



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-86

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Upper Marlboro, Maryland 20772
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File No. 4-14020

RESOLUTION

WHEREAS, Velocity Capital, LLC is the owner of a 24.55-acre parcel of land known as Tax Map 67 in Grid D-4, Parcel E, and Lot 8, Block H, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Mixed-Use Transportation-Oriented Zone (M-X-T); and

WHEREAS, on April 9, 2015, Velocity Capital, LLC filed an application for approval of a Preliminary Plan of Subdivision for 10 Parcels for retail, office, hotel, and residential mixed-used development of existing Kingdom Gateway Shopping Center; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-14020 for Hampton Park 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 July 30, 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 July 30, 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 Variance Application and further APPROVED Preliminary Plan of Subdivision 4-14020, Hampton Park, including a Variation from Section 24-121(a)(3) for direct access onto an arterial with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Consolidate the PPS to one sheet.
 - b. Revise General Notes 6, 7, 8, 26, 27, 28 and 29 and the PPS in conformance with the NRI. General Note 6 should be corrected to reflect the net and gross tract area outside of 100-year floodplain.
 - c. Revise General Note 18 to add "Central Avenue Corridor."
 - d. Revise General Note 20 to add the Stormwater Management Concept Number.
 - e. Remove General Note 30.

- f. Label which structures are to remain, and which structures are to be razed, and the disposition of all easements.
 - g. Add vehicular access arrows to the plan legend.
 - h. Add both the proposed property lines for the parcels and the easement linetype to the legend.
 - i. Depict easements around all entrance features.
 - j. Correct General Note 23 to reflect that mandatory park dedication fulfilled by private on-site recreational facilities.
 - k. Add all proposed dimensions depicting the proposed parcels.
 - l. Correct General Note 21 to say "Existing and Proposed."
 - m. Label "Denial of direct access" to Central Avenue and the Capital Beltway, except the area of the existing driveway as approved with variation to Section 24-121(a)(3).
 - n. Revise General Note 32 to reflect the access easements as shown on the applicant's "Conceptual Easement Exhibit."
 - o. Label access to MD 214 and Hampton Mall Drive North Extended as "Required Access" and label the southern access as "Secondary Access not required."
 - p. Label Parcel 99 as "Historic Site Ridgeley Church and Cemetery (72-005)."
 - q. Increase the font size of all labels on the plan.
2. The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with Section 24-134 of the Subdivision Regulations and the standards in the *Parks and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed for adequacy and property siting, prior to approval of the detailed site plan for the multifamily buildings by the Planning Board.
3. The applicant shall submit three (3) original, executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the DRD for approval prior to approval of a final plat for each parcel which contains multifamily buildings. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and the Liber/folio reflected on the final plat for that parcel prior to recordation.
4. The applicant shall submit to the Development Review Division (DRD) a performance bond, letter of credit or other suitable financial guarantees, to ensure completion of the private on-site

recreational facilities in an amount to be determined by the DRD, prior to approval of building permits for each multifamily building. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

5. Prior to the approval of a Detailed Site Plan for multifamily dwellings, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities for the fulfillment of mandatory dedication (Section 24-135) will be properly developed within or next to the same parcel or lot as the residential building to the extent practicable, and maintained to the benefit of future residents pursuant to Section 24-135(b)(2) of the Subdivision Regulations.
6. A substantial revision to the mix of 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 release of any building permits.
7. Prior to final plat, the applicant shall obtain DSP approval for the proposed development.
8. The applicant and the applicant's heirs, successors and assignees shall not execute any termination, modification or amendment of the Access Easement Agreement (recorded at Liber 4412 Folio No. 256) which provides vehicular access to Hampton Mall Drive North without the prior written consent of the Maryland-National Capital Park and Planning Commission. Evidence of such written consent shall be recorded with any such termination, modification or amendment, if approved by the M-NCPPC Planning Department.
9. At the time of final plat(s), the following note shall be placed on the plat(s) and reference in the owners' dedication:

"The Access Easement Agreement dated September 9, 1974 and recorded among the Land Records of Prince George's County at Liber 4412 Folio 256 shall not be terminated, modified or amended in full or in part without the prior written consent of the Maryland-National Capital Park and Planning Commission. Evidence of such written consent shall be recorded with any such termination, modification or amendment, if approved by the M-NCPPC Planning Department."
10. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 45614-2014-00 and any subsequent revisions.
11. At the 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 streets.
12. Approval of this PPS shall supersede all previous subdivision approvals for the development of the site.
13. The final plat shall reflect denial of access to Central Avenue (MD 214) and the Capital Beltway except for the existing site access to MD 214.

14. Prior to approval of the final plat for any of the proposed multifamily development, the applicant shall submit a copy of a proposed covenant or other appropriate mechanism to assure that any component of the recreational facilities not located on the same parcel or lot as the residential building, but needed to satisfy mandatory dedication requirements, will be available next to the multifamily building and maintained for the benefit of future residents.
15. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Provide a sidewalk connection from the site access on Central Avenue (MD 214) to the subject site's western boundary and incorporate a landscape strip including shade trees where appropriate, subject to approval by the Maryland State Highway Administration (SHA).
 - b. In the areas of the development which are to be used for pedestrian corridors and/or as gathering places for people, subsequent Detailed Site Plans shall pay adequate attention to human scale, high-quality urban design, shade trees, and landscaping types and textures of paving materials, street furniture, trash facilities, and lighting.
 - c. At the time of DSP, the plan shall include bicycle racks accommodating a minimum of 50 bicycle parking spaces and other secure bicycle storage facilities at locations scattered throughout the subject site. The number and location of the racks and secure facilities shall be marked and labeled on the DSP, with details provided for the racks and secure facilities.
16. Prior to issuance of any building permits within each phase as proposed within the detailed site plan, the Bicycle and Pedestrian Impact Statement (BPIS) improvements in accordance with Section 24-124.01 of the Subdivision Regulations shall (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the operating agency.
 - a. MD 214 and Hampton Park Boulevard intersection (east, west and south legs)
 - (1) Brick pavers
 - (2) Mill existing pavement
 - (3) ADA ramps
 - (4) Pedestrian crossing signals
 - b. Hampton Park Boulevard
 - (1) Share the Road signage
 - c. Westbound MD 214, west of Hampton Park Boulevard
 - (1) Bus shelter installation
 - d. Hampton Mall Drive North Extended

(from the end of the public right-of-way to the subject property line)

- (1) Concrete sidewalks
- (2) ADA ramps

e. One bus shelter installation

- (1) One bus shelter should be installed at a location determined by DPIE within one-half mile walking or biking distance of the subject site.

At the time of DSP, provide an exhibit that illustrates the location, phasing and limits of all off-site improvements proposed. This exhibit shall show the location of all off-site sidewalk construction, ADA ramps, pedestrian signals, crosswalk improvements, bus shelter installations, pavement markings and signage.

If it is determined at the time of Detailed Site Plan that alternative off-site improvements are appropriate due to comments from the appropriate governmental agency (DPIE and/or SHA) or lack of public right-of-way, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section 24-124.01(d), be within one-half mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section 24-124.01(c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of Preliminary Plan of Subdivision.

17. At the time of detailed site plan, the DSP and landscape plan shall show a limit of disturbance that preserves all of the existing vegetation within the fenced and channelized streams, except for where water, sewer and stormwater outfalls are necessary. Where necessary and appropriate, the landscape plan shall show enhancement planting along Stream 2 (southern property line).
18. Prior to acceptance and approval of each Detailed Site Plan, a Phase I and Phase II noise study shall be submitted and shall be based on all existing and proposed conditions for the entire site.
19. Prior to the approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
20. Total development shall be limited to uses that would generate no more than 760 AM and 991 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.
21. At time of DSP, the plan shall show a four-lane divided access roadway with sidewalks on both side extending south from MD 214 and sidewalks on both sides of the off-site access easement connecting to the Hampton Mall Drive North.

22. Prior to issuance of any building permit within the subject property above the levels that generate more than 712 PM peak-hour vehicle trips, using the approved trip generation rates as defined or augmented by the "Transportation Review Guidelines, Part 1 2012" ("Guidelines") the following road improvements shall have (a) full financial assurance through either private money or full funding in the Maryland Department of Transportation "consolidated Transportation Program" or the Prince George's County "Capital Improvement Program," (b) have been permitted for construction through the operating agency's permitting process, and (c) have been an agreed-upon timetable for construction with the appropriate operating agency:

At MD 214/ Ritchie Road/ Garrett A Morgan Boulevard: the provision of a dual left-turn lanes instead of the existing single left-turn lane along the south leg (Ritchie Road), per the County and/or Maryland State Highway Administration (SHA) Standards and the provision of all necessary traffic signal modifications including provision of pedestrian signals on all approaches.

23. Prior to approval of each final plat of subdivision a draft vehicular access and public utility easement, pursuant to Section 24-128(b)(9) and the approved DSP, shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department and be fully executed. The easement may be extended into the site in phase with the DSP and final plat approvals. The easement shall provide for an orderly extension to provide access to each parcel.

The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC Planning Department. Prior to recordation of each final plat, the easement shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat.

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 (Parcel E, and Lot 8, Block H) is located within the area of the June 2010 *Approved Subregion 4 Sector Plan and Sectional Map Amendment* (Subregion 4 SMA) and within May 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*. The Subregion 4 SMA rezoned the properties from C-S-C to M-X-T (Living Area E, Change Number LE6). The property is located on Tax Map 67 in Grid D-4 and contains 24.55 acres. The preliminary plan of subdivision (PPS) proposes a mixed-use development for commercial, hotel, office and residential land uses, for a total of 600 multifamily dwelling units and 455,000 square feet of gross floor area on ten parcels.

The property was initially recorded in 1968 and 1979 on record plats WWW 68-67 and NLP 103-83 respectively. A previous PPS was reviewed for the subject site in 1968 (PPS 12-3170), but records are not available. Lot 8, Block H was the subject of a resubdivision in 1995 as reflected on

record plat VJ 171-50. Throughout the previous subdivisions applications, a vehicular connection via an easement was acknowledged to serve the site over the adjacent property to the west (Lot 7, Block H) which provides a connection to Hampton Mall Drive North, a dedicated public street. This "Access Easement Agreement" extends 301.18 feet from the western property line to the dedicated right-of-way (ROW) of Hampton Mall Drive North. The easement is a private agreement and is subject to change if the two private property owners were to agree. While this private agreement was recognized with the review of previous subdivision actions, an adequacy analysis was never performed to determine if adequate access (Section 24-124) to this site was dependent on the easement. With this PPS, based on the Traffic Impact Study submitted by the applicant, both direct access to MD 214 and access to Hampton Mall Drive North via the easement are required to support the development. To ensure that the easement remains in place, the applicant has two options. The applicant could negotiate the dedication of a public ROW extension to the western property line to replace the easement, or secure the easement in a form that would not allow it to be modified without the prior written consent of the M-NCPPC Planning Department. With the approval of this PPS the Planning Board finds that adequate access exists to support this site as proposed (Section 24-124). If the easement were to be modified or withdrawn, the MD 214 access is not sufficient to support the proposed development. It is in the interests of the future residents and business owners that the vehicular access easement be assured. The applicant has indicated that the dedication of additional public right(s)-of-way to extend to the western property line and connect to the easement is not feasible at this time and offered an additional restriction on this property that the successors in title shall not consent to the modification of the existing vehicular access easement (Liber 4412 folio 256) without the prior written consent of the M-NCPPC Planning Department, which has been found sufficient for the approval of this PPS, and is properly conditioned.

The Hampton Park site is currently developed with a shopping center but also includes the Kingdom Square Church in the area of re-development. The existing square footage is to be removed in phases. On May 21, 2015, the Planning Board approved Conceptual Site Plan CSP-14003 for this site (PGCPB Resolution No. 15-52). A mixed land use was approved for the development of commercial, office, multifamily and a hotel. The conditions of approval of the CSP were reviewed and addressed in the Trails, Environmental, and Transportation Sections of this report as applicable to the PPS. The M-X-T Zone, in accordance with 27-546(a) of the Zoning Ordinance, requires that a detailed site plan (DSP) shall be approved for the proposed development prior to the issuance of any permits. A DSP has not yet been submitted. This preliminary plan of subdivision (PPS) for the development of ten parcels is proposed in two phases. Phase 1 is proposed for 771,250 square feet of gross floor area (GFA) to include commercial, multifamily (253 dwelling units), a 250-room hotel and office space. Phase 2 is proposed for 393,750 GFA of commercial and multifamily (347 dwelling units). The total development proposed is 455,000 square feet of GFA, and 600 multifamily dwelling units.

The subject property has frontage on Central Avenue (MD 214) to the north which is classified as an arterial road in the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* and the Capital Beltway to the east. The Subdivision Regulations restricts direct vehicular access to an arterial facility and requires that the subdivision be designed with alternatives (Section

24-121(a)(3)). There is an existing entrance on to MD 214 that currently serves the existing retail and is proposed to remain in use. A variation request for direct access onto Central Avenue was submitted for review and was approved by the Planning Board.

The requirement for the mandatory dedication of parkland (Section 24-134) of the Subdivision Regulations is recommended to be met by the provision of on-site private recreational facilities suitable to serve an anticipated population of 1,440 new residents for the 600 multifamily dwelling units. The on-site private recreational amenities shall be reviewed with the detailed site plan.

3. **Setting**—The property is located in the southwest quadrant of the intersection of Central Avenue (MD 214) and the Capital Beltway (I-95/495). The property is zoned M-X-T (Mixed-Use Transportation-Oriented). The eastern boundary of the project is directly adjacent to the ramp to the Capital Beltway (I-95/495). Adjacent properties to the south are zoned Light Industrial (I-1) and are developed with industrial uses. The properties to the west are zoned C-S-C and M-X-T and are developed with commercial uses. The site is bounded on the north by Central Avenue (MD 214). The properties directly across Central Avenue are zoned I-3 (Planned Industrial/Employment Park) and are vacant.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Commercial	Mixed Use
	(289,892 GFA)	(455,000 GFA)
Acreage	24.55	24.55
Lots	1	0
Outlots	0	0
Parcels	1	10
Dwelling Units	0	600
		(Multifamily)
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes (24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 24, 2015. The requested variation from Section 24-121(a)(3) of the Subdivision Regulations was accepted on June 30, 2015 and heard at the SDRC meeting on July 17, 2015 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—This application is consistent with the Plan Prince George's 2035 Approved General Plan policy that supports the Mixed-Use Commercial land use designation of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* which existed prior to the adoption of *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), as well as the objective to promote infill and redevelopment in existing communities. This application conforms to the mixed use commercial land use designation of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*.
6. **Stormwater Management**—A Stormwater Management Concept plan and approval letter (45614-2014-00) were submitted with the subject application. The approved concept shows the use of stormceptors and areas of micro-bioretenention which will ultimately drain into the concrete trapezoidal channels surrounding the property. This site was originally developed prior to any stormwater regulations. The redevelopment of this site must meet 50 percent water quality volume of the existing impervious area within the proposed disturbed area, and 100 percent of the water quality volume and channel protection volume for new impervious area using environmental site design practices. The conditions of the approved concept require a floodplain delineation to be approved prior to technical approval and that the applicant obtain a floodplain waiver from the Department of Permitting, Inspection and Enforcement (DPIE) to develop within the 100-year floodplain.
7. **Parks and Recreation**—Approximately nine acres of the property will be utilized for residential development. The property is not subject to any development District Standards identified in the Subregion 4 Master Plan. The master plan goal is to redevelop the shopping center into a mixed-use development in one of the designated industrial centers.

The subject property is located in close proximity to several public parks of the Maryland-National Capital Park and Planning Commission (M-NCPPC), including Walker Mill Regional Park, Summerfield Park and Hill Road Community Park.

The applicant's proposal includes 600 multifamily dwelling units. Using current occupancy statistics for multifamily dwelling units, the proposed development would result in a population of 1,440 new residents. Section 24-134 of the statutory requirements of the Subdivision Regulations, require that the applicant provide mandatory dedication of approximately 1.4 acres of land suitable for active or passive recreation, the payment of a monetary fee-in-lieu thereof, or the provisions of private on-site recreational facilities. The Planning Board recommends that the requirement for the mandatory dedication of parkland should be met by the provision of on-site private recreational facilities suitable to serve an anticipated population of 1,440 new residents.

Prior to the approval of a detailed site plan which includes multifamily dwelling(s), the private recreational facilities to serve those dwellings shall be determined. In accordance with Section 24-135 (b)(2) of the Subdivision Regulations, the recreational facilities will be properly developed and maintained to the benefit of the future residents as reflected by approval of the DSP and should be provided on the same lot or next to the multifamily building which they serve to the extent practicable. Prior to the final plat for a parcel that contains such multifamily building(s) a

recreational facilities agreement shall be recorded in land records and the liber and folio of that agreement reflected on the final plat for that parcel prior to recordation. Such facilities shall be bonded prior to the issuance of the building permit for the multifamily building. The PPS proposes two separate parcels for the 600 multifamily buildings. The RFA and bonding of those facilities for each building may be separate documents, if approved by DSP and platted separately, or may be one RFA and bond if approved by DSP and platted together.

8. **Trails**—The subject application proposes the redevelopment of part of the Kingdom Square Shopping Center located south of MD 214 just west of the Capital Beltway. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (area master plan). Due to the site's location within the Central Avenue (MD 214) Corridor (per the Adequate Public Facility Review Map of the General Plan), the application is subject to the requirements of 24-124.01 of the Subdivision Regulations and the associated "Transportation Review Guidelines, Part 2, 2013."

Review Comments (Master Plan Compliance and Prior Approvals)

The Transportation Planning Section referral is based on a review of the submitted PPS and the Bicycle and Pedestrian Impact Statement (BPIS), which was received on April 22, 2015. The M-NCPPC Planning Department has worked with the Department of Public Works and Transportation (DPW&T) and the applicant to identify appropriate off-site improvements for the site for conformance to Section 24-124.01(c) of the Subdivision Regulations.

Two master plan trail issues impact the subject property. The MPOT and area master plan both recommend continuous sidewalks and designated bike lanes along MD 214 inside the Capital Beltway. Providing safe and accessible pedestrian and bicycle accommodations along this road is a priority as MD 214 has been identified as one of the highest incident locations for bicycle and pedestrian accidents in the County. Work done for the 2014 Central Avenue-Metro Blue Line Corridor TOD Implementation Project Mobility Study has reiterated the need to provide multi-modal access and complete streets along the MD 214 corridor and has continued to stress the priority of improving pedestrian safety along this roadway. The Planning Board finds that the pedestrian improvements to the Central Avenue Corridor are to have priority consideration with the DSP review.

The MPOT and area master plan contain a long-term recommendation for a stream valley trail along Southwest Branch which abuts the property to the south. There are several obstacles to implementing this trail in the short-term, including the channelization of the stream at several locations (including the subject site), and the barrier created by the Capital Beltway. In this corridor, there is currently little public ownership of the stream valley inside the Capital Beltway, although a segment of the trail has been constructed in the Largo area east of I-495.

The MPOT also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also 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.

Previously approved Conceptual Site Plan CSP-14003 included several general recommendations regarding pedestrian access internal to the subject site; the details of these facilities were left to be determined at the time of Detailed Site Plan. The CSP included the following conditions of approval for pedestrian facilities (PGCPB Resolution No. 15-52). Only the portions of the conditions related to pedestrian access are copied below:

1. **Prior to certificate approval of the conceptual site plan (CSP), the applicant shall:**
 - e. **Provide a sidewalk connection from the site access on Central Avenue (MD 214) to the subject site's western boundary and incorporate a landscape strip including shade trees where appropriate, subject to approval by the Maryland State Highway Administration (SHA).**
2. **Prior to approval of each detailed site plan (DSP) for the project, the following information shall be provided, or the issues shall be properly addressed as follows:**
 - c. **In the areas of the development which are to be used for pedestrian corridors and/or as gathering places for people, adequate attention shall be paid to human scale, high-quality urban design, shade trees, and landscaping types and textures of paving materials, street furniture, trash facilities, and lighting.**

Proposed On-Site Bicycle and Pedestrian Improvements:

The CSP included an Illustrative Site Layout Plan which demonstrates a comprehensive planned sidewalk network that will serve the subject site. This network includes standard or wide sidewalks along both sides of the internal roadways and most drive aisles. It appears that many of the drive aisles between the major buildings have been designed as modified roadways with sidewalks and on-street parking on both sides. Two additional sidewalk connections are recommended: (1) a sidewalk is recommended along the site's frontage of MD 214 west of the site's ingress/egress point on MD 214, and (2) a sidewalk/pedestrian walkway is recommended through the main parking lot that will connect the proposed office building with the retail at the southern end of the property, these recommendations will be further reviewed at the time of DSP.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:

Due to the location of the subject site within a designated corridor, the application is subject to 24-124.01 of the Subdivision Regulations, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (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.**

Included in Section 24-124.01 of the Subdivision Regulations is 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):

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.

Phase 1 is proposing 253 dwelling units, 175,000 square feet of commercial/retail space, 155,000 square feet of hotel space, and 125,000 square feet of office space. This first phase amounts to a cost cap of \$75,900 for the dwelling units and \$159,250 for the 455,000 square feet of nonresidential uses. Per Section 24-124.01(c), the calculation of the cost cap for Phase 1 is \$235,150 based on the cap of \$300 per dwelling unit and \$0.35 per square foot of retail and commercial space.

Phase 2 is proposing 347 dwelling units only, which amounts to a cost cap of \$104,100. The total cost cap (Phase 1 and 2) is \$339,250.

Specific guidance is provided in the Subdivision Regulations regarding the types of off-site bicycle and pedestrian improvements that may be required in Section 24-124.01(d):

- (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 required Bicycle and Pedestrian Impact Statement (BPIS) was submitted on April 22, 2015, and additional graphics and cost estimates were submitted July 9, 2015. This information fulfills the requirements of the "Transportation Review Guidelines, Part 2 2013." The BPIS Includes the following information, per the outlined review process on pages 9–13 of the "Guidelines." The pre-application meeting was held between the Transportation Planning Section and the applicant on December 24, 2014. The meeting reviewed the requirements of the "Transportation Review Guidelines, Part 2 2013," the required on- and off-site improvements, and the required finding of adequacy. Possible off-site improvements were discussed. At the time of the pre-application meeting, it was noted that the current pedestrian network is fragmented and that major roads provide barriers to pedestrian movement. Bicycle facilities and trails do not exist south of MD 214 in the vicinity of the subject site, although it should be noted that there is a network of existing trails in the Summerfield Community, including Summerfield Park northwest of this property. Both the Morgan Boulevard and Largo Town Center Metro Stations are beyond the half-mile walking radius from the subject site.

As noted above, the original BPIS was submitted in April and additional details were provided during the PPS review. A variety of off-site improvements are proffered which include sidewalk construction, provision of a bus shelter, and bicycle signage. Crosswalks with brick pavers, Americans with Disabilities Act (ADA) ramps, and pedestrian signals at the MD 214 and Hampton Park Boulevard intersection. The following items were proffered in the BPIS:

Item 1: MD 214 and Hampton Park Boulevard intersection (east, west and south legs)

- Brick pavers
- Mill existing pavement
- ADA ramps
- Pedestrian crossing signals

Item 2: Hampton Park Boulevard

- Share the Road signage

Item 3: Westbound MD 214, west of Hampton Park Boulevard

- Bus shelter installation

Item 4: Hampton Mall Drive North (in front of Home Depot)

- Concrete sidewalks
- ADA ramps

The cost estimate for these items was provided on July 8, 2015 with the total cost being estimated at \$204,677.00. This is close to the cap of \$235,150 for Phase 1, but does not appear to address the additional facilities required as part of the Phase 2 development. As noted the cap for Phase 2 is \$104,100.

The Planning Board recommends that the facilities included in the BPIS count for the Phase 1 development, and based on a review of the BPIS map recommends the following improvements be provided for Phase 2, subject to modification within the limits of Section 24-124.01 at the time of DSP.

Item 1: Hampton Overlook

- Standard sidewalk construction (794 linear feet) along the north side of the road between Hampton Park Boulevard and the existing sidewalk on Lot 9, Block F.

Item 2: Ashwood Drive

- Standard sidewalk construction (970 linear feet) along the north side of the road between Hampton Park Boulevard and the existing sidewalk on Lot 10, Block A.

Item 3: One bus shelter installation

- One bus shelter should be installed at a location determined by DPIE within one-half mile of the subject application

The cost estimate for the Phase 2 items listed above is \$65,280. This is based upon the \$20 per linear foot cost estimate used by the applicant for Phase 1 and the standard \$30,000 cost estimate recommended by DPIE for bus shelter installation. The total is well within the \$104,100 cost cap specified for the Phase 2 development.

Demonstrated nexus between the subject application and the off-site improvements

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. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (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.

Nexus

The Planning Board finds that there is a nexus between the subject application and the proffered Phase 1 off-site improvements. Item 1 will enhance the closest pedestrian crossing of MD 214 to the subject site, and enable the future residents and employees to access the commercial sites, park facilities, and bus stops on the north side of MD 214. These destinations include McDonalds, several bus stops (along MD 214 and Brightseat Road), and Summerfield Community Park. Item 2 will provide bikeway signage along Hampton Park Boulevard, which is the closest county bikeway to the subject site. While the signage is not a constructed physical improvements along the road, it will raise driver awareness to the likelihood of bicycle traffic along the road and is consistent with county policy regarding bicycle signage. Item 3 will provide a shelter at one of the closest bus stops to the subject site, enhancing the transit experience for the future residents and employees of the site. Item 4 is clearly linked to the subject application, as the proffered sidewalks along Hampton Mall Drive North will complete the sidewalks along that road from the subject site to Hampton Park Boulevard and provide a uniform and complete pedestrian streetscape from the public road off-site to the roads on-site.

The Phase 2 improvements were found to be well within the cost cap determined by Section 24-124.01(c) of the Subdivision Regulations. These improvements also have a nexus to the subject application, as Items 1 and 2 will complete two of the largest sidewalk gaps in the immediate vicinity of the subject site, better linking the future residents and employees with the surrounding land uses. And, Item 3 will provide a shelter at another of the bus stops serving the subject property. The most appropriate location for the bus shelter can be determined by the DPW&T Office of Transit at the time of the first DSP for Phase 2. Like the shelter proffered for Phase 1, this additional shelter will enhance the transit experience for the future residents and employees of the site.

Finding of Adequate Bicycle and Pedestrian Facilities

Section 24-124.01 of the Subdivision Regulations requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. This requirement is applicable to PPS within designated Centers and Corridors. The subject application is located within the Central Avenue Corridor, as depicted on the Adequate Public Facility Review Map of the *Plan Prince George's 2035 General Plan*. Section 24-124.01 of the Subdivision Regulations includes specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

Section 24-124.01(b) (1) and (2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project 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 include, at a minimum, 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; and**

The subject application will be providing a complete sidewalk network internal to the subject site and improving off-site sidewalk connections at several locations in the immediate vicinity of the subject site. The internal sidewalk network proposed by the applicant is comprehensive and will provide a much more complete sidewalk system than currently exists in the area. The off-site sidewalks proffered and proposed will provide crucial missing links in the immediate area.

- b. the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

The applicant’s proffered off-site improvements will improve the pedestrian crossing at MD 214 by providing crosswalks, ADA ramps and pedestrian signals. The bus shelter proffered will improve the experience for pedestrians at the bus stop closest to the subject site. The applicant’s on-site improvements will greatly improve the ability for pedestrians to walk across the site’s frontage of MD 214 and to traverse the site internally. Currently the site largely consists of surface parking, while the applicant is proposing a more formal road network with continuous sidewalks along both sides.

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

- a. **the degree to which 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;**
- 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;**
- 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**

MD 214 and Hampton Park Boulevard are currently constructed at the full master plan right-of-way as specified in the MPOT. No additional right-of-way or lanes are planned and the current curb-to curb space and lane configuration cannot accommodate bike lanes. Off-site bikeway signage is recommended along Hampton Park Boulevard consistent with DPIE policies and standards. MD 214 is currently signed for bicycles consistent with the SHA Bicycle Policy and Design Guidelines. Although full bike lanes cannot be provided at this time, if a road diet is implemented in the future (as is proposed for other segments of MD 214 inside the Capital Beltway), bike lanes or buffered bike lanes can be provided at that time. That is beyond the scope of the subject applicant and contingent upon SHA concurrence and funding. It should also be noted that SHA is currently evaluating the recommendations of a Pedestrian Road Safety Audit (PRSA) for MD 214 and will be implementing safety improvements for pedestrians and cyclists along some segments of the road inside the Beltway.

- 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.**

Bicycle racks and lockers are currently provided at both the Morgan Boulevard and Largo Town Center Metro Stations. Bicycle parking will be recommended internal to the subject site with the DSP.

Based on the proceeding findings, adequate bicycle and pedestrian facilities will exist if the application is approved with the appropriate proposed conditions.

9. **Transportation**—The submitted application pursuant to Section 24-113 of the Subdivision Regulations includes a request for variation to Section 24-121(a)(3) for direct access to an arterial

roadway (MD 214) as discussed further and is supported. The plan proposes access to all proposed parcels will be provided through a network of interconnected private access easements per Section 24-128(b)(9).

The property is located in the southwest quadrant of Central Avenue (MD 214) and the Capital Beltway (I-495/95) interchange. The site currently accesses destinations east, north, and south of the subject site via a limited but signalized driveway from MD 214, a master plan designated arterial roadway (A-32). For any destinations west of the subject site, the current access is via a private access easement agreement that extends 301.18 feet from the western limits of the subject property and terminated at the existing Hampton Mall Drive North, a county maintained industrial roadway (70-foot-wide). Both access locations are required to provide adequate access (Section 24-124).

Analysis of Traffic Impacts

The Planning Board recently approved the conceptual site plan (CSP) application for the subject site. To meet the adequacy requirement, a traffic study, dated December 2014, was provided, referred, and reviewed with the CSP application. Per the Section 24-124 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 1 2012" ("Guidelines") requirements, the required adequacy findings for the submitted PPS are similar to the recently made adequacy findings for the approved CSP application.

The findings and recommendations outlined below are based upon a review of the materials for the approved CSP, the PPS, and the analyses conducted by the Transportation Planning Section, consistent with the "Guidelines."

Initially the plan proposed replacing the existing 277,199 square feet shopping center (initially assumed as a 289,000 square feet center in the original traffic study) with a two-phase development consisting of 135,000 square feet of commercial retail uses, 125,000 square feet of office space, a 250-room hotel and 600 multifamily residential units. This mix of proposed uses is projected to generate 748 AM and 961 PM weekday peak-hour vehicle trips using the approved trip generation rates, internal trip discounts for mixed-use development, and reduction for pass-by-trips associated with retail uses as defined or augmented by the "Transportation Review Guidelines, Part 1 2012" (Guidelines).

The existing shopping center with 277,199 square feet is generating 174 AM and 712 PM weekday peak-hour vehicle trips, and for the purpose of the required adequacy findings, and per the "Guidelines," these numbers are deemed as site vested AM and PM weekday peak-hour vehicle trips.

On July 28, 2015, the applicant submitted a revised traffic study that is based on a different mix of uses for the subject site development than was used in the original traffic study submitted for review with the preliminary plan of subdivision. The revised mix of uses consists of 105,000 square feet of commercial retail, up to 70,000 square feet of medical office, 100,000 square feet of general office, a 250-room hotel and 348 multifamily residential units. This revised mix of uses is

projected to generate 760 AM and 991 PM weekday peak-hour vehicle trips using the approved trip generation rates, internal trip discounts for mixed-use development, and reduction for pass-by-trips associated with retail uses as defined by the “Guidelines.”

Internal trip discounts are to account for the capture of vehicle trips that will not be realized, or will not utilize the adjacent street network because of the proposed mix of land uses on the site.

Pursuant to recommended procedures outlined in the “Guidelines” for pass-by trips, the proposed development is projected to attract about 119, and 489 pass-by vehicle trips. The pass-by trips are vehicle trips made to a site (generally with commercial uses), from traffic already on adjacent streets with direct access to the subject site.

Finally, the net generated AM and PM vehicle trips are reduced by the existing AM and PM vehicle trips associated with the existing shopping center. The net new AM and PM peak-hour trips associated with total development as proposed by the submitted traffic study that are assigned to the street system for required determination of adequacy are shown in table below:

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Generated Trips - Proposed Development	405	343	748	455	506	961
Pass-by Trips – Proposed Development	42	24	66	125	130	255
Vested Trips – Existing Shopping Center	111	68	179	352	381	733
Pass-by Trips- Existing Shopping Center	74	45	119	235	254	489
Generated New Trips – Proposed development	294	275	569	103	125	228

The trip generation is estimated using trip rates in the “Guidelines.”

The traffic generated by the proposed plan would impact the following intersections:

- MD 214 & Off Ramp from I-95/495 NB (signalized)
- MD 214 & Off / On Ramps I-95/495 Southbound (signalized)
- MD 214 & Kingdom Shopping Center (subject site) (signalized)
- MD 214 & Brightseat Road/ Hampton Park Boulevard (signalized)
- MD 214 & Ritchie Road/ Garrett A Morgan Boulevard (signalized)
- Hampton Boulevard & Hampton Mall Drive (signalized)
- Hampton Boulevard & Ashwood Drive signalized)

The subject property is located within the Transportation Service Area (TSA), as defined in the *Plan Prince George’s 2035 Approved General Plan*. As such, the subject property is evaluated according to the 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 within any tier subject to meeting the geographical criteria in the “Guidelines.”

Unsignalized intersections: Using *The Highway Capacity Manual* procedure for unsignalized intersections, if no movements exceed 50.0 seconds of delay, the intersection is deemed to operate acceptably and the analysis is complete. For any movement within an unsignalized intersection with a delay exceeding 50 seconds, additional analyses are warranted which would lead to a “pass- fail” determination by staff.

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV), (AM & PM)		Level of Service, (LOS), (AM & PM)	
MD 214 & Off Ramp from I-95/495 NB	1,214	1,136	C	B
MD 214 & Off/ On Ramps I-95/495 Southbound	1,206	1,450	C	D
MD 214 & Kingdom Shopping Center	765	1,082	A	B
MD 214 & Brightseat Road/ Hampton Park Boulevard	1,059	1,313	B	D
MD 214 & Ritchie Road/ Garrett A. Morgan Boulevard	1,195	1,549	C	E
Hampton Boulevard & Hampton Mall Drive	506	804	A	A
Hampton Boulevard & Ashwood Drive	421	578	A	A

None of the critical intersections identified above are programmed for improvement with 100% 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.”

Background traffic has been developed for the study area using an extensive listing of approved developments in the area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV),(AM & PM)		Level of Service (LOS),(AM & PM)	
MD 214 & Off Ramp from I-95/495 NB	1,274	1,216	C	C
MD 214 & Off/ On Ramps I-95/495 Southbound	1,319	1,574	D	E
MD 214 & Kingdom Shopping Center	828	1,284	A	C
MD 214 & Brightseat Road/ Hampton Park Boulevard	1,171	1,517	C	E
MD 214 & Ritchie Road/ Garrett A. Morgan Boulevard	1,310	1,692	D	F
Hampton Boulevard & Hampton Mall Drive	537	906	A	A
Hampton Boulevard & Ashwood Drive	463	644	A	A

The following critical intersections, identified above, when analyzed with total future traffic as noted earlier using the "Guidelines," and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV), (AM & PM)		Level of Service (LOS), AM & PM)	
MD 214 & Off Ramp from I-95/495 NB	1,322	1,235	D	C
MD 214 & Off / On Ramps I-95/495 Southbound	1,386	1,587	D	E
MD 214 & Kingdom Shopping Center	955	1,294	A	C
MD 214 & Brightseat Road/ Hampton Park Boulevard	1,230	1,525	C	E
MD 214 & Ritchie Road/ Garrett A. Morgan Boulevard	1,334	1,704	D	F
Hampton Boulevard & Hampton Mall Drive	607	908	A	A
Hampton Boulevard & Ashwood Drive	513	651	A	A

Given these analyses, all of the study intersections operate at acceptable level of service in the morning and afternoon peak hours except for the intersection of MD 214 with Ritchie Road and Garrett A. Morgan Boulevard which is projected to operate unacceptably in the afternoon peak hour.

In response to the inadequacy at the MD 214/Ritchie Road/Garrett A. Morgan Boulevard intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the second criterion in the "Guidelines for Mitigation Action" (the portion of the Guidelines approved as CR-29-1994). In response to the reported inadequacy at this intersection, the applicant proposes the provision of dual left-turn lanes instead of the existing single left-turn lane along south leg (Ritchie Road) of the intersection. Due to the limited amount of available right of way along the northbound approach of Ritchie Road, the study proposes to remove the existing channelization islands on this approach, which would allow the construction of the needed second left-turn lane to take place. This would be a staged improvement occurring after all vested trips have been used.

The agency with jurisdiction for permitting the ultimate improvement (DPW&T), reviewed this proposal, and concurred with the recommendations. The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 214 and Ritchie Road/Garrett A Morgan Boulevard				
Background Conditions	D/1310	F/1692		
Total Traffic Conditions	D/1333	F/1701	N/A	+9
Total Traffic Conditions w/Mitigation	C/1284	F/1658	N/A	-43

The options for improving this intersection to LOS E, the policy level of service at this location, are very limited. Additional through-lanes along MD 214 through the intersection would not be effective nor maintain walkability in this corridor. The northern and southern legs of the intersection could be widened, but the traffic volumes are not sufficient to have a great effect on the overall CLV. Once again, extensive widening at this intersection is in conflict with the land use plans for the corridor, which envision a more walkable and multimodal corridor.

As the CLV at the critical intersection is between 1,600 and 1,813 during the PM peak hour, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the PM peak hour. The table indicates that the proposed mitigation action would mitigate 478 percent of the trips generated by the subject property in the PM peak hour. As the intersection operates at or better than LOS E during the PM peak hour, while mitigation would improve operations incrementally during the PM peak hour, the overall mitigation findings are not germane to the PM peak hour.

Therefore, the applicant's proposed mitigation at MD 5 and Ritchie Road/Garrett A. Morgan Boulevard meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

As noted earlier, the operating agency concurs with the mitigation that is proposed. Given past actions by the Planning Board regarding mitigation proposals in this area, this appears to be a circumstance in which the Planning Board would seriously consider the use of mitigation, and the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

The submitted plan shows access to the proposed site will be from an existing right-in right-out with a signalized left turn into the site from MD 214. There is no left-out of the site at this location, the required adequacy findings, noted above, contemplated an unrestricted availability of site access to the west using the existing common easement access road that is functioning as an extension of the Hampton Mall Drive North. The applicant and the applicant's heirs, successors and assignees shall not consent to or execute any termination, modification or amendment of the Access Easement Agreement (recorded in Liber 4412 Folio 256) which provides vehicular access to Hampton Mall Drive North without the prior written consent of the Maryland-National Capital Park and Planning Commission (M-NCPPC). Evidence of such written consent from M-NCPPC shall be recorded with any such termination, modification or amendment, if approved by the M-NCPPC. Such agreement as required with this PPS is offered by the applicant to address adequate transportation facilities and is independent of the Access Easement Agreement recorded in Liber 4412 Folio 256. Any future determination that would invalidate the offered restriction would jeopardize the ability of the applicant to develop the property as proposed, if the access easement were not to be in place.

The Planning Board recommends that the existing roadway entering the site from MD 214 be improved to a four lane divided access roadway with sidewalks on both sides.

As noted above, and because of the particular physical surroundings, shape, and existing access configurations the Planning Board supports the grating of the variation for direct access to an arterial road, pursuant to Section 24-113, and pursuant to 24-128 (b)(9) of the Subdivision Regulations, the use of access easements, as proposed, is appropriate due to safety concerns, and is set forth in the Variation Finding of this report.

The submitted plan correctly shows all needed rights-of-way for I-495/95, MD 214, and I-95/495 with MD 214 interchange have been previously dedicated or otherwise obtained, and no further right-of-way dedication is required of this plan.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations with conditions.

10. **Schools**—This PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and the following was determined:

Impact on Affected Public School Clusters
Multifamily Units

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Dwelling Units	600	600	600
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	71	32	44
Actual Enrollment	11,626	4,454	8,008
Total Enrollment	11,697	4,486	8,052
State Rated Capacity	14,216	5,518	9,389
Percent Capacity	82%	81%	86%

County Council Bill CB-31-2003 established a school facilities surcharge in the amount 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; 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 January 2010 *Approved Bowie State Marc Station Sector Plan and 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 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.

11. **Fire and Rescue**—The PPS was reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(C) through (E) of the Subdivision Regulations.

Residential and Nonresidential

Special Projects staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Kentland Fire and Emergency Medical Services (Fire/EMS), Company 33, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) 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 CB-56-2005.

12. **Police Facilities**—The subject property is located in Police District III, Palmer Park, Maryland.

Residential

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 Prince George's County Planning Department on April 9, 2015.

Reporting Cycle	Previous 12 Month	Emergency Calls	Nonemergency Calls
Acceptance Date 11/05/2014	10/2014-9/2013	6 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met November 13, 2014. 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 temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met November 13, 2014. 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 temporarily 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 latest population estimate is 890,081. Using the 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

13. **Water and Sewer Categories**—The 2008 *Water and Sewer Plan* designates Lot 8, Block H and Parcel E in Water and Sewer category 3, inside the sewer envelope, in the Developed Tier, and within Tier 1 of the Sustainable Growth Act. Water and sewer lines abut and traverse the properties. Water and sewer line extensions or an onsite system may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat. Therefore the development will be served by the public water and sewer systems.
14. **Health Department**—The Environmental Engineering/Policy Program has reviewed the preliminary plan of the subdivision for Hampton Park and has no comments.
15. **Use Conversion**—The subject application is proposing 600 multifamily dwelling units and 455,000 square feet of GFA for retail, office and commercial use in the M-X-T Zone. If a substantial revision to the mix of 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 will require approval of a new preliminary plan of subdivision prior to approval of any building permits.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George's County in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement (PUE) along all public rights-of-way as requested by the utility companies and will be required on the final plat prior to approval.

17. **Historic**—The proposed project will not impact any Prince George's County historic sites, historic resources, or archeological resources. However, the proposed project is located southeast across MD 214 from a Prince George's County Historic Site, Ridgeley Church and Cemetery (72-005, Parcel 99). The plan drawings should reflect the property's adjacency to a Prince George's County Historic Site, in addition to the current note on the plan. Due to the proximity of this property to the historic site, the detailed site plan may be reviewed for impacts by the Historic Preservation Commission (HPC).

There are no known archeological sites or resources that would be impacted by the proposed project. The Historic Site, Ridgeley Church (72-005), does contain an historic cemetery. Phase I archeological survey is not recommended in any of the proposed construction areas. There are no identified archeological resources in any of the proposed areas of construction.

18. **Environmental**—The Environmental Planning Section previously reviewed several development cases for the subject property including Special Exceptions and detailed site plans. A Detailed Site Plan (DSP-04002) to establish a Private School and Day Care Center for Children, in an existing structure in the C-S-C Zone, was approved by the Planning Board.

The conditions of approval can be found in PGCPB Resolution No. 05-01. A Detailed Site Plan (DSP-04002-01) to establish a freestanding restaurant (IHOP) in the C-S-C Zone was approved.

The zoning of this site was changed from C-S-C to M-X-T with the 2010 adoption of the *Subregion 4 Master Plan and Sectional Map Amendment*. Staff previously reviewed and approved a Natural Resources Inventory, NRI-191-14, on March 10, 2015. Conceptual Site Plan (CSP-14003) was approved by the Planning Board on May 21, 2015 (PGCPB Resolution No. 15-52).

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 which came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Site Description

This 24.55 acre site in the M-X-T Zone is located on the southwest quadrant of Central Avenue (MD 214) and the Capital Beltway (I-95/495) interchange. Central Avenue is classified as Arterial and the Capital Beltway is classified as a Freeway; both roadways are regulated for noise. The property is located within the Air Installation Compatible Use Zone (AICUZ) of the Joint Land Use Study (JLUS). No scenic or historic roads are mapped adjacent to the site. According to mapping research and as documented on the approved NRI, trapezoidal concrete stream channels exist on and adjacent to the site, and a jurisdictional open-water wetland is located off-site of the southeastern portion of the site. A majority of the site (23.05 acres of the 24.55-acre site) is located within a floodplain per stormwater concept approval (Stormwater Application No. 45614-2014). The PMA has been delineated to incorporate the floodplain. The site is located within the Southwest Branch drainage area within the Patuxent River watershed, as designated by the Department of the Environment (DoE). The site is fully developed and contains a high percentage

of impervious surfaces. No measurable woodland exists on site. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Urban Land – Collington Wist complex, and the Urban Land – Zekiah complex soils. Marlboro and Christiana clays are not mapped on or in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural (DNR) Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No Forest Interior Dwelling bird habitat (FIDs) is located on-site. According to the approved Countywide Green Infrastructure Plan, the site contains Regulated Areas and Network Gaps. The site is also located within Environmental Strategy Area 1 (formerly the Developed Tier) as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance

The master plan for this area is the June 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 comments on plan conformance.

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

See discussion under the Green Infrastructure Section.

Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.

No Special Conservation Areas have been identified on-site; however, the southern portion of the site part of a Primary Corridor as identified under the Green Infrastructure Section of the Subregion 4 Master Plan associated with the concrete stream channel. The protection and enhancement of this corridor should be a priority for this project, as discussed further in the Green Infrastructure review.

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

The Water Quality and Stormwater Management section of the Master Plan includes a map depicting the location of drainage problem areas and channelized streams (Map 7-2) and an associated chart which describes each specific problem area (Table 7-2). The subject site has been identified in the master plan as problem area 6 for flooding issues, inadequate tree cover, and noise. An approved stormwater concept was submitted with the subject application; however, final delineation of the floodplain and approval for building within the floodplain will be addressed by DPIE at time of the technical stormwater management review.

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

The site has an approved NRI that details existing conditions of the site. There is a Primary Management Area (PMA) comprised of floodplain which is associated with two channelized streams; one on the eastern portion of the site (Stream 1) and the other is located off-site on the south side of the property (Stream 2). No woodland subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO) exist; however, the subject site does contain heavily vegetated areas that contribute to the existing vegetated buffers of the channelized stream that should be retained. Based on a site visit, it is apparent that time has allowed these streams, particularly Stream 2, to function as a living ecosystem, despite the concrete foundation. This is evident in the area of vegetation that has grown from the sediment that has settled within both channels, as well as the canopy that has developed, which provides shade and cooling in some portions of the streams. These areas adjacent to the concrete stream channels would be considered the highest priority for preservation and planting if the site were subject to the WCO.

No stream restoration or mitigation is proposed as part of this application; however, the Planning Board has approved the recommendation that the existing on-site vegetation within the fenced areas of both channels remain undisturbed. Where necessary, enhancement planting should be installed along Stream 2. A similar buffer along the eastern portion of the property should be evaluated at time of Detailed Site Plan. These buffers will function for wildlife habitat corridor connectivity as recommended by the Subregion 4 Master Plan conformance and to meet the intent of the Green Infrastructure Master Plan.

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 project is for the redevelopment of existing impervious surfaces which must meet 50 percent water quality volume of the existing impervious area within the proposed disturbed area, and 100 percent of the water quality volume and channel protection volume for new impervious area using environmental site design practices. The approved concept shows the use of stormceptors and areas of micro-bioretenention which will ultimately drain into the concrete trapezoidal channels surrounding the property. The conditions of the approved stormwater concept require a floodplain delineation to be approved prior to technical approval and that the applicant is required to obtain a floodplain waiver from DPIE to develop within the 100-year floodplain.

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

See discussion under Policy 5 above.

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 project proposes commercial, hotel, office and residential land uses. The property is located within the JB Andrews Imaginary Runway Surface, but is not located within the JB Andrews noise contours.

The site fronts on Central Avenue (MD 214), which is classified as an Arterial, and the Capital Beltway (I-95/495) which is classified as a Freeway; both roadways are regulated for noise. Traffic generated noise was required to be addressed by a condition of the CSP approval. Noise is discussed further under the conditions of previous approvals. The required lot depth of 150 and 300 feet from MD 214 and the Capital Beltway are provided.

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

In the M-X-T Zone a detailed site plan (DSP) is required which will include architectural review and approval, and 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 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

This site is not within a TOD (transit-oriented development); however, it is a redevelopment site in the M-X-T Zone with a proposed hotel, commercial, office and residential uses. Circulation, walkability within the center and access to public transportation will be further reviewed at the time of DSP.

Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.

The subject property is not located in the Chesapeake Bay Critical Area (CBCA).

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

Subtitle 25, Division 3 requires the site provide a ten percent tree canopy coverage. However, the site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO). Compliance with the Tree Canopy Cover Ordinance (TCC) must be addressed at time of DSP and reflected on the landscape plan prior to approval.

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

See Policy 13.

Conformance with the Countywide Green Infrastructure Plan

According to the 2005 *Approved Countywide Green Infrastructure Plan*, there are Regulated Areas and Network Gap Areas on the subject property. Approximately 95 percent of the site is located in the Regulated Area due to the presence of floodplain associated with the channelized streams on the south and east of the site. The Network Gap Area is mapped at the site's existing entrance onto Central Avenue (MD 214).

The channelized streams on the south and east of the site are part of a larger Green Infrastructure and wildlife habitat corridor associated with the Southwest Branch. The Subregion 4 Master Plan maps the channel adjacent to the southern property line as a Primary Corridor. The site is located within the Southwest Branch drainage area within the Patuxent River watershed, as designated by the State Department of the Environment. This watershed is listed in the Green Infrastructure Plan as having "very poor" (the lowest possible rating) water quality for both habitat and benthic IBI (stream bottom) health. The Subregion 4 Master Plan states: "Connecting these corridors is critical to the long-term viability and preservation of the green infrastructure network and also will serve to preserve the region's water quality. Conservation and preservation of these corridors, particularly the headwater areas, will help to improve water quality downstream." The stream channel on the eastern portion of the site and the stream channel located adjacent to the site on the south are both concrete trapezoidal channels; planting along these channels to provide a habitat corridor connection where little currently exists must be provided.

Conformance with the Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement, Prince George's County Department of Health, Prince George's County Department of the Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Conditions of Approval from previous applications

The Conceptual Site Plan, CSP-14003, contained several environmental conditions of approval which can be found in PGCPB Resolution No. 15-52. The environmental issues to be addressed during the review of this PPS are addressed below. The respective conditions are in **BOLD** typeface, the associated comments are in plain text.

Conceptual Site Plan, CSP-14003

3. **Prior to approval of a preliminary plan of subdivision for the subject project, the following information shall be provided, or the issues shall be properly addressed as follows:**

- b. **A Phase I noise study prepared and signed by a professional engineer with competency in acoustical analysis shall be submitted. The report shall determine the exact location of the unmitigated 65 dBA Ldn noise contours (upper and lower level) and address any mitigation measures that may be needed so that outdoor activity areas remain at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.**

The site fronts on Central Avenue (MD 214), the on-ramp from MD 214 to the Capital Beltway, and the Capital Beltway (I-95/495). Central Avenue is classified as Arterial and the Capital Beltway is classified as a Freeway; both roadways are regulated for noise.

No noise study has been received to date; however, the 65 dBA Ldn noise contour generated by the Environmental Planning Section's noise model has been shown on the plan. The state standard requires that the day-night average (Ldn) be used for residential uses. The Environmental Planning Section's noise model indicates that the 65 dBA Ldn noise contours are located approximately 266 feet from the centerline of Central Avenue, 57 feet from the centerline of the on-ramp, and 1,059 feet from the centerline of the southbound lane of the Capital Beltway. The EPS model is limited to the generation of the 65 dBA Ldn noise contour only, and without a noise report prepared by a professional it is not possible to determine just how loud the traffic generated noise is at the locations where the residential buildings may be proposed. However, the applicant has indicated that the specific parcels proposed for residential are not finalized, and will be determined at the time of DSP.

A majority of the site will be negatively impacted by noise. The proposed site design currently shows the residential land uses along the noise corridor and the retail/ commercial uses behind. No variation for lot depth is required for this subdivision application because each proposed parcel

has a portion of the parcel beyond the 300-foot lot depth requirement along the Capital Beltway; however, the multi-family residential buildings within those parcels are proposed to be located closer than 300 feet.

Each parcel, or group of parcels, will require a Detailed Site Plan. Each Detailed Site Plan must demonstrate that interior noise levels of residential uses will be able to be mitigated at or below the state standard of 45 dBA Ldn and that all outdoor activity areas be below the state standard of 65 dBA Ldn. Because the buildings closest to the roadways will provide shielding for interior portions of the site, and because slight modifications to the building locations and/ or orientations may affect the noise levels on the rest of the site, each DSP must include a Phase II noise report that takes into consideration the entire site. A single noise report for the overall site will not be sufficient. Each Phase II noise report must be prepared and signed by a Professional Engineer with competency in acoustical analysis. Each report must address the location of the unmitigated upper and lower level 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn. Each DSP must show the unmitigated and mitigated upper and lower level noise contours.

d. Submit the approved stormwater management concept letter and plan.

An approved Stormwater Management Concept plan and approval letter (45614-2014-00) were submitted with the subject application. The approved concept shows the use of stormceptors and areas of micro-bioretenention which will ultimately drain into the concrete trapezoidal channels surrounding the property.

This site was originally developed prior to any stormwater regulations. The redevelopment of this site must meet 50 percent water quality volume of the existing impervious area within the proposed disturbed area, and 100 percent of the water quality volume and channel protection volume for new impervious area using environmental site design practices. The conditions of the approved concept require a floodplain delineation to be approved prior to technical approval and that the applicant is required to obtain a floodplain waiver from DPIE to develop within the 100-year floodplain.

Section 24-130 of the County Code requires the following with respect to stream, wetland, and water quality protection and stormwater management:

- (b) **The Planning Board shall require that proposed subdivisions conform to the following:**
- (1) **The plat shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.**
 - (2) **The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.**
 - (3) **The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plat approval.**
 - (4) **Where a property is partially or totally within an area covered by an adopted Watershed Plan, the plat shall conform to such plan.**

The approved stormwater concept plan is required to be designed in conformance with any approved Watershed Management Plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, and Section 172 Watershed Management Planning. As such, the requirements of Section 24-130(b)(4), which require that a subdivision be in conformance with any watershed management plan have been addressed with the approval of the stormwater concept plan by the County. No revisions are required for conformance with the approved Stormwater Management Concept.

Environmental Review

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

An approved Natural Resources Inventory was submitted with the application, NRI-191-14, which was approved on March 10, 2015. There is a Primary Management Area (PMA) comprised of floodplain located on-site. No woodland exists on the site and a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance has been issued. No revisions to the NRI are necessary.

The site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because although the property is greater than 40,000 square feet in size, it contains less than 10,000 square feet of existing woodland, and has no previously approved tree conservation plans. A Standard Letter of Exemption from the Woodland and Wildlife Habitat Conservation Ordinance has been issued and is valid until December 18, 2016. No further information concerning the Woodland and Wildlife Habitat Conservation Ordinance is needed at this time.

There is a Primary Management Area (PMA) comprised of floodplain. These Regulated Environmental Features are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized. The statement of justification must address how each impact has been avoided and/ or minimized.

A statement of justification was stamped as received by EPS on June 18, 2015, and reviewed as part of this application. The statement of justification and associated exhibits reflect two (2) proposed impacts to regulated environmental features associated with the proposed redevelopment. According to the approved NRI, the 24.55-acre site contains a total of 23.05 acres of existing PMA.

Impact 1—totals 0.13 acres (5,611 square feet) of proposed impacts to the PMA. The statement of justification indicates that this impact is for an access entry road into the site from Central Avenue and that it is necessary at the proposed location because no alternatives exist. Access to the site is constrained by channelized non-regulated streams on the south and north/ northeast. The proposed impact is necessary for improvements to an existing access road. The Planning Board approves of the impact for improvements to an existing access road.

Impact 2—totals 20.97 acres (913,346 square feet) and is for the general redevelopment of the site including all associated infrastructure. Because the site is already developed and because the proposed redevelopment will require stormwater management approval with the required floodplain controls, thus improving water quality over what exists on-site, staff supports this proposed impact; however, the extent of the impact should be limited to the existing fence where the existing vegetation along the two channelized streams begins. As discussed earlier, these vegetated areas are significant to the existing habitat and should remain undisturbed. During a site visit, staff noted that the existing off-site stream (Stream 2) which is supported by a wider vegetated buffer than Stream 1, appeared to be in excellent condition, as small fish were observed swimming downstream within the

channel. Although Stream 1 contains a high amount of algal bloom due to off-site stormwater entering the channel, the associated vegetated buffers should remain so that they continue to support the ecosystem that has developed to meet the recommendation as a wildlife habitat corridor as recommended for conformance with the Subregion 4 Master Plan and Green Infrastructure Master Plan conformance.

Planting in these areas may also serve stormwater management purposes. The Planning Board approves the proposed impact.

Based on the information submitted, The Planning Board approves of PMA impacts, and finds that the application adequately demonstrates the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible with conditions.

19. **Urban Design**—The subject Preliminary Plan of Subdivision proposes to re-subdivide approximately 24.55 acres of a portion of an existing shopping center known as Kingdom Square Shopping Center into ten parcels. This plan proposes the demolition of the existing buildings and the construction of mixed-use project including 600 multifamily dwelling units and 455,000 square feet of gross floor area (GFA) for commercial, office, and hotel with associated parking and other site improvements. The subject site is bounded to the east by the right-of-way of the Capital Beltway; to the north by the right-of-way of MD 214; to the west by the remaining part of the existing shopping center in the Commercial Shopping Center (C-S-C) Zone; and to the south by an existing industrial park known as Hampton Park in the Light Industrial (I-1) Zone. The lot in Hampton Park, directly adjacent to the subject site, is used for warehousing purposes.

Conformance with the Requirements of the Zoning Ordinance

In accordance with Section 27-547(d), the required mix of uses for sites in the M-X-T Zone is as follows:

- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) **Retail businesses;**
- (2) **Office, research, or industrial uses;**
- (3) **Dwellings, hotel, or motel.**

In accordance with Section 27-546 (a), a Conceptual Site Plan and a Detailed Site Plan shall be approved for all uses and improvements, in accordance with Part 3, Division 9, of the Zoning

Ordinance. The site has a recently approved CSP. A detailed site plan must be approved for the proposed development prior to issuance of any permits.

On May 21, 2015, the Planning Board approved Conceptual Site Plan CSP-14003 for this site with four conditions. The resolution for approval of CSP-14003 has not been adopted yet. However, there are two conditions that are relevant to the review of this preliminary plan of subdivision as follows:

3. **Prior to approval of a preliminary plan of subdivision for the subject project, the following information shall be provided, or the issues shall be properly addressed as follows:**
 - a. **A complete internal pedestrian network, pedestrian safety features/locations, and additional neighborhood connections shall be identified.**
 - b. **The access from the remaining portion of the shopping center to the west shall be designed in the same fashion in terms of width and layout as the access from Central Avenue (MD 214).**
 - c. **A Phase I noise study prepared and signed by a professional engineer with competency in acoustical analysis shall be submitted. The report shall determine the exact location of the unmitigated 65 dBA Ldn noise contours (upper and lower level) and address any mitigation measures that may be needed so that outdoor activity areas remain at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.**
 - d. **Appropriate bicycle improvements along the site's frontage of MD 214 will be determined at the time of Preliminary Plan in consultation with the Maryland State Highway Administration pursuant to Section 24-124.01 of the Subdivision Regulations and the Transportation Review Guidelines – Part 2.**
 - e. **Submit the approved stormwater concept letter and plan.**
4. **Prior to the issuance of any building permit within the subject property for development above the levels that generate more than the existing 400 AM and 500 PM peak vehicle-hour trips, using the approved trip generation rates as defined or augmented by the *Guidelines*, the following road improvements shall have (a) full financial assurance through either private money or full funding in the Maryland Department of Transportation "consolidated Transportation Program" or the Prince George's County "Capital Improvement Program," (b) have been permitted for construction through the operating agency's permitting process, and (c) have been an agreed-upon timetable for construction with the appropriate operating agency:**

- a. **The provision of a dual left-turn lanes instead of the existing (vested) single left-turn lane along south leg (Ritchie-Road), per the County and /or Maryland SHA Standards and the provision of all necessary traffic signal modification including provision of pedestrian signal on all approaches.**

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Conformance with the landscaping requirements for the subject site will be evaluated at time of DSP review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is zoned M-X-T and is required to provide a minimum of ten percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be further evaluated at the time of DSP review.

20. **Variation for access onto an Arterial**—The subject property has frontage on and proposes to retain direct access onto Central Avenue (MD 214) which is classified as an arterial road in the 2010 *Subregion 4 Master Plan and Sectional Map Amendment*. The Subdivision Regulations restricts direct vehicular access to an arterial facility, and requires that the subdivision be designed with alternatives (Section 24-121(a)(3)). There is an existing entrance that serves the existing retail and is proposed to remain in use with the development proposal. A variation request to retain this existing direct access onto Central Avenue was submitted for review and is supported by staff to continue the use of this existing condition.

Section 24-121(a)(3) requires the following:

When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road.

The existing retail development fronts on and has direct access to Central Avenue, a Master Plan arterial roadway, which is signalized but is not a full access movement. This existing entrance will remain to serve the future development with limited improvements.

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 existing access location which is supported by SHA. This entrance is signalized and operating safely.

- (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;**

This request is not applicable to other properties because it validates an existing entrance that was permitted with the existing retail development.

- (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. This request validates an existing signalized entrance that was permitted with the existing retail development, and permitted by the operating agency.

- (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.**

This existing signalized entrance was designed, permitted and has been in operation for many years. It would cause a hardship for the owner of the retail center if this variation was not granted because this entrance is needed to support the capacity of the development proposal. As proposed, both MD 214 and the easement serving as Hampton Mall Drive North extended are required for adequacy. If access is denied, the applicant could not develop the site as proposed. The proposal is consistent with the M-X-T Zone.

Based on the proceeding findings, the Planning Board approves of a variation from Section 24-121(a)(3) for one direct access onto Central Avenue for the continues use of the existing site entrance, and the authorization to utilize a Section 24-128(b)(9) access easement to serve each

parcel.

21. **Vehicular Access Easement**—Each parcel shall have frontage on and direct access to the authorized vehicular access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulation. Because this PPS is anticipated to be platted in phases, the exact location of the access easement will be reflected on each DSP prior to approval, and provide for the orderly extension to serve each “lot.” As the project is platted sequentially, the access easement must be recorded in land records as it is extended into the site to serve each “lot.” Each record plat for each parcel must reflect the easement location and the liber and folio of the vehicular access easement prior to recordation. This may require multiple easement amendments to be reviewed and recorded, beyond the first vehicular access easement as it is extended into the site.

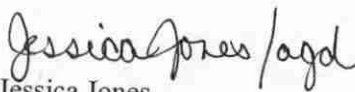
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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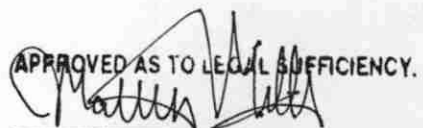
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion with Commissioner Washington absent at its regular meeting held on Thursday, July 30, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 10th day of September 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SN:ydw

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department
Date 9/2/15