Network and Plan, and various provisions pertaining to the environment that I adopt by reference and incorporate herein. A brief synopsis of its analysis and conclusions follows:

The basic plan shows that the on-site stream systems and associated riparian buffers are proposed to remain undisturbed except for one stream crossing for a roadway to connect the development pods. The on-site woodland is proposed to remain minor edge clearing. Preservation of the riparian buffer areas would largely contribute to meeting the woodland conservation requirements on site....

The GI Plan shows the entire property containing Regulated and Evaluation Areas [defined as] ...areas outside the Regulated areas of riparian stream buffers where development of the site should be focused. The site does not contain mapped Sensitive Species Project Review Area or Special Conservation Areas....

The site is not within Plan 2035 designated downtown, regional transit district, innovation corridor, or local center areas where development is encouraged, and the environmental regulations should remain intact. Any development application should be designed to minimize impervious

areas and reduce fragmentation of the Green Infrastructure Network, particularly the Regulated Areas....

The basic plan does not show any planned parks on-site but there is a planned shared-use trail located along Steed Road and a multiuse Tinkers Creek Trail adjacent to the banks of Tinkers Creek. Any required park dedication will be reviewed by Prince George's County Department of Parks and Recreation (DPR) and the Transportation Planning Section at time of preliminary plan of subdivision (PPS) review. In review of the proposed Piscataway Road and Steed Road and Steed Road shared-use trails, emphasis should be placed on woodland preservation and avoid impacts to the REF to the extent possible....

The proposed project will require both internal circulation and external connections for traffic, bicycle, and pedestrian use. A stream crossing for a roadway connecting the two development pods is proposed on the basic plan. This is keeping with the master plan goals of designing transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

Impacts to the REF for infrastructure, roads, and trails should be minimized to avoid fragmentation of woodlands and maintain the green infrastructure network to the fullest extent practicable....

The on-site woodlands are part of a larger contiguous woodland area that connects to the Piscataway Creek stream valley and has potential [forest interior dwelling bird species] habitat. A large part of this woodland area contains streams which are associated with Tinkers Creek and tributaries to the Tinkers Creek stream system. As part of the basic plan, the riparian stream buffer areas and the wildlife corridors located on-site are proposed to be preserved with minimal impacts....

The conceptual utility exhibit included as part of the basic plan shows stormwater structures. With future entitlement reviews the locations of the stormwater facilities shall be analyzed to limit impacts to REF....

Section 25-121(c)(1)(C) of the WCO requires that all unforested riparian buffers on-site shall be afforested. The requirements of the WCO including woodland preservation and planting will be further evaluated with future entitlement applications.

Any development within the project boundary will increase the impervious area of the property. The DPIE will require all development to utilize ESD stormwater management to control various amounts of surface rain runoff... Any development on an undeveloped site will increase the impervious area and affect the hydrology of the land, which is why ESD methods are required to help treat stormwater on-site.

With DPIE's implementation of ESD stormwater structures for the proposed development, the development should be in conformance with the GI Plan, and the Subregion 5 Master Plan and SMA....

The basic plan shows the on-site stream system and their riparian buffers with the exception of a stream crossing for a roadway. The remaining riparian buffer areas are shown to be preserved. The plan shows the locations of the proposed development pods and existing woodland areas to be preserved.... It is recommended that the applicant strive to provide the full woodland conservation requirement on-site. Forest canopy strategies will be reviewed with subsequent tree conservation plans....

The property currently has a combination of woodlands, farm field areas, fallow field areas, one residential structure and various farming structures. Natural Resources Inventory (NRI-020-06-01) was approved on December 31, 2024, and shows REF and 37 specimen trees. An additional

12 specimen trees were identified along the property line with the Hyde Landing subdivision. This NRI shows the estimated area of Marlboro clay as shown on PGAtlas. The NRI requires corrections to revise General Notes 16 and 17, and to show the on-site archaeological area. Prior to the acceptance of the preliminary plan of subdivision, the revision to the NRI shall be approved....

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet and it contains more than 10,000 square feet of existing woodland. A tree conservation plan (TCP) in accordance with the regulations is required with future development applications.

Based on the acreage of the current zoning designations, a minimum woodland conservation threshold of 25 percent or 22.66 acres would be applied to a development application on this site. The proposed zone R-PD will have a minimum woodland conservation threshold of approximately five percent or 4.54 acres.

The higher woodland conservation threshold associated with the previous zoning is appropriate to protect the sensitive environmental features located on-site and to preserve water quality. The applicant should, at minimum, meet the equivalent of the previous zoning woodland conservation threshold on-site; however, staff is recommending that the entire woodland conservation requirement be met on-site....

In accordance with the WCO it is recommended that the development provide all woodland conservation requirements and specimen tree replacement mitigation... on-site, including afforestation of any unforested riparian buffers... and reforestation for any clearing. The tree conservation plan shall show any proposed environmental uplift areas to improve the existing woodlands, adjacent PMA areas or Tier II buffer areas. [Additionally, applicant shall] provide a geotechnical report with the preliminary plan of subdivision and include a slope stability analysis for the onsite Marlboro clay and show the resulting 1.5 safety factor line on the companion Type I tree conservation plan....

The NRI lists 37 specimen trees identified on the property and 12 specimen trees near the property line on the adjacent Hyde Landing subdivision. If future applications propose the removal of specimen trees, a variance request for the removal of the specimen trees shall be submitted with the acceptance of the applications....

The REF onsite, which includes streams and associated buffers, floodplain, steep slopes, and wetlands with their associated buffers, were identified on the NRI as part of the PMA....[T]he plan shall demonstrate the preservation and/or restoration of the REF in a natural state to the fullest extent possible. Any impacts proposed to the REF will require a letter of justification and exhibits to be reviewed with the PPS application....

[T]he Zoning Ordinance requires a SWM concept approval by DPIE prior to acceptance of a PPS....

Areas of the subject application along the main stem of Tinkers Creek and the one tributary connection contain Marlboro clay. A soil study with soil boring and engineered 1.5 safety factory limits should be shown and reviewed with the PPS....

This soil study should incorporate the required information and analysis per the DPIE Techno-Gram 005-2018 concerning Over-Consolidated Clays. The applicant proposes some residential development in this Marlboro clay area....

Marlboro clay is found to occur within the ZMA review area....

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland as designated by the Maryland Department of the Environment that are afforded special protection under Maryland's Anti-degradation policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams in accordance with the Prince George's County Soil Conservation District (PGSCD) requirements. This buffer is shown on the approved NRI. Redundant erosion and sediment control measures may be required on the erosion and sediment control plan reviewed by PGSCD....

The Zoning Ordinance requires an approved grading, erosion, and sediment control plan....

The County requires the approval of an erosion and sediment control plan. The Type 2 tree conservation plan (TCP2) must reflect the ultimate limits of disturbance (LOD), for installation of permanent site infrastructure and for the installation of all temporary infrastructure, including erosion and sediment control measures. Prior to certification of the TCP2, a copy of the erosion and sediment control technical plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP2.

SUMMARY

The plan conceptually shows woodland preservation with minimal woodland edge clearing for the development of three pods for residential use, and impacts to regulated environmental features to connect two development pods with a stream crossing. The proposed rezoning will result in a change to the woodland conservation threshold from the current 25 percent in the R-E Zone to 20 percent in the R-PD Zone. Staff recommend that the applicant meet the entire woodland conservation requirement on-site through reforestation of woodland clearing, planting in the riparian buffer to the extent practicable, and mitigation for specimen tree removal.

This proposed application is required to have an environmental site design to measure, control, and treat stormwater runoff in accordance with County requirements....

(Exhibit 22, Backup pp. 86-94)

(46) The Planning Board's Community Planning Division opined that the Basic Plan meets the requirements of the applicable provisions of the Zoning Ordinance and the General and Master Plans since it highlights improvements such as stream valley dedication, multi-modal transportation improvements, and land use development patterns that align with both plans. (Exhibit 22, Backup p. 63) It expounded as follows:

This application meets several of the goals identified in the Land Use and Development Pattern section of the Master Plan. [It] ...achieves the goal of providing high-quality, suburban development organized around a network of parks, open spaces, and community facilities. In addition, the location ... adjacent [to the]Hyde Landing property creates a compatible development in [an] older, established community in the Clinton Area. From policies noted in the General Plan, Community Planning also recommends the applicant reevaluate the cul-de-sac at... Housing Pod C, installing public amenities and art in central places, such as the passive and active recreation areas, and prioritizing areas for street tree installation, specifically along sidewalks/roadways within the development area, along Steed Road, and near the recreation areas. The General Plan also makes a policy recommendation to identify suitable locations for urban agriculture activities and community gardens. Community Planning recommends prioritizing one of the recreation areas for community agriculture for people living in the proposed development and the surrounding area.

Due to the subject property's proximity to the Potomac Airfield ... this property would be subject to a Phase I noise study and model. If noise issues are identified, the applicant should utilize noise reduction measures, and if the proposed development is within DNL 65 dBA Ldn or greater, the area should be protected from the transmission of noise with barriers that affect sound propagation and/or the use of sound-absorbing materials in construction....

In potential future development applications or at the time of building, it is required to disclose requirements for prospective purchasers of property within one mile of the airport and mitigate potential hazards to air navigation, and that the community is aware of the location of the airport and the occurrence and attendant risk associated with low-flying aircraft....

This application addresses the policies highlighted in the Green Infrastructure section of the Master Plan and the applicant notes the proposed development will 'minimize the clearing of high priority forest' and preserve existing forest and specimen trees located on the subject property. In addition, the applicant indicates that the creation of open spaces across the development, while safeguarding the natural open spaces within the stream valleys and surrounding forests, will ensure 'a balance between development and environmental preservation.' Regarding protecting and enhancing the green infrastructure network, the applicant is committed to expanding and strengthening the existing vegetative zones around the streams beyond the current 100-foot boundary to ensure greater environmental preservation....

[T]his application effectively notes the need for preserving, maintaining, and enhancing the water features, specifically Tinkers Creek. However, it is noted in the Master Plan that Tinkers Creek rated 'poor' in the Index of Benthic Integrity Rating and 'very poor' on aquatic habitat quality. Therefore, additional measures should be taken to increase the environmental quality of Tinkers Creek and the surrounding water features.

The site contains one perennial stream identified as Tinkers Creek. It is part of the overall Piscataway Creek, which is a Tier II watershed. The applicant should protect and preserve the Tinkers Creek Stream Valley and limit any impacts to its tributaries to the extent possible. The application proposes to preserve and enhance this creek by proposing adequate stream buffers but also commits to expanding and strengthening the existing vegetative zones around the streams, extending beyond the required 100-foot boundary to ensure greater environmental preservation.

However, with any increase in impervious areas proposed by development, the natural hydrology of the Tinkers Creek watershed will be disrupted. This [ZMA] proposes an increase of development, which was not anticipated with the Master Plan. The [M]aster [P]lan calls for the maintenance of the natural hydrologic pattern during development to the maximum extent practicable. The proposed added density would negatively affect the natural hydraulic patterns post development. Although Environmental Site Design (ESD) is required for managing stormwater quantities and qualities for new developments by the Department of Permitting, Inspections and Enforcement (DPIE), more than minimum requirements should be provided for any development within proximity to the Tinker's Creek.

The plan shows development envelopes outside of the floodplain, as required, however these and the site accessed by crossing the on-site streams. Staff recommends that a Stream Corridor Assessment Survey be conducted by the applicant or applicant's, hires to establish the health of

Tinkers Creek and its tributaries and wetlands on-site and identify how opportunities for restoration can be incorporated into the development as a public benefit....

[T]he applicant is encouraged to consider enhanced stormwater techniques like bioretention and groundwater recharge, reduce flood hazards, and encourage enhancement of water quality. Planning and implementation of stormwater techniques like bioretention and rain garden projects along the stream that bisects Residential Pod B and Residential Pod C should be considered....

(Exhibit 22, Backup pp. 64-68)

Staff also suggested that applicant consider several green building and energy efficient strategies, transportation and mobility strategies such as traffic calming devices and any to address potential conflict in traffic given the proposed Steed Road bridge expansion and lane extensions, a historic inventory as the site is adjacent to a designated historic roadway, the provision of a multipurpose trail connection to the active and passive recreation areas planned near Pod A (attached housing), and other trail and streetscape improvements to calm traffic, and to enhance the experience in the passive and active recreation areas. (Exhibit 22, Backup pp. 69-76)

(47) The Planning Department Subdivision Section's referral memo noted that the site is not subject to a Prior Preliminary Plan of subdivision ("PPS") and the proposed site layout and lotting pattern will, therefore, be evaluated during PPS review if this request is approved. Applicant's SOJ and exhibits included proposed public benefits for stream valley dedication, trail link connectivity, funding toward a Cosca Park playground, Steed Road bridge expansion, a lane extension of Steed Road, woodland conservation, and interpretive signage. Staff provided the following comments:

- Stream valley dedication- The master plan recommends Tinker Creek's stream valley park expansion dedication, so applicant cannot propose such dedication as a public benefit.
- The Master Plan of Transportation (MPOT) recommends a Tinker's Creek trail system. Applicant proposes 1,600 linear feet expansion to the trail pin MPOT trail system, and proffered that this trail will connect to the trail system within the Hyde Landing Development to the south. Other improvements proposed by Applicant (pedestrian/ bike improvements, sidewalks on both sides of the street, ADA curb ramps, etc.) will be required to be provided pursuant to the standards of MPOT and the subdivision regulations.
- Applicant will provide a \$150,000 public benefit contribution toward the renovation of the pavilion playground in Cosca Regional Park.
- Applicant's zoning request will increase the number of dwellings to a maximum of 300, far more than the approximately 70 single-family

detached dwellings permitted under the current RE zoning. Applicant requests to offset the additional traffic generated by making additional contributions to the CIP. Staff will evaluate Applicant's proposed transportation public benefits to ensure they exceed those required during subdivision review for public facility adequacy.

- The RE zone requires a threshold of 25% (or 25.23 acres) to be preserved, but only 20% (20.19 acres) is required in the R-PD Zone. Applicant proffers to preserve 25% as a public benefit. However, staff pointed out a large portion of the woodland area contains streams that are tributaries to Tinker's Creek and urge that the Environmental Planning Section evaluate this public benefit further to ensure that it exceeds the minimum required thresholds.
- The way-finding signage will support the character of the community as well as connect with the history of the site.

Staff concluded by stressing applicant demonstrate how the public benefits exceed those required in Sections 24-4402, 24-4500, and 24-4600 of the Prince George's County Code ("Subdivision Regulations"). It also noted "all bearings and distances must be clearly shown in the [ZMA] plan and must be consistent with the legal description of the property." (Exhibit 22, Backup pp. 102-104).

(48) The Planning Department's Historic Preservation Section discussed the Subregion 5 Master Plan's goals and policies related to historic preservation and relevant to the subject property. In particular, the Master Plan noted that "[a]rcheological surveys along or near Tinkers Creek identified many short-term prehistoric base camps." (Exhibit 22, Backup p. 56) The Master Plan urged that public awareness and appreciation of historic sites and resources be promoted. The Historic Preservation Section also provided a detailed discussion of the relevant historic preservation goals and policies found in the 2010 Approved Historic Sites and District Plan. (Exhibit 22, Backup pp. 57-58). It did note that the subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources, but recommended certain conditions to require a Phase II and/or III archeological evaluation at the time of subdivision review if it is determined that potentially significant archeological resources exist, and to provide interpretive signage and public outreach measures as well. The Planning Board did recommend conditions similar to those proposed.

(49) The Planning Department's Transportation Section explained that a full traffic study analysis and a certificate of adequacy will be required at the time of subdivision

review, if the request is approved. After a review of the Master Plan of Transportation (“MPOT”) policies, goals, and recommendations for facilities that would be impacted by the rezoning, the Zoning Ordinance requirements concerning pedestrian and transportation circulation systems provided in the Basic Plan, and the proffered transportation-related public benefits, the Section provided the following comment:

The submitted site plans include the general pedestrian, bicycle, and vehicular circulation on site. The development proposes two vehicular access points along Steed Road. The final configuration of the access points will be determined with subsequent applications. The plans demonstrate a comprehensive multimodal network along the frontage of Steed Road and within the site, with a proposed multimodal connection to the property just south. The development will include a variety of public and private roadways in addition to alleys and access driveways. The standards [in Section 27-4301 (d)(1)(I) and (J)] have been met....

[After looking at the public benefit transportation improvements] staff find that transportation facilities, as well as pedestrian and bicycle facilities within the proposed application, are consistent with Section 27-3602. The proposed rezoning of the property will not impair the ability to make transportation-related recommendations that are supported by an approved Master Plan or Functional Master Plan or included in the subdivision regulations and zoning ordinance, if [conditions are addressed.]

(Exhibit 22, Backup pp. 96-101) The Planning Board recommended conditions for the transportation-related public benefits, *infra*.

(50) The Technical Staff thoroughly addressed compliance with applicable provisions of the Zoning Ordinance (i.e., Section 27-3602(b)(7)-Review and Recommendation by Advisory Board or Official, Section 27-3602(c) – Planned Development (PD) Decision Standards), Section 27-4105 -Relationships between Base and Planned Development Zones, Section 27-4301(a) – General Purposes of Planned Development Zones, Section 27-4301 (d) – General Standards for all Planned Development Zones, Section 27-4302 -Residential Planned Development Zones, and the applicable Development Standards in Part 27-6. (Exhibit 23, pp. 13-39). After reviewing all of the referrals, and submitted documents, the Technical Staff recommended approval of the Application with conditions addressed below. (Exhibit 22)

(51) The Planning Board held a public hearing on the instant request and issued a Resolution recommending approval with conditions, utilizing most of the discussion set forth in the Technical Staff Report. I adopt these findings of the Planning Board and incorporate them herein by reference, except where noted otherwise. A recap of the request, findings, and conclusions is provided, in pertinent part, as follows:

- The resolution explained the request to approve the rezoning of the 126.16-acre project, The Grove at Hyde Landing, from the RE Zone to the R-PD Zone and the development of up to 300 residential units (100-180 single-family attached, 100-180 single-family detached) in three pods with single-family attached dwellings in Pod A, and single-family detached dwellings in Pods B and C. The

development will have a maximum density of 2.97 dwelling units per acre. There was a concern that despite “similar standards [having] been approved previously, the intensity of the planned lots raises significant concerns regarding buildability and compatibility with the surrounding community.” It was stressed that a 10-foot front yard setback be provided to accommodate utilities, and that a maximum 60% lot coverage for single-family dwellings and 80% for the attached lots “may be achievable.” The Planning Board therefore advised that Applicant “revise the dimensional standards to meet the setbacks for public utility easement requirements and reduce the lot coverage, accordingly” since “the planned development risks being incompatible with the surrounding neighborhood and may not meet the standards necessary for successful implementation.” (Exhibit 27, pp. 3-4)

- The description of the placement of the dwelling units was provided, as well as the open space, containing stream tributaries, proposed to be preserved and dedicated to MNCPPC as an addition to the Tinkers Creek Stream Valley Park; the two points of vehicular ingress and egress from Steed Road. The principal, accessory, and temporary uses were noted, as was the planned use of the open space, conveyance and preservation of the regulated environmental features (“REF”), and the provision of bikeways/trails/paths that were in conformance with the 2009 MPOT. (Exhibit 27, pp. 4-5)
- The Planning Board detailed why it believed the request met all pertinent General and Master Plan recommendations, as well as Zoning Ordinance Sections 27-3602(b)(7) (Review and Recommendation by Advisory Board or Official), 27-3602(c) (Planned Development (PD) Decision Standards, 27-4105 (Relationships between Base and Planned Development Zones), 27-4301 (a)(General Purposes of Planned Development Zones), 27-4301(d) (General Standards for All Planned Development Zones), Section 27-4302 (Residential - Planned Development Zones), for reasons similar to those provided by the Technical Staff. (Exhibit 27, pp. 5-35).

The Planning Board Resolution also addressed community feedback received concerning the request:

The Planning Department received correspondence from 10 members of the public opposing the proposed rezoning application. In the correspondence, the citizens stated that the ... proposal did not meet the legal requirements of approval. The citizens expressed concerns with conformance of the proposed rezoning application to the master plan, and inadequacy of the proffered public benefit features. The citizens' correspondence also claimed that the development would negatively impact existing public infrastructure and services, the natural environment, and traffic....

The Planning Board ultimately recommended approval with conditions, concluding as follows:

Applicant Exhibit 1 requested minor modifications to clarify recommended Conditions 5,6, and 8. The applicant also submitted six witness resumes, one exhibit documenting their community outreach, and three letters of support from community members. The Planning Board concurred with the applicant's changes to the recommended conditions, and they are incorporated into this resolution. The applicant's representative then presented the proposal to the Board, highlighting the public benefit features proposed to support the rezoning request and the community outreach efforts made by the applicant to garner citizen support for the project.

Two members of the public spoke before the Board, expressing their concern with the proposed rezoning. A representative of an environmental group noted the poor health of the existing streams in the vicinity of the subject property, and expressed dissatisfaction with the quantity of proposed impervious area, the proffered public benefits, and the current traffic conditions. Another citizen spoke and claimed that the proffered public benefits will not be beneficial to the community, and the proposed higher density development will negatively impact the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board ... adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the ... application be APPROVED, subject to ... conditions....

(Exhibit 27, pp. 38-39)

APPLICABLE LAW

(1) The following provisions of the Zoning Ordinance are applicable to the instant request. However, the District Council may not approve the instant request unless it finds that Applicant has presented sufficient credible evidence to meet the strictures found in Section 27-3602 (c).

Sec. 27-1300 General Purpose and Intent

The purposes of the Zoning Ordinance are to:

- (a)** Protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;
- (b)** Implement the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans;
- (c)** Promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;
- (d)** Guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;
- (e)** Support pedestrian-friendly, higher-intensity, mixed-use development in the appropriate locations, including support and emphasis upon a framework for multi-modal forms of mobility for pedestrians, bicyclists, transit users, and motorists;
- (f)** Support redevelopment and infill development within established areas of the County;
- (g)** Provide adequate light, air, and privacy;

- (h) Encourage economic development activities that provide desirable employment and a broad, protected tax base;
- (i) Ensure a high level of quality development in general, for the benefit of all citizens and residents, throughout the County;
- (j) Promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;
- (k) Protect the established character of residential communities and neighborhoods;
- (l) Protect the County from fire, flood, panic, and other dangers;
- (m) Provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;
- (n) Prevent the overcrowding of land;
- (o) Protect the rural character of the County in designated, appropriate locations;
- (p) Ensure the provision of open space to protect scenic beauty and the natural features of the County, as well as provide adequate recreational space;
- (q) Protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features; and
- (r) Protect and conserve the agricultural industry and natural resources.

27-3602. Planned Development (PD) Zoning Map Amendment

(a) Planned Development (PD) Map Amendment Submittal Requirements

- (1) The PD map amendment application shall be submitted to the Planning Director by the owner of the property or his authorized representative.
- (2) PD map amendment plats and site plans shall be prepared by a licensed professional engineer, architect, landscape architect, or land use planner.
- (3) Upon filing the application, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application.
- (4) If more than 1 drawing is used, all drawings shall be at the same scale (where feasible).
- (5) A PD map amendment application shall include the following:
 - (A) A signed application form, which shall include:
 - (i) The name, address, and telephone number of the applicant, and an indication of the applicant's status as contract purchaser, agent, or owner;
 - (ii) The street address of the property, name of any municipality the property is in, and name and number of the Election District the property is in;
 - (iii) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation must be signed by those officers empowered to act for the corporation;
 - (iv) The name, address, and telephone number of the correspondent;
 - (v) A statement listing the name, and the business and residential addresses, of all individuals having at least a five percent (5%) financial interest in the property or the contract purchaser(s);
 - (vi) If any owner or contract purchaser(s) is a corporation, a statement listing the officers of the corporation, their business and residential addresses, and the date on which they assumed their respective offices. This statement shall also

list the current Board of Directors, their business and residential addresses, and the dates of each Director's term. An owner that is a corporation listed on a national stock exchange shall be exempt from the requirement to provide residential addresses of its officers and directors; and

- (vii) If the owner or contract purchaser(s) is a corporation (except one listed on a national stock exchange), a statement containing the names and residential addresses of those individuals owning at least five percent (5%) of the shares of any class of corporate security (including stocks and serial maturity bonds).
- (B) Four copies of an accurate plat, prepared, signed, and sealed by a registered engineer or land surveyor, which shall show:
- (i) The present configuration of the property, including bearings and distances (in feet) and the total area of the property (in either acres or square feet);
 - (ii) The property's lot and block number, subdivision name, and plat book and page number, if any; or a description of its acreage, with reference to liber and folio numbers;
 - (iii) The names and owners of record, or subdivision lot and block numbers, of adjoining properties;
 - (iv) The name, location, distance to the center line, and right-of-way width of all abutting streets. If the property is not located at the intersection of 2 streets, the distance to, and the name of, the nearest intersecting street shall be indicated;
 - (v) A north arrow and scale (no smaller than 1 inch equals 400 feet);
 - (vi) The total area of the property (in either square feet or acres);
 - (vii) The location of all existing buildings on the property; and
 - (viii) The subject property outlined in red.
- (C) Four copies of the zoning map page on which the property is located, plotted to scale and outlined in red;
- (D) A vicinity map;
- (E) A copy of the applicant's informational mailing letter, list of addresses, and signed affidavit of mailing;
- (F) Any required State Ethics Commission affidavits;
- (G) A statement of justification detailing the legal basis by which the requested amendment can be approved, and any factual reasons showing why approval of the request will not be detrimental to the public health, safety, and welfare;
- (H) A proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section 27-4300, Planned Development Zones; and
- (I) Any other pertinent information deemed necessary by the District Council, Zoning Hearing Examiner, or Planning Board.

(b) Planned Development (PD) Zoning Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a PD map amendment. Figure 27-3602(a) identifies key steps in the planned development map amendment procedure.

Figure 27-3602(a): Planned Development (PD) Zoning Map Amendment Procedure (Illustrative)			
↓	27-3401	Pre-Application Conference	Required
↓	27-3402	Pre-Application Neighborhood Meeting	Required
↓	27-3403	Application Submittal	To Planning Director, proposed PD Basic Plan and PD Conditions of Approval required
↓	27-3404	Determination of Completeness	Planning Director makes determination
↓	27-3406	Staff Review and Action	Planning Director prepares Technical Staff Report
↓	27-3407	Scheduling Public Hearing and Public Notice	Review Board/ZHE (Clerk of the District Council) schedule their hearings, provide notice
↓	27-3408	Review and Recommendation by Advisory Board or Officer	Planning Board hearing, recommendation; ZHE hearing, recommendation
↓	27-3409	Review and Decision by Decision-Making Body or Officer	District Council holds hearing, makes decision (conditions allowed)
→	27-3416	Notification	Clerk of the Council notifies

* * * * *

(7) Review and Recommendation by Advisory Board or Official

See Section 27-3408, Review and Recommendation by Advisory Board or Official.

- (A)** After holding a hearing, the Planning Board shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards, and transmit its recommendation to the ZHE. The Planning Board may suggest revisions to the PD Basic Plan and PD Conditions of Approval. The Planning Board’s recommendation shall address:
 - (i)** Whether the application complies with Section 27-3602(c), Planned Development (PD) Decision Standards;
 - (ii)** The need and justification for the PD zone;
 - (iii)** The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and
 - (iv)** The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan, with appropriate consideration as to whether the proposed PD zone will further the

purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan.

- (B) After the receipt of the Planning Board's recommendation, the ZHE shall provide notice, schedule, and conduct an evidentiary hearing on the application in accordance with Section 27-3412, Evidentiary Hearing, and make a recommendation. The ZHE shall issue its decision not more than one hundred (100) days after the date of its last hearing on the application. The ZHE shall, following the ZHE's Rules of Procedure, consider the original application, relevant support materials, the Technical Staff Report, the Planning Board's recommendation, the applicant's and any party of record's testimony and materials (if appropriate), and any public comments, as appropriate. At the conclusion of the hearing, the ZHE shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards.
- (C) After the hearing is concluded, the ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision.

(8) Review and Decision by Decision-Making Body or Official

See Section 27-3409, Review and Decision by Decision-Making Body or Official.

- (A) After receipt of the ZHE's recommendation, the District Council shall conduct a public hearing on the application in accordance with Section 27-3414, Oral Argument Hearing, and make a decision, by majority vote, on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards. A two-thirds majority vote of the full Council shall be required to approve a planned development map amendment that is contrary to the recommendation of a municipality concerning land within its boundaries, the recommendation of a governed special taxing district concerning land within its district, or an amendment that is contrary to an approved Area Master Plan or Sector Plan. The District Council may direct revisions to the PD Basic Plan and PD Conditions of Approval. The District Council's decision shall be one of the following:
 - (i) Adopt by ordinance the PD map amendment, including the PD Basic Plan and PD Conditions of Approval;
 - (ii) Remand the application back to the Planning Board for further consideration; or
 - (iii) Disapprove the PD map amendment.
- (B) The approved PD Basic Plan and PD Conditions of Approval shall be the zoning text for the PD zone, and any subsequent development approval or permit shall comply with the approved PD Basic Plan and PD Conditions of Approval, except that minor deviations shall be allowed in accordance with Section 27-3602(b)(11)(G), Minor Deviations.
- (C) The applicant has ninety (90) days from the date of District Council's decision to approve the conditions as part of the PD map amendment, to accept or reject the conditions of approval. The applicant shall accept or reject the conditions in writing, to the Council.
- (D) If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance, at which time the Council's action is final.

- (E) Failure of the applicant to advise the Council about acceptance of the conditions of approval is considered a rejection of the conditions.
- (F) If the conditions of approval are rejected, the PD map amendment will be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order shall be the final decision on the application.
- (G) All amendments that are approved subject to conditions shall be shown on the Official Zoning Map with the letter "C" after the application number.

(9) Conditions of Approval

Allowed (see Section 27-3415, Conditions of Approval).

- (A) The following conditions of approval are allowed:
 - (i) The conditions in Section 27-4301(d)(3), PD Conditions of Approval;
 - (ii) Conditions that may be necessary to protect surrounding properties from adverse effects that might accrue from the proposed zoning map amendment (ZMA);
 - (iii) Conditions that would further enhance the coordinated, harmonious, and systematic development of the regional district; and/or
 - (iv) Conditions that reflect amendments to the development standards of this Zoning Ordinance as may be proposed and approved in the PD Basic Plan.

* * * * *

(c) Planned Development (PD) Decision Standards

Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;
- (2) Meets the purposes of the proposed PD zone;
- (3) Satisfies all applicable standards of the proposed PD zone; and
- (4) Will not adversely impact the surrounding properties.

* * * * *

27-4301. General Provisions for All Planned Development Zones

(1) General Purposes of Planned Development Zones

The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives resulting in a project superior to what would result from compliance with Base zones by:

- (1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;
- (2) Allowing greater freedom and flexibility in selecting:
 - (A) The form and design of development;
 - (B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;
 - (C) The location and design of the development respective and protective of the natural features of the land and the environment;
 - (D) The location and integration of open space and civic space into the development; and
 - (E) Design amenities.
- (3) Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;
- (4) Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (5) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;
- (6) Improving community services and facilities and enhancing functionality of vehicular access and circulation;
- (7) Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources; and
- (8) Providing public benefits to further protect and advance the public health, safety, welfare, and convenience.

(2) Classification of Planned Development Zones

Land shall be classified into a PD zone only in accordance with the procedures and requirements set forth in Section [27-3602](#), Planned Development (PD) Zoning Map Amendment.

(3) Organization of Planned Development Zone Regulations

Section 27-4301(d), General Standards for All Planned Development Zones, sets out general standards applicable to all types of PD zones. Section [27-4302](#) through Section [27-4304](#) sets out for each of the different types of PD zones, a purpose statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD Basic Plan and PD Conditions of Approval, and references to applicable use and other standards.

(4) General Standards for All Planned Development Zones

Before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD Basic Plan and Conditions of Approval, comply with the following standards:

(1) PD Basic Plan

The PD Basic Plan shall:

- (A) Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;

- (B)** Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned Development Zones, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;
- (C)** Establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;
- (D)** Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;
- (E)** Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;
- (F)** Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;
- (G)** Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;
- (H)** Identify the general location of existing on-site and adjacent historic sites, resources, and districts and archeological and cultural resources;
- (I)** Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (J)** Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (K)** Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

- (L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;
- (N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- (O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d)(2), Development Standards; and
- (P) Include specific public benefits and project amenities in accordance with Section 27-4301(d)(3).

(2) Development Standards

The development standards in [PART 27-6: Development Standards](#) and the Landscape Manual, shall apply to all development in each PD zone. Development standards (but not the Landscape Manual; modifications to the Landscape Manual may only be made pursuant to Alternative Compliance or a major departure) may be modified as indicated in Table 27-4301(d)(2): Modification of Development Standards, if consistent with the relevant Area Master Plan or Sector Plan, the purposes and requirements of the individual PD zone, and any other applicable requirements of this Ordinance. To the extent a standard in [PART 27-6: Development Standards](#), conflicts with a standard in [Section 27-4302, Residential Planned Development Zones](#); [Section 27-4303, Transit-Oriented/Activity Center Planned Development Zones](#); or [Section 27-4304, Other Planned Development Zones](#), the standard in [Section 27-4302, Section 27-4303, or Section 27-4304](#) shall apply.

* * * * *

(3). Public Benefits

- (A) Public benefits are superior features in a Planned Development zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a Base zone.
- (B) All public benefits shall meet the following criteria:
 - (i) Benefits shall be tangible and quantifiable items;
 - (ii) Benefits shall be measurable and able to be completed or arranged prior to issuance of the first certificate of use and occupancy;
 - (iii) Benefits must primarily benefit the surrounding neighborhood or service a critical Countywide need; and

- (iv) Benefits must significantly exceed applicable standards in [PART 27-6: Development Standards](#).
- (C) Public benefits may be exhibited in one or more of the following ways:
 - (i) Urban design and architecture superior to the high baseline expectation set by this Ordinance, including but not limited to high-quality materials and embellishments on all facades of all buildings, unique and/or signature architectural forms, innovative urban design relationships and placemaking, and demonstrated commitment to superior quality;
 - (ii) Superior landscaping;
 - (iii) Creation and/or preservation of open spaces;
 - (iv) Site planning demonstrating efficient and economical land utilization;
 - (v) Commemorative works and/or provision of public art;
 - (vi) Adaptive reuse of historic sites or resources;
 - (vii) Provision of affordable housing options;
 - (viii) Provision of employment and/or training opportunities;
 - (ix) Incorporation of social services and facilities, including, but not limited to, space dedicated for child or adult day care facilities and/or elderly care facilities available to the general public;
 - (x) Dedicated building space for uses to benefit the public, including, but not limited to, community educational or social development, promotion of the arts or similar programs, and/or business incubation;
 - (xi) Sustainable and environmental benefits to the extent they exceed the standards otherwise required by the County Code, including, but not limited to:
 - (aa) Stormwater runoff controls in excess of those required by Subtitle 32 of the County Code and any other County stormwater management regulation;
 - (bb) Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated; and/or
 - (cc) Gardens, urban farms, or other on-site food production through permanent and viable growing space and/or structures.
 - (xii) Enhanced streetscape design and maintenance provisions;
 - (xiii) Outdoor children’s play areas open to the general public and designed to provide safe, active recreation;
 - (xiv) Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.; and
 - (xv) Other public benefits and project amenities that substantially advance the policies, goals, and objectives of the General Plan or the applicable Area Master Plan, Sector Plan, or Functional Master Plans.

(4). PD Conditions of Approval

(A) The PD Conditions of Approval shall include, but not be limited to:

- (i)** Conditions related to approval of the application for the PD zone classification;
- (ii)** Conditions related to the approval of the PD Basic Plan, including any conditions related to the form and design of development shown in the PD Basic Plan;
- (iii)** Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development, in accordance with any Certificate of Adequacy required under [Subtitle 24: Subdivision Regulations](#). The provisions shall include but not be limited to:
 - (aa)** Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site and off-site public facilities in compliance with the applicable municipal, County, State, and Federal regulations; and/or
 - (bb)** The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable municipal, County, State, and Federal regulations.
- (iv)** Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);
- (v)** Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD zone;
- (vi)** Identification of minor deviations not materially affecting the PD zone's basic concept or the designated general use of the land within the zone, that may be approved by the Planning Director in accordance with Section [27-3602\(b\)\(11\)\(G\)](#), Minor Deviations; and
- (vii)** Any other provisions the District Council determines are relevant and necessary to the development of the planned development.

(C) All Conditions of Approval shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

(5). Development Phasing Plan

If development in the PD zone is proposed to be phased, the PD Basic Plan shall include a development phasing plan that identifies the general sequence or phases in which the zone is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the County's capital improvement program, and how environmentally sensitive lands will be protected and monitored.

(6). Conversion Schedule

The PD Basic Plan may include a conversion schedule that identifies the extent and timing to which one type of use may be converted to another type of use.

(f) Departures for PD Basic Plan

Applicants or landowners may seek minor departures to an approved PD Basic Plan in accordance with the procedures and standards in Section 27-3614, Departure (Minor and Major). Major departures to an approved PD Basic Plan may not be sought or granted. Instead, applicants may amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval (See Section 27-3602, Planned Development (PD) Zoning Map Amendment).

27-4302. Residential Planned Development Zones

(a) Residential Planned Development (R-PD) Zone

1. Purposes	
<p>The purposes of the Residential Planned Development (R-PD) Zone are:</p> <ul style="list-style-type: none"> (A) To provide flexibility for the design of innovative, high-quality, planned residential communities that include a mix of residential use types along with a range of complementary and mutually supporting nonresidential land uses that serve the needs of the residents of the development; (B) To ensure and support the development of comprehensive pedestrian and bicycle circulation networks, which are separated from vehicular roadways and link residential, commercial, open space, and recreation areas; (C) To preserve and support well-integrated open spaces and recreation facilities for the use of the residents of the planned residential community; (D) To ensure that the planned residential community is developed in a manner that does not adversely impact the surrounding communities; and (E) To ensure the planned residential community respects the topographic and other environmental characteristics of the site on which it is located. 	

2. Use Standards
<p>The specific principal, accessory, and temporary uses allowed in an individual R-PD Zone shall be established in the PD Basic Plan (see Section 27-4301(d), General Standards for All Planned Development Zones). Uses shall be consistent with the applicable Area Master Plan or Sector Plan, and the purposes of the R-PD zone.</p>

3. Intensity and Dimensional Standards (1)		
Standard (1)		
Density, min. (du/net lot areas)	All Uses	1.00
Density, max. (du/net lot area)	To be established in PD Basic Plan (see Section 27-4301(d))	
Net lot area, min. (sf)		
Lot width, min. (ft.)		
Lot coverage, max. (% of net lot area)		
Front yard depth, min. (ft.)		
Side yard depth, min. (ft.)		
Rear yard depth, min. (ft.)		
Principal structure height, max. (ft.)		
<p>NOTES: sf = square feet; ft. = feet; du = dwelling unit; ac = acre</p> <p>2. See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.</p>		

4. Other Standards		
Minimum Area Threshold	The minimum area for an R-PD zone is:	<p>(d) 20 gross acres if the proposed gross density is less than 5 units an acre</p> <p>(e) 10 gross acres if the gross density is 5 to 8 units an acre</p> <p>(f) 5 gross acres if the gross density is greater than 8 units an acre</p>
Location Standards	An R-PD Zone shall only be approved if the property is located in a Residential base zone, the LMXC Zone, or the LCD Zone.	
Street Access	Each lot and attached unit in the development shall have direct access to a street.	

Section 27-6104 identifies the development standards that apply to certain development within the County. This Section includes a Table that states that the “construction of a new single-family detached, single-family attached, or two-family dwelling” must address the design standards in Sections 27-6300 (Off street parking and loading standards), 27-6500 (landscaping standards), 27-6600 (fence and wall standards), 27-6700 (exterior lighting), 27-6800 (environmental protection and noise control standards), 27-61200 (Neighborhood compatibility standards), 27-61500 (signage standards), and 27-61600 (green building standards). Construction of new townhouses are subject to all of the preceding standards and to those found in Sections 27-6200 (roadway access mobility, and circulation standards), 27-6400 (open space set asides), 27-6903 (multifamily, townhouse, and three-family standards), and 27-61200 (neighborhood compatibility standards). It may be exempt from the agricultural and urban agricultural compatibility standards if there are no active agricultural uses in the area. However, Table 27-6104 (Applicability of Development Standards), expressly notes “[w] here the general standards within this [Part] conflict with

specific use standards specified in this Subtitle, the standards applicable to the specific use shall apply. “Section 27-6105 (Timing of Review), provides that the PD Basic Plan may amend many of the development standards within Part 6 to set new design standards, subject to the approval of the District Council. The Basic Plan may not amend the requirement to meet the Neighborhood Compatibility Standards and the Green Building Standards.

CONCLUSIONS OF LAW

- (1) I will first address the concerns of those opposed to the instant request.
- (2) Those opposed first argue that Applicant is required to show that there has either been a substantial change in the character of the neighborhood or a mistake in the original zoning or the most recent Sectional Map Amendment that governs the property. The “change or mistake” provisions are found in Section 27-3601(e) of the Zoning Ordinance. That Section is applied to Zoning Map Amendments for Base Zones and not Planned Development Zones. Section 27-4301(b) expressly notes that a property can only be changed to a Planned Development Zone if it is done in accordance with Section 27-3602 of the Zoning Ordinance, above. Moreover, Section 27-1500(d) of the Zoning Ordinance urges that when it is possible to construe a provision in more than one way, it should be “construed in a way that eliminates or minimizes conflicts with other provisions of the Zoning Ordinance in a way that is consistent with state and Federal law.” Finally, it is established caselaw that the change or mistake rule applies to piecemeal zoning (also known as Euclidean zoning, and defined in the County’s Zoning Ordinance as base zones), and “floating zones” (such as the County’s Planned Development Zones) are approved in accordance with the procedures provided by the District Council in the Zoning Ordinance. (See, Aubinoe v. Lewis, 250 Md. 645, 244 A.2d 879 (1968); County Council of Prince George’s County v. Zimmer, 444 Md. 490, 516; 120 A. 3rd 677 (2015)) Given these various provisions of the Zoning Ordinance, and the guidance of caselaw, I do not believe the District Council should deny the application on this ground.

The next argument is that the six public benefits proffered are insufficient to qualify as superior features that benefit the surrounding neighborhood or the public in general to a significantly greater extent than what could be provided under the RE Zone. To recap, the Planning Board found: (as to public benefits 1 and 2) the parkland dedication would qualify if the Master Plan trail of 3,500 linear feet is constructed, along with the additional 1,600 linear feet of trail that will be located on site for multimodal use, and the accompanying foot paths, bicycle lanes, ADA curb ramps, crosswalks, and enhanced landscaping are “acceptable”; (as to public benefit 3) the actual construction of the South County Roadway Improvements in CIP 4.66.0050 which exceeds the monetary

contribution that would be required at the time of preliminary review “is immediate and tangible, and above the base requirement”; (as to public benefit 4) improvements at Cosca Park and the Clearwater Nature Center would be investments toward a park amenity encouraged in the General Plan and a Functional Master Plan, but Applicant must work with the Parks Department to find an improvement that costs \$150,000 or more and can be constructed before the issuance of the first U&O permit (and a condition is attached to this effect). The Department of Parks suggested actual improvements to both facilities, but they were not added as a condition (Exhibit 22, Backup pp, 107-108) ; (as to public benefit 5) the additional woodland proposed as a public benefit will be approximately 25.19 acres which is slightly less than the 25.23 acres required under the RE-Zone, but more than required in the R-PD Zone, and “found to be an acceptable public benefit feature”; and (as to public benefit 6) the interpretive signage was acceptable as a public benefit if “designed in conformance with the current Prince George’s County Department of Parks and Recreation Interpretive Signage Detail . . . , to be reviewed at the time of detailed site plan.” (Exhibit 27, pp. 14-20) I would note that Applicant’s expert witnesses and the Planning Board’s expert witnesses reviewed the proffered public benefits and found they meet the definition, as noted above. There was, therefore, sufficient evidence before the Planning Board to determine that the six public benefits were proper or would be once certain criteria are satisfied before the issuance of the first U&O Permit. I agree with the Planning Board, except as to its belief that the additional woodland qualifies as a public benefit. The opposition correctly notes that public benefits are required to exceed what would likely result from development of the site under a base zone, and Applicant is proffering slightly less acreage. However, it is still important that Applicant be required to provide this amount of woodland, even if it does not qualify as a public benefit. However, the request should not be denied on this ground since public benefits are only required to be exhibited **in one or more** of a suggested list found in Section 27-4301 (d)(3)(c) and the remaining public benefits offered by Applicant’s would, therefore, suffice.

The opposition next argues that the Application does not conform to the recommendation of “Residential Low” land uses in the Master Plan⁶ defined as “primarily” single-family detached dwellings. “Primarily” is not defined in the Zoning Ordinance. However, some of its generally recognized definitions include “principally” and “predominantly”. The record in this case reveals that the number of attached and detached dwellings are equal. Accordingly, Section 27-3602(c)(2) is not completely fulfilled. Given the other provisions of both Plans concerning the serious need for housing, etc., and the fact that “primarily” does not mean “all”, this deficiency can be addressed by adding a condition that will reduce the number of townhouses so that the development will primarily consist of single-family detached dwellings.

⁵ The General Plan includes the same definition.

Finally, it is argued that the Application will harm surrounding properties. However, with the proposed conditions and the required preliminary plan of subdivision and detailed site plan approvals, the request substantially reduces any potential impacts on neighboring properties. Much-needed housing will be added, as will the jobs needed to provide the housing. Tinkers Creek, one of three green infrastructure primary corridors will be protected since the project will be developed on the portion of the site that has been used for grazing, protecting the environmental features on site that contain the highest ecological value, which are located within Tinkers Creek stream valleys. An improved stream valley also improves stormwater management and water quality, and modern stormwater management practices will be implemented. Over 60 acres of stream valley will be dedicated by the Applicant and will connect the stream valley parkland to another development to the south and the stream valley parkland owned by MNCPPC to the north, providing an addition to the Master Plan trail system in the area, as well as the opportunity to provide active and passive recreation and interpretive signage. Improvements will be made to the Cosca Regional Park and Clearwater Nature Center. Much-needed transportation improvements for Steed Road will be constructed by Applicant as the property is being developed, and monetary contributions will be provided for other CIP projects that will be constructed in the future. Due to the reduced density approved in the Hyde Landing development, the additional traffic anticipated if the request is approved will result in an area-wide decrease in the peak hour trips. The Applicant has taken care to develop the site with three pods, and the attached units will be set further back from Steed Road, cocooned between the detached dwellings. As a result, the single-family detached homes to the east will see landscaping and other single-family detached homes. Additional single-family dwellings constructed in an area zoned for residential use and improved with single-family detached dwellings should not be considered an adverse impact to existing homes if they otherwise comply with regulations and General Plan/Master Plan policies. I do not recommend that the request be denied on this basis.

(3) I will next address the Application's compliance with the remaining relevant provisions of the Zoning Ordinance. For clarity, these provisions are discussed out of numerical order, and certain findings apply to multiple sections.

Consistency with the applicable purposes of the Zoning Ordinance

Section 27-1300 sets forth the general purposes of the Zoning Ordinance, Section 27-4301 (a) sets forth the general purposes of all Planned Development Zones, and Section 27-4302 (a) (1) sets forth the specific purposes of the R-PD Zone. Section 27-3602(b)(7)(A)(iv) requires the Planning Board address whether the instant Application furthers these purposes. After a review of the Planning Board's recommendation, all exhibits submitted, and testimony provided, I would agree that the purposes set forth in these Sections of the Zoning Ordinance are met, since:

The request will provide a mix of housing types designed in a manner that preserves/protects the environmental features on the site, and therefore protects/promotes the public health, safety, comfort, convenience, and welfare of the present and future inhabitants of the County; provides infill housing, and stormwater improvements that are compatible with the surrounding dwellings and public land and satisfy recommendations in the General Plan and Subregion 5 Master Plan; the Applicant will be required to protect/preserve all environmental resources as set forth in the public benefits, and to follow the provisions within the Green Infrastructure Plan, Subtitle 24 and Subtitle 25; the development will have to satisfy all applicable provisions of the Zoning Ordinance, Building Code, Subdivision Regulations and other laws thereby ensuring adequacy of light, air and privacy, prevention of the overcrowding of land, protection from fire, flood and other dangers, provision of open space, adequacy of public facilities, and provision of multi-modal forms of mobility for pedestrian, bicyclist, and motorist. (Section 27-1300)

The request reduces the inflexibility of the RE Zone standards because it will allow attached and detached single-family housing and smaller lot sizes, with the detached dwellings and landscaping adjacent to the existing single-family detached development to the east. (27-4301(a)(1) and (a)(5)) As a result, Applicant will have greater freedom and flexibility in the form of the homes and design while protecting more of the natural features on this parcel which houses the important Tinkers Creek Stream Valley, Regulated Environmental Features, and acres of woodland; will be able to add trails that will connect to MNCPPC parkland and an adjacent R-PD zoned development; the residents will be connected to the internal and external recreation activities via a multimodal system of sidewalks, streets and bike lanes; and approximately 60 acres of open space are set aside, with approximately 50 acres preserved for woodland conservation (Section 27-4301(a)(2) and (a)(7)); Applicant is providing a mix of residential uses, with a range of lot sizes and housing types, and the site will be connected to the adjacent Hyde Landing which includes several nonresidential uses (Section 27-4301(a)(3)); the development will be served by two access points from Steed Road, and adequacy will be addressed at the time of subdivision, and the circulation and conceptual utility Exhibits indicate the land will be used efficiently and in a manner that preserves the Tinkers Creek stream valley (Sections 27-4301 (a)(4) and (6)); the subject property will be required to satisfy the Development Standards, including the Neighborhood Compatibility Standards in Part 6 of the Zoning Ordinance, and the attached units are cocooned between the detached units, improving compatibility with existing single-family attached homes. (Section 27-4301 (a)(5)); the Basic Plan takes advantage of the site's features as it preserves the Tinkers Creek stream valley, adding interpretive signage along the trails that will provide passive and active recreation features, and preserving/protecting it will provide stormwater protection (Section 27-4301(a)(7)); and, the public benefits will improve the adjacent Cosca Park, immediately address a needed improvement for Steed Road, add multimodal trails, and dedicate additional acreage to the Tinker's Creek Stream Valley. (Section 27-4301(a)(8))

The R-PD Zone allows Applicant the flexibility to provide a mix of residential use types and recreational amenities that will serve the future residents of the development.

(Section 27-4302(a)(1)(A)) The application includes the pedestrian and bicycle circulation separate from the vehicular rights-of-way that link to the MNCPPC parkland and to the Hyde Landing development to the south. (Section 27-4302(a)(1)(B)) The design of the site preserves open space and access to the stream valley for use by the residents of the development and the community. (Section 27-4302 (a)(1)(C)) The density, types of housing, placement of the homes, other dimensional standards, public benefits, and suggested conditions ensure that the Application will not adversely impact the surrounding communities. (Section 27-4302 (a)(1)(D)) The site is designed to respect the topography, Tinkers Creek floodplain and stream valley, existing woodland, and all other environmental characteristics on site. (Section 27-4302 (a)(1)(E))

General Standards for all Planned Development Zones

The Application's compliance with the purposes for all Planned Development Zone is addressed, *supra*. (Section 27-4301(a)(1)) The District Council is required to find that the Basic Plan satisfies the standards in Section 27-4301(d)(A)-(P), and can do so if certain conditions are addressed. The Basic Plan must establish a statement of planning and development goals consistent with the General and Master Plans, and the purposes of the zone. Applicant's Statement of Justification addresses these requirements, as noted above and within the statement (Exhibit 17), but the statement should be an addendum to the Basic Plan. (Section 27-4301(d)(1)(A)) The Basic Plan establishes the principal uses, but should specifically address the accessory and temporary uses for the development. (Section 27-4301 (d)(1)(B)) The Basic Plan establishes the general location of the development area, its acreage, its types and mix of land uses, residential density, the number of dwellings proposed in each pod, and the dimensional standards to be applied. The dimensional standards further the purposes because they are compatible with and will not adversely impact the surrounding community. The Basic Plan buffers the attached dwellings from the adjacent single-family houses across Steed Road by placing most within the interior behind a single-family detached pod, and with landscaping. (Section 27-4301(d)(1)(C)-(E)) The Basic Plan establishes the general location, amount, and type of open space planned for active and passive recreation, and in a manner consistent with the purposes of the R-PD Zone. (Section 27-4301(d)(1)(F)) Environmentally sensitive lands, waterways, and resources are identified and protected, consistent with the purposes of the R-PD Zone and the requirements of the Zoning Ordinance. (Section 27-4301(d)(1)(G)) There may be known archeological or cultural resources on site and conditions are added to evaluate them if identified in a Phase II archeological survey. (Section 27-4301(d)(1)(H)) The transportation, pedestrian, and bicycle circulation systems and off-site connections consistent with the purposes of the R-PD Zone and the Zoning Ordinance are provided. (Section 27-4301(d)(1)(I)-(J)) The Basic Plan includes an exhibit that identifies the general location of the proposed stormwater management facilities and the general location of storm drainage facilities on site. (Section 27-4301(d)(1)(K)-(L)) The property is served by a number of public facilities: the Cosca Regional Park and the Tinkers Creek Stream Valley Park are nearby, and there are neighborhood schools, a fire department and a police department in the vicinity. The property will be served by public water and sewer. The subject property does not lie within or near the boundaries of any municipality. The subject property is in Water and Sewer

Category 3 and proposed for Category 4. Applicant provided an on-site circulation plan that shows how the property will safely connect to the adjacent Steed Road, a master plan collector. Transportation adequacy, as well as adequacy of other public facilities will be fully fleshed out at the time of subdivision review, and Applicant's public benefits include the widening of a bridge on Steed Road to include travel lanes, trail and bike path. (Sections 27-4301 (d)(1)(M) and (N)) The development standards referenced in Section 27-4301(d)(2) are those found in Part 6 and the Landscape Manual, and the ones applicable to this request are mentioned, *supra*. They will be applied at future stages in the development if the request is approved. However, the record does address the plans for roadway access, off-street parking, fencing, open space set-asides in excess of the requisite 20%, and environmental protection. Part 6 requires all applications to satisfy the Neighborhood Compatibility and Green Building standards and modifications are prohibited; Applicant has not indicated that it will be seeking any permitted modifications to Part 6. ((Section 27-4301(d)(1)(O)) The Applicant has proffered specific public benefits and project amenities in Exhibit 20. (Section 27-4301(d)(1)(P))

Specific Provisions for R-PD Zone

The Application's compliance with the purposes for the Residential Planned Development Zone is addressed, *supra*. (Section 27-4302(a)(1)) The principal uses are established in the instant Basic Plan, and the temporary or accessory uses are not expressly identified as such, as addressed, *supra*. (Section 27-4302(a)(2)) The intensity and dimensional standards are provided in the Basic Plan and described earlier. (Section 27-4302 (a)(3)) Finally, the site has approximately 126 gross acres and will have a maximum density of 2.97 dwelling units per acre, is located in a residential base zone, and each lot and attached unit will have direct access to a street. (Section 27-4302 (a)(4))

Planned Development Map Amendment submittal requirements and Review by Advisory Board or Official

The Applicant was required to submit statements, plats, drawings, etc., and a Basic Plan that addressed all requirements set forth in Section 27-4300. For the most part, this was accomplished, as discussed above. (Section 27-3602(a))

Prior to approval, the Planning Board had to address whether the request satisfied the decision standards in Section 27-3602 (c) and the criteria set forth in Section 27-3602 (b)(7)(A)(i)-(iv). I concur with the Planning Board's finding that these criteria were met, for the reasons noted by the Planning Board in its resolution and for the following reasons:

- Section 27-3602 (b)(7)(A)(i) requires a finding that the application complies with the Planned Development Decision Standards found in Section 27-3602(c)(1)-(4). Section 27-3602 (c)(1) is met since: the General Plan and the Subregion 6 Master Plan both recommended residential low land use of the property, defined in the Master Plan and General Plan as residential areas of up to 3.5 dwelling units per acre and primarily single-family detached dwellings, and the Basic Plan

indicates that Applicant will construct 2.97 dwelling units per acre, thereby conforming with both Plans (once a condition is addressed); Section 27-3602(c)(2) is met since the application meets the purposes of the R-PD Zone, in particular, and the purposes of all PD Zones, in general, for the reasons noted above, and in the Planning Board's Resolution; Section 27-3602(c)(3) is met since the standards for the R-PD Zone found in Section 27-4302 (a)(3) are provided; and, Section 27-4302 (a)(4) is met since the intensity and dimensional standards are shown on the Basic Plan (minimum area is density of 1 du/acre; maximum density of 2.97 du/acre; minimum net lot area of 3,500 sq ft for single-family detached dwellings and 1,500 square feet for single-family attached dwellings; minimum lot width at the building restriction line of 40 feet for single-family attached dwellings and 18 feet for single-family detached dwellings; a minimum lot width at the street of 40 feet for single-family detached dwellings and 28 feet for single-family attached dwellings; a front yard setback depth of 10 feet for single-family attached and detached dwellings; a side yard setback depth of 5 ft/10 ft for single-family detached dwellings and 0 ft for single-family attached dwellings; a maximum lot coverage of 60% for single-family detached and 80% for single-family attached dwellings; and a maximum principal structure building height of 45 ft for single-family attached and 50 ft for single-family detached dwellings) and the minimum acreage of 20 acres for gross density of less than 5 dwelling per units is exceeded, the base zone for the subject property is the RE Zone; and each lot and attached unit in the development will have direct access to a street. Section 27-3602 (c)(4) is met and the development will not adversely impact the surrounding properties for the reasons noted above in my analysis of the opposition's concerns.

- Section 27-3602 (b)(7)(A)(ii) is met since the Applicant provided a need and justification for the R-PD Zone. The R-PD Zone will allow the flexibility of developing the site within the density ranges allowed in the applicable plans while honoring the environmental constraints on the site. The R-PD Zone will allow Applicant to construct attached and detached housing that takes advantage of these constraints by turning the stream valley into an amenity as well as improving its stormwater management capabilities, saving most of the high-priority forest areas and reforesting within the floodplain of Tinkers Creek, adding multimodal circulation including sidewalks and trails that may be enjoyed by the residents and community, and offer much-needed improvements to Steed Road.
- Section 27-3602 (b)(7)(A)(iii) is met since there will be little adverse effect of the R-PD Zone on the subject property and the surrounding neighborhoods. The homes will be designed to complement the area, and the attached housing will generally be to the interior of the site and

heavily landscaped near existing houses. Standards within Part 6 of the Zoning Ordinance will require neighborhood compatibility. Applicant will also use green building standards in the design and construction of the homes.

- Section 27-3602 (b)(7)(A)(iv) is met since the Application furthers the purposes of the Zoning Ordinance, the General Plan, and the Subregion 5 Master Plan as noted above.

District Council

(4) The District Council must ultimately find that the request satisfies the decision standards set forth in Section 27-3602 (c)(1)-(4). I believe the District Council may so find for the reasons discussed in detail in the Planning Board Resolution and those set forth above, because:

- The Application is in conformance with the Master Plan and General Plan since it satisfies both Plans' vision of Residential-Low development of no more than 3.5 dwellings per acre (once the condition of reducing the number of townhouses is addressed), as well as the policies concerning the protection and preservation of environmental features, the increase of available housing, the protection of high-priority forest, and other Plan policies addressed, *supra*.
- The Application meets the purposes and standards of the R-PD Zone as addressed, *supra*.
- There will be additional homes, there will be the inconvenience of living near active construction of homes and road improvements, and I do understand the valid traffic concerns of the residents in the area. However, the Application will not adversely impact the surrounding properties if all conditions herein, and those required during Subdivision and detailed site plan review, are satisfied since much of the site will remain untouched in order to protect the environmental features, some improvements to Steed Road will occur simultaneously with the development, and these should improve the flow of traffic. Other improvements to the local Park and Nature Center will also occur simultaneously.
- The Development Standards in Part 6 will be addressed during the later stages of review if the instant request is approved, and these will also increase the compatibility of the proposed development with the surrounding development.

RECOMMENDATION

I recommend that ZMA-004-2024 be APPROVED, subject to the following conditions and considerations:

1. Prior to certification of the Basic Plan, the plan shall be revised as follows:
 - a. The Applicant's Big Picture Exhibit, Public Benefits Statement of Justification, Proposed Road Improvement Exhibit, Improvements Exhibit, and Conceptual Park Conveyance Areas Exhibit shall be part of the Basic Plan submitted for certification.
 - b. Remove the note on the Basic Plan that modifications to the intensity and dimensional standards may be requested at the time of detailed site plan.
 - c. Revise the Public Benefit Plan to remove labeling of 6.3 acres of land dedication for mandatory parkland dedication and include this area in the land area for dedication for public benefit to total 52 acres.
 - d. Revise standards on the Basic Plan as follows:
 - (1) Maximum 60 percent lot coverage for single-family detached lots.
 - (2) Maximum 80 percent lot coverage for single-family attached lots.
 - (3) Minimum front yard depth of 10 feet for single-family detached and attached lots.
 - (4) Reduce the maximum number of single-family attached units to 130.
 - e. Revise the description of uses to add a heading for temporary and accessory uses, and state that temporary uses will be those needed for onsite construction and sales office, and accessory uses will be sheds, detached garages, and other accessory structures and uses, that are permitted in the zone, except as otherwise provided.
 - (1)
2. In conformance with Section 27-4301(d)(3) of the Prince George's County Zoning Ordinance, the following public benefits shall be completed or arranged prior to the issuance of the first certificate of use and occupancy for the site:
 - a. Dedication of 52 acres of land inclusive of the stream valley park and construction of the Tinker Creek Stream Valley Trail. A public use easement shall be provided for any portion of the trail outside of public land.

- b. Construction of 1,600 linear feet of a 10-foot-wide public trail system in addition to the Tinker's Creek Stream Valley Trail that will connect to the Hyde Landing development. A public use easement shall be provided for any portion of the trail outside of public land.
 - c. The provision of approximately 5.0 acres above the required 20.19 acres of woodland preservation.
 - d. Widening the Steed Road bridge to a width of 59 feet, consisting of a 10-foot-wide trail and bike path on southeast-bound side of Steed Road bridge, two 11-foot-wide southeast-bound vehicle travel lanes, two 11-foot-wide northwest-bound vehicle travel lanes, and a 5-foot-wide bike path on northwest-bound side of Steed Road bridge.
 - e. Widening Steed Road, 1,500 linear feet located from the northern point of the property frontage to the existing second southeast-bound lane beyond the subject site's frontage, to expand the southeast -bound lane along Steed Road and become a through-lane that connects with the standard frontage improvements.
 - f. Implementation of Cosca Regional Park improvements equal to or exceeding \$150,000.
3. In conformance with Section 24-4304(a) of the Prince George's County Subdivision Regulations, a Type 1 Tree Conservation Plan that accounts for all proposed clearing and shall show the provision of all woodland conservation requirements on-site. Fee-in-lieu and off-site woodland conservation shall not be approved.
 4. Prior to acceptance of the preliminary plan of subdivision application, the Applicant shall provide the following:
 - a. A geotechnical soils study that clearly defines the limits of the Marlboro clay and any required 1.5 safety factor limit boundary.
 - b. A draft copy of A Phase I Intensive Archaeological Survey of Kala Pacha Farm, per Section III. A. Board Guidelines for Archeological Review (2005), to the Historic Preservation Section archeological planning staff for review.
 - c. A revised copy of the Natural Resources Inventory plan for review, per County Code Section 27-6802, and Section 3.14 of the 2018 Environmental Technical Manual, with the location of archeological site 18PR817 identified on the plan.
 5. Prior to the acceptance of a detailed site plan, the Applicant shall provide a plan for any interpretive signage to be erected and public outreach

measures (based on the findings of Phase I, II, and/or Phase III archeological investigations) shall interpretive signage be warranted, subject to approval by a Prince George's County Planning Department staff archaeologist and including the timing for the installation of the signage and the implementation of public outreach measures.

6. Prior to submission of the final plat of subdivision for any residential lot/parcel, the Applicant, or the Applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Department of Parks and Recreation (DPR) for construction of off-site public recreational facilities, for approval. Upon approval by DPR staff, the RFA shall be recorded among the Prince George's County Land Records and the Liber and Folio of the Public RFA shall be noted on the final plat prior to plat recordation. The off-site recreational facilities shall be reviewed by the Prince George's County Department Parks and Recreation staff, for adequacy and proper siting. Timing for construction and rights of entry for said improvements shall also be set forth in the RFA, in accordance with Section 27-4301(d)(3) of the Zoning Ordinance.
7. Prior to the approval of the first building permit, the Applicant shall provide a performance bond, letter of credit, or other suitable financial guarantee to the Prince George's County Department of Parks and Recreation, for the construction of the off-site public recreational facilities.
8. Prior to the approval of any grading permits, if a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the Applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in St. Leonard, Maryland.

[Note: The Basic Plan is Exhibit 52 and Attachments thereto]