



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-37

File No. CSP-12001

RESOLUTION

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 April 11, 2013 regarding Conceptual Site Plan CSP-12001 for Forks of the Road, the Planning Board finds:

1. **Request:** The subject application is for approval of a conceptual site plan for 59,156 square feet of commercial development in the M-X-T (Mixed Use-Transportation Oriented) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Undeveloped	Commercial, Retail and/or Office
Acreage	8.98	8.98
Square Footage	0	59,156

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

Base Density:	0.4 FAR
Total FAR Permitted:	0.4 FAR
Total FAR Proposed:	0.151 FAR

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725), in Planning Area 78, Council District 6. It is within the Developing Tier. This intersection is designated by the approved 2007 *Westphalia Sector Plan and Sectional Map Amendment* as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use neighborhood center.
4. **Surrounding Uses:** The site is bounded to the west by two existing homeowners-association-owned, vacant, open space parcels in the Rural Residential (R-R) Zone; to the east by the right-of-way of Ritchie-Marlboro Road; and to the south by the right-of-way of Old Marlboro Pike (MD 725).

PGCPB No. 13-37
File No. CSP-12001
Page 2

5. **Previous Approvals:** The subject property was originally part of the Marlboro Riding Cluster development for single-family residential dwellings under Detailed Site Plan, DSP-04043, which was approved by the District Council on April 11, 2005. The site was then rezoned from the R-A Zone to the M-X-T Zone through the *Approved Westphalia Sector Plan and Sectional Map Amendment* which was approved by the District Council on February 6, 2007.
6. **Design Features:** The applicant proposes to develop the property with commercial uses. Specifically, the applicant envisions that the uses may include retail stores, offices, and a service station. The conceptual site plan submitted by the applicant shows that the development is proposed to occur on four individual pad sites along the frontage of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725). There are two proposed access driveways from Ritchie-Marlboro Road, and one proposed access driveway from Old Marlboro Pike that would provide access to the site. Sidewalks are proposed along both road frontages. The conceptual site plan shows one primary 27-foot-wide drive aisle internal to the site. The CSP also notes the location of a gateway feature in the southeast corner of the site and a proposed village green area west of the proposed internal drive aisle.

The applicant has also submitted an illustrative plan that provides more detail concerning potential site arrangements. This plan shows a service station with fuel pumps located at the southeast corner of the site nearest the intersection of Ritchie-Marlboro Road and Old Marlboro Pike, where a gateway feature is also envisioned by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. North of the service station are three other retail, or office, pad sites that are separated from each other by drive aisles and surface parking. A stormwater management pond is proposed in the southwestern portion of the site. A village green seating area is proposed east of the stormwater management pond, separated from the retail and office buildings by drive aisles and surface parking. The layout envisioned provided here is preliminary and a typical arrangement of convenience-style commercial uses where buildings are separated by parking shall be avoided.

The square footage assigned to each building on the illustrative plan, is as follows:

General retail type uses are proposed in four buildings. A one-story building containing 3,200 square feet of general retail space is along Ritchie Marlboro Road at the north end of the site. A two-story building located near the center of the frontage along Ritchie Marlboro Road will contain 18,753 square feet of retail space on the first floor and another 18,753 square feet devoted to general office space on the second floor. Parking for 34 vehicles is proposed at ground level under the first floor. The third one-story retail building located immediately south of the two-story building will contain 13,950 square feet. A fourth building is proposed for a joint use convenience retail store with associated gasoline station, containing 3,500 square feet and is located along the Old Marlboro Pike frontage. Overall, retail and service commercial uses account for 40,403 square feet (68 percent of the total space and 18,753 square feet (32 percent) office space.

The above-described development data shall be provided on the applicant's illustrative site plan for informational purposes.

PGCPB No. 13-37
File No. CSP-12001
Page 3

7. **The requirements of the Zoning Ordinance:** As approved with conditions, 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, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted uses in the M-X-T Zone.

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

- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone.... 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 purpose of the zone:**
- (1) **Retail business;**
 - (2) **Office, research, or industrial uses;**
 - (3) **Dwellings, hotel, or motel.**
- (e) **For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.**

The M-X-T Zone generally requires a mix of uses on conceptual site plans. Section 27-547(e) applies to the subject site as the site was placed in the M-X-T Zone pursuant to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, for which a comprehensive land use planning study was conducted by Technical Staff prior to the plan's initiation. The sector plan characterizes the site as a mixed-use neighborhood center with mixed-use commercial, retail, and office development. As the sector plan envisions a mix of commercial, retail, and office uses on the subject site, the Planning Board finds that requiring a mix of uses in accordance with Section 27-547(d) of the Zoning Ordinance is in keeping with the sector plan's intent, and should be encouraged with the subject approval. Allowing only one use to be shown on the CSP would not be in keeping with the standards set forth in the sector plan.

PGCPB No. 13-37
File No. CSP-12001
Page 4

The submitted illustrative plan indicates two of the above use categories can be provided: retail and office, although the applicant is uncertain about the ultimate user and the user's needs. The conceptual site plan shall be revised to indicate that a mix of commercial, retail, and office uses will be provided with the ultimate mix to be determined by the Planning Board at time of DSP. The square footage proposed for office and retail uses is not indicated on the conceptual site plan, and shall be provided.

- b. The CSP is consistent with Section 27-548, Regulations. The following discussion is offered:

- (1) The proposed floor area ratio (FAR) is provided on the site plan. The subject application does not use the optional method of development. The overall FAR for the site is 0.151, which is much smaller than the maximum FAR that is allowed without the use of the optional method of development, 0.4. The uses are conceptually proposed in four buildings across the 8.98-acre site.
- (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section-548(g) noted below.

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

The subject site fronts two public rights-of-way: Ritchie-Marlboro Road to the east and Old Marlboro Pike (MD 725) to the south. The conceptual site plan proposes three entrances: two proposed access driveways provide access to Ritchie-Marlboro Road; and one access driveway provides access to Old Marlboro Pike (MD 725). The preliminary plan of subdivision will establish the required access right-of-way to other lots pursuant to Subtitle 24, Subdivision, for this site.

- c. The Planning Board finds that, as approved with conditions, the CSP will be in conformance with the applicable conceptual site plan site design guidelines contained in Section 27-274. The following discussion is offered:

- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. The subject CSP is in general conformance with this requirement. The illustrative site plan shows that surface parking is not proposed between buildings and the public rights-of-way.

PGCPB No. 13-37
File No. CSP-12001
Page 5

- (2) In accordance with Section 27-274(a)(2)(B), the Planning Board finds that loading areas should be visually unobtrusive. Loading areas are not indicated on the CSP or the provided illustrative site plan. At time of DSP attention shall be paid to the design of loading areas so they are visually unobtrusive as viewed from public spaces and the public right-of-way.
 - (3) 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 will be required. Comprehensive review of streetscape amenities will occur at the time of detailed site plan.
 - (4) A public space system shall be provided to enhance the commercial and office development, in accordance with Section 27-274(a)(7), Public spaces. The CSP locates a gateway feature and a proposed village green seating area. Examples of features to be considered within these public spaces are provided on the CSP, and include a trellis in the village green and a ground-mounted sign with a fence detail as a possible gateway feature. Both public spaces shall incorporate high-quality design details and be integrated into the site design by a well-designed pedestrian system. An attractive mix of design features including focal points, such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty paving materials shall be demonstrated at time of detailed site plan.
- d. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is 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 will be required for the proposal.
- e. The subject application has been reviewed for 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 adopts the following:
- (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**

PGCPB No. 13-37
File No. CSP-12001
Page 6

the County and provide an expanding source of desirable employment and living opportunities for its citizens;

The subject site is situated at a major intersection, Ritchie-Marlboro Road and Old Marlboro Pike (MD 725). It was placed in the M-X-T Zone to implement the mixed-use recommendations of the Westphalia Sector Plan, to recognize its location at the intersection of an arterial and collector road and proximity to available bus service, including the convenience of a planned commercial center to service the existing and future residents of Westphalia. The Planning Board finds that the CSP conforms to this purpose.

- (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 applicant indicates that its proposal will implement the land use development concept illustrated in the Westphalia Sector Plan's "Development Concept 9" (Sector Plan Page 109) and "Public Record Exhibit 20." While the submitted plan does generally implement the commercial land uses encouraged at this location, additional revisions will be necessary to implement the design recommendations of the Westphalia Sector Plan. Conditions 4 through 6 of this approval shall ensure implementation of the design recommendations in the sector plan.

- (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 Planning Board finds that the proposal will maximize development potential by providing a concentration of commercial businesses to serve the surrounding communities.

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

The subject property, located at the intersection of two major roads, is easily accessible by automobiles. The sector plan further identified both Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) as bikeway corridors. As the site is in close proximity to surrounding residential subdivisions, pedestrian and bike connectivity will be important considerations for the development of the site. In order to promote the effective and optimum use of transit, access to existing or future bus routes shall also be evaluated at time of detailed site plan, and if deemed appropriate by the Department of Public Works and Transportation

PGCPB No. 13-37
File No. CSP-12001
Page 7

(DPW&T), facilities for a bus stop shall be considered. If approved with conditions, the site can promote the effective and optimum use of multi-modal transit.

- (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 exact nature of the environment will be dependent upon the future users of the site, which at this time are unknown. The Planning Board recommends that the applicant consider partnerships with future tenants that will encourage a viable mixed-use community with a twenty-four hour environment.

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

Additional information about the mix of uses will be required at time of detailed site plan. A diverse mix of uses that blend together harmoniously shall be required.

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

The illustrative site plan provided with the CSP does not indicate a dynamic relationship among individual uses. The individual uses are proposed within separate pad sites with limited relationships to one another. No distinctive visual character is currently shown.

The proposal shall be revised to show increased connectivity between buildings through shared plazas and open space, and/or integrated architectural designs that link building forms. The architecture and site design shall create an attractive and a distinctive visual identity for the project. Architectural and site design elements that create more dynamic relationships between uses and buildings shall be provided at time of detailed site plan. With additional modifications at time of DSP, the Planning Board believes that the above findings can be made.

- (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;**

As multiple uses/users are envisioned on the site, the Planning Board finds that cost and energy saving will be realized with the subject proposal.

PGCPB No. 13-37
File No. CSP-12001
Page 8

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

The submitted CSP has been designed to retain flexibility in the future tenants/users of the site. As the applicant has indicated, the mix of uses and the program requirements for those users are unknown. In order to promote flexibility and permit the applicant to respond to the market, the CSP is approved subject to Conditions 4 through 6, in addition to design guidelines provided within the Westphalia Sector Plan to guide development on the site.

(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.

Architecture has not been submitted for evaluation with the subject detailed site plan. Evaluation of architectural design will occur at time of detailed site plan. Buildings shall be designed with interesting and attractive architectural features to promote a sense of place, and utilize materials and finishes that reinforce a sense of quality and permanence. With additional evaluation of the architecture at time of DSP, the Planning Board believes that the above finding can be made.

(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 property was placed in the M-X-T Zone by the Westphalia Sector Plan approved after October 1, 2006. The Planning Board finds that, as approved with conditions, the proposal will conform to the design guidelines intended to implement the sector plan.

(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 proposed development is identified as a gateway into the Westphalia planning area. The site shall be designed to have an outward orientation that is attractive along its frontage on Ritchie-Marlboro Road and Old Marlboro Pike (MD 725). The Planning Board finds that the project may serve as a catalyst to future community improvements and development within Westphalia.

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

PGCPB No. 13-37
File No. CSP-12001
Page 9

A mixed-use neighborhood center is anticipated by the Westphalia Sector Plan. The Planning Board finds that a mix of retail and office uses on the subject site is compatible with the plan's vision, and existing and proposed 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 requires additional plan revisions to achieve a cohesive mixed-use development. As approved with conditions, the detailed site plan may further address the mix of uses, arrangement and design of buildings, and other site improvements.

- (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 applicant indicates that although this project is market driven, it is currently not anticipated that development phasing will be required.

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

The pedestrian circulation system shall be more fully developed during the detailed site plan process. On-site circulation shall be refined at the time of DSP. Buildings shall not solely be separated by parking or drive aisles.

- (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 above finding is not applicable because the subject application is a conceptual site plan. Further attention shall be paid to the design of pedestrian spaces and public spaces at the time of detailed 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**

PGCPB No. 13-37
File No. CSP-12001
Page 10

approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The subject property was re-zoned to the M-X-T Zone as part of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* approval process. Consequently, a traffic study is required for this conceptual site plan application. Based on the evaluation of the provided traffic study and findings provided below, the Planning Board finds that the transportation facilities will be adequate to carry the anticipated traffic for the proposed development, as the application is approved with conditions. The Planning Board adopts the following findings:

- (1) The proposed development would generate a net total (after discounting pass by trips) of 229 (137 in, 92 out) AM peak-hour trips, and 276 (125 in, 151 out) PM peak-hour trips. These trip projections were determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposal," (*Guidelines*) as well as the *Trip Generation, 8th Edition* (Institute of Transportation Engineers),
- (2) The traffic generated by the proposed conceptual plan would impact the following intersections:
 - Ritchie-Marlboro Road and Marlboro Ridge Road
 - Ritchie-Marlboro Road and Brooke Lane
 - Ritchie-Marlboro Road and Old Marlboro Pike (MD 725)
- (3) None of the above named intersections identified above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) *Consolidated Transportation Program* (CTP) or the Prince George's County *Capital Improvement Program* (CIP).
- (4) The subject property is located within the developing tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study

PGCPB No. 13-37
File No. CSP-12001
Page 11

and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

- (5) The following intersections, when analyzed with the total future traffic as developed using the "Guidelines," were *not* found to be operating at or better than the policy service level standards:
- Ritchie-Marlboro Road and Brooke Lane
 - Ritchie-Marlboro Road and Old Marlboro Pike (MD 725)
- (6) The applicant shall provide the following improvements to the intersections that do not meet the policy service level standards:

Ritchie-Marlboro Road and Old Marlboro Pike Intersection

- (a) Add a southbound right-turn lane on Ritchie-Marlboro Road
- (b) Add a northbound left-turn lane on Ritchie-Marlboro Road (Ramp from Pennsylvania Avenue (MD 4))

Ritchie-Marlboro Road and Brooke Lane

- (a) Conduct a signal warrant study and install signal, pursuant to the Department of Public Works and Transportation (DPW&T) specifications if signal is deemed warranted and approved by DPW&T.
- (7) As the application is approved with the conditions, including the above-named improvements to the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725), and Ritchie-Marlboro Road and Brooke Lane, all of the impacted intersections are found to be operating at or better than the policy service level standards.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site plan is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, and is identified as a Mixed-Use Neighborhood Center and one of nine gateways into Westphalia.

This site was rezoned as part of the sector plan from R-R to M-X-T. As part of that application process, a series of design concepts were included as appendices in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* and as Public Exhibit 20. The design concepts contained in Exhibit 20 recommend several layouts that have two major features. First, the proposed buildings are arranged in relation to interior roadways, landscaping, and each other. Second, a major structure is provided at the gateway intersection with no circulation or parking between the building and the gateway intersection. The illustrative site plan submitted with the

PGCPB No. 13-37
File No. CSP-12001
Page 12

CSP falls short of achieving the sector plan vision, and further modifications shall be provided at the time of DSP to indicate greater conformance to the sector plan.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* provides the following policies and strategies for the development of Mixed-Use Neighborhood Centers:

Policy 4—Mixed-Use Activity Centers

- **Residential and commercial development should be medium- to high-density with a minimum of two-story buildings, up to six stories.**
- **Design commercial development to front a main street or parks, plazas, or courtyards.**
- **Anchor development with larger scale commercial development or public or civic spaces and amenities at one or both ends of the main street.**
- **Design interesting and attractive architectural features that create a quality environment and “sense of place”:**
 - **Develop buildings and signage with a common, appealing, and unifying theme and attractive, clearly demarcated entrances.**
 - **Encourage the use of materials and finishes that reinforce a sense of quality and permanence.**
 - **Design buildings to be attractive on all sides.**
 - **Design buildings with some form of architectural variation or articulation.**
 - **Promote ample and numerous windows on a building’s front ground-level elevation.**
- **Main street businesses should be interconnected between parcels with the sharing of curb cuts, parking, and stormwater management.**
- **Restrict drive-in commercial services to rear areas behind main structures; do not allow on street fronts.**
- **Provide high levels of pedestrian accommodation, safety and amenity:**
 - **Design sidewalks no less than six feet in width to include street trees and planting boxes.**

PGCPB No. 13-37
File No. CSP-12001
Page 13

- **Design internal streets/site circulation as low-speed streets with parallel or angled on-street parking.**
- **Provide pedestrian amenities such as canopies and street furniture.**
- **Do not design main streets larger than two lanes in each direction.**
- **Design key intersections with clearly demarcated crosswalks and enhancements such as brick pavers.**
- **Promote innovative pedestrian safety improvements such as bump-outs.**
- **Utilize landscaping and parked cars to buffer people from traffic.**
- **Encourage street medians with amenities such as raised planters and ornamental or period lighting.**
- **Encourage progressive and aesthetically appealing traffic-calming techniques such as roundabouts or traffic circles that are raised and landscaped.**
- **Design parking to meet needs of various uses: short-term turnover for retail, longer term for employment, permit parking for residential areas, and parking for evening and nighttime uses.**
- **Create a parking network that is safe, functional, and promotes the aesthetic of a main street:**
 - **Encourage on-street parking, including “head-in” parking along the main street.**
 - **Design structured parking with active uses; screen any free-standing parking structures from public walks and streets by locating it off main streets.**
 - **Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.**

The applicant indicated during the review and hearing that there are site constraints that limit the project's ability to meet the standards contained in the sector plan.

The subject property has unique characteristics and constraints which limit the ability of the project to form a main street along the westbound side of Ritchie-Marlboro Road. Specifically, the subject property's topography creates situations where the roadbed for Ritchie-Marlboro Road sits

PGCPB No. 13-37
File No. CSP-12001
Page 14

as much as forty feet above road elevation of Old Marlboro Pike (MD 725). The very existence of this extreme topographical condition prevents the applicant from providing buildings that front on a would-be main street along Ritchie-Marlboro Road.

With the above site constraints, this site shall meet the intent of the sector plan by designing development to front a park, plaza, or courtyard.

At time of detailed site plan, a modified plan shall be provided that shows a better orientation of the structures, internal vehicular ways, and site features in relation to the major roads, plazas or parks, the proposed gateway feature, and each other.

9. **Development Standards:** In order to create a distinctive sense of place and realize the vision of the Westphalia Sector Plan and Sectional Map Amendment for a pedestrian-friendly, mixed-use neighborhood center, the Planning Board approves the subject application with development standards. The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user or multiple users that implement the mixed-use plan vision. At the time of Detailed Site Plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the Westphalia Sector Plan.
 - a. Any building located on the eastern portion of the site shall be visually parallel to Ritchie-Marlboro Road.
 - b. Provision of parking between buildings and Ritchie-Marlboro Road shall be minimized, but may be allowed in limited amounts if it will be completely or substantially out of the view from the road because of topographic changes, or if the parking will be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.
 - c. Buildings must be multi-story or provide a visual appearance of being at least two stories in height.
 - d. On the southernmost lot, off-street parking shall not be permitted between any building and Ritchie-Marlboro Road or Old Marlboro Pike.
 - e. Buildings shall be designed with interesting and attractive architectural features to promote a "sense of place."
 - f. Buildings shall be attractive on all sides while utilizing materials and finishes that reinforce a sense of quality and permanence.

PGCPB No. 13-37
File No. CSP-12001
Page 15

- g. Buildings shall promote ample and numerous windows on the front ground level elevation.

In addition to the guidelines provided above, at the time of detailed site plan review for the first commercial/retail building for the subject property, the site will be evaluated for conformance to the gateway design guidelines for the Westphalia sector plan. Review shall include items such as gateway entrance features, architectural design, materials, pedestrian connectivity, landscaping, and streetscape features and amenities.

- 10. **Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, the Planning Board finds that landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the 2010 *Prince George's County Landscape Manual* shall be determined when a more finalized plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the 2010 *Prince George's County Landscape Manual*, which will be reviewed at time of detailed site plan review.

- a. **Section 4.3—Parking Lot Requirements**, specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The parking compounds will be evaluated for conformance to Section 4.3 at time of detailed site plan review.
- b. **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.
- c. **Section 4.6(c)(2)—Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road** are designated historic roads; therefore, compliance with Section 4.6, Buffering Development from Special Roadways, is required. In the Developing Tier a 20-foot-wide landscape buffer planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings, is required.
- d. **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.

PGCPB No. 13-37
File No. CSP-12001
Page 16

- e. **Section 4.9**—The site will be subject to Section 4.9 of the 2010 *Prince George's County Landscape Manual*, which requires that a percentage of the proposed plant materials be native plants.

- 11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property conforms to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). 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 (TCP1-059-03-01) was submitted with the CSP application.

The TCP1 has been revised to show the M-X-T zoned area being developed. On the previous TCP1 this M-X-T zoned area was shown as vacant or future development. There are four new reforestation areas shown in this area along with the proposed commercial development. All the symbols and labels are correctly shown in the revised area. The woodland conservation requirement is being met with 45.50 acres of on-site retention and 4.95 acres of on-site reforestation plantings. The Planning Board finds that the revised Type 1 Tree Conservation Plan TCP1-053-03-01 is in conformance with the WCO.

- 12. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), 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 8.98 acres in size, resulting in a tree canopy coverage requirement of .89 acres.

The Planning Board finds that compliance with this requirement will be evaluated at the time of DSP. 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.

- 13. **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 adopts the following findings:
 - (1) This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
 - (2) This application is in conformance with the land use recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.
 - (3) This application shall be modified to be in greater conformance with the design principles of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. Specifically, the application shall contain elements that reflect the location of the property at a major entrance into the Westphalia Sector Plan area,

PGCPB No. 13-37
File No. CSP-12001
Page 17

provide appropriate treatment of this major intersection as a gateway identified in the sector plan, and design structures on the site to create a distinct commercial activity center that serves the community and neighborhoods outside the town center core area.

- (4) This site was rezoned as part of the sector plan from R-R to M-X-T. As part of that application process, a series of design concepts were included as appendices in the sector plan and as Public Exhibit 20. The design concepts contained in Exhibit 20 reinforce two policies of the Westphalia Sector Plan:

Policy 4—Mixed-Use Activity Centers

Promote development of six distinct mixed-use activity areas beyond the town center area with residential, retail, service, and employment components to service the area's neighborhoods.

To support this policy, the sector plan recommends a number of design principles that include fronting commercial development on main street, parks, plazas or court yards; connection of businesses between parcels with sharing of parking; and restriction of drive-in commercial services to rear areas (page 29).

Policy 7—Gateways

Promote the development of attractive gateways into the Westphalia area that define the site's image as an inviting and safe place.

To support this policy, the sector plan recommends the design of gateways include elements such as landmark entrance signage, softscape and hardscape landscape elements, and resting and recreation facilities (page 32).

The proposal shall be improved to be more consistent with these policies. The design shows a simple "stacking" of parcels from the intersection of Old Marlboro Pike (MD 725), then aligned up Ritchie-Marlboro Road. This stacking aligns the buildings in a non-distinctive straight line that does not account for topography, green infrastructure, or the location of a gateway amenity at the primary intersection. The roadways interior to the site emphasize the stacking by forcing traffic around very large parking areas, each separating the buildings from one another and the site boundaries.

Further, the applicant shows a proposed gas station and gas pump canopy at the gateway corner of the property. This use may not be appropriate at the gateway corner. A gas station is not a walkable use, is auto-oriented, and may not be appropriate at the intersection of two roads with bicycle facilities or at a gateway site that includes resting and recreation elements. As the site requires DSP review,

PGCPB No. 13-37
File No. CSP-12001
Page 18

the Planning Board will evaluate a more detailed proposal at time of DSP before determining the appropriateness of a gas station in this location. If constructed with high design standards, a gas station with convenience store may be in keeping with the sector plan's policies.

The proposal shall be consistent with the sector plan's policies of promoting "distinct, high quality, walkable, mixed-use and 'main street' commercial development areas with focal points and shared amenities," and "development of attractive gateways into the Westphalia area that define the site's image as an inviting and safe place."

At the time of detailed site plan, more specific renderings shall show a better orientation of the structures, roads, and site features in relation to the major roads, the proposed gateway feature, and shared spaces on the site. In order to guide those reviews, some design principles accompanying Policies 4 and 6 from the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* have been included as conditions of approval for this application.

- b. **Transportation Planning**—The Planning Board adopts the following findings related to the conceptual site plan application and the Traffic Impact Study Report submitted by the applicant, as follows:

- (1) **Traffic Impact Study:** The subject property was re-zoned to the M-X-T Zone as part of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* approval process. Consequently, a traffic study is required for this conceptual site plan application. On December 18, 2012, staff received a traffic study that evaluated the critical intersections associated with this development. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." While new *Guidelines* for transportation review of development proposal are in effect since January 1, 2013, the scoping agreement for the traffic study submitted with this application was signed on March 28, 2012; consequently, the study is being evaluated based on the old guidelines.

Pursuant to the scoping agreement, the traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

PGCPB No. 13-37
 File No. CSP-12001
 Page 19

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
1 – Ritchie-Marlboro Road and Marlboro Ridge Road	39.6 seconds	24.7 seconds
2 – Ritchie-Marlboro Road and Brooke Lane *	34.6 seconds	33.9 seconds
5 – Ritchie-Marlboro Road and Old Marlboro Pike	D/1334	B/1111
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The traffic study identified six background developments (including Westphalia Town Center, Phase 1) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of two percent per year (for three years) was applied to the existing traffic counts along Ritchie-Marlboro Road. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
1 – Ritchie-Marlboro Road and Marlboro Ridge Road *	D/1391	A/862
2 – Ritchie-Marlboro Road and Brooke Lane *	79.0 seconds	103.6 seconds
5 – Ritchie-Marlboro Road and Old Marlboro Pike	E/1462	D/1301
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

Using trip generation rates from the “Guidelines for the Analysis of the Traffic Impact of Development Proposal,” as well as the *Trip Generation, 8th Edition* (Institute of Transportation Engineers), the study has determined that the proposed development, based on the above-mentioned uses, would generate a net total (after discounting pass-by trips) of 229 (137 in, 92 out) AM peak-hour trips, and 276 (125 in, 151 out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

PGCPB No. 13-37
 File No. CSP-12001
 Page 20

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
1 – Ritchie-Marlboro Road and Marlboro Ridge Road	D/1410	A/903
2 – Ritchie-Marlboro Road and Brooke Lane *	157.0 seconds	198.0 seconds
3 – Ritchie-Marlboro Road and Site (North) *	44.8 seconds	47.3 seconds
4 – Ritchie-Marlboro Road and Site (South) *	33.6 seconds	38.8 seconds
5 – Ritchie-Marlboro Road and Old Marlboro Pike <i>With Improvements</i>	E/1503 <i>D/1435</i>	D/1332 <i>C/1294</i>
6 – Old Marlboro Pike (MD 725) and Site *	10.9 seconds	11.0 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds /car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The results shown in the table above have indicated that the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) will operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

Ritchie-Marlboro Road and Old Marlboro Pike Intersection

- Add a southbound right turn lane on Ritchie-Marlboro Road
- Add a northbound left turn lane on Ritchie-Marlboro Road (Ramp from Pennsylvania Avenue (MD 4))

With all of the improvements in place, the analyses show that the Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) intersection will operate adequately. A signal warrant study will be required for the Ritchie-Marlboro Road and Brooke Lane intersection based on its delay which is projected to be in excess of 50 seconds.

- (2) **Westphalia Sector Plan:** The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* recommends an extensive road network which impacts the subject application. All of the planned roads that were proposed in the sector plan's transportation network are accurately represented in the proposed application. At the time of the preliminary plan of subdivision, the applicant will be required to dedicate rights-of-way for Ritchie-Marlboro Road and Old Marlboro Pike (MD 725).
- (3) **Trails:** The subject application complies with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

PGCPB No. 13-37
File No. CSP-12001
Page 21

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan identify two master plan trail/bikeway corridors. The 2007 area master plan identified both Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) as bikeway corridors, while the 2009 MPOT further refined this to recommend standard sidewalks and designated bike lanes along Old Marlboro Pike and a sidepath/wide sidewalk along Ritchie-Marlboro Road. The sidepath along Ritchie-Marlboro Road has been implemented as a wide concrete sidewalk along the frontage of Marlboro Ridge. The MPOT includes the following text regarding this master plan recommendation:

Ritchie-Marlboro Road (A-39) Side path—The existing wide sidewalk along the Marlboro Ridge portion of Ritchie-Marlboro Road should be extended along the entire length of the road. This trail will link adjacent residential communities and connect two stream valley trails. On-road bicycle facilities may also be appropriate (MPOT, page 36).

The MPOT also includes a complete streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

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

Previously approved Preliminary Plan of Subdivision 4-03096 included several conditions of approval related to bicycle and pedestrian facilities. Preliminary Plan of Subdivision 4-03096 (previously called the Addison Property) was approved by the Planning Board on February 26, 2004 (PGCPB Resolution No. 04-38), which was the approved residential community immediately surrounding the subject application.

7. **The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of all internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.**

PGCPB No. 13-37
File No. CSP-12001
Page 22

8. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Ritchie Marlboro Road, designated a Class III Bikeway, and \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Old Marlboro Pike, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.**

Conditions 7 and 8 noted above for the adjacent preliminary plan required open section improvements only. However, the more recently approved 2009 MPOT makes more specific recommendations for the roads serving the subject site, and these additional improvements are included below. At least one sidewalk connection should be made from the master plan sidewalk along Ritchie-Marlboro Road to the sidewalk around the internal buildings. Pedestrian access is accommodated on the submitted plans from Old Marlboro Pike to the proposed buildings. Pedestrian access between the various pad sites will be evaluated in more detail at the time of DSP.

Based on the preceding, and transportation analysis provided under Finding 7(e), the Planning Board finds that the plan conforms to the required findings for approval of the conceptual site plan from the standpoint of transportation provided the application is approved subject to recommended conditions.

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

- (1) **Site Description:** The subject property is located on the northwest corner of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725). A review of the available information indicates that streams and floodplain are found to occur on the site. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Marr-Dodon Complex, Marr-Dodon-Urban land Complex, Widewater and Issue soils, and Westphalia and Dodon soils series. According to PGAtlas.com, Prince George's County GIS database, Marlboro clay occurs on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stream system is part of Federal Spring Branch, which drains to the Western Branch then to the Patuxent River and, is part of Western Branch watershed. According to PGAtlas.com, this site is not within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. The site has frontage on Ritchie-Marlboro Road, a

PGCPB No. 13-37
File No. CSP-12001
Page 23

master planned arterial road, and frontage on Old Marlboro Pike (MD 725), a master planned collector roadway. Ritchie-Marlboro Road is regulated for traffic-generated noise when residential uses are proposed. Old Marlboro Pike and Ritchie-Marlboro Road are designated scenic roads. The property is in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

- (2) **Natural Resource Inventory:** An approved Natural Resource Inventory, NRI-071-11, in conformance with the environmental regulations that became effective September 1, 2010 was submitted with the application.

The applicant has recently performed an additional floodplain analysis on the subject site to determine the correct location of the 100-year floodplain. The previously shown 100-year floodplain went further north towards Ritchie-Marlboro Road. After years of seeing where floodwaters traveled on the site, the applicant felt that the Federal Emergency Management Agency (FEMA) floodplain was incorrect. This new floodplain analysis approved by DPW&T determined that the floodplain area should be reduced throughout the subject area. A new floodplain limit causes the primary management area (PMA) limits to decrease in size. This new floodplain is shown on the approved NRI. No further information with regard to the NRI is needed at this time.

- (3) **Regulated Environmental Features:** The site contains regulated environmental features. Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/ or minimized. A statement of justification and exhibits for the proposed impacts were stamped as received on November 19, 2012.

The conceptual site plan proposes impacts to the PMA for the proposed grading of a stormwater management pond and outfall, sewer connection and grading for road improvements. A Statement of Justification letter stamp dated November 19, 2012, has been submitted. The current Environmental Technical Manual (ETM) provides guidance in determining if a site has been designed to meet the threshold of "fullest extent possible." The first step in the evaluation is determining if an impact is avoidable. If an impact cannot be avoided because it is necessary for the overall development, the next step is to minimize the impact. If an impact cannot be minimized, mitigation if proffered may be considered depending on the extent of the impact.

The following is a summary of each impact requested.

PGCPB No. 13-37
File No. CSP-12001
Page 24

- (a) **Impact 1:** This request proposes to impact 18,987 square feet of stream buffer/floodplain to a stormwater management pond and outfall structure. This stream buffer is located along the southwest corner of the project area, which is the same area in which there is an existing ten-inch sewer line paralleling the adjacent on-site stream system. According to the justification statement, this proposed stormwater pond location was chosen "based on the natural drainage patterns and existing topography and was designed to avoid the existing sewer line..."

Avoidance/Minimization Analysis

The applicant has had communications with Prince George's County Department of Public Works & Transportation (DPW&T) concerning the stormwater management for the project. Various options were discussed, but DPW&T's main concern was to manage the 100-year storm runoff due to flooding on Old Marlboro Pike (MD 725) in the southwest corner of the project area. The volume required to meet this concern will take a significant area. The cost associated with placing this stormwater management system underground would significantly affect the development. The Planning Board does agree with the location of the pond and the submitted justification. The topography of the site is sloping down towards Old Marlboro Pike. Due to the location of the existing sewer line and adjacent topography, the location choices for a properly designed stormwater management pond are limited. The Planning Board has determined that the stormwater management embankment shall be on the down gradient side (western) of the existing sewer line. The proposed pond shall also include shallow water hydrophytic plantings to help remove pollutants. Bio-retention ponds shall also be incorporated in the design of the parking area islands.

The proposed impact area is open with no woodlands, but the outfall area contains woodlands impacts. The applicant proposes to reforest the existing open areas between the riparian stream and the development. The Planning Board supports this impact.

- (b) **Impact 2:** The request proposes to impact 3,193 square feet of stream buffer to construct a sanitary sewer line connection to an existing sanitary sewer line within the adjacent wooded intermittent stream system. There is also some grading associated with this impact in the PMA.

Avoidance/Minimization Analysis

This impact is unavoidable because connection to the existing sanitary sewer line is necessary for the development of the site. The additional grading shown in this impact area is for tying into existing grades from the adjacent development. The Planning Board supports this impact.

PGCPB No. 13-37
File No. CSP-12001
Page 25

- (c) **Impact 3:** This impact of 1,575 square feet of wetlands buffer is located off-site and is not applicable to the requirements of this application. Off-site impacts to waters of the United States that are not part of the subject application shall be subject to review by the Maryland Department of the Environment and the U.S. Army Corps of Engineers.

The proposed Impacts 1 and 2 are considered necessary for the orderly development of the subject property. The impacts cannot be avoided because they are required by other provisions of the County Code. The impacts were minimized, to the fullest extent possible, to those necessary for health, safety, and welfare.

- (4) The site has frontage along Ritchie-Marlboro Road, a master planned arterial roadway, and Old Marlboro Pike (MD 725), a master planned collector roadway. Since the proposed development is non-residential, there will be no noise study required for this project.
- (5) An approved Stormwater Management Concept Plan and approval letter (6544-2008-01) was submitted with the subject application. Proposed stormwater management features include a bio-retention and an extended detention pond. The site will also provide 100-year quantity control attenuation.
- (6) Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road are both designated as historic roads. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

The 2010 *Prince George's County Landscape Manual*, which became effective on December 13, 2010, requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier for properties which are adjacent to a historic road. In the Developing Tier, the required buffer along a historic road is a minimum of twenty feet wide to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road.

The design of the landscape treatment proposed along Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road shall be coordinated, and reviewed at time of the associated detailed site plan (DSP) to ensure that the design is: in keeping with the desired visual characteristics of the historic road; integrated into an

PGCPB No. 13-37
File No. CSP-12001
Page 26

overall streetscape treatment along Old Marlboro Pike and Ritchie-Marlboro Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment being proposed along Old Marlboro Pike and Ritchie-Marlboro Road for the Forks of the Road development.

- (7) This property is located in an area with extensive amounts of Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for constructing buildings on unsafe land.

Based on guidance information available on PGATLAS, the Planning Board projects that the top elevation of the Marlboro clay varies from an elevation of approximately 74 feet mean sea level (msl) adjacent to the stream which bifurcates the property from northwest to southeast to approximately 90 feet msl, with an adjacent evaluation area located at 90 feet msl to 100 feet msl. A geotechnical report is required for the subject property in order to evaluate the areas of the site that are unsuitable for development without mitigation. This report must be in conformance with the guidelines established by the Department of Environmental Resources (DER).

Because a detailed design configuration and grading studies have not been provided at this time, it is not practical to discuss specific details with respect to the lot reconfiguration, grading, or the placement of structures on lots at this time. However, during the review of the detailed site plan, the location of structures and applicable site features shall be designed to be outside of the unmitigated 1.5 safety factor line or the proposed grading shall be such that the 1.5 safety factor has been mitigated to eliminate potential slope failure areas.

Prior to acceptance of a future DSP for this site, the applicant shall submit a geotechnical report prepared following, at a minimum, the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce for the review and approval of the Prince George's County Department of Public Works and Transportation to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor.

PGCPB No. 13-37
File No. CSP-12001
Page 27

- d. **Subdivision Review**—The Planning Board adopts the following:
- (1) The subject property is known as Parcel P and is located on Tax Map 101 in Grid B-1 and is 8.98 acres. The site is the subject of Preliminary Plan 4-03096 and was rezoned to the Mixed Use Transportation Oriented (M-X-T) Zone by the *2007 Approved Westphalia Sector Plan and Sectional Map Amendment*. The plat was approved on September 8, 2005 and recorded in plat book REP 208-20.
 - (2) Preliminary Plan of Subdivision 4-03096 (PGCPB Resolution No. 04-38) was approved by the Planning Board and the resolution adopted on March 18, 2004. The preliminary plan approved 297 lots and six parcels. The resolution contained 27 conditions which were all satisfied. The subject property was platted as Parcel P (shown as Parcel G on the approved preliminary plan and referred to as Parcel E in the resolution). Condition 20 states that development on Parcel E shall be limited to 1 AM and 1 PM peak-hour vehicle trips or one-single family dwelling. Development exceeding this cap shall require a new preliminary plan of subdivision for Parcel E. The applicant is proposing a mixed use development on the property which will require a new preliminary plan of subdivision and subsequent detailed design plan.
 - (3) The applicant has filed a Preliminary Plan of Subdivision, 4-12010, which is tentatively scheduled for the Planning Board hearing date of April 11, 2013.
- e. **Archeology**—A Phase I archeological survey was conducted on the 220-acre Clagett/Addison property (that includes the subject property) in March 2004. The Clagett/Addison property was the location of a nineteenth century dwelling called Navaho (78-022) built for William B. Clagett, which burned in 1996. One archeological site, 18PR710, was identified on the 220-acre Clagett Addison property at the former site of the Navaho residence. This archeological site is not located within the 8.98 acres included in the subject application. The area of archeological site 18PR710 will be monitored by an archeologist when construction proceeds in that area. The Planning Board finds that no archeological sites were identified within the 8.98 acres of the subject property and no further work was recommended in this area.
- f. **Historic Preservation**—The subject application will have no effect on identified Historic Sites, Resources, or Districts.

The Type I Tree Conservation Plan General Note Number 2 is incorrect. Historic Resource Navajo (78-000-22) was destroyed by fire in October, 1996. It was deleted from the inventory by the Approved Historic Sites and Districts Plan 2010. This note shall be corrected.

PGCPB No. 13-37
File No. CSP-12001
Page 28

- g. **Department of Parks and Recreation (DPR)**—In a memorandum dated December 20, 2012, DPR indicated that in accordance with Section 24-134 of the Prince Georges County Subdivision Regulations, Mandatory Dedication of Parkland is not applicable as the subject subdivision is proposed for a nonresidential use.
- h. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated December 20, 2012, DPW&T provided standard discussion on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. In a memorandum dated January 31, 2013, DPW&T provided comment on the submitted traffic study, as follows:
 - (1) As indicated in the report, a signal warrant study shall be provided for the intersection of Ritchie-Marlboro Road at Brooke Lane. If found warranted, the developer will be responsible for bonding and constructing the signal. The developer will also be responsible for providing any necessary geometric improvements, including two full approach lanes on southbound Ritchie-Marlboro Road.
 - (2) Queuing analysis should be provided for the southbound movements on Ritchie-Marlboro Road at Old Marlboro Pike (MD 725). The adequacy of the existing southbound left-turn storage should be determined.
 - (3) Pending the results of the queuing analysis and assuming the southbound movements on Ritchie-Marlboro Road at Old Marlboro Pike (MD 725) do not spill past the proposed site access, a northbound left-turn bay shall be provided for the lefts into the southernmost site access from Ritchie-Marlboro Road. If spillback is found to be an issue, this southernmost full access point may not be feasible as proposed.
 - (4) A westbound receiving lane shall be provided on Old Marlboro Pike (MD 725) to accommodate the proposed southbound right turn from Ritchie Marlboro Road. This lane should be continued to the proposed site access on Old Marlboro Pike.
 - (5) The report recommends restriping northbound Ritchie-Marlboro Road to provide a separate left-turn lane. It appears that providing this additional lane would require more than restriping, perhaps actual road widening, to achieve this.

In reviewing the comments from DPW&T, the Planning Board is in general agreement with the comments. Regarding the issue of a signal warrant study for the Ritchie-Marlboro Road and Brooke Lane intersection, the Planning Board approves such provision as a condition of approval. For the remaining comments, they reflect operational improvements which are within the jurisdiction of DPW&T, and will be enforced through the access permitting process.

PGCPB No. 13-37
File No. CSP-12001
Page 29

- i. **The Maryland State Highway Administration (SHA)**—In a memorandum dated February 1, 2013, SHA provided comment on the Traffic Impact Study Report provided by the applicant. While SHA is in general support of the study findings, it did acknowledge that the roads on which the subject property fronts are largely within the jurisdiction of DPW&T.
- j. **Prince George's County Health Department**—In a memorandum dated December 7, 2012 the Health Department stated that the Environmental Engineering Program of the Prince George's County Health Department had completed a health impact assessment review of the conceptual site plan submission for Forks of the Road and had the following recommendations:
 - (1) Future plans should indicate that all exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.
 - (2) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the proposed buildings and landscaping on the site.
 - (3) Future plans should include details indicating how development of the site will provide for safe and easy onsite pedestrian circulation, and safe and easy pedestrian access to amenities within the proposed activity center from adjacent suburban subdivisions.
 - (4) Future plans should include modifications, adaptations and/or mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.
 - (5) Future plans should include modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of fine particulate air pollution on the susceptible population.
 - (6) Future plans should include additional details regarding retail facilities offering healthy food choices to residents of the adjacent suburban subdivisions and the surrounding area.
 - (7) Future plans should indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - (8) Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

PGCPB No. 13-37
File No. CSP-12001
Page 30

- (9) The developer should identify and actively engage project stakeholders during the development review process.

These recommendations provided by the Prince George's County Health Department shall be considered by the applicant in their preparation of the detailed site plan, at which time they will be reviewed in more detail.

- k. **Prince George's County Police Department**—In a memorandum dated November 27, 2012, the Prince George's County Police Department indicated that there are no concerns at this time related to Crime Prevention through Environmental Design (CPTED).
- l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated November 28, 2012, WSSC provided an evaluation of the subject proposal, which includes the following comments:
- (1) A 16-inch water main is available to serve the site. A mainline extension is required along Ritchie-Marlboro Road to serve these lots. The extension of the 16-inch water main along Old Marlboro Pike (MD 725) may also be required.
 - (2) A ten-inch gravity sewer main is available to serve the proposed site.
 - (3) Sewer lines should be designed to avoid storm water management facilities for future maintenance
 - (4) Marlboro Clay appears to be on this site. Due to the instability of this soil type, the applicant should be advised that special design measures are required for water and/or sewer extensions constructed within this zone to prevent the pipeline from shifting.
14. The Planning Board finds that as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, as approved with conditions below, represent 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.
15. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:

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

PGCPB No. 13-37
File No. CSP-12001
Page 31

Wetlands, streams and a 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property. Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare.

Based on the level of design information available at the present time, 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 impact exhibits and the tree conservation plan submitted for review. The proposed impacts are for the grading of a stormwater management pond and outfall, sewer connection, and grading for road improvements. As these site features are required by other provisions of the County Code, the Planning Board has determined that these cannot be avoided and shall be supported.

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 (TCP1-053-03-01), and further APPROVED Conceptual Site Plan CSP-12001 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided.
 - a. The conceptual site plan shall indicate that a mix of commercial, retail, and office uses will be provided with the ultimate mix to be determined by the Planning Board at time of DSP (except for a DSP for infrastructure). The amount of gross floor area (GFA) devoted to each use, or ranges of possible floor area quantities, shall be provided on the plan.
 - b. Building square footages and development data shall be provided on the submitted Illustrative Site Plan exhibit, with notes specifying the conceptual nature of the layout shown.
 - c. The plan shall note the property's position relative to the Joint Base Andrews Interim Land Use Controls (ILUC) Study area.
 - d. A public space (plaza, courtyard, or village green) shall be indicated at or near the center of the development scheme, in close proximity to proposed buildings.
 - e. The CSP and tree conservation plan shall not reference historic resource Navajo (78-000-22), as it was destroyed by fire in October 1996.

PGCPB No. 13-37
File No. CSP-12001
Page 32

2. At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:
 - a. The preliminary plan of subdivision shall be designed in such a way as to accommodate appropriate landscape and signage treatments for the frontage of historic Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road in accordance with the 2010 *Prince George's County Landscape Manual* that will be evaluated in detail at the time of the review of the DSP.
 - b. At the time of the Preliminary Plan of Subdivision, the applicant shall demonstrate that rights-of-way for Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) are consistent with the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* and shall label them for dedication.
3. Prior to acceptance of any detailed site plan for the subject property, the applicant shall submit a geotechnical report for the entire site. The report shall be prepared following, at a minimum, the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce for the review and approval of the Prince George's County Department of Public Works and Transportation (DPW&T) to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources (DER) for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor.
4. At the time of detailed site plan (except for a DSP for infrastructure), the following issues shall be addressed, or information shall be provided:
 - a. Design of a gateway and a village green, or other public space, shall be provided. The design of public spaces shall incorporate high-quality design details and be connected with other amenities throughout the site by a well-designed pedestrian system. An attractive mix of design features including focal points, such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty paving materials shall be demonstrated.
 - b. The design of loading areas shall be visually unobtrusive as viewed from public spaces and the public right-of-way.
 - c. Details of light fixtures, benches, trash receptacles, bicycle racks and other street furniture shall be provided.

PGCPB No. 13-37
File No. CSP-12001
Page 33

- d. The detailed site plan shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophitic plantings to help remove pollutants; and provide a planting plan showing the location, species and spacing of these pond plantings, subject to modification by the Department of Public Works and Transportation (DPW&T).
 - e. The final landscape and signage treatments for the frontage of historic Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road shall be determined. The landscape treatment shall provide an equivalent or better streetscape appearance than would be achieved under strict application of Section 4.6, Buffering Development from Special Roadways.
 - f. Access to existing or future bus routes shall be evaluated at time of detailed site plan, and facilities for a bus stop shall be shown if deemed appropriate by the Department of Public Works and Transportation (DPW&T).
5. At the time of Detailed Site Plan review for the first commercial/retail building for the subject property, the site will be evaluated for conformance to the gateway design guidelines for the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. Review shall include items such as gateway entrance features, architectural design, materials, pedestrian connectivity, design details for the "commons" area shown on the conceptual site plan, colors, landscape palate, and streetscape features and amenities.
6. The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. At the time of Detailed Site Plan review, the Planning Board may make modifications to the Development Standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the Conceptual Site Plan and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.
 - a. Any building located on the eastern portion of the site shall be visually parallel to Ritchie-Marlboro Road.
 - b. Provision of parking between buildings on the eastern portion of the site and Ritchie-Marlboro Road shall be minimized, but may be allowed in limited amounts if it will be completely or substantially out of the view from the road because of topographic changes, or if the parking will be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.
 - c. Buildings shall be multi-story or provide a visual appearance of being at least two stories in height.
 - d. On the southernmost lot, off-street parking shall not be permitted between any building and Ritchie-Marlboro Road. Parking shall only be permitted between any building and Old Marlboro Pike if said parking is completely or substantially out of view from the road

PGCPB No. 13-37
File No. CSP-12001
Page 34

because of screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.

- e. Buildings shall be designed with interesting and attractive architectural features to promote a "sense of place."
- f. Buildings shall be attractive on all sides while utilizing materials and finishes that reinforce a sense of quality and permanence.
- g. Buildings shall provide ample and numerous windows on the front ground level elevation.
- h. Commercial development shall, to the maximum extent practicable, front on a park, plaza, or courtyard.
- i. The proposal shall show increased connectivity between buildings through shared plazas, shared open space, and/or architectural features that link building forms.
- j. Future uses shall be interconnected between parcels to the fullest extent practical with the sharing of curb cuts, parking, and stormwater management.
- k. To the maximum extent practicable, restrict drive-in commercial services to rear areas behind main structures.
- l. Provide high levels of pedestrian accommodation, safety and amenity.
- m. Design internal sidewalks no less than six feet in width.
- n. Design internal streets/site circulation as low-speed streets/site circulation to employ appropriate traffic calming measures to reduce internal vehicular speeds.
- o. If a gas station is proposed at the southernmost lot, the main gas station building shall be designed utilizing the above stated principles, and any gas station canopy shall be placed on the western portion of the lot to substantially screen views of the canopy from the Ritchie Marlboro Road/Old Marlboro Pike intersection. The materials and design of any gas station canopy shall utilize materials and architectural features reflected in the main building to promote an attractive and unified theme. Architecture for any gas station shall not be a standard franchise prototype; shall incorporate the materials and details of the other buildings on the site; and shall be multi-story or provide a visual appearance of being at least two stories in height.

PGCPB No. 13-37
File No. CSP-12001
Page 35

7. The following improvements shall be provided and indicated on all plans of development.
 - a. Provide an eight-foot-wide sidepath or wide sidewalk along the subject site's frontage of Ritchie-Marlboro Road, unless modified by the Department of Public Works and Transportation DPW&T.
 - b. Provide a standard sidewalk along the subject site's entire frontage of Old Marlboro Pike (MD 725), unless modified by DPW&T.
 - c. Provide a marked crosswalk along Ritchie-Marlboro Road at the site's ingress/egress points, unless modified by DPW&T.
 - d. Provide a marked crosswalk along Old Marlboro Pike (MD 725) at the site's ingress/egress point, unless modified by DPW&T.
 - e. Provide at least one sidewalk/crosswalk connection from the wide sidewalk along Ritchie-Marlboro Road to the internal buildings/pad sites.
8. Total development within the subject property shall be limited to uses that would generate no more than 229 AM and 276 PM peak-hour vehicle trips. Any development generating an impact greater than that identified hereinabove shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.
9. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

Ritchie Marlboro Road and Old Marlboro Pike Intersection

- a. Add a southbound right-turn lane on Ritchie-Marlboro Road
- b. Add a northbound left-turn lane on Ritchie-Marlboro Road (Ramp from Pennsylvania Avenue (MD 4)).

Ritchie-Marlboro Road and Brooke Lane

- a. Conduct a signal warrant study and install signal, pursuant to Department of Public Works and Transportation (DPW&T) specifications if signal is deemed warranted and approved by DPW&T.

PGCPB No. 13-37
File No. CSP-12001
Page 36

10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

11. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
12. The DSP and Type 2 tree conservation plan (TCP2) shall indicate the unmitigated 1.5 safety factor line. No structures shall be placed within the 1.5 safety factor line unless proper mitigation has been provided.

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 and Hewlett voting in favor of the motion, with Commissioner Geraldo opposing the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, April 11, 2013, in Upper Marlboro, Maryland.

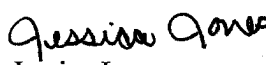
Adopted by the Prince George's County Planning Board this 2nd day of May 2013.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 4/23/13

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj