



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 15-18

File No. 4-13031

RESOLUTION

WHEREAS, DB Aster Holding Company is the owner of a 23.57-acre parcel of land known as Tax Map 59, Grids D1 and G1 and is also known as Parcel O-10 and Outlot A, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Multifamily Medium Density Residential (R-18); and

WHEREAS, on October 31, 2014, SM Waterford Estates, LLC filed an application for approval of a Preliminary Plan of Subdivision for 165 lots, 1 outlot and 47 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13031 for **The Ridges At Landover Metro** 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 February 12, 2015, for its review and action in accordance with the Land Use Article of the 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 February 12, 2015, 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 4-13031, **The Ridges At Landover Metro**, including variations from Sections 24-121(a)(4) and 24-128(b)(12) for 165 lots, 1 outlot and 47 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following technical corrections:
 - a. Correct the notes to replace "multifamily" description with "two family attached dwellings."
 - b. Correct the label for Lot 21, Block F.
 - c. Add the digital approval block to the plan.
 - d. Label "Denial of direct access to 75th Avenue" on the plan.
 - e. Label Parcel A with "Road A" and Parcel B with "Road B."

2. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 16527-2004-03 and any subsequent revisions.
3. At time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public and one side of private streets, or an alternative PUE acceptable to all applicable public utility providers, as reflected on the approved DSP.
4. Approval of this PPS shall supersede PPS 4-10015 (PGCPB Resolution No.11-06) for the development of the site.
5. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the townhouse portion of the property and that the common areas have been conveyed to the HOA.
6. Prior to the approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication in accordance with Section 24-135 of the Subdivision Regulations.
7. Prior to Planning Board approval, the detailed site plan shall reflect all proposed utility easements and shall be consistent with the approved preliminary plan of subdivision. If the utility companies do not consent, the detailed site plan shall reflect the standard ten-foot-wide public utility easement (PUE) along all public and one side of private streets, which shall be reflected on the final plat.
8. Prior to approval of the of detailed site plan review, the proposed architecture of adjacent dwelling units, landscaping, and fencing, along the common property line with Beall's Pleasure Historic Site (72-002), shall be referred to the Historic Preservation Commission (HPC) for review and comment.
9. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following, unless modified by DPIE and/or DPW&T:
 - a. Construct a standard five-foot-wide sidewalk along the subject site's entire frontage of 75th Avenue.
 - b. Construct a standard five-foot-wide sidewalk along the subject site's entire frontage of Bealls Court. These frontage improvements will include the north side of the court.
 - c. Provide standard sidewalks along both sides of all internal roads, excluding the portion of the private alleys, unless modified at the time of DSP.

- d. Provide additional internal pedestrian connections and pedestrian safety treatments at the time of Detailed Site Plan.
10. Prior to the approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Provide one bus shelter at an off-site location along either Old Landover Road (MD 202) or Pennsy Drive as agreed to by the Department of Public Works and Transportation (DPW&T). Details for the size and location of the bus shelter shall be coordinated with the DPW&T Office of Transit and be consistent with the DPW&T Specification and Standards.
 - b. Construct a five-foot-wide sidewalk along the west side of 75th Avenue from the northern edge of the subject property to the terminus of the existing sidewalk to the north.
 - c. Construct a sidewalk connection linking the existing sidewalk along Pinebrook Avenue with the entrance to the Prince George's Ballroom on M-NCPPC parkland.
 - d. Provide "Share the Road" Maryland Manual on Uniform Traffic Control Devices (MUTCD W11-1, W16-1P) with Bike Signage and other appropriate safety signage along both 75th Avenue and Pennsy Drive.
 11. Prior to approval of the Detailed Site Plan, the applicant shall provide an exhibit(s) indicating the approved location and limits of the off-site sidewalk construction, the off-site bus shelter installation, and the placement of required bikeway signage and/or pavement markings for the approval of DPW&T/DPIE and DPR in accordance with the requirements of Section 24-124.01 of the Subdivision Regulations.
 12. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open-space land as delineated on the approved preliminary plan of subdivision (PPS). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to issuance of building permits.
 - b. A copy of unrecorded special warranty deeds for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls shall be in conformance with the approved PPS and detailed site plan.
13. Total development shall be limited to uses which generate no more than 251 AM peak-hour trips and 286 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
14. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
15. Prior to the issuance of the building permits for Parcels 1, 2, and 3, Block D, Parcels 1 and E4, Block E and all of Lots 1–9, Block A, a certification, prepared by a professional engineer with competency in acoustical analysis using the certification template shall be submitted. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
16. Prior to approval of the detailed site plan, the review shall include the following:
- a. The Department of Parks and Recreation (DPR) will determine the appropriate construction timing and bonding for the sidewalk improvements on park property, as required as part of the BPIS adequacy.
 - b. Outlot A may be divided into additional outlots to create greater opportunity for conveyance to abutting property owners in the future.
 - c. The utility design shall be reviewed and agreed to by the affected with public utility companies or a standard ten-foot-wide PUE shall be provided.

- d. The rear yards of Lots 1–2, 23–24, 34–37, and Block C should not be impacted further by storm drain easements from what is shown on the approved PPS.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 59, Grids D1 and G1 and is known as Parcel O-10 and Outlot A on Plat Book REP 214 Plat No. 33 recorded on August 1, 2006. The majority of the property is the subject of condominium plats; Plat Book REP 232; Plat Numbers 98 and 99. The property has frontage on Landover Road (MD 202), 75th Avenue, and Bealls Court. The total acreage is 23.57 acres and is in the R-18 Zone. The applicant is proposing a mix of two-family condominium dwelling units and townhouses on Lots ranging between 1,400 square feet and 3,127 square feet. The Landover Metro Station is approximately 1,700 linear feet northwest of the site. However, pedestrian access to the Metro station is somewhat more circuitous. A direct connection to the Landover Metro from this property is not feasible through the abutting industrial property to the west because of a change in elevation. PPS is to be a residential revitalization development. The proposal does satisfy the requirements of this development type. As part of a residential revitalization development, The Ridges at Landover Metro will require a detailed site plan approval.

The property is subject of preliminary plan of subdivision (PPS) 4-10015, which was previously approved by the Planning Board on January 27, 2011 (PGCPB Resolution No. 11-06) and detailed site plan DSP-04010 revision '01' through '03' for 323 dwelling units. The previous PPS and DSP are valid through December 31, 2015. The approval of this PPS will supersede the previous PPS approval.

In 1964, a deed (Liber 3031 folio 598) was recorded describing an easement over the subject property to provide ingress and egress from Landover Road (MD 202) to the residue of Parcel A, which is the location of Beall's Pleasure Historic Site (72-002) and its 5.9-acre Environmental Setting. Beall's Pleasure is the abutting property to the north of the PPS. This agreement is between two private property owners. The applicant has indicated that as a result of the easement, a redesign of the previous development approvals was necessary, including Detailed Site Plan DSP-04010 Revisions '1' through '3' (Resolutions PGCPB Resolution No. 05-58, 08-90, 10-63(C), and 11-39) and preliminary plan of subdivision (PPS) 4-10015 (Resolution PGCPB Resolution No. 11-06), resulting in the filing of this PPS proposal 4-13031, for 358 dwelling units.

The redesign resulted in an increase in dwelling units from 323 dwelling units to 358. Parcel B contains a private road for this development, which the applicant has indicated is co-located with the ingress/egress easement in its recorded alignment. The access easement is a private agreement

between the owner of Parcel A (Beall's Pleasure Historic Site) and the current owner of the subject property, and not enforced by M-NCPPC.

A detailed site plan review is a requirement of a residential revitalization development pursuant to Section 27-445.10 of the Zoning Ordinance.

3. **Setting**—The property is zoned R-18 and is located on the north side of Landover Road (MD 202) and is bounded on the east by 75th Avenue. The properties to the west are I-1 Zone and Industrial use. The properties to the north are R-18, and a single-family residential use within an historic site (72-002). The properties to the south are located in the C-S-C Zone and are commercial uses. The properties to the east are in the C-S-C and C-O zones with a funeral home use. The properties across 75th Avenue are in the R-18 Zone and developed with multifamily dwellings.

The applicant filed two variations to the Subdivision Regulations; Section 24-121(a)(4) for lot depth and 24-128(b)(12) for public utility easements. Both variations are approved.

4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	R-18 Undeveloped	R-18 Residential Revitalization (Townhouse, Two-family attached)
Acreage	23.57	23.57
Lots	0	165
Outlots	1	1
Parcels	1	47
Total Dwelling Units:	0	358
Detached	0	0
Townhouse	0	204
Two-Family	0	154
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes (2) 24-121(a)(4) 24-128(b)(12)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting of November 21, 2014. The requested variations to Section 24-121(a)(4) and Section 24-128(b)(12) of the Subdivision Regulations were accepted on December 19, 2014 and heard on January 2, 2015 at the SDRC meeting as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Prince George's 2035 General Plan) designates this project to be within the Landover Metro Local Transit Center, which is one of its four Local and Suburban Centers. The Local Transit Centers are smaller-scale, mixed-use centers that are well connected by transit. Many of these areas are integrated with an established street grid and offer local-serving retail and limited office uses. This application is consistent with the *Plan Prince George's 2035 Approved General Plan* which designates this area as a Local Transit Center.

In May 2014, The District Council approved the *Landover Metro Area and MD 202 Corridor Sector Plan and Sectional Map Amendment* (SMA). The vision for this site in the Metro Focus area of the Landover Metro Area and MD 202 Corridor Sector Plan and SMA, as articulated on (page 33-40), is for high-density residential to support ridership and the limited mixed-use environment proposed at the Landover Metro station which is located northwest of the subject property. Moreover, the plan envisions both a green district to anchor the proposed transit-oriented center in order to build upon the industrial legacy of the area in support of green jobs and the use of new development to promote sustainable stormwater management practices that protect the Anacostia River. The Landover Metro Area and MD 202 Corridor Sector Plan SMA recommends the vision for development at this location in the Metro Focus area is high-density residential development to increase ridership at the Landover Metro station.

The 358 dwelling units (townhomes and two-family attached dwellings) approved by this application satisfies the Counties' requirements for a Revitalization Tax Credit Area and implements the sector plan recommendation providing both the density and a diversity of housing types that complements the existing neighborhood.

The application is consistent with the 2014 *Approved Landover Metro Area and MD 202 Corridor Sector Plan and Sectional Map Amendment*, which recommends residential land uses for this site in proximity to the Landover Metro Station.

6. **Residential Revitalization Section 27-445.10(c)**—Pursuant to Section 27-445.10(a) in part, a residential revitalization project is limited to a property on which multifamily dwelling units existed on January 1, 2001, but were subsequently razed, and is located in a Revitalization Tax Credit District. The subject property had existing multifamily dwelling unit buildings which were razed in 2004, per Grading Permit 21827-2004-G, and the property is within a residential revitalization tax credit area (PGAtlas).

The permitted land uses include multifamily, one-family, and two-family dwellings. The applicant has proposed a mix of one-family attached and two-family dwelling units. The minimum density permitted in a residential revitalization development is twelve dwelling units an acre, and the applicant has proposed 15.18 dwelling units an acres. The PPS conforms to the land use and density regulations found in Section 27-224.10 of the Zoning Ordinance.

Section 27-445.10(c) establishes the following six findings for Planning Board approval of a residential revitalization development:

In approving a Residential Revitalization project, the Planning Board shall find that the project:

- (1) Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The preliminary plan is for the replacement of a deteriorated multifamily apartment complex and is in a designated center within one-half mile from a metro.

- (2) Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;**

The architectural character of the buildings will be evaluated with the detailed site plan (DSP) for compatibility.

- (3) Serves a need for housing in the neighborhood or community;**

The General Plan 2035 and Landover Metro Area MD 202 Corridor Sector Plan SMA identifies a vision for development at this location in the Metro Focus area as high-density residential development to increase ridership at the Landover Metro station.

- (4) Benefits project residents and property owners in the neighborhood;**

The development will create a high density planned community targeted to increase the intermodal forms of transportation within close proximity to the Landover Metro, and improving the community infrastructure.

- (5) Conforms with the housing goals and priorities as described in the current "Housing and Community Development Consolidated Plan," for Prince George's County; and**

The Housing and Community Development Consolidated Plan FY 2011–2015 (HCDC Plan) and the Landover Metro MD 202 Corridor Sector Plan SMA identifies this property as an appropriate site for a residential revitalization development. The property is located within a Revitalization Tax Credit District Area. The HCDC Plan describes the County's goals and objectives to address priority needs related to affordable housing, homelessness, special needs populations, and community development, which includes economic development, revitalization, community infrastructure, and public services. The goal and priorities recommend outcomes related to programs that improve communities and promote viability such as removing slum and blight, adherence to the national green

movement, linking transportation and housing, and economic development. The development is consistent with these goals and priorities by creating a diverse housing stock at high densities in close proximity to the Landover Metro.

(6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.

The proposal is consistent with the priorities for revitalization within close proximity to the Landover metro with opportunities for a diversity of homeownership in this targeted area as set forth in the 2035 General Plan and Landover Metro Area MD 202 Corridor Sector Plan SMA.

Based on the findings, the Planning Board finds that the preliminary plan conforms to the required findings of Section 27-445.10(c) as appropriate to the PPS review subject to the further review of the required detailed site plan (27-445.10(d)).

As required by Section 27-445.10(e) the PPS application was referred for review and comment to the County's Department of Housing and Community Development. At the time of approval of the PPS no referral response has been received.

7. **Urban Design**—The subject site is located on the north side of Landover Road and east of 75th Avenue, within the plan area of the 2014 *Approved Landover Metro Area and MD 202 Corridor Sector Plan and Sectional Map Amendment* (Landover Metro Area and MD 202 Corridor Sector Plan SMA). Development on the site shall show conformance with the 2014 Landover Metro Area and MD 202 Corridor Sector Plan and SMA. The application is in conformance with the sector plan recommendations for this site for high density residential, which is within a half-mile radius, or ten minute walk, to the Metro Station.

Requirements of the Zoning Ordinance

The development is subject to the requirements of Section 27-445.10 Residential Revitalization. Regulations concerning building height, lot size and coverage, frontage, setbacks density, bedroom percentages, parking and other requirements of the R-18 Zone do not apply to this application. The dimensions and percentages shown on the approved detailed site plan (DSP) will constitute the development regulations. Subsection (b)(5) of Section 27-445.10 indicates that the "normal parking requirement shall be reduced by thirty percent (30%)." The normal parking rate yields approximately 697 parking spaces; but the applicant is proposing approximately 1,189 parking spaces including 123 on-street spaces. Parking will be further evaluated at the time of DSP.

Conformance with the Prince George's County Landscape Manual

Landscaping, screening, and buffering on the subject site shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) "to the extent that is practical" as stated in Section 27-445.10(b)(6). The site's conformance to the applicable landscaping requirements, including Sections 4.9 Sustainable Landscaping

Requirements and 4.10 Street Trees Along Private Streets, will be reviewed and determined at time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

This application is also subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the R-18 Zone and a minimum fifteen percent of the property shall be covered by tree canopy. The applicant will show conformance to the tree canopy coverage requirements at the time of DSP.

Urban Design Review

The applicant revised the plans to show a ten-foot-wide greenway running west to east that provides a visual and pedestrian connection to the open space Parcel B2, which is acceptable. The original plan submittal had several of the lots impacted with storm drain management easements in the rear yards. The applicant agreed to redesign the site to have less of the rear yards of the lots impacted by the storm drain easement. At the time of detailed site plan, the rear yards of Lots 1-2, 23-24, 34-37, Block C, should not be impacted by additional storm drain easement from that reflected on the approved PPS, with the maximum amount as shown on the PPS. As the project goes through technical design, when possible, it is preferable for any utility easements to not encumber individual lots, or be reduced to the extent practicable.

8. **Environmental**—The Environmental Planning Section previously reviewed Preliminary Plan 4-10015 and Detailed Site Plans DSP-04010, with subsequent revisions (01–03), for the subject property (formerly known as Hunter’s Ridge). The Environmental Planning Section signed a Natural Resource Inventory, NRI-007-10, for this project area on July 7, 2010, and this site has a Standard Woodland Conservation Exemption letter, S-131-14, which is valid until September 19, 2016. No other previous environmental reviews have occurred on this site. This preliminary plan proposes to develop approximately 358 dwelling units. The project is subject to the current regulations of Subtitles 24 and Subtitle 25 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new preliminary plan.

The subject property is located west of the intersection of Landover Road (MD 202) and 75th Avenue. The site is relatively flat, and contains no woodland. The site drains into unnamed tributaries of Beaverdam Creek watershed in the Anacostia River Basin. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer-Urban land complex, Urban land-Russett-Christiana complex, and Woodstown-Urban land complexes. According to available information, Marlboro clay is not found on-site, but Christiana complexes are found to occur on this property. Because Christiana clays are located on-site, a soils report may be required at the time of permit. This information is provided for the applicant’s benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program there are no rare, threatened or endangered species found to occur in the vicinity of this site. There are no 100-year floodplains, streams, Waters of the U.S., or wetlands associated with the site. No Forest Interior Dwelling Species (FIDS) or FIDS buffer are mapped on-site. The site has frontage on Landover Road, a master planned Arterial roadway that is regulated for noise. The site also fronts on 75th Avenue, which is identified as a Collector roadway not regulated for noise. Landover Road is also identified as a historic roadway. The site is located within the Employment Areas of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the approved 2005 *Approved Countywide Green Infrastructure Plan*, the site contains only a small area of Evaluation area located along Landover Road.

Master Plan Conformance

The Master Plan for this area is the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan SMA). In the Approved Subregion 4 Master Plan SMA, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides findings on plan conformance.

Policy 1: Protect, preserve and enhance the green infrastructure network in Subregion 4.

The site contains an Evaluation area within the 2005 *Approved Countywide Green Infrastructure Plan*. The Evaluation area is located along the Landover Road (MD 202) portion of the site and contains no woodlands or regulated environmental features. The plan proposes to lot this area into a residential development. The remainder of the site is not located within an approved Countywide Green Infrastructure Plan area. There are no sensitive environmental areas on-site.

Policy 2: Minimize the impacts of development on the green infrastructure network and Special Conservation Areas (SCA's).

The small area of Evaluation Area is within this Green Infrastructure Network. This area contains no woodlands or regulated environmental features. This site's impacts will not directly impact SCA's with Subregion 4.

Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

The applicant proposes infiltration trenches and storm filters to handle stormwater management for the entire project. These trenches are located in the open areas behind the proposed units.

Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

The subject site has an approved Natural Resources Inventory that provides and account of the existing conditions of the site. There are no regulated environmental features on-site.

Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

The applicant proposes infiltration trenches and storm filters to handle stormwater management for the entire project. These trenches are located in the open areas behind the proposed units. The development is not subject to current stormwater regulations but is grandfathered under previous regulations. This concept has been approved by the Department of Permitting, Inspection and Enforcement (DPIE).

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The subject site has an approved Natural Resources Inventory that provides and account of the existing conditions of the site. There are no regulated environmental features on-site.

Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air Quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

The site has frontage on Landover Road (MD 202) which is a master planned arterial roadway that generates enough traffic to produce noise levels above 65 dBA Ldn. The site is proposing 358 residential townhomes and two-family attached dwelling units a number being within the unmitigated 65dBA Ldn.

Using the Environmental Planning Section Noise Model and applying an average daily traffic (ADT) count at build-out of 44,331, as indicated on the Maryland State Highway traffic volume map, and a posted traffic speed of 35 mph, the unmitigated 65 dBA Ldn noise contour is located approximately 196 feet from the center line of Landover Road. The preliminary plan shows the location of the unmitigated 65dBA Ldn noise contour.

According to the submitted plans, Parcel D (1, 2, and 3) and Parcel E (1 and 4) and all of Parcel A1 (Lots 1-9) will be exposed to transportation noise levels of at least 65 dBA Ldn. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate building shell construction methods. The acceptable noise level in outdoor activity areas is 65 dBA Ldn or less.

A noise study by HUSH Acoustics LLC dated December 18, 2014 was received by the Environmental Planning Section on December 22, 2014. This study showed that there was a 65 dBA Ldn noise contour present on-site and that this noise contour after future development would still be located on-site between building openings for roads and buildings. However, residential buildings are not used as mitigation measures and this noise report states that there will be no outdoor activity areas within this 65 dBA Ldn noise contour.

Noise Mitigation

The development envelope along MD 202 which includes Lots 1–9, Block A, Parcels 1–2, Parcels 1 and 2, Block D, and Parcel 1, Block E, is located within the unmitigated 65dBA Ldn. In general, the analysis of the mitigation measures along an arterial roadway is evaluated with the PPS to ensure that any mitigation measure can be located between the dwellings and the noise generator. The spatial relationships that results from either fencing or berming is evaluated with the PPS to ensure that the number of lots and dwelling units approved with the PPS can be accommodated, and that the best relationship between the lots and the mitigation measures is being created. In this case the property is the subject of five previous Planning Board approvals including a PPS 4-10015 and four detailed site plans (DSP-04010 revisions 1 through 3). All of these previous approvals reflected dwellings within the 65dBA Ldn consistent with the subject application. The applicant should and does have a reliance on those previous approvals. It is recommended that noise mitigation measures should be evaluated with the DSP in an effort to accommodate appropriate mitigation measures for the outdoor activity areas below 65 dBA Ldn where practicable, without the loss of dwellings or the redesign of the site.

Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.

Policy 11: Increase the county's capacity to support sustainable development.

The architectural review with the DSP should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

Policy 13: Preserve, restore, and enhance the existing tree canopy.

Subtitle 25 Division 3 requires the site to provide a ten percent tree canopy coverage. Tree Canopy Coverage will be addressed by the Urban Design Section.

The site is exempt from the Woodland Conservation Ordinance because the subject site has less than 10,000 square feet of woodland and no previously approved Tree Conservation Plan.

Policy 14: Improve the county's capacity to support increases in the tree canopy.

Tree Canopy Coverage will be addressed by the Urban Design Section at the time of DSP.

Countywide Green Infrastructure Plan Conformance

The site contains an Evaluation area within the 2005 *Approved Countywide Green Infrastructure Plan*. The Evaluation area is located along the Landover Road portion of the site and contains no woodlands or regulated environmental features. The plan proposes to lot this area into a developable parcel. The remainder of the site is not located within an approved Countywide Green Infrastructure Plan area. There are no sensitive environmental areas on-site.

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.

An approved Natural Resources Inventory, NRI-007-10, was submitted with the application. The site does not contain regulated environmental features which include wetland, wetland buffer, stream buffer, steep slopes, and 100-year floodplain. No revisions are required for conformance to the NRI.

The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), because the property has less than 10,000 square feet of woodlands on-site and no previously approved Tree Conservation Plan. This site has an approved Standard Woodland Conservation Exemption (S-131-14) that expires September 19, 2016.

9. **Lot Depth Variation**—The applicant has filed a variation request from Subdivision Regulations, Section 24-121(a)(4), which requires that residential lots adjacent to an existing or planned roadway of arterial or higher classification shall be platted with a minimum lot depth of one hundred and fifty (150) feet. The PPS proposes a lot depth of less than one hundred and fifty feet along Landover Road which is an arterial classification. Two parcels do not conform to this requirement. They are Parcels 1 and 2 of Block D which are proposed with a total of 18 two-family attached dwelling units. In part, Section 24-121(a)(4) of Subdivision Regulation states the following:

Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet.

Section 24-113(a) sets forth the required findings for approval of variation request as follows:

- (a) **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:

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

The PPS layout is consistent with the five previous approvals, which includes conditions to ensure that interior levels will be mitigated to State Standards.

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

The Ridges at Landover Metro is a residential revitalization development within a residential revitalization tax credit area, a condition not shared by abutting properties.

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

The request does not constitute a violation of any law, ordinance or regulation. The lotting revisions that were requested to increase the useable community green spaces on the interior of the subdivision results in a benefit for the residence.

- (4) Because of the peculiar 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 property has a unique shape that fronts on three public rights-of-way, when compared to abutting properties. The applicant is limited by the existing conditions of the property, which are unique and not generally applicable to other properties. The redevelopment of the site resulted in minimal instances necessitating relief from the strict application of the subdivision design standards. The increasing of the lot depth of Parcels 1 and 2 of Block D would result in the loss of useable green space in the development as well as the possible loss of lots, which would be a practical difficulty for the applicant.

Based on the proceeding findings, the Planning Board approves a variation from Section 24-121(a)(4) for a lot depth under one-hundred and fifty feet for Parcels 1 and 2, Block D.

10. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has determined that on-site stormwater management is required. A Stormwater Management Concept Approval Letter and associated plan were submitted with the application for this site (16527-2004-03). The approval letter was issued on May 22, 2013 with this project using infiltration trenches and storm filters and a fee-in-lieu for on-site attenuation/quality control measures. Development shall be in accordance with this approved plan.
11. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, the Planning Board finds that the applicant shall provide a fee-in-lieu of mandatory dedication of parkland because the project is not adjacent to any existing parkland, therefore acquisition of small isolated parcels does not meet the Department of Parks Development program. Upon receipt of the fee-in-lieu from the developer, the monies will be deposited into a “local community account” which will help serve the needs of the future residents.

The residents of this community will be served by the new Kentland Community Center, which is located approximately three-quarter mile to the south of the subject property. This Community Center will be located to the west of the Prince George’s Ballroom in Kentland Park. Construction is underway; and the facility is slated to open in 2016. Part of the applicants Bicycle and Pedestrian adequacy requirement will be to complete the sidewalks to the Kentland Community Center, as discussed in the Trails finding.

12. **Trails**—The PPS has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area sector plan in order to implement planned trails, bikeways, and pedestrian improvements. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2014 *Landover Metro Area and MD 202 Corridor Approved Sector Plan and Sectional Map Amendment* (area master plan). The center of the subject site is approximately 1,700 linear feet from the Landover Metro. However, the actual walking or bicycling distance is slightly higher due to the somewhat circuitous route going around the industrial land uses abutting the subject site to the west.

Master plan trail or bikeway facilities are recommended along MD 202 and 75th Avenue. More specifically, standard or wide sidewalks with designated bike lanes are recommended along MD 202 and a shared use roadway is recommended along 75th Avenue (see MPOT plan map). The Maryland State Highway Administration (SHA) has recently completed a variety of bikeway improvements along MD 202, including bikeway signage and Shared-Lane Markings (or “sharrows”). These improvements meet the intent of the master plan and meet the SHA Bicycle Policy and Design Guidelines. Sidewalks exist along MD 202 in the vicinity of the subject site, but they are immediately behind the curb with no buffer from the travel lanes. Decorative crosswalks have been installed and the median functions as a pedestrian refuge. Pedestrian-activated signals have been installed at the MD 202 and 75th Avenue intersection.

The majority of 75th Avenue includes standard sidewalks in the vicinity of the subject site. A portion of the site’s frontage and a segment of the west side of the road to the north of the subject

property contain gaps in this sidewalk network. The sidewalk network is mostly complete in the vicinity of the subject site, but major roads are obstacles to pedestrian movement in some areas and key gaps in the sidewalk system hinder pedestrian trips at some locations.

The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalks shall be provided along all internal roads and along all road frontages, excluding the private alleys, and along the outside of small areas of green space and urban parks. Major walking routes through the subject site include the sidewalks along private streets known as Parcel A, and Parcel B, and 75th Avenue. The sidewalk is to be completed along the subject site's frontage of 75th Avenue, as well as the southern edge of Bealls Court. The extension of the sidewalk along both sides of Bealls Court is recommended and will be approximately 127 linear feet in length. This sidewalk will be part of the on-site sidewalk network. The site is designed with a "modified grid" road network, which allows for multiple pedestrian routes throughout the site. Sidewalks appear to be adequate as proposed on the site and along its frontages, although additional pedestrian safety features or amenities may be considered at the time of Detailed Site Plan.

Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within a designated center, the Landover Metro Local Transit Center, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. The required Bicycle and Pedestrian Impact Statement (BPIS) was submitted on December 5, 2014. The BPIS is brief and includes few details of either on-site or proffered off-site facilities. The review of the BPIS and the on- and off-site improvements is based on the "Transportation Review Guidelines – Part 2," as well as the following guidance from Section 24-124.01(c) in part:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Pedestrian destinations in the vicinity of the subject site include the Landover Metro, numerous bus stops, commercial establishments along MD 202, employment uses in the surrounding communities, and park facilities at Kentland Community Park. The BPIS map reflects all of the existing and planned sidewalks, trails and bikeways in the vicinity of the subject site, as well as many of the pedestrian destinations nearby. This map was used to determine where the future residents of the site may walk and to identify where gaps in the current sidewalk network exist.

CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c) of the Subdivision Regulations:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or biking distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available public rights of way. The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on this section, the cost cap for the subject site is \$107,400. The off-site improvements proffered by the applicant are valued at significantly less than the cost cap specified in Section 24-124.01(c). The Transportation Planning Section has worked with the applicant and the Department of Public Works and Transportation (DPW&T) to identify additional off-site improvements that will benefit the future residents of the site and bring the cost of the off-site improvements to an estimate of \$88,943.61.

County Council Bill CB-2-2012 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d) of the Subdivision Regulations:

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**

- (1) installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
- (2) installing or improving streetlights;**
- (3) building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
- (4) providing sidewalks or designated walkways through large expanses of surface parking;**
- (5) installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
- (6) installing street trees.**

The applicant proposed a variety of off-site improvements in the BPIS, as follows:

A shelter for the bus stop on the north side of Landover Road at the Pinebrook Avenue intersection. Although it appears that a shelter is needed at this location, due to the bus stop's location along the site's frontage of MD 202, this improvement would count as an "on-site," not "off-site" improvement. An alternative bus stop location has been identified for inclusion in the package of improvements.

On-Street Shared Bicycle Lane is proposed along 75th Avenue. The heading for this item implies that bicycle lanes will be provided. However, the text on page 4 specifies that Shared Lane Markings and bikeway signage will be installed. After discussions with the applicant and DPW&T/DPIE, it was determined that "Share the Road" Maryland Manual on Uniform Traffic Control Devices (MUTCD (W16-1) with Bike Signage will be provided along both 75th Avenue and Pennsy Drive. DPW&T determined that sufficient space does not exist for full bike lanes and that "Share the Road" signage is preferable from an operational perspective then either Shared Lane Markings or R4-11 (Bikes May-Use Full Lane) Signs. Pavement markings, if any, will be determined by DPW&T based on the width of the outside curb lane.

Pedestrian crossing signage is required along 75th Avenue. However, no details regarding the location or type of signage are provided. The Planning Board requires that an exhibit be provided showing all of the proffered off-site improvements, including the bikeway signage, pedestrian signage, and the location of the off-site bus shelter.

As noted above, the cost of the proffered off-site improvements falls short of the cost cap specified in Section 24-124.01(c). Therefore, Transportation Planning Section recommended alternatives for additional off-site improvements at the December 30th coordination meeting to be used to supplement the improvements approved in the BPIS and further benefit the future residents of the subject site. These improvements were discussed with DPW&T/DPIE, and the Department of Parks and Recreation (DPR) and agreed to by the applicant and are listed below:

- Sidewalk construction within the dedicated public right-of-way along the west side of 75th Avenue from Bealls Court to the terminus of the existing sidewalk at 3200 75th Avenue (the first developed site to the north). This sidewalk will be within the existing right-of-way and will provide a complete pedestrian connection from the subject site to the land uses to the north. The sidewalk connection along the west side of 75th Avenue is approximately 338 linear feet in length. Due to the shape of the subject property, part of this connection will be counted as on-site frontage improvements and part will be off-site.
- Sidewalk construction on M-NCPPC property (Parcel 47) from the terminus of the existing sidewalk at the southern end of Pinebrook Avenue to the entrance to the Prince George's Ballroom on Kentland Community Park. This sidewalk connection will provide a complete pedestrian connection from the subject site to the recreational facilities located on Kentland Community Park. Department of Parks and Recreation has confirmed that this sidewalk will connect to other planned improvements being provided by M-NCPPC on the site. This additional sidewalk connection will be approximately 330 linear feet in length. The appropriate bonding and permitting time table for the construction shall be determined at the time of DSP, with input from the DPR.

Section 24-124.01(c) of the Subdivision Regulations requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

The Planning Board finds that there is a nexus between the subject application and the proffered and proposed off-site improvements. The sidewalk improvements along 75th Avenue will complete a gap in the existing sidewalk network and provide multi-modal access from the subject site to the adjacent land uses to the north. Off-site bus shelter installation will improve accommodations for the future residents of the subject site when accessing bus transit in the immediate vicinity of the site. Currently, no bicycle facilities exist along the roads off MD 202 and the proposed bikeway improvements along 75th Avenue and Pennsy Drive will provide a loop bicycle connection in the vicinity of the subject site that connects to the Landover Metro Station. The sidewalk connection to the Prince George's Ballroom will complete a pedestrian connection from the subject site to the recreational facilities at Kentland Community Park. These additional off-site facilities will not only enhance the surrounding communities, but also directly benefit the future residents of the subject site by providing additional bicycle and pedestrian facilities from the site to surrounding land uses, transit, parks, and other neighborhood destinations.

Finding of Adequate Bicycle and Pedestrian Facilities

County Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities prior to the approval of the PPS. CB-2-2012 is applicable to Preliminary Plans within designated Centers and Corridors. The subject application is located within the designated Landover Metro Local Transit Center, as depicted on the Adequate Public Facility Review Map of the *General Plan 2035 Approved General Plan* CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by County Council Bill CB-2-2012, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) Except for applications for development projects proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
- (1) The finding of adequate public pedestrian facilities shall, at a minimum, include the following criteria:**
 - (A) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area.**

A comprehensive network of sidewalk is proposed on-site. Bikeway and pedestrian signage was proposed off-site in the BPIS. The Planning Board recommends three additional segments of off-site sidewalk construction to complement the sidewalks proposed on-site and to better connect the site to surrounding pedestrian destinations. The sidewalk improvements along 75th Avenue will fulfill the master plan recommendations for complete streets on these roads and will better connect the subject site with the surrounding communities and the Landover Metro. The sidewalk along 75th Avenue will complete a missing link in the sidewalk network along this road.

- (B) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

Between the off-site facilities proffered by the applicant and the additional facilities proposed by the Transportation Planning Section, the area will become easier to traverse for pedestrians due to the completion of several gaps in the existing sidewalk network and the provision of complete connections to Metro and Kentland Community Park. Seventy-fifth Avenue is one of the major local roads accessing the subject site, and the completion of the sidewalk along the site's frontage and to the north of the subject property will provide a complete sidewalk along the entire west side of the road.

The applicant is proffering one off-site bus shelter. The location suggested by the applicant is along the site's frontage of MD 202, which counts as an on-site, not off-site improvement. The Transportation Planning Section has discussed this with the applicant and DPW&T and recommended an alternative location at an existing stop along either Old Landover Road or Pennsy Drive. Either of these locations would be off-site while still within the one-half mile radius of the site specified in Section 24-124.01.

- (2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**

- (A) the degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

The bikeway signage along 75th Avenue and Pennsy Drive proffered by the applicant and approved by DPW&T/DPIE will implement two master

plan bikeways identified in the MPOT and area master plan and provide bicycle accommodations consistent with the Manual on Uniform Traffic Control Devices (MUTCD) and DPW&T standards and guidelines. Currently bikeway signage and some pavement markings exist along MD 202, but none are present on the connecting county roads.

- (B) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

Space for designated bike lanes does not appear to exist within the existing curb-to-curb roads for MD 202, 75th Avenue, and Pennsy Drive. However, pavement markings and signage provided will be consistent with county and state policy for roads lacking space in the outside curb lanes for full bike lanes. "Share the Road" signage will be provided along both 75th Avenue and Pennsy Drive. This signage will alert motorists to the possibility of bicycle movement within the outside travel lanes.

- (C) the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

The bicycle signage proposed along Pennsy Drive and 75th Avenue has been discussed and approved by DPW&T, and is consistent with county policy. The Maryland State Highway Administration (SHA) further specifies in their memorandum dated December 19, 2014, "any improvements along the SHA right-of-way must include bicycle and pedestrian accommodations consistent with SHA policies, standards, and practices." This will ensure that any frontage improvements are designed to accommodate bicyclists in conformance with the SHA Bicycle Policy and Design Guidelines.

- (D) the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The subject application proposes residential townhouse units and two-family units. The BPIS states that the garages provided for each unit will allow for secure bicycle parking for all residents. A small amount of bicycle parking is currently available at the Landover Metro Station.

As noted above, the proffered package of off-site improvements was well below the cost cap of \$107,400 as specified in Section 24.124.01(c). The improvements contained in the BPIS include bikeway signage, pedestrian safety signage and one bus shelter was proffered at a total cost estimated at \$26,598.48. It shall be noted that the location for the bus shelter noted in the original BPIS is along the site's frontage of MD 202, and therefore qualifies as an on-site, not off-site improvement. The Transportation Planning Section has discussed this with the applicant and DPW&T and recommended an alternative location at an existing stop along either Old Landover Road or Pennsy Drive. Either of these locations would be off-site while still within the one-half mile radius of the site specified in Section 24-124.01(c) of the Subdivision Regulations.

The recommendations for bikeway signage and pedestrian safety signage along 75th Avenue included in the BPIS also lacked specificity. This was discussed at two coordination meetings with DPW&T/DPIE in December 17, 2014 and December 30, 2014 and recommendations for "Share the Road" (MUTCD W11-1, W16-1P) signage were developed for both 75th Avenue and Pennsy Drive, which will provide a bicycle loop around the site and to the nearby Landover Metro. It will also complement bikeway improvements by SHA along MD 202. The Planning Board requires that an exhibit illustrating the number, location, and type of signage be provided prior to the approval of the required Detailed Site Plan.

The BPIS also mentions off-site sidewalk construction, but does not specify limits of construction. The Planning Board recommends two locations for the construction of short segments of sidewalk based on discussions with both DPW&T/DPIE and the Department of Parks and Recreation (DPR). These locations are (1) north along the west side of 75th Avenue, and (2) from Pinebrook Avenue to Kentland Community Park. These sidewalks will improve access from the subject site to adjoining land uses to the north, to the Landover Metro, and to nearby recreation facilities, respectively.

The Planning Board finds that the subject application will implement the master plan bikeways along MD 202, Pennsy Drive, and 75th Avenue, provide a comprehensive sidewalk network internal to the subject site, and provided needed off-site sidewalk construction along 75th Avenue and to Kentland Community Park. The proposed bus shelter will improve an existing stop close to the subject site, while the sidewalk construction will complete several missing gaps in the sidewalk network linking the site to surrounding uses and pedestrian destinations. The Planning Board recommends additional off-site improvements above what was proposed by the applicant in the submitted BPIS to bring the total package of off-site improvements closer to the cost cap specified in Section 24-124.01(c), achieve the intent of the legislation (CB-2-2012), and make the required finding of bicycle and pedestrian adequacy.

Based on the evaluation above and the additional facilities required, PPS 4-13031 with conditions conforms to the required findings for adequate public pedestrian and bikeway facilities.

13. **Transportation**—Preliminary Plan of Subdivision 4-10015 (PGCPB Resolution No. 11-06) was approved in January 2011 for 284 lots and 3 parcels. At that time, a trip cap was placed on the property of 226 AM and 258 PM peak-hour vehicle trips. A third revision to Detailed Site Plan (DSP-04010-03, PGCPB Resolution No. 11-39) allowed for 323 single-family attached residential units. A new traffic study was submitted for the preliminary plan. It is dated July 2014 and was amended in November 2014.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for 358 dwelling units along Landover Road and 75th Avenue. The residential units will consist of 165 townhouses, 154 two-family dwellings, and 39 condominium townhouses. A traffic study dated July 2014 and amended in November 2014 was submitted by the applicant for the eight critical intersections.

The findings outlined below are based upon a review of materials and analyses conducted by the Transportation Planning Section consistent with the “Transportation Review Guidelines, Part 1” (*Guidelines*).

Using trip generation rates from the *Guidelines* it is determined that the development would generate 251 AM (50 inbound and 201 outbound) and 286 PM (186 inbound and 100 outbound) weekday peak-hour vehicle trips.

The traffic generated by the preliminary plan would impact the following intersections, interchanges, or links in the transportation system:

- MD 202 & US 50 Ramps (signalized)
- MD 202 & Old Landover Rd. (signalized)
- MD 202 & Pinebrook Ave. (signalized)
- MD 202 & Site Access (non-signalized)
- MD 202 & 75th Ave./Kent Town Pl. (signalized)
- MD 202 & Dodge Park Rd. (signalized)
- MD 202 & Fire House Rd. (signalized)
- 75th Ave. & Bealls Court (non-signalized/roundabout)

The subject property is located within the Transportation Service Area – TSA 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the “Transportation Review Guidelines, Part 1.”

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in May/June 2014 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS						
Intersection	Critical Lane Volumes (CLV) (AM/PM/Sunday)			Level of Service (LOS) (LOS, AM/PM/Sunday)		
MD 202 & US 50 Ramps	1,436	1,220	N/A	D	C	N/A
MD 202 & Old Landover Rd.	1,184	1,035	N/A	C	B	N/A
MD 202 & Pinebrook Ave.	980	1,211	N/A	A	C	N/A
MD 202 & Site Access	--	--	--	--	--	--
MD 202 & 75 th Ave./Kent Town Pl.	1,335	1,235	N/A	D	C	N/A
MD 202 & Dodge Park Rd.	990	852	N/A	A	A	N/A
MD 202 & Fire House Rd.	1,005	1,045	N/A	B	B	N/A
75 th Avenue & Bealls Court	0.196	0.168	N/A	A	A	N/A
*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> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Under existing conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the "Transportation Review

Guidelines, Part 1.” Traffic growth has been flat in the corridor. For background traffic conditions a growth rate of 0.5 percent per year was used. The growth rate was projected for six years.

BACKGROUND TRAFFIC CONDITIONS						
Intersection	Critical Lane Volumes (CLV) (CLV, AM/PM/Sunday)			Level of Service (LOS) (LOS, AM/PM/Sunday)		
MD 202 & US 50 Ramps	1,479	1,257	N/A	E	C	N/A
MD 202 & Old Landover Rd.	1,221	1,065	N/A	C	B	N/A
MD 202 & Pinebrook Ave.	1,009	1,247	N/A	B	C	N/A
MD 202 & Site Access	--	--	--	--	--	--
MD 202 & 75 th Ave./Kent Town Pl.	1,375	1,272	N/A	D	C	N/A
MD 202 & Dodge Park Rd.	1,020	878	N/A	B	A	N/A
MD 202 & Fire House Rd.	1,037	1,078	N/A	B	B	N/A
75 th Avenue & Bealls Court	0.203	0.173	N/A	A	A	N/A

*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 *Guidelines*, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The new trips expected to be generated by the proposed residential development were added to background traffic to obtain future traffic conditions.

FUTURE TRAFFIC CONDITIONS						
Intersection	Critical Lane Volumes (CLV) (CLV, AM/PM/Sunday)			Level of Service (LOS) (LOS, AM/PM/Sunday)		
MD 202 & US 50 Ramps	1,485	1,262	N/A	E	C	N/A
MD 202 & Old Landover Rd.	1,262	1,103	N/A	C	B	N/A
MD 202 & Pinebrook Ave.	1,098	1,272	N/A	B	C	N/A
MD 202 & Site Access	25.4*	14.3*	N/A	C	B	N/A
MD 202 & 75 th Ave./Kent Town Pl.	1,418	1,292	N/A	D	C	N/A
MD 202 & Dodge Park Rd.	1,025	889	N/A	B	A	N/A
MD 202 & Fire House Rd.	1,042	1,089	N/A	B	B	N/A
75 th Avenue & Bealls Court	0.212	0.192	N/A	A	A	N/A

*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 *Guidelines*, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under both background and future traffic conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the *Guidelines*.

Circulation/Access

Two access points are shown on Landover Road (MD 202). One of these (Road A) has an existing traffic signal that allows all turning movements. The second access point (Road B) on MD 202 is a right-in/right-out entrance. The site will also be accessed from 75th Avenue via an existing cul-de-sac at Bealls Court which was dedicated to public use in 2006 per record plan REP 214/33. While Landover Road (MD 202) is an arterial roadway, in accordance with Section 24-121(a)(3), the applicant is proposing private street connections.

Overall, the internal street circulation and access to the townhouses is adequate. Several changes were made to private alleys. In general, alleys that are 150 feet in length require a turnaround or shall be connected to each other. Two turnarounds are shown on the plan for two alleys over 150 feet. Two alleys on the initial plan were connected, which is acceptable.

Private alleys are evaluated on a case-by-case basis based on use, width, and length. In general, it is recommended that they be at least 22 feet wide to accommodate large vehicles when necessary. The alleys on the PPS are shown with a width of 20 feet. It is noted that regulations allow private alleys as narrow as 18 feet in Comprehensive and Mixed-Use Zones. On this plan, the alley width is acceptable.

Referral comments were received by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA) and included the following comments in quoted text:

Department of Public Works and Transportation (DPW&T):

“The westbound volumes along MD 202, under existing conditions, are not balanced.”

This is correct. The existing traffic counts were taken a week apart, this would account for the imbalance as counts vary day-to-day. The Transportation Planning Section used the higher count and recalculated the critical lane volume (CLV) and level of service (LOS) at the intersection of MD 202 and Pinebrook Avenue during the AM and PM peak hours. The intersection continues to operate at acceptable levels of service and/or intersection delay as defined by the *Guidelines* under total traffic conditions.

The Maryland State Highway Administration (SHA):

“Any improvements along the SHA right-of-way must include bicycle and pedestrian accommodations consistent with SHA policies, standards, and practices.”

The access points along MD 202 and Bealls Court are already constructed and no further improvements are needed at these locations. Bicycle and pedestrian accommodations will be addressed.

There is an existing traffic signal at the intersection of Landover Road (MD 202) and Road 'A' (Parcel A) (site access) opposite Pinebrook Avenue. The traffic signal is still activated and controlling future vehicles leaving and entering Hunter's Ridge at this intersection. However, any traffic signal enhancements or modifications at this location if required by the State Highway Administration (SHA) will be the responsibility of the applicant. Also any additional pavement improvements, pavement markings, lengthening of turn lanes, etc., at this location if required by SHA will be the responsibility of the applicant.

Master Plan Roads

Landover Road (MD 202) and 75th Avenue are both master plan roadways. MD 202 is a master plan arterial facility. The current master plan calls for a six-lane facility within a 120-foot-wide right-of-way. No further dedication beyond that shown on the submitted plan is required. A portion of the site also borders 75th Avenue, which is a master plan collector with an 80-foot-wide right-of-way. No further dedication than shown on the site plan is required. These roadways are listed in the 2009 *Countywide Master Plan of Transportation* (MPOT).

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision.

14. **Health Department**—There are several locations of trash dumps consisting of abandoned tires, broken glass, furniture cushions, and wooden debris on the property that shall be removed and properly discarded by the applicant prior to development of this site.
15. **School**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and concluded the following findings.

Residential

Impact on Affected Public School Clusters Attached Single-Family Units

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	358	358	358
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	52	27	39
Actual Enrollment	9,518	3,712	5,838
Total Enrollment	9,570	3,739	5,877
State Rated Capacity	8,960	3,938	6,288
Percent Capacity	107%	95%	93%

Source: Prince George's County Planning Department, M-NCPPC, 2014

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 \$9,035 and \$ 15,489 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved Transit District Overlay Zone; or where there is no approved transit district overlay zone within a one-quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Proposed Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a one-quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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.

16. **Fire and Rescue**—The Special Projects Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The project is served by Kentland Fire/EMS Co. 33, a first due response station (a maximum of seven (7) minutes travel time), is located at 7701 Landover Road and is within the response time.

17. **Police Facilities**—The subject property is located in Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the M-NCPPC Planning Department on October 31, 2014.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 10/31/2014	9/2014-8/2013	6 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon Prince George’s County police response times, the response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on November 3, 2014.

18. **Water and Sewer Categories**—The water and sewer service categories are W-3 and S-3 according to the Prince George’s County Department of the Environmental, and will be therefore served by public systems. Water and sewer line extensions or an on-site system may be required to service the subdivision and shall be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat.
19. **Public Utility Easement and Variation**—Along the PPS frontage on public rights-of-way (Landover Road, 75th Avenue and Bealls Court), the ten-foot public utility easement (PUE) shall be reestablished. Along the private roads and alleys, the applicant proposes an alternative PUE along private rights-of-way to serve the development. Section 24-122 of the Subdivision Regulations states the following:
- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

Section 24-113(a) sets forth the required findings for approval of variation request as follows:

- (a) **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:**

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

Granting this variation to permit the PUE in alternate locations will not be detrimental to the subdivision design. In order to fulfill the minimum density requirements of the residential revitalization, flexibility is necessary to serve the density needs of an urban residential revitalization. The location of utilities on the site will be reviewed and approved by the applicable utility providers during the detailed site plan review to determine their most appropriate location in relation to other easements and the overall development of the site, thereby, ensuring public safety, health, and welfare.

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

The conditions on which the variation is based are unique because the necessity to accommodate the density required in the residential revitalization and the fact that the property is a unique shape when compared to abutting properties which fronts on three public rights-of-way.

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

As the location of the alternative PUE would require approval of the applicable public utility providers, no other applicable law, ordinance, or regulation would be violated by approving of this variation. Each lot or parcel shall have PUE's of sufficient width to accommodate all utility providers, which will be included as part of the review at detailed site plan.

- (4) **Because of the peculiar 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.

With residential revitalization projects (Section 27-445.10) the Subdivision Regulations necessitate alternative design considerations to accommodate the vision of the design proposal. With the property fronting on three rights-of-way, the property is a through lot which results in design constraints. The property is also significantly higher in elevation than the adjoining properties. The denial of this variation for the PUE design would result in a particular hardship to the applicant.

Based on the proceeding findings, the Planning Board approves a variation from Section 24-122 for an alternative public utility easement (PUE), subject to conditions.

20. **Historic**—The subject property is adjacent to the Beall's Pleasure Historic Site (72-002) and its approximately 5.9-acre Environmental Setting. Beall's Pleasure, built in the early 19th century, is a two-story, side-gable, brick dwelling of Georgian plan. Its decorative features include the fanlight entrance and brick cornice. The house was built early in the nineteenth century on land that had been owned by Benjamin Stoddert, first U.S. Secretary of the Navy. Beall's Pleasure is located on wooded property, buffered from dense development around it. The house is a fine example of Federal style plantation architecture and has been listed in the National Register of Historic Places since 1979.

The general character of the development was established through the approval of a Detailed Site Plan (DSP-04010; PGCPB Resolution No. 05-58), approved by the Planning Board in June of 2008 according to the requirements of Subtitle 27-445.10 (Residential Revitalization) of the Prince George's County Zoning Ordinance.

The general character and arrangement of the redevelopment of the subject property were most recently reviewed and approved through a revision to an underlying Detailed Site Plan, DSP-04010-03 which was associated with a previous PPS 4-10015. Through that approval, a fifteen-foot landscape buffer along the common property line with the historic site was provided and recommended for approval by the Historic Preservation Commission (HPC). The current preliminary plan of subdivision includes the fifteen-foot landscape buffer and the general arrangement of nearby units facing the historic site and was therefore not referred back to the HPC. The currently proposed layout, along with a detailed site plan review of architecture, landscaping and fencing along the shared property line between the developing property and the adjacent historic site, will improve the relationship of the new construction to the adjacent historic site. The Planning Board requires that as part of the detailed site plan review, the architecture, landscaping, and fencing along the common property line with Beall's Pleasure be referred to the HPC for review and comment.

21. **Use Conversion**—The subject application is proposing 358 residential units in the R-18 Zone. If a substantial revision to the uses on the subject property is proposed that substantially affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses may require approval of a new preliminary plan of subdivision prior to approval of any building permits.
22. At the public hearing on February 12, 2015, the Planning Board accepted Opponent Exhibits #1 through #5 and John Rogers Exhibit #1 into the record. The Planning Board approved a revision to Condition 16(d) to change “shall” to “should”, which is incorporated into this resolution.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Shoaff voting in favor of the motion, and with Commissioner Hewlett recused at its regular meeting held on Thursday, February 12, 2015, in Upper Marlboro, Maryland.

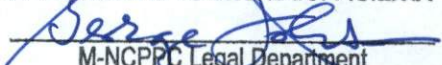
Adopted by the Prince George's County Planning Board this 19th day of March 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SN:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 3/9/15