

### R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 8, 2011, regarding Conceptual Site Plan CSP-10004 for King Property, the Planning Board finds:

1. **Request:** The subject conceptual site plan (CSP) proposes to construct a 929,000 square-foot mixed-use residential/commercial development in two phases. Phase 1 includes 525,000 square feet of residential development for a planned residential retirement community, while Phase 2 includes 404,000 square feet of retail and office space.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential, Office/Commercial
Net Tract Area	45.93	43.87
Square Footage/GFA	0	404,000 sq. ft. office/commercial 525,000 sq. ft. residential
Dwelling Units:		
Duplexes	0	72±
Townhomes	0	40±
Multifamily Units	0	96±

**Floor Area Ratio (FAR) in the M-X-T Zone**

Base Density	0.4 FAR
Residential	1.0 FAR
Total FAR Permitted	1.4 FAR
Total FAR Proposed:	0.46 FAR

3. **Location:** The subject 45.93 acre property is located on Tax Map 60 in Grid E-3, and comprises Parcels 27, 276, 272, 270 and Outparcel A. It is located in the northwest quadrant of the intersection of Lottsford Road with Landover Road (MD 202), with additional frontage along both the north and south sides of Ruby Lockhart Boulevard. The property is located in Planning Area 73 within the Developing Tier.
4. **Surrounding Uses:** North of existing Parcel 272 of the subject property are single-family homes in the M-X-T (Mixed-Use-Transportation Oriented) Zone (Balk Hill Village). East of existing

Parcel 272 are the Vistas at Regent Park Condominiums, a planned retirement community, in the C-O (Commercial-Office) Zone. South of existing Parcel 272 and east of existing Parcel 27 is the Woodstream Church in the I-3 Zone. West of the subject property is undeveloped land in the M-X-T Zone (Balk Hill Village), beyond which is the St. Joseph's Church in the R-R (Rural-Residential) Zone and the Woodmore Town Center in the M-X-T Zone.

5. **Previous Approvals:** Historically, the land area included in the subject property comprised a portion of the following previous applications:

- The District Council approved Zoning Map Amendment A-9604-C on April 15, 1988, rezoning approximately 111.12 acres of the larger Addison-King Property from the R-R (Rural Residential) Zone to the I-3 Zone. The subject property is a portion of that larger property.
- The District Council approved a Conceptual Site Plan CSP-96046 for the Addison-King Property, for approximately 109.46 acres on December 3, 1997.
- The Planning Board approved Preliminary Plan of Subdivision 4-97013 and Type I Tree Conservation Plan TCPI/05/97-01 for the Addison-King Property, which covered approximately 110± acres on April 3, 1997. This preliminary plan created Lot 1, which contains the adjoining church, and Outlot A, which is part of this application.
- On July 12, 2010, the District Council approved the rezoning of the subject site from the I-3 Zone to the M-X-T Zone (Zoning Map Amendment A-10020-C). The District Council approved the rezoning with eleven conditions of approval. Review of required conditions of approval for the subject property is provided in Finding 8 below.

6. **Design Features:** The applicant proposes to develop the property as a mixed-use residential, commercial, and office development in two phases. Phase 1 would include a planned residential retirement community on existing Parcel 272, while Phase 2 would contain a mix of retail and office space on Parcel 27. Access to the site is proposed via Ruby Lockhart Boulevard with no access from Landover Road (MD 202) or Lottsford Road.

**Phase 1: Age-Restricted Community**

In Phase 1, the conceptual plan proposes a retirement community of 210 dwellings with 74 single-family attached units, 40 townhouse units, and 96 multifamily units on the north side of Ruby Lockhart Boulevard. The community is proposed as a gated community with an expansive recreational core with a clubhouse. Twelve-unit multifamily buildings with parking garages at the first level are proposed to front Ruby Lockhart Boulevard, and additional multifamily buildings are envisioned in the western portion of the parcel. A mix one-family semi-detached units, or duplexes, and townhomes are proposed along the central loop road proposed for the development, facing the recreational green.

The retirement community is proposed as a condominium development. The applicant indicated that one of the purposes of the development is to provide a large percentage of common area. As a condominium community, the development will provide for common maintenance of all of the grounds and yards around buildings to reduce the burden of landscape upkeep on residents.

**(a) Development Standards**

While the conceptual site plan does not propose specific architectural guidelines it does propose some development standards as described below:

**Standards for Townhouses and Duplexes**

Minimum distance between buildings	10 feet
Minimum width of individual dwelling unit	22 feet
Minimum finished living area	1,500 square feet

**Standards for Multifamily Buildings (12-plex apartments)**

Minimum distance between two buildings	20 feet
Minimum distance from building to property line	50 feet
Minimum distance from building to parking lot	5 feet
Percent of façade that shall be full brick	60 percent
Minimum green space	45 percent

Of the development standards proposed, the Planning Board has the most concern about the minimum distances between buildings proposed by the applicant. A ten-foot distance between groupings of townhouses or duplexes does not provide adequate space between buildings to accommodate foundation plantings and ornamental trees. The Planning Board finds that the minimum distance between groupings of townhomes or duplexes shall be increased to 15 feet. The need for additional distance between buildings will be evaluated at time of detailed site plan. Limited reductions in the distances between buildings may be permitted with adequate justification, and a finding that the reduction will not negatively impact the site design.

**(b) Architectural Guidelines**

The Planning Board finds that the applicant has not proposed comprehensive architectural guidelines for development of the residential community. In lieu of having architectural guidelines, the Planning Board adopts the following architectural considerations be addressed at time of detailed site plan review:

The applicant shall provide a variety of housing options for future residents of the age-restricted community, including housing options that do not require an intensive use of stairs. The applicant shall also demonstrate that a satisfactory proportion of the housing is handicap accessible. The

building types proposed are two and three stories. Providing the option for one-level living is encouraged.

A quality architectural building product shall be required. All buildings shall have articulated building facades. Separations, changes in plane and height, and the intermittent inclusion of such elements as bay windows, porches, overhangs, balconies and chimneys are encouraged. Vertical and horizontal articulation of sloped roofs is encouraged, including gables and dormers. Additionally, end elevations of one-family semi-detached dwellings and townhouses shall have a minimum of three standard end wall features.

**(c) Private Recreational Facilities and Amenities**

The applicant provided the following description of the recreational facilities envisioned on the subject property to serve the proposed age-restricted community. The Planning Board adopts the following:

**Applicant's Justification:** "The conceptual site plan for the King Property [proposes]... a club house which will be approximately 10,000 square feet in total size. Within the clubhouse will be a full exercise room in keeping with the age restricted community including treadmills, ellipticals, rowing machines and weight machines, and will have television sets to entertain the people as they exercise. In addition to the exercise room, there will be a large media room complete with a stage. The media room will be improved with a large sixty to seventy inch high definition television, as well as a small stage area which can be utilized not only for meetings but also for performances and entertainment. This may include entertainment by the residents or entertainment that is brought in for the residents."

"In addition to the above, there will be passive activities which will include a room with both pool tables and card tables available to all residents of the community. The exact number and size of the rooms has yet to be determined but will be determined at the time of detailed site planning. The additional space will contain a meeting room with a kitchen area. The kitchen area will not allow for the preparation of food on premises but will have a refrigerator, sinks and counter areas that can be utilized for the presentation of meals or snacks and may serve as a bar by persons who utilize the room as well. The room primarily will be used by the Homeowners Association for meetings but will be available to all of the members for special occasions such as birthdays, wedding anniversaries and the like. In addition to the indoor facilities, the site will include a putting and chipping green, as well as two tennis courts. All of these, as shown on the site plan, will be centrally located and within easy walking distance of all the residences within the community."

The Planning Board finds that the recreational amenities are acceptable as conceptually proposed. These facilities will be reviewed in detail at time of detailed site plan and may be modified at that time if substitute facilities provide equal or better recreational value.

## **Phase 2: Commercial and Retail Development Area**

The section of the site south of Ruby Lockhart Boulevard proposes to contain two three-story and one five-story office/retail buildings with a combined square footage of 404,000 square feet. Access is envisioned from Ruby Lockhart Boulevard for both development parcels.

The Planning Board finds that as currently proposed the design of the commercial retail complex does not have a central organizing theme. The buildings do not appear to have a strong relationship with each other or the adjacent roads, Ruby Lockhart Boulevard or MD 202. At time of detailed site plan the layout of these buildings shall be reconsidered when information about the necessary parking ratio is obtained. These buildings shall have a strong relationship with each other and the street. The buildings shall also be organized to provide a quality public space that will provide a pleasant outdoor setting for employees and visitors.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **The requirements of the Zoning Ordinance:** The Planning Board finds that the subject conceptual site plan (CSP) complies with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The Planning Board finds that the subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in mixed use zones.

- (1) All types of office and research, many types of retail, and eating and drinking establishments are permitted in the M-X-T Zone. The submitted conceptual site plan proposes office and retail space, and residential development.

Residential uses are permitted in the M-X-T Zone, with the following footnote:

### **Section 27-547(b), Footnote 7**

**Except as provided in Section 27-544(b), for development pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, the number of townhouses shall not exceed 20% of the total number of dwelling units in the total development. This townhouse restriction shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000.**

The Planning Board finds that the townhouse restriction does apply to the subject property. The applicant proposes approximately 210 residential units, of which 40

are proposed as townhouses. This indicates that approximately 19 percent of the units will be townhouse units, demonstrating conformance with the above provision.

- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

**Section 27-547(d)**

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

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

The Planning Board finds that all three use categories are proposed in subject conceptual site plan, which exceeds the requirements of Section 27-547(d).

- b. The CSP is consistent with Section 27-548, Regulations. The Planning Board adopts the following findings:
- (1) The proposed floor area ratio (FAR) and detailed bonus incentive information is provided on the site plan. A residential bonus is being used. The site's total permitted FAR is 1.4. The proposed FAR is 0.46. FAR is typically expressed as a ratio and not as square footage, as is indicated on the submitted site plan. The applicant shall revise Note 13 of the conceptual site plan to clearly indicate the permitted and proposed floor area ratio, and express it as a ratio on the plan.
- c. The CSP is in conformance with the applicable conceptual site plan site design guidelines contained in Section 27-274. The Planning Board adopts the following findings:
- (1) In accordance with Section 27-274(a)(6)(i), Site and streetscape amenities, the coordination of the design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture is required. Comprehensive review of streetscape amenities shall occur at the time of detailed site plan.

- (2) As discussed in Section 27-274(a)(11)(A), Townhouses and three-family dwellings, preservation of existing trees is encouraged.

**Section 27-274(a)(11), Townhouses and three-family dwellings,**

- (A) **Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.**

The conceptual site plan identifies opportunities, however limited, for the preservation of existing tree stands. Most of the preservation is proposed at the perimeter of the site, due the necessity of the applicant to grade the interior of the sloping development parcels. The Planning Board finds that additional opportunities for tree preservation shall be reviewed at the time of detailed site plan once a Type 2 Tree Conservation Plan is submitted.

- (3) The applicant proposes a central recreational area for the entire retirement community. In accordance with Section 27-274(a)(11)(C), the recreational facilities are separated from dwelling units. This has been done through the proposal of a private driveway around the central recreational area with club house. The one-family semi-detached units and townhomes front the private driveway and recreational area.
- d. Section 27-548 (h) includes additional regulations for townhouses in the M-X-T Zone. The applicant proposes townhouses, duplexes, and multifamily buildings on existing Parcel 272. The Planning Board adopts the following findings:
- (1) The following section addresses required lot sizes for townhomes in an M-X-T proposal.

**Section 27-548(h)**

**Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size...**

The applicant is not proposing townhouses on private lots, but rather the applicant is proposing townhouses as a part of one condominium regime. The Planning

Board finds that the intent of the lot size provision is not to require private ownership of land, but rather to provide an adequate building envelope and yard space to accommodate development of quality townhouses without overcrowding of land. During detailed site plan review, the applicant shall be required to illustrate that 1,800-square-foot lots for townhomes could be accommodated with the subject proposal. While the applicant shall not be required to plat those illustrative lots, the Planning Board finds that the lot size provision will inform the site design process, and ensure that adequate space is allotted for the development of townhouses.

If 1,800-square-foot lots cannot be demonstrated at time of detailed site plan, then the applicant should consider applying for a variance from Section 27-548. A variance from the lot size standard could be considered a reasonable request, as the M-X-T Zone is intended to be a flexible, design-centered zone that can support greater densities near transit centers and major interchanges. The 1,800-square-foot lot size standard is the same standard shared by more land consumptive suburban sites in the R-T (Townhouse) Zone.

- (2) Section 27-548 (h) goes on to state that garages may not dominate the streetscape.

**Section 27-548 (h)**

**... Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley...**

While alleys are encouraged, they are not currently proposed in the subject conceptual site plan. Front-loaded single-car garages are proposed for the duplexes and townhouses. The Planning Board finds that the above provision shall also apply to any proposed one-family attached or semi-detached units within the development. Front-loaded garages that are incorporated into any dwelling shall be set back a minimum of four feet from the front façade and there shall not be more than a single garage, not to exceed ten feet wide, along the front façade of any individual unit. If in future approvals, two-car garages are seen as beneficial for the development, then rear-loading garages or detached garages in the rear yard of a dwelling shall be provided.

- e. In accordance with Section 27-574, the number of parking spaces required in the M-X-T Zone are to be calculated by the applicant and submitted for Planning Board approval at the time of detailed site plan approval. Detailed information regarding the methodology and procedures to be used in determining the parking requirement is outlined in Section



24-574(b). The conceptual site plan is not required to include detailed parking rate information. At time of detailed site plan review, adequate parking shall be demonstrated for the residential and commercial portions of the development. Sufficient visitor parking shall also be demonstrated. The Planning Board recommends that on-street parking be accommodated within portions of the retirement community, as deemed appropriate at the time of detailed site plan, in consultation with Urban Design and Transportation Planning staff.

- f. The subject application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a conceptual site plan in the M-X-T Zone. The Planning Board finds that the requirement of Section 27-546(d) have been met as follows:

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The subject application proposes both employment and living opportunities in close proximity to a major intersection (Landover Road and Lottsford Road). The Planning Board finds that the variety and quality in housing combined with the proposed commercial uses will generate increased tax revenues for the county by locating development at a major intersection along a recognized corridor.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, recommends employment-related development for this site; therefore the Planning Board finds that the development plan conforms to the vision established within the master plan. Focusing the mixed-use community near the metro and the Beltway maximizes the development potential of the property.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of**

**the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The concentration of development and mix of uses will reduce sprawl.

- (4) To promote the effective and optimum use of transit and other major transportation systems;**

The Planning Board finds that the proposed community will promote optimum use of transit by providing retail and residential uses in close proximity to each other along an established bus route connecting to an existing metro station.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The applicant provided the following justification indicating how the above purpose of the M-X-T Zone is supported:

“... [The site] will contain both employment uses, which will be active during the day, and commercial and residential uses, which will be active in the evenings as well. In addition, the site's close proximity to commercial uses in the Woodmore Town Center and across Route 202 in the Inglewood restaurant park will foster the vibrant activity which was contemplated by the creation of the M-X-T Zone.”

The Planning Board finds that the applicant's response provides a reasonable basis for making this required finding.

- (6) To encourage diverse land uses which blend together harmoniously;**

The Planning Board finds that the phased development that proposes residential development in Phase 1, and an office and commercial proposal in Phase 2 represents a harmonious combination of land uses. The project is also across from an institutional use (Woodstream Church) which will be a beneficial resource for project residents.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The functional relationships of the individual uses are established with the subject conceptual site plan, and will be further reviewed at time of detailed site plan review. The visual character and identity of the project will be a function of the

architecture of the buildings, entrance features and landscape plantings. The visual character of the development will be under close examination at time of detailed site plan review. The Planning Board finds that buildings shall be designed with high quality detailing and design variation. They shall be appropriate in scale with their location. The architecture, street furniture, landscape treatment, signage, and other elements shall be coordinated to give the development a distinctive visual character.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**

A number of factors help to make this design a multipurpose energy-efficient plan. The number of proposed residential units and the concentration of a portion of them in multifamily complexes allow for economies of scale in the construction process and for the municipal services required to serve the residents. The Planning Board finds that the mixture of uses proposed could provide some employment opportunities for those residents of the retirement community who continue to work part or fulltime.

- (9) To permit a flexible response to the market; and**

The Planning Board finds that the project is responsive to the existing market, as it aims to meet the growing needs of retirement-aged individuals in the county.

- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The Planning Board finds that as approved, with the conditions and detailed site plan review, the applicant will be allowed freedom in architectural design to provide an attractive product for the area.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject site was rezoned to the M-X-T Zone in 2010 through Zoning Map Amendment A-10020-C. The Planning Board finds that this requirement is not applicable to this CSP.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The Planning Board finds that while the residential phase of the development is a gated community that has an internal orientation, centered on an internal green, the project does not turn its back on the adjacent community. The 12-unit multifamily buildings are currently designed to front Ruby Lockhart Boulevard, and a main driveway entrance is proposed directly across from the existing Woodstream Church driveway entrance. A quality architectural front to the residential portion of the development that is compatible with the existing adjacent development will be required at time of detailed site plan.

Portions of the commercial, retail development in Phase 2 will have visibility from MD 202. The commercial and office portion of the development should help to catalyze high quality development along the MD 202 corridor.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The Planning Board finds that the proposed uses on the site are compatible with development in the vicinity.

- (5) **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The Planning Board finds that the amenities and residential variety proposed in Phase 1 will create a largely self-sustaining environment of quality and stability. The design and vision for Phase 2 needs additional refinement. The central organizing theme for the site design, even at a conceptual level, does not appear fully realized in the CSP. With revisions to Phase 2, at time of detailed site plan, the development should become a cohesive whole.

- (6) **If the development is staged, each building phase is designed as a self sufficient entity, while allowing for effective integration of subsequent phases;**

The subject development will be phased. The residential phase and the commercial phase are proposed on separate parcels; therefore, two separate phases should function as two self-sufficient developments.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

Sidewalks are proposed along all internal drives within the development and along Ruby Lockhart Boulevard, which will contribute to a comprehensive pedestrian system. The Planning Board finds that if any additional roadway dedication is deemed necessary to support the indicated sidewalk widths along Ruby Lockhart, then this will be determined at time of preliminary plan of subdivision.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The subject application is a conceptual site plan.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The Planning Board finds that the CSP is not subject to this requirement because the property was not placed in the M-X-T Zone by sectional map amendment.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

The Planning Board finds that this requirement is not applicable to this conceptual site plan.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses**

**may be approved in accordance with the provisions set forth in this Section and Section 548.**

The Planning Board finds that the subject site contains 45.93 acres, and is therefore not subject to this requirement.

**8. The requirements of Zoning Map Amendment A-10020-C:**

**1. The applicant shall observe these recommendations should be observed during the preparation and review of the Conceptual Site Plan (CSP):**

- a. The site plan shall provide adequate open space at the perimeter, as determined by the Urban Design Section, to serve as a buffer between the project and adjacent lower-density residential development and the church.**

The conceptual site plan indicates a minimum 50-foot building setback with conceptual landscape yard along the entire perimeter of the site. Maintenance of existing trees along the perimeter of the site is encouraged. The open space proposed at the perimeter exceeds the dimensional requirements of the Landscape Manual, and shall be maintained, as feasible, in future plan approvals, in order to ensure conformance with this condition. The Planning Board recognizes that some reduction in the provided conceptual setback may be warranted along Ruby Lockhart Boulevard at the time of detailed site plan.

- b. Wherever possible, living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.**

The subject conceptual site plan shows a sidepath along Ruby Lockhart Boulevard and five-foot-wide internal sidewalks that the Planning Board finds to be adequate for the proposed use and that will link the proposed community facilities.

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

Generous building setbacks with conceptual landscape buffers are proposed between the development on proposed phases 1 and 2 and the adjacent existing developments. The Planning Board finds that the appropriateness of landscape techniques, including, but not limited to buffering or berming, will be reviewed at time of detailed site plan.

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

- a. **A signed Natural Resources Inventory (NRI).**
- b. **A Tree Conservation Plan that covers the entire subject property.**

The Planning Board finds that the above condition has been addressed. An approved Natural Resource Inventory, NRI-010-10-01 was submitted with the review package, which was approved on May 17, 2011. A Tree Conservation Plan (TCP1-001-11) that covers the entire subject property was also submitted. Environmental Planning is recommending approval of that Type I TCP with conditions.

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

The Planning Board finds that a mutually agreeable recreational package has been determined. The applicant has agreed to provide a donation to The Maryland-National Capital Park and Planning Commission (M-NCPPC) and private recreational facilities to meet the needs of future residents. The applicant has agreed to contribute \$165,000 to M-NCPPC to assist in the development of public recreational facilities in the vicinity of the subject project. The monies collected could be used to further enhance the nearby parks such as Regent Forest Community Park or the new Woodmore Town Center Park.

The Planning Board finds that the proposed private recreational facilities are subject to additional analysis at the time of preliminary plan and detailed site plan. Conceptually the proposed package that includes a donation and an agreement to provide on-site private recreational facilities, including a clubhouse building, meets the requirement of the rezoning, without prejudice regarding the ability of the recreational package to meet the requirements of Subtitle 24 or Subtitle 27.

The Planning Board finds that the primary private recreational facility proposed is the 10,000 square-foot clubhouse building, which proposes numerous uses of benefit to the future residents. The proposed putting greens and tennis courts are considered to be approved only in concept, as it may be determined upon more detailed review that another combination of active or passive spaces is equally, or more, beneficial to future residents.

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

Facilities for the I-308 and the I-310 are shown on the conceptual site plan consistently with master plan recommendations.

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

The above condition establishes a trip cap for the overall property. The trip cap is based, in part, on 180 senior residences and approximately 404,000 square feet of mixed-commercial space. As the subject plan is conceptual in nature and the final mix of retail and office uses are not clearly indicated on the submitted plan, the Planning Board finds that conformance with the above condition cannot be determined in full at this time. Conformance with the above condition will be reviewed at time of subdivision and again at detailed site plan, when the ultimate mix of uses is clearly determined.

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

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

This condition requires physical improvements at three locations within the study area. This condition is enforceable at the time of the first commercial building permit.

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

The above condition affirms that the needed transportation improvements shall be determined at the time of subdivision approval. This condition allows some degree of revision of Conditions 5(B), 8, and 9 as a part of the adequacy finding. At this time, this condition is not yet applicable, and will be enforced at the next stage of review.

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



This condition sets bonding and permitting requirements for needed roadway improvements. This condition is not yet applicable, and will be enforced in the future.

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

This condition requires submittal of a signal warrant study at the time of the initial detailed site plan. Given that the current review is for a conceptual site plan, this condition is not yet applicable, and will be enforced in the future.

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

This condition requires submittal of a signal warrant study at the time of the initial commercial detailed site plan. Given that the current review is for a conceptual site plan, this condition is not yet applicable, and will be enforced in the future.

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

No such access is shown on the plan. The I-310 right-of-way is intended to be a public use connection between Ruby Lockhart Way and Landover Road (MD 202), and as such is not to be considered a driveway.

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

The conceptual site plan shows sidewalks consistent with the above condition.

9. **Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the *Prince George's County Landscape Manual* (Landscape Manual). The CSP provides illustrative landscaping to fulfill submittal requirements. Conformance with the requirements of the *Prince George's County Landscape Manual* shall be determined when a more detailed plan of development is submitted for review. The Planning Board adopts the following regarding the applicable provisions of the *Prince George's County Landscape Manual*, which will be reviewed in detail at time of detailed site plan review.

- a. **Section 4.1—Residential Requirements**, requires that shade trees be provided within residential developments. The CSP proposes a mix of townhomes, duplexes, and multifamily buildings on one parcel. The applicable requirements in Section 4.1 are as follows:

- (1) For multifamily dwellings located in the Developing and Rural Tiers, a minimum of one major shade tree per 1,600 square feet or fraction of green area provided is required.
- (2) For townhouses, one-family semi-detached, two-family, and three-family dwellings, a minimum of 1.5 major shade trees and one ornamental or evergreen tree is required per dwelling unit. Plant materials used to meet this requirement can be located on individual lots and/or common open space.

The multifamily landscape requirements shall apply to the area occupied largely by the proposed multifamily buildings, and that the townhouse and duplex landscape requirements shall apply to the areas, or zones, occupied by the attached units. This will ensure that the property is landscaped attractively for the benefit of all future residents of the property. For practical purposes, the recreational green at the center of existing Parcel 272 shall not be considered a green area for the purposes of multifamily landscaping calculations.

The need for any additional landscaping to supplement the requirements of Section 4.1 shall be determined at the time of detailed site plan.

- b. **Section 4.2—Requirements for Landscaped Strips along Streets**, specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. The required landscape strip will be

required along a portion of Ruby Lockhart Boulevard, and any other roads required to be dedicated at time of preliminary plan of subdivision that front proposed non-residential uses or parking lots.

- c. **Section 4.3—Parking Lot Requirements**, specifies that proposed parking lots larger than 7,000 square feet shall be subject to Section 4.3. The CSP indicates the location of parking lots that will be subject to this requirement based on their approximate size.
- d. **Section 4.4—Screening Requirements**, requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets.
- e. **Section 4.6—Buffering Development from Streets**, does not appear to apply to the subject site. Neither Landover Road, nor Ruby Lockhart Boulevard is a designated scenic or historic road in the vicinity of the subject site. Lottsford Road is a designated scenic road in the vicinity of the subject site; however, because no proposed development of the site fronts directly onto Lottsford Road, no bufferyard, Inventory of Significant Visual Features, or viewshed analysis is required.

Section 4.6 also applies when rears of single-family attached or detached dwellings are oriented towards a street of any classification (excluding alleys); or in the instance that any yard of a multifamily development is oriented toward a major collector road, arterial, freeway, or expressway. In the current conceptual layout, no rears of single-family dwellings are oriented toward a street. Multifamily buildings are proposed to front Ruby Lockhart Boulevard. Due to the fact that Ruby Lockhart Boulevard is classified as a master planned industrial road, not a major collector road, arterial, freeway, or expressway, a Section 4.6 buffer is not required between the multifamily buildings and Ruby Lockhart Boulevard.

Layout revisions, at time of detailed site plan, could affect the ultimate applicability of Section 4.6 of the *Prince George's County Landscape Manual* to the subject site.

- f. **Section 4.7—The site will be subject to Section 4.7, Buffering Incompatible Uses**. More specific information regarding the bufferyard requirements along property lines adjoining other uses will be evaluated at time of detailed site plan. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.
- g. **Section 4.9—The site will be subject to Section 4.9 of the *Prince George's County Landscape Manual***, which requires that a percentage of the proposed plant materials be native plants.
- h. **Section 4.10—Street Trees along Private Street**, provides standards for the planting of street trees along private streets in a manner that will enhance private streets both visually

and environmentally. The proposed conceptual site plan proposes residential development along a loop driveway that provides access throughout the site. The private drive upon which access will be approved for the development of multifamily buildings, townhouses, and duplexes, shall be planted in accordance with the requirements of Section 4.10 of the *Prince George's County Landscape Manual*. The applicant's submitted conceptual site plan detail sheet indicates that the required planting strip can be accommodated.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-001-11) was submitted with the CSP application. Additionally a variance request for the removal of two specimen trees on-site was submitted. The Planning Board adopts the following findings:

- a. **Type 1 Tree Conservation Plan TCP1-001-11**

The subject property was included as a portion of previously approved TCP1/005/97 and TCP11/82/05; however, these plans were never implemented for the subject property. Because this project is new, is being reviewed as a new conceptual site plan, and requires a new preliminary plan of subdivision, the project is not grandfathered with respect to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010.

The Woodland Conservation Threshold (WCT) for this 45.93-acre property is 15 percent of the net tract area or 6.88 acres. The total woodland conservation requirement based on the amount of clearing proposed is 12.20 acres. The woodland conservation requirement is proposed to be satisfied with a combination of preservation and off-site mitigation; however, required revisions to the plan and the worksheet are necessary that may affect the woodland conservation requirement.

The plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The woodland conservation worksheet shows 1.85 acres of woodland retained that is not part of any woodland conservation requirement. It is not clear on the plan where this woodland is located. All areas of woodland conservation that are not part of the requirements should be shown on the plan using the standard symbols and identified with an associated area label. The worksheet also accounts for off-site clearing and clearing in the floodplain. These areas also need to be shown using the standard symbols and identified with an associated area label. All woodland conservation areas must meet the minimum standards for dimension and area described in Section 25-122(b); minimum 50 feet wide and 10,000 square feet in area. If reforestation is proposed adjacent to areas of preservation that do not meet the minimum standard, those areas of preservation can then be counted (if the total woodland conservation areas meet the minimum requirements). There is a portion of the property labeled on the plat as a 50-foot 1-310 right-of-way. All rights-of-way must be counted as

cleared for woodland conservation purposes. The plan must be revised to show and label this area as woodland counted as cleared and the worksheet must be revised to include this area in the clearing total.

A majority of the symbols shown on the TCP1 appear to be in general conformance with the standard symbols found in the Environmental Technical Manual; however, the existing treeline and the specimen trees proposed to be removed should be revised to be in conformance with the standard symbols. The existing treeline is very difficult to read and should be made darker for plan clarity. The proposed treeline should be removed from the plan and the legend because this line is easily confused with the existing treeline.

The plan currently shows notes labeled as a "maintenance plan for tree save area" and "general notes." These notes should be replaced with the standard Type 1 TCP notes available in the Environmental Technical Manual.

After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made. All recommended revisions to the Type 1 TCP are included in the Recommendations Section.

The applicant submitted revised plans on October 31, 2011, which indicates a minor modification to the Type 1 TCP. Final review of the Type 1 TCP will occur prior to signature approval of the conceptual site plan.

**b. Variance from Section 25-122(b)(1)(G)**

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

The Planning Board finds that TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort shall be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If there is a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance or WCO) provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR.

An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance Application, a statement of justification in support of a variance, and tree removal exhibits were stamped as received by EPS on October 6, 2011.

The specimen tree table on the TCPI shows five specimen trees total; four are located on-site and one located off-site has been included because the critical root zone is located on-site. Of the four trees located on-site, two are proposed to be removed. These trees are specimen tree 2, a pin oak 30 inches in diameter and specimen tree 3, a white ash 45 inches in diameter.

The plans show that the limits of disturbance come in close proximity to the critical root zones of the remaining on-site specimen trees. Additional preservation methods may need to be addressed for the long-term survivability of the remaining specimen trees. This determination can be made during subsequent, and more detailed, development review processes.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the two specimen trees together. The Planning Board agrees with the approach to the analysis because there are similar concerns regarding the location and condition of both trees.

**Section 25-119(d)**

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

Condition rating scores were generated for the specimen trees on this site in accordance with Section 4.2.3c of the Technical Manual (which references The Guide to Plant Appraisal prepared by the Council of Tree & Landscape Appraisers and published by the International Society of Arboriculture). The condition rating score for tree 2 is 23 indicating that the tree is in fair condition. The condition rating score for tree 3 is 14 indicating that the tree is in poor condition.

The trees proposed for removal are located on an existing woodland edge and if left on-site subsequent to development may pose a hazard.

The condition and location of the specimen trees proposed for removal are a special condition peculiar to the property.

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

If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

The applicant has taken no action to date on the subject property.

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

The request to remove the trees does not arise from any condition on a neighboring property.

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

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by the Department of Public Works and Transportation (DPW&T).

The Planning Board finds that the required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees numbered 2 and 3.

12. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 45.93 acres in size, resulting in a tree canopy coverage requirement of 4.59 acres.

The Planning Board finds that during the review of the first permit, the permit plans will be required to demonstrate conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance.

11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning**—The Planning Board finds that the application is consistent with the 2002 General Plan Development Pattern policies for employment areas within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The application also conforms to the land use recommendations of the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* for employment-related development at this site.
  - b. **Transportation Planning**—The Planning Board adopts the following transportation-related findings:
    - (1) Vehicular and pedestrian access within the site, along with the layout of uses, is deemed to be acceptable at this time. Development is proposed within two distinct “pods.” There are no streets from adjacent lands that stub to either pod, so there is essentially no opportunity to connect this development to the larger neighborhood except by using Ruby Lockhart Boulevard. Therefore, the general circulation plan is acceptable in concept.

Within the residential pod, aside from the monumental entrance into the pod, all streets are proposed at 24 feet pavement width, which is very narrow and below public secondary street standards. This raises a significant concern about parked vehicles along these streets; a parked vehicle anywhere along any street will effectively narrow the street to one lane. Delivery and guest parking is not well-addressed at this stage of review. Two large areas of parking are identified near the center of the pod, and while some parking will be used by persons accessing the community and recreational facilities, more of the parking needs to be placed nearer homes, particularly the multifamily buildings. It is important to note that the majority of users of these streets will be elderly residents and their families and friends. The streets and parking facilities must be more conducive to their needs. For that reason, the Planning Board recommends to increase the pavement width to 26 feet or provide more guest off-street parking around the community.
    - (2) The proposal does not conflict with the area master plan recommendations. The area master plan for the Largo-Lottsford planning area recommends a “hiker-biker-equestrian” trails system and connections to the trail system from private and public developments. The trails system in this area includes Campus Way, Lottsford Road, area parks, and it connects to the shopping/employment destinations. At the subject site, the sidepath proposed by the applicant on Ruby Lockhart Boulevard will implement the trail system.



- (3) The County recently approved a set of "Complete Street" policies that are contained in the Master Plan of Transportation (MPOT). The proposal does not conflict with the county Complete Streets Policy because it provides standard sidewalks within both the residential and the office park sections of the site. At the time of detailed site plan, staff will review the parking areas for adequate striping within the paved parking areas to connect the main sidewalks together accessible parking spaces.

It is recommended that the applicant provide bicycle parking because of the proximity to the trail system and planned bicycle lanes. The specific location of any proposed bicycle parking facilities can be reviewed at the time of detailed site plan. Bicycle parking areas should be provided at each office building, and at the proposed recreational amenities area. The parking should be constructed with u-shaped bicycle racks on concrete pads and shall be reviewed at the time of detailed site plan.

- (4) The plan conforms to the required findings for approval of the conceptual site plan from the standpoint of transportation, in consideration of the requirements of Sections 27-276 and 27-546, if the application is approved with conditions.

c. **Environmental Planning**—The Planning Board adopts the following findings:

- (1) An approved Natural Resource Inventory NRI-010-10-01 was submitted with the review package, which was approved on May 17, 2011. There is primary management area (PMA) comprised of streams, wetlands, and floodplain located on this property.

The forest stand delineation (FSD) indicates the presence of one forest stand totaling 31.16 acres and five specimen trees. However, it should be noted that Specimen Tree 5 is located off-site and shown on the NRI because the Critical Root Zone is located on-site.

There is a discrepancy in gross tract site area between the approved NRI and the TCP1 as submitted because the NRI includes Parcel 270 and the TCP1 associated with the subject application does not. Rather than revising the NRI to address this issue, the site statistics table that is shown on the NRI should be shown on the TCP1 and updated to address the site statistics for the area of this application including: gross tract area, existing 100-year floodplain, net tract area, existing woodland in the floodplain, existing woodland net tract, existing woodland total, existing PMA, and regulated streams (linear feet of centerline).

Prior to certification of the conceptual site plan, the TCP1 shall be revised to include a site statistics table for the following information: gross tract area, existing 100-year floodplain, net tract area, existing woodland in the floodplain,

existing woodland net tract, existing woodland total, existing PMA, and regulated streams (linear feet of centerline).

- (2) The site has frontage along Landover Road (MD 202), a master planned expressway that is regulated for noise. The site is also in close proximity to Lottsford Road, a master planned arterial roadway. The proposed use is a combination of residential, retail, and commercial uses. The submitted plan shows the location of the unmitigated 65 dBA Ldn noise contour according to the Environmental Planning Section's noise model. The unmitigated 65 dBA Ldn noise contour is approximately 362 feet from the centerline of Landover Road (MD 202) and approximately 144 feet from the centerline of Lottsford Road.

Based on the location of the unmitigated 65 dBA Ldn noise contours, no portions of the site proposed for development will be impacted by noise from Lottsford Road, and only commercial uses will be impacted by noise from Landover Road (MD 202). Because only residential-type uses are required to be evaluated for noise, no further information is needed.

No residential-type uses are proposed to be located within the unmitigated 65-dBA noise contour, based on the Environmental Planning Section's noise model, and as shown on the TCP1 as submitted.

- (3) An approved Stormwater Management Concept Plan 21914-2009-00 approval letter was submitted with the subject application. The plan shows the use of several small ponds and one large pond on the northern portion of the site. The use of underdrains has been shown on the southern portion of the site.

No revisions are required for conformance with the approved Stormwater Management Concept.

- d. **Department of Parks and Recreation (DPR)**—The residential component of the development will be age restricted (55 and above) and developed as a gated community. The applicant proposes to provide private on-site recreational facilities for the residents which include a putting green, tennis courts, and a clubhouse. The Planning Board finds that the facilities indicated on the conceptual site plan are appropriate in nature for the proposed development, subject to final review and approval at time of detailed site plan, and recommends that the developer demonstrate that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

In addition, the applicant has agreed to contribute \$165,000 to M-NCPPC to assist in the development of additional recreational facilities. The monies collected could be used to further enhance the nearby parks such as Regent Forest Community Park or the new Woodmore Town Center Park.

- e. **Historic Preservation**—The Planning Board finds that the conceptual site plan has no effect on archeological or historic resources.

- (1) The CSP proposal will have no effect on identified Historic Sites, Resources, or Districts.
- (2) A Phase I archeological survey was conducted on the 45.93-acre subject property located at 9700 Ruby Lockhart Boulevard in Bowie, Maryland in April and May 2009. The Phase I archeological survey of the King property identified three farm-related outbuildings: the base of a silo, a well, and an animal pen.

A total of 293 shovel test pits (STPs) were excavated across the site and only 13 contained cultural materials. Three archeological sites, 18PR975, 18PR976 and 18PR977, were identified in the Phase I survey of the King Property. All were located within the northern portion of the property. Site 18PR975 comprises a sparse scatter of green-tinted window glass. Due to the low concentration and variety of artifacts on site 18PR975, no further work was recommended in the Phase I report.

Site 18PR976 was the location of several extant 20th century farm outbuildings and features associated with a tenant house that was located on an adjoining property. Only three artifacts were recovered from the STPs. Due to the low concentration and variety of artifacts and the lack of research value, no further work was recommended on site 18PR976.

Site 18PR977 contained six artifacts dating to the 19th century and possibly represents a temporary residence associated with the Rose Mount plantation. Due to the lack of intact features and the low concentration of artifacts, no further work was recommended on site 18PR977.

The Planning Board finds that no additional archeological work is necessary on the King property. Four copies of the final Phase I report were submitted to the Historic Preservation Section and were approved on January 18, 2011.

- f. **Subdivision Review**—The Planning Board adopts the following findings:

- (1) The site plan indicates that the subject property as Parcels 27, 276, 272, 270 and Outparcel A, located on Tax Map 60 in Grid E-3, zoned M-X-T, and is 45.93 acres. The site is mostly undeveloped with the exception of a barn and other farm buildings on Parcel 272.
- (2) Outparcel A was recorded in Plat Book VJ 187@40 on June 24, 1999 and is the subject of approved Preliminary Plan of Subdivision 4-97013. Parcel 270 was created by a deed conveyance to Prince George's County recorded in Liber 12955 Folio 332 in 1999, which is exempt from filing a preliminary plan of subdivision

pursuant to Section 24-107(c)(5) of the Subdivision Regulations. It appears that Prince George's County conveyed Parcel 270 back to the applicant, however the quit-claim deed was not submitted with referral package. Parcels 27, 276, and 272 were created by individual deed in 1998 without a preliminary plan of subdivision. Any subdividing of land that occurred after January 1, 1982 would require a preliminary plan of subdivision (saving certain exemptions) therefore; it appears that subdivision of Parcels 27, 276, and 272 by deed is not legal. The applicant can provide documentation to demonstrate that the subdivision of Parcels 27, 276, and 272 was exempt from filing a preliminary plan of subdivision pursuant to Section 24-107(c) of the Subdivision Regulation.

- (3) A preliminary plan of subdivision is required pursuant to Section 24-107(c)(7)(b) of the Subdivision Regulations, for the development as proposed and to correct the subdivision by deed of Parcels 27, 276, and 272. The entire subject property as shown on the CSP should be file under one preliminary plan. Pursuant to Section 27-270 of the Zoning Ordinance, Order of Approvals, the Conceptual Site Plan CSP-10004 will need to be approved prior to the approval of the preliminary plan. There are no other subdivision issues at this time.

No further action is required by the applicant at this time regarding the above discussed issues of Subdivision. These issues will be addressed at time of preliminary plan of subdivision.

- g. **Department of Public Works and Transportation (DPW&T)**—DPW&T provided comments on issues such as right-of-way (ROW) dedication, frontage improvements, sidewalks, street trees and lighting, adequate sight distance, and storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. Key issues discussed in the referral are as follows:

- (1) The subject proposal has an approved DPW&T Stormwater Management Concept Plan 21914-2009, dated July 7, 2010. In a follow up e-mail from DPW&T, DPW&T indicated the conceptual site plan is largely consistent with the approved stormwater management concept.
- (2) Right-of-way dedication and frontage improvements are required for I-310, a Master Planned roadway, in accordance with DPW&T standards.
- (3) Right-of-way dedication and frontage improvements are required for Ruby Lockhart Boulevard (I-308), a Master Planned commercial and industrial roadway, in accordance with DPW&T standards.

Required right-of-way dedication shall be determined at time of preliminary plan of subdivision. Additional issues regarding frontage improvements will be reviewed and addressed at the time of issuance of access permits by DPW&T.

- h. **Maryland State Highway Administration (SHA)**—SHA provided comment on the subject proposal. MD 202 is a state-maintained highway, therefore; coordination with SHA is required. The referral discussed a number of hydraulics-related comments, which will need to be addressed by the applicant's engineer.
- i. **Verizon**—Verizon expressed a preference for a ten-foot-wide public utility easement (PUE) adjacent to all traveled/ingress-egress road ways to ensure all possible service entries are accounted for in any future design.

At time of preliminary plan of subdivision the location of public utility easements will be determined. Free and clear access for utilities will also be reviewed at time of detailed site plan. If the applicant does not propose a ten-foot public utility easement along all traveled roadways at time of preliminary plan, then the applicant shall provide verification that utility companies are in acceptance of the applicant's utility proposal at time of detailed site plan.

A detail sheet provided in the conceptual site plan, indicates that a PUE is currently proposed along Ruby Lockhart Boulevard only.

- j. **Washington Suburban Sanitary Commission (WSSC)**—WSSC provided comment on the subject conceptual site plan and detail sheets.

At time of detailed site plan the exact locations of proposed buildings and proposed water and sewer easements will be reviewed. The location of the buildings and structures in relation to WSSC easements will be required to meet WSSC standards. The referral expressed that some minimum WSSC standards are not met in the conceptual layout.

- 12. As required by Section 27-276(b)(1) of the Zoning Ordinance, the Planning Board finds that the CSP represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- 13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan, as follows:

**Section 27-276(b)(4)**

**The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

The Planning Board finds that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance (LOD) shown on the tree conservation plan and impact exhibits submitted for review. The impacts approved are for the installation of a sanitary sewer line connection to an existing line on

Outparcel A and for the installation of a proposed stormwater outfall and overflow spillway on Parcel 272, totaling 0.20 acres.

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-001-11), and further APPROVED Conceptual Site Plan CSP-10004 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan, the following revisions shall be made, or information shall be provided.
  - a. The applicant shall revise Note 13 on the conceptual site plan to clearly indicate the permitted and proposed floor area ratio, and express it as a ratio on the plan.
  - b. Remove Notes 1, 9, 20, and 21 as the subject plan is not a preliminary plan of subdivision.
  - c. The minimum distance between groupings of townhomes or duplexes shall be increased to 15 feet. The appropriate note on sheet one of the CSP shall be revised.
  - d. On the legend on page one of the plan, for the private roadways delete the phrase "24 foot wide."
  - e. Add the following note to detail sheets 3 and 4 of the CSP:  
  
"Detail sheets are for conceptual review and approval only. Final building locations and site design will be reviewed at time of detailed site plan."
  - f. The typical road sections on sheet 5 of 5 of the CSP shall be revised as follows:
    - (1) The cross-section for the private residential roadway shall be modified to show 26 feet, with a notation that this width may be reduced with the prohibition of on-street parking within the 24-foot section and the locating of off-street parking throughout the community.
    - (2) The cross-section for the private residential roadway shall be modified to show a location for a planting strip for street trees between the curb and sidewalk.
2. Prior to certification of the conceptual site plan, the TCP1 shall be revised as follows:

- a. Revise all symbols on the plan to be in conformance with the standard symbols found in the Environmental Technical Manual.
  - b. Show areas of woodland retained that are not part of the woodland conservation requirement, off-site clearing areas, and floodplain clearing areas using the standard symbols and identified with associated area labels.
  - c. Ensure that all proposed woodland conservation areas meet the minimum design criteria per Section 25-122(b).
  - d. Show all existing and proposed easements and rights-of-way as cleared, or counted as cleared.
  - e. Show areas of reforestation if proposed.
  - f. Remove the proposed treeline from the plan and the legend.
  - g. Revise the worksheet to reflect all changes made to the plan.
  - h. Replace the notes currently labeled as "maintenance plan for tree save area" and "general notes" with the standard TCP1 notes.
  - i. Revise the plan to indicate the revision to the residential entrance location.
  - j. Have the plan signed and dated by the qualified professional who prepared it.
3. At the time of detailed site plan, the following issues shall be addressed, or information shall be provided:
  - a. In accordance with Section 27-548, the applicant shall illustrate that 1,800-square-foot lots for townhomes could be accommodated with the subject proposal. While the applicant shall not be required to plat those illustrative lots, the lot size provision will inform the site design process, and ensure that adequate space is allotted for the development of townhouses.
  - b. Front-loaded garages that are incorporated into any townhouse or one-family semi-detached dwelling shall be designed in accordance with Section 27-548(h) of the Zoning Ordinance, unless a variance is granted from that provision.
  - c. The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture shall be coordinated in order to enhance the visual unity of the site.
  - d. All buildings shall have articulated building façades. Separations, changes in plane and height, and the intermittent inclusion of such elements as bay windows, porches,

overhangs, balconies and chimneys are encouraged. Vertical and horizontal articulation of sloped roofs is encouraged, including gables and dormers.

- e. The applicant shall provide a variety of housing options, including some that do not require an intensive use of stairs. The applicant shall demonstrate that a reasonable proportion of the housing is handicap accessible.
  - f. All end elevations of one-family semi-detached or detached units shall have a minimum of three standard end wall features.
  - g. Provide bicycle parking on the detailed site plan in close proximity to the main entrance of each of the three proposed office buildings, club house and recreational amenities
  - h. Provide a schedule of bicycle parking and bicycle parking details at the time of detailed site plan review.
  - i. The layout of the commercial office complex shall be reconsidered. The buildings shall have a strong relationship with each other and the street. The buildings shall also be reorganized to provide a quality public space that will provide a pleasant outdoor setting for employees and visitors.
4. At time of detailed site plan the private on-site recreational facilities shall be reviewed. The following issues shall be addressed:
- a. The applicant shall provide a list of proposed private recreational facilities and their cost estimates.
  - b. The minimum size of the community building and the timing of its construction shall be determined.
  - c. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
5. The developer, his successor and/or assigns shall contribute a lump sum payment of a \$165,000 to M-NCPPC for the development of recreational facilities in the local area. The fee payment shall be paid prior to the recordation of the record plat to Park Community CG, Account Code 840702.
6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.



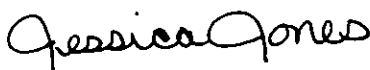
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

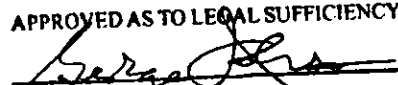
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 8, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCRPC Legal Department  
Date 12/16/11