

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 June 14, 2018, regarding Conceptual Site Plan CSP-17004 for Peerless Residential and Retail Development, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site Plan (CSP) for 62 two-family, three-family, and multifamily units, as well as approximately 3,000 square feet of commercial/retail space.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	vacant	Two-family, three-family & multifamily residential and Commercial/retail
Acreage	7.64	7.64
Of which floodplain	0.03	0.03
Total Gross Floor Area (sq. ft.)	-	78,000
Commercial GFA	-	3,000
Residential GFA	-	75,000
Total Dwelling Units	-	62

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.24 FAR

Note: *Additional density is allowed in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

3. **Location:** The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, Council District 6. More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland.

4. **Surrounding Uses:** The subject property is bounded to the east by the right-of-way of US 301; to the north and south by vacant properties in the Mixed Use-Transportation Oriented (M-X-T) Zone; and to the west by existing single-family detached residences in the M-X-T Zone.
5. **Previous Approvals:** The subject property includes the second part of part of Lots 5 and 6 recorded in the Prince George's County Land Records at Liber 4262 folio 610, the first and second part of Lots 7 and 8 recorded in Land Records at Liber 32208 folio 372, and part of Lot 9 recorded in Land Records at Liber 960 folio 283. These lots are part of Record Plat A03-8782. The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) rezoned the subject property to the M-X-T Zone.
6. **Design Features:** The applicant proposes a mixed-use development consisting of residential and commercial/retail uses on the property. The development site is generally rectangular, with the short side fronting on US 301. The site will be accessed through a public roadway known as Peerless Avenue, which is perpendicular to US 301 and will be extended to connect to US 301. Two access points off Peerless Avenue have been shown on the CSP; one close to US 301 and the other further to the west. On-site circulation is through a loop street connecting the two access points, with commercial/retail uses along the US 301 frontage and the proposed residential use on both sides of the loop street. The section of the loop street that is parallel to US 301 separates the commercial/retail uses from the residential use. Significant environmental features exist in both the northern and southern boundary areas of the site.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all mixed-use zones.
 - (1) The proposed two-family, three-family, and multifamily residential and commercial uses are permitted uses in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of the CSP approval. Therefore, this property would be limited to 62 two-family, three-family, and multifamily residential units, as proposed in this CSP.
 - (2) Section 27-547(d) 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. 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 subject CSP is proposing both a residential component consisting of a mix of 62 two-family, three-family, and multifamily dwelling units and a commercial/retail component of approximately 3,000 square feet of gross floor area. These two proposed uses satisfy the mixed-use requirement of Section 27-547(d).

- b. Section 27-548, M-X-T Zone regulations, establishes additional standards for development in this zone. The CSP's conformance with the applicable provisions is discussed, as follows:

- (a) **Maximum floor area ratio (FAR):**

- (1) Without the use of the optional method of development—0.40 FAR**
- (2) With the use of the optional method of development—8.0 FAR**

The proposed floor area ratio (FAR) is 0.24, which is below the threshold. However, since the development proposes residential dwelling units, it qualifies to use the optional method of development bonus incentives in Section 27-545(b), as follows:

- (b) **Bonus incentives.**

- (4) Residential use.**

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

The CSP proposes a total of 62 residential dwelling units, with a maximum FAR of 0.24, which is well below this FAR requirement. However, it should be noted that the mix of uses, including more than 20 residential dwelling units, allows the applicant to increase the allowed FAR to a maximum of 1.4.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The illustrative plan shows that the uses included in this CSP will be located in multiple buildings on more than one lot.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is not applicable since this application is for a CSP. Subsequent detailed site plan (DSP) approvals will provide regulations for the development on this property.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining and interior incompatible land uses at the time of DSP.

- (e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the proposed development is calculated in accordance with this requirement.

- (f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below, public rights-of-way as part of this project. Therefore, this requirement is not applicable to the subject case.

- (g) 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 proposed two land bays will be accessed from a public roadway, relocated Peerless Avenue, that is connected to US 301. A looped private roadway will provide on-site circulation for the proposed development. Specific lotting and street patterns will be decided at the time of preliminary plan of subdivision (PPS).

- (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, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions 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. In no event shall there be more than ten (10) dwelling units**

in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. 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 may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject CSP does not propose any townhouses, which are single-family attached units. This application only includes two-family, three-family, and multifamily dwelling units. Therefore, this requirement does not apply to this CSP.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

The subject CSP includes residential multifamily buildings. The final architecture submitted with the required DSP will have to demonstrate compliance with this requirement. However, the CSP indicates that the buildings will be three stories tall, which should be well within the maximum height limit.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

This requirement does not apply to this CSP because, even though the property was placed in the M-X-T Zone through the Subregion 6 Master Plan and SMA, there are no specific design guidelines or standards for this property.

- c. 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 CSP in the M-X-T Zone, as follows:

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

The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of Prince George's County. The proposed development, consisting of residential and commercial/retail uses, will provide increased economic activity proximate to the MD 725/US 301 intersection. In addition, the uniform design of this property will conserve the value of land by

maximizing the public and private development potential. The proposal of the new public right-of-way for Peerless Avenue will encourage additional development towards the west to connect the remaining parcels. This proposal will allow freedom of architectural design by creating two-family and three-family dwelling units that have the look and feel of a townhouse development. In addition, the proposed multifamily dwellings will allow more density on the site. This CSP promotes the many purposes of the zone and contributes to the implementation of the overall master plan and General Plan.

- (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 applicable 2013 Subregion 6 Master Plan and SMA rezoned the subject property to the M-X-T Zone. The zoning change from the Rural Residential (R-R), One-Family Detached Residential (R-80), and Commercial Miscellaneous (C-M) Zones to the M-X-T Zone created new opportunities for development in the general vicinity. The project proposes uses and dwelling types, which would not have been permitted under the old zoning categories; thus, is in conformance with the development concept recommended by the master 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 will be outwardly oriented, with the proposed commercial/retail spaces fronting US 301 and a multifamily building fronting on Peerless Avenue. The adjacent existing development in the vicinity is mainly vacant, dilapidated, or single-family detached dwellings. The proposed residential and commercial buildings will create a new streetscape for the area and will catalyze adjacent community improvement.

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

As stated above, the existing improvements in the vicinity are mainly vacant and dilapidated single-family residences. The subject CSP is the first development after the area was rezoned to the M-X-T Zone. The proposed development will set the tone, in terms of quality and aesthetics, for later development in the area. At the time of DSP review, attention should be given to the design and finishing materials for those buildings along US 301 and Peerless Avenue, to ensure that attractive and high-quality streetscapes will be achieved.

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

The mix of uses, arrangement of buildings, and other improvements and amenities of the proposed residential complex will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed residential portion of the development on the subject site will be divided from the proposed commercial/retail uses through an on-site loop street. The orientation of the land bays, as shown on the illustrative plan, is ideal and is acceptable.

- (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 has not provided any information in the application regarding possible phasing of the proposed development. However, given the location and division of the proposed land bays on the CSP, the development can be easily and naturally divided into three phases. The multifamily residential component will be self-sufficient, as far as amenities are concerned, and will be integrated with the other uses via pedestrian connections, i.e. sidewalks on both sides of the loop street and Peerless Avenue. The connectivity issue will be further reviewed at the time of PPS and DSP.

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

This requirement will be evaluated in detail at the time of DSP. The CSP shows sidewalks along Peerless Avenue and the on-site loop street, forming a pedestrian network throughout the site.

- (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 CSP. Further attention should be paid to the design of pedestrian spaces and public spaces at the time of DSP.

- (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, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, 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 subject property was rezoned to the M-X-T Zone as part of the Subregion 6 Master Plan and SMA. A traffic study was submitted with the subject CSP and the Planning Board concluded that the plan conforms to the required findings for approval, as discussed further in Finding 10 below.

- (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 provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

The above finding is not applicable because the subject application is a CSP. This requirement will be evaluated at the time of DSP for this project.

- (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 27-548.**

The subject property measures 7.64 acres and, therefore, does not meet the above acreage requirement. Further, it is not being developed as a mixed-use planned community. Therefore, this requirement is not relevant to the subject project.

- d. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as follows:
- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. The proposed residential buildings are being oriented such that they front on Peerless Avenue, with parking behind the proposed buildings. The commercial/retail building is oriented toward US 301, with parking behind, which is consistent with the guideline to place parking lots to the rear or sides of structures. The parking is located as near as possible to the uses they serve for both the residential and commercial uses. Residents will have easy access to units, with parking being provided in close proximity.
 - (2) In accordance with Section 27-274(a)(5), the applicant states that ample green area will be provided on-site and will be accentuated by elements such as landscaping, recreational facilities, and street furniture at the time of DSP.
 - (3) In accordance with Section 27-274(a)(8), the service areas for the commercial and residential components will need to be addressed specifically at the time of DSP.
 - (4) In accordance with Section 27-274(a)(8), the applicant states that the main public space associated with the residential component will be the community area within the multifamily building, that will provide the recreational amenities for the community. However, details regarding the area building will be reviewed at time of DSP.
- e. 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 DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). The CSP is not required to include detailed parking information. At the time of DSP review, adequate parking and loading will be required.
- f. Section 27-579(b) of the Zoning Ordinance reads as follows:
- (b) No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

The location of any exterior loading space associated with the proposed commercial/retail uses and its vehicular entrance will have to conform to this requirement, or a departure may be required. This issue will be reviewed and addressed at the time of DSP.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-004-2018) was submitted with the CSP application.

A Natural Resources Inventory, NRI-16-2018, was approved on March 7, 2018, and provided with this application. The TCP1 and the CSP show all the required information correctly, in conformance with the NRI.

Based on the submitted TCP1, the site contains 3.57 acres of woodland and has a woodland conservation threshold of 1.14 acres (15 percent). The Woodland Conservation worksheet proposes the removal of 1.05 acres on the net tract area, for a woodland conservation requirement of 1.40 acres. The requirement is proposed to be met with 2.52 acres of woodland preservation. The forest stand delineation has identified 24 specimen trees on-site. This application proposes the removal of nine specimen trees that will be further evaluated at the time of PPS.

Even though the submitted TCP1 requires technical revisions, it is consistent with all applicable requirements of the WCO.

9. **Other site plan-related regulations:** Additional regulations are applicable to site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:
- a. **2010 Prince George's County Landscape Manual**—This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual.
 - b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 7.64 acres in size and the required TCC is 0.764 acre. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the subject project.

10. **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. **Historic Preservation**—The Planning Board provided comments on this application, as follows:

The subject property was once part of the nineteenth century land holdings of Dr. William Hill, owner of the Compton Bassett Plantation (79-063-10). After the death of William Hill in 1823, the land was divided among his children. Clement B. Hill was allotted a large tract to the south and east of the subject property. Clement Hill acquired the tract, which contains the subject property from his deceased brother, John Hill, and his mother, Ann S. Hill. In the 1870s, Clement Hill began to convey parcels to the north of the present Marlboro Pike to several African American families. Historic maps indicate that, by the early 1900s, there was a sizeable African American community located to the east of the Baltimore and Potomac Railroad, to the north of Marlboro Pike, to the west of the Marlboro-Queen Anne Road, and to the south of a deep ravine formed by a branch of the Collington Branch.

Tax records and aerial photographs indicate that the structures on the subject property were constructed from the early to mid-nineteenth century. This small African American community began to establish itself at the intersection of Marlboro Pike and Marlboro-Queen Anne Road shortly after the end of the Civil War. Some of the families still living in the community, or those formerly living in the buildings on the subject property, may have been descendants of these early settlers. There are four structures and associated outbuildings on the subject property.

A Phase I archeological survey was conducted on the subject property in April 2018. Approximately 7.64 acres of fallow field and three dwelling lots were investigated with a shovel test pit (STP) survey. A total of 53 STPs were excavated, with 45 containing cultural material, primarily from the last third of the twentieth century. Two of the STPs contained early historic materials, including a small blue shell-edged pearlware ceramic and a small lead-glazed earthenware sherd. No archeological sites were delineated in the survey, and no further work was recommended.

This application proposes the demolition of all the buildings on the subject property and construction of a mixed-use development, to include 5,000 square feet of retail space and 70 residential dwelling units. The Planning Board required that all the structures on the subject property should be recorded together on a Maryland Inventory of Historic Properties form by a qualified architectural historian. The form should be submitted to HPS staff for review and approval.

The Phase I archeological survey did not identify any significant archeological resources. Some eighteenth and nineteenth century artifacts were found mixed in with twentieth century material, indicating that there was some recent disturbance across the subject property. No further archeological investigations are recommended.

- b. **Community Planning**—The Planning Board provided comment on the submitted CSP, as follows:

The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) places this application in the Established Communities growth policy area. The vision for the Established Communities area is most appropriate for context-sensitive infill and low-to medium-density development (page 20).

The Subregion 6 Master Plan and SMA recommends a mixed-use future land use on the subject property. The property is identified as “Development Bay 3” in the Living Areas and Community Character chapter, which recommends the following policies and strategies:

Policy: Promote high-quality development and redevelopment around the Town of Upper Marlboro at the intersection of US 301 and MD 725. (page 205)

Northwest Quadrant

Strategy 2: Provide a mix of development opportunities including different types of housing that complement and support the Town of Upper Marlboro in the M-X-T Zone. (page 206)

Strategy 5: Respect the extensive system of floodplain “fingers” by preserving natural drainage corridors and limiting development to upper level plateau areas. (page 206)

Strategy 9: Consider county relocation assistance for residents of Peerless Avenue as this area develops. (page 206)

Map 25 shows the development framework for the area, which includes five development bays or areas. “These bays represent the most appropriate areas for development outside of known environmentally sensitive areas and floodplains.” (page 201)

Development Bay 3. This bay is another high-land peninsula bordered to the north and south by significant drainage corridors. Its proximity to an existing commercial development site (to the west) and US 301 suggests that a higher density, alternative type of residential development may be appropriate such as zero lot line residential. An average lot size of approximately 6,800 square feet is envisioned... (page 203)

c. **Transportation Planning**—The Planning Board offered the following comments:

The property is located in an area where the development policies are governed by the Subregion 6 Master Plan and SMA, as well as the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The subject property currently fronts on US 301, a four-lane arterial within a 150-foot right-of-way. One of the recommendations from the master plans is the construction of a freeway (F-10) approximately 400 feet to the east of the existing US 301. When that construction occurs in the future, the existing US 301 will be converted into a service road (A-61) providing local access. All other aspects of the site regarding access and layout are deemed to be acceptable.

The application analyzed is a CSP for a mixed-use development consisting of 62 residential units and 3,000 square feet of retail. Based on trip rates from the “Transportation Review Guidelines, Part 1” (Guidelines), as well as the *Trip Generation Manual, 9th Edition* (Institute of Transportation Engineers), this development will be adding 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips.

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

- US 301 and Marlboro Pike (MD 725)
- US 301 and Village Drive
- US 301 and Peerless Drive

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

- (1) **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;
- (2) **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 and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

All of the intersections deemed critical, when analyzed with total future traffic, as developed using the Guidelines, were found to be operating at or better than the policy service level. These levels of service findings are based on \$24 million Prince George’s County Capital Improvement Project (CIP)-funded improvements along US 301. One of the provisions of the CIP project is that some of the overall cost will be borne by the

development community. Consequently, at the time of PPS, the applicant's share of the overall cost of those improvements will be determined.

The applicant submitted a traffic study dated May 2018. The findings outlined below are based upon a review of these materials and analyses conducted by the Planning Board, consistent with the Guidelines. The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
US 301 & Marlboro Pike (MD 725)	C/1,299	D/1,421
US 301 & Village Drive	B/1,110	D/1,398
US 301 & Peerless Avenue (site access, right-in, right-out)	17.5 seconds	0

The traffic study identified three background developments whose impact would affect some or all of the study intersections. In addition, a growth rate of 0.7 percent over 6 years was applied to the regional traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS – with CIP funded improvements		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
US 301 & Marlboro Pike (MD 725)	B/1,147	C/1,248
US 301 & Village Drive	A/826	C/1,178
US 301 & Peerless Avenue (site access, right-in, right-out)	21.7 seconds	0

Using the trip rates from the Guidelines, as well as the *Trip Generation Manual, 9th Edition*, the study has indicated that the subject application represents the following trip generation:

		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Townhouse (Guidelines)	62 Units	9	35	44	32	17	49
Daycare (ITE)	3,000 sq. ft.	17	15	32	16	17	33
Less 65% pass-by		-11	-10	-21	-10	-11	-21
Total new trips		15	40	55	37	23	61

The table above indicates that the proposed development will add 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS – with CIP funded improvements		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
US 301 & Marlboro Pike (MD 725)	C/1,155	C/1,255
US 301 & Village Drive	A/836	C/1,189
US 301 & Peerless Avenue (site access, right-in, right-out)	26.1 seconds	29.0 seconds

The results shown above indicate that, with the inclusion of the CIP-funded improvements, the study intersections will operate at satisfactory levels of service.

Having reviewed the traffic study, the Planning Board concurs with its conclusions. In addition to TPS staff, the traffic study was also reviewed by the Maryland State Highway Administration (SHA). In their review of the study, SHA had some minor comments that had no significant bearing on the study's conclusions.

The Planning Board determined that the plan conforms to the required findings for approval of the CSP, from the standpoint of transportation.

- d. **Subdivision Review**—The Planning Board provided an analysis of the CSP, as follows:

In accordance with Section 24-107 of the Subdivision Regulations, a PPS is required for the proposed development of the site, which was subdivided by deed prior to January 1, 1982. All proposed lots must have frontage on and direct access to a public street. The CSP shows a 60-foot right-of-way extending west from US 301. The disposition of this street must be indicated on the plan.

There is a master plan right-of-way (US 301) affecting the subject property, which should be shown and further analyzed by TPS for right-of-way dedication at the time of PPS.

A noise study may be required at the time of PPS and/or DSP to ensure that mitigation from the traffic impacts of US 301 is provided for any residential development.

PGAtlas indicates that Marlboro clay may be present, which may impact the developable area of the site.

- e. **Trails**—The Planning Board reviewed the CSP application referenced above for conformance with the MPOT, in order to implement planned trails, bikeways, and pedestrian improvements.

No master plan trail/bikeway issues impact the application. However, sidewalks are appropriate for the subject site. The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

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

Sidewalks are reflected along both sides of all internal roads on the submitted CSP, consistent with these policies. Additional sidewalk links or internal trails may be considered at the time of DSP.

A detailed analysis of the internal sidewalk and trail network will be made at the time of PPS and DSP. The following issues will be evaluated at that time:

- (1) Sidewalks shall be provided along both sides of all internal roads, consistent with the Complete Streets policies of the MPOT.
- (2) A small amount of bicycle parking should be provided at the commercial space. The number and location will be determined at the time of DSP.

A condition has been included in this resolution requiring that sidewalks and bicycle parking be provided on the DSP.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated May 11, 2018 (Zyla to Zhang), DPR provided the following summarized discussion on the subject application:

Per Section 24-134(a)(1) of the Subdivision Regulations, at the time of PPS, the residential portion of the CSP is subject to the mandatory dedication of parkland requirement of 1.15 acres. The application and information submitted indicate that the mandatory dedication requirement will be met by providing private recreational facilities per Section 24-135(b) of the Subdivision Regulations. Private recreational facilities may be approved by the Planning Board, provided that the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants or a recreational facilities agreement, with this

instrument being legally binding upon the subdivider and the subdivider's heirs, successors, and/or assignees.

DPR has determined that private recreational facilities are appropriate for this project, given the proposed use and size of the development. The final list of recreation amenities will be determined at the time of review and approval of PPS and DSP applications.

DPR's suggested conditions, relative to the private recreational facilities, will be further reviewed and determined at the time of PPS and DSP.

- g. **Environmental Planning**—The Planning Board provided the following summarized comments on the subject application:

This project is subject to the current regulations of Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012, because the application is for a new CSP and there are no previous tree conservation plan approvals.

This 7.64-acre site is zoned M-X-T and is located on the west side of US 301, approximately 800 feet north of the intersection with MD 725. A review of available information indicates that unnamed streams are located along the north and south boundaries of this property. The streams contribute to Collington Branch, a tributary to the Western Branch, which is a stronghold watershed in the Patuxent River basin. Nontidal wetlands are not mapped on this property; however, steep slopes and primary management area (PMA) are mapped on this property. This property is within the Sensitive Species Project Review Area, according to PGAtlas. A letter of request was sent by the applicant to the Maryland Department of Natural Resources, Natural Heritage Program, however, a response has not been received. Potential forest interior dwelling species (FIDS) habitat or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) shows that the entire property contains both regulated and evaluation network features, based on the stream, buffers, and steep slopes. Marlboro clays are mapped on this property.

Specimen Trees

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

The site contains 24 specimen trees with ratings of good (Specimen Trees (ST) 3, 5-9, 12-15, 27-29, and 31-34), fair (ST 35 and 37), and poor (ST 4, 10, 11, 16, and 36). The current design proposes to remove ST 5, 8, 11, 12, 13, 16, 31, 32, and 35 for the development of the buildings and associated infrastructure.

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the nine specimen trees on-site. The site consists of 7.64 acres and is zoned M-X-T. The current proposal for this property is to develop the site with a mixed-use development consisting of multifamily units and retail space, along with associated infrastructure. This variance is requested to the WCO, which requires that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance Application form requires a statement of justification (SOJ) of how the findings are being met.

Based on the level of design information currently available, the limits of disturbance (LOD) shown on the Type 1 tree conservation plan (TCP1), and the impact exhibits, a determination that the removal of ST 5, 8, 11, 12, 13, 16, 31, 32, and 35 cannot be made at this time. The Planning Board acknowledges that the removal of specimen trees may be necessary to grade the site for public road infrastructure improvements, structures, parking, and stormwater management (SWM) facilities and outfalls; however, the LOD may change considerably to address right-of-way width, slope instability due to the presence of Marlboro clays, and these impacts on SWM design.

A variance application and SOJ for the removal of specimen trees shall be included in the PPS application package.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are proposed for improvements to the public road entering the site, demolition of existing structures, and for SWM outfalls. An SOJ has been received for the proposed impacts to the PMA and stream buffer.

Based on the level of design information currently available, the LOD shown on the TCP1, and the impact exhibits, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible; however, these impacts shall be reevaluated at the time of PPS. The Planning Board agreed that impacts are necessary for public road infrastructure improvements and SWM outfalls; however, not enough complete information was provided and the level of impact may change considerably to address right-of-way width, slope instability due to the presence of Marlboro clays, and their impacts on SWM design.

Prior to acceptance of the PPS application, an SOJ for the necessary PMA impacts shall be included in the application package. The SOJ shall address all proposed impacts to regulated environmental features.

Soil

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Collington-Wist-Urban land complexes, Marr-Dodon complexes and Udorthents, highway soils. This property is located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. 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.

Because a detailed structure configuration and grading studies are not required with this phase of the development process, it is not practical to discuss specific details with respect to lot reconfiguration, grading, or the placement of structures, infrastructure, and SWM devices, at this time. However, during the review of the PPS, the configuration of lots and 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.

Stormwater Management

A SWM concept plan was submitted with the subject application, but a SWM concept letter has not been submitted, and the SWM concept application number has not been identified. The SWM concept plan shows the use of environmental site design elements to address water quality requirements.

Submittal of an approved SWM concept approval letter will be required prior to signature approval of the PPS.

- h. **Maryland State Highway Administration (SHA)**—In a memorandum dated April 20, 2018, SHA stated that they have reviewed the traffic impact study submitted with this CSP application and agreed with the assumptions of the study. SHA provided no further comments. Additional review of this development by SHA will be carried out at time of PPS and DSP.
 - i. **Prince George’s County Fire/EMS Department**—At the time of this resolution, the Fire/EMS Department did not offer comments on the subject application.
 - j. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 25, 2018 (Giles to Zhang), DPIE provided comments on issues such as right-of-way dedication frontage improvement, sidewalks, street trees and lighting, storm drainage systems, and SWM facilities to ensure that the improvements will be installed in accordance with the requirements of the Prince George’s County Department of Public Works and Transportation (DPW&T). Those comments will be enforced through DPIE and DPW&T’s separate permitting process. DPIE also provided comments on the proposed Peerless Avenue (a section of which will be relocated due to the proposed development) that will be further reviewed at the time of PPS.
 - k. **Prince George’s County Police Department**—At the time of this resolution, the Police Department did not offer comments on the subject application.
 - l. **Prince George’s County Health Department**—At the time of this resolution, the Health Department did not offer comments on the subject application.
 - m. **Town of Upper Marlboro**—At the time of this resolution, the Town of Upper Marlboro did not offer comments on the subject application.
11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, 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.
12. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

Based on the level of design information currently available, the LOD shown on the TCP1, and the impact exhibits, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The level of impact may change considerably to

address right-of-way width, slope instability due to the presence of Marlboro clays, and their impacts on SWM design. Additional review of any potential impacts will be required in future approvals.

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 Type 1 Tree Conservation Plan TCP1-004-2018, and further APPROVED Conceptual Site Plan CSP-17004 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. Clearly mark and label all existing lots and area included in the CSP.
 - b. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Add "TCP1-004-2018" to the approval block and to the worksheet.
 - (2) Revise General Note 7 to say, "...within *Plan Prince George's 2035, Environmental Strategy Area Two, formerly the Developing Tier...*"
 - (3) Revise General Note 13 to provide the conceptual stormwater management plan number.
 - (4) Revise the ownership information for the adjacent properties.
 - (5) Add a column for the Development Review Division approval number in the TCP1 approval block.
 - (6) Identify the steep slopes on the plan with shading.
 - (7) Provide an Owners Awareness Certification on the plan.
 - (8) Have the revised TCP1 signed and dated by the qualified professional who prepared it.
2. Total development within the subject property shall be limited to uses which generate no more than 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan, with a new determination of the adequacy of transportation facilities.

3. At the time of preliminary plan of subdivision (PPS), the applicant shall:
 - a. Provide Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I research plan for approval by the Historic Preservation Section prior to commencing Phase I work. Evidence of M-NCPPC staff concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.
 - b. Show the appropriate dedication of right-of-way along the property's frontage on US 301 (Robert Crain Highway) and Peerless Avenue.
 - c. Provide the pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway).
 - d. Submit a geotechnical report for review and approval by the Prince George's County Department of Permitting, Inspections, and Enforcement, to confirm the elevation of the Marlboro clay and determine the slope stability factor.
 - e. Revise the Type 1 tree conservation plan (TCP1) to include the boundary of the Marlboro clay, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections, and Enforcement.
 - f. Provide a specimen tree variance application and statement of justification for the removal of specimen trees.
 - g. Submit a statement of justification for the necessary primary management area impacts that shall address all proposed impacts to regulated environmental features.
 - h. Provide a Phase I noise study.
4. Prior to approval of a detailed site plan for the project, the applicant shall:
 - a. Provide the location, type, and number of bicycle parking spaces at the multifamily building and commercial/retail building.
 - b. Provide sidewalks on both sides of all internal streets, where appropriate, in consultation with the Urban Design Section.
5. Prior to issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a Maryland Inventory of Historic Property (MIHP) form for all the structures located on the subject property. The buildings shall be documented by a qualified architectural historian (36-CFR-Part 60 qualified) and the submitted documentation shall

include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds. The MIHP form shall be submitted to the Historic Preservation Section for review and approval.

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 Geraldo, with Commissioners Washington, Geraldo, and Hewlett voting in favor of the motion, and with Commissioners Bailey and Doerner absent at its regular meeting held on Thursday, June 14, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of July 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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