

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

**SPECIAL EXCEPTION**  
**4830**

**DECISION**

Application:	Apartment Housing for the Elderly or Physically Handicapped
Applicant:	Schultz Road, LLC
Opposition:	None
Hearing Date:	May 12, 2021
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

**NATURE OF PROCEEDINGS**

(1) Special Exception 4830 is a request for permission to use approximately 3.53 acres of R-80 (One-Family Detached Residential)/M-I-O (Military Installation Overlay) Zoned land located in the southeast corner of Schultz Road and Springbrook Lane, identified as 8230 Schultz Road, Clinton, Maryland, as Apartment Housing for the Elderly or Physically Handicapped. Applicant proposes 90 apartment units for the elderly or physically handicapped.

(2) The Technical Staff recommended approval with conditions. (Exhibit 15) The Planning Board chose not to review the Application and adopted the Technical Staff's recommendation as its own.

(3) No one appeared in opposition to the Application and the record was closed at the conclusion of the evidentiary hearing.

**FINDINGS OF FACT**

**Subject Property**

(1) The Subject Property is unimproved.

(2) The topography of the Subject Property is generally level, though there is a grade separation between it and Schultz Road which increases to the southwest, and there is a bank which separates the greater part of the Subject Property's area from the floodplain of the adjacent stream, Pea Hill Branch, to the southwest. The greater part of the subject property is clear, though the periphery of Pea Hill Branch is wooded.

(3) The southwestern edge of the Subject Property runs along the upper reaches of Pea Hill Branch, as described above, which is a tributary of Tinker's Creek, which is in turn a tributary of Piscataway Creek. There is a 100-year floodplain associated with Pea Hill Branch, which covers

a little more than an acre of the Subject Property's gross tract area. The floodplain area is depicted on FEMA panel 24033C0245E, though without a flood elevation; on February 27, 2019, the Department of Permitting, Inspections and Enforcement approved a detailed delineation of the floodplain under study 940002 and case number 5731-2019-00. There are areas of nontidal wetlands in the floodplain of Pea Hill Branch, as indicated on Natural Resources Inventory NRI-058-2019. Across Pea Hill Branch are single-family detached dwellings in the R-80 Zone.

(4) The western edge of the Subject Property is bounded by Schultz Road, a two-lane primary residential roadway which has an open section and does not have any shoulders across the subject property's frontage. On the other side of Schultz Lane are single-family detached dwellings in the R-80 Zone.

(5) The northern edge of the subject property is an access ramp both coming from and leading back onto southbound Branch Avenue (MD Route 5); the access ramps act as an extension of Springbrook Lane. On the other side of the access ramps to and from southbound Branch Avenue (MD Route 5) is the office building of Exit Landmark Realty in the C-M Zone.

(6) The eastern edge of the subject property abuts a stormwater management pond on land owned by the Maryland State Highway Administration, in the R-80 Zone.

### **Zoning History**

(7) The subject property is located on Tax Map 116 in Grid D-1, and is known as Part of Lot 71, Charles C. Schultz's Subdivision, recorded in Plat Book 7-93 and dated May 7, 1940. The total area of the property is 3.53 acres and is zoned One-Family Detached Residential (R-80), within the Military Installation Overlay (M-I-O) Zone. The property is currently undeveloped. Lot 71, as shown on Plat Book 7-93, has been modified subsequent to recordation by conveyance of right-of-way, and therefore, the property is no longer configured as shown on the record plat.

The property considered in this Special Exception is not subject to a previously approved Preliminary Plan of Subdivision (PPS). Since the property has a Final Plat of Subdivision approved prior to October 27, 1970, development on the Subject Property proposing more than one single-family detached dwelling, or greater than 5,000 square feet of gross floor area, requires resubdivision of the property, in accordance with Section 24-111(c) of the Prince George's County Subdivision Regulations. A new PPS will be required to find conformance with the layout, as proposed with the subject Special Exception Application. Approval of a Final Plat of Subdivision will also be required, following approval of a PPS, prior to the approval of building permits for the Subject Property.

### **Surrounding Property**

(8) The property is surrounded by the following uses:

- **North**— The office building of Exit Landmark Realty in the Commercial Miscellaneous Zone.
- **East**— A stormwater management (SWM) pond on land owned by the Maryland State Highway Administration (SHA) in the R-80 Zone.
- **South**— Undeveloped, wooded land in the R-80 Zone.
- **West**— Single family detached dwellings in the R-80 Zone.

## **Neighborhood**

(9) The neighborhood of the Subject Property was defined in the Technical Staff Report as having the following boundaries:

- **North** – Coventry Way
- **West** – Old Branch Avenue
- **East** – Branch Avenue (MD Route 5)
- **South** – Woodley Road and the northern limits of Woodyard Crossing Shopping Center.

## **Master Plan/Sectional Map Amendment**

(10) The Subject Property is located in Planning Area 81A. The applicable Master Plan is the Approved Central Branch Avenue Corridor Revitalization Sector Plan, approved on April 2, 2013.

The Sector Plan designated the Subject Property for “Open Space” land use.

The July, 2013 Subregion 5 Sectional Map Amendment had previously retained the Subject Property in the previously-existing R-80 Zone.

The Growth Policy Map in the May, 2014 General Plan placed the property in the Established Communities category, and the Generalized Future Land Use Map designated it for “Parks and Open Space” land use.

The site is not within a Priority Preservation Area.

## Applicant's Proposal

(11) The proposed use for Special Exception SE-4830 is a four-story multi-family building of 84,811 gross square feet, containing 90 apartment units as well as a number of common areas. The units will be reserved for residents above the age of 62 years old, and more particularly for seniors with incomes at or below 80% of the AMI for Prince George's County. The building is proposed to contain seventy-two one-bedroom apartments ranging in area from approximately 609 SF to 652 SF, and eighteen two-bedroom apartments ranging in area from approximately 845 SF to 868 SF.

The parking lot will contain sixty spaces, meeting the requirement of Part 11 of the Zoning Ordinance.

Stormwater management will be provided by a number of microbioretention devices in order to provide water quality, while high-intensity storms will be managed by underground pipe storage.

The frontage along Schultz Road will be improved to the County's primary urban residential roadway standard, which will include widening of the right-of-way and pavement, addition of curb & gutter, street trees, streetlights and a master-planned trail.

While the Master Plan of Transportation recommends a stream valley trail along Pea Hill Branch, the Applicant has not proposed to construct this trail at this time, as there is no other constructed segment of the planned trail to connect to, and it would entail additional impacts to the wooded floodplain for no current benefit. After discussions with MNCPPC staff, the Applicant agreed instead to grant an easement in the floodplain area for the trail construction.

As briefly described above, the proposed building will be four-stories in height. The building's elevations will feature brick cladding on the ground level, with additional brick elements extending higher around the building's main entrance. Upper floors will be clad principally with fiber-cement siding and panels, with some areas of vinyl on the rear elevation facing the wooded floodplain. The building will have a pitched roof over much of its area, though there will be areas of flat roof to accommodate the HVAC condensing units, which will be placed on the roof to prevent them from being an adverse visual impact.

The elevations of the building facing Branch Avenue, will be constructed using windows with higher STC values to mitigate the noise impacts. The building will also include insulated sheathing in its perimeter walls; this will address both the Energy Star requirement for continuous insulation and will provide for sound attenuation.

The building will contain a number of amenities for the residents: It will contain a hospitality suite, which will be available to accommodate overnight visitors of the residents. There will be a community multipurpose room with a kitchenette to accommodate group activities, as well as a sitting room and a party room, all able to be interconnected, and all easily

accessible to the main entrance. The party room will also be equipped with a warming kitchen. The building will have a fitness room outfitted with various pieces of exercise equipment.

In addition to the main floor public areas described above, each upper floor will also feature a lounge with a large TV and electric fireplace. The lounge on the main floor will also have the residents' mailboxes, while each of the upper floor lounges will be integrated with the laundry facilities.

Adjacent to these indoor common spaces will be an outdoor patio, partially covered, for additional seating and gathering area. The outdoor patio will be located on the southwest side of the building so that the building's mass can screen it from the traffic noise from Branch Avenue and will face the preserved wooded floodplain of Pea Hill Branch. The main entrance will also have a canopy which will accommodate both passenger drop-off.

### **APPLICABLE LAW**

(1) Apartment Housing for the Elderly or Physically Handicapped are permitted in the R-80/M-I-O Zones by grant of a Special Exception pursuant to Sections 27-317 and 27-337 of the Zoning Ordinance.

(2) Section 27-317 provides as follows:

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purpose of this Subtitle;  
(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

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

(3) Section 27-337 provides, in pertinent part, as follows:

(b) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:

(1) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly

or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;

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(c) For the purposes of this Section, the term "elderly or physically handicapped family" means a family in which the head of the family, or his dependent, is at least sixty-two (62) years of age or is physically handicapped. A person shall be considered physically handicapped if he has a physical impairment which:

- (1) Is expected to be of continued and indefinite duration;
- (2) Substantially impedes the ability to live independently; and
- (3) Is of a nature that the ability could be improved by more suitable housing conditions.

(4) The Court of Appeals provided the standard to be applied in the review of a special exception Application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an Application for a special exception use is arbitrary, capricious, and illegal.

The record in this case reveals "no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan". It would, therefore, be proper to grant the request, once the conditions addressed below are satisfied.

## CONCLUSIONS OF LAW

### General Requirements

(1) §27-317(a) requires that the proposed Use and Site Plan be in harmony with the general Purposes of the Zoning Ordinance, §27-102, and with the specific purposes of the R-80 Zone, §27-429(a)(1).

(2) The general Purposes of the Zoning Ordinance are listed in §27-102(a). The instant Application is in harmony with the general Purposes of the Zoning Ordinance as follows:

**(1)      *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;***

The proposed Special Exception Site Plan proposes a low-impact use at a contextually-appropriate location, the improvement of an existing adjacent substandard roadway, generates a traffic impact that is only barely above *de minimis*, and preserves the Pea Hill Branch stream valley while protecting its residents from any dangers of flooding, and protects others in the area by providing 100-year management of runoff. The site will be well-lit, well-landscaped, and in keeping with the Sector Plan's recommendations for Crime Prevention Through Environmental Design (CPTED). For these reasons, the Applicant believes that the approval of its Application will not adversely impact the health, safety and welfare of nearby residents or workers.

**(2)      *To implement the General Plan, Area Master Plans, and Functional Master Plans;***

The relevant Plans which apply to the subject property are the 2014 General Plan, the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, and a number of Functional Master Plans, including the Green Infrastructure Plan, the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

While not forming a part of this criterion for approval of Special Exceptions, one of the purposes of the Zoning Ordinance is to implement the General Plan, so this Plan is discussed here as well.

### **General Plan**

The General Plan classified the subject site in its Growth Policy Map<sup>1</sup> in the “Established Communities” category. “Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,”<sup>2</sup> and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development....”<sup>3</sup>

The Applicant development of the Subject Property as apartment dwellings for the elderly will serve as a particularly context-sensitive transitional use, given that it is located in close proximity to Branch Avenue and its access ramps, is adjacent to one of that highway’s stormwater management ponds, and is across the street from a commercial use. Given the nature of its resident population and its buffering by the stream corridor of Pea Hill Branch, it is a very compatible and context-sensitive infill development, in keeping with the vision of the General Plan.

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<sup>1</sup> M-NCP&PC, *Plan Prince George's 2035 – Approved General Plan* (May, 2014), p. 107.

<sup>2</sup> *General Plan*, p. 106.

<sup>3</sup> *Ibid.*, p. 20.

The General Plan also includes a particular Policy in its Housing and Neighborhoods Element to, “increase the supply of housing types that are suitable for, and attractive to the County’s growing vulnerable populations. These include the elderly, the homeless and residents with special needs.” This Policy goes on to include a Strategy directing the County to eliminate regulatory barriers to the construction of elderly accessible housing; while this Application is going through the historic regulatory process, the General Plan’s Policy and Strategy quoted here indicate that the subject Application is very much in keeping with the County’s goals as laid out in its General Plan.

The Generalized Future Land Use Map<sup>4</sup> designated the subject property for “Parks and Open Space” land use, which will be discussed below under the Sector Plan.

### **Sector Plan**

The 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan focused much of its discussion on five specific focus areas; the subject property lies between two of them, and as such there is no discussion in the Sector Plan’s text which directly addresses it. The “Corridorwide Future Land Use”<sup>5</sup> indicates that the future land use is to be “Open Space,” though no specific recommendation affecting the subject property is made.

Broadly, the “Open Space” recommendation on the subject property is not property-specific, and is not connected with a planned park requirement, nor is the subject property even designated on the Plan’s Map 46 as an area of “Possible Addition to Parks and Open Space,” but the Applicant believes rather that the land use recommendation is indicative of two factors: First, the subject property was owned by Prince George’s County at the time of the preparation of the Sector Plan; and, second, a general goal of the Plan to protect sensitive areas, which in the specific case of the subject property is the Pea Hill Branch stream valley. This is reflected in the plan’s recommendations for the trail network in the plan area’s stream valley parks, and a more specific recommendation to, “Enhance existing stream valley parks and open space network by acquiring sensitive environmental properties and gap properties identified as part of the Green Infrastructure Network.”<sup>6</sup> The mapping in the Green Infrastructure Plan which was active at the time, however, did not identify Pea Hill Branch as a part of the County’s Green Infrastructure network at all, and even the updated (2017) Green Infrastructure Plan mapping on the County’s PGAtlas GIS site only includes the approximately 20% of the subject property’s area which corresponds to the 100-year floodplain area.

By preserving the floodplain area and thereby allowing for the future construction of the planned stream valley trail network, the subject Application will be helping to implement the intent of the Sector Plan.

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<sup>4</sup> *General Plan*, p. 101.

<sup>5</sup> M-NCP&PC, *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (April, 2013), p. 112.

<sup>6</sup> *Sector Plan*, p. 132.

The Plan does make a number of general recommendations for community design and appearance which are intended to be applicable to development outside the focus areas; the Plan indicates that its recommendations are intended to, “provide guidance on best practices that should be considered during the design of new projects to enhance the function and visual quality”<sup>7</sup> The applicable guidance includes the following:

In its Design for Safety guidance, the Plan suggests:

*“Natural Surveillance – Crime is more likely in areas without opportunities for natural surveillance. Design buildings to maximize visibility and enhance natural surveillance by keeping potential intruders under observation. Provide windows, storefronts, clearly visible entrances, balconies, porches, outdoor activity areas, and benches. Ensure that windows, especially storefront windows, are not obscured.”<sup>8</sup>*

The Special Exception Site Plan provides for a direct spatial relationship between the building and the parking lot to provide “eyes on the parking lot” from the facility’s residents. The building’s entrance is clearly visible, accentuated by the building’s massing, and provides areas around it for outdoor seating to maximize opportunities for natural surveillance.

*“Natural Access Control – Guide people to and from the proper entrances using walkways, proper lighting, signage, and fences to direct the flow of people while decreasing the opportunity for crime. Ensure clear sightlines along sidewalks and provide low-level lighting along sidewalks, pathways, service entrances/areas, parking lots, and alleys. Install traffic calming techniques that limit streets as fast getaway routes and reduce on-street criminal activity.”<sup>9</sup>*

The Special Exception Site Plan provides for a well-lit parking lot that is clearly oriented to the building entrance. Sidewalks connect the parking lot to the building entrance across the building’s front elevation, with clear sightlines not only across the site, but with “eyes on the sidewalk” from the facility’s residents as described above.

In its Site Design guidance, the Plan suggests:

*“Orient building frontages to face the street, courtyard, or plaza. In mixed-use areas, the street facing buildings should establish a street wall deep enough from the street curb to provide wide pedestrian walkways in front of the buildings. This will create and define public spaces and encourage an active street frontage.”<sup>10</sup>*

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<sup>7</sup> *Ibid.*, p. 113.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, pp. 113-4.

<sup>10</sup> *Ibid.*, p. 114.

The building is designed to create a plaza centered on the building entrance. This creates an active area in keeping with the Plan guidance.

*“Setbacks should vary slightly to maximize streetscape interest. Avoid uninterrupted walls of structures. Buildings should not be sited in rigid parallel fashion to avoid monotony in visual appearance.”<sup>11</sup>*

The building has been designed with massing that creates visual interest. Varied setbacks and projections avoid a monotonous appearance.

*“Place parking at the rear or side of all buildings in order to avoid a direct view of parking lots from the street. Provide parking islands with landscaping to soften the view of asphalt pavement and to avoid the prospect of a sea of parked cars.”<sup>12</sup>*

In this case, the specifics of the Subject Property suggest that this guidance is not wholly appropriate: The presence of the commercial uses and the highway access ramps to the north and single family residences to the southwest indicate that the more contextual design is to locate the parking lot to the north (the legal “front”) and the building to the south. In addition to protecting the single-family character to the southwest, this design also has the beneficial effect of mitigating the adverse noise impacts from Branch Avenue. The Special Exception Site Plan does, however, create large parking islands integrated not only with landscaping but with Environmental Site Design methods, which soften the view of the pavement, break up the mass of parked cars, and provide water quality benefits as well.

*“Provide low screen walls, hedges, or both, at those places where surface parking can be viewed from the street.”<sup>13</sup>*

The parking lot perimeter is landscaped in accordance with the requirements of the Landscape Manual to meet this Sector Plan guidance.

*“Use landscaping to beautify the street and public spaces, to buffer incompatible uses, and to screen unsightly views. Locate loading areas away from public views. Where this is not feasible, these areas should be properly screened.”<sup>14</sup>*

The general site area is landscaped in accordance with the requirements of the Landscape Manual to meet this Sector Plan guidance.

In its Building Design guidance, the Plan suggests:

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<sup>11</sup> *Ibid.*, pp. 114-15.

<sup>12</sup> *Ibid.*, p. 115.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

*“Design all buildings with high-quality materials and treatments. Exterior building walls should be constructed with brick, stone, precast concrete, and other high-quality compatible materials. Reflective and tinted glass should not be used on the ground floor of any building, and ribbons or bands of glass should not be used for windows.”<sup>15</sup>*

As described above, the building design will feature brick cladding on the ground level, with additional brick elements extending higher around the building’s main entrance. Upper floors will be clad principally with fiber-cement siding and panels. Neither reflective glass nor ribbon windows are proposed.

*“Provide architectural elements and proportion that relate to a pedestrian scale in building façades. Large expanses of identical building walls should be avoided. Façades that provide a regular and frequent pattern of architectural variety through modulation of wall plane, detailing, color, texture, material, and the incorporation of art and ornament are encouraged.”<sup>16</sup>*

The building’s facades are elegantly modulated by changes in plane, color and material in keeping with this guidance.

*“Incorporate projections and recesses to add interest to buildings, especially to highlight entrances. Awnings and canopies made of high-quality materials, and proportional in design and placement, should be used where appropriate, especially over doors and windows. Colors should be compatible with primary building materials and with adjacent buildings”<sup>17</sup>*

As described above, the building’s façade modulation includes changes in plane, both generally and around the entrance. The building proposed a substantial canopy over the entrance with materials from the palette used for the rest of the building.

The Plan’s guidance for Connectivity and Circulation and Open Space are largely relevant only to commercial areas and uses. However, the Plan does recommend that sidewalks be provided throughout the sector plan area, which the Special Exception Site Plan has proposed to do along its road frontage; it is noted, however, that a sidewalk is not proposed along the access ramp to Branch Avenue along the property’s northern frontage. It is also noted that the Plan’s guidance recommends consideration that, “signs should be ground mounted monumental signs; constructed with any high quality material—such as brick or stone—compatible with the building materials that predominate; and accented with plants, flowers, and lighting.”<sup>18</sup> This guidance will be implemented by the proposed monument signage.

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<sup>15</sup> *Ibid.*, p. 116.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, p. 117.

<sup>18</sup> *Ibid.*, p. 119.

The Sector Plan does recommend the creation of the “Pea Hill Branch Connection,” a hard surface trail along the Pea Hill Branch stream valley. As discussed above, the Applicant has not proposed to construct this trail at this time as there is no other constructed segment of the planned trail to connect to, and it would entail additional impacts to the wooded floodplain for no current benefit. In discussions with MNCPPC staff, however, the Applicant indicated that they would be willing to grant an easement in the floodplain area at such time as the trail were to be constructed so that this Plan recommendation can be implemented.

The Sector Plan also makes recommendations to protect and preserve environmental resources in the plan area. The applicable recommendations include:

*“Expand tree and forest canopy coverage by ensuring that new development meets its woodland conservation requirements either on site or within the plan area’s watersheds. Establish woodland conservation banks within the Piscataway and Henson Creek watersheds for use when off-site woodland conservation acreage is needed as part of new development. Consider the potential sites for these banks shown on Map 46.”<sup>19</sup>*

The proposed Tree Conservation Plan will require the acquisition of off-site woodland to meet its conservation requirements. Every consideration will be given to the use of woodland banks within the Pea Hill Branch, Tinker’s Creek and Piscataway Creek hierarchy of watersheds, to the extent that area there is available.

*“Protect existing woodland and natural areas, restore wetlands and forests in stream buffers, and stabilize and restore ecosystem functions of receiving streams as part of the stormwater management designs for development projects or as separate, publicly funded projects. See Map 46 and Table 11 for sites identified for specific improvements.”<sup>20</sup>*

*“Encourage private landowners, including homeowner associations (HOAs) and institutions, such as schools and churches who own large tracts of undeveloped land, to preserve forested stream buffers, minimize forest fragmentation, and establish reforestation banks or woodland banks on their properties.”<sup>21</sup>*

While the Subject Property does not contain any areas identified for specific improvements, it does contain a part of the stream valley of Pea Hill Branch. This stream valley will be protected by the preservation of its woodland in accordance with these Plan recommendations.

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<sup>19</sup> *Ibid.*, p. 128.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*, p. 129.

*“Promote the use of environmentally sensitive (green) development techniques in redevelopment and new development projects, including the use of bioretention landscaping, minimizing impervious surfaces, and the use of grass channels and swales to reduce runoff and sheet flow into stream and wetland buffers.”<sup>22</sup>*

The stormwater management systems proposed include the use of Environmental Site Design methods, including landscaped microbioretention areas, to implement this Plan recommendation. Additionally, the project will only provide the minimum parking required by Part 11 to minimize the extent of impervious surfaces.

*“Ensure that site and street designs include the use of full cutoff optic lighting systems that provide consistent light levels throughout the revitalization areas.”<sup>23</sup>*

Full cutoff lighting is proposed for the project.

*“Mitigate noise created by transportation uses on existing and future residential communities by designing residential uses to minimize noise impacts through building placement or construction materials. Discourage inappropriate land uses, such as outdoor recreation, in areas subject to high noise levels.”<sup>24</sup>*

As discussed above, a principal determinant of the building’s placement was noise mitigation. Additionally, enhanced construction materials will be used to further mitigate noise impacts. Finally, the principal outdoor recreation area will be sited on the rear of the proposed building to screen it from the highway noise from Branch Avenue.

By implementing these recommendations and the applicable guidance of the Sector Plan, the subject Application will greatly exceed the required finding of not substantially impairing the Sector Plan, and instead will act to actively implement it.

### **Applicable Functional Master Plans**

The Special Exception area is mapped as containing Regulated Areas of the County’s Green Infrastructure Network associated with the floodplain of Pea Hill Branch. By preserving this area (except for a minor impact to safely and nonerosively discharge stormwater), the subject Application will not substantially impair the Green Infrastructure Plan.

With regard to the Historic Sites and Districts Plan, no historic sites or resources are located immediately proximate to Subject Property; as such the approval of the subject Application will not have an adverse impact on this Functional Master Plan.

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<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject Application.

No proposed sites for Public Safety facilities are in the area affected by the subject Application.

The Countywide Master Plan of Transportation also proposes the Pea Hill Branch Stream Valley Trail, discussed above.

In conclusion, because the proposed apartment dwelling for the elderly are not in conflict with the General Plan, the Sector Plan or the applicable Functional Master Plans, approval of the subject Application will be in harmony with the Ordinance's purpose of implementing those plans.

**(3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;***

In addition to the protections which would be provided by the approval of the instant Application, the proposed apartment dwellings for the elderly will be developed in accordance with Preliminary Plan of Subdivision 4-20007, the approval of which met the tests for the adequacy of public facilities.

**(4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;***

Approval of the subject Application would be in harmony with this Purpose of the Ordinance by allowing for the addition of a compatible residential use at a location which acts as a transition between the single-family detached uses to the west, and commercial and industrial uses along the Branch Avenue corridor.

**(5) *To provide adequate light, air, and privacy;***

The subject apartment dwellings will be in harmony with this Purpose because it will conform to the setback and lot coverage requirements which would be established by the approval of this Application pursuant to Section 27-337(a)(4), and which largely replicate the base regulations for the R-80 Zone. Additionally, the abutting single-family residences are buffered far beyond the requirements of the Landscape Manual by the intervening floodplain of Pea Hill Branch.

**(6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;***

The approval of the subject apartment dwellings for the elderly would be in harmony with this Purpose because it will occupy an adequately-sized tract with ample open space and retained mature trees. Existing landowners which abut the subject property will be additionally protected by the intervening floodplain of Pea Hill Branch, and the subject property's location at an area of transition between the single-family dwellings to the west and south, and the commercial and industrial uses along Branch Avenue to the east.

**(7) *To protect the County from fire, flood, panic, and other dangers;***

The subject apartment dwellings for the elderly would be in harmony with this Purpose as they will be constructed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

**(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;***

Because the proposed use is specifically for affordable senior housing, its approval would speak directly to this Purpose of the ordinance.

**(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;***

The approval of the Special Exception for the proposed apartment dwellings for the elderly would be in harmony with this Purpose through the employment provided to the support staff of the facility which were described in the Applicant's Statement of Justification.

**(10) *To prevent the overcrowding of land;***

The proposed apartment dwellings for the elderly would be in harmony with this Purpose as it will be occupied in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, and the regulations which provide for height limits and setbacks.

**(11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

The approval of the subject apartment dwellings for the elderly would be in harmony with this Purpose because it will continue to be a low-intensity use, and as the approval of Preliminary Plan of Subdivision 4-20007 indicates, the proposed use will not unduly increase the intensity of the activity at the subject property beyond the capacity of the surrounding

transportation system. The construction of the proposed sidewalks will further enhance the safety of the surrounding streets, and will improve the usefulness of the transportation system.

**(12) *To insure the social and economic stability of all parts of the County;***

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, this planner believes that conformance with the requirements and regulations of the Zoning Ordinance will be *prima facie* evidence of the Application's harmony with this purpose.

Beyond that, however, the approval of the subject apartment dwellings for the elderly would promote the social stability of the County by providing for needed housing for low and moderate-income seniors.

**(13) *To 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;***

The subject Application will generate no new air or water pollution, and will disturb no stream valleys, steep slopes, lands of natural beauty, large areas of dense forest, scenic vistas and other similar features; as such, approval of this Application will be in harmony with this Purpose of the Ordinance.

**(14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;***

The approval of these proposed apartment dwellings for the elderly would be in harmony with this Purpose of the Ordinance because the subject property's natural features are being preserved to the fullest extent possible, and because recreational space is being provided for the residents both interior and exterior to the proposed building.

**(15) *To protect and conserve the agricultural industry and natural resources.***

Because the Subject Property is not located in an agricultural area, this Purpose is not applicable to the approval of this Application. §27-317(a)(1)

(3) The instant Application is also in harmony with the specific Purposes of the R-80 Zone, §27-429(a)(1), as follows:

**(1) *The purposes of the R-80 Zone are:***

**(A) *To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;***

**(B) *To facilitate the planning of one-family residential developments with medium-sized lots and dwellings of various sizes and styles;***

Because the proposed use is for a specialized housing type, these two purposes are not directly applicable to the instant Application. The existing lot which underlies the subject property will be resubdivided because of its age, however, and will meet the dimensional requirements of the R-80 Zone.

**(C) *To encourage the preservation of trees and open spaces; and***

Notwithstanding the provision of 27-337(a)(4), the proposed apartment dwelling will be in compliance with the requirements of the R-80 Zone which limit lot coverage, and will also be in compliance with the requirements of Subtitle 25 for Tree Canopy Coverage, thus being in harmony with this Purpose of the R-80 Zone.

**(D) *To prevent soil erosion and stream valley flooding.***

The proposed Special Exception Site Plan proposes the preservation of the Pea Hill Branch floodplain area, and further proposes to provide 100-year stormwater management, thus being in harmony with this Purpose of the R-80 Zone. §27-317(a)(1)

(4) Special Exception residential uses such as Apartment Housing for the Elderly or Physically Handicapped are presumed compatible with other residential uses provided the established setbacks, lot coverage, landscaping, minimum acreage, traffic and parking improvements and all other regulations are met.

The proposed use will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance. In the context of this finding, it is important to recognize that Section 27-337(a)(4) provides that, “*The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.*” Other applicable regulations of the Zoning Ordinance affecting the physical development of the property include the regulations applicable in all zones of Zoning Ordinance Part 2, Division 4; the provisions of the Landscape Manual adopted by reference by Part 2, Division 5; those addressing requirements for maximum structure height in Part 10C, the Military Installation Overlay Zone (discussed *infra*); those provisions addressing off-street parking in Part 11; and, those provisions addressing signs in Part 12. The subject Special Exception conforms to these requirements and regulations. §27-317(a)(2)

(5) The subject Application is in harmony with the Purposes of the Zoning Ordinance generally to implement the General and Master Plans and to provide for the efficient and desirable use of land in accordance with those Plans. Accordingly, the approval of the subject

Application will not impair the integrity of the approved Master Plan, the County's General Plan, or any of the Functional Master Plans. §27-317(a)(3)

(6) The conformance of the subject Application with the principles laid out in the purposes of the Zoning Ordinance, its compliance with the provisions of the Zoning Ordinance, its compliance with the provisions of other State and County regulations for environmental protection represent a high level of protection against adverse effects to the public health, safety and welfare.

Beyond those basic principles, however, the proposed Special Exception Site Plan provides for a low impact use at a contextually-appropriate location, the improvement of an existing adjacent substandard roadway, generates a traffic impact that is only barely above *de minimis*, and preserves the Pea Hill Branch stream valley while protecting its residents from any dangers of flooding, and protects others in the area by providing 100-year management of runoff. The site will be well-lit, well-landscaped, and in keeping with the Sector Plan's recommendations for Crime Prevention Through Environmental Design (CPTED). For these reasons, the Applicant believes that the approval of its Application will not adversely impact the health, safety and welfare of nearby residents or workers. §27-317(a)(4)

(7) The subject Application provides for a low-impact use at a contextually-appropriate location, serving as a transition between the single-family detached dwellings to the southwest and the higher-impact uses and conditions of Branch Avenue and its access ramps, that highway's stormwater management pond, the service commercial and industrial uses along the extension of Schultz Road (as Maryland Route 967) to the northwest. By being a low-impact use and by acting as a transition use at an inflection point in the uses in the general neighborhood, the approval of the subject Application will actively help to safeguard the existing uses and set the stage for the congenial development of nearby undeveloped properties. §27-317(a)(5)

(8) A Type 2 Tree Conservation Plan has been prepared in connection with the instant Application. §27-317(a)(6)

(9) The regulated environmental features on the subject property are associated with the stream valley of Pea Hill Branch, and includes parts of the stream channel, peripheral nontidal wetlands and the areas of its 100-year floodplain. These areas are proposed to be preserved, with one minor exception: In order achieve a safe and non-erosive discharge of site's stormwater, it is necessary to construct its outfall at the toe of slope adjacent to the Pea Hill Branch, within the wooded floodplain area, resulting in a minor impact to the regulated environmental features.

This kind of limited impact, however, is ordinarily approved as the ultimate intent of the impact is to protect the aggregate area of the regulated natural features. To this end the MNCPPC Environmental Technical Manual states, "Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities....

"Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact." §27-317(a)(7)

(10) The proposed building will be new construction and although the Subject Property was conveyed to the current owner by Prince George's County, it was never used as a public school and therefore §27-337(a) is not applicable.

(11) The requirements of §27-337(b)(1) will be complied with by the Applicant.

(12) The subject property is in the R-80 Zone and therefore §27-337(b)(2) and (b)(3) are not applicable.

(13) The information required by §27-337(b)(4)(A)(1) has been provided on the Site Plan.

(14) As discussed *supra*, the subject property is a contextually-appropriate location, serving as a transition between the single-family detached dwellings to the southwest and the higher-impact uses and conditions of Branch Avenue and its access ramps, that highway's stormwater management pond, the service commercial and industrial uses along the extension of Schultz Road (as Maryland Route 967) to the northwest. §27-337(b)(4)(A)(2)

While the regulations Part 5, Division 4 of the Zoning Ordinance do not apply by virtue of the operation of §27-337(a)(4), the Special Exception Site Plan has been designed to be in general conformance to the regulations for the R-80 Zone for Other Permitted Uses, with the exception of the fact that the height of the building slightly exceeds the 40-foot limit which would otherwise be provided. Even here, however, additional setbacks have been provided such that this building would be approvable as a quasi-public use under the provisions of Part 5, Division 4. So, while these regulations of Part 5, Division 4 do not apply here, the general conformance of the proposed design to those regulations is indicative of the fact that the subject property is of sufficient size to properly accommodate the proposed number of dwelling units.

(15) The recreational and social amenities are largely indoors, with the exception of the outdoor patio area overlooking the floodplain of Pea Hill Branch. §27-337(b)(4)(A)(3) has been provided on the Site Plan.

(16) The building height, lot coverage, density, lot frontage, yards, and amount of green area has been provided on the Site Plan. §27-337(b)(4)(A)(4)

(17) The Affordable Housing Market Study prepared by Area Probe, LLC supports a finding that the Apartment Housing for the Elderly or Physically Handicapped will serve the needs of the elderly families or physically handicapped families. §27-337(b)(4)(B)(i)

(18) As discussed *supra*, even though the regulations Part 5, Division 4 of the Zoning Ordinance do not apply by virtue of the operation of §27-337(a)(4), the Special Exception Site Plan has been designed to be in general conformance to the regulations for the R-80 Zone for Other Permitted Uses, with the exception of the fact that the height of the building slightly exceeds the 40-foot limit which would otherwise be provided. Even here, however, additional setbacks have been provided such that this building would be approvable as a quasi-public use under the provisions of Part 5, Division 4. So, while these regulations of Part 5, Division 4 do not apply here, the general conformance of the proposed design to those regulations is indicative of the fact that the approval of the subject Application will not adversely affect the surrounding residential community. §27-337(b)(4)(B)(ii)

(19) The subject property is in the R-80 Zone and therefore §27-337(b)(5) is not applicable.

(20) The Applicant will operate the proposed Apartment Housing for the Elderly or Physically Handicapped in accordance with §27-337(c).

### **M-I-O Zone**

(21) Part 10C includes three Impact Maps which establish the boundaries of the M-I-O Zone. Figure A establishes the area subject to restrictions related to height, Figure B establishes the area subject to restrictions related to noise, and Figure C establishes the area subject to the restrictions related to Accident Potential/Clear Zones North and South.

Based upon a review of the Impact Maps, the subject property is not located within any of the Safety Zones, nor is it located within the high-intensity noise area (of the M-I-OZ), but is included within the area of height restrictions of the Military Installation Overlay Zone, more specifically under the limits of Conical Surface E.

Requirements for maximum permissible structure height in the M-I-O Zone are found in Section 27-548.54. The subject site is located under the limits of Conical Surface E, and as such is subject to the height restrictions.

The provisions of §27-548.54(e)(2)(D), followed verbatim, apply as follows: The distance between Surface A and the nearest boundary of the subject property is 8,501 feet, and the distance between the subject property and the border of Surfaces D and E is 1,735 feet; the subtotal per §27-548.54(e)(2)(D)(i): 8,501 minus 1,735 = 6,766; and, 6,766 divided by 20 = 338, and 150 added to that yields 488 feet. Finally, the provisions of §27-548.54(e)(2) require that the difference between the highest elevation on the Subject Property (242) and the height of the runway surface (274), or thirty-two foot, be added to the 488-foot height to yield a highest permissible structure of 520 feet.

An inspection of the Zoning Ordinance's definitions of the height limit surfaces, however, strongly suggests that the a 520-foot height limit at the subject site is not the actual intended result; Surface E, the "Conical Surface," is defined as, "an inclined imaginary surface

extending outward and upward from the outer periphery of the inner horizontal surface....The slope of the conical surface is 20:1." Surface D, the "Inner Horizontal Surface," is defined as, "an imaginary surface that is an oval plane at a height of 150 feet above the established airfield elevation." Therefore, a property which is located 1,735 feet from the border of Surfaces D and E should limit a structure thereon only by an additional 86 feet (or, the 1,735-foot horizontal distance divided by the 20:1 slope of the conical surface) above the 150-foot height of Surface D. Further applying the provisions of §27-548.54(e)(2), as was done above, would then yield a highest permissible structure of 268 feet.

In either case, however, the height restrictions of the Military Installation Overlay Zone will not restrict the Subject Property from being developed as proposed by the Special Exception Site Plan.

### **Parking Regulations**

(22) §27-568(a)(1) of the Zoning Ordinance requires 0.66 parking spaces per dwelling unit for a housing development for the elderly or physically handicapped. A total of 61 spaces are provided, which exceeds the minimum requirement of 60 spaces for the proposed use. No loading spaces are required, and none are provided.

### **2010 Prince George's County Landscape Manual Requirements**

(23) The Application is subject to the following sections of the Landscape Manual: Section 4.1, Residential Requirements (for multifamily development); Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements.

Section 4.1 of the Landscape Manual requires multifamily dwellings located in the Developing and Rural Tiers to plant a minimum of one (1) major shade tree per one thousand, six hundred (1,600) square feet or fraction of green area provided. Per Section 4.1(c)(4)(D), up to one-quarter (1/4) of the number of required shade trees may be substituted on a two-to-one (2:1) basis by the use of ornamental or evergreen trees. The Section 4.1 table included in the landscape plan reflects a total area of 41,590 square feet of provided green space, requiring 26 shade trees. A total of 23 shade trees, 1 ornamental, and 5 evergreen trees are proposed for the site, which is in conformance with requirements of this section.

Section 4.2 of the Landscape Manual requires one of four landscape strip options for sites within the developing tier. The Section 4.2 schedules included on the landscape plan for frontage along Schultz Road and Springbrook Lane show conformance with the requirements.

Section 4.3 of the Landscape Manual requires parking lots that are between 7,000 to 49,999 square feet to provide 8 percent of the interior of the parking lot as planting area. The Section 4.3 schedules included on the landscape plan show conformance to the requirements.

In accordance with Section 4.7 of the Landscape Manual, a Type B bufferyard is required when a multifamily use is adjacent to single-family detached houses. A Type B bufferyard includes a minimum 30-foot building setback and 20-foot-wide landscaped yard to be planted with 80 plant units per 100 linear feet of the property line. The requirements of the Type B bufferyard is fulfilled by existing woodlands. The Landscape Plan provides the appropriate schedules showing conformance with the requirements.

Section 4.9 of the Landscape Manual promotes sustainable landscaping as an environmentally sensitive design approach. A percentage of plants within each plant type (including shade trees ornamental trees, evergreen trees, and shrubs) shall be native species (or cultivars thereof) and shall be identified on a planting schedule on the landscape plan. Any existing trees and/or vegetation retained in fulfillment of the requirements shall not contain invasive species, which must also be reflected in the schedule. Trees proposed in fulfillment of the requirements shall not be planted on slopes steeper than three-to-one 19 SE-4830(3:1). Conformance to this standard shall be established prior to certification of the special exception.

### **Tree Canopy Coverage**

(24) The subject site is located within the R-80 Zone and required to provide 15 percent of the site area in tree canopy coverage (TCC). The subject site is 3.53 acres in size and a total of 0.53 acres or 23,065 square feet of TCC is required. The TCC schedule provided indicates that 23,051 square feet of TCC is required, which should be corrected. However, the TCC schedule shows that 52,607 square feet of TCC is to be provided, exceeding, and satisfying the requirement.

The regulated environmental features on the Subject Property have been preserved and/or restored in a natural state to the fullest extent possible based the limits of disturbance shown on the TCP2 and the evaluation provided with Special Exception SE-4823.

### **Signage**

(25) Per Section 27-618(c) of the Zoning Ordinance, a maximum sign area of 48 square feet is allowed for the permanent identification of an apartment house or complex in any multifamily residential zone. A single monument sign with an area of 47.85 square feet is proposed at the entrance of the site. The proposed sign is in conformance with the requirements of this Section.

### **Primary Management Area (PMA) Impacts**

(26) Based on the SOJ in support of impacts to regulated environmental features, the Applicant is requesting a total of three impacts, as described below:

**Impact 1-PMA** impacts totaling 1,489 square feet are requested for the construction of a road widening of Schultz Road. The impact area will disturb steep slopes and 100-year floodplain.

**Impact 2**-PMA impacts totaling 1,420 square feet are requested for the construction of one SWM outfall structure. The impacts are to the stream buffer and 100-year floodplain.

**Impact 3**-PMA impacts totaling 626 square feet are requested for construction of a stormwater conveyance for one piped system to the outfall structure. The impact area will disturb steep slopes.

### **Analysis of Impacts**

(27) The subject Application area has an existing stream with a floodplain along the western boundary line. These on-site floodplain and PMA impacts are necessary for the following reasons. Access into the site is limited and the frontage along Schultz Road is required to be widened and brought up to county road code standards with a curb and gutter. Also, this road work will need to grade the adjacent slopes to tie into existing grades. There is one proposed outfall structure for the development that will outfall in the on-site floodplain. This outfall is located on the west side of the proposed senior living building and will discharge stormwater from a proposed stormwater facility. The last PMA impact is the proposed stormwater conveyance piping from a proposed stormwater facility to the previously mentioned stormwater facility and outfall structure. These impacts are necessary for the orderly and efficient development of the subject property.

The proposed PMA impacts for site access and necessary infrastructure are supported.

### **DISPOSITION**

Special Exception 4483 is hereby Approved with the following Conditions:

1. Prior to certificate approval of Special Exception SE-4830, the Applicant shall revise the Special Exception Plan as follows:
  - a. Provide details and a cost estimate for the private on-site recreational facilities, including a floor plan for any interior recreational amenities.
  - b. Show the retaining wall on the Special Exception Plan that is west of transformer pads in the western corner of the site on Landscape and Tree Conservation Plan Plans. Note the top and bottom elevations of the proposed wall and provide a design detail.
  - c. Revise the photometric plan to remove the sidewalk shown to the east and southeast of the building.
  - d. Update the general notes on the Special Exception Plan to reflect that the site is within the Military Installation Overlay (M-I-O) Zone for height limitation. Provide the required calculation to show that the height of the proposed building conforms to the M-I-O Zone criteria.

- e. Remove site lighting details from the Landscape Plan and place them on the photometric plan.
  - f. Correct the Tree Canopy Coverage (TCC) schedule to show the corrected TCC quantity for the project.
  - g. Revise architectural plans to show the overall height of the building, and to revise the design of southern façade, to include the use of architectural treatments and materials that are consistent with the design of other elevations.
  - h. Revise the Special Exception Site Plan to comply with any applicable conditions of the Preliminary Plan of Subdivision, once approved.
  - i. Revise General Note 5 to state that the property consists of Part of Lot 71 and provide plat reference Plat Book 7-93.
  - j. Correct the misspelled label for the unmitigated 65 dBA noise line.
  - k. Show the mitigated 65 dBA noise line or area.
  - l. Provide a general note addressing how noise attenuation for interior of dwellings and outdoor activity areas is proposed to be provided.
2. Prior to signature approval of the Special Exception, the Type 2 Tree Conservation Plan shall be revised as follows:
    - a. Add the proposed note:

Off-site Woodland Conservation:

“The location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6): within the same eight-digit sub-watershed; within the same watershed; within the same river basin, within the same growth policy tier; or within Prince George’s County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out appropriate locational opportunities for off-site woodland.”
    - b. Revise the revision blocks with the new updated information and update the qualified professional certification block with a signature and date.
  3. Prior to the approval of a Preliminary Plan of Subdivision, the Applicant and the Applicant’s heirs, successors, and/or assignees shall provide an easement along the Master Plan Pea Hill Branch Connection shared-use path on the west side of the subject

property, in accordance with the Prince George's County Department of Parks and Recreation.

4. Prior to signature approval of the Special Exception, the Special Exception and Type 2 Tree Conservation Plan shall show the final location of the stream valley trail.
5. Prior to the certification of the Type 2 Tree Conservation Plan (TCP2) for this site, documents for the required Woodland Conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of Woodland Conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

6. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or Waters of the United States, the Applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

The Approved Site Plan is Exhibit 39 and the Approved Landscape Plan is Exhibit 19.