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PGCPB No. 2020-19

File No. CSP-18007

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 February 6, 2020, regarding Conceptual Site Plan CSP-18007 for Hope Village Center, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) for Hope Village Center for a mixed-use development with 38 single-family, attached residential units and 181,950 square feet of commercial and institutional uses, including a hotel, gas station, assisted living facility, and church.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Vacant/Farmland	One-family attached residential; Commercial/ Retail; Gas Station; Hotel; Assisted Living; Institutional
Gross Acreage	37.59	37.59
Net Acreage	37.17	37.17
Total Gross Floor Area (sq. ft.)	-	276,950
Commercial/Institutional GFA	-	181,950
Residential GFA	-	95,000
One-Family Attached Dwelling Units	-	38
Hotel	-	42,000 (150 Rooms)
Senior Assisted Living	-	80,000 (210 Beds)
Institutional	-	45,000

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

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.17FAR

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 in the southeast corner of the intersection of MD 223 (Woodyard Road) and Marlboro Pike, in Planning Area 82A, Council District 9. The site is known as Parcel 6, recorded in the Prince George's County Land Records in Liber 21377 folio 394.

4. **Surrounding Uses:** To the north beyond Marlboro Pike is vacant property in the Local Activity Center Zone. To the east and south are residential properties in the Residential-Agricultural (R-A) Zone. To the west of the property, beyond MD 223, is Windsor Park in the Rural Residential (R-R) Zone, and the Norbourne townhouse development in the Townhouse (R-T) Zone.

5. **Previous Approvals:** Prior to 1981, Parcel 6 was one parcel, together with what are now known as Parcel 46, abutting to the northeast, and Parcel 78, abutting to the south. Parcel 46 was legally subdivided by deed from Parcel 6 in 1981 (Liber 5478 folio 975). Parcel 78 was created by an illegal division of Parcel 6 in 2003 (Liber 17537 folio 646). The remainder of Parcel 6 was conveyed in 2005 by deed (Liber 21377 folio 394). On September 29, 2016 the Prince George's County Planning Board approved Preliminary Plan of Subdivision PPS 4-16008 for Parcel 78, which validated the division of land. Although not yet platted, the Planning Board's approval of PPS 4-16008, which remains valid until December 31, 2020, creates a de facto subdivision of Parcel 6, which is the subject of this application.

   The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) (Council Resolution CR-83-2013, Revision 3) rezoned the subject property from the R-R Zone to the Mixed Use-Transportation Oriented (M-X-T) Zone.

6. **Design Features:** The applicant proposes a mixed-use development with residential, commercial, and institutional uses. The CSP shows seven phases of development consisting of a 4,650-square-foot gas station and food and beverage store, and two pad sites totaling 9,800 square feet on the northern end of the property, bisected by a proposed road intersecting Marlboro Pike. This proposed road perpendicularly intersects another proposed road running from MD 223, on the south side of the commercial areas, before continuing to the southeast. This road then provides access to the proposed 38 one-family attached dwellings, in the northeast corner of the property, and continues to the south end of the property. Open space with environmental features will separate the residential area from the assisted living facility and hotel that will front on MD 223. A master-planned collector road (C-605/Marlboro Pike Relocated) will bisect the property from east to west at the southern end, and 45,500 square feet of institutional uses will be located to the south of this road. The illustrative plan shows these uses as a church fronting on MD 223 and a community center adjacent to the east. The property will have a total of two access points from MD 223 and one from Old Marlboro Pike.

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 of the Zoning Ordinance, which governs uses in all mixed-use zones.

      (1) The proposed one-family attached dwelling units, institutional/church/ community center, and commercial/retail/gas station uses are permitted in the M-X-T Zone. The maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, this property would be limited to 38 one-family attached 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 proposes two types of uses as required, including 38 one-family attached dwelling units, as well as 14,500 square feet of commercial/retail/gas station uses. These proposed uses satisfy the mixed-use requirement of Section 27-547(d).

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

      (1) The maximum proposed floor area ratio (FAR) for the site is 0.17, as provided on the CSP. This is less than the maximum base density of 0.40 FAR, but below the maximum FAR of 1.40, which is allowed by using the optional method of

development. An increase of 1.0 FAR is allowed for providing more than 20 dwelling units.

(2) Developments in the M-X-T Zone are required to have vehicular access to a public street, in accordance with Section 27-548(g), noted below.

(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.

While the overall development is accessed by public streets, including the proposed commercial and institutional areas, the individual townhouse lots will be served by private streets and alleys. At the time of PPS, appropriate frontage and vehicular access for all lots and parcels must be properly addressed.

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 intersection of MD 223 and MD 4. It also allows for reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other. In addition, the proposed attached dwellings and the commercial uses will allow more density on the site. This CSP promotes the many purposes of the M-X-T Zone and contributes to the orderly implementation of the Master 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 or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;

The Subregion 6 Master Plan and SMA, which placed the property in the M-X-T Zone, recommends residential low land use for the middle part of the site,

commercial land use to the north, and institutional land use to the south. The proposed mixed-use development substantially conforms to these recommendations.

(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. The development will address the major roadways and the proposed public street internal to the site. How buildings relate to the street and other urban design considerations will be addressed at the time of DSP.

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

The commercial buildings, which are the most intensive use, are located in the northern and western part of the site fronting on MD 223 and Marlboro Pike. The 38 one-family attached dwelling units, occupying the east side of the development, help to transition to the lower-density residential uses to the east in the R-A Zone. Institutional uses front on MD 223 and C-605/ Marlboro Pike Relocated at the south end of the property.

(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 will relate to the surrounding development and produce a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed uses support one another and provide needed services to the surrounding development.

(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 proposes seven phases. Phase 1 proposes the commercial/gas station development in the northwest portion of the site, which will front MD 223 to the west and Marlboro Pike to the north. Phase 2 proposes two commercial pad sites, just east of the gas station, across proposed Street A, with frontage on Marlboro Pike. The third phase is a hotel located on the northeast corner of MD 223 and C-605/Marlboro Pike Relocated. The assisted living facility will be located along MD 223, in the center of the property, and will be Phase 4. Phase 5

includes the eastern portion of C-605 and 38 one-family, attached residential dwelling units in the eastern portion of the site. Phase 6 is C-605 continued. Phase 7 is the institutional uses at the south end of the property. Each phase will be self-sufficient and be effectively integrated into previous phases by connecting roads.

(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 PPS and detailed site plan. The CSP shows sidewalks along all public and private roads except for the Marlboro Pike frontage, forming a pedestrian network throughout the site. Multiple conditions have been included herein to be enforced at the time of PPS regarding master plan trails and additional internal connections to ensure the pedestrian system is comprehensive and convenient.

(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.**

A rezoning to the M-X-T Zone was approved under Council Resolution CR-83-2013 as a part of the sectional map amendment for Subregion 6. The Council Resolution only rezones the subject site; it carries no additional conditions.

It shall be noted that this site will need to go through the PPS process, and transportation adequacy will be further reviewed at that time. The traffic study has utilized a reasonable mix of uses, and this will be further tested at the time of PPS, with the adequacy test based on the actual mix of uses that the applicant proposes at that time. The Planning Board will not establish a trip cap condition on this application, but will do so for the PPS. Multiple trip caps on different applications governing the same property create a potential for conflicting findings during later stages of review. Adequacy is fully tested and determined at the time of PPS through the application of Section 24-124 of the Subdivision Regulations, and a traffic study may be submitted at that time with a slightly different mix of uses than was tested at CSP. The trip cap for the site will be based on the PPS entitlement.

A traffic study has been submitted with this application. The traffic study was referred to the Prince George's County Department of Public Works and Transportation (DPW&T) and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), as well as the Maryland State Highway Administration.

The subject property is located within Transportation Service Area 2, as defined in the 2014 *Plan Prince George's 2035 Approved General Plan*.

The application is a CSP for a mixed-use development consisting of the following uses having the following trip generation (with the use quantities shown in the table as described in the submitted traffic study). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines). Pass-by and internal trip capture rates are in accordance with the *Trip Generation Handbook* (Institute of Transportation Engineers). The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site:

Trip Generation Summary: CSP-18007: Hope Village Center								
			AM Peak Hour			PM Peak Hour		
Land Use	Use Quantity	Metric	In	Out	Total	In	Out	Total
Townhouse	38	Units	5	22	27	20	10	30
Church	47,900	Square feet	14	8	22	11	11	22
Assisted Living	210	Beds	25	15	40	21	34	55
Net Residential & Institutional Trips			**44**	**45**	**89**	**52**	**55**	**107**
Clinic (no pass-by)	6,800	Square feet	19	6	25	6	16	22
Hotel (no pass-by)	150	Rooms	41	29	70	44	42	86
Fast Food	3,000	Square feet	62	59	121	51	47	98
Super Convenience Market and Gas Station	16 4,650	Fuel positions Square feet	201	201	402	171	172	343
Less Pass-By (see notes below)			-183	-182	-365	-156	-155	-311
Net Commercial Trips			**140**	**113**	**253**	**116**	**122**	**238**
Total Trips, CSP-18007 (sum of bold numbers)			**184**	**158**	**342**	**168**	**177**	**345**

A June 2019 traffic impact study was submitted and accepted as part of this application. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 at Old Marlboro Pike/MD 4 On-Ramp	15.6*	12.9*	--	--
MD 223 at MD 4 Off-Ramp	51.1*	35.3*	--	--
MD 223 at MD 4 Southbound Ramps	51.1*	30.3*	--	--
MD 223 at Marlboro Pike	1,100	1,483	B	E
MD 223 at Marlboro Pike Relocated/C-605	Future	--	--	--
MD 223 at Dower House Road	1,462	1,426	E	D
MD 223 at Rosaryville Road/Haislip Way	812	930	A	A
MD 223 at site access	Future	--	--	--
Marlboro Pike at site access	Future	--	--	--
MD 4 at Dower House Road	1,761	1,433	F	D

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

Background traffic has been developed for the study area using a listing of five approved developments in the area. A 0.5 percent annual growth rate for a period of six years has been assumed.

Significant improvements at the MD 4/MD 223 intersection is currently planned but there is uncertainty regarding the timing of construction of these improvements. Background and total traffic will be evaluated without these improvements and discussed further as a part of the recommendations. Also, the nearby Norbourne subdivision (PPS 4-07086) has conditions to improve MD 223 at Marlboro Pike and the MD 223 at Marlboro Pike Relocated (C-605) intersections. These improvements are factored into the background traffic analysis. The portion of MD 4 from Westphalia Road to Dower House Road, inclusive of that intersection, is programmed for improvement with 100 percent construction funding within the next six years in the current Prince George's County Capital Improvement Program (CIP), with all funding being from "Other" funds. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 223 at Old Marlboro Pike/MD 4 On-Ramp	333.9*	88.4*	--	--
MD 223 at MD 4 Off-Ramp	318.3*	362.6*	--	--
MD 223 at MD 4 Southbound Ramps	490.7*	+999*	--	--
MD 223 at Marlboro Pike	958	1,394	A	D
MD 223 at Marlboro Pike Relocated/C-605	316.1*	162.1*	--	--
MD 223 at Dower House Road	1,581	1,640	E	F
MD 223 at Rosaryville Road/Haislip Way	871	1,001	A	B
MD 223 at site access	Future	--	--	--
Marlboro Pike at site access	Future	--	--	--
MD 4 at Dower House Road	1,878	1,550	F	E

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

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

TOTAL TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 223 at Old Marlboro Pike/MD 4 On-Ramp (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	333.9*	88.4*	Fail	Fail
Minor Street Volume Test (100 or fewer)	483	277	Fail	Fail
CLV Test (1,150 or less)	745	517	Pass	Pass
MD 223 at MD 4 Off-Ramp (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	343.4*	404.2*	Fail	Fail
Minor Street Volume Test (100 or fewer)	610	939	Fail	Fail
CLV Test (1,150 or less)	1,134	997	Pass	Pass
MD 223 at MD 4 southbound ramps (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	540.3*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	46	173	Pass	Fail
CLV Test (1,150 or less)	--	1,298	Pass	Fail
MD 223 at Marlboro Pike	1,068	1,501	B	E
MD 223 at Marlboro Pike Relocated/C-605 (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	906.6*	424.1*	Fail	Fail
Minor Street Volume Test (100 or fewer)	55	63	Pass	Pass
MD 223 at Dower House Road	1,668	1,728	F	F
MD 223 at Rosaryville Road/Haislip Way	897	1,008	A	B
MD 223 at site access	19.1*	13.5*	--	--
Marlboro Pike at site access	36.2*	47.1*	--	--
MD 4 at Dower House Road	1,890	1,564	F	E
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.				

The table above shows several inadequacies, which are further discussed below:

- The MD 223 at Marlboro Pike intersection operates at level of service (LOS) E in the PM peak hour. The applicant proposes to modify the

traffic signal to provide east/west split-phased operations. With that modification in place, the intersection would operate at LOS D, with a CLV of 1,335 in the PM peak hour. In the AM peak hour, the intersection would operate at LOS B, with a CLV of 1,102.

- The MD 223 at Dower House Road intersection operates at LOS F in both peak hours. The applicant proposes to construct a dedicated right-turn lane along eastbound Dower House Road. With that additional right-turn lane in place, the intersection would operate at LOS D with a CLV of 1,443 in the AM peak hour. In the PM peak hour, the intersection would operate at LOS D with a CLV of 1,448.

- The MD 4 at Dower House Road intersection operates at LOS F in the AM peak hour and at LOS E in the PM peak hour. As part of the CIP, two additional through lanes are planned along both eastbound and westbound MD 4 in the vicinity of Dower House Road. In addition, Dower House Road northbound will be widened for two left-turn lanes, one through lane, and a right-turn lane. The traffic study recommends that a pro-rata payment be made to the County for the site uses that generate more than 20 percent of site traffic through the intersection as a means of providing a pro-rata portion of the "Other" funding identified in the CIP project. This CIP project will result in acceptable operations at this intersection. Therefore, the applicant will be required to provide funding toward this improvement, with the level of construction and/or financial participation to be determined in cooperation with DPIE and/or DPW&T and supplied at the time of PPS. With the planned improvements in place as described, the intersection would operate at LOS D with a CLV of 1,419 in the AM peak hour. In the PM peak hour, the intersection would operate at LOS C with a CLV of 1,182.

- The MD 223 at MD 4 southbound ramps intersection does not pass the third tier unsignalized intersection test during the PM peak hour. The traffic study offers no recommendation at this location nor is it clear that the improvements on the north side of the MD 4/MD 223 interchange would benefit this intersection. Consistent with standard practices, it is recommended that the applicant perform a traffic signal warrant study at this location and install a signal or other improvement that is deemed warranted by the operating agency (in this case, SHA).

Multiple conditions have been included herein related to the required transportation improvements necessary to ensure adequacy. This issue may be readdressed at the time of PPS.

(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 37.59 acres and does not meet the above acreage requirement. Furthermore, it is not being developed as a mixed-use planned community. Therefore, this requirement is not relevant to the subject project.

d. The CSP is in conformance with the applicable CSP site design guidelines contained in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact urban layout and, in accordance with Section 27-274(a)(11)(B), the units front on roadways.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. Conformance with this design guideline will be addressed at the 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. Adequate visitors' parking for all residential units will need to be 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 because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-015-2019) was submitted with the CSP application.

Based on the TCP1 submitted with this application, the site's gross tract area is 37.59 acres with 0.39 acre of wooded floodplain and 0.03 acre of previously dedicated land for a net tract area of 37.17 acres. This site's net tract woodland is 25.49 acres and has a woodland conservation threshold of 5.58 acres (15 percent). The approved natural resources inventory (NRI) states that there is 0.39 acre of wooded floodplain and the woodland conservation worksheet states that there is 0.76 acre. The worksheet needs to be corrected to show 0.39 acre of wooded floodplain, or alternatively the NRI needs to be corrected to show the location of additional floodplain. The woodland conservation worksheet proposes the removal of 15.40 acres in the net tract area for a woodland conservation requirement of 9.43 acres. According to the TCP1 worksheet, the requirement is proposed to be met with on-site woodland preservation and reforestation.

Currently, the TCP1 shows all proposed improvements, except stormwater management (SWM) structures. At this time, minor changes are required of the TCP1, as conditioned herein.

9. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually require 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 2010 *Prince George's County Landscape Manual* (Landscape Manual) at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements from Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; 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 37.59 acres in size and the required TCC is 3.76 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP.

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 adopts, herein by reference, a memorandum dated January 7, 2020 (Stabler to Hurlbutt), which provided comments on this application, summarized as follows:

      The subject application contains a documented property, Tobacco Barns–Melwood (77-004). At the time these two barns were recorded on a Maryland Inventory of Historic

Properties form in 1974, they were noted as some of the oldest tobacco barns still standing in the area. A third tobacco barn was located to the south of the two adjacent to the road. There is no further description in the form. According to aerial photographs, at least one of the tobacco barns was standing until about 2012.

A Phase I archeology survey will be required on the subject property at the time of PPS and before any grading permit may be issued. The subject property was once part of the Norbourne Farm, owned by William B. Bowie. The Bowie family lived in a house that was located on the west side of Woodyard Road. The houses located on the subject property in the late nineteenth to twentieth centuries were likely occupied by tenants of the Bowies. This farm was also likely worked by enslaved laborers prior to the Civil War. The applicant should submit an approved Phase I archeology report with the PPS.

Prior to acceptance of the PPS, Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), will be recommended on the above-referenced property 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 should submit a Phase I research plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of the Maryland-National Capital Park and Planning Commission (M-NCPPC) concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to any ground disturbance or the approval of a DSP, the applicant should provide a plan for:

(1) Evaluating the resource at the Phase II level, or

(2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant should provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Lab in St. Leonard, Maryland, prior to any ground disturbance or the approval of any grading permits.

Depending upon the significance of findings (at Phase I, II, or III level), the applicant should provide interpretive signage. The location and wording of the signage should be subject to approval by the staff archeologist prior to issuance of any building permits.

b. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated January 6, 2020 (Irminger to Hurlbutt), which provided comments on the submitted CSP, as follows:

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, at the time of submittal of the PPS, conformance to the approved master plan may be required. The Subregion 6 Master Plan and SMA recommends residential low land use for the middle part of the site, commercial land use to the north, and institutional land use to the south. The proposed mixed-use development substantially conforms to these recommendations.

This application is located within the Military Installation Overlay (M-I-O) Zone for height: Conical Surface for the right runway of 20:1. The subject property is located approximately 9,350 feet from the runway. Therefore, structures up to 467.5 feet in height could be constructed at this location without becoming an obstacle to air navigation. The subject property is not located within safety or noise M-I-O Zones.

c. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated January 8, 2020 (Masog to Hurlbutt), which provided comments on the submitted CSP that are incorporated into Finding 7 above and summarized, as follows:

MD 223 is a master plan arterial facility with a minimum proposed width of 120 feet and a variable right-of-way, which is acceptable as shown on the CSP. C-605/ Marlboro Pike Relocated is a master plan collector facility with a proposed width of 80 feet. While C-605 as presented on the CSP is different from PGAtlas, Planning Board finds that the alignment shown on the CSP is in substantial conformance with the master plan. The alignment shown will affect the same set of properties off-site. It aligns with the dedicated roadway on the west side of MD 223 and can connect to South Osborne Road opposite William Beans Road without affecting any of the Potomac Electric Power Company (PEPCO) towers to the east of the site.

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a CSP, as described in the Zoning Ordinance, as conditioned herein.

d. **Subdivision Review**—The Planning Board adopts, herein by reference, a memorandum dated January 7, 2020 (Diaz-Campbell to Hurlbutt), which provided an analysis of the CSP as follows:

The applicant should be aware that their submitted CSP contains more detail than is typically expected with a CSP, and that approval of the CSP will not constitute approval of design features that need to be further evaluated at the time of PPS or DSP.

Prior to acceptance of a PPS, a Phase 1 Noise Analysis will be required, due to the adjacent arterial MD 223. No outdoor recreational areas will be permitted within the area of 65+ dBA Ldn, as mitigated, and interior noise levels must be reduced to 45 dBA Ldn or less.

The properties are located within water and sewer category 4. An administrative amendment to the 2008 Water and Sewer Plan must be approved, to advance the water and sewer category from 4 to 3, prior to final plat.

Master Plan dedication for both the C-605 right-of-way and the A-53 right-of-way will be required at the time of PPS. The plan currently shows site improvements, including SWM, parking, and buildings, within the A-53 right-of-way. These should be moved out of the right-of-way, and appropriate buffers, setbacks, and easements should be established along the ultimate right-of-way line within the property.

Appropriate dedication for the roadways within the development, including their width and whether they will be public or private, will be determined at the time of PPS. The location of required 10-foot public utility easements will be determined once the disposition of the streets is known.

An exemption from mandatory dedication of parkland cannot be claimed under Section 24-134(3) of the Subdivision Regulations, because the property is zoned M-X-T only, not a combination of M-X-T and residential. There is no existing plat for the property; a final record plat will be required prior to permitting.

e. **Trails**—The Planning Board adopts, herein by reference, a memorandum dated January 2, 2020 (Smith to Hurlbutt), which provided comments on the CSP summarized as follows:

The site is impacted by three master plan trails, including a side path along MD 223 and share the road bikeways along Marlboro Pike and C-605. Trail and sidewalk construction and the provision of bikeway signage is recommended and will be further evaluated at the time of PPS and DSP.

Sidewalks will be required along both sides of all internal roads, excluding alleys. The submitted plans do not include a sidewalk on the south side of proposed Street B. The Planning Board requires sidewalks on both sides of proposed Street B for a direct pedestrian connection between the proposed assisted living facility and hotel to the commercial and residential areas. The internal sidewalk network will be evaluated in more detail at the time of PPS and DSP. Approved DSP-08035 (Norbourne Property) shows an 8-foot-wide trail along the property frontage of Woodyard Road per the standards of SHA. Consistent treatments should be provided on the subject site and will be evaluated at the time of PPS and DSP. Continuous sidewalks should be implemented throughout the site connecting the commercial property to the residential and proposed community center.

Pedestrian crossing treatments should be provided at Woodyard Road and C-605. Crosswalks, handicap-accessible ramps, pedestrian signals, and other appropriate treatments will be evaluated at the time of PPS and DSP. This pedestrian crossing will

accommodate safe pedestrian access between the subject site and the residential development on the west side of MD 223.

f. **Environmental Planning**—The Planning Board adopts, herein by reference, a memorandum dated January 9, 2020 (Schneider to Hurlbutt), which provided the following summarized comments on the subject application:

Natural Resources Inventory Plan/Existing Features
NRI-164-2006 was approved on April 30, 2019 and provided with this application. The site contains floodplain, wetlands, and streams and their associated buffers, which comprise the primary management area (PMA). Ephemeral streams are also located on-site but are not considered regulated environmental features. There are specimen trees scattered throughout the property.

Specimen Trees
Section 25-122(b)(1)(G) 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 26 on-site specimen trees with the ratings of excellent (specimen tree 23 and 24), good (specimen trees 4, 8, 9, 15, 16, and 21), fair (specimen trees 2, 5, 6, 10, 14, 18, 19, 20, 25, 26, and 27), and poor (specimen trees 1, 3, 11, 12, 13, 17, and 22). There is one specimen tree located adjacent to the property that was analyzed for condition with a rating of good (specimen tree 7). The current design proposes to remove 11 specimen trees (specimen trees 4, 8, 9, 10, 21, 22, 23, 24, 25, 26, and 27) throughout the project area. A full evaluation of the need to remove specimen trees has not been completed with the current CSP application because there are concerns regarding the location of the final limits of disturbance (LOD) with respect to C-605 alignment. A full evaluation regarding specimen tree removal should be provided at a later stage of development review when more detailed information is available.

A Subtitle 25 variance application, and a statement of justification (SOJ) in support of a variance have not been submitted for the subject application. Based on the level of design information currently available, a determination for the removal of specimen trees cannot be made at this time.

Preservation of Regulated Environmental Features/Primary Management Area (PMA)
The site contains regulated environmental features including floodplain, wetlands, and streams and their associated buffers, which comprise the PMA. An isolated wetland is located on-site, which is a regulated environmental feature, and an ephemeral stream channel is located on-site, which is not considered a regulated environmental feature, but is typically regulated by the US Army Corps of Engineers. An SOJ dated January 2, 2020

was submitted and has been reviewed for proposed impacts to the PMA and isolated wetland.

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, SWM 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.

Additional information was requested; specifically, a revised SOJ and alternatives analysis, in order to fully evaluate the proposed impacts. In the applicant's submittal received on January 2nd, the information was found to be insufficient to do a full review. The information submitted shows impacts to the PMA are proposed for several road crossings and grading associated with road placement; however, no utility extensions or SWM outfalls are shown, so the full extent of the impacts is not known at this time. The SOJ describes an alternatives analysis of the road layout but does not provide graphics for the alternative impacts. The SOJ contains language that indicates the proposed PMA impacts total 1.34 acres; however, the summary tables provided on the impact exhibits show a total of 1.47 acres.

PMA Impact 1 is proposed for grading and the construction of a retaining wall associated with the installation of proposed Street A. Grading is generally not a supported impact. An alternative road alignment must be evaluated to reduce or eliminate the need for this impact.

PMA Impact 2 is a stream crossing for the extension of C-605 to the eastern edge of the property. Road crossings are typically designed at 90 degrees over a stream to reduce impacts; however, the stream crossing proposed for C-605 is not shown at 90 degrees. A stream crossing for this master-planned roadway is generally supported; however, the proposed alignment does not appear to minimize impacts.

PMA Impact 3 is proposed for C-605 on the western edge of the property. This impact will bisect an isolated wetland, which will negatively affect the hydrology of any portion of the wetland that is to remain. An alternative road alignment must be evaluated to reduce or eliminate the need for this impact.

Additional impacts appear to be necessary on the southern portion of the property with respect to the placement of proposed retaining walls associated with parking lots. The LOD abuts the PMA; however, the LOD does not appear to take into consideration the area needed to install and maintain the wall. The retaining walls must be relocated to be a minimum of 10 feet from the PMA for installation and maintenance purposes. These walls are also located within the critical root zones of several specimen trees (1, 2, and 3). The placement of these walls within the critical root zones of specimen trees will also be a consideration for the evaluation of the long-term survival of these trees.

The Planning Board acknowledges that impacts are necessary for public road infrastructure improvements and SWM outfalls; however, not enough complete information was provided, and the required finding regarding preservation and/or restoration of regulated environmental features to the fullest extent possible can only be made at this time if the plans are revised to remove all proposed impacts. This does not preclude the applicant from requesting impacts with the PPS. The proposed impacts to the regulated environmental features will be further reviewed as part of the PPS application when more detailed information and an approved SWM concept plan are available. The SOJ submitted with the PPS must include a full alternatives analysis and follow the Environmental Planning Section template.

g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopts, herein by reference, a memorandum dated January 10, 2020 (Zyla to Hurlbutt), which provided comments summarized as follows:

M-NCPPC owns parkland to both the east and west of the subject property. Windsor Park is located across MD 223 to the west. This existing developed park contains a parking lot, open play field, and a playground. The Planning Board includes a condition herein for a pedestrian crossing of MD 223 for residents of the subject CSP development to access this existing park. In addition, Melwood-Westphalia Park is located to the east of the subject property. These park properties which straddle the PEPCO right-of-way on a north/south alignment are undeveloped. DPR also supports the master plan trail recommendation along Woodyard Road to enable the residents of this community to connect to other M-NCPPC properties to the north and south of the subject property.

Per Section 24-134 (a), at the time of PPS, the residential portion of this development will be subject to the mandatory dedication of parkland requirement. According to the applicant's CSP submission, on-site recreational facilities have been proposed within the townhouse area of this development, in order to meet this requirement.

DPR has determined that on-site recreational facilities are appropriate for the residential portion of this development. The DPR needs analysis indicates a high need for outdoor recreational facilities in this park community. The applicant provided conceptual information on proposed recreational facilities that will be constructed with the development and available to the residents. At the time of PPS, the applicant should

provide on-site recreational facilities to meet the mandatory dedication of parkland requirement and to help serve the recreational needs of the residents within this proposed community. The final location and list of recreational amenities will be reviewed by the Urban Design Section and DPR staff, at the time of DSP review and approval.

h. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide any comments on the subject application.

i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts, herein by reference, a memorandum dated December 26, 2019 (Giles to Hurlbutt), in which DPIE offered numerous comments on the subject application that have been provided to the applicant. These comments will be addressed through DPIE's separate permitting process.

j. **Prince George's County Police Department**—The Planning Board adopts, herein by reference, a memorandum dated December 6, 2019 (Yuen to Hurlbutt), in which the Police Department provided comments that will be addressed at the time of DSP.

k. **Prince George's County Health Department**—The Health Department did not provide any comments on the subject application.

l. **Maryland State Highway Administration (SHA)**—SHA did not provide any 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, with the conditions contained herein, represents a 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) for approval of a CSP, requires that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. Based on the level of design information currently available, the limits of disturbance shown on the TCP1, the statement of justification received on January 2, 2019, and the associated impact exhibits, a finding of fullest extent possible may only be found if all proposed impacts are removed, and the CSP and TCP1 must be revised as conditioned herein. This finding does not preclude requests for impacts with a future PPS or DSP application.

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 TCP1-015-2019, and further APPROVED Conceptual Site Plan CSP-18007 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:

    a. Revise General Note 18 to state that mandatory dedication of parkland requirements will be determined at the time of preliminary plan of subdivision for any residential development.

    b. Add the bearings and distances for the existing property boundaries to the plan.

    c. Ensure the existing conditions plan sheet shows existing property boundaries only and no proposed parcel lines.

    d. Revise the CSP and the Type 1 tree conservation plan to remove all proposed impacts to the regulated environmental features. Impacts may be permitted with future approvals, without needing to amend the CSP.

    e. Revise the total gross floor area in the floor area ratio table and phasing table on sheet C200 and note 8 on sheet C000, to be consistent with this approval.

    f. The Type 1 tree conservation plan (TCP1) shall be revised, as follows:

        1. Add "TCP1-015-2019" to the required TCP1 approval block and woodland conservation worksheet.

        2. Revise the approval block to current format on both sheets.

        3. Add the owner notification blocks on both sheets.

        4. Add the specimen tree table to Sheet 2.

        5. Remove the symbol for woodland cleared from the plan and the legend.

        6. Show the ephemeral stream channel as shown on the natural resources inventory.

        7. Add the name of the street across MD 223 (Woodyard Road) from the proposed master-planned roadway (C-605) on the western boundary of the site.

        8. Revise the woodland conservation worksheet wooded floodplain number to match the natural resources inventory (NRI) or revise the NRI if required.

        9. Have the revised plan signed and dated by the qualified professional who prepared it.

        10. Revise the limits of disturbance to only the first phase of development and provide a consistent phased worksheet.

2. Prior to acceptance of the applicable preliminary plan of subdivision, the following information shall be provided or shown on the plans:

   a. Submit a Phase 1 noise analysis for any development that includes residential or hotel uses.

   b. Submit an approved Phase I archeology report for the area proposed for development in the preliminary plan of subdivision.

   c. Submit an approved stormwater management concept plan and approval letter for the area proposed for development showing the stormwater facilities, master-planned roadway (if applicable), and proposed buildings, to allow for a full analysis of the proposed impacts (if any) to the regulated environmental features.

   d. Provide continuous standard sidewalks along both sides of all internal roads, excluding alleys, unless modified with written correspondence by the Department of Public Works and Transportation and the Department of Permitting, Inspections and Enforcement.

   e. Provide an 8-foot-wide trail along the property frontage or within the right-of-way of MD 223 (Woodyard Road) consistent with the standards of the Maryland State Highway Administration (SHA), unless modified by SHA.

   f. Provide an additional pedestrian connection between the residential units and the retail/institutional uses, if feasible. If infeasible, documentation demonstrating why and how the trail cannot be built shall be submitted.

   g. A preliminary plan of subdivision that includes development along C-605 shall provide pedestrian crossing of MD 223 (Woodyard Road) and master plan roadway (C-605) to enable access to Windsor Park and the residential developments to the west subject to unless modified by the State Highway Administration.

3. Prior to issuance of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance:

   a. The following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians):

MD 4 (Pennsylvania Avenue) at Dower House Road:

(1) Provide two additional through lanes along both eastbound and westbound MD 4 to the east and west of Dower House Road.

(2) On the northbound approach, provide four approach lanes with two left-turn lanes, one through lane, and a right-turn lane.

If the above-listed improvements are to be provided pursuant to the "MD 4 Pennsylvania Avenue" project in the current Prince George's County Capital Improvement Program, the applicant shall, in cooperation with the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation, demonstrate the construction and/or financial participation. This information shall be supplied to the Transportation Planning Section at the time of preliminary plan of subdivision.

b. The following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians):

MD 223 (Woodyard Road) at Dower House Road:

(1) On the eastbound Dower House Road approach, provide a dedicated right-turn lane.

MD 223 at Marlboro Pike:

(1) Modify the traffic signal to provide east/west split-phased operations.

4. Prior to approval of the initial detailed site plan proposing development within the site, unless modified at the time of preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance:

The applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (SHA) for signalization at the intersection of MD 223 (Woodyard Road) at the MD 4 (Pennsylvania Avenue) southbound ramps. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of SHA. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to release of any building permits within the site and complete installation at a time when directed by SHA.

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, February 6, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of February 2020.

Elizabeth M. Hewlett
Chairman

Jessica Jones

By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date 2-28-20