



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

October 27, 2021

**RE: CSP-20007 Clay Property
MRBCO, LLC, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on October 25, 2021.

CERTIFICATE OF SERVICE

This is to certify that on October 27, 2021, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case No.: CSP-20007
Clay Property

Applicant: MRBCO, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF CONCEPTUAL SITE PLAN TO CHANGE
UNDERLYING ZONE IN AN APPROVED TRANSIT DISTRICT OVERLAY ZONE

IT IS ORDERED that, Conceptual Site Plan 20007 (CSP-20007), a request to amend an approved Transit District Overlay Zone, to change the underlying zone of the subject property, from One-Family Detached Residential (R-80) to One-Family Triple-Attached Residential (R-20), to accommodate 137 townhouses, on 12.87 acres of land at the terminus of Dean Drive and Calverton Drive, Hyattsville, Maryland, Council District 2, is hereby APPROVED.

A. Introduction¹

In 2014, Council approved the 2014 General Plan or Plan 2035.² Two designations from Plan 2035 are relevant to the approval of this application. First, Plan 2035 placed the property in the Established Communities, which are most appropriate for context-sensitive infill and low to medium density development.³ Second, Plan 2035 designated Prince George's Plaza as a Regional

¹ This case is before the District Council for mandatory review and a separate appeal filed by the applicant. PGCC §§ 27-548.09.01, 27-280.

² 2014 *Plan Prince George's 2035 Approved General Plan*.

³ Plan 2035, p. 20, pp. 18 (Map 1), 107 (Map 11). Under Plan 2035, Infill development takes places on *vacant* or *underutilized* parcels within an area that is already characterized by urban development and has access to urban services. *Id.* at 288. Plan 2035 also established that density for *townhouses* can range from 12 to 48 units per acre. *Id.* at 284.

Transit District to allow for new housing mix, including *predominantly ... townhouses* with an average net housing density of 40+ units per acre.⁴

In 2016, Council approved *Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*.⁵ The 2016 Plan is now the applicable area master plan for the Transit District and is designed to capitalize upon, and implement, Plan 2035 recommendations for future transit-oriented development within the Transit District. The 2016 Plan also *amends* Plan 2035 by *redefining* the *boundaries* of the Transit District to *incorporate all properties*—including the subject property—within the Transit District Overlay Zone.⁶ Stated differently, this property was *rezoned* to the Overlay Zone but retained in the R-80 zone, which permits the property owner the *option* (in response to market conditions) to request a change in zone to construct a residential housing mix—including *high density townhouses*.

For reasons set forth herein, Council finds that the Board erred on all fronts.⁷ Plan 2035 was *amended* by the 2016 Plan and the boundaries of the property were re-designated from the Established Communities to the Transit District—which allows the property owner the option to request a change in zone. Council finds that the application to amend the 2016 Plan to change the

⁴ Plan 2035, pp. 18 (Map 1), 107 (Map11), 108 (Table 16).

⁵ For brevity and ease, this Plan (inclusive of the Transit District Development Plan and Transit District Overlay Zoning Map Amendment) will be referred to as the 2016 Plan or where appropriate TDDP or TDOZ.

⁶ 2016 Plan, pp. 6, 149, 152, 362, Staff Report, Slides 4-5. *See also* Plan 2035, p. 270 (Plan 2035 is intended to represent a new vision which will be implemented over many years, through the adoption of small area sector, master and other development plans and studies, as well as through zoning via sectional map amendments).

⁷ For the same reasons set forth herein, Council finds that arguments advanced by opposition against approval of the application are without factual or legal merit. Application Case File—CSP-20007, (7/15/2021, Tr.), PGCPB No. 2021-97, Opposition Response, 9/14/2021, (9/20/2021, Tr.).

underlying zone of the subject property and proposed development in CSP-20007 should be APPROVED because it *conforms* with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets applicable site plan requirements. PGCC § 27-548.09.01(a)(b)(5).

B. The Property

As noted, the property is in the Transit District Overlay Zone, which is intended to ensure that the development of land in the vicinity of Metro Stations maximizes transit ridership, serves the economic and social goals of the area, and takes advantage of the unique development opportunities that mass transit provides. The Overlay Zone is a mapped zone superimposed over other zones in a designated area around a Metro Station, and which may modify certain requirements for development within those underlying zones. 2016 Plan, p. 146. Specific purposes of the Overlay Zone are to *create a process* which *overcomes deficiencies* in ordinary planning processes and *removes obstacles* not addressed in those processes to *attract an appropriate mix of land uses*. PGCC § 27-548.02.⁸

⁸ In an Overlay Zone, *uses* previously prohibited (such as townhouses) may also be *added* to those that are allowed in the underlying zone. PGCC § 27-548.05.

C. Process to Amend the Overlay Zone

When property is situated in an Overlay Zone, the property owner may ask the District Council to change the underlying zone of the property to allow for uses permitted in the Overlay Zone.⁹

The process is as follows:

(b) Property Owner.

- (1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's underlying zone, the list of allowed uses, building height restrictions, or parking standards in the Transit District Development Plan. The Planning Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.
- (2) The owner's application shall include:
 - (A) A statement showing that the proposed development conforms with the purposes and recommendations for the Transit District, as stated in the Transit District Development Plan; and
 - (B) A Detailed Site Plan or Conceptual Site Plan, in accordance with Part 3, Division 9.
- (3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application. When an amendment application proposes to enlarge the boundaries of the Transit District Overlay Zone by five (5) or more acres, the Technical Staff shall also provide an Adequate Public Facilities report as defined in Subtitle 24 of the County Code as part of the development review process for proposed development of the subject property. The Planning Board shall hold a public hearing and submit a *recommendation* to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.

⁹ See also *Grant v. Cty. Council of Prince George's Cty.*, 465 Md. 496, 214 A.3d 1098 (2019) (Planning Board's jurisdiction in zoning map amendments are limited to the preparation and adoption of recommendations to the district council. The District Council decides whether to grant the amendment).

- (4) An application may be amended at any time. A request to amend an application shall be filed and reviewed in accordance with Section 27-145.
- (5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets applicable site plan requirements.
- (6) If a Conceptual Site Plan is approved with an application, the owner may not obtain permits without an approved Detailed Site Plan. PGCC § 27-548.09.01(b) (Emphasis added).

In February 2021, an application was submitted by the property owner to change the underlying zone of the property from R-80 to R-20—to allow for the construction of townhouses in the Transit District. The owner’s application included, among other things, a Statement of Justification and Conceptual Site Plan. Application Form, Statement of Justification. In April 2021, Planning Staff accepted the application for review. Staff submitted a report to the Board in June 2021, which recommended disapproval of the application request. Staff Report, 6/30/2021.¹⁰

D. Recommendation of the Board

The Board held a hearing on July 15, 2021. After the hearing, the Board voted to recommend against the property owner’s request to change the underlying zone and proposed site plan. (7/15/2021, Tr.), PGCPB No. 2021-97. Primarily, the Board recommended against the R-20 zone because it concluded that the *increase in density* would be contrary to Council’s 2016 decision to retain the property in the R-80 zone. Id. at 3-4 (In attempting to justify their request for *increased*

¹⁰ After the report was published, Staff clarified certain portions of the report. Memorandum, 7/9/2021.

density, the applicant pointed out at the Planning Board hearing the Prince George's Plaza TDDP/TDOZ removed the subject property from the Established Communities and placed it within the Regional Transit District and one of the plan's downtowns). The Board also concluded that Council's decision to *retain* the property in the R-80 zone was not in *error*. Id. at 15.

E. Proposed Development Conforms with Purposes and Recommendations for the Transit Development District and Meets Site Plan Requirements

To the extent that the Board's recommendation on rezoning is premised on a change or mistake rule, Council finds that the Board erred as a matter of law. When rezoning property in an Overlay Zone, the change or mistake rule does not apply because the Overlay Zone is a floating zone. *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 515-516, 120 A.3d 677 (2015). Moreover, the property owner did not request the R-20 zone because of density. Instead, the property owner requested the R-20 zone because it permits *townhouses*—a *use* expressly authorized in the Transit District—*consistent* with Council's 2016 decision to rezone the property from its **previous R-80 to T-D-O/R-80**. 2016 Plan, p. 149. Stated differently, density does *not* permit a *use*, a *zone* permits a *use*—and a permitted use set density.

On density, it is well established that zoning to regulate density is a legitimate exercise of the police power of the District Council—not the Board. *Malmar Associates v. Board of County Commissioners*, 260 Md. 292, 272 A.2d 6 (1971). Alternatively, even if the Board's recommendation of disapproval on rezoning was not premised on an erroneous conclusion of law, Council is not *bound* by the *recommendation* of the Board. PGCC § 27-548.01(a), *Grant*, 465 Md. 496, 214 A.3d 1098 (2019). See also *Montgomery Pres., Inc. v. Montgomery County Planning Bd. of the Maryland-National Capital Park & Planning Comm'n*, 424 Md. 367, 36 A.3d 419 (2012)

(The Council can only exercise its powers under the statute to the extent and in the manner directed by the legislature. Because approval of the amendments to the Master Plan come within mandated procedures granted to the Council, the Council may not delegate its authority to the Planning Board).

Council also finds that CSP-20007 conforms to the primary purpose of the Transit District Development Plan – namely, implementing the vision of Plan 2035 for the Transit District. Plan 2035 recommends that fifty percent (50%) of Prince George’s County’s new dwelling units be located within Regional Transit Districts – with a projection of 27% of the County’s residential growth occurring in the Prince George’s Plaza Transit District prior to 2035. PB Record, pp. 261. CSP-20007 advances and conforms with this purpose, as the broader range of residential uses and additional density permitted are appropriate for this location within Transit District. Specifically, after several years of relatively lower-density development activity in Transit District, CSP-20007 represents one of the few remaining opportunities to satisfy the Transit District Development Plan’s purpose. *Id.* at 257, 260-261.

Council further finds that approving the request to amend the Overlay Zone by changing the underlying zone of the property from R-80 to R-20 conforms with the purposes and recommendations of the 2016 Plan. Specifically, the broader range of housing types and additional density permitted in the R-20 zone are appropriate for this property because of its 2016 rezoning to the Transit District, including its location within the Neighborhood Edge Character Area.

- Purposes

The general purpose of the TDDP is to implement the General Plan’s vision for a walkable, transit-oriented community within the Prince George’s Plaza Transit District, using a market driven approach. Specifically, the TDDP provides a statement of purpose that explicitly enumerates the purpose of the TDDP, as well as its general regulatory framework and functionality:

The purpose of the TDDP is to implement the Plan 2035 vision for a walkable, transit-oriented community within the Prince George’s Plaza Transit District using a market-driven approach. The TDDP also builds upon and updates the foundation of past planning initiatives, including the 1994 Planning Area 68 Approved Master Plan and the 1998 Prince George’s Plaza Approved Transit District Development Plan. Finally, the plan establishes a regulatory foundation for orderly and predictable development using design standards and guidelines. These standards and guidelines will help to produce a public realm and overall built environment that transforms the Transit District into the new, regionally competitive Regional Transit District called for in Plan 2035 and that helps to put Prince George’s County on the regional—even national—transit-oriented development map.

2016 Plan, p. 6. In other words, the TDDP’s primary purpose is to implement the Plan 2035. Notably, this statement of purpose directly follows the TDDP’s introduction of the General Plan’s primary goals.¹¹ In addition, Plan 2035’s Growth Policy Map indicates that the foundational purpose of the TDDP is implementation of the General Plan’s initial Land Use Policy which is to, “Direct a majority of projected new residential and employment growth to the Regional Transit Districts...” Plan 2035, p. 110. Plan 2035 describes Regional Transit Districts as

¹¹ *Id.* at 2-3. “Introduction.” The General Plan addresses existing, changing, and new priorities such as transit-oriented development, sustainability, neighborhood reinvestment, and agricultural protection. The General Plan designates Prince George’s Plaza as one of eight Regional Transit Districts and one of three Downtowns in the County.

Moderate- to high-density and intensity regional-serving centers. Destinations for regional workers and residents that contain a mix of office, retail, entertainment, public and quasi-public, flex, and medical uses; the balance of uses will vary depending on the center's predominant character and function. Walkable, bikeable, and well-connected to a regional transportation network via a range of transit options. Density and intensity are often noticeably greater within a quarter mile of Metro and light rail stations.

Id. at 108. The lower end of the suggested density range for Regional Transit Districts, “moderate density,” is not explicitly defined in the General Plan. However, for context, the “Guide to Zoning Categories” states that the R-18 Zone, “provides for multiple family (apartment) development of moderate density.” Since the R-18 Zone allows for multifamily dwelling densities between 12 and 20 units per acre, the lower end of the density anticipated for a Regional Transit District can reasonably be approximated to be 12-20 dwelling units per acre.

Going beyond the significant intensity and density recommended for Regional Transit Districts, the Introduction to the TDDP provides even stronger considerations supporting concentrated development within the TDDP area:

The Plan 2035 Strategic Investment Map identifies four critical areas where the majority of County, state, and federal money and resources should be focused to realize meaningful change in the County: three Downtowns, the Innovation Corridor, Neighborhood Revitalization Areas, and Priority Preservation Areas. Plan 2035 designates three Regional Transit Districts—Prince George's Plaza Metro, New Carrollton Metro, and Largo Town Center Metro—as new Downtowns for the County. Plan 2035 recommends targeted public investments and incentives in the Downtowns to catalyze their growth and development as regional destinations and major economic drivers for Prince George's County.

2016 Plan, p. 5.

In addition to meeting the general purposes outlined for the TDDP in Plan 2035, the requested rezoning also aligns with its density-related purposes. The property was annexed into the Transit

District through the 2016 Plan. The discussion of Growth Policy, which prefaces the list of annexed properties, includes the following statement:

The Prince George's Plaza Transit District Development Plan (TDDP) and Transit District Overlay Zoning Map Amendment (TDOZMA) conforms to the spirit, vision, and goals of Plan 2035. The TDDP contains goals, policies, and strategies to implement these growth policies and amends the boundaries of Plan 2035's Prince George's Plaza Regional Transit District to incorporate the Transit District in its entirety.

2016 Plan, p. 68. The property's inclusion in the Overlay Zone is evidence of its expected role in advancing the purpose of the General Plan through the TDDP and it directly contradicts any assertion that the development of the property should be limited to low-density residential uses. In other words, any such limitation on the property's future development would be contrary to the General Plan's explicit vision and goals for moderate to high-density development in Regional Transit Districts.

- Recommendations

The TDDP's recommendations are largely established by the hierarchy of Goals, Policies and Strategies provided in the Plan's required Elements. The following analysis pertains to the requested rezoning.

Goals, Policies, and Strategies: Land Use Element

Goals

- A mix of land uses that complement each other, help to create and support an attractive and vibrant public realm, and are within convenient walking distance of each other and public transit.
- Sufficient capacity to help meet the County's Growth Management Goals of 50 percent of new dwelling units and new jobs within Regional Transit Districts.

- The accommodation of the anticipated amount and mix of development through a significant redevelopment of the Transit District.

2016 Plan, p. 70. These land use goals specifically refer to the General Plan’s goal of directing 50 percent of the County’s residential growth through 2035 into the County’s three Regional Transit Districts. Moreover, implementation of this growth target is characterized as a “significant redevelopment of the Transit District.” These future land use goals directly conflict with the continuation of the low-density status quo of a property in the Prince George’s Plaza Transit District. The following specific land use Policy is also intended to advance the growth target goal:

POLICY LU2: Create sufficient residential capacity to help meet the County’s Growth Management Goal of 50 percent of new dwelling units within Regional Transit Districts.

2016 Plan, p. 75. The requested rezoning creates additional housing capacity within the Transit District. The property’s current R-80 zoning limits residential capacity to single-family detached dwellings at a density of 4.58 dwelling units per acre. The proposed R-20 Zone diversifies the potential housing mix on the property by permitting single-family semidetached, triple-attached, and townhouses. Each of these additional housing types in the R-20 Zone is permitted at a density greater than that currently allowed by the R-80 Zone. Accordingly, the rezoning will advance the County’s Growth Management Goals by permitting additional residential density on the property.

Relevant Strategies established to implement Policy LU2 are:

Strategy LU2.1: Preserve the Neighborhood Edge as an exclusively residential area.

Strategy LU2.2: Encourage high-rise and mid-rise apartments, condos, and townhouses, consistent with the Regional Transit District Growth Management Goal.

Rezoning of the property from R-80 to R-20 would align with each of these Land Use Strategies, as CSP-20007 would permit single-family attached homes that are appropriate for the surrounding Neighborhood Edge community and the Prince George's Plaza Transit District. Given that the General Plan recommends housing densities starting at forty (40) dwelling units per acre and a mix of apartments, condominiums, and townhouses in Regional Transit Districts future development of single-family attached dwellings at the property would ensure that an appropriate transition is provided between the single-family dwellings located outside of the TDDP and denser development desired around Metro in the Downtown Core. It is important to note that Strategy LU2.2 does not include single-family detached dwellings as an encouraged housing type in the TDDP.¹²

TDDP Land Use Policy 7, which is quoted below, is indicative of the TDDP's intent to concentrate commercial and other mixed land uses in the Downtown Core and preserve the Neighborhood Edge as an exclusively residential Character Area:

POLICY LU7: Limit nonresidential development in the Neighborhood Edge.

This Policy is to be implemented through two separate Land Use Strategies:

Strategy LU7.1: Limit the use of underlying mixed-use zones to the Downtown Core or to Properties previously zoned for mixed use.

Strategy LU7.2: Prohibit incompatible or inappropriate uses in the Neighborhood Edge.

¹² See Plan 2035, p. 110. The General Plan's first Land Use Policy recommends directing a majority of projected new residential and employment growth to the Regional Transit Districts.

Given the intent of the TDDP to implement the General Plan's goals for the Regional Transit District, single-family detached development would be incompatible with those goals and would be an inappropriate use for the property. Other questions of compatibility with adjacent development – also addressed by other Goals, Policies and Strategies discussed herein – are actively met with design interventions provided for in the CSP-20007. These interventions include transitional buffers to protect surrounding historic resources, insulate existing development, and enhancing the neighboring parkland.

Goals, Policies, and Strategies: Community, Heritage Culture and Design Element

The vision of the TDDP's Community Heritage, Culture and Design Element is, [a] memorable, walkable, vibrant, and welcoming regional urban destination, built on an active, exciting, attractive and safe public realm, designed to promote and support human activity, social interaction, and commerce while respecting the culture and history of the surrounding community and the natural environment. 2016 Plan, p. 101. Several Policies and Strategies in this Element, cited below reinforce the Land Use Element's Goals, Policies and Strategies, and also deal with matters particular to the property and its immediate surroundings:

POLICY HD2: Create or preserve natural barriers and build transitions between the Transit District and surrounding residential communities.

Strategy HD2.1: Preserve and enhance all existing parkland and natural resource areas.

The connection from the Property to the adjacent Northwest Branch Community Park will significantly enhance the access to and usability of the existing parkland.

POLICY HD3: Redevelop the Transit District to the urban scale appropriate for a designated Regional Transit District.

Strategy HD3.1: Permit and encourage residential densities in excess of 40 units per acre.

Although the proposed rezoning to the R-20 Zone will not rise to the density level encouraged by Strategy HD3.1, it will permit the lowest, “moderate-density” level provided for by the General Plan for Regional Transit Districts.

POLICY HD5: Create significant urban design features at signature sites that establish a distinct identity of place, create symbolic gateways and significant points of interest, and contribute to the visual and architectural character of the Transit District.

Strategy HD5.2: Avoid construction that negatively impacts the following architectural vistas:

- The view of Hitching Post Hill from the “Clay Property.”

POLICY HD10: Minimize and mitigate potential impacts to the undeveloped land surrounding Hitching Post Hill (Historic Site 68-001).

Strategy HD10.1: Incorporate a wide landscaped buffer or park along the edge of the northernmost property in the Transit District—commonly referred to as the Clay Property—across the street from Hitching Post Hill.

CSP-20007 implements these recommendations by the proffer of a 150-foot wide buffer of preserved woodlands across Rosemary Lane from Hitching Post Hill which will minimize and mitigate impacts to that Historic Site and its surrounding environmental setting. The preserved wooded area will be either retained as a private area or as a public park. These options are discussed below under the Parks and Recreation Element.

Strategy PR1.1: Pursue opportunities to acquire parkland or provide public access to open space amenities to serve the Transit District’s future population and contribute to the County’s overall parkland goals. Facilities are categorized based upon the Urban Park Typology in Formula 2040: Functional Master Plan for Parks, Recreation and Open Space. Construct the recommended facilities in Table 17 and Map 20.

Table 17 and Map 20 in the TDDP include several facilities relevant to CSP-20007. Park and Recreation Facility #1 is described as a Resource Park, located south of Hitching Post Hill, that is either M-NCPPC-owned or privately-owned. The Comment discussing this park is, “Park designed to provide an appropriate buffer between single-family neighborhood and the historic resource at Hitching Post Hill.” As discussed, the proposed 150-foot wide buffer of preserved woodlands will minimize and mitigate impacts to that Historic Site and its surrounding environmental setting.

Goals, Policies, and Strategies: Housing & Neighborhoods Element

The TDDP envisions a diverse community of housing opportunities and neighborhood characteristics that meet the housing preferences and affordability needs of residents, while creating a mixed-income community to attract and support development in the Transit District. The subject application conforms with the TDDP’s Housing & Neighborhoods Element by providing additional diverse housing opportunities and affordability within the Transit District.

POLICY HN1: Provide a variety of housing types and unit sizes, and neighborhoods to accommodate and meet the demands of existing future residents in the transit district.

Strategy HN1.1: Permit a mix of housing types (such as medium- to high- rise apartments and condominiums, two over twos, and townhouses), unit sizes, and rental and homeownership options attractive to a range of households and incomes.

The requested rezoning would permit a mix of housing types on the property. As discussed, the existing R-80 Zone limits residential development to single-family detached dwellings. The R-20 Zone permits additional density and housing types – including townhouses – that align with the TDDP’s Housing & Neighborhoods Strategies. These additional housing types are attractive to a range of households and incomes and expand the appeal of the Transit District to a larger segment of the County’s housing market.

POLICY HD3: Redevelop the Transit District to the urban scale appropriate for a designated Regional Transit District.

Strategy HN2.1: Preserve and provide affordable housing opportunities in the Transit District.

The rezoning will also allow for redevelopment that conforms with the density and urban scale appropriate for a Regional Transit District. Additionally, the property owner has proffered that ten percent (10%) of the total number of future dwelling units developed will be reserved for affordable/workforce housing at approximately 60-80% of Area Median Income.

F. Conclusion

In closing, Council finds that the Board’s recommendation against changing the underlying zone of the property to R-20 failed to consider the entire Transit District Development Plan. The Board predicated its disapproval on the Future Land Use Map and a singular recommendation within the Transit District Development Plan, rather than the extensive purposes, recommendations, policies, strategies, and goals that support rezoning of the property. In narrowing the basis of its ultimate recommendation to one map among hundreds of pages of text that support the rezoning, the Board disregarded the Transit District Development Plan’s text. The

Board ignored the purpose of the Transit District Development Plan to respond to market conditions for development and implement the General Plan's vision for a Prince George's Plaza Downtown and Regional Transit District. The Future Land Use Map represents just one of numerous recommendations contained in the Transit District Development Plan. Moreover, the Future Land Use Map must be read consistently with the context of the entire Transit District Development Plan.

Based on the foregoing, the District Council APPROVES the request to rezone the subject property's underlying zone from One-Family Detached Residential (R-80) to One-Family Triple Attached Residential (R-20). The Planning Board's decision on Conceptual Site Plan CSP-20007, as adopted in PGCPB No. 2021-97, is REVERSED. The District Council APPROVES CSP-20007 because the Plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. PGCC §27-276(b).

Approval of CSP-20007 is subject to the following conditions:

1. Provide a note on the site plan that states "No access shall be permitted from Rosemary Lane." Conceptual Site Plan CSP-20007 does not include any access (roads, sidewalks, or trails) from Rosemary Lane to the developing property. Accordingly, in order to preserve the character of the adjacent historic site, Hitching Post Hill (68-001), the property owner, their heirs, successors and/or assignees shall not provide access to the property from Rosemary Lane, and shall maintain the 150-foot-wide buffer along Rosemary Lane with all subsequent associated applications, pursuant to this CSP.
2. Prior to approval of any grading permit, according to the Prince George's County Planning Board's 2005 Guidelines for Archeological Review, archeological investigations shall be required to determine if any cultural resources are present. The property owner shall submit a Phase I research plan for approval by the staff archeologist, prior to commencing Phase I work. Evidence of Maryland-National

Capital Park and Planning Commission concurrence with the final Phase I report and any other required archeological studies is required, prior to issuance of the grading permit.

3. Upon receipt of the Phase I archeological report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to any ground disturbance or approval of any grading permits, the property owner shall provide a plan for:
 - a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.
4. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the property owner 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 Calvert County, Maryland, prior to any ground disturbance or approval of any grading permits;
5. Depending upon the significance of the findings (at the Phase I, II, or III level), the property owner shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist, prior to issuance of any building permits.
6. Prior to the acceptance of the detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall revise the plans to provide:
 - a. A minimum 5-foot-wide sidewalk along both sides of all internal roadways and along the property frontage of Rosemary Lane;
 - b. A pedestrian connection between Dean Drive and Calverton Drive;
 - c. Pedestrian-scale lighting throughout the site;
 - d. A minimum of two-inverted U-style bicycle racks, or a style similar bicycle rack that allows for two points of secure contact needs to be provided at all future recreational areas. Provide a detailed exhibit of the bicycle racks;

- e. All internal streets shall conform to the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* standards and future rights-of-way shall accommodate the necessary facilities from the standards;
 - f. Emergency vehicle access from Calverton Drive. Prior to the certificate approval of the conceptual site plan (CSP), the CSP, the natural resources inventory, and the Type 1 tree conservation plan shall be revised to reconcile the acreage for the net tract area.
7. Prior to the certificate approval of the conceptual site plan, a revised natural resources inventory (NRI) shall be approved that:
- a. Resolves the inconsistency between the forest stand acreage in the NRI Site Statistics Table and the Forest Stand Descriptions Table.
 - b. Revises the Specimen Tree Table to correctly identify trees that are on- and off-site, consistent with the NRI plan.
8. Prior to certificate approval of the conceptual site plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows: Clay Property; CSP-20007 and TCP1-007-2021 June 15, 2021, Page 5:
- a. Remove the Woodland Preservation Sign symbol from the legend.
 - b. Revise the TCP1 worksheet, as needed, to correctly reflect woodland conservation requirements for the site.

APPLICANT-PROFFERED CONDITIONS

9. Future residential development pursuant to CSP-20007 shall include affordable/workforce housing, in compliance with the following:
- a. 10% of the final number of approved dwelling units will be moderately priced dwelling units affordable for families/individuals earning between 60% and 80% of Area Median Income (based on household size).

- b. The owner shall establish the locations and sizes of the moderately priced dwelling units prior to the issuance of the first building permit.
 - c. Prior to the sale of any moderately priced dwelling unit, a covenant will be recorded restricting the sale of such unit for a period of thirty (30) years to families/individuals earning between 60% and 80% of Area Median Income (based on household size).
10. In order to mitigate adverse impacts to the existing historic resource, namely Hitching Post Hill (Historic Site 68-001), an enhanced 150-foot landscaped buffer shall be provided along the north side of the property measured from the future dedicated right-of-way for Rosemary Lane.
 11. In order to provide an appropriate transition in density and height from the east and to mitigate adverse impacts to the existing residential community, an enhanced 50-foot landscaped buffer shall be provided adjacent to the existing residential lots, north of Calverton Drive measured from the eastern property line.
 12. The connection from the subject property to Calverton Drive shall be for pedestrians, bicycles, and emergency vehicles only.

ORDERED this 25th day of October, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Streeter.

Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: 

Calvin S. Hawkins, II, Chair

ATTEST:



Donna J. Brown
Clerk of the Council