



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-113

File No. 4-10008

R E S O L U T I O N

WHEREAS, Parcel D2, LLC is the owner of a 8.49-acre parcel of land known as Tax Map 67, Grid E2 and also known as Parcel I of the Largo Metro Center, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Major Activity Center (M-A-C); and

WHEREAS, on July 12, 2010, Parcel D2, LLC filed an application for approval of a Preliminary Plan of Subdivision for four parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10008 for Largo Metro Center, Parcels A-D was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 21, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 21, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-10008, Largo Metro Center, Parcels A-D, including a Variation from Section 24-121(a)(3) and a variance, VWC4-10008, to Section 25-122(b)(1)(g) to allow for the removal of specimen trees 11 and 12 for four parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall:
 - a. Show a note stating:

“This plan is subject to easements for pedestrian circulation. The location and nature of these easements shall be established at SDP and shown on the final plat.”
 - b. Rename Parcels 1-4 as Parcels A-D.
2. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCPI) shall be revised as follows:

- a. Correct the woodland conservation worksheet to calculate the woodland conservation requirement for the site based on 0.83 acres of existing woodlands;
 - b. Revise the plan to show the preservation of Specimen Trees 1 through 10 and label the trees with clearly legible numbers;
 - c. Revise the signature block to type in the date and signature of the TCPI approval associated with the CDP case;
 - d. Add a specimen tree variance note under the specimen tree table which reads as follows:

“A Variance Application (VWC 4-10008) to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the preliminary plan to allow removal of trees 11 and 12.”;
 - e. Provide a tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement of ten percent of the gross tract area will be fulfilled; and
 - f. Have the TCPI signed and dated by the qualified professional who prepared it.
3. Prior to signature approval of the preliminary plan, Type I Tree Conservation Plan TCPI/22/05 and Comprehensive Design Plan CDP-9002/08 shall receive certificates of approval.
 4. At time of specific design plan, a lighting study shall be submitted that addresses the reduction of spillover lighting into residential areas and the total lighting output of the individual sites. The plan shall show the use of full cut-off optics and downward facing light fixtures. The photometric plan shall show no more than 0.5 foot-candles of light at the outer property lines of the subdivision.
 5. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
 6. The private recreational facilities shall be reviewed by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's County Planning Department, Development Review Division (DRD) Urban Design Section for adequacy and location during the specific design plan review.
 7. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original private recreational facilities agreements (RFA's) to DRD for construction of

private recreational facilities for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County land records.

8. The applicant and the applicant's heirs, successors, and/or assignees shall submit to DRD a performance bond, letter of credit or other suitable financial guarantee for the construction of private recreational facilities in an amount to be determined by the DRD. The timing of these bonds shall be reasonably coordinated with the residential construction in a schedule determined prior to approval of the final plat.
9. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.
10. Prior to issuance of the second residential building permit in Parcel 2, Block D, also known as Parcel-1, the applicant shall provide evidence that either:
 - a. The applicant has obtained all necessary permits for construction and has completed the terrace garden steps (also known as Add Alternate (2); or
 - b. The applicant has paid a fee-in-lieu to the Department of Parks and Recreation (DPR) in the event DPR has constructed the terrace garden steps as specified on the plans for the Largo Town Center Park. The fee-in-lieu shall be in the amount of \$232,420.00 in 2010 dollars. This amount shall be adjusted for inflation in accordance with the Consumer Price Index (CPI) to the end of the fiscal year preceding the year in which the actual construction is completed by the DPR. If an adjustment is needed, the applicable increase shall be determined by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Finance Department.
11. The SDP shall show a minimum eight-foot-wide sidewalk along Arena Drive at the subject property frontage. The width of the existing green space between the sidewalk and the curb should be maintained. Existing art work in the sidewalk along the Arena Drive frontage shall be preserved and incorporated into the new sidewalk.
12. Provide pedestrian connections to the Boulevard at the Capital Centre on the preliminary plan up to the edge of the subject property line. This land shall be shown as "Pedestrian Connection" and shall be placed in an easement. The location and nature of these connections shall be coordinated with required buffers and preserved specimen trees at the time of SDP, and shown on the final plat.
13. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of one, "Share the Road" bicycle warning sign along Arena

Drive to implement the master-planned bikeway, unless modified by DPW&T. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County-maintained road will be determined by DPW&T and should accommodate bicycle movement.

14. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of one "Share the Road" bicycle warning sign along Lottsford Road to implement the master-planned bikeway, , unless modified by DPW&T. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County-maintained road will be determined by DPW&T and should accommodate bicycle movement.
15. Total development within the subject property shall be limited to uses which generate no more than 396 AM and 441 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
16. Access to the site shall be limited to a full-movement access along Arena Drive, a right-in right-out access along Lottsford Road, and a right out access onto Arena Drive. At the time of SDP, the final location of these accesses shall be determined in conformance with the standards established by this preliminary plan and with the approval of the Transportation Planning Section and the Department of Public Works and Transportation. The final location of these accesses must be shown on the final plat, with access along the rest of the frontage denied.
17. Prior to the issuance of any building permits the applicant shall complete a traffic signal warrant study at Arena Drive and the full-movement access point to be submitted to the Department of Public Works and Transportation (DPW&T).
18. Development of this site shall be in conformance with the Stormwater Management Concept Plan 3068-2010-00 and any subsequent revisions.
19. Prior to the approval of a specific design plan for the subject site, application shall demonstrate that the subject site is in conformance with Section 27-485(c) of the Zoning Ordinance for the overall entirety of the MAC Zone. Development of the site shall conform to the conditions of A-9280/08, A-9281/08, and CDP 9002-09.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. Overview—The subject property is located on Tax Map 67, Grid E2 and is an acreage parcel known as Parcel I of the Largo Metro Center. Earlier designations as Parcel D2 predate the transfer of a portion of the property to the Washington Metropolitan Area Transit Authority (WMATA). The property consists of 8.49 acres in the Major Activity Center (M-A-C) Zone. It is currently undeveloped. The applicant proposes to construct 300 multifamily residential units and 160,000 square feet of office and commercial development.
3. Setting—The property is located on the southwest corner of the intersection of Lottsford Road and Arena Drive. The property is zoned M-A-C, along with properties across Lottsford Road. The neighboring property to the west, the former Capital Center site, is zoned R-R (Rural Residential) and currently developed with a shopping center. The sites across Arena Drive are zoned I-3 (Planned Industrial/Employment Park). Those immediately across the street are currently undeveloped. The site immediately south of the site is owned by the Washington Metropolitan Area Transit Authority (WMATA) and developed with the Largo Metro station.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	M-A-C	M-A-C
Use(s)	Undeveloped	Multifamily residential Commercial office and retail
Acreage	8.49	8.49
Lots	0	0
Parcels	1	4
Dwelling Units:		
Multifamily	0	300
Commercial	0	115,000 s.f. minimum 160,000 s.f. max

In conformance with Section 24-119(a) of the Subdivision Regulations, this application was reviewed at the Subdivision and Development Review Committee (SDRC) on July 23, 2010.

5. **Previous Approvals**—Largo Town Center (LTC) consists of two separate Zoning Map Amendments, A-9280 and A-9281, and was approved by the District Council through the adoption of the 1978 Sectional Map Amendment (SMA) for the Largo-Lottsford Area,

Planning Area 73, placing 175.1± acres in the M-A-C Zone (County Resolution CR-75-1978). Maximum development yields for the M-A-C Zone include 1,950 dwelling units on 78 acres, 2.3 million square feet of commercial space, and 300,000 square feet of retail space.

Basic Plan Amendments

Several basic plan amendments have been approved since the original approval of the zone in 1978 that have changed maximum development levels and locations of land uses from the original basic plan. The following table contains a chronology of the basic plan and its amendments for Largo Town Center:

Basic Plan Actions	Date Approved	Purpose
A-9280 A-9281	6/7/78	Original Basic Plan approved upon adoption of the 1978 Sectional Map Amendment (SMA) for Largo-Lottsford, placing 175.1± acres in the M-A-C (Major-Activity-Center) Zone (CR-75-1978). Dwelling units were capped at 1,950 on 78 acres, 2.3 million square feet of commercial space, and 300,000 square feet of retail space.
A-9280 A-9281	5/23/88	(Zoning Ordinance ZO-31-1988) Basic Plan amendment changed density and intensity to reflect several right-of-way impacts through the intervening years. Base dwelling units were revised from 780 to 774 on 74 acres, with the potential to add another increment of 1,170 dwellings through providing public benefit features. A total of 1,935 dwellings were approved, with a base density of 774 dwellings and public benefit increment factors adding approximately 1,170 dwellings. Commercial and retail space remained unchanged at a combined total of 2.3 million square feet. Included 12 conditions and 14 CDP considerations.
A-9280 A-9281	9/25/89	(ZO-57-1989) Basic Plan amendment allowed gas stations as a permitted use. Included the previous 13 conditions and 14 CDP considerations; retained same development potentials.

A-9280 A-9281	6/14/93	(ZO-12-1993) Basic Plan amendment to allow senior housing on Parcel C. Included 15 conditions and the 14 CDP considerations previously approved. Three conditions were added regarding District Council review of uses on Parcel A and senior housing on Parcel C. Base dwellings were adjusted to 780 units which is consistent with the original approval, with a public benefit increment factor allowing up to 1,170 additional units for a maximum 1,950 dwellings.
A-9903-C	4/26/94	(ZO-19-1994) Basic Plan amendment rezoned 4± acres of Parcel D from the C-O Zone to the M-A-C Zone and added the land area to the Basic Plan. Previous conditions and considerations were carried forward.
A-9280/06-C A-9281/06-C	7/11/05	(ZO-4-2005) Basic Plan amendment for Parcel B was approved. The amendment changed the use on Parcel B from commercial and office (868,000 square feet) to residential; approved a maximum of 600 residential dwellings; approved a minimum of 15,000 square feet of commercial space as part of the mixed-use component; and established building height and other development regulations for Parcel B. The base density was again set at 774 dwellings with a public benefit allowing an additional 1,170 dwellings for a total of 1,935 dwelling units.
A-9903/02 A-9280/07 A-9281/07	Pending	Parcel D was the subject of this proposed Basic Plan amendment, requesting a change of use to promote transit-oriented mixed-use development by allowing the addition of 350 multifamily dwellings to the currently approved commercial office space. The proposal consists of 1.05 million square feet of office, 54,000 square feet of retail and 350 residential condominiums. The Planning Board and ZHE recommended denial of the application. The District Council's decision of approval is currently the subject of a judicial review before the Circuit Court, which has not yet ruled on the matter.

A-9280/08 A-9281/08	9/22/08	(ZO-25-2008) Basic Plan amendment was approved for the subject property to add 300 mid-rise condominiums, in addition to the 160,000 square feet of office space, which was originally approved, to be constructed within a five-story office building, and a full service bank.
A-9280/09 A-9281/09	7/21/08	(ZO-20-2008) Basic Plan amendment was approved for Parcel B. The approved density of 600 dwellings was retained, but allowed a modest range of dwelling unit types, building heights, and between 32,000 to 36,000 square feet of mixed-use retail/office in the first floor of the multifamily buildings on the west end.

Comprehensive Design Plan and Revisions

The following table summarizes Planning Board and District Council actions taken on the previously approved comprehensive design plan and its revisions for Largo Town Center.

CDP Actions	Date Approved	Purpose
CDP-8804	10/31/88	District Council affirms PGCPB Resolution No. 88-479 for various uses and densities for all parcels, including a maximum of 665,000 square feet of office space for Parcel D, along with various design standards. The CDP also approved the overall residential density cap of 1,440 dwellings (per PGCPB Resolution No. 88-479 and supplemental 10/6/88 staff report). This CDP approved 1.75 million square feet of commercial floor area, which is beneath the commercial development cap of the Basic Plan. The Basic Plan still allows up to 2.3 million square feet. Various design standards are established.
CDP-8905	9/25/89	District Council affirms PGCPB Resolution No. 89-396 decreasing green space and requiring an urban park on Parcel D; establishes design considerations for a proposed hotel on Parcel B and requires a cross-parking easement be established between Parcels B and C and the M-NCPPC prior to specific design plan (SDP) approvals per Condition 15 of Comprehensive Design Plan CDP-8804.

CDP-9002	4/16/90	Amended CDP-8804 and CDP-8905 conditions regarding fee-in-lieu for recreational facilities, recreational bonding, and building heights (affirmed PGCPB Resolution No. 90-94); required owner-occupied use on Parcels G-1 and G-2; establishes a maximum height of buildings on Parcel B-4 at 107 feet; retains other design guidelines stated in CDP-8804 and CDP-8905.
CDP-9002/01	7/30/91	District Council affirms PGCPB Resolution No. 91-238 revising conditions regarding fee-in-lieu for recreational facilities, recreational bonding, and design guidelines; required all area civic groups to be given the opportunity to review SDPs; requires payment of recreational facilities bonds prior to issuance of any permits for Parcels B, C, E, F, G, or H, including amending the recorded Recreational Facilities Agreement.
CDP-9002/02	7/27/93	District Council affirms PGCPB Resolution No. 93-149 to allow 110 senior housing units on Parcel C in accordance with the (ZO-57-1989) Basic Plan amendment and modifies fee-in-lieu conditions
CDP-9002/03	3/3/94	Planning Board denied request to amend Condition 2 of CDP-9002/01.
CDP-9002-04	3/31/94	District Council affirms PGCPB Resolution No. 94-119, approving a base intensity and maximum of 1.37 million square feet of commercial office and employment use on Parcel D and establishing green area, setbacks, heights, a one-acre urban park, and structured parking. Overall development was capped by maximum AM and PM peak-hour vehicle trips to allow no more than 2.3 million total square feet of commercial space and 1,440 dwellings.
CDP-9002/05	5/17/94	District Council affirms PGCPB Resolution No. 94-121 to allow 264 multifamily condominiums on Parcel E (222 dwellings) and Parcel H (42 dwellings); retained original density cap of 1,440 dwellings.
CDP-9002-06	4/30/98	PGCPB Resolution No. 98-120 converts Parcel E from condo to rental; (the approved SDP, however, later reduced total units on Parcels E/H from 264 to 243) 970 units committed to development within the LTC, only 470 units remain to be developed elsewhere under the LTC cap of 1,440 dwellings.
CDP-9002-07	Withdrawn	

CDP-9002-08	Pending	Parcel B seeks to amend CDP-9002/06 to establish the mixed-use development envisioned by the amended Basic Plan for Parcel B (A-9280/81/06). This CDP application proposes 600 dwelling units and between 32,000 to 36,000 square feet of mixed-use commercial retail/office space within mid-rise multifamily buildings on Parcel B. Additional public benefit features are proposed to justify exceeding the existing CDP dwelling unit cap in order to achieve the 600 dwelling units proposed in the approved underlying amended Basic Plan.
CDP-9002-09	7/12/10	This CDP application proposes 300 mid-rise condominiums, 160,000 square feet of office space within a five story office building, and a separate pad site (full service bank) on Parcel I.
CDP-9002-10	7/21/09	Proposes to eliminate some conditions of approval of CDP-9002/04 for Parcel D, to facilitate the development of an office complex of 989,560 square feet for a federal tenant on the southern portion of Parcel D (Parcel I-A).

Preliminary Plans

On November 17, 1988, the Planning Board approved Preliminary Plan of Subdivision 4-88195, Largo Town Center, including the subject property. On June 19, 1997, the Planning Board approved PGCPB Resolution No. 97-163 which placed the subject property in reservation for the proposed Addison Road Metrorail extension for three years between July 1, 1997 and July 1, 2000. On December 22, 2005, the Planning Board approved Preliminary Plan of Subdivision 4-05040 for the subject property which subsequently expired. The present application has been submitted to proceed with development on the subject site.

Several specific design plans (SDPs) have been approved within the overall Largo Town Center.

6. **Environmental**—Two plans for this site were previously reviewed for compliance with environmental regulations. Prior to the submittal of Preliminary Plan 4-05040 in 2005, a Natural Resource Inventory (NRI/018/05) was signed by the Environmental Planning Section. The NRI expired on June 8, 2010 per Note 7 of the general notes on the plan sheet. A Type I Tree Conservation Plan, TCPI/022/05, was approved with Preliminary Plan 4-05040.

The Type I Tree Conservation Plan (TCPI/22/05) submitted with Comprehensive Design Plan CDP-9002/09 for the property (previously known as Parcel 2, Block D, and Parcel I) is for an 8.52-acre parcel in the M-A-C Zone, to allow development of 300 multifamily

units and 160,000 square feet of office and supporting commercial uses. This approval was affirmed by the District Council on July 13, 2010 subject to conditions. This Type I Tree Conservation Plan, TCPI/22/05, never received signature approval or certification. The site never received a Type II tree conservation plan (TCPII) and the Preliminary Plan, 4-05040, expired; therefore, the plan is not grandfathered and must conform to the new regulations that became effective on September 1, 2010.

Site Description

The subject property is located in the southwest quadrant of the intersection of Arena Drive and Lottsford Road, between the Capital Beltway (I-95/495) and Landover Road (MD 202). A review of available information indicates that no streams, wetlands, or 100-year floodplain occur on this site. Several transportation-related noise generators have been identified in the immediate vicinity of this residential use, including I-95/495, Arena Drive, Lottsford Road, and the WMATA Metro System. The WMATA tracks are also a source of vibrations that could affect foundations. The soils found to occur, according to the *Prince George's County Soil Survey*, is the Collington fine sandy loam, which poses few difficulties to development. According to available information, Marlboro clay is not found to occur in the vicinity of this property. According to available information, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads located along the frontage of this property. The site is not within the designated network of the June 2005 *Approved Countywide Green Infrastructure Plan*. This property is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

Review of Approved Conditions of Zoning Map Amendments A-9280-C/A and A-9281-C

The Notice of Decision of the District Council for the action taken on October 7, 2008 for Basic Plans A-9280 and A-9281/08 contains the following environmental conditions (**text in bold**):

Condition 10. Prior to the submission of the Comprehensive Design Plan application, a revised Forest Stand Delineation text and plan shall be submitted for Parcels 1-A and 1-B, Block D, as part of the a Natural Resources Inventory (NRI) application. A staff-signed NRI shall be included in the application package for the CDP.

The original approval of the NRI was on June 8, 2005 and this approval has since expired after its five year validity period. Effective September 1, 2010, regulations regarding the submission contents of NRIs were updated in the new Environmental Technical Manual. A revised NRI in conformance with the updated requirements was required because the subject application did not receive Planning Board approval prior to the effective date.

A revision to the NRI was submitted and approved by the Environmental Planning Section on September 29, 2010. Of special interest was an evaluation of the condition of the 12 specimen trees located on the site in accordance with Section 4.2.3.c. of Part A of the Environmental Technical Manual, which was stamped as received by the Environmental Planning Section on September 28, 2010. This information was needed to determine compliance with Condition 17 as noted below, and will be addressed further.

A revised forest stand delineation (FSD) text and plan for Parcel I were submitted as part of a revised natural resources inventory.

Condition 11. All subsequent plan submittals shall reflect the location of the unmitigated 65 dBA Ldn noise contour for Lottsford Road for this property based on a Phase I noise study.

A "Metro Rail Noise and Vibration Analysis for Parcel D2", prepared by Phoenix Noise and Vibration and dated July 26, 2005 was submitted with the application, which concluded that for both the vibration and noise, the measured noise levels of the current conditions comply with Prince George's County Department of Housing Urban Development (HUD) and International Organization for Standardization (ISO) standards established for such impacts for residential or commercial uses proposed on the site; therefore, no mitigation of Metro noise is required. No further information about noise impacts is required.

Condition 17. The Comprehensive Design Plan application shall include:

- c. Proposed buffering and screening design, specifically relating the residential development to internal and external uses.**

The revised Type I tree conservation plan for this site proposes the clearing of all existing woodlands on the site that previously provided a vegetative buffer to the Boulevard at the Capital Centre shopping center located to the southwest of this property. This is an area where there are twelve existing specimen trees located within a hedgerow-like area. Further evaluation of the condition of the existing specimen trees and their potential for retention was provided in accordance with the guidelines of the Environmental Technical Manual, Part A, Section 4.2.3.c. A variance request to Section 25-122(b)(1)(G) of WCO was submitted for the removal of all specimen trees present.

The preservation of the existing hedgerow where the specimen trees exist adjacent to the shopping center is the most desirable method of providing the required buffer. As noted below, the preservation of specimen trees is also a recommendation of the sector plan and has been achieved on other similarly-zoned properties within the sector plan area. Staff recommends that the Planning Board find conformance with this condition per the

findings and conditions in Finding 4 (Variance Request to Remove Specimen, Champion, or Historic Trees) below.

Sector Plan Environmental Infrastructure Recommendations

The May 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* provides recommendations to be considered throughout the Largo Town Center Metro area, which are intended to be a guide for the design, development, and redevelopment of the existing site. This site is in Subarea 4 of the Largo Metro core area. Those that are pertinent to review by the Environmental Planning Section are addressed as follows (refer to pages 51 through 55 of the sector plan):

1. **The preservation and enhancement of designated green infrastructure elements that include environmentally sensitive areas such as stream valleys, floodplains, wetlands and steep and sever slopes. Some of these features are located in Subarea 4 of Largo Town Center Metro core area**
Environmentally sensitive areas shall be preserved during the land development process using existing regulations. The existing environmental features shall be enhanced, and lost features shall be replaced to the fullest extent possible.

The subject property does not contain any of the environmentally-sensitive areas listed in this recommendation.

2. **The green corridors that include the two unnamed streams that flow south and converge at the Capital beltway/Central Avenue interchange through the Largo Town Center Metro core area. These corridors will be important for environmental preservation in this sector plan these green corridors will be part of a network of corridors throughout the county for the movement of people.**

The subject property contains no green corridors.

3. **Preservation of priority woodland though existing regulations during the land development process. These areas include woodlands associated with 100-year floodplain, nontidal wetlands, stream corridors, severe slopes, steep slopes with highly erodible soils, critical woodland habitat, and specimen and historic trees.**

The Type 1 tree conservation plan proposes the removal of all on-site trees, which includes specimen trees. Staff recommends that the Planning Board find conformance with this condition per the findings and conditions in Finding 4 (Variance Request to Remove Specimen, Champion, or Historic Trees) below.

9. **The reduction of the spillover of lighting and the total lighting output of individual sites. This is particularly important for areas that are adjacent to residential uses such as Subareas 4 and 5 of Largo Town Center Metro core area.**

A lighting study will be required at the time of specific design plan for the subject property. Full cut-off optic fixtures and downward facing lighting will be required to reduce light spillover and total lighting output. A condition is recommended requiring this lighting study.

Conformance with Development District Standards

The Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas (May 2004) contains specific development district standards to be addressed for the Largo Town Center Metro core area. None of these are environmental in nature.

Conformance with the Countywide Green Infrastructure Plan

The subject property is not located within the designated network of the June 2005 *Approved Countywide Green Infrastructure Plan*.

Conditions of Conceptual Design Plan CDP-9008/09 Approval

The following conditions, which are environmental in nature, were approved in PGCPB Resolution No. 10-56 and affirmed by the District Council on July 13, 2010:

3. **Prior to certificate approval of the comprehensive design plan and prior to the submission of a preliminary plan of subdivision for the subject property:**
 - a. **A revised forest stand delineation text and plan for Parcels 1-A and 1-B, Block D, as part of a revised and signed natural resources inventory (NRI), shall be submitted. The revised FSD shall include the existing conditions of the specimen trees located adjacent to the Capital Centre, Lot 1 boundary. This information shall include detailed condition analyses, photographs, and individual evaluations for each tree. The evaluation of the existing trees shall be prepared by a certified arborist, licensed tree expert, or landscape architect.**
 - b. **The TCPI shall be revised as follows:**
 - (1) **Show the retention of woodlands on-site which include the existing specimen trees located adjacent to the Capital Centre, Lot 1 boundary. At time of specific design plan and TCPII preparation, the potential for the retention of the**

existing trees shall be further reviewed based on additional information submitted as part of the NRI;

- (2) Use the previously approved quantity of existing woodlands on the site for calculating the woodland conservation requirements (0.83 acre);
- (3) Reflect the additional information provided on the NRI regarding the specimen trees located on-site;
- (4) Have the revised plans signed and dated by the qualified professional who prepared them.

The requirement for additional information regarding the conditions of the specimen trees has been fulfilled in conformance with the condition rating method contained in the Environmental Technical Manual and reflected in the applicant's request for a variance to remove specimen trees.

Type I Tree Conservation Plan TCPI/22/05 was approved with CDP-9002/09, with conditions for revision. A revised TCPI plan was submitted with the application, but it does not calculate the woodland conservation requirements based on 0.83 acre of existing woodlands as required by this condition.

This condition specifically requires conformance prior to submittal of the preliminary plan for this site. The preliminary plan was accepted for review prior to the required revisions to the natural resources inventory (NRI) and a Type I tree conservation plan (TCPI) being completed. The NRI has since been revised and signed. The CDP and TCPI have not yet been certified. Prior to signature approval of the preliminary plan, the TCPI associated with CDP-9002/09 must receive signature approval. A TCP2 will be required at the time of SDP.

4. At the time of specific design plan:

- c. Landscape buffers shall be provided along the Boulevard at the Capital Centre property line to visually screen the development from the center. Landscape buffers shall also be considered along the underground tracks easement to create visual appeal. The landscape buffers shall be further analyzed to determine whether additional width of buffer should be required.
- k. A photometric plan shall be submitted that addresses the reduction of spillover lighting into residential areas and the total lighting output of the individual sites. The plan shall show the use of full cut-

off optics and show no more than 0.5 foot-candles of light at each property line.

- 1. Staff and applicant shall further evaluate and consider the use of woodland preservation on-site in the required landscape buffer adjacent to the Capital Centre, Lot 1.**

Conditions 4.c. and 4.l. will be evaluated by the Environmental Planning Section in cooperation with the Urban Design Section based on the additional specimen tree condition rating information submitted with the current preliminary plan, and will be specifically addressed at the time of SDP. The parcel configurations established in this plan do not preclude the ability to provide the required buffering. Condition 4.k. is addressed in a recommended condition regarding information to be submitted with an SDP.

- 7. The green area requirement for the subject property shall be a minimum of 40 percent for the residential portion and 30 percent for the commercial portion. At the time of SDP, the applicant shall provide evidence that the green area provided meets the definition of green area pursuant to Section 27-107.01(a)(103) of the Zoning Ordinance.**

At the time of SDP, this condition will be evaluated by the Urban Design Section.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

A Natural Resources Inventory (NRI/014/05) was prepared and signed on June 8, 2005. Condition 10 of Zoning Map Amendment A-9280-C/A required the submittal of a revised NRI with the CDP application. A revised NRI was submitted and approved by the Environmental Planning Section on September 29, 2010. There are no regulated environmental features on the site, except for the identified specimen trees.

The new Woodland and Wildlife Habitat Conservation Ordinance (WCO) became effective September 1, 2010. A Type I Tree Conservation Plan (TCPI/22/05) was submitted with the revised comprehensive design plan, but the plan never received signature approval or certification. The plan is not grandfathered and must conform to the new regulations that became effective on September 1, 2010 because the TCPI was never certified. The new legislation changed the numbering convention of TCPs; the number assigned to the current application is Type I Tree Conservation Plan TCP1/022/05-01.

The WCO requires that the new TCP1 be in conformance with the new requirements of Subtitle 25, and the requirements of Part A of the Environmental Technical Manual with

regard to worksheets, notes, standard symbols, and other required elements of a tree conservation plan.

The woodland conservation threshold for this site is 1.28 acres (15 percent of the net tract). The revised TCP1 proposes to clear the site of all existing woodlands, which was calculated at the time of CDP approval to be 0.83 acre. The amount of required woodland conservation based on clearing of the entire site shall be 2.11 acres. The woodland conservation requirement has been incorrectly calculated on the plans because the incorrect quantity was used for existing woodlands and for the amount of clearing.

The TCP1 proposes to meet the entire requirement with credits for off-site mitigation on another property which would require 2.11 acres of off-site woodland conservation credit to meet the requirements of the WCO. However, the area of the specimen trees to be shown on the plans as preserved can be counted toward meeting the requirements for the site. Prior to signature approval of the preliminary plan, the TCP1 shall be revised to reflect the preservation calculations for the specimen trees to be retained.

The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance. The requirement for the subject property is ten percent of the gross tract area or 0.85 acre (37,026 square feet) based on the M-A-C zoning. This requirement can be met by preserving specimen trees (the proposed preservation area totals approximately 30,000 square feet in area) or through the planting of woodlands or landscape trees throughout the site.

The TCP can be the vehicle for demonstrating conformance with this requirement and shall be revised to provide a tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement of ten percent of the gross tract area will be fulfilled.

A copy of the Stormwater Management Concept Approval Letter, 3068-2010-0, and associated plans were submitted with the subject application. The stormwater will, for the most part, be handled at an existing stormwater management facility off-site. No further information is required regarding stormwater management on this site.

7. **Variance Request to Remove Specimen, Champion or Historic Trees**—Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted Woodland and Wildlife Habitat Conservation Ordinance (WCO), effective on September 1, 2010.

Type I tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees. If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand

construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

After careful consideration has been given to the preservation of the specimen trees in place and there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) of the WCO is required. Applicants can request a variance from the provisions of Subtitle 25, subject to all of the required findings in Section 25-119(d). The request must not be less stringent than the requirements of the applicable provisions of COMAR (Code of Maryland Regulations). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. Required variances associated with a TCP1 as part of a preliminary plan application are subject to the approval of the Planning Board.

The TCP1 indicates that the site contains 12 specimen trees. Section 25-122(b)(1)(G) of the WCO requires that:

Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual.

The TCP1 proposes to remove all 12 specimen trees for grading and the placement of buildings and site elements. A variance request, stamped as received on August 17, 2010, was submitted and reviewed. Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for all 12 specimen trees as a group. Staff analyzed the trees separately based on their location, species, and condition.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The letter of justification states that, because the site is an irregularly shaped piece of property, the size, shape, location and development requirements of this property results in grading from "property line to property line" for development of the site. The justification further states that the reduction in the developable area of the site would result in an unwarranted hardship.

Although the lot is unusual in shape, the preservation of the specimen trees at the widest location on the western property line results in the least possible impact on the developable area of the site. No streets or driveways are proposed in this area, which is "tucked away" behind the Metro tracks. Proposed pedestrian access can accommodate preservation of the trees. The location of the specimen trees coincides with the location of

a required landscape bufferyard. The preservation of existing vegetation within a required landscape buffer, if it is good quality, is the preferred method to meet this requirement.

Five of the 12 trees are tulips. Tulip trees are particularly sensitive to grading within their critical root zone (CRZ). The letter of justification states that this is a reason to remove the trees. The protection of a 75-foot-wide buffer adjacent to the property line would provide protection for over 90 percent of the CRZs of Specimen Trees 3, 7, and 8, within a block of woodlands. A significant portion of the CRZ for all of the identified specimen trees is located on adjacent Parcel A, the Capital Center site, where no development is proposed that would impact these trees.

Specimen Tree 12 is also a tulip tree, but is separated from the block of specimen trees and located in a narrowing part of the triangular site. This tree has a condition rating of 88 (out of a possible 100). Adjacent to Tree 12 is Tree 11, a pin oak with a condition rating of 41 due to storm damage. The protection of these two trees and their critical root zones would have specific limitations on the development of the northwestern portion of the site, especially due to the single access point that is being proposed along Arena Drive, and the shape of the property at this location.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The statement of justification states that, because of the adjacency of the Largo Metro Center to the Largo Metro Station and the general policy of encouraging density at Metro stations, restricting the developable area by the retention of specific trees would deprive the applicant of a development right commonly enjoyed by other property owners near Metro stations.

The location of this site in relationship to a Metro station was considered in the previous development application approvals for the subject site. Both in rezoning the site and approving the CDP, the District Council has specifically stated a desire to preserve the specimen trees located on-site. In addition, although the site was known to be located near a Metro station, the District Council established a higher green space requirement for this site than normally required. This green space requirement can be met through the preservation of the specimen trees and planting of other areas of the site. The requirements with regard to green space and methods necessary to preserve Specimen Trees 1 through 10 will be reviewed at the time of SDP.

Approval of a variance to remove all of the specimen trees appears to be inconsistent with the specific expectations of the District Council with regard to the development of this site.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

The statement of justification states that it has been unfairly caught in a change in environmental regulations and that the removal of the specimen trees has already been approved by the CDP process. The conditions of zoning and CDP approval both require that preservation of the existing trees be evaluated at the time of SDP. The CDP approval does not assume the removal of specimen trees; a condition of approval requires that the TCPI be revised to show the trees preserved.

With regard to this required finding of conferring special privileges, there is at least one other site in the vicinity of the subject property that has preserved specimen trees while providing a considerable amount of density. The approval of a variance to remove all of the specimen trees could be construed as conferring a special privilege.

It is premature to approve the removal of all of the specimen trees in conjunction with the current application because a preliminary plan does not approve any development of the site, but merely approves the subdivision of the property and a conceptual limit of disturbance. As noted below, staff recommends approval of a variance for the removal of two specimen trees, numbered 11 and 12.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The statement of justification suggests that the recent approval of County Council Bill CB-27-2010 resulted in a prohibition to the removal of specimen trees that was approved under previous plans and was therefore, not a result of their own action and inconsistent with previous approvals. The requirement for a variance for the removal of specimen trees is based on revisions to the Maryland Forest Conservation Act that became effective October 1, 2009, and is now being implemented due to the passage of a variance provision in Subtitle 25.

Neither the ZMA nor the CDP approved the removal of specimen trees. A condition of the approval of the CDP requires that the specimen trees be shown as preserved on the TCPI. The sector plan recommends that specimen trees be preserved if they exist on a site. Both the sector plan and the CDP approval pre-date the effective date of the new WCO and are applicable.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The statement of justification states that the request to remove the specimen trees does not arise from any condition on a neighboring property. The Planning Board agrees with the applicant's justification of this requirement.

(F) Granting of the variance will not adversely affect water quality.

The statement of justification states that granting a variance to remove the specimen trees will not adversely affect water quality and does not provide supporting documentation for this finding.

None of the specimen trees are within or directly adjacent to any regulated environmental features such as a stream, wetland, or 100-year floodplain; however, trees in any location on a site provide a water quality benefit with regard to providing canopy cover to slow down and filter falling rain, providing areas for water infiltration in the root zone, preventing soil erosion, and by providing a variety of other eco-services such as reducing the ambient temperature of stormwater run-off. Specimen trees excel at providing these benefits because of their extensive canopy coverage. No information has been provided about how the loss of water quality benefits will be mitigated on-site.

Summary of the Specimen Tree Variance Request

The specimen trees are all located in a hedgerow approximately 10 to 35 feet off of the western property line in a required landscaped bufferyard area. Both the conditions of the zoning approval and the CDP approval strongly recommend the retention of the existing specimen trees to the extent possible. The conditions of the CDP-9002/09 approval include the Condition 7, which states:

The green area requirement for the subject property shall be a minimum of 40 percent for the residential portion and 30 percent for the commercial portion. At the time of SDP, the applicant shall provide evidence that the green area provided meets the definition of green area pursuant to Section 27-107.01(a)(103) of the Zoning Ordinance.

The potential for preserving the specimen trees found to be in good condition is high because the trees are located on the perimeter of the site, and are generally clustered together. The preservation of a block of specimen trees, along with existing understory, could be accomplished by shifting the development envelop to the east to conserve a block of trees in an area of approximately 400 feet in length and 75 feet in width on the south end of the western boundary.

This block of green space would allow the retention of Specimen Trees 1 through 10 and almost 100 percent of the critical root zone for the preserved trees.

A hardship can be found for the removal of Tree 12 because Specimen Tree 12 has succulent roots that are adversely impacted by any kind of construction and grading in their root zone, and it is located in a narrowing portion of the site where the proposed site entrance must also be located. Specimen Tree 11, adjacent to Tree 12, is in poor condition due to storm damage and is not a good candidate for preservation.

Therefore, staff recommends that the Planning Board should find that the combination of the single access point and the unusual shape of the property would result in an unwarranted hardship should Trees 11 and 12 be required to be preserved. Staff recommends approval of the variance for the removal of Specimen Trees 11 and 12 only and the preservation of Trees 1 through 10 at this time.

Additionally, sufficient information has not been provided during the review of the preliminary plan application to justify the removal of Specimen Trees 1 through 10. During the review of the SDP, when additional information regarding the final design of the project is available, a variance may be requested for the removal of Specimen Trees 1 through 10. The request will be evaluated taking into consideration the previously approved conditions regarding the preservation of the specimen trees, the requirements of the *Prince George's County Landscape Manual*, the species, condition, and location of the specimen trees.

8. **Community Planning**—This application to create four new parcels permitting the development of 300 high-density multifamily residential dwellings and 160,000 square feet of office/retail use is located within the Largo Town Center Metropolitan Center in the Developing Tier. The vision for the Developing Tier in the 2002 *Prince George's County Approved General Plan* is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment centers that are increasingly transit serviceable. The vision for Centers and Corridors, including this Metropolitan Center, is mixed residential and nonresidential uses at moderate to high densities, with a strong emphasis on transit-oriented development. The application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for a Metropolitan Center that promote moderate to high-density, mixed residential, and nonresidential uses.

The application conforms to the land use recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* for mixed multifamily residential, commercial office, and retail uses on this development site.

The only significant sector plan issue raised by the proposed development plan is the potential for transportation impacts on Arena Drive and the Arena Drive/Lottsford Road intersection. The Morgan Boulevard/Largo Town Center Sector Plan (page 35) recommended that the Arena Drive/I-95 interchange be converted to full-time usage from

its then-restricted access on FedEx Field event days only. This year, the Maryland State Highway Administration (SHA) completed that conversion as part of a project to widen the Capital Beltway/I-95 at this location. Full-time access to Arena Drive from the Beltway may result in additional vehicular traffic on Arena Drive in the vicinity of the development site.

The full access proposed from the northwest portion of the development site onto Arena Drive is addressed with this application. Full access at this point would permit left turns onto westbound Arena Drive which may complicate traffic movements along this stretch of Arena Drive. Potential traffic impacts and mitigation are addressed in the transportation finding below.

9. **Parks and Recreation**—The Commission has reviewed the above referenced Preliminary Plan located within Largo Town Center Comprehensive Design Zone. The plan was reviewed for compliance with the requirements and recommendations of the approved Subdivision Regulations Section 24-134, Basic Plan application A-9280/08 and A-9281/08 and Comprehensive Design Plan CDP-9002-09, the approved Prince George's County General Plan, the Approved Master Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Area, current zoning regulations as they pertain to parks and recreation, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

Conditions 18 and 19 of the previously approved Basic Plans A-9280-C and A-9281/08-C address the parks and recreation issues related to Parcel-I:

18. **The Comprehensive Design Plan application shall include information regarding the improvements for Largo Town Center Park to be constructed by the Applicant and the construction schedule for the improvements. The applicant shall construct in the Largo Town Center Park, a terrace (including planters, steps, handrails and brick paving) as specified on the plans for the Largo Town Center Park prepared for the M-NCPPC by P.E.L.A Design, Inc., dated October, 2002, and technical specifications dated July 18, 2002, prepared by the MNCPPC staff. The Applicant shall be responsible for obtaining County construction permits. The applicant, his successors, and/or assigns shall construct the off-site recreational facilities in phase with development. Prior to issuance of the second residential building permit in Parcel-I, the off-site recreational facilities shall be completed.**
19. **The applicant, his successors, and/or assigns shall provide adequate, private recreational facilities on site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The Comprehensive Design Plan application shall include a list of private indoor and outdoor recreational facilities and their location. Adequacy of the private recreational facilities**

will be determined at the Comprehensive Design Plan stage and the location, design and details of the recreational facilities shall be reviewed at the time at the Specific Design Plan stage.

Condition 14 of approved Comprehensive Design Plan CDP-9002/09 states:

- 14. Prior to issuance of the second residential building permit in Parcel-2, Block D, also known as Parcel-I, the applicant shall provide evidence that either:**
 - a. The applicant has obtained all necessary permits for construction and has completed the terrace garden steps (also known as Add Alternate (2); or**
 - b. The applicant has paid a fee-in-lieu to the DPR in the event DPR has constructed the terrace garden steps as specified on the plans for the Largo Town Center Park. The fee-in-lieu shall be in the amount of \$232,420.00 in 2010 dollars. This amount shall be adjusted for inflation in accordance with the Consumer Price Index (CPI) to the end of the fiscal year preceding the year in which the actual construction is completed by the DPR.**

The construction of "Terrace Garden Steps" or fee, in the amount of \$232,420.00 in 2010 dollars, in lieu of construction in Largo Town Center Park had been proposed by the applicant as a public benefit feature as part of the Parcel-I development, which allows construction of 300 residential dwelling units. The Planning Board should require that construction of this amenity be underway or completed, or that the fee-in-lieu be paid, prior to the application for the construction of the second residential building on the site.

The Subdivision Regulations, Section 24-134, Mandatory Dedication of Parkland requires that in all residential subdivisions, the Planning Board shall require the platting and conveyance to The Maryland-National Capital Park and Planning Commission (M-NCPPC) of suitable and adequate land for active or passive recreation. The DPR staff has evaluated the Preliminary Plan of Subdivision 4-10008 application for conformance with the Subdivision Regulations and recommends on-site private recreational facilities in lieu of mandatory dedication of parkland. These facilities must be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The recreational facilities include both indoor and outdoor recreational facilities such as: landscaped plaza and putting green in Building A; courtyard with swimming pool; landscaped gardens with pergolas and sitting areas; indoor club house; fitness facility; and business center. The amenities package will be further refined by review of their adequacy and location at the time of the specific design plan phase.

To ensure the construction of these facilities, the applicant shall submit Private Recreational Facilities Agreements to the M-NCPPC Prince George's County Planning Department, Development Review Division (DRD) for review prior to approval of the final plats, in accordance with Condition 7 of this approval. Additionally, performance bonds, letters of credit, or other financial guarantees for the construction of private recreational facilities are required, in accordance with Condition 8 of this approval. The timing of these guarantees should be reasonably coordinated with the construction of the residential buildings in order to provide facilities to residents while not unduly burdening the applicant. Provision for ongoing retention and maintenance for these facilities must also be provided to the satisfaction of the Planning Board.

10. **Trails**—The preliminary plan of subdivision was reviewed for compliance with Section 24-123 of the Subdivision Regulations. In terms of bikeway and pedestrian facilities, land for bike trails and pedestrian circulation systems should be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Planning Board finds that previously proposed trails are no longer warranted. This proposal has also been reviewed for conformance with the *Countywide Master plan of Transportation (MPOT)* and the *May 2004 Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro* (area master plan). This property was previously reviewed as part of Preliminary Plan of Subdivision 4-05040.

Prior Conditions of Approval and Review Comments

This property was the subject of Comprehensive Design Plan CDP-9002-09 which contained specific conditions related to bicycle and pedestrian access within and connecting to the subject property. The Conditions 4c, 4d, 4g, 4h, 4i, 4j, 5, 6, 12, & 13, of that prior approval relate to pedestrian and bicycle circulation and are listed below in **bold type**:

4. **At the time of specific design plan:**
 - c. **Landscape buffers shall be provided along the Boulevard at the Capital Centre property line to visually screen the development from the center. Landscape buffers shall also be considered along the underground tracks easement to create visual appeal. The landscape buffers shall be further analyzed to determine whether additional width of buffer should be required.**

Landscape buffers are evaluated in Finding 3 and 4 above relating to specimen trees. These buffers must be coordinated with the proposed pedestrian connections required by CDP Condition 6. The design of parcels in the preliminary plan does

not preclude the required buffers or trails, but more analysis is required at the time of SDP.

- d. Details and specifications of the proposed bus stop shelter and associated amenities shall be submitted for review and approval.**

Bus stop shelter locations and amenities will be evaluated at the time of specific design plan review.

- g. In areas where tree planters are located within the sidewalk, a minimum clear space of five feet shall be maintained for pedestrians.**

The location and size of tree planters will be evaluated at the time of specific design plan review.

- h. Per Standards F and G of the Sidewalks, Crosswalks, and Trails portion of the Morgan Boulevard and Largo Town Center Metro Areas DDOZ, sidewalk paving materials and special treatment shall be carried across the crosswalk along Lottsford Road at the subject site's ingress/egress point. Special paving treatments shall also be considered at pedestrian crossings at the time of SDP.**

Pavers and crosswalks elements will be evaluated at the time of specific design plan review.

- i. Provide bicycle parking at two or more locations throughout the subject site in highly visible and well-lit locations convenient to building entrances. The locations and number of bicycle racks and/or lockers shall be determined at the time of SDP.**

The location and number of bicycle parking racks and/or lockers will be evaluated at the time of specific design plan review.

- j. The width, landscaping and details of the trail/sidewalks along the subject property's frontages of Arena Drive and Lottsford Road shall be reviewed at the time of specific design plan. Pedestrian amenities, landscaping, lighting, and sidewalk width will be evaluated in detail at that time.**

As identified in the transportation finding, no further right-of-way is required to be dedicated along Arena Drive or Lottsford Road. Details within the right-of-way will not impact the layout of parcels in this development. The width, landscaping

and details of the trail/sidewalks will be evaluated at the time of specific design plan review.

5. **An overall pedestrian circulation plan shall be provided as part of the first SDP, in accordance with Condition 17 of approved Basic Plans A-9280 and A-9281. This plan shall include the location and width of all sidewalks, the location of the bus stop and supporting pedestrian paths, the location and number of bicycle parking facilities, and the location of pedestrian connections to the adjacent Largo Town Center development.**

The overall pedestrian circulation plan will be evaluated at the time of specific design plan review. The plan should be in accordance with Condition 17 of approved Basic Plans A-9280 and A-9281 or that plan should include the location and width of all sidewalks, the location of the bus stop and supporting pedestrian paths, the location and number of bicycle parking facilities, and the location of pedestrian connections to the adjacent Largo Town Center development.

6. **The details of pedestrian connections to the adjacent Boulevard at the Capital Centre development shall be provided in accordance with Condition 23 of approved Basic Plans A-9280 and A-9281. These connections shall extend to the edge of the parking lot of the adjacent development and include striped or contrasting walkways to the shopping center, pending the approval of or a use agreement with the Boulevard development or property manager. The applicant shall be responsible for constructing the connections to the limits of the subject property if an agreement is not reached between the two property owners.**

The details of pedestrian connections to the adjacent Boulevard at the Capital Centre development shall be provided in accordance with Condition 23 of approved Basic Plans A-9280 and A-9281 and will be evaluated at the time of specific design plan review. The condition states that these connections shall extend to the edge of the parking lot of the adjacent development and include striped or contrasting walkways to the shopping center, pending the approval of a use agreement with the Boulevard development or property manager. The condition states that the applicant shall be responsible for constructing the connections to the limits of the subject property if an agreement is not reached between the two property owners. These connections must be coordinated with required buffers and preserve specimen trees at the time of SDP.

- 12. Prior to the issuance of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall conduct a signal warrant study for the proposed access on Arena Drive, and enter into a binding agreement with DPW&T to provide full funding for the installation of the required traffic signal with pedestrian countdown phase, pedestrian cross walks on all approaches, and any other associated geometric modifications warranted by DPW&T.**

The traffic signal warrant study will be evaluated by DPW&T at the time of building permit.

- 13. A pedestrian amenity area shall be provided in association with the office component of the development and shall include seating areas, landscaping and decorative paving, at a minimum. Details of this amenity area shall be reviewed at the time of specific design plan.**

The pedestrian amenity will be evaluated at the time of specific design plan review.

The MPOT recommends two major trails in this area, one on Arena Drive and the other on Lottsford Road.

Arena Drive

Arena Drive is a master-planned wide sidewalk for sidepath implementation between Brightseat Road and Landover Road (MD 202). It is recommended that the applicant provide a wide sidewalk along Arena Drive to implement the sidepath. There is an existing six-foot-wide sidewalk on Arena Drive along the frontage of the subject property. A wider sidewalk is appropriate along the site's frontage due to the proximity of the Boulevard at the Capital Centre and the nearby Largo Town Center Metro station. Additional dedication is not required. The Arena Drive sidewalk is expected to be heavily used. Widening this facility will improve pedestrian and bicycle access between FedEx Field and the Largo Town Center. Furthermore, wide sidewalks have been implemented east of the subject site on the north side of Arena Drive.

Arena Drive is an approved on-road bicycle facility too. The road is maintained by the Department of Public Works and Transportation (DPW&T), and bicycle facilities have not been implemented at this time. Bicycles can use the sidepaths in the area, but the roadway does not provide space for bicycles other than the travel lane. The Maryland State Highway Administration (SHA) Bicycle and Pedestrian Design Guidelines recommend that "Share the Road" warning signs be placed along roadways where bicyclists can be expected to frequently enter the traveled lane to avoid potentially hazardous conditions. In general, the signs should not be used in locations with good bicycling conditions, such as roadways with low traffic volumes or roads with wide, paved shoulders or bicycle lanes.

Warning signs should be installed by the applicant on Arena Drive because this section of road does not contain wide shoulder or other space for bicyclists. Warning signs along the subject property at Lottsford Road have been previously recommended, but warning signs are needed along Arena Drive too. These signs and their locations will be evaluated at the time of specific design plan.

Lottsford Road

The MPOT recommends a wide sidewalk to implement a sidepath on Lottsford Road between Enterprise Road (MD 193) and Harry S Truman Drive. A wide sidewalk has been constructed on the opposite side of Lottsford Road from the subject property. This fulfills the sidepath requirement so the existing sidewalks fronting the site are adequate.

As with Arena Drive, Lottsford Road is an approved on-road bicycle facility. The road is maintained by DPW&T, and bicycle facilities have not been implemented at this time. Bicycles can use the sidepaths in the area, but the roadway does not provide space for bicycles other than the travel lane. Warning signs should be installed by the applicant on Arena Drive because this section of road does not contain wide shoulder or space for bicyclists.

Conclusion

Based on the preceding analysis, the Planning Board finds that adequate bicycle and pedestrian transportation facilities will exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations with conditions.

11. **Transportation**—The applicant submitted a traffic study dated December 18, 2009, based on the proposed commercial development consisting of 160,000 square feet (148,000 square of office, 8,000 square feet of retail, and a 4,000-square-foot bank) and 300 residential units. This document was referred to outside agencies for comment. The Department of Public Works and Transportation (DPW&T) had no comment on the traffic study. The State Highway Administration (SHA) had comments on the overall scope that will be addressed below. The findings and recommendations outlined below are based upon a review of these materials and analyses consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (*Guidelines*).

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

Unsignalized intersections: The *Highway Capacity Manual* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

The analysis for this site examines the site impact at four critical intersections:

- Arena Drive and MD 202 (**Signalized**)
- Arena Drive and Lottsford Road (**Signalized**)
- Arena Drive and Capital Centre Boulevard (**Signalized**)
- Arena Drive and Shoppers Way (**Signalized**)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV AM & PM)		Level of Service (LOS, AM & PM)	
Arena Dr and MD 202	1,264	1,224	C	C
Arena Dr and Lottsford Rd	512	790	A	A
Arena Dr and Capital Centre Blvd	195	668	A	A
Arena Dr and Shoppers Way	307	547	A	A
Arena Dr and site access (future)			-	-
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The area of background development includes eight properties in the immediate vicinity of the subject property. There are no programmed improvements in the County Capital Improvement Program (CIP); however, the I-95/I-495/Arena Drive interchange was opened to a full movement interchange in September 2009. Two of the larger background developments are the Largo Town Center, Parcel D approved for 1,045,000 square feet of office space and several lots at Inglewood Business Park together approved for 631,190 square feet of R & D/flex office. Growth in through traffic was not used since traffic volumes have actually decreased along local roads over the past three years. The study assumed that the background developments would have a trip reduction of 21 percent due to proximity to the Largo Town Center Metrorail station. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Arena Dr and MD 202	1,264	1,323	C	D
Arena Dr and Lottsford Rd	791	1,162	A	C
Arena Dr and Capital Centre Blvd	376	736	A	A
Arena Dr and Shoppers Way	488	615	A	A
Arena Dr and site access (future)			-	-
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The site is proposed for development consisting of 160,000 square feet (148,000 square of office, 8,000 square feet of retail, a 4,000 square foot bank) and 300 residential units. The study assumed that the development would have a trip reduction of 21 percent due to proximity to the Largo Town Center Metrorail station. With a 21 percent reduction, the site would generate 396 (256 in, 140 out) AM peak hour vehicle trips and 441 (175 in, 266 out) PM peak hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Arena Dr and MD 202	1,264	1,362	C	D
Arena Dr and Lottsford Rd	939	1,291	A	C
Arena Dr and Capital Centre Blvd	418	765	A	A
Arena Dr and Shoppers Way	524	643	A	A
Arena Dr and site access (future)	35.1*	182.4*	-	-
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The results indicate that all of the critical intersections operate acceptably under existing, background, and total traffic except for Arena Drive and the site access point. The proposed intersection is at a midpoint between the signalized intersections of Lottsford Road and Capital Centre Boulevard. Although gaps may develop in traffic between the two signalized intersections on Arena Drive, a traffic signal warrant study is recommended to address the inadequacy. If a traffic signal is deemed warranted by DPW&T, the applicant will be responsible for the installation of the traffic signal and any associated improvements such as signage and lane markings.

It is noted that in SHA comments they had a disagreement with a zero percent growth factor. SHA recommended a two percent annual growth rate for through traffic along Arena Drive and a one percent annual growth rate along Largo Road (MD 202). However, a review of recent annual traffic volumes shows a decrease in traffic; therefore a growth factor is not required. If the applicant is required by DPW&T to install a new traffic signal

on Arena Drive at the site entrance, SHA requested that it be interconnected with the traffic signal at MD 202 and Arena Drive. DPW&T has agreed to allow a full movement intersection at Arena Drive/site access. DPW&T reviewed the capacity analysis of the proposed site access on Arena Drive and supports a full signalized access point. As mentioned above, if deemed necessary, the applicant will be required to install a new traffic signal at this location and any additional improvements required by DPW&T.

The site is adjacent to two master plan roadways. Arena Drive and Lottsford Road are both master plan arterial facilities with proposed rights-of-way of 120 feet. Previous dedications have provided the needed right-of-way; therefore, no further right-of-way dedication is required of this plan.

Each parcel is proposed with frontage only on Arena Drive or Lottsford Road, both arterial facilities, and the applicant has filed variation requests to address Section 24-121(a)(3) of the Subdivision Regulations, which limits individual lot access directly onto arterial facilities. Staff recommends approval of the variation requests, per the discussion in Section 9, Variation for Access to Arterials, below.

The applicant has also requested approval for the use of private easements to provide vehicular access from public streets to the lots created by the preliminary plan of subdivision. This is made in accordance with Section 24-128(b)(9) of the Subdivision Regulations. Staff recommends approval of these private easements, per the discussion in Section 9, Variation for Access to Arterials, below.

Based on the preceding transportation findings, the Planning Board concludes that adequate transportation facilities will exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

12. **Variations for Access to Arterial Roadways**—The applicant requests a variation from Section 24-121(a)(3) of the Subdivision Regulations for the purpose of providing accesses to Arena Drive and Lottsford Road, both designated arterial roads.

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

Driveway aprons already exist at the locations where driveway access is proposed, suggesting that there have been past expectations that driveways would serve this site. Other properties along Lottsford Road and Arena Drive use driveways to access each site. Limiting the number of driveways on this site as proposed would, in the view of the applicant and the staff, meet the intent of the Subdivision Regulations.

While some flexibility in the location of these accesses is proposed below, under no circumstance will the number of accesses exceed one right-in, right-out access on Lottsford Road, one full access on Arena Drive, and one right-out only access on Arena Drive. The distance of the accesses from the intersection of Arena Drive and Lottsford Road should be maximized to maintain safe conditions. The number of curb cuts should be minimized. Each access should be contained completely on one parcel and not be divided by a parcel line. The final location of the accesses should be determined at the time of SDP, in conformance with the standards established by this preliminary plan and with the approval of the Transportation Planning Section and the Department of Public Works and Transportation. The final location of these accesses must be shown on the final plat, with access along the rest of the frontage denied.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The subject property has no public road access except for Lottsford Road and Arena Drive. The triangular shape and modest size of the property, as well as its location in the developing Metropolitan Core, are unique to the property.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

Two of the three proposed accesses utilize existing driveway aprons, suggesting past expectations that driveways would serve this site. The proposed access and driveway will be designed in direct coordination with DPW&T and SHA in order to meet all requisite requirements and design standards.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The construction of a public street would have a significant impact on the ultimate development of the subject property, and a commercial street would leave little room for actual development. This site has no other public street frontage, and the layout of the Metro facilities plus other adjacent developed properties would make it infeasible to obtain access across other properties to another public street.

Consistent with the applicable statement of justification, it is recommended that the Planning Board find that the applicant meets these criteria and approves the variations for access to Arena Drive and Lottsford Road, with the condition that this access be limited to one right-in, right-out access on Lottsford Road located on proposed Parcel D, one full access on Arena Drive, and one right-out only access on Arena Drive.

It is envisioned that some revision will occur to the location of two buildings on this site. In accordance with the conditions of the Comprehensive Design Plan CDP-9002-09, the proposed bank building will be moving to the west end of the site and the larger office building will move closer to the residential buildings. The proposed right-out only access on Arena Drive is to serve the proposed bank building. It is recognized that these entrances may move based on redesigns of the site. This is acceptable, given the number and type of accesses are not altered or increased, and the right-out access maintains a safe distance from other intersections and accesses.

The applicant has also requested approval for the use of private easements to provide vehicular access from public streets to the lots created by the preliminary plan of subdivision. This is made in accordance with Section 24-128(b)(9) of the Subdivision Regulations, which states:

“Where direct vehicular access to an individual lot fronting on a public street should be denied due to potential hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.”

Based on the findings proposed above, all access to Arena Drive and Lottsford Road should be denied to proposed Parcel C. All access to Arena Drive should be denied to proposed Parcel A, with the condition that a right-out driveway supporting a relocated bank building in conformance to the approved CDP may be permitted.

To provide access to these parcels, the applicant has provided an exhibit, labeled "Conceptual Private Street Access Diagram," proposing an internal street system in accordance with Section 24-128(b)(9) of the Subdivision Regulations. This would provide for vehicular access between the four parcels and commercial buildings via on-site driveways and parking areas.

The Planning Board authorizes the use of private easements, as reflected in Condition 1(a) of this approval. This will allow safer vehicular access to and from the site and improve circulation within the 8.5 acre parcel.

13. **Schools**—Impact on school facilities was analyzed separately for residential and nonresidential portions of the development.

RESIDENTIAL

The residential portion of this preliminary plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 with the following conclusions:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School 3 Cluster	Middle School 2 Cluster	High School 2 Cluster
Dwelling Units	300 DU	300 DU	300 DU
Pupil Yield Factor	.042	.039	.033
Subdivision Enrollment	12.6	11.7	9.9
Actual Enrollment	4,572	5,564	12,737
Total Enrollment	4,584.6	5,575.7	12,746.9
State Rated Capacity	4,836	5,430	13,026
Percent Capacity	94.8%	102.7%	97.8%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$ 13,921 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

NONRESIDENTIAL

The non-residential portion of the subdivision is exempt from a review for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) because it is a nonresidential use.

14. **Fire and Rescue**—Impact on fire and rescue facilities was analyzed separately for the residential and nonresidential portions of the development.

RESIDENTIAL

The residential portion of the subdivision was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations. It was determined that this preliminary plan is within the 7-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company	Fire/EMS Station	Address
46	Kentland	10400 Campus Way South

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

NONRESIDENTIAL

The non-residential portion of this subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations. It was determined that the Capital Budget and Program Fiscal Years 2010-2015, programmed for new Fire/EMS station at St. Joseph's Drive and Ardmore Road.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (Minutes)	Travel Time Guidance (Minutes)	Within/Beyond
46	Kentland	Engine	10400 Campus Way South	3.00	3.25	Within
33	Kentland	Ladder Truck	7701 Landover Road	3.73	4.25	Within
46	Kentland	Paramedic	10400 Campus Way South	3.00	7.25	Within
46	Kentland	Ambulance	10400 Campus Way South	3.00	4.25	Within

The above findings are in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

15. **Police Facilities**—The subject property is located in Police District II, Bowie. Impact on Police facilities were analyzed separately for residential and nonresidential portions of the development.

RESIDENTIAL

The response time standard for residential development is ten minutes for emergency calls and 25 minutes for nonemergency calls. The time calculations are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 12, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Cycle 1	7/2009-6/2010	9.0 Minutes	9.0 Minutes
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met July 7, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

NONRESIDENTIAL

The police facilities test is performed on a countywide basis for non-residential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using the 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

16. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Largo Metro Center and has no comments to offer.
17. **Water and Sewer Service**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "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 or final plat approval." The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System and will therefore be served by public systems.
18. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 3068-2010-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
19. **Archeology**—Phase I archeological survey was completed on the 11.79-acre Largo Town Center property by the Maryland State Highway Administration in 1996. No archeological

sites were identified. No further archeological work is necessary on the Largo Metro Center property.

20. **Urban Design**—The proposed preliminary plan of subdivision for Largo Town Center, Parcel 147, is located within Largo Town Center. As identified in Finding 2—Previous Approvals, above, the site has been the subject of a Basic Plan and amendments. The following conditions of the Basic plan apply to the subject application:

1. **All previous conditions of approval and CDP considerations listed in the previously approved Basic Plan Amendment (Zoning Ordinance No. 4-2005) and other previous preliminary plans and Comprehensive Design Plans will remain in effect unless otherwise modified by the subject Basic Plan Amendment.**

PGCPB Resolution No 10-56 for detailed analysis of previous conditions of approval for the Basic plan and the CDP's.

2. **The proposed mixed-use development on this property shall include a minimum of 115,000 square feet and a maximum of 160,000 square feet of office and supporting commercial uses and a maximum of 300 residential units.**

Condition No 15 of Comprehensive Design Plan CDP-9002/09 below regarding the transportation trip cap for the property.

5. **The following land use quantities shall be established for the Largo Town Center:**

Zone: M-A-C (New Town or Corridor City Center)
Area: 175.1±Acres

Residential Density

Residential Area: 77.4 acres

Base residential density (10 du/acre): 774

Increment: 1,170 units

Maximum dwelling units (25 du/acre): 1,935 units

Commercial Density*

Gross Commercial Area: 97.7 acres

Base Commercial Space (0.2 FAR): 851,160 square feet

Increment: 1,448,840 square feet

Maximum commercial space (0.54 FAR): 2,300,000 square feet**

Maximum retail commercial space: 300,000 square feet

***The exact number of dwelling units and amount of commercial floor area will be determined on the basis of public benefit features to be provided by the Applicant, pursuant to Section 27-491(b) of the Zoning Ordinance, with said benefit features being staged in conjunction with residential and commercial development at the time the Comprehensive Design Plan is approved by the Planning Board.**

****The overall maximum commercial space can be reduced by a maximum of 201,000 square feet if it cannot be accommodated on the remaining undeveloped parcels.**

It is incumbent on the applicant to demonstrate that the subject site is in conformance with Section 27-485(c) for the overall entirety of the MAC Zone. This section of the code should be demonstrated prior to the approval of a specific design plan for the subject site.

- 7. The Comprehensive Design Plan application shall include a Conceptual Site Plan showing the location of the office, residential, retail and parking structures, the vehicular access points, vehicular circulation, pedestrian access points, pedestrian circulation, extent of landscape buffers, all easements, etc.**

The CDP included a conceptual site plan, as required above in Condition 7, of which the preliminary plan has been compared. The preliminary plan is consistent with the conceptual site plan in regard to access points. The conceptual site plan will govern future development in regard to the extent of the landscape buffers, the location of the various uses, and pedestrian access points and circulation at the time of the SDP process. Any easements proposed on the preliminary plan should be clearly defined as to ownership, what the easement is for, who will maintain the facilities within the easement and so forth. Any public utility easements (PUE) must clearly define the maintenance issue as well as other health and safety issues.

- 8. An application for a new Preliminary Plan of Subdivision shall be filed for the subject property. The new preliminary plan shall make a new determination of transportation adequacy to address the increase in peak-hour trips and the inclusion of the residential use on the property. The plan shall also address previous transportation conditions of approval that are applicable to the subject property and any previously approved overall trip caps for the entire Largo Town Center.**

This approved preliminary plan fulfills this condition.

11. **All subsequent plan submittals shall reflect the location of the unmitigated 65 dBA Ldn noise contour for Lottsford Road for this property based on a Phase I noise study.**

The preliminary plan should reflect the location of the unmitigated 65 dBA Ldn noise contour prior to approval of the plan. The location of residential uses within a noise corridor is of concern and appropriate mitigation associated with the development will be determined in conjunction with the specific design plan.

17. **The Comprehensive Design Plan application shall include:**

- c. **Proposed buffering and screening design, specifically relating the residential development to internal and external uses.**

At the time of the review of the CDP the Planning Board made the following finding as stated in PGCPB Resolution No. 10-56:

“Conceptual bufferyards are shown on the comprehensive design plan between the subject site and the Boulevard at the Capital Centre property and WMATA easement. The conceptual site plan required by Condition 7 of the basic plan indicates that the ultimate site design may not allow for the provision of the full extent of the required bufferyards. The bufferyards should be reviewed further at the time of specific design plan to evaluate the sufficiency of the proposed buffers and to determine if additional buffering will be required.

“The revised Type I tree conservation plan for this site proposes the clearing of all existing woodlands on the site that previously provided a vegetative buffer to the Capital Centre, located to the southwest of this property. This is an area where there are existing specimen trees located within a hedgerow-like area. Further evaluation of the condition of the existing specimen trees and their potential for retention should be provided so a determination can be made whether removal of all on-site woodlands is in keeping with the intent of Condition 17(c).

“The requirement of submission of a FSD and a NRI (see the discussion of Condition 10 of the Zoning Map Amendment) addresses the information necessary to address Condition 17(c). At the time of specific design plan review, the existing trees and associated vegetation should be evaluated further and a recommendation will be made with regard to its preservation or the clearing and replanting of the area per the requirements of the *Prince George's County Landscape Manual*, as stated in Section 4.7, Buffering Incompatible Uses. It should be noted that along the proposed residential uses and external property lines, a building setback of 50 feet and a landscaped yard of 40 feet is required by the manual. The conceptual site plan does respect these requirements.”

The variance request for removal of specimen trees located within the required Section 4.7 bufferyard as indicated in the *Prince George's County Landscape Manual* should be further reviewed for all trees except those identified by the Environmental Planning Section in the October 4, 2010 Memorandum recommending the removal of trees 11 and 12. The preservation of these fair to good quality specimen trees will provide a needed buffer between the high intensity use of the adjacent shopping center to multifamily buildings. These existing trees will provide a substantial buffer and relieve from the reflective heat generated by the adjacent site, and measures should be taken at the time of specific design plan to provide a sustainable environment for these specimen trees.

19. **The Applicant, his successors, and/or assigns shall provide adequate, private recreational facilities on site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The Comprehensive Design Plan application shall include a list of private indoor and outdoor recreational facilities and their location. Adequacy of the private recreational facilities will be determined at the Comprehensive Design Plan stage and the location, design and details of the recreational facilities shall be reviewed at the Specific Design Plan stage.**

The following finding was made by the Planning Board as contained in PGCPB Resolution No. 10-56:

"Based on the formula for determining the value of recreational facilities to be provided, the applicant will be required to provide recreational facilities with a minimum total value of approximately \$191,000 for 300 multifamily units in Planning Area 73. The applicant is proposing to construct a landscaped plaza and a putting green in Building A, a courtyard with a swimming pool and landscaped gardens with sitting areas in Building B, and an indoor clubhouse room, fitness facility, business center, and golf simulator. The proposed recreational facilities have been found to be adequate, but will be further reviewed at the time of specific design plan, as required by the condition above."

Comprehensive Design Plan

As identified in two previous approvals, the site has been the subject of several comprehensive design plans. The following conditions, as stated in the Order Affirming the Planning Board Decision, dated July 13, 2010, in regard to Comprehensive Design Plan CDP-9002/09 apply to the subject application:

1. **All conditions of approval of Basic Plans A-9280 and A-9281/08, Comprehensive Design Plans CDP-8804, CDP-8905, and CDP-9002 shall remain in full force and effect, unless specifically modified below.**

See PGCPB No 10-56 for detailed analysis of previous conditions of approval for the CDP's.

2. **The proposed mixed-use development on this property shall include a minimum of 115,000 square feet and a maximum of 160,000 square feet of office and supporting commercial uses and a maximum of 300 residential units.**

Condition 15 of CDP-9002/09 below regarding the transportation trip cap for the property, which reduces the numbers above and may be further reduced by the analysis of the traffic study associated with this plan review.

3. **Prior to certificate approval of the comprehensive design plan and prior to the submission of a preliminary plan of subdivision for the subject property:**
 - a. **A revised forest stand delineation text and plan for Parcels 1-A and 1-B, Block D, as part of a revised and signed natural resources inventory (NRI), shall be submitted. The revised FSD shall include the existing conditions of the specimen trees located adjacent to the Capital Centre, Lot 1 boundary. This information shall include detailed condition analyses, photographs, and individual evaluations for each tree. The evaluation of the existing trees shall be prepared by a certified arborist, licensed tree expert, or landscape architect.**
 - b. **The TCPI shall be revised as follows:**
 - (1) **Show the retention of woodlands on-site which include the existing specimen trees located adjacent to the Capital Centre, Lot 1 boundary. At time of specific design plan and TCPII preparation, the potential for the retention of the existing trees shall be further reviewed based on additional information submitted as part of the NRI;**
 - (2) **Use the previously approved quantity of existing woodlands on the site for calculating the woodland conservation requirements (0.83 acre);**
 - (3) **Reflect the additional information provided on the NRI regarding the specimen trees located on-site;**
 - (4) **Have the revised plans signed and dated by the qualified professional who prepared them.**

- c. **The CDP shall be revised to provide for a potential full site access from Arena Drive if deemed acceptable by DPW&T.**

Finding 2 above addresses Conditions 3a and 3b. Full site access from Arena Drive has been authorized by DPW&T per transportation discussion in Finding 8.

4. At the time of specific design plan:

- a. **The applicant shall explore the possibility of moving the bank building to the west, so that the two larger, more compatible buildings can be located side-by-side, creating more consistency in building height.**

Although this condition specifies the timing of the review of this issue at the time of specific design plan, the preliminary plan layout of parcels lines does not preclude this change. Also, a proposed driveway for the bank may be located in several locations on Arena Drive, as discussed in Finding 9.

- c. **Landscape buffers shall be provided along the Boulevard at the Capital Centre property line to visually screen the development from the center. Landscape buffers shall also be considered along the underground tracks easement to create visual appeal. The landscape buffers shall be further analyzed to determine whether additional width of buffer should be required.**

Although this condition specifies the timing of the review of this issue at the time of specific design plan, the preliminary plan should consider the future use of land area, including buffering at the time of development of the site. As discussed elsewhere, the parcels design does not preclude the required buffer yards.

- g. **In areas where tree planters are located within the sidewalk, a minimum clear space of five feet shall be maintained for pedestrians.**
- j. **The width, landscaping and details of the trail/sidewalks along the subject property's frontages of Arena Drive and Lottsford Road shall be reviewed at the time of specific design plan. Pedestrian amenities, landscaping, lighting, and sidewalk width will be evaluated in detail at that time.**

Although Conditions g and j specify the timing of the review of these related issues at the time of specific design plan, the preliminary plan considers the frontage improvements in regard to either the right of way width. Per discussion in

transportation and trails, adequate right-of way has been dedicated for roads, trails, and sidewalks.

- I. Staff and applicant shall further evaluate and consider the use of woodland preservation on-site in the required landscape buffer adjacent to the Capital Centre, Lot 1.**

The request by the applicant to remove specimen trees has been carefully evaluated by the Commission to determine the health and quality of the vegetation, as the preservation of existing vegetation is preferable new plantings in this area. The Planning Board approves the variance to remove only trees labeled as 11 and 12 on the TCPI. Further information is required to remove other specimen trees.

- 5. An overall pedestrian circulation plan shall be provided as part of the first SDP, in accordance with Condition 17 of approved Basic Plans A-9280 and A-9281. This plan shall include the location and width of all sidewalks, the location of the bus stop and supporting pedestrian paths, the location and number of bicycle parking facilities, and the location of pedestrian connections to the adjacent Largo Town Center development.**
- 6. The details of pedestrian connections to the adjacent Boulevard at the Capital Centre development shall be provided in accordance with Condition 23 of approved Basic Plans A-9280 and A-9281. These connections shall extend to the edge of the parking lot of the adjacent development and include striped or contrasting walkways to the shopping center, pending the approval of or a use agreement with the Boulevard development or property manager. The applicant shall be responsible for constructing the connections to the limits of the subject property if an agreement is not reached between the two property owners.**

Pedestrian circulation is reviewed in the trails finding. Requirements for easements should be noted on the preliminary plan. Further refinement and location of these easements must be coordinated with the location of buffers and preservation of specimen trees at the time of SDP. These easements will be shown on the final plat.

- 8. A build-to line of ten feet shall be applied consistently along Arena Drive to establish a unified streetscape.**

The applicant has submitted a utility sketch showing a ten-foot PUE on Arena Drive. The correct right-of-way for Arena Drive has been shown. This preliminary plan does not preclude the ten-foot build-to-line. Further analysis at the time of final plat is required to ensure conformance.

11. No building permits shall be issued for any residential uses on the property prior to the issuance of building permits for a minimum of 115,000 square feet of office and supporting retail uses and commencement of the building foundation for the main office building structure. A certification prepared by a qualified engineer shall be used to provide verification that the office building has commenced construction. It must include, at a minimum, photographs of portions of the office building foundation.

Notwithstanding the foregoing, building permits may be issued for residential uses on the property, and such uses constructed, prior to the issuance of building permits for the office and supporting retail uses provided that the applicant first submits to the Prince George's County Planning Board the following: (a) a report from a licensed commercial real estate broker active in commercial leasing in Prince George's County stating that the office uses have been professionally marketed to potential tenants for at least 18 months; and (b) a statement from the applicant that the result of such effort has been insufficient to produce a level of pre-leasing required to finance the construction of the office uses under standard commercial terms and conditions.

The applicant shall construct, on the first floor, the commercial retail uses concurrently with the residential uses located in the same building.

As stated in Condition 2, no more than 300 residential units shall be allowed to be constructed on the property now or in the future. The portion of the property shown in purple on the approved Comprehensive Design Plan and labeled "office/commercial" shall be precluded in perpetuity from any residential development. A note shall be added to the Record Plat detailing this preclusion.

The applicant, its successors and assigns, hereby irrevocably and in perpetuity authorizes and empowers the Office of People's Zoning Counsel, in accordance with Section 27-139.01(b) & (d) of the Prince George's County Zoning Ordinance, to appear in any court having jurisdiction, and on behalf of the applicant, its successors and assigns, to confess judgment against the applicant, its successors and/or assigns to temporarily and permanently enjoin and prohibit the construction of any residential dwellings on the portion of the property designated for office/commercial on the approved Comprehensive Design Plan.

The applicant, its successors and assigns hereby consents to such permanent injunction and (a) agrees to the entry of a Consent Judgment to enforce the

injunction,(b) agrees to pay all costs of any such action for injunctive relief, including attorneys fees incurred by the County in its enforcement of this restriction on residential development, and (c) expressly waives any and all legal defenses to the entry of an injunction and/or Consent Judgment that precludes residential construction on the portion of the property shown in purple on the approved Comprehensive Design Plan and labeled "office/commercial" and noted on the Record Plat.

The applicant shall execute a Consent Judgment prior to the District Council's consideration of any Specific Designs Plans concerning the residential uses. The Office of People's Zoning Counsel shall retain the signed Consent Judgment in escrow. A copy shall be provided to the MNCPPC. The Office of People's Zoning Counsel shall file the Consent Judgment in a court of law only if the applicant, its successors and/or assigns, attempts to violate the prohibition against residential uses. The Consent Judgment shall survive any future amendment of the Basic Plan or Comprehensive Design Plan and shall be enforceable in a court of law against the applicant, its successors and assigns, notwithstanding any future amendment to the conditions attached to the Basic Plan or Comprehensive Design Plan.

This condition shall modify Condition 3 of the Basic Plan A-9280/08 and shall be carried forward to all subsequent Comprehensive Design Plans, Preliminary Plans and Specific Design Plans for the subject property.

This condition must be carried over to the approval of the preliminary plan and on the final plat of subdivision, per the District Council's Order Affirming the Planning Board's Decision.

- 15. The total development within the subject property shall be limited to 148,000 GSF of office use, 8,000 GSF of retail space, 4,000 GSF bank building, and 300 residential units, or any equivalent development that would generate no more than 396 AM and 441 PM peak-hour vehicle trips. These figures include the 20 percent approved reduction for transit.**

These caps on the development of the property should govern the review of the preliminary plan or should be further defined during this phase. The trip caps are discussed further in the variation finding and proposed as conditions.

- 16. The Design Guidelines shall be included in a revised CDP text. At the time of specific design plan, the guidelines shall be further reviewed and refined in the context of a final plan of development.**

The CDP has not been submitted for certificate of approval. It was anticipated that this process would further refine the design guidelines for the development. Certificate approval of the CDP must be finalized prior to signature approval of the preliminary plan.

17. **The District Council hereby restates, for clarity and emphasis, condition 24 of the Basic Plan, applicable to this and all other comprehensive and specific design plans for the properties covered by the Basic Plan:**

The applicant has proffered, and the District Council requires, the establishment of a condominium regime, with condominium quality in all structures, for the multifamily buildings.

The parcels established in this preliminary plan do not prohibit the establishment of a condominium regime.

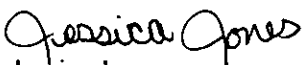
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, October 21, 2010, in Upper Marlboro, Maryland.

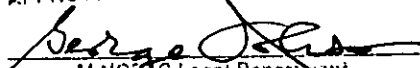
Adopted by the Prince George's County Planning Board this 18th day of November 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:RD:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 11/1/10