

PGCPB No. 2024-040

File No. 4-23032

R E S O L U T I O N

WHEREAS, Washington Metropolitan Area Transit Authority is the owner of 21.59-acres of land known as Parcel 4 and Parcel 122, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Regional Transit-Oriented, High-Intensity-Core (RTO-H-C); and

WHEREAS, on February 26, 2024, New Carrollton Developer, LLC filed an application for approval of a Preliminary Plan of Subdivision for 12 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23032 for New Carrollton Town Center 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 at a public hearing on May 23, 2024; and

WHEREAS, new Subdivision Regulations, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted before April 1, 2024 may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, at the May 23, 2024 public hearing, 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 Type 1 Tree Conservation Plan TCP1-009-2016-01 and APPROVED Preliminary Plan of Subdivision 4-23032, including Variations from Sections 24-121(a)(4) and 24-122(a), for 12 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Update General Note 21 to indicate that the applicable Stormwater Management Concept Plan is 38437-2016-2. Add the approval date of this plan once it is approved.
 - b. Add general notes indicating approval of variations from Section 24-122(a) of the prior Prince George's County Subdivision Regulations, for Parcels 11–15, and Section 24-121(a)(4) of the prior Subdivision Regulations, for Parcels 6–8 and Parcels 11 and 14.
 - c. Correct the label for Parcel A to indicate that the proposed use is an access driveway, instead of an access road.
 - d. Revise the plan to show the designated right-of-way along Garden City Drive as being between 97 and 102 feet wide, the designated right-of-way along Pennsy Drive as being between 70 and 75 feet wide, and the designated right-of-way along Corporate Drive as being a minimum of 48.5 feet to a maximum of 51 feet from center line.
 - e. Revise the plan to show the proposed access to Parcel 15 from Pennsy Drive.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 38437-2016-2, once approved, and any subsequent revisions.
3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Grant 10-foot-wide public utility easements along the abutting public rights-of-way, in accordance with the preliminary plan of subdivision, on Parcels A, B, and 6–10.
 - b. Submit to the Maryland-National Capital Park and Planning Commission, for review and approval, a draft Declaration of Restrictive Covenants and/or easement, per Section 24-128(b)(8) of the prior Prince George's County Subdivision Regulations, over the shared access for Parcels 9–10 and Parcels 11–15. The limits of the shared access easements shall be reflected on the final plat(s), consistent with the approved preliminary plan of subdivision, and as modified by the detailed site plan. Prior to recordation of the final plat, the Declaration of Restrictive Covenants and/or easement shall be recorded in the Prince George's County Land Records and the book/page of the document shall be indicated on the final plat(s) with the limits of the shared access.
 - c. Submit to the Maryland-National Capital Park and Planning Commission, for review and approval, a draft Declaration of Restrictive Covenants and/or easement for public access to the New Carrollton Metro Station. The limits of the public use easement shall be reflected on the final plat for Parcel 8, consistent with the approved preliminary plan of subdivision, and as modified by the detailed site plan. Prior to recordation of the final plat, the Declaration of Restrictive Covenants and/or easement shall be recorded in the

Prince George's County Land Records and the book/page of the document shall be indicated on the final plat(s) with the limits of the shared access.

- d. Include a note on the final plat(s) for Parcels 6–8, and Parcel A, that vehicular access is authorized pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations.
 - e. Include a note on the final plat(s) for Parcels 9–10 and Parcels 11–15, that vehicular access is authorized pursuant to Section 24-128(b)(8) of the prior Prince George's County Subdivision Regulations.
 - f. Include a note on the final plat(s) for Parcels 11–15 indicating approval of a variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations.
 - g. Include a note on the final plat(s) for Parcels 6–8 and Parcels 11 and 14 indicating approval of a variation from Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations.
 - h. Dedicate the rights-of-way along the property's street frontage, consistent with the approved preliminary plan of subdivision, or as modified by the approved detailed site plan. Dedication of right-of-way shall occur in phase with the platting of each parcel having frontage or access along Garden City Drive, Pennsy Drive, and Corporate Drive. The phased right-of-way dedication shall have no impact on the current operation of these roadways, which are currently and shall remain open to traffic, and are needed to support the findings for adequate transportation facilities for the development.
4. In accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
 5. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.
 6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.

7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-009-2016-01. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-009-2016-01, or most recent revision, 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 and Wildlife Habitat Conservation Ordinance (WCO). 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.”
9. Prior to the issuance of permits for this project, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved.”
10. 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, of the Countywide Planning Division, of the Prince George's County Planning Department, 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 Prince George's County Planning Department Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
11. Prior to signature approval of the preliminary plan, an approved stormwater management concept plan shall be submitted, showing a limit of disturbance consistent with the Type 1 tree conservation plan.
12. Prior to signature approval of the preliminary plan of subdivision, an approved floodplain waiver from the Prince George's County Department of Permitting, Inspections and Enforcement shall be submitted.

13. Prior to the 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.
14. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDDP), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Right-of-way dedication along Garden City Drive shall range from 97 to 102 feet in width and shall include sidewalks meeting TDDP standards and designated bike lanes, with the details and any modifications being determined at the time of detailed site plan.
 - b. Per Table 8 of the TDDP, the width of the bike lanes along Garden City Drive shall be revised to 6 feet wide (including the gutter pan), unless modified with the approval of the detailed site plan.
15. At the time of detailed site plan review, with development frontage along any of these roadways, the specific 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDDP) design criteria and on-road elements for the total required public right-of-way dedication, may be modified and reflected on the final plat approval. The applicant shall show public right-of-way dedication in accordance with Section 24-123(a)(1) of the prior Prince George's County Subdivision Regulations and the design criteria of the area master plan (TDDP) along the property's street frontages as follows:
 - a. Garden City Drive at a minimum of 48.5 feet to a maximum of 51 feet from center line, or a total right-of-way range of 97–102 feet.
 - b. Pennsy Drive at a minimum of 35 feet to a maximum of 37 feet from center line, or a total right-of-way range of 70–75 feet.
 - c. Corporate Drive at a minimum of 48.5 feet to a maximum of 51 feet from center line.
16. At the time of detailed site plan (DSP) for development on Parcels 6, 7, 8, and/or A, the DSP shall reflect conversion of the existing two-lane, one-way internal connecting private drive to a two-way private drive, conditioned upon relocation of the Washington Metropolitan Area Transit Authority (WMATA) bus loop function to the WMATA garage structure. The driveway shall extend south through Parcels 6, 7, 8 and A, to connect to the multi-lane divided access driveway just north of the US 50 (John Hanson Highway) westbound on ramp.
17. In accordance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following facilities, and the facilities shall be shown on the plans provided with and prior to acceptance of each applicable detailed site plan (DSP), for parcels with frontage on the following streets:

- a. An 8-foot-wide side path along the site's frontage of Pennsy Drive, unless modified by the operating agency with written correspondence.
 - b. A minimum 6-foot-wide sidewalk along the property frontages of Garden City Drive, Pennsy Drive, and Corporate Drive, unless modified by the operating agency with written correspondence.
 - c. Sidewalk connections to the building entrances from the roadway frontages and at all primary access points, to include marked crosswalks and Americans with Disabilities Act curb ramps at all access points and throughout the site, with the specific locations and design to be determined at the time of DSP.
 - d. Short-term and long-term bicycle parking throughout the site shall be reviewed at the time of DSP, in accordance with the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment* bicycle parking standards, as may be modified.
18. In accordance with the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall construct the Metro Core Wetland Park on Parcel B, or provide evidence that it will be constructed pursuant to a County-approved project with the Clean Water Partnership, in phase with development.
 - a. At the time of the first detailed site plan (DSP) review for Parcels 9–15, the DSP shall include Parcel B (wetland park parcel) and the applicant shall provide the status of development and design plans for Parcel B, to include engaging the various stakeholders, along with the Maryland-National Capital Park and Planning Commission's Development Review staff, for coordination of an amenity plan for Parcel B.
 - b. A final determination of disposition and development of Parcel B shall be made with the detailed site plan (DSP) for Parcels 9 and 10, The DSP, including the wetland park, shall include delineation of a public use easement to be provided to the benefit of the Maryland-National Capital Park and Planning Commission, for public use of the wetland park, if appropriate.
 - c. Prior to approval of the first final plat of subdivision for Parcels 9 and 10, the final plat submission shall include Parcel B.
 - d. A draft public use easement for the wetland park shall be submitted to the Maryland-National Capital Park and Planning Commission for approval, if appropriate, and at the stage of development, as determined with the detailed site plan.
19. At the time of detailed site plan (DSP), the DSP shall include detail sheets of all streetscapes, including private access driveways. All streetscapes shall incorporate environmental site design stormwater management features in accordance with County and state requirements, as well as

known best practices, unless modified with the DSP. These features shall also be approved as part of the stormwater management concept approval.

20. Prior to approval of building permits for all residential buildings on-site, 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 or less.
21. Prior to acceptance of a detailed site plan (DSP) for residential development, the applicant shall submit a Phase II noise study based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas (including any upper-level roof decks or balconies) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The DSP shall show the locations and details of features provided for outdoor noise mitigation. The ground level mitigated 65 dBA/Leq noise contour, ground level mitigated 55 dBA/Leq noise contour, upper level mitigated 65 dBA/Leq noise contour, and upper level 55 dBA/Leq noise contour shall be delineated on the DSP, accounting for the locations of buildings and all noise barriers.

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 applicable 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 site is located on the north side of US 50 (John Hanson Highway), along Pennsy Drive and Garden City Drive, at the New Carrollton Metro Station. The property totals 21.59 acres and consists of two existing parcels. These include Parcel 4 of New Carrollton Town Center recorded in Plat Book 254 Plat No. 53 and Plat Book 247 Plat No. 96, and property known as Parcel 122 recorded by deed in Book 42066 Page 56, all in the Prince George's County Land Records. The property is subject to the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDDP).

The property is in the Regional Transit-Oriented, High-Intensity-Core (RTO-H-C) Zone. However, this preliminary plan of subdivision (PPS) was submitted for and reviewed under the applicable provisions of the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1903(a) of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was in the Mixed Use-Transportation Oriented (M-X-T) and the Transit District Overlay (T-D-O) Zones, which were effective prior to April 1, 2022.

The existing Parcel 4 is currently developed with a bus loop and parking associated with the New Carrollton Metro Station, and a private driveway providing access to the development surrounding the Metro station. Parcel 122 contains an existing parking lot and the right-of-way of Pennsy Drive. All property is owned by the Washington Metropolitan Area Transit Authority.

The property was previously the subject of PPS 4-16023, which was approved in February 2017, for 12 parcels for mixed use development on 30.13 acres. Some of the prior approved development has proceeded, however, the prior PPS has expired, and the development under the current PPS is for the remaining undeveloped land area.

This PPS includes 12 parcels for mixed-use development of 1,000 multifamily dwelling units and 810,000 square feet of commercial uses.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on September 22, 2023. In accordance with Section 24-1904(b), the applicant provided a statement dated September 22, 2023, explaining why they were electing to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-056.

The applicant filed requests for variations from Section 24-121(a)(4) and Section 24-122(a) of the prior Subdivision Regulations, from the standard lot depth and public utility easement requirements. These requests are discussed further in the Site Access and Layout and Public Utility Easement findings, respectively.

3. **Setting**—The site is located on Tax Map 51, Grid F-2, and on Tax Map 52, Grid A-2. The site is within Planning Area 72. Development surrounding this site is within the RTO-H-C Zone (formerly the M-X-T and T-D-O Zones) and includes the New Carrollton Metro parking garages to the north; the Metro rail line to the west; US 50 (John Hanson Highway) to the south; and Corporate Drive to the east. Office and multifamily development exist within the New Carrollton Town Center project per prior development approvals.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zones	RTO-H-C	M-X-T/T-D-O
Use(s)	Parking and Driveways	Mixed Use Residential/Commercial
Acreage	21.59	21.59
Parcels	2	12
Dwelling Units	0	1,000
Gross Floor Area (nonresidential)	0	810,000 sq. ft.
Subtitle 25 Variance	No	No
Variation	No	Yes (Section 24-122(a) and Section 24-121(a)(4))

The subject PPS, 4-23032, was accepted for review on February 26, 2024. Pursuant to Section 24-119(d)(2) of the prior Prince George's County Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee (SDRC), which held a meeting on March 15, 2024, at which comments were provided to the applicant. The requested variations from Section 24-122(a) and Section 24-121(a)(4) of the prior Subdivision Regulations were received on February 26, 2024, and March 13, 2024, respectively, and were also reviewed at the SDRC meeting on March 15, 2024. Revised plans were received on March 28, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—The portion of the property west of Garden City Drive (existing Parcel 4) is subject to prior PPS 4-16023 (PGCPB Resolution No. 17-11), approved January 12, 2017. This PPS covered 30.13 acres and approved 12 parcels for development of 1,125 multifamily dwelling units, 775,000 square feet of office, 132,000 square feet of retail, and 250 hotel rooms. The portion of the property east of Garden City Drive (existing Parcel 122) was also previously subject to 4-16023, however, the PPS expired before final plat applications for this area were filed. Therefore, this portion of the property is not subject to any prior PPS. The subject PPS, 4-23032, supersedes 4-16023 for existing Parcel 4 only.

Though the conditions of approval of 4-16023 are no longer applicable to the subject property following approval of this PPS 4-23032, the following conditions of approval of the PPS (4-16023) remain relevant to its review:

6. **At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:**
- a. **Dedicate the rights-of-way along the property's street frontage consistent with the approved preliminary plan of subdivision or as modified by the approved detailed site plan. Dedication of right-of-way shall occur in phase with the platting of each parcel having frontage or access along Garden City Drive, Pennsy Drive and Corporate Drive. The phased right-of-way dedication shall have no impact on the current operation of these roadways which are currently and shall remain open to traffic and are needed to support the findings for adequate transportation facilities for the development. This condition shall also be placed on the PPS prior to signature approval as a general note.**
- The right-of-way required to be dedicated with this PPS is consistent with the prior PPS. Therefore, this condition is carried forward. This condition has been placed on the current PPS, in General Note 33.
- b. **Submit a draft Declaration of Restrictive Covenants and/or easement, per Section 24-128(b)(9) of the Subdivision Regulations, over the approved shared access for the subject property shall be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for review and approval. The limits of the shared access shall be reflected on the final plat, consistent with the approved preliminary plan of subdivision and**

detailed site plan. Prior to recordation of the final plat, the Declaration of Restrictive Covenants and/or easement shall be recorded in Prince George's County Land Records and the liber/folio of the document shall be indicated on the final plat with the limits of the shared access.

This condition was met for the existing access easement located on Parcel 4 and recorded in Book 39729 page 325 of the County Land Records. A similar condition is included with the current PPS, for the new access easements to serve Parcels 9 and 10 and Parcels 11–15.

- c. The final plat shall carry a note that vehicular access is authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations.**

This condition is carried forward for proposed Parcels 6, 7, 8, and A, all of which retain the existing access easement recorded in Book 39729 page 325 of the County Land Records, which was approved pursuant to Section 24-128(b)(9) of the prior Subdivision Regulations, with PPS 4-16023. A similar condition is imposed for Parcels 9–10 and Parcels 11–15, noting that vehicular access is authorized pursuant to Section 24-128(b)(8) of the prior Subdivision Regulations. See the Transportation findings for further discussion of the access easements.

- 7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- a. Right-of-way dedication along Garden City Drive shall range from 97 to 102 feet in width. Improvements within the right-of-way shall include sidewalks meeting TDDP standards and designated bike lanes, with the details being determined at the time of detailed site plan.**

The right-of-way to be dedicated with this PPS should be consistent with the prior PPS. Therefore, this condition is carried forward. The PPS displays Garden City Drive as a variable-width right-of-way. Prior to signature approval of the PPS, the applicant shall update the plans to display the right-of-way along Garden City Drive as being from 97–102 feet in width, in accordance with this condition.

- b. The design details for Garden City Drive shall include an appropriate transition/terminus for the end of the bike lanes along Garden City Drive in the vicinity of Ardwick-Ardmore Road.**

This improvement is off-site to the current PPS and, therefore, not applicable.

- c. **Per Table 8 of the TDDP, the width of the bike lanes along Garden City Drive shall be revised to six feet wide (including the gutter pan), unless modified with the approval of the detailed site plan.**

Table 8 of the TDDP remains applicable, and so this condition is carried forward. The PPS does not show any bike lanes on Garden City Drive; any detailed site plan (DSP) for a parcel fronting on Garden City Drive shall include 6-foot-wide bike lanes, unless modified at that time.

All improvements within the public right-of-way are subject to the approval of the Prince George's County Department of Permitting, Inspections and Enforcement at the time of permitting.

- 11. **At the time of detailed site plan review with development frontage along any of these roadways, the specific TDDP design criteria and on-road elements for the total required public right-of-way dedication, may be modified and reflected on the final plat approval. The applicant shall show public right-of-way dedication in accordance with Section 24-123(a)(1) and the design criteria of the area master plan (2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment*) along the property's street frontages as follows:**
 - a. **Garden City Drive at a minimum of 48.5-feet to a maximum of 51-feet from center line, or a total right-of-way range of 97–102 feet.**
 - b. **Pennsy Drive at a minimum of 35-feet to a maximum of 37-feet from center line, or a total right-of-way range of 70–74 feet.**
 - c. **Corporate Drive at a minimum of 48.5-feet to a maximum of 51-feet from center line.**

The right-of-way to be dedicated with this PPS is consistent with the prior PPS. Thus, this condition is carried forward. Prior to signature approval of the subject PPS, the applicant shall update the PPS to display the minimum rights-of-way for Garden City Drive, Pennsy Drive, and Corporate Drive, in accordance with this condition. Specifically, the plans shall be updated to display the right-of-way along Garden City Drive as being a minimum of 48.5 feet to a maximum of 51 feet from center line, or a total right-of-way range of 97–102 feet. The plans shall be updated to display the right-of-way along Pennsy Drive as being a minimum of 35 feet to a maximum of 37 feet from center line, or a total right-of-way range of 70–75 feet. The plans shall be updated to display the right-of-way along Corporate Drive as being a minimum of 48.5 feet to a maximum of 51 feet from center line. The above-referenced rights-of-way shall also be reflected at the time of DSP.

- 13. **At the time of detailed site plan (DSP) for building development on Parcels 5, 6, and/or 7, the DSP shall include Parcel 4, which shall provide primary access to these parcels as approved with the preliminary plan of subdivision. Secondary access may**

be permitted to Garden City from Parcels 5, 6, and/or 7 if determined appropriate with the DSP, as limited by conditions of this approval. The DSP, which is for Parcels 4, and 5, 6, and/or 7, shall include the redevelopment of the one-way inbound metro rail station/bus bay access driveway as it meets Garden City Drive, with a four-lane divided access driveway. The driveway shall extend south through Parcel 4 to connect to the multi lane divided access driveway just north of the John Hanson Highway (US 50) westbound on ramp.

The area occupied by Parcels 5, 6, and 7, as shown on the prior PPS (now Parcels 5 and B), has now been fully developed, however, future DSPs should still reflect the improvements to the access driveway required by the prior condition. This condition is carried forward in modified form, to require that DSPs for Parcels 6, 7, 8, and A show the improvements.

- 14. At the time of detailed site plan (DSP), the DSP shall include detail sheets of all streetscapes including private access driveways. All streetscapes shall incorporate environmental site design stormwater management features in accordance with County and state requirements, as well as known best practices. These features shall be approved as part of the stormwater concept approval.**

This condition is carried forward in line with the standards for streetscapes given by the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDDP). Specifically, Standard 8 requires that “all streetscapes shall incorporate ESD stormwater management features in accordance with county and state requirements as well as known best practices” (page 151).

- 24. In accordance with the 2010 *New Carrollton Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, the applicant and the applicant’s heirs, successors, and/or assignees shall construct the Metro Core Wetland Park on Parcel 10 in phase with development.**

- a. At the time of detailed site plan (DSP) review for Parcels 8–12, the applicant shall submit for approval the DSP plan of development for the Wetland Park that shall include a proposed arrangement for the ownership and maintenance responsibilities with the agreement of the Prince George’s County Department of Parks and Recreation, and establish the timing for the platting of Parcel 10.**
- b. The DSP for the Wetland Park shall include the submittal of a draft public use easement to the benefit of The Maryland-National Capital Park and Planning Commission. The extent of the public use easement shall be determined by the DSP. The easement documents shall determine the rights, responsibilities (including maintenance), and liabilities of the parties.**

- c. **Prior to approval of a final plat of subdivision for Parcel 10 (Wetland Park Parcel), a draft public use easement on the Wetland Park for public use shall be submitted to the Maryland-National Capital Park and Planning Commission for approval and shall be approved by the Commission and be fully executed. The easement documents shall set forth the rights, responsibilities (including maintenance), and liabilities of the parties. Prior to recordation of the final plat, the easement shall be recorded in the County Land Records and the liber/folio of the easement shall be indicated.**

The recommendations of the TDDP regarding the Metro Core Wetland Park were found to be applicable to PPS 4-16023 and remain applicable to this PPS. This condition is carried forward in modified form; the modifications are intended to address the new parcel designations, and to tie the review and development of the wetland park to the review and development of Parcels 9–15, given that the wetland park parcel (Parcel B) no longer includes any commercial development as was proposed under 4-16023. Detailed findings regarding the wetland park are included in the Parks and Recreation finding.

On parcels associated with PPS 4-16023, three DSPs were filed for development of new buildings within the New Carrollton Town Center. DSP-16043, approved in 2017, approved an eight-story commercial office building with first floor retail on Parcel 1, and a seven-story parking garage on Parcel 2. DSP-16043-01, approved in 2018, approved a 285-unit multifamily building and 3,500 square feet of commercial retail on Parcel 3. DSP-16043-02, approved in 2021, approved a five-story multifamily building with 286 dwelling units and 4,000 square feet of ground floor retail on Parcel 5. All of these buildings are off-site to the current PPS. A fourth DSP approved in 2023, DSP-16043-04, approved addition of a 35.59-square-foot sign on an existing garage. There are no conditions of approval of any of the four DSPs that are relevant to the review of the subject PPS.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the TDDP are evaluated, as follows:

Plan 2035

The subject site is in the New Carrollton Metro Regional Transit District. Regional transit districts are areas with extensive transit and transportation infrastructure and the long-term capacity to become mixed-use, economic generators for the County. These districts are to be medium- to high-density and are envisioned to feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options—such as Metro, bus, light rail, bike and car share, and promote walkability. They will provide a range of housing options to appeal to different income levels, household types, and existing and future residents (page 19).

The subject PPS is to subdivide existing Parcels 4 and 122 into 12 new parcels that will consist of office, retail, hotel, and multifamily uses. The proposed development aligns with the vision of regional transit districts, to locate a mix of complementary uses next to the New Carrollton Metro transportation hub. By the end of 2024, the applicant will have completed construction of two new residential buildings, two office buildings, a public plaza, and a new parking garage adjacent

to the New Carrollton Metro Station. The current proposal for hotel, office, residential, and retail uses will complement the recent construction and further implementation of Plan 2035's vision for this regional transit district.

TDDP

The TDDP recommends "mixed use" as the preferred land use for the subject properties (page 57). The properties are in the Metro Core Transit District Overlay Zone (TDOZ) neighborhood (page 21). The vision is for this neighborhood to serve as a regional downtown, "with the most active and intensely developed mix of uses in the New Carrollton TDOZ (page 20)."

The TDOZ includes standards and guidelines for Building Envelope and Site, Open Space and Streetscape, Parking Facilities, and Building Form. At the time of review of future DSPs for the subject properties, the proposed buildings, streets, streetscape elements, vehicular and bicycle parking, site access, and other relevant conditions will be evaluated with those standards.

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, remain in full force and effect except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the Prince George's County District Council has not imposed the recommended zoning. The proposal for 1,000 dwelling units and 810,000 square feet of commercial development provided in this PPS conforms to the mixed-use land use recommendations of the TDDP.

Sectional Map Amendment/Zoning

The 2010 *New Carrollton Transit District Overlay Zoning Map Amendment* reclassified 62.3 acres of the land bounded by Garden City Drive, Corporate Drive, and US 50 from the Light Industrial Zone to the M-X-T Zone.

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Map Amendment, which reclassified the subject properties from M-X-T Zone to RTO-H-C Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior zoning.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (38437-2016-2) was submitted with this PPS, along with a receipt of payment from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), for review, dated September 19, 2023. The unapproved plan shows the use of numerous micro-bioretenment facilities and underground storage facilities throughout the site, and a submerged gravel wetland. This plan is reflective of the PPS layout and will be further reviewed for approval by DPIE. Submittal of an approved SWM concept letter and plan will be required prior to signature approval of the Type 1 tree conservation plan (TCP1). No further information pertaining to SWM is required at this time.

Development of the site, in conformance with the approved SWM concept plan and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the TDDP, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreational facilities.

Applicable Plan Conformance

The proposed development aligns with the TDDP's intention to integrate and utilize landscape design to enhance open spaces that function as special places whether public or private; to ensure safe, attractive, and accessible open spaces that provide recreational opportunities and support for outdoor public events; and the creation of attractive public parks that feature natural environments and/or recreational facilities that support both active and passive recreation.

Park and recreation amenities serving the subject property include the West Lanham Neighborhood Trail and the West Lanham Neighborhood Park, which is improved with a basketball court, picnic shelter, lighted outdoor tennis court, and a recreation center, and is within 1.51 miles of the proposed development. The Whitfield Chapel Park, developed with a lighted softball diamond, picnic area, playfield, and playground is located 2.56 miles within the subject property.

Subdivision Regulations Conformance

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. Based on the included density of development, 15 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.97 acre for public parklands. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. Therefore, the 0.97 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

The recreational guidelines for Prince George's County also set standards based on population. Based on the projected population for the development, 2,168 new residents, the typical public recreational needs include picnic and sitting areas, playgrounds, open play areas, fitness trails, and basketball and tennis courts. Per Section 24-135, the Prince George's County Planning Board may approve the payment of fees and the provision of private on-site recreational facilities, in place of parkland dedication. The developer proposed to meet the requirement with private on-site recreational facilities. The proposal cites the provision of various amenities such as a club/game room, fitness center, and yoga room, as well as one outdoor courtyard with grill areas as recreational facilities.

The applicant shall provide outdoor recreation opportunities for future residents as part of the open space and streetscape design for the town center. The provision of on-site recreation is approved, with the inclusion of additional outdoor amenities, as part of the open space and streetscape design. The details and the cost estimates for the on-site facilities shall be evaluated with the review of the DSP.

The proposed provision of on-site recreation facilities is found to meet the recreational needs of the future residents of this community and will be in conformance with applicable plans and the requirements of prior Subtitle 24, as they pertain to parks and recreation facilities.

Metro Core Wetland Park

The TDDP identifies specific public spaces, parks, and open spaces within the Metro Core area. Specifically, a “Metro Core South Wetland Park” is identified in the TDDP (page 39) and is located on proposed Parcel B, within the limits of this PPS, directly northeast of Parcels 9 and 10, which are planned for residential development (340 multifamily units). The TDDP envisions this to be an environmental feature serving as a large passive open and SWM amenity, centrally located within the Transit Core. The TDDP proposes the internal portion of the passive open space park to be wild and natural in character (native/naturalized plantings, natural stream channel, wetlands etc.) with formalized edges, including strategically located pedestrian paths and seating areas, pedestrian-scaled lighting, and interpretive signage. The Metro Core South Wetland Park is located centrally within this PPS and will provide recreational opportunities, as well as trail connectivity to the future Garden City Greenway located east of the subject site, for all users of adjacent development and the Metro, as envisioned by the TDDP. The Metro Core South Wetland Park will not be parkland owned or maintained by M-NCPPC; however, it should be open to and available for use by the public by easement, to the benefit of M-NCPPC, if appropriate, and may be maintained by the property owners. Design of the “Metro Core South Wetland Park” shall be included in phase with the development proposed on Parcels 9 through 15; the first DSP for any of these parcels shall include Parcel B. The applicant has provided that the wetland park (Parcel B) is proposed to be developed pursuant to a County-approved project in conjunction with the Clean Water Partnership and its ownership maintained by the Washington Metropolitan Area Transit Authority. The development and design of Parcel B shall be further coordinated between the various stakeholders to provide appropriate neighborhood connections and ensure that the development land uses conform to the requirements of the TDDP (Section 24-121(a)(5)). At the time of DSP, the details of development, phasing, maintenance and liability, including conditions for public access easements, should be determined.

Development of the Metro Core South Wetland Park may compliment the requirements for private on-site recreational facilities for the residents. However, the wetland park is a SWM facility and not planned or required solely for its recreational value, but for its value as an open space element, to offset the dense urban environment of the Transit Core and provide required SWM to serve the development. The facility would be required notwithstanding that the applicant has proposed residential development with this PPS. The facilities planned for the edges of the natural environment envisioned for the wetland park area are intended to integrate this facility into the pattern of the transit center and not create an isolated facility.

9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the TDDP, and the prior Subdivision Regulations to provide the appropriate transportation facilities.

MPOT and TDDP Conformance

Master Plan Right-of-Way

The TDDP design criteria establish right-of-way recommendations and configurations for Garden City Drive, Pennsy Drive, and Corporate Drive. Garden City Drive is recommended as being a minimum of 48.5 feet to a maximum of 51 feet from center line, or a total right-of-way range of 97–102 feet. Pennsy Drive is recommended as being a minimum of 35 feet to a maximum of 37 feet from center line, or a total right-of-way range of 70–75 feet. Corporate Drive is recommended to be a minimum of 48.5 feet to a maximum of 51 feet from center line, or a total right-of-way range of 97–102 feet. The final right-of-way width shall be determined at the time of DSP, and then reflected on the final plat prior to its approval. Provision of minimum and maximum rights-of-way for these publicly maintained roadways on the PPS provides the needed flexibility to the applicant prior to final plat, where actual limits are dedicated, to closely work with appropriate operating agencies in provision of required cross sections and provision of most desirable and acceptable travel lane widths that promote safe and attractive multimodal access at the time of DSP.

It is noted that Cobb Road, south of Pennsy Drive, is an extension of the I-95/495 (Capital Beltway) southbound exit ramp, which leads motorists to westbound US 50, as well as the subject site.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master planned facilities:

- Planned Bicycle Lane: Garden City Drive, Corporate Drive
- Planned Side Path: Pennsy Drive

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

In addition, the TDDP provides recommended streetscapes, which detail specific bicycle and pedestrian improvements on Table 8 (page 151).

The portions of Garden City Drive, Pennsy Drive, and Corporate Drive that front the subject property shall include a minimum 6-foot-wide sidewalk along the entirety of their frontage. In addition, Garden City Drive is a collector roadway, which requires a 6-foot-wide bicycle lane along its frontage.

The portion of Corporate Drive which falls north of Pennsy Drive shall display a 5-foot-wide bicycle lane along its frontage. Pennsy Drive calls for a side path, per the MPOT, which shall be a minimum of 8 feet wide, to allow for bicyclists and pedestrians to comfortably pass each other. As a condition of approval, the applicant shall update plans to provide a minimum 8-foot-wide side path along the site's frontage of Pennsy Drive.

Bicycle parking shall be provided throughout the site. Short-term parking is to be provided at all office and retail spaces, in addition to long and short-term parking being provided at the multifamily buildings and the hotel. Page 168 of the TDDP, Standard 2, states that "the minimum number of bicycle parking spaces shall be one bicycle space for every 20 off-street vehicular parking spaces." The amount of bicycle parking provided shall reflect this standard. The locations and specified number of short-term and long-term bicycle parking spaces will be further examined with the DSP application. As required in the companion Certificate of Adequacy ADQ-2023-056, prior to acceptance of a DSP, the applicant shall submit a bicycle and pedestrian facilities plan, along with the site plan, which is in conformance with the above-listed recommendations.

Access and Circulation

The applicant has provided a circulation plan which shows vehicle movement throughout the site. The portion of development along the west side of Garden City Drive, which includes Parcels 6, 7, and 8, is served by two bi-directional points of access, both of which originate along Garden City Drive. This portion of the development features an existing common access easement established with PPS 4-16023, pursuant to Section 24-128(b)(9), which has been recorded in Book 39729 page 325 of the County Land Records. This easement serves existing off-site Parcel 5 and Parcel B, and is to also serve Parcels 6, 7, and 8 within the subject PPS.

The portion of development along the east side of Garden City Drive, which includes Parcels 9 and 10, is served by a single point of access. The portion of development along the east side of Pennsy Drive, which includes Parcels 11–15, is served by two points of access, one to Parcel 14 and one to Parcel 15. Both parcel groups feature a new common access easement, which are permitted in the T-D-O Zone, pursuant to Section 24-128(b)(8).

No private roadways are included in the development. At the time of PPS 4-16023, that application specified that the common access for the portion of development along the west side of Garden City Drive is a private driveway, a condition expected to continue. PPS 4-16023 included a condition (Condition 13) for specific improvements to the existing private driveway serving the Metro bus loop and parking area and abutting parcels. This condition is carried

forward in modified form to the current PPS. The current PPS specifies that the proposed use of Parcel A is an access road, but this shall be corrected prior to signature approval of the PPS, to specify that the proposed use is an access driveway.

For the portions of the development east of Garden City Drive and east of Pennsy Drive, the internal access connections shall be constructed as private access driveways, to provide common and consolidated access for the parcels. To comply with the TDDP streetscape requirements and elements, the exact limits of the needed access easement for each of these facilities shall be further reviewed and determined upon the review of appropriate DSPs, but they shall be no less than 22 feet wide for two-way traffic. The PPS shows 24-foot-wide access easements, which are wide enough to accommodate 22-foot-wide driveways. The access easements shall be recorded in phase with the proposed development to the minimum extent necessary, to provide adequate access for developing parcels, at the time of final plat.

The existing entrance to the New Carrollton Metro Station is partially located on proposed Parcel 8. Given that this parcel will be developed, information was requested from the applicant on how pedestrian access to the Metro station will be maintained. At this time, since there is no detailed design for the development on Parcel 8, the exact route pedestrians would take is unknown; however, the applicant shows a public use easement on the PPS, from abutting off-site Parcel 36 (owned by the Washington Metropolitan Area Transit Authority), which will allow the public to continue accessing the Metro station. The circulation plan provided by the applicant shows how pedestrians may access the easement and the station entrance from Garden City Drive. The boundaries of this public use easement may be modified with the DSP when the details of development on Parcel 8 are known.

All points of access are confined to the site, thereby ensuring no cut through traffic will take place. Continuous and direct pedestrian paths, including crosswalks and all associated Americans with Disabilities Act curb ramps, are required at all access points and throughout the site. Vehicular access and circulation for the proposed development are found to be sufficient.

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and will conform to the MPOT and TDDP.

10. **Public Facilities**—This PPS was reviewed for conformance to the TDDP, in accordance with Section 24-121(a)(5). The TDDP contains a financing plan for implementation of public facility improvements. Specifically, the cost for suggested public facility improvements is identified for the following: Street Improvements, Wayfinding Signage, New Public School, Recreation and Open Space Facilities, and Transit and Public Utilities.

The project will not impede the achievement of the above-referenced public facility improvements. This PPS is subject to ADQ-2023-056, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property in the TDDP.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect the subject site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. The property is within Tier 1 of the Sustainable Growth Act, which includes those properties served by public sewerage systems.

11. **Public Utility Easement**—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 public utility easements (PUEs) is a minimum of 10 feet wide along both sides of all public rights-of-way. The site abuts US 50, Garden City Drive, Corporate Drive, Cobb Road, and Pennsy Drive. All the required PUEs are shown on the PPS, except on Parcels 11–15, where they abut US 50, Cobb Road, and Pennsy Drive. The applicant submitted a request for a variation from Section 24-122(a), to allow omission of PUEs from the public street frontages of these parcels.

Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, 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, or welfare, or injurious to other property;**

The granting of the variation to omit PUEs along the public street frontages of Parcels 11–15 will not be detrimental to public safety, health, or welfare, or be injurious to other property. As explained in the applicant’s statement of

justification (SOJ), the applicant will be able to serve these parcels with dry utilities by having the utilities cross Pennsy Drive to the PUE on Parcel B. There are also no properties surrounding Parcels 11–15 which would have to be served by utilities located within PUEs on these parcels. US 50 lies directly to the south and it would be impractical to run dry utilities underneath it to properties on the opposite side. The land to the north and west is to be served by PUEs approved with this PPS. Developed land east of these parcels is served by existing PUEs. No property will be denied access to utilities due to the omission of PUEs from the subject property.

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

This site is unique in that it is located within the Metro Core neighborhood established by the TDDP (page 21). Relative to the County, the Metro Core neighborhood encompasses a very small number of properties, all centered around the New Carrollton Metro Station, and the subject PPS contains a significant amount of the land area in the neighborhood. The TDDP requires that buildings in the Metro Core shall sit along a build-to line measured 20 feet from the edge of the curb (page 132). Based on the distances from the edges of the existing curbs to the ultimate right-of-way lines of the surrounding roadways, to meet this requirement, the buildings on Parcels 11, 12, 13, and 15 would have to be located close enough to their parcels' right-of-way lines that there would be no room for PUEs. In some cases (such as along US 50), the buildings would even have to be located within the rights-of-way. The applicant will need to seek a modification to the TDDP requirements at the time of DSP, to allow for reasonable placement of the buildings; however, to meet the intent of the TDDP, the buildings should still be located as close to the right-of-way as possible. The TDDP also recommends streetscaping elements such as street trees, street furniture, landscaping and planters, decorative paving, public artwork, and bus shelters (page 151), all of which would compete for space with PUEs between the right-of-way lines and the buildings. For these reasons, the conditions on which the variation is based are found to be unique to the property for which the variation is sought and are not applicable to other properties. The requirements of the TDDP encourage finding a different solution for serving the buildings with utilities other than the standard 10-foot-wide PUE requirement.

Regarding Parcel 14, this parcel is unique in that it only has a small amount of frontage on Pennsy Drive, all of which will be taken up by an entrance driveway to be shared by Parcels 11–15. It would be unnecessary to provide a PUE on this parcel if omitting it from abutting Parcels 11 and 12. Therefore, even though this parcel will not feature a building close to the curb or any significant streetscape on Pennsy Drive, the unique conditions imposed by the TDDP extend to this parcel as well.

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

The approval of a variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. There is no other known law, ordinance, or regulation that would be violated by this request. Further, this PPS and variation request were referred to the affected public utility companies, and none opposed the variation request.

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

The particular physical surroundings of the subject property, including its placement in the Metro Core neighborhood, the abutting streets of US 50, Pennsy Drive, Cobb Road, and the ultimate right-of-way widths for these streets could cause a particular hardship to the owner if the strict letter of these regulations were carried out. As discussed above, if 10-foot-wide PUEs were required along each of these three streets, the applicant may not be able to provide appropriate building placement to meet the TDDP design recommendations. Given that the PUEs are not needed to serve Parcels 11 through 15, or any other parcels with dry utilities, requiring the PUEs would be a particular hardship as opposed to a mere inconvenience, given the restrictions having PUEs would impose on the streetscape design.

- (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.**

The site is not in any of the above-listed zones. Therefore, this criterion is not applicable.

Based on the preceding findings, the purposes of prior Subtitle 24 are found to be served to a greater extent by the alternative proposal set forth and, therefore, the variation from Section 24-122(a), to omit PUEs from the public street frontages of Parcels 11–15 is approved.

Section 24-128(b)(12) of the prior Subdivision Regulations requires that private roads shall have a 10-foot-wide PUE on at least one side of the right-of-way. However, no private roads are included with this PPS (see discussion in the Subdivision Layout finding).

12. **Historic**—The TDDP contains minimal goals and policies related to historic preservation and these are not specific to the subject site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended. The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-008-2013	N/A	Staff	Approved	5/1/2013	N/A
4-16023	TCP1-009-16	Planning Board	Approved	1/12/17	17-11
NRI-008-13-01	N/A	Staff	Approved	2/14/2017	N/A
DSP-16043	TCP2-036-2016	Planning Board	Approved	2/16/17	17-34
DSP-16043	TCP2-036-2016	District Council	Approved	3/27/17	Final Decision affirmed Planning Board approval
NRI-008-13-02	N/A	Staff	Approved	2/28/2018	N/A
DSP-16043-01	TCP2-036-2016-01	Planning Board	Approved	6/21/18	18-54
MR-1930F	TCP2-036-2016-02	Staff	Approved	6/4/2020	N/A
DSP-16043-02	TCP2-036-2016-03	Planning Board	Approved	6/24/2021	2021-82
NRI-008-13-03	N/A	Staff	Approved	5/15/2023	N/A
4-23032	TCP1-009-2016-01	Planning Board	Approved	5/23/2024	2024-040

Grandfathering

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 because the application is for a new preliminary plan of subdivision.

Site Description

The PPS is for a 21.59-acre site located on the north side of US 50 (John Hanson Highway), at its intersection with Garden City Drive. The northwestern portion of the site is currently being developed in association with the New Carrollton Metro Station. The southeastern portion of the site includes an existing parking lot, Beaverdam Creek, a wetland, 100-year floodplain, and 2.68 acres of existing woodland. This site is located in the Lower Beaverdam Creek portion of the Anacostia River watershed. In a letter dated March 24, 2023, the Maryland Department of Natural Resources Natural Heritage Program has determined that there are no state records for rare, threatened, or endangered species within the boundary of the project site. According to PGAtlas, forest interior dwelling species habitat does not exist on-site. The site fronts on Garden City Drive, which is designated as a collector in the MPOT and is not regulated for noise; however, the site also abuts US 50, which is designated as a freeway, and is regulated for noise. This site is not within an Aviation Policy Area associated with an airport and does not share frontage with a special roadway designated as a historic road or scenic road.

Plan 2035

The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy in Plan 2035.

Environmental Conformance with Applicable Plans

TDDP Conformance

The subject site is located within the TDDP which contains guidelines in the Environmental Envelope section. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the TDDP, and the plain text provides comments on the plan's conformance.

Metro Core Neighborhood Standards:

11. **Parking facilities and outdoor service areas must be well lit, and their lighting must be designed to minimize glare impacts on adjacent residential uses.**

Lighting shall be addressed as part of the DSP review.

13. **To mitigate the urban “heat island” effect, the rooftops of all new construction or renovated buildings over 10,000 square feet shall be designed in accordance with the heat island mitigation roof treatment criterion specified under the LEED for New Construction and Major Renovation, Version 2.2 or later. Freestanding parking garages and roofs with installed solar thermal or photovoltaic energy systems shall be exempt from this requirement.**

Building details shall be addressed as part of the DSP review.

14. **Environmental Site Design (ESD) stormwater management techniques shall be used throughout the Metro Core to provide enhanced water quality controls and additional green space.**

An unapproved SWM concept plan was submitted which shows the use of numerous micro-bioretenention facilities and underground storage facilities throughout the site, and a submerged gravel wetland.

16. **Public plazas and other civic spaces shall be designed to be safe, sunny and attractive with:**

- a. **No “dead,” poorly lit, or hidden areas**

Lighting shall be addressed as part of the DSP review.

Open Space Standards:

7. **Open Space Lighting: Parks, plazas, and other open spaces shall be illuminated to a minimum of 1.25 foot-candles and a maximum of 2.0 foot-candles in accordance with ADA requirements for parks and recreation spaces. Full cut-off optics shall be used to direct lighting downward. No up-lighting shall be used.**

Lighting shall be addressed as part of the DSP review.

Streetscapes Standards:

8. **Streetscapes as ESD Stormwater Management Amenities: All streetscapes shall incorporate ESD stormwater management features in accordance with county and state requirements as well as known best practices.**

An unapproved SWM concept plan was submitted which shows the use of numerous micro-bioretenion facilities and underground storage facilities throughout the site, and a submerged gravel wetland. These facilities should be designed as amenities where possible.

Lighting of Public Streets and Spaces Standards:

1. **General Street Lighting: Standard “cobra head” design streetlights shall be installed along all public streets in accordance with county or state design and installation requirements, whichever is appropriate.**

Lighting shall be addressed as part of the DSP review.

Conformance with the Green Infrastructure Plan

The site contains regulated areas of the Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The regulated areas are comprised of an existing creek that is centrally located on-site and its associated 100-year floodplain. The following policies and strategies are relevant to this PPS. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The Clean Water Partnership is coordinating a wetland and stream restoration project for the Prince George's County's Department of the Environment (DOE) that will enhance and restore the green infrastructure network located on this site.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 **Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 **Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 **Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The Clean Water Partnership is coordinating a wetland and stream restoration project for DOE that will include mitigation of the site.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No new stream crossings are proposed with this PPS.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trails are proposed within the regulated environmental features (REF) and their buffers on-site. However, the TDDP requires the wetland area to become a park, which will be managed by the owner.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.

Reforestation and preservation areas will be placed into woodland and wildlife habitat conservation easements, while all areas within the primary management area (PMA) will be protected within a conservation easement prior to permit.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

The Clean Water Partnership is coordinating a wetland and stream restoration project for DOE that includes replanting of vegetation along Beaverdam Creek and the associated wetland.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Reforestation and preservation areas will be placed into woodland and wildlife habitat conservation easements prior to certification of the DSP, while all areas within the PMA will be protected within a conservation easement with the final plat of subdivision, prior to permit.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The tree canopy coverage (TCC) will be reviewed with the DSP.

Environmental Review

Natural Resources Inventory/Environmental Features

An approved Natural Resource Inventory (NRI-008-13-03) was submitted with the PPS. The area northwest of Garden City Drive is developed or under development in association with the New Carrollton Metro Station. The area southeast of Garden City Drive consists of an existing parking lot, Beaverdam Creek, and an associated wetland area. Woodland on-site consists of 2.68 acres of which 1.63 acres is located in the floodplain. There are no specimen trees on-site. No additional information is required for conformance to the NRI.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan (TCP1-009-2016-01) was submitted with this PPS.

The TCP1 covers 31.29 acres, which includes the subject site, contains 1.05 acres of woodland in the net tract, and has a woodland conservation threshold of 3.31 acres (15 percent). The Woodland Conservation Worksheet depicts the removal of 0.88 acre of woodland, for a woodland conservation requirement of 5.29 acres. According to the TCP1 worksheet, the requirement is to be met with 0.17 acre of on-site woodland preservation, 1.79 acre of reforestation, and 3.33 acres of off-site woodland conservation credits.

Section 25-122(c)(1) of the Prince George's County Code prioritizes methods to meet woodland conservation requirements. The applicant submitted an SOJ dated November 17, 2023, demonstrating why all the woodland conservation requirements could not be met on-site. The site contains a total of 2.68 acres of existing woodland; however, 1.63 acres of this woodland is located in the floodplain and is not counted towards the woodland conservation requirement. The woodland conservation worksheet on the submitted TCP1 shows 1.96 acres of woodland conservation being met on-site, but 3.33 acres of the requirement is being met using off-site woodland conservation credits. The TCP1 includes areas that were previously approved under DSP-16043, of which off-site woodland conservation credits totaling 2.22 acres were previously obtained for Type 2 Tree Conservation Plan TCP2-036-2016. The on-site woodland clearing and the request to use off-site woodland mitigation credits is approved.

Any forest mitigation banks used to satisfy off-site woodland conservation requirements for this project must conform to Subtitle 25 of the Prince George's County Code and Sections 5-1601 through 5-1613 of the Natural Resources Article of the Maryland Code (the Maryland Forest Conservation Act), as amended.

In accordance with Subtitle 25, Division 2, Section 25-122, Methods for Meeting the Woodland and Wildlife Conservation Requirements, of the Prince George's County Code, if off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit subwatershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence

in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County.

Regulated Environmental Features

This site contains REFs that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REFs include streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the [Environmental] Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the REFs 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 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 REFs. The SWM outfalls may also be considered necessary impacts if the site has been designed to place outfalls at points 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 development of a property should be the fewest necessary and sufficient to develop the site reasonably, in conformance with the County Code.

The REFs on this property, as delineated in the approved NRI plan, includes a stream, wetlands, and their associated buffers. The PMA inclusive of these REFs, including existing floodplain and adjacent steep slopes, are also mapped along approximately 34 percent of the site (13.33 acres). The applicant submitted a letter of justification dated November 20, 2023, to impact an area totaling 361,112 square feet (8.29 acres) of the REFs. The area of impact is located on proposed Parcels 9, 10, and B. The PMA area on Parcels 9 and 10 was already impacted by an existing parking lot and for water and sewer lines.

The approximate 8.29-acre impact on proposed Parcels 9, 10, and B include impacts to the 100-year floodplain, existing wetlands, and stream for a stream restoration/ SWM project headed up by the Clean Water Partnership for DOE. The State of Maryland Department of the Environment has issued Letter of Authorization No. 23-NT-0119/202360685 to DOE on August 3, 2023, for the restoration project, and the United States Army Corp of Engineers issued permit NAB-2023-60658-M52 to DOE on January 9, 2024, for this project. Both permits

authorize the restoration of the outfall and stream channel in Beaverdam Creek and to create a water quality shallow wetland.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the REFs on the subject property are preserved and/or restored to the fullest extent possible and impacts on Parcels 9, 10, and B totaling 8.29 acres are approved.

Specimen Trees

There are no specimen trees on-site.

Soils

The predominant soils found to occur on-site, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, includes Christiana-Downer complex, Issue-Urban land complex, occasionally flooded, Russet-Christian-Urban land complex, Sassafras-Urban land complex, Udorthents, highway, Urban land-Issue complex, Urban land-Russett-Christiana complex, Urban land-Sassafras complex, Urban land-Woodstown complex, Zekiah-Urban land complex, and Zekiah and Issue soils. According to available information, no Marlboro clay exists on-site; however, Christiana complexes are mapped on this property.

Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures. A letter dated December 12, 2023, prepared by Geotech Engineers, Inc., was submitted indicating the site is predominantly underlain by Potomac Sand; over-consolidated clay was not encountered on the site. No additional information regarding soils is required.

Erosion and Sediment Control

The County requires the approval of an Erosion and Sediment Control Plan. The TCP must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. A copy of the conceptual Erosion and Sediment Control Plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP1.

Based on the preceding findings, the PPS conforms to the relevant environmental policies of the TDDP and the Green Infrastructure Plan, and the relevant environmental requirements of prior Subtitle 24 and Subtitle 25.

14. **Urban Design**—Per Section 27-548.08(a)(2) of the prior Zoning Ordinance, and the TDDP, a DSP is required for new developments in the TDOZ. The DSP shall be approved prior to, or concurrently with any final plat of subdivision.

Permitted uses within the New Carrollton TDOZ are the same as those permitted in the underlying zones according to the prior Zoning Ordinance. Exceptions to this rule are discussed in the prohibited uses section of the TDDP. The proposed uses are permitted in the underlying Mixed Use-Transportation Oriented (M-X-T) Zone.

The proposed development is within the Metro Core neighborhood area of the New Carrollton TDDP. The site development standards and guidelines are contained within the TDDP. Conformance with the requirements of the M-X-T Zone and New Carrollton TDDP will be evaluated at the time of DSP review. Elements such as architecture, streetscape, landscaping, parking, circulation, and lighting will be reviewed.

The application also shall comply with the development standards and guidelines contained in the TDDP.

Conformance with the 2010 Prince George's County Landscape Manual

The evaluated mixed-use development is within the New Carrollton TDDP, which contains landscaping requirements under the Open Space and Streetscape Standards and Guidelines. For any landscaping requirements not covered by the TDOZ, the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) will govern. Conformance with the landscaping requirements for the subject site will be evaluated at the time of DSP review.

Conformance with the 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 projects that proposes more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site is in the M-X-T Zone and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 21.59 acres and the required TCC is 2.15 acres. Compliance with this requirement will be evaluated at the time of future DSP review.

15. **Noise**—The property abuts US 50, which is a freeway, as well as transit right-of-way utilized by Metrorail and Amtrak. Therefore, the applicant was required to provide a noise study analyzing whether any noise mitigation would be needed for the subject property. The applicant provided both a December 28, 2023, Phase I study for the entire PPS, and a February 28, 2024, Phase I study specific to Parcels 11–15.

The most recent standards require that noise must be mitigated to be no more than 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units.

The Phase I noise studies submitted by the applicant follow the current standards. The December 28 study delineated the future ground level and upper level unmitigated 65 dBA/Leq noise contours during the daytime, and the future ground level and upper level unmitigated 55 dBA/Leq noise contours during the nighttime. The ground level unmitigated 65 dBA/Leq daytime noise contour is reproduced on the PPS; however, the ground level unmitigated 55 dBA/Leq nighttime noise contour could not be reproduced on the PPS because the entire site was found to be affected by noise levels exceeding 55 dBA/Leq at night. The December 28 study did

not locate mitigated noise contours because at this time, the building positions for most of the site are unknown. The February 28 study did locate mitigated noise contours for Parcels 11–15, based on an anticipated building and site layout, however, this layout is still subject to change at the time of DSP. The positions of the ground level and upper level mitigated 65 dBA/Leq daytime noise contours and the ground level and upper level mitigated 55 dBA/Leq nighttime noise contours shall be determined with a Phase II noise study at the time of DSP, when the final positions of dwellings and noise mitigation features are known.

According to the PPS, most of the proposed recreation facilities will be indoors. Currently, the only proposed outdoor recreation area is located on Parcel 14. The February 28 study found that, under mitigated conditions provided by the buildings, this outdoor activity area would be unaffected by noise levels above 65 dBA/Leq during the daytime, but it would still be affected by noise levels above 55 dBA/Leq during the nighttime. The Phase II noise study shall propose additional noise mitigation to ensure that this outdoor activity area, and any new ones proposed at the time of DSP, are not exposed to noise above the required maximum levels. The mitigation may consist of buildings or noise barriers such as fences or berms.

The Phase I noise studies also found that all proposed buildings are likely to be exposed to noise levels above 65 dBA/Leq at the ground level, the upper level, or both. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, to ensure noise levels in dwelling unit interiors remain below the required level of 45 dBA, noise mitigation will be required for the dwellings units exposed to exterior noise levels above 65 dBA/Leq. This mitigation may consist of upgraded building materials which reduce sound transmission from outside the dwellings. To ensure interior noise is mitigated to the required level, at the time of the building permit for each residential building, the permit shall include a certification by a professional engineer, with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the dwelling units to 45 dBA or less.

300-foot Lot Depth Requirement and Request for Variation from Section 24-121(a)(4)

Related to the noise requirements, Section 24-121(a)(4) of the prior Subdivision Regulations requires that residential lots adjacent to a freeway or transit right-of-way shall be platted with a depth of 300 feet. This requirement affects Parcels 6–8, which are adjacent to the right-of-way used by Amtrak and Metrorail; Parcel 9, which is adjacent to US 50; and Parcels 11–14, which are also adjacent to US 50. Of these parcels, Parcels 8, 11, and 14 do not meet the 300-foot lot depth requirement. Parcels 6 and 7 each feature a flag configuration which places parts of the parcels more than 300 feet away from the transit right-of-way, however, these parts are within an existing access easement, and will only be developed with a driveway. Therefore, Parcels 6 and 7 do not meet the intent of Section 24-121(a)(4), to provide 300 feet of lot depth to allow flexibility in where development on the parcels is located, so as to avoid noise and other nuisances associated with the transit facility. The applicant submitted a request for a variation from Section 24-121(a)(4), to allow the proposed lot depths of Parcels 6, 7, 8, 11, and 14 to fall below the 300-foot minimum depth.

Section 24-113(a) sets forth the required findings for approval of variation requests, 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, or welfare, or injurious to other property;**

As stated above, the purpose of the lot depth requirement given in Section 24-121(a)(4) is to ensure there is enough space on the lots to provide adequate protection and screening from traffic nuisances associated with the adjoining rights-of-way, which may include noise, vibration, light, particulate matter, etc. The 300-foot lot depth requirement notwithstanding, the parcels affected by the variation request are large enough to accommodate multifamily development. It is found that, as provided in the Phase I noise studies, mitigation can be provided to protect residences and outdoor activity areas from high noise levels, and that this noise mitigation shall be detailed with the DSP. Other nuisances generated by the rights-of-way can also be addressed at the time of DSP, through screening, planting, and other techniques required or recommended by the Landscape Manual and the TDDP. It is found that, because the nuisances generated by the right-of-way can be mitigated without providing a 300-foot lot depth for the parcels, the granting of the variation will not be detrimental to the public safety, health, or welfare. The variation will not affect any properties outside of the subdivision, and so granting the variation will not be injurious to other property.

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

This site is unique in that it is located within a compact urban town center (The Metro Core neighborhood of the TDDP), located at the confluence of a major transit right-of-way and major highways. In such a location, high noise levels are to be expected, and it is not appropriate to address noise and other traffic nuisances generated by the adjoining rights-of-way by providing large amounts of open space between the right-of-way and the buildings, as anticipated by Section 24-121(a)(4), due to the compact urban form envisioned by the TDDP. The variation is needed to achieve the compact urban form desired for this

property, as part of the Metro Core neighborhood of the TDDP, which is a condition not applicable to other properties in the County.

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

The approval of a variation from Section 24-121(a)(4) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. There are no other laws, ordinances, or regulations that would be violated by this request.

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

The particular physical surroundings of the subject property discussed above, including its location in the Metro Core neighborhood and the multiple intersecting road and transit rights-of-way, form the basis of the variation request. If the strict letter of the regulations were carried out, the applicant would not be able to include residential uses proximate to the transit right-of-way because the developable area of Parcels 6–8 is located less than 300 feet from that right-of-way. Residential uses could still be included proximate to US 50, if Parcels 11–14 were merged into one large parcel, with more than 300 feet of lot depth; however, this would not allow the buildings proposed for this area to each be located on their own fee-simple parcel. Both of these would be particular hardships to the owner rather than mere inconveniences.

- (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.**

The site is not in any of the above-listed zones. Therefore, this criterion is not applicable.

Based on the preceding findings, it is found that the purposes of prior Subtitle 24 are served to a greater extent by the alternative proposal set forth and, therefore, the variation from Section 24-121(a)(4), to allow the proposed lot depths of Parcels 6, 7, 8, 11, and 14 as shown on the PPS, is approved.

16. **Community Feedback**—The Washington Business Journal requested information on the differences between the prior PPS for the New Carrollton Town Center (4-16023), and the current PPS (4-23032). Response was provided by email to discuss the differences; this email is included in the case file. The Prince George’s County Planning Department did not receive any other correspondence from the community regarding this PPS.
17. **Planning Board Hearing of May 23, 2024**—At the Planning Board hearing on May 23, 2024, staff gave a brief presentation of the development. The applicant was in agreement with all of the conditions of approval, and no members of the public signed up to speak or submitted written feedback. The applicant noted that they are working closely with the County and the Clean Water Partnership on the stream valley restoration project occurring on Parcel B, which will be part of the Metro Core Wetland Park, and that further stakeholder coordination on this project will be needed. The Planning Board inquired about the conceptual bicycle facilities shown on the conceptual circulation plan, and the applicant responded that the bicycle facilities will be updated with each DSP. The applicant also said that they envision providing bicycle storage facilities near the New Carrollton Metro Station and bicycle service facilities for residents in parcels located further away from the Metro station. The Planning Board also asked that the design of the development not hide the entrance to the New Carrollton Amtrak Station.

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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File No. 4-23032

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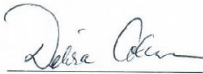
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, and Shapiro, voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, May 23, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of June 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 6/6/24