#### STATEMENT OF JUSTIFICATION

4-17027 South Lake (Formerly Karington)

OWNER/APPLICANT:

Karington, LLC.

10100 Business Parkway Lanham, Maryland 20706

ATTORNEY/

CORRESONDENT:

Matthew C. Tedesco, Esq.

McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.

6411 Ivy Lane, Suite 200 Greenbelt, Maryland 20770 (301) 441-2420 Voice (301) 982-9450 Fax

Arthur J. Horne, Jr., Esq. Shipley & Horne, P.A.

1101 Mercantile Lane, Suite 240

Largo, Maryland 20774 (301) 925-1800 Voice (301) 925-1803

**CIVIL ENGINEER:** 

Ben Dyer Associates, Inc.

11721 Woodmore Road, Suite 200 Mitchellville, Maryland 20721

Paul Woodburn, PE (301) 430-2000

**REQUEST** 

The approval of a preliminary plan of subdivision on a portion of the property formally known as Karington, to increase density for a planned mixed-use community known as South Lake

(formerly known as Karington).

#### I. DESCRIPTION OF PROPERTY

- 1. Address 100 Karington Center Boulevard, Upper Marlboro, MD, 20774.
- 2. Proposed Use 271 single-family attached (townhouses), 224 two-family attached (2 over 2), and 200 Senior Housing Units. The total dwelling units proposed with 4-17027 is 695 dwelling units.
- 3. Election District -7.
- 4. Councilmanic District 4.
- 5. Parcels Outparcels A and B, as recorded with Plats REP 215-89, and REP 215-90.
- 6. Total Area 54.68 acres.

- 7. Tax Map & Grid 70, Grids C-3 and D-3.
- 8. Location Located on the southwest quadrant of the intersection of US 301and Central Avenue (MD Route 214).
- 9. Existing Zone E-I-A (Employment and Institutional Area). CB-13-2002 permits the development of a Mixed-Use Planned Community on property zoned E-I-A, subject to the use, bulk and density regulations of the M-X-T (Mixed Use-Transportation Oriented) Zone.
- 10. WSSC 200 Sheet 201NE14.
- 11. Archived 2002 General Plan Tier Developing.
- 12. Sustainable Growth Act, Plan Prince George's 2035 Tier 1.

### II. <u>APPLICANT'S PROPOSAL</u>

South Lake (formerly known as "Karington"), in its entirety, is a master-planned mixed-use development on a scale not previously attempted in Prince George's County. During the fifteen (or more) years that the project has been under development, the applicant, The Maryland-National Capital Park and Planning Commission, and the County have repeatedly worked together to find innovative solutions to the unique entitlement challenges that the project has faced, revising the development plan in a way that facilitates a vibrant-mixed use community, as originally envisioned, while acquiring and maintaining the necessary approvals that are needed to keep the project "shovel-ready." Preliminary Plan of Subdivision (PPS) 4-17027 proposes 271 lots and 38 parcels to increase the density to accommodate 695 dwelling units. The South Lake dwelling units are distributed as follows: 271 Single-family attached, 224 Two-family attached, and 200 multifamily units for senior housing. The combined totals for Karington/South Lake development (both 4-04035 and 4-17027) is 1885 dwelling units, 1,071 lots and 94 parcels.

#### III. COMMUNITY

The subject property is located in Planning Area 74A within Councilmanic District 4. More specifically, the site is located on the southwest quadrant of the intersection of US 301and Central Avenue (MD Route 214). The property is zoned E-I-A (Employment and Institutional Area). CB-13-2002 permits the development of a Mixed-Use Planned Community on property zoned E-I-A, subject to the use, bulk and density regulations of the M-X-T (Mixed Use-Transportation Oriented) Zone.

The subject property is surrounded by the following uses:

North: Central Avenue, and beyond townhomes and single family detached residences in the R-S Zone and vacant land in the C-M Zone.

South, West and East: Vacant land in the E-I-A Zone. This abutting property is part of the initial 4-04035 Karington approval.

## IV. <u>DEVELOPMENT DATA SUMMARY</u>

The following represents the development data summary for the portions of land included within this PPS application.

	EXISTING	PROPOSED
Zone	E-I-A	E-I-A
Uses	Vacant	Mixed Use Development
Acreage	54.68	54.68
Lots	0	271
Parcels	0	38
Outparcels	2	0
Total Dwelling Units:	0	695
Attached	0	271
2-Family Attached	0	224
Senior Housing	0	200

Below is a summary of the original 4-04035 approval development data and adding the 4-17027 development data to provide an overall total.

	4-04035	4-17027	Overall Total
Dwelling Units	1,294	695	1,885
Lots	800	271	1,071
Parcels	110 (16 To be Removed)	38	94
Single-family detached	136	0	136
Single-family attached	664	271	935
Two-family Attached	104 (To be Removed)	224	224
Multifamily	390	200 (Senior Housing)	590

4-17027 proposes single-family attached lots over an active recreation parcel approved with 4-04035. The Applicant proposes on-site recreation and open space parcels to serve the residents. The open space parcels proposed with 4-17027 are: Parcels A, D and F of Block A; Parcels A, B, C, D and F of Block C; and Parcels A, B and C of Block D. Details of the recreation facilities will be provided at time of detailed site plan.

#### V. CONFORMANCE WITH GENERAL AND MASTER PLAN

## Plan 2035 Approved General Plan

The 2035 General Plan the Growth Policy Map (Map 11, Page 107) the site is labeled within the established communities area located within the growth boundary. The Generalized Future Land Use Map (Map 10, Page 101) shows the property as "Mixed-Use," which is categorized in Table 14 as follows:

"Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed use area, whereas residential uses may dominate in another."

The uses proposed in this PPS are consistent with the recommendations of the General Plan. 4-17027 proposes a mix of residential units that are located within the area of 4-04035 which proposes a mix of residential unit types, along with retail/commercial uses.

#### Master Plan

The subject property is located in the 2006 Bowie and Vicinity Master Plan. However, the Master Plan does not provide any specific recommendations for the subject property, and is generally, otherwise, silent. Nevertheless, and regardless of any Master Plan recommendation, on May 21, 2002, the District Council adopted CB-13-2002 to accommodate a mixed use planned community on the subject property. Subsequently, conceptual site plan CSP-02004, PPS 4-04035, and DSP-05042 were approved with the type of development specified in CB-13-2002. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the adoption of said bill facilitates a finding that events have occurred rendering the Master Plan recommendations no longer relevant. This determination is further supporting by the Planning Board's findings on page 26 of PGCPB 04-247(C/2)(A/2) for 4-04035, which states, "[t]his preliminary subdivision plan does not conform to the Bowie-Collington-Mitchellville & Vicinity Master Plan, which recommends employment land use for the subject property. However, Council Bill CB-13-2002 defined a mixed-use planned community as a permitted use for employment areas classified in the E-I-A Zone. Subsequently, Conceptual Site Plan CSP-02004 approved this type of development for this site."

## VI. GENERAL CRITERIA FOR PRELIMINARY PLAN OF SUBDIVISION APPROVAL

Sec. 24-121. - Planning and design requirements.

- (a) The Planning Board shall require that proposed subdivisions conform to the following:
  - (1) All lots shall be designed to be located wholly within the County and platted in conformance with all of the requirements of the Zoning Ordinance applicable to the subject property.

COMMENT: The boundaries of 4-17027 are completely within the County, and will be platted in accordance with all applicable requirements.

(2) In cases where the proposed subdivision is situated in a portion of the Regional District not planned to be served by public water and/or sewerage facilities, proposed lots shall be designed to meet the minimum lot size requirements for individual systems, as contained in Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.

COMMENT: This standard is not applicable to 4-17027.

(3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.

COMMENT: Although there is land within the PPS that is adjacent to Old Central Avenue (a portion of which is classified as a Master Planned Expressway (E-1)), all of the proposed parcels are designed with interior private street access. Moreover, Street H is an internal public street that is proposed to provide access onto Old Central Avenue.

(4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

COMMENT: The proposed lotting pattern for the PPS complies with the lot depth requirements.

(5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not imposed the recommended zoning. Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within the current County general plan, unless the District Council has not imposed the recommended zoning.

COMMENT: CB-13-2002 was adopted by the County Council on May 21, 2002 to accommodate a mixed use planned community on the subject property. Subsequently, conceptual site plan CSP-02004, PPS 4-04035, and DSP-05042 were approved with the type of development specified in CB-13-2002. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the adoption of said bill facilitates a finding that events have occurred rendering the Master Plan recommendations no longer relevant.

(6) When indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of this Subtitle.

COMMENT: This standard is not applicable to 4-17027.

(7) Provision shall be made for the eventual ownership of outlots or residue parcels by incorporating them into platted lots or into adjacent parcels or by other means deemed acceptable by the Planning Board.

COMMENT: This standard is not applicable to 4-17027.

- (8) Corner lots shall be rounded with a radius of not less than twenty (20) feet or provided with an equivalent truncation.
- (9) Walkways, with rights-of-way not less than ten (10) feet wide, shall be provided through all blocks over seven hundred fifty (750) feet long, when deemed necessary by the Planning Board.
- (10) Generally, subdivisions shall be designed to avoid unnecessary and costly roads, utility extensions, grading, and energy consumption.
- (11) Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, should be preserved to the degree practicable.

COMMENT: PPS 4-17027 meets the above design standards where practicable.

(12) Lot size averaging may be permitted for preliminary plans accepted prior to July 1, 2006 in accordance with the Zoning Ordinance when the Planning Board finds that:

- (A) The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots
- (B) The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.
- (C) The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

COMMENT: This standard is not applicable to 4-17027, lot size averaging is not proposed.

(13) Generally, lots, except at corners, should have access to only one (1) street.

COMMENT: PPS 4-17027 meets the above design standards where practicable.

(14) If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, shall be responsible for the maintenance of the entrance feature or gateway sign.

COMMENT: The applicant will provide gateway signage on HOA property for each of the proposed residential neighborhoods. The design of said sign(s) will be reviewed with each appropriate/applicable DSP.

(15) The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.

COMMENT: Note 16 on the PPS addresses this requirement. Specifically, Concept Approval (Case No. 26947-2002-00) was approved on May 8, 2017, and is currently valid.

- (16) Except as indicated in Section 24-132, the subdivision shall be designed and platted in accordance with the provisions for woodland conservation and tree preservation contained in Subtitle 25.
- (17) Historic resources should be preserved.
- (18) Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review should be preserved in place, to the extent practicable and should be interpreted as appropriate.

COMMENT: PPS 4-17027 meets the above design standards where practicable.

(19) Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.

COMMENT: This standard/requirement is acknowledged and noted by the applicant.

Sec. 24-122. - Public facilities requirements.

- (a) When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.
- (b) Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.
- (c) Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

COMMENT: The PPS depicts 10 foot public utility easements along the public rights-of-way. The final plats with reflect that the easements will be granted pursuant to declaration recorded among the County Land Records in Liber 3703 at Folio 748. The General Plan and Master Plan did not show public facilities on the subject property. The stormwater management facilities are approved. Note 16 on the PPS addresses this requirement. Specifically, Concept Approval (Case No. 26947-2002-00) was approved on May 8, 2017, and is currently valid.

Sec. 24-122.01. - Adequacy of public facilities.

(a) The Planning Board may not approve a preliminary plan of subdivision if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

COMMENT: Adequate public facilities exist for the proposed development

- (b) Water and sewerage.
- (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plan or final plat approval; and
- (2) Applications filed on or after October 1, 2012, pursuant to the Sustainable Growth Act Section 9-206 of the Environment Article, the following restrictions apply to residential subdivisions:
  - (i) Tier I. All lots shall be served by public sewer.
  - (ii) Tier II. All lots shall be served by public sewer; or if the subdivision is a minor subdivision it may be served by on-site sewer disposal systems.
  - (iii) Tier III. All lots shall be served by on-site sewer disposal systems.
  - (iv) Tier IV. All lots in a minor subdivision shall be served by on-site sewer disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.

COMMENT: 4-17027 is located within Tier I of the Sustainable Growth Act. The subdivision will be served by public sewer.

- (c) Police facilities.
  - (1) Before any preliminary plan may be approved, the Planning Board shall find that:
    - (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing

- police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or
- (B) An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines"; or
- (C) That improvements participated in or funded by the subdivider, including participation in a specific Public Facilities Financing and Implementation Program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."
- (d) Fire and rescue facilities.
  - (1) Before any preliminary plan may be approved, the Planning Board shall find that:
    - (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will be within the adequate coverage area of the nearest fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or
    - (B) An adequate fire and rescue station(s) available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines", provided, however, that if construction of such improvements has not commenced within nine (9) years after the first year the project is fully funded in an adopted County Capital Improvement Program, the preliminary plan may not be considered and approved by the Planning Board based upon future construction until such facilities are actually constructed; or
    - (C) That improvements participated in or funded by the subdivider, including participation in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."
  - (2) Before any preliminary plan may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes.
- (e) Data Collection by Office of Audits and Investigations and Office of Management and Budget.
  - (1) Except as provided in Subsection (3) below, the Chief of Police and the Fire Chief shall submit the following information to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Board:
    - (A) For Police personnel, a statement of authorized strength of sworn officers of at least:
      - (i) Ninety percent (90%) of an authorized strength of One Thousand Four Hundred Twenty (1,420) equaling One Thousand Twelve Hundred Seventy Eight (1,278) sworn officers on and after December 31, 2004;
      - (ii) Ninety-five percent (95%) of an authorized strength of One Thousand Four Hundred Twenty (1,420) equaling One Thousand Three Hundred Forty Nine (1,349) sworn officers on and after December 31, 2005; and

- (iii) One Hundred percent (100%) of an authorized strength of One Thousand Four Hundred Twenty (1,420) sworn officers on and after December 31, 2006:
- (B) For Fire personnel, a statement of authorized strength of fire and rescue personnel of at least:
  - (i) Ninety-five percent (95%) of an authorized strength of Six Hundred Ninety Two (692) equaling Six Hundred Fifty Seven (657) fire and rescue personnel on and after December 31, 2004; and
  - (ii) One Hundred percent (100%) of an authorized strength of Six Hundred Ninety Two (692) fire and rescue personnel on and after December 31, 2005.
- (C) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the Public Safety Master Plan for police and fire stations in the vicinity of the area proposed for subdivision; and
- (D) A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service. Prior to January 2006, the Police Chief shall calculate the cumulative average response times beginning with the January 2005 response time data. In this Section, total time means the length of time from the call for service until the arrival of Police personnel on-scene or other appropriate police response.
- (E) A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.
- (2) If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.
- (3) The provisions of Subsection (e)(1) shall not apply to commercial or industrial applications for preliminary plans.
- (4) The governing body of the County may waive any surcharge imposed within the developed tier.

COMMENT: Adequate public facilities, fire and rescue facilities are available to accommodate the proposed development. These will be tested during the PPS review.

Sec. 24-134. Mandatory dedication of parkland.

(a) In all residential subdivisions, except as provided in paragraphs (2), (3), and (4) of this Subsection, the Planning Board shall require the platting and conveyance to the Commission or to a municipality located within the Regional District but not within the Maryland-Washington Metropolitan District, upon request of such municipality, of suitable and adequate land for active or passive recreation, or the payment of a monetary fee in lieu thereof, or the provision of recreational facilities as otherwise provided by this Division.

COMMENT: Although PPS 4-17027 now proposes some lots within the area of homeowners/recreational parcels that were approved with PPS 4-04035, the applicant is still proposing a number of HOA/recreational parcels within the boundaries of PPS 4-17027, as identified on the plan with an "R" symbol. Consequently, the applicant is proposing on-site recreation (both passive and active facilities) and/or open spaces within the new subdivision area. Moreover, the overall project, as recently approved by the Planning Board in PGCPB No. 04-247(C/2)(A/2), will provide dedication to the Commission as well as a relocated master plan trail and trailhead. Indeed, with the recent reconsideration of 4-04035, the Planning Board established a condition for the conveyance of parkland to M-NCPPC consistent with the standard used for PPS approvals, and recommended by DPR. The condition requires that the parkland be platted and the deed for conveyance be submitted with the first final plat that includes residential development, excluding multifamily.

On January 25, 2018, the Planning Board granted a reconsideration for the realignment of the master plan trail. In 2004, the Planning Board approved Preliminary Plan 4-04035 with conditions 14, 15, 16, 18, 19, 35, 37, 38, 41 and 43 most of which were related to the development of trail called for in the adopted Master Plan along Collington Branch Stream Valley with trailhead facilities located within the Karington subdivision. The Preliminary Plan 4-04035 established timing for the dedication of parkland and the construction of the trails and trailhead facilities on dedicated parkland. However, in 2017, the applicant proposed a major realignment of road infrastructure, which affected access to the planned trail and future public trailhead facilities located in the western part of the site. The vehicular and pedestrian access to the planned trail and trailhead facilities is no longer viable due to severe slopes, floodplain and wetlands on the dedicated parkland. As such, the Planning Board approved a realignment of the trial to fit into the new road system and to provide the most convenient public access to the trail and trailhead facilities.

Given the challenges associated with the location of the master-planned trail, the most appropriate alternate location for the trail was determined (and approved) to be along the major loop road within the subdivision. As such, the associated conditions of approval were modified to allow for the realignment of the master plan trail.

The applicant contends that the required parkland dedication for South Lake is met vis-à-vis actual dedication of land to the Commission; facilitation of a master planned trial and trailhead; a system of trails and amenities around the proposed lake – a key feature within the subdivision; and a number of onsite recreation facilities (both passive and active facilities).

#### VII. APPLICABLE CONDITIONS OF APPROVAL

As stated above, the nature of the review of 4-17027 is limited to a specific area previously reviewed as part of CSP-02004, 4-04035, and DSP-05042. Any prior condition of approval regarding this area is addressed below.

CONFORMANCE WITH prior conditions of approval:

## Conceptual Site Plan CSP-02004

The conditions of approval for CSP-02004 consisted of requested plan revisions and requirements prior to grading permits. The conditions included with DSP-05042 are not applicable to this review.

- 3. At the time of preliminary plan approval, right-of-way requirements shall be determined along the following facilities:
  - a. US 301 southbound
  - b. MD 214

c. The MD 214/Hall Road intersection.

COMMENT: This condition has been satisfied

10. All off-site traffic improvements may be altered or modified at preliminary plan dependent upon phasing schedules.

COMMENT: Based on the analyses contained in TIA submitted with this application, the following conditions are recommended for the approval of 4-17027:

- A. MD 214 at Church Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
  - i. Restripe the westbound right turn lane along MD 214 to operate as a shared through/right turn lane. (It should be noted that this improvement is currently in the design and permitting process at SHA).
  - ii. Restripe the northbound approach of Church Road. The approach is currently striped as a double left turn and a shared through/right. It is recommended the approach be restriped to one exclusive left turn lane, one exclusive through lane, and one exclusive right turn lane, along with any signal modifications to reflect the change in lane use.
- B. MD 214 at Old Central Avenue: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
  - i. The applicant shall submit an acceptable traffic signal warrant study to SHA for a possible signal at the intersection of Central Avenue (MD 214) and Old Central Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the responsible agency. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond and install it at a time when directed by the responsible permitting agency. A new warrant analyses will not be required if the SHA determines that this condition has been satisfied and that recent studies have confirmed if and when signalization is warranted.
  - ii. In conjunction with the signalization of this intersection, the northbound approach of Old Central Avenue should be widened to include a double left turn lane and one right turn lane at MD 214. (Note that the double left turn would not be needed or permitted until the intersection is signalized.)

- C. US 301 at Old Central Avenue: Prior to the issuance of any building permits within the site, the applicant shall submit acceptable traffic signal warrant studies to SHA for the intersections of northbound and southbound US 301 and Old Central Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. New warrant analyses will not be required if the SHA determines that this condition has been satisfied and that recent studies have confirmed that signalization is or is not warranted.
- D. US 301 at Site Entrance / Median Crossover: This preliminary plan of subdivision will not add any traffic to this intersection nor will it result in the construction of the west leg of the intersection; therefore, there should be no conditions at this intersection as a result of 4-17027. The west leg of this intersection will be constructed in conjunction with 4-04035 which already contains conditions of approval for the ultimate intersection improvements and signalization.
- 11. Total development within the subject property shall be limited to uses which generate no more than 1,313 AM and 1,925 PM peak hour vehicle trips, in consideration of the rates of trip generation, internal satisfaction, and pass-by that are consistent with assumptions in the traffic study. Phase I would be identified as any development which generates up to 774 AM and 1,242 PM peak hour trips, subject to reasonable assumptions made on the basis of site development proposals. Phase II would be identified as any development which generates more than 774 AM and 1,242 PM peak hour trips. Rates of internal trip satisfaction may be modified by staff in consultation with the applicant in the event that a greater or lesser degree of mixed-use development actually occurs, but any modifications shall fully consider the assumptions made in the traffic study.

COMMENT: A Traffic Impact Analysis has been prepared to evaluate the phased build-out of the Southlake Development. Note that the project has a previous approval with a trip cap of 1,313 AM and 1,925 PM trips based on Preliminary Plan 4-04035. It is proposed that an additional 591 residential units be constructed as part of Preliminary Plan 4-17027. For the purposes of the transportation analysis, Phase 1 of development included all development proposed as part of Preliminary Plan 4-17027, and Phase 2 included the remaining development proposed as part of Preliminary Plan 4-04035. Preliminary Plan of Subdivision 4-17027 should be approved with a trip cap of 372 AM and 428 PM peak hour trips. (Note that this would result in a total trip cap for PPS 4-17027 plus PPS 4-0435 of 1,568 AM peak hour trips and 2,081 PM peak hour trips.) While this is not part of the suggested condition, it should also be noted that the underlying Preliminary Plan of Subdivision as discussed in Resolution PGCPB No. 04-247 for Karington (4-04035) contains specific conditions that relate to any trips that exceed 1,047 AM and 1,421 PM net off-site peak hour trips, and the trip cap associated with 4-17027 does not exceed those thresholds.

12. At the time of preliminary plan review, all proposed "Street Sections" will be further reviewed with regard to specific development proposals of adjacent properties. All typical sections along

public streets must conform to the requirements of the appropriate operating agency, and any deviations from the typical section of a public street must have the approval of that agency.

COMMENT: All proposed street sections are consistent with previous approvals.

14. Prior to preliminary plan signature approval, the applicant, his successors and/or assigns shall provide additional documentary evidence that the subject property is (or will be) served by public transportation through local (County Department of Public Works and Transportation) or regional (Washington Metropolitan Area Transit Authority) bus system routes and stops that are located within and in proximity to the development. This provision shall be in keeping with the requirement of the fifth criterion, establishing geographic applicability of mitigation, in the Guidelines for Mitigation Action (as established by CR-29-1994). This requirement may also be satisfied through the provision of privately funded shuttle bus service to supplement available public transportation service, in order to achieve the headway and walking distance requirement stipulated as a requirement for the use of mitigation. At the time of detailed site plan, transportation planning and DPW&T staff shall review bus routing plans.

COMMENT: 4-04035 has previously been certified satisfying this condition and is not required nor should be carried forward

- 17. The Woodland Conservation threshold portion of the requirement (47.52 acres) shall be satisfied as on-site preservation. The balance of the requirements may be satisfied by additional on-site preservation, on-site reforestation, or at an approved off-site mitigation bank.
- 18. The revised TCPI submitted with the Preliminary Plan of Subdivision shall include the following:
  - a. Show conceptual grading, structure locations, and the limit of disturbance.
  - b. An attempt shall be made to eliminate isolated Woodland Conservation Areas by adjusting the layout and providing larger contiguous forest areas in the vicinity of the PMA and thus further minimizing proposed PMA impacts.
  - c. Show the location of all anticipated stormdrain, sewer and water outfalls including those connecting to existing facilities located outside the limits of this application.
  - d. Any clearing for off-site infrastructure connections shall be mitigated at a 1:1 ratio for all woodlands cleared as part of TCPI/48/02.
- 19. At the time of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan shall be revised at a scale of no less than 1"=100'. Those plans shall clearly identify each component of the PMA and the ultimate limit of the PMA.
- 20. The Preliminary Plan of Subdivision shall be designed to preserve the PMA to the fullest extent possible. If impacts are proposed a Letter of Justification shall be submitted with the Preliminary Plan application. It shall include a description and justification of each proposed area of impact. The impacts to each feature of the PMA shall be quantified and shown on 81/2- x 11-inch sheets.
- 22. The proposed PMA impacts shall be further evaluated with each subsequent plan review.
- 23. The submittal of the Preliminary Plan of Subdivision shall include a Marlboro Clay Geotechnical Report prepared in accordance with the Prince George's County "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments."

- 25. The projected 65 dBA Ldn noise contours for MD 214 and US 301 shall be shown on the Preliminary Plan of Subdivision and the detailed site plans for this site at 311 feet and 409 feet from the centerline, respectively. In the event the Environmental Planning Section noise projections are not used, a Phase I Noise Report shall be prepared and submitted with the Preliminary Plan of Subdivision. If residential lots are located within the limits of the 65 dBA Ldn noise contour appropriate mitigation measures shall be identified by a Phase II Noise Study at the time of detailed site plan.
- 43. After approval of the Preliminary Plan of Subdivision and the detailed site plans and concurrent with the first residential grading permit, the developer shall:
  - a. Contribute \$250,000 to a tax exempt 501 (c) (3) organization to be determined and to be restricted for release to a school facility used to reduce overcrowding for Bowie area schools.
  - b. Use its best efforts to locate alternative commercial or other useable space for the transitional school to permanently replace the Belair School Building. Developer services will be provided at no cost to the Board of Education of Prince George's County.
  - c. Serve on construction committee for new middle school to be located in the South Bowie area.
- 44. No individual retail user shall exceed 125,000 square feet other than a grocery store(s).
- 45. The plan shall be revised to reduce the number of luxury residential rental units to a maximum of 490, excluding age-restricted senior units and live/work units.
- 46. The plan shall be revised to authorize an increase in residential condominium units to a minimum of 210 units.

COMMENT: The PPS is either in conformance with prior conditions or the conditions have deemed inapplicable.

# Preliminary Plan of Subdivision 4-04035

28. Total development within the subject property shall be limited to uses which generate no more than 1,313 AM and 1,925 PM peak-hour vehicle trips, in consideration of the rates of trip generation, internal satisfaction, and pass-by that are consistent with assumptions in the traffic study. Phase I shall be identified as any development that generates up to 1,047 AM and 1,421 PM net off-site peak-hour trips, subject to reasonable assumptions made on the basis of site development proposals. Phase II shall be identified as any development which generates more than 1,047 AM and 1,421 PM net off-site peak-hour trips. Rates of internal trip satisfaction may be modified by staff in consultation with the applicant in the event that a greater or lesser degree of mixed-use development actually occurs, but any modifications shall fully consider the assumptions made in the traffic study.

COMMENT: Preliminary Plan of Subdivision 4-17027 should be approved with a trip cap of 372 AM and 428 PM peak hour trips. (Note that this would result in a total trip cap for PPS 4-17027 plus PPS 4-0435 of 1,568 AM peak hour trips and 2,081 PM peak hour trips.) While this is not part of the suggested condition, it should also be noted that the underlying Preliminary Plan of Subdivision as discussed in Resolution PGCPB No. 04-247 for Karington (4-04035) contains specific conditions that relate to any trips that exceed 1,047 AM and 1,421 PM net off-site peak hour trips, and the trip cap associated with 4-17027 does not exceed those thresholds.

## Detailed Site Plan for Infrastructure DSP-05042

The conditions of approval for DSP-05042 consisted of requested plan revisions and requirements prior to grading permits. The conditions included with DSP-05042 are not applicable to this review.

## VIII. CONCLUSION

The applicant respectfully requests the approval Preliminary Plan of Subdivision (4-17027) to approve 271 lots and 38 parcels to increase the density to accommodate an additional 695 dwelling units. Based on the foregoing, as well as the preliminary plan of subdivision package filed in conjunction with this application, and all evidence that has or will be submitted into the record, this application, and the requests herein, adhere to Subtitles 24 and 27 of the County Code, and the conditions of approval of CDP-02004. Accordingly, the applicant contends, and respectfully requests, that the Planning Board approve 4-17027.

Respectfully submitted, McNamee Hosea

Matthew C. Tedesco, Esq.

Date: July 6, 2018



