



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 19-32(A)

File No. 4-18007

A M E N D E D R E S O L U T I O N

WHEREAS, Woodmore Overlook, LLC is the owner of an 18.33-acre parcel of land known as Outparcel A, Addison King Subdivision, recorded in Plat Book VJ 187-40, and Parcel 27 recorded in Prince George's County Land Records, in Liber 40521 folio 497, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on December 18, 2018, Woodmore Overlook, LLC filed an application for approval of a Preliminary Plan of Subdivision for six parcels and one outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18007 for Woodmore Overlook Commercial 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 March 7, 2019, 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 March 7, 2019, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on November 21, 2019, the Planning Board approved a waiver of the Planning Board Rules of Procedure; and

*WHEREAS, by letter dated December 31, 2019, the applicant requested a reconsideration of Condition 6(a) and 6(b) and Finding 10 relating to transportation; and

*WHEREAS, on February 13, 2020, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

*WHEREAS, on April 16, 2020, the Planning Board heard testimony regarding the reconsideration; and

*Denotes 2020 Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

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 Type 1 Tree Conservation Plan TCP1-001-11-03, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-18007, including a Variation from Section 24-122(a), for six parcels and one outparcel with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
 - a. Revise General Note 1 to provide the correct recording reference for Outparcel A.
 - b. Revise General Notes 5 and 12 and the zoning map detail acreage from "19.98 acres" to "18.33 acres."
 - c. Delete General Note 8.
 - d. Revise General Note 12(b) and the Parcel Area Summary Table to provide the correct floor area ratio.
 - e. Revise General Note 20 to provide the correct proposed nonresidential gross floor area.
 - f. Provide the Liber/folio for the roadway dedication along MD 202 (Landover Road).
 - g. Show a 10-foot-wide public utility easement along the site's frontage of Ruby Lockhart Boulevard.
 - h. Revise General Note 12 and 20, and the parcel area summary table to reflect the square footage of commercial development proposed.
2. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 38393-2018-0 and any subsequent revisions.
3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, and Zoning Map Amendment A-10020-C, the applicant shall provide the following:
 - a. An eight-foot-wide, shared-use side path, or wide sidewalk along the site's entire frontage of MD 202 (Landover Road), unless modified by the Maryland State Highway Administration.
 - b. Standard sidewalks along both sides of Grand Way Boulevard, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation.

- c. An eight-foot-wide sidewalk along the subject site's entire frontage of Ruby Lockhart Boulevard, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation.
 - d. Sidewalk access shall be provided from the public rights-of-way to building entrances. Internal sidewalk access will be evaluated at the time of detailed site plan.
4. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall include a note on the final plat indicating that a variation from Section 24-122(a) of the Subdivision Regulations is approved for the location of public utility easements along MD 202 (Landover Road), pursuant to the approved preliminary plan of subdivision.
5. Total development within the subject property shall be limited to uses which generate no more than 364 AM and 347 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.
6. Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians):
- a. MD 202 at Lottsford Road: ~~*[Convert the existing eastbound right turn lane to a shared through/right turn lane]~~ Construct an additional southbound left-turn lane (to create a triple left-turn lane) from MD 202 onto eastbound Lottsford Road, along with necessary signal modifications to support the triple left turn.
 - ~~*[b. Lottsford Road at Campus Way North: Provide a second, southbound, left turn lane along Campus Way.]~~
 - ~~*[e.]~~b. I-310/Grand Way Boulevard: Construct the entire roadway between MD 202 and Ruby Lockhart Boulevard within the dedicated right-of-way to County standards.
7. Prior to approval of the initial commercial detailed site plan, the applicant shall submit an acceptable traffic signal warrant study to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Ruby Lockhart Drive and the commercial access. The applicant shall utilize a new 12-hour count and shall analyze

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[Brackets] and ~~strike through~~ indicate deleted language

signal warrants under total future traffic, as well as existing traffic, at the direction of DPW&T. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPIE/DPW&T prior to release of any building permits under Phase II, and complete installation at a time when directed by DPIE/DPW&T.

8. Final plats shall include a plat note indicating no direct driveway access between this site and MD 202 (Landover Road).
9. The applicant and the applicant's heirs, successors, and/or assignees shall provide private on-site recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*. At the time of detailed site plan, the type and siting of the facilities shall be determined, including appropriate triggers for construction.
10. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site, for approval prior to submission of final plats for any parcels containing residential development. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber folio indicated on the plat prior to recordation.
11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-11-03). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-11-03), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
12. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

13. Prior to approval of the preliminary plan of subdivision (PPS), the approved stormwater management concept plan and letter for the current proposal shall be correctly reflected on the Type 1 tree conservation plan and the PPS.
14. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
15. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public rights-of-way of Grand Way Boulevard and Ruby Lockhart Boulevard.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located in the northwest quadrant of the intersection of MD 202 (Landover Road) and Lottsford Road. This preliminary plan of subdivision (PPS) includes Outparcel A, Addison King Subdivision, recorded in Plat Book VJ 187-40, and Parcel 27 recorded in Prince George's County Land Records, in Liber 40521 folio 497. The plan contains 6 parcels and 1 outparcel for a mixed-use development including 32,930 square feet of commercial development and 164 multifamily dwelling units.

Grand Way Boulevard, an unimproved roadway, bisects Parcel 27 and was conveyed to Prince George's County via deed Liber 41329 folio 467, recorded on September 20, 2018. The parcels approved in this application are to be accessed via Grand Way Boulevard. Outparcel 1 has no development or access.

Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along the public road right-of-way. A variation was approved for the location of the PUE along MD 202, as discussed further.

A variance to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) was approved for the removal of one specimen tree, as discussed further.

3. **Setting**—The property is located on Tax Map 60 in Grids E-3 and E-4 in Planning Area 73 and is zoned Mixed Use-Transportation Oriented (M-X-T). The subject property is bounded to the northeast by Ruby Lockhart Boulevard, to the south by MD 202, and to the southeast by

Lottsford Road. Adjacent property to the east is zoned Planned Industrial/Employment Park (I-3) and is developed with an institutional use. Adjacent property to the west is vacant and zoned M-X-T, as well as the property to the northeast beyond Ruby Lockhart Boulevard.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Residential/Commercial
Acreage	18.33	18.33
Gross Floor Area	0	32,930
Dwelling Units	0	164
Parcels	1	6
Outparcels	1	1
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	Yes Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on January 11, 2019. The requested variation from Section 24-122(a) was accepted on December 18, 2018, and heard at the SDRC meeting on January 11, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site is subject to Zoning Map Amendment (ZMA) A-10020-C, which was approved by the Prince George's County District Council on July 12, 2010 (Zoning Ordinance No. 6-2010). The ZMA rezoned 45.93 acres, located north and south of Ruby Lockhart Boulevard, which included Parcel 27 and Outparcel A, from the I-3 Zone to the M-X-T Zone, with 11 conditions.

The following conditions in **boldface** type are applicable to this PPS, followed by the findings of the Planning Board:

1. **The applicant shall observe these recommendations [should be observed] during the preparation and review of the Conceptual Site Plan (CSP):**
 - a. **The site plan shall provide adequate open space at the perimeter, as determined by the Urban Design Section, to serve as a buffer between the project and adjacent lower-density residential development and the church.**
 - b. **Wherever possible, living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a**

continuous system of pedestrian walkways and bike trails utilizing the open space network.

- c. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas, particularly those interfaces with the multifamily buildings in Phase 1 and that adjoining the church in Phase 2.**

This issue will be further evaluated at the time of detailed site plan (DSP) when full site details are provided; however, the submitted tree conservation plan (TCP) shows a buffer between the proposed development and the adjacent church to the east.

- 2. All future submissions for development activities on the subject property shall contain the following:**

- a. A signed Natural Resources Inventory (NRI).**

- b. A Tree Conservation Plan that covers the entire subject property.**

The above condition has been addressed. A Natural Resources Inventory, NRI-010-10-03, was approved and signed on March 6, 2018. A Type 1 Tree Conservation Plan, TCP1-001-11-03, was submitted with this PPS, has been reviewed, and is discussed further.

- 3. At the time of CSP review, the Applicant and staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreational facilities, fees, or donations to meet the future needs of the residents of the planned retirement community.**

Conformance to Condition 3 was evaluated at the time of conceptual site plan (CSP). A planned retirement community is no longer being proposed. The area south of Ruby Lockhart Boulevard was not contemplated for residential development at the time of CSP; therefore, the mandatory dedication for this section will stand on its own based on the proposed residential density. The required findings for adequate recreational facilities for this PPS, pursuant to Subtitle 24 of the Prince George's County Code, are being met with private on-site recreational facilities.

- 4. The Conceptual Site Plan shall show right-of-way along I-308 (Ruby Lockhart Boulevard) and I-310 (the ramp/roadway linking Ruby Lockhart Boulevard and MD 202) consistent with Master Plan recommendations. This right-of-way shall be shown for dedication at the time of Preliminary Plan of Subdivision.**

This condition requires that the right-of-way for the I-308 and the I-310 facilities be shown on the CSP and shall be shown for dedication on the PPS. Both facilities are adequately shown on the submitted plan.

- 5.a. Total development within the subject property shall be limited to uses which generate no more than 514 AM and 963 PM peak-hour vehicle trips. Any development generating a greater impact shall require an amendment of conditions with a new determination of the adequacy of transportation facilities.**

This subdivision, in combination with PPS 4-16019, is within the trip cap established with this condition.

- 5.b. The applicant shall make these improvements:**

- (1) MD 202 at Saint Josephs Drive—Provide a third southbound left-turn lane along the southbound MD 202 approach.**
- (2) MD 202 at Lottsford Road—(i) Convert the existing eastbound right-turn lane to a shared through/right-turn lane; (ii) Convert the westbound shared through/left turn lane to left-turn only (maintaining two (2) through lanes and two (2) left-turn lanes; (iii) Change the existing split-signal phasing to concurrent phasing on the Lottsford Road approaches; and (iv) Modify the median and signals accordingly, as required by the operating agency.**
- (3) Lottsford Road at Campus Way North- Provide a second southbound left turn-lane along Campus Way.**

This condition requires physical improvements at three locations within the study area. This condition is enforceable at the time of the first commercial building permit. It is noted that the conditioned improvements at MD 202 and Saint Josephs Drive have been constructed by others and that the conditioned improvements at MD 202 and Lottsford Road are to be amended pursuant to Section 27-213(a)(3)(B) of the Prince George's County Zoning Ordinance.

- 6. All required transportation facility improvements shall be determined at the time of subdivision approval.**

This condition affirms that the needed transportation improvements shall be determined at the time of subdivision approval, and that is done herein.

- 7. Prior to the issuance of any commercial building permits within the subject property under Phase II, all required road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.**

The instant application is Phase II of the development approved with A-10020-C. This condition sets bonding and permitting requirements for needed roadway improvements. This condition is not yet applicable and will be enforced in the future.

8. **Prior to the approval of the initial Detailed Site Plan, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Lottsford Road and Ruby Lockhart Boulevard/Palmetto Drive. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T. Such installation shall also include the restriping and/or minor widening of the northbound Palmetto Drive approach to provide two approach lanes to the intersection.**

This condition requires submittal of a signal warrant study at the time of the initial DSP at Lottsford Road at Ruby Lockhart Boulevard/Palmetto Drive. That signal has been studied, determined to be warranted, and has been bonded and permitted by the County for installation.

9. **Prior to the approval of the initial commercial Detailed Site Plan under Phase II, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Ruby Lockhart Drive and the commercial access. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any commercial building permits under Phase II, and complete installation at a time when directed by DPW&T.**

This condition requires submittal of a signal warrant study at the time of the initial commercial DSP for Ruby Lockhart Drive and the commercial access. Given that the current review is for a subdivision plan, this condition is not yet applicable, and is being conditioned with this plan for enforcement in the future.

10. **There shall be no direct driveway access between the subject property and Landover Road (MD 202).**

This condition requires that there be no direct driveway access between the site and MD 202. No such access is shown on the plan; the sole access is by means of

Grand Way Boulevard. Nevertheless, a condition requiring a plat note is included in this approval.

- 11. The Applicant shall provide eight-foot-wide sidewalks and designated bike lanes along both sides of the subject site's portion of Ruby Lockhart Boulevard (consistent with approvals for the Woodmore Town Center), unless modified by DPW&T.**

The applicant noted at the time of SDRC that the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and the Prince George's County Department of Public Works and Transportation (DPW&T) is requiring striping for designated bike lanes along Ruby Lockhart Boulevard and Grand Way Boulevard, consistent with the recommendation above. The submitted plans reflect five-foot-wide sidewalks along the site's frontage of Ruby Lockhart Boulevard. Plans shall be revised to include an eight-foot-wide sidewalk along the site's frontage, per Condition 11, unless modified by DPIE/DPW&T.

The property is the subject of Conceptual Site Plan CSP-10004 (PGCPB Resolution No. 11-116), approved for a two-phase, mixed-used residential and commercial development by the Prince George's County Planning Board on December 8, 2011. Subsequently, the District Council approved the CSP on March 26, 2012, subject to 11 conditions. The CSP was approved for 404,000 square feet of retail and commercial development. The following conditions in **boldface** type from CSP-10004 are applicable to the review of this PPS:

- 4. At time of detailed site plan the private on-site recreational facilities shall be reviewed. The following issues shall be addressed:**
 - a. The applicant shall provide a list of proposed private recreational facilities and their cost estimates.**
 - b. The minimum size of the community building and the timing of its construction shall be determined.**
 - c. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

The PPS will meet the mandatory park dedication requirement with private on-site facilities. The requirement of private on-site recreational facilities is discussed further in the Parks and Recreation finding. Further conformance with this condition will be determined at the time of DSP when details of specific facilities are provided.

- 5. The developer, his successor and/or assigns shall contribute a lump sum payment of a \$165,000 to M-NCPPC for the development of recreational facilities in the local**

area. The fee payment shall be paid prior to the recordation of the record plat to Park Community CG, Account Code 840702.

The requirement of payment of this fee was removed via the District Council's approval of DSP-16025 on July 10, 2018, which amended the CSP, as allowed pursuant to Section 27-282(g) of the Zoning Ordinance. The required findings for adequate recreational facilities for this PPS, pursuant to Subtitle 24, are being met with private on-site recreational facilities.

- 6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition must be addressed prior to issuance of any permits with proposed impacts to wetlands, wetland buffers, and streams.

The site is subject to a previous PPS 4-10022 (PGCPB Resolution No. 12-13), approved on February 23, 2012, by the Planning Board, for 2 parcels and 1 outparcel on 45.93 acres, for a mixed-use development of 210 dwelling units for senior housing and 404,000 square feet of office space. The subject property is a portion (18.33 acres) of PPS 4-10022, located south of Ruby Lockhart Boulevard, which was previously approved for office development. The remaining area included in PPS 4-10022, is located north of Ruby Lockhart Boulevard, and was resubdivided via PPS 4-16019 for market-rate townhouse development. This PPS (4-18007) will supersede the previous PPS for the subject site.

- 6. Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities area. The vision for the Established Communities area is to accommodate context-sensitive infill and low- to medium-density development.

The 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* (Largo-Lottsford Master Plan and SMA) recommends employment land uses on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application is not required to conform to the employment land use recommendation of the master plan because the District Council approved ZMA A-10020, which changed the zoning from the I-3 Zone to the M-X-T Zone in 2010. Subsequently the Planning Board approved Conceptual Site Plan CSP-10004 on December 8, 2011, for a mixed-use office and residential development.

- 7. Stormwater Management**—Stormwater Management (SWM) Concept Plan 38393-2018-0 was approved for this site on January 24, 2019, which includes 44 micro-bioretenement areas, a bioswale, and an underground facility. Development must be in conformance with the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.

8. **Parks and Recreation**—The PPS has been reviewed and evaluated for conformance with the requirements and regulations of the Largo-Lottsford Master Plan and SMA, the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, the Subdivision Regulations, the conditions associated with the rezoning for the property (A-10020), and Conceptual Site Plan CSP-10004, as they pertain to public parks and recreation.

The subject development is comprised of 18.33 acres of land and is zoned M-X-T. The subject property does not abut any Maryland-National Capital Park and Planning Commission (M-NCCPC) property, but is in the vicinity of Regent Forest Community Park (0.75 mile to the northeast) and Woodmore Town Center Park (0.5 mile to the west).

The current PPS plan subdivides the property into six parcels and one outparcel, with one parcel to be used for residential development and the remaining parcels to be used for commercial-type uses.

Based on the information provided, the plans indicate that the residential parcel is 9.57 acres in size and will be developed with 164 multifamily residential units. Section 24-134 of the Subdivision Regulations requires mandatory dedication of parkland on all residential subdivisions. The mandatory dedication requirement for this development is approximately 1.44 acres. However, mandatory dedication of parkland is not recommended due the size, shape, and utility of the land to be dedicated.

It has been determined that, per Section 24-135(b) of the Subdivision Regulations, the mandatory dedication requirements can be met by the provision of on-site private recreational facilities. The applicant has provided a list of proposed on-site recreational facilities, which include a swimming pool, a club room, an indoor game room, a fitness facility, an outdoor pavilion (for cooking and entertainment), a fire pit, and bike racks. The on-site recreation facilities package shall be reviewed and approved at time of the DSP for this project.

The Planning Board finds that the provision of on-site private recreational facilities will address the recreational needs of the future residents of this development.

9. **Trails**—This PPS has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Largo-Lottsford Master Plan and SMA, in order to implement planned trails, bikeways, and pedestrian improvements. The submitted subdivision plan includes six parcels with commercial and multifamily residential uses. Because the site is not within a designated center or corridor, it is not subject to Section 24-124.01 (Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors) of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.”

Two master plan trails impact the subject site. A shared-use side path is recommended along MD 202 and a shared-used side path and designated bike lanes are recommended along Lottsford Road. The MPOT includes the following text regarding this master plan trail:

Lottsford Road Shared-Use Side path: This planned facility has been implemented as a wide sidewalk along some frontages. On-road bicycle facilities should be considered as road improvements occur. (MPOT, page 26).

This facility has been implemented along the frontage of the subject site as a decorative wide sidewalk. The sidewalk is concrete with decorative brick edges and appears to be six feet wide. DPW&T is also considering designated bike lanes along the road as part of future road resurfacing/restriping.

The Complete Streets section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

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

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

Sidewalks are required along all road frontages, consistent with these policies. Sidewalk access is also required from the public rights-of-way to all building entrances. The sidewalk network will be evaluated in more detail at the time of DSP. The applicant noted, at the time of SDRC, that DPIE/DPW&T is requiring striping for designated bike lanes along Ruby Lockhart Boulevard and Grand Way Boulevard. The sidewalks and bike lanes along Ruby Lockhart Boulevard will connect the site with Woodmore Town Center.

DPW&T is currently implementing Capital Bikeshare in the vicinity of the subject site. Three bikeshare stations have been implemented in Largo and more stations are planned in the immediate vicinity. Bikeshare may be an appropriate on-site amenity for some of the uses proposed and should be considered as an on-site amenity at the time of DSP.

Bike parking is appropriate at the commercial and multifamily buildings. The location and type of bike parking can be determined at the time of DSP.

10. **Transportation**—This PPS is within an area of a previously approved PPS for Parcel B of King Property, PPS 4-10022. King Property has an approved PPS for Parcel A (residential Phase I) and Parcel B (nonresidential Phase II), with a total trip cap for both Parcels of 514 trips during the AM peak-hour and 963 trips during the PM peak-hour. However, Parcel A recently obtained an approved PPS (4-16019) for 215 townhouse residences, which contains a separate trip cap.

It is noted that the development of this site is within the overall trip cap for PPS 4-10022. The traffic study is required because the proposal is more than 50 peak-hour trips. While the underlying PPS 4-10022 remains a valid plan at this time, the subject application is a new PPS

which requires new findings based on current data and analyses. The traffic study was referred to DPW&T/DPIE, as well as the Maryland State Highway Administration (SHA).

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

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

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (1) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (2) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds; (3) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (1) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (2) if delay exceeds 50 seconds, the CLV is computed.

Analysis of Traffic Impacts

The application is a PPS for a mixed-use subdivision. The table below summarizes trip generation in each peak-hour that will be used in reviewing the trip cap for the site:

Trip Generation Summary: 4-18007: Woodmore Overlook Commercial								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Existing Trip Cap from PPS 4-10022			--	--	514	--	--	963
Proposal								
Medical Office	20,000	square feet	46	11	57	24	52	76
Fast Food Restaurant	4,774	square feet	111	106	217	81	75	156
Less Internal (10 percent)			-11	-11	-22	-8	-8	-16
Less Pass-By (49/50 percent of net AM/PM)			-49	-47	-96	-37	-34	-71
Net Trips for Fast Food Restaurant			51	48	99	36	33	69
Drive-In Bank	3,002	square feet	17	12	29	30	31	61
Less Internal (10 percent)			-2	-1	-3	-3	-3	-6
Less Pass-By (40/49 percent of net AM/PM)			-6	-4	-10	-13	-14	-27
Net Trips for Drive-In Bank			9	7	16	14	14	28

Super Gas Station and Convenience Store	5,154	square feet	214	215	429	178	179	357
Less Internal (10 percent)			-21	-22	-43	-18	-18	-36
Less Pass-By (63/66 percent of net AM/PM)			-135	-135	-270	-117	-118	-235
Net Trips for Super Gas Station/Store			58	58	116	43	43	86
Apartments	164	units	17	68	85	64	34	98
Less Internal (10 percent)			-2	-7	-9	-7	-3	-10
Net Trips for Apartments			15	61	76	57	31	88
Total Proposed Trips			179	185	364	174	173	347

The traffic generated by the PPS would impact the following intersections, interchanges, and links in the transportation system:

- MD 202 at McCormick Drive/Saint Josephs Drive (signalized)
- MD 202 at Lottsford Road (signalized)
- Lottsford Road at Ruby Lockhart Boulevard/Palmetto Drive (unsignalized)
- Lottsford Road at Campus Way (signalized)
- Ruby Lockhart Boulevard at Saint Josephs Drive (future/signalized)
- MD 202 at commercial site access (future/unsignalized)

Two points are noted. The intersection of Lottsford Road at Ruby Lockhart Boulevard/Palmetto Drive is currently unsignalized. A signal warrant study was previously conducted at this location, and that study concluded that a signal is warranted. As a result, Prince George's County has approved the construction of a signal at this location. Therefore, this intersection was evaluated as signalized for the purposes of this analysis. Also, for informational purposes, the intersection of Ruby Lockhart Boulevard and commercial site access is included in the table below; it was not included in the traffic study because the intersection does not yet exist.

Existing Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 at McCormick Drive/Saint Josephs Drive	1,009	1,223	B	C
MD 202 at Lottsford Road	1,016	1,192	B	C
Lottsford Rd at Ruby Lockhart Blvd/Palmetto Dr	777	627	A	A
Lottsford Road at Campus Way	899	882	A	A
Saint Josephs Drive at Ruby Lockhart Boulevard	389	919	A	A
MD 202 at commercial site access	Future			
Ruby Lockhart Boulevard at commercial site access	Future			

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

***Reconsideration**

On November 21, 2019 and February 13, 2020, the Planning Board respectively granted the applicant’s request for a waiver of the Planning Board’s Rules of Procedures (Section 10) and a reconsideration based on other good cause in furtherance of substantial public interest. A hearing on the merits of the reconsideration was held on April 16, 2020, which examined supporting evidence relative to the reconsideration of Condition 6(a) and (b), and the associated findings, for transportation improvements required. The Planning Board found that adequate transportation facilities will exist to serve the proposed development, as required under Section 24-124 of the Subdivision Regulations, approved the reconsideration and adopted the amended findings and conditions contained herein.

Background Traffic

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George’s County Capital Improvement Program. Background traffic has been developed for the study area using 11 approved, but unbuilt, developments within the study area. These developments include *only the residential portion of the *[entire] King Property site approved as PPS 4-10022*[, given that this plan is a prior approved and unexpired PPS]. *The commercial portion of PPS 4-10022 will be replaced by this plan. A 0.5 percent annual growth rate for a period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

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BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 at McCormick Drive/Saint Josephs Drive	* 1,439 <u>1,255</u>	* 1,822 <u>1,588</u>	* D <u>C</u>	* F <u>E</u>
MD 202 at Lottsford Road	* 1,301 <u>1,312</u>	* 1,617 <u>1,547</u>	D	* F <u>E</u>
Lottsford Rd at Ruby Lockhart Blvd/Palmetto Dr	* 1,243 <u>1,057</u>	* 956 <u>1,024</u>	* C <u>B</u>	* A <u>B</u>
Lottsford Road at Campus Way	* 1,240 <u>1,174</u>	* 1,499 <u>1,353</u>	C	* E <u>D</u>
Saint Josephs Drive at Ruby Lockhart Boulevard	* 816 <u>730</u>	* 1,396 <u>1,376</u>	A	D
MD 202 at commercial site access	Future			
Ruby Lockhart Boulevard at commercial site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				
BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 at McCormick Drive/Saint Josephs Drive	1,439	1,822	D	F
MD 202 at Lottsford Road	1,301	1,617	D	F
Lottsford Rd at Ruby Lockhart Blvd/Palmetto Dr	1,243	956	C	A
Lottsford Road at Campus Way	1,240	1,499	C	E
Saint Josephs Drive at Ruby Lockhart Boulevard	816	1,396	A	D
MD 202 at commercial site access	Future			
Ruby Lockhart Boulevard at commercial site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

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Total Traffic

[Under Total Traffic, the applicant has removed the trips associated with PPS 4 10022, and then reassigning the same trips from PPS 4 10022 accounting for the completion of Ruby Lockhart Boulevard and the introduction of access into the site from MD 202. Even though the number of trips on the network remains the same, with the additions to the transportation network and the changes in the directionality of the assigned trips (due to a shift in uses), the result should be that the operations of some intersections will be improved, and some will worsen under Total Traffic, but any changes should be small.]

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the “Transportation Review Guidelines, Part 1” including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 at McCormick Drive/Saint Josephs Drive	*[1,398] 1,267	*[1,839] 1,598	*[D] C	*[F] E
MD 202 at Lottsford Road	*[1,323] 1,349	*[1,629] 1,583	D	*[F] E
Lottsford Rd at Ruby Lockhart Blvd/Palmetto Dr	*[1,157] 1,153	*[877] 1,054	C	*[A] B
Lottsford Road at Campus Way	*[1,213] 1,199	*[1,462] 1,376	C	*[E] D
Saint Josephs Drive at Ruby Lockhart Boulevard	*[810] 775	*[1,322] 1,398	A	D
MD 202 at site access commercial	<50*	<50*	--	--
Ruby Lockhart Boulevard at commercial site access	<50*	<50*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Several inadequacies in one or both peak-hours are noted in the table above. All inadequacies and their related recommendations are summarized below:

MD 202 and Saint Josephs Drive: The intersection of MD 202 and Saint Josephs Drive operates below the appropriate standard, under total traffic, in both peak-hours. No improvements are recommended by the traffic study at this location. Instead, the applicant proposes the completion of Ruby Lockhart Boulevard from the subject site to Saint Josephs Drive. This connection will redirect some site trips away from this intersection and direct some trips from critical to non-critical movements. This connection is proposed to mitigate the intersection.

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Therefore, the applicant proposes mitigation at the intersection of MD 202 and Saint Josephs Drive. The application meets the geographic eligibility criteria for a Transportation Facilities Mitigation Plan (TFMP) established by the Prince George's County Council in CR-29-1994, "Guidelines for Mitigation Actions." The application was found to meet the fifth criterion by virtue of the site being within one-half mile of a bus stop having peak-hour headways of 15 minutes or less. This identical improvement was considered during the review of PPS 4-10022 and PPS 4-16019.

SHA reviewed this proposal and did not oppose the mitigation recommendation when it was last proposed under PPS 4-10022 and PPS 4-16019, and currently supports the access point needed to make this connection. This action involves an improvement that does not modify the intersection in terms of physical improvements or changes to lane assignments or signal operations.

The options for improving this intersection to LOS D, the policy LOS at this location, are very limited. Additional through lanes along MD 202 would not be feasible to implement, due to existing development, and the master plan proposes an overpass to connect Saint Josephs Drive with McCormick Drive. Given the size of the proposal, versus the potential cost of such structures, the applicant has opted for a smaller-scale improvement.

During the review of PPS 4-10022 and PPS 4-16019, it was determined that this mitigation action at MD 202 and Saint Josephs Drive met the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations in considering traffic impacts and this condition is carried forward for the subject application.

MD 202 and Lottsford Road: The intersection of MD 202 and Lottsford Road operates below the appropriate standard under total traffic in the PM peak-hour. The traffic study recommends ~~*[conversion of the existing eastbound right-turn lane to a shared through/right-turn lane]~~ addition of a southbound left-turn lane (to create a triple left-turn lane) from MD 202 onto eastbound Lottsford Road, along with necessary signal modifications to support the triple left turn. Under total traffic with these improvements in place, it is determined that the MD 202/Lottsford Road intersection would operate at ~~*[LOS F, with a critical lane volume (CLV) of 1,618]~~ LOS E, with a critical lane volume (CLV) of 1,526, in the PM peak-hour at this location.

Notice is taken that the council resolution approving the zoning includes several conditions at this location, including: (a) conversion of the existing eastbound right-turn lane to a shared through/right-turn lane; (b) conversion of the westbound shared through/left-turn lane to left-turn only (maintaining two through lanes and two left-turn lanes); (c) changing the existing split-signal phasing to concurrent phasing on the Lottsford Road approaches; and (d) modifying the median and signals, accordingly. The applicant has analyzed the intersection with all of the

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above changes and has determined that the concurrent phasing would worsen operations at the intersection to LOS F, with a CLV of 1,696 in the PM peak-hour.

All information provided was reviewed and the computations were verified. The following are noted:

- With the full proposed trip cap, mitigation in accordance with Section 24-124(a)(6) is not viable at this location. The impact, while small, could not be mitigated with practical at-grade improvements.
- At the time of rezoning to M-X-T, the District Council is given responsibility to find transportation adequacy pursuant to Section 27-213(a)(3)(A). In approving ZMA A-10020, the District Council determined the improvements needed for adequacy, in consideration of the fact that, at that time, the intersection was shown to operate with CLV exceeding 1,600 in both peak-hours.
- Per Section 27-213(a)(3)(B), the District Council's finding of adequate transportation facilities "shall not prevent the Planning Board from later amending this finding during its review of subdivision plats."

The site was analyzed and it was determined that a smaller trip cap in the PM peak-hour would provide a legal basis for approval of this subdivision. As stated earlier, the traffic study recommends *~~[conversion of the existing eastbound right-turn lane to a shared through/right turn lane]~~ addition of a southbound left-turn lane (to create a triple left-turn lane) from MD 202 onto eastbound Lottsford Road, along with necessary signal modifications to support the triple left turn. The application meets the geographic eligibility criteria for a TFMP established by the County Council in CR-29-1994. The application was found to meet the fifth criterion by virtue of the site being within one-half mile of a bus stop, having peak-hour headways of 15 minutes or less. This identical improvement was considered during the review of PPS 4-10022 and PPS 4-16019, but it was not analyzed at that time as a mitigation improvement pursuant to Section 24-124(a)(6).

SHA reviewed this proposal, in conjunction with past applications, and has not opposed the mitigation recommendation. The impacts of various levels of PM peak-hour trips on the area network was reviewed and it was determined that 738 PM peak-hour trips is the maximum trip cap that can be recommended and still be able to be mitigated by the proposed improvements (the AM peak-hour is within the policy LOS under total traffic). The impact of the mitigation actions at this intersection is summarized, as follows:

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IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 202 and Lottsford Road				
Background Conditions	* [D/1301] <u>D/1312</u>	* [F/1617] <u>E/1547</u>		
Total Traffic Conditions	* [D/1323] <u>D/1349</u>	* [F/1624] <u>E/1583</u>	* [+22] <u>+37</u>	* [+7] <u>+36</u>
Total Traffic Conditions w/Mitigation	N/A	* [F/1613] <u>E/1526</u>	N/A	* [+11] <u>-57</u>

As the CLV at the critical intersection is between 1,450 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 more than 150 percent of site-generated trips during the PM peak-hour (*~~[157]~~ 158 percent). Therefore, the applicant's proposed mitigation at MD 202 and Lottsford Road meets the requirements of Section 24-124(a)(6)(B)(i), in considering traffic impacts. Once again, this finding results from reducing the trip cap for the site to 364 AM and *~~[738]~~ 347 PM peak-hour vehicle trips. While this is a reduction in the trip cap from what was recommended in the traffic study and approved pursuant to PPS 4-10022, the applicant's current proposal can easily be accommodated within this revised cap.

It is noted that this mitigation improvement is less than the requirements at this intersection, per the District Council resolution approving ZMA A-10020. Per Section 27-213(a)(3)(B), the Council's finding of adequate transportation facilities "shall not prevent the Planning Board from later amending this finding during its review of subdivision plats" and, by way of that provision, the requirements at the MD 202/Lottsford Road intersection are being amended.

~~*[Lottsford Road and Campus Way North: The intersection of Lottsford Road and Campus Way North operates below the appropriate standard under total traffic in the PM peak hour. The traffic study recommends the provision of a second left turn lane on the southbound approach. Under total traffic with this improvement in place, it is determined that the Lottsford Road/Campus Way North intersection would operate at LOS C, with a CLV of 1,174 in the PM peak hour.]~~

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Ruby Lockhart Boulevard at commercial site access: The analysis of the intersection of Ruby Lockhart Boulevard, at the commercial site access, operates acceptably as an unsignalized intersection under total traffic in both peak-hours. Nevertheless, the traffic study recommends that a traffic signal warrant study be provided, with installation of the signal if it is deemed warranted by the appropriate operating agency. This is also a requirement of the District Council's approval of the zoning. Therefore, the warrant study at this location is included as a condition.

Trip Cap

The recommended trip cap requires additional discussion. The underlying PPS 4-10022 included a trip cap of 514 AM and 963 PM peak-hour trips. The Trip Generation Summary table shown earlier in this finding indicates that the uses being proposed would generate 364 AM and 347 PM peak-hour trips, which is consistent with the development proposal provided in the application and plans submitted with this PPS. While the applicant's traffic study has recommended retaining the entire available cap, the approval of additional trips where no development proposal has been put forth, as provided within the Transportation Review Guidelines, Part 1, which would result in the stockpiling of trips for properties that have no proposal to use them, is not supported. As a result, a trip cap consistent with the uses proposed, 364 AM and 347 PM peak-hour trips, is attached as a condition of this plan.

Plan Comments

Ruby Lockhart Boulevard is a master plan commercial/industrial roadway with a proposed width of 70 feet. The current right-of-way is adequate, and no additional dedication is required from this plan.

The I-310 facility, Grand Way Boulevard, is a master plan commercial/industrial roadway as well, with a proposed width of 70 feet. This facility is intended to connect northbound MD 202 to Ruby Lockhart Boulevard at such time that the McCormick/Saint Josephs intersection with MD 202 is converted to a flyover. The existing right-of-way is shown slightly adjusted, compared to the master plan alignment, to allow construction by this applicant without the need of obtaining land from adjacent properties. It is already dedicated. The current right-of-way is adequate, and no additional dedication is required from this plan.

MD 202 is a master plan expressway with a variable right-of-way. The current right-of-way is adequate, and no additional dedication is required from this plan.

Access and circulation are acceptable. Driveways and connections within the site will be reviewed in greater detail at the time of DSP.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required pursuant to Section 24-124.

11. **Schools**—This PPS has been reviewed for its impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolution CR-23-2003. The results are as follows:

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	164 DU	164 DU	164 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	20	9	12
Actual Enrollment in 2018	10,847	5,049	7,716
Total Enrollment	10,867	5,058	7,728
State Rated Capacity	13,616	5,374	8,998
Percent Capacity	80%	94%	86%

County Council Bill CB-31-2003 allows for the establishment of school surcharges with an annual adjustment for inflation. The current school surcharge amount is \$16,371, to be paid at the time of issuance of each building permit.

The commercial portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated January 4, 2019 (Kowaluk to Turnquest), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS includes 164 multifamily dwelling units and 32,930 square feet of commercial development in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way Ruby Lockhart Boulevard to the northeast, MD 202 to the south, Lottsford Road to the southeast, and Grand Way Boulevard which bisects the site. The applicant has requested approval of a variation from Section 24-122(a), in order that PUEs not be provided along MD 202.

Variation—Section 24-113 sets forth the required findings for approval of a variation.

Section 24-113. - Variations.

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The PPS does not propose PUEs along MD 202, located south of the site. As evidenced by the correspondence provided by the applicant, incorporated by reference herein, between the applicant's engineers and the Potomac Electric Power Company (PEPCO) engineers, all properties will continue to be served by public utilities, without the provision of a PUE along MD 202. Utilities along MD 202 will be located on poles, which are within the existing right-of-way. The SHA right-of-way provides a designated area within it for pole relocation. Therefore, a PUE is not necessary along the frontage of the roadway, as it would be duplicitous. A 10-foot-wide PUE will be provided along both sides of Grand Way Boulevard, connecting Ruby Lockhart Boulevard to MD 202. The alternative location of the PUE will not result in any reduction of utility availability to the development. Therefore, granting of the variation will not be detrimental to the public safety, health, or welfare, or be injurious to other property.

- (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;**

Utilities exist along MD 202 on poles, which are proposed to be relocated within the existing right-of-way. Therefore, a PUE is not necessary in order to accommodate utilities, adjacent to the right-of-way, as is typical along most roadways. These conditions are unique to the property and generally not applicable to other properties.

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

This PPS and variation request for the location of the PUE was referred to PEPCO, the Washington Suburban Sanitary Commission (WSSC), Washington Gas, and Comcast. The applicant provided correspondence from PEPCO, incorporated by reference herein, stating that a PUE along MD 202 is not needed. No other comments concerning the variation were received. The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

- (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.**

Because of the peculiar physical surroundings, which include existing pole-mounted utilities that are to be located entirely within the existing right-of-way of MD 202, provision of an unnecessary PUE would result in a particular hardship to the applicant. If the applicant is required to establish a PUE in this location, it would not be used and would encumber developable land unnecessarily. In addition, the area where the PUE would be required is largely occupied by micro-bioretenment facilities and bioswales. Providing the PUE would require the shifting of these critical SWM facilities. Provision of the PUE would result in a particular hardship to the applicant by requiring unnecessary redesign and inefficient use of the available land area.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This finding is not applicable because the site is zoned M-X-T.

The Planning Board finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the General Plan and master plan.

Therefore, the Planning Board approves the variation from Section 24-122(a) to eliminate the requirement of a PUE along MD 202.

15. **Historic**—The subject property was surveyed for archeological resources in 2010. Three archeological sites were identified: 18PR975, a historic artifact scatter and an isolated

prehistoric fire-cracked rock; 18PR976, a twentieth-century farmstead; and 18PR977, a nineteenth-century domestic artifact scatter. No further work was recommended on any of the sites by the applicant's consultant archeologist. No further archeological investigations were necessary on Sites 18PR975, 18PR976, and 18PR977. Four copies of the final report were received and accepted as complete on January 18, 2011.

This proposal will not impact any historic sites, resources, or known archeological sites.

16. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
CSP-10004	TCP1-001-11	Planning Board	Approved	12/08/2011	11-116
4-10022	TCP1-001-11-01	Planning Board	Approved	02/23/2012	12-13
4-16019	TCP1-001-11-02	Planning Board	Approved	1/18/2018	18-03
N/A	TCP2-037-2017	Staff	Approved	5/17/2018	N/A
DSP-16025	TCP2-037-2017-01	Planning Board	Approved	3/15/2018	18-21
N/A	TCP2-037-2017-02	Staff	Pending	Pending	N/A
4-18007	TCP1-001-11-03	Planning Board	Pending	Pending	Pending

Activity

The current application is a PPS for a mixed-use subdivision containing five parcels for commercial use, one parcel for multifamily residential use, and one parcel to remain unimproved.

Grandfathering

This project is not grandfathered, with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010, because the application is for a PPS. This project is subject to the WCO and the Environmental Technical Manual.

Master Plan Conformance

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

The Largo-Lottsford Master Plan and SMA does not indicate any significant environmental issues applicable to this property. The project is in conformance with the master plan and SMA.

Countywide Green Infrastructure Plan

The site is within the designated network of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Resource Conservation Plan) and contains regulated and evaluation areas. The regulated areas are located along the eastern boundary of the site and associated with the floodplain and streams. The remainder of the site is within the evaluation area. The TCP1 focuses preservation and protection within the regulated area, where woodland preservation is proposed. A limited portion of the regulated area

will be impacted for the connection to the existing sewer and for SWM outfalls. The remainder of the site is to be developed.

Environmental Review

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

Natural Resources Inventory/Existing Conditions

Natural Resources Inventory NRI-010-10-03 was approved on March 6, 2018. The subject TCP1 is in conformance with the approved NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCP1-001-11-03) has been submitted for review. This proposal also includes impacts to the adjacent property, known as the Balk Hill subdivision. A revision to Type II Tree Conservation Plan TCP11-082-05-04 is currently under review for rough grading and will be addressed separately.

The TCP includes the entirety of the site identified in PPS 4-10022, north and south of Ruby Lockhart Boulevard, of which this 18.33-acre property is a part. The site contains 33.82 acres of existing woodland on the net tract and 0.04 acre of woodland within the 100-year floodplain. The site has a woodland conservation threshold of 6.90 acres, or 15 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 17.35 acres. The TCP1 shows that this requirement will be met by providing 2.97 acres of on-site woodland preservation, 0.10 acre of reforestation/afforestation, and 14.28 acres of off-site conservation credits. Four specimen trees are identified on the property and one off-site, with the critical root zone extending onto the property. One specimen tree is approved to be removed with this application; three specimen trees were approved for removal with previous applications.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

A Subtitle 25 Variance application, a statement of justification (SOJ) in support of a variance, and a plan showing three specimen trees to be removed (ST 2, 3, and 4) was approved with PPS 4-16019. With this application, a Subtitle 25 variance request was submitted with an SOJ in support of a variance, and a plan showing the removal of one additional specimen tree (ST 1), a 43-inch diameter Pin oak in good condition.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the specimen tree. The

text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

Direct access to the site is from Grand Way Boulevard, which has already been dedicated through the subject site. The right-of-way layout has, in part, been based on limited options for viable ingress and egress on-site. Due to the property having frontage on a master plan right-of-way, in close proximity to freeway access, development options and the ability to provide sufficient, but safe, access to the site and provide internal site circulation is limited. Hardships related to the buildable area of the site, ingress and egress requirements, preservation of existing natural features within the primary management area (PMA), and previous public right-of-way dedication by Prince George's County result in unusual hardships to develop the property. Strict compliance with the applicable requirements defined in Subtitle 25 would further reduce the ability to develop the property.

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

In order for the site to be developed, based on the proposed land use, layout design, and SWM facilities, construction including grading and clearing is necessary to meet the minimum construction standards set forth by Prince George's County. In order to provide adequate SWM, a micro-bioretention SWM device is proposed to treat and discharge stormwater to a proposed outfall location within the limits of disturbance. The device is proposed to be located near the southern boundary of the site, within the PMA, where ST 1 is located. Due to the proposed drainage pattern and location of the PMA, the amount of developable area in this portion of the site is already limited. Requiring the preservation of ST 1 would further limit the developable area, depriving the applicant of rights afforded to others with similar properties and land uses.

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

The subject variance is necessary in order for the applicant to develop the property, based on the layout, and to achieve the highest and best use of the property in ways similar to other comparable properties and uses. Granting this variance would mitigate potential impacts to the PMA due to previous layout and grading. The variance would not result in a privilege to the applicant; and it would allow for development to proceed with similar rights afforded to others with similar properties and land uses.

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

The nature of the variance request is premised on preserving the existing natural features of the site and the necessity to implement additional grading and clearing, to allow for adequate and safe development practices.

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

The subject request is based on conditions pertaining solely to the site and proposed development. The required grading and clearing of the land that is suitable for development practices has led to the need to remove ST 1, in order to create buildable parcels and lots.

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

A revised SWM Concept Plan, 38393-2018, was approved by DPIE for review. There are no impacts to the water quality anticipated and there is no evidence that removal of ST 1 would adversely impact the water quality on-site and/or within the general vicinity of the property.

The required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal of ST 1.

Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features shall 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 SWM 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. SWM 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, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property shall be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA/wetland and buffer are proposed for SWM micro-bioretenment, stormwater outfalls, road improvements required by SHA, and sewer line connections. An SOJ has been received for the impacts to the wetlands, wetland buffer, stream, and stream buffer, all within the PMA.

Statement of Justification for PMA Impacts

The SOJ includes a request for five impacts to the PMA, totaling approximately 0.697 acre on-site.

Analysis of Impacts

Based on the SOJ, the applicant is requesting a total of five impacts described below (Note: Impacts 1 and 2 are not within the area of this PPS):

Impact 3: Stormwater Outfall

In order to adequately route stormwater generated, as a result of the additional area of right-of-way, a stormwater outfall is shown to be located in the PMA area, as indicated by PMA Impact 3, shown in detail on the PMA/Stream Buffer Impacts Exhibit which is incorporated by reference herein. The stormwater outfall impact is necessary to maintain the existing drainage divide and sufficiently discharge stormwater generated on-site and off-site into the drainage outfall.

This impact was previously approved per DSP-16025 (PGCPB Resolution No. 18-21) and is approved with this application.

Impact 4: Stormwater Outfall

This impact concerns a stormwater outfall located on the eastern portion of the parcel designated for residential use, located in close proximity to the existing stream. In order to mitigate the flow of stormwater generated from this section of the property, a stormwater outfall is shown in the PMA area, as indicated by PMA Impact 4, shown in detail on the PMA/Stream Buffer Impacts Exhibit which is incorporated by reference herein. The stormwater outfall impact is required to discharge stormwater generated on-site into the outfall.

Impact 4 is approved.

Impact 5: Stormwater Bioretention and Road Improvements

The majority of the permanent environmental impacts to this area are due to the widening of MD 202, which is a SHA requirement. The degraded impacts and isolation of this existing wetland is unavoidable in this circumstance. Action has been taken to mitigate the effects of this development, including relocating a stormwater outfall outside the wetlands boundary and permitting out this impact with the Maryland Department of the Environment (MDE). The MDE permit application was provided with this PPS application. In addition to both the SHA dedication and the stormwater outfalls, Impact 5 involves the development of parking lots to be located on three parcels on the southern end of the property, to be designated for both commercial and residential uses. Due to the presence of existing wetlands located centrally on the site, the area in which parking lots can be proposed is limited. In order to conform to the parking requirements, set forth by M-NCPPC, the proposed parking lots are deemed necessary to the development and are designed to ensure ongoing preservation of the PMA and limit disturbance, to the fullest extent possible.

Impact 5 is approved.

Impact 6: Stormwater Outfall

Impact 6 is for a stormwater outfall located on the southeastern portion of the parcel designated for residential use, adjacent to the proposed parking lot and protruding into an existing wetland. In order to mitigate the flow of stormwater generated in this section of the property, a stormwater outfall is shown in the PMA area, as indicated by PMA Impact 6 of the PMA/Stream Buffer Impacts Exhibit which is incorporated by reference herein.

The stormwater outfall impact is required to discharge stormwater generated on-site into the existing wetland via the outfall.

Impact 6 is approved.

Impact 7: Sewer Line Connection

Impact 7 is for a sewer line connection located on the southeastern portion of the parcel designated for residential use, adjacent to the proposed parking lot, located directly in between the two existing wetlands identified on the property. In order for necessary sewer facilities to exist on the property, a sewer line connection is shown in the PMA area, as indicated by PMA Impact 7 shown in detail on Sheet 6 of the PMA/Stream Buffer Impacts Exhibit which is incorporated by reference herein. The sewage outfall impact is located in the only section of the property where it will not encroach on any existing wetlands.

Impact 7 is approved.

Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible, based on the limits of disturbance shown on the impact exhibits and the TCP submitted for review.

Soils

According to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, the predominant soils found to occur on-site include the Collington Wist complexes (0 to 10 percent slopes) and Widewater and Issue soils (frequently flooded). Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes.

Prior to approval of the DSP, the approved SWM concept plan and letter for the current proposal shall be correctly reflected on the TCP2 and the DSP.

17. **Urban Design**—The subject property is zoned M-X-T. The 18.33-acre site consists of two existing parcels (Parcel 27 and Outparcel A), which are unimproved and located on the north side of MD 202 and south of the platted, but unimproved, Ruby Lockhart Boulevard.

Conformance with the Requirements of the Zoning Ordinance

Conformance with the following Zoning Ordinance regulations is required for the proposed development at the time of the required DSP review including, but not limited to, the following:

- Section 27-543 (a) regarding the uses allowed in the M-X-T Zone;
- Section 27-544 regarding regulations in the M-X-T Zone;
- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone, and;
- Section 27-548 regarding regulations in the M-X-T Zone;

Various commercial and residential uses are permitted in the M-X-T Zone, per Section 27-547(b) of the Zoning Ordinance.

Section 27-548(g) of the Zoning Ordinance reads as follows:

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

All approved parcels, except the outparcel, will have frontage on and access to Grand Way Boulevard, in conformance with this requirement.

Conformance with the 2010 Prince George's County Landscape Manual

In accordance with Section 27-544(a) of the Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual), specifically Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. Conformance with the applicable landscaping requirements will be determined at the time of DSP review.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes 5,000 square feet, or greater, of gross floor area or disturbance and requires a grading permit. The subject site is zoned M-X-T and is required to provide a minimum of 10 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.

Other Design Issues

Parcel 6, with residential uses, is adjacent to MD 202, a master-planned expressway. The submitted PPS shows the 65 dBA Ldn unmitigated noise contour, based on the M-NCPPC noise model, as impacting this parcel. A Phase II noise study may be required at the time of DSP if any outdoor recreation areas or residential buildings are placed within this noise contour.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner temporarily absent at its regular meeting held on Thursday, March 7, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of March 2019.

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 16, 2020, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

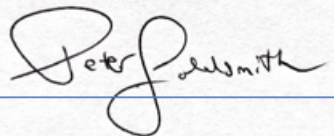
*Adopted by the Prince George's County Planning Board this 7th day of May, 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY

A handwritten signature in dark ink, appearing to read "Peter J. Smith", is written over a horizontal blue line.

M-NCPPC Legal Department
Date: April 27, 2020