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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 2020-34

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File No. CSP-19008

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 March 12, 2020, regarding Conceptual Site Plan CSP-19008 for Woodyard Station, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) for a mixed-use development consisting of 119 one-family attached (townhouse) dwelling units, 46 multifamily dwelling units, a 112-unit apartment housing for the elderly (senior multifamily), and 1,000 square feet of commercial/retail uses.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Vacant	Townhouses; Multifamily, Senior Multifamily; Commercial/Office
Acreage	21.82	21.82
Total Gross Floor Area (sq. ft.)		350,287
Commercial GFA	-	1,000*
Residential GFA	-	349,287
Dwelling Units Total	-	277
Townhouses	-	119
Multifamily	-	46
Senior Multifamily	-	112

Note: *The applicant's revised statement of justification discusses increasing the commercial GFA to 2,500 square feet, yet the CSP reflects only 1,000 square feet. Therefore, a condition has been added to this resolution to correct the tabulations on the CSP.

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:	0.369 FAR

Note: *Additional density is permitted, 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 north side of MD 223 (Woodyard Road), approximately 2,100 feet west of its intersection with MD 5 (Branch Avenue), in Planning Area 81A and Council District 09. The property is in the 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan (Central Branch Avenue Sector Plan), and within the Conical Surface (Left Runway) Area E, of the Military Installation Overlay (M--I-O) Zone.
4. **Surrounding Uses:** The site is bounded to the north by residentially-zoned and developed properties in the One-Family Detached Residential (R-80) Zone, and vacant land in the Mixed-Use-Transportation Oriented (M-X-T) Zone; to the west by a church in the R-80 Zone, and vacant land in the M-X-T Zone; to the south by developed commercial properties in the Commercial Shopping Center (C-S-C) Zone, and vacant property in the M-X-T Zone; and to the east by a developed commercial property in the C-S-C Zone.
5. **Previous Approvals:** Council Resolution CR-13-2018, Minor Amendment Five, reclassified the subject properties from the C-S-C, Commercial Office (C-O), One-Family Detached Residential (R-55), and R-80 Zones to the M-X-T Zone. The site has not previously been the subject of a preliminary plan of subdivision (PPS), or final plat.
6. **Design Features:** The applicant proposes a mixed-use development consisting of residential and commercial/office uses to include 119 townhouse units, two buildings consisting of 158 multifamily dwelling units, including 112 for seniors, and 1,000 square feet of commercial space. The commercial use will be located at the entrance to the community fronting on Woodyard Station Road, a proposed public road, which connects the subject community with MD 223. Although a detailed layout of the community will be evaluated with the PPS, the CSP shows 20-foot-wide townhouses in a grid pattern along the north and east sides of the property, with a mix of front and rear-load garage units. The multifamily buildings will be four stories and located in the southwest section of the property. They are both shown to front on the proposed public roads, with surface parking in the rear. The plan shows proposed road connections to the undeveloped M-X-T- zoned-property to the north, to the property to the west, and to the existing Mimosa Avenue to the northeast. An additional potential future roadway is shown running along the southeastern property line, connecting the proposed Woodyard Station Road with the property to the east for use at such time that it redevelops. These roads will be further evaluated at the time of PPS and detailed site plan (DSP).

The plans show a tree preservation area along the northwestern boundary, and in an area on the eastern side of the site. The main community open space parcel, shown as Parcel F, is approximately 0.48 acre, and centrally located. The Prince George's County Department of Parks and Recreation (DPR) has indicated that the site is subject to a mandatory dedication of parkland and is recommending that this area be greater to achieve a safer, and more meaningful recreation area. Smaller open space areas are also provided on the plan as promenades between the townhouse unit blocks. The open space parcels and mandatory dedication of parkland requirement will be further evaluated with the PPS.

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 townhouse, multifamily, and commercial/office uses are permitted 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 CSP approval. Therefore, this property is limited to 119 townhouse and 158 multifamily 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.**
 - b. Section 27-548 of the Zoning Ordinance, the M-X-T Zone regulations, establishes additional standards for the 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 maximum floor area ratio (FAR) for this project is 0.369, which meets this requirement. Since the development proposes more than 20 residential dwelling units, the site qualifies for the optional method of development bonus incentives in Section 27-545(b), which permits the applicant to increase the proposed FAR to a maximum of 1.40, at the time of DSP.

(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 applicant proposes to include the uses on the M-X-T-zoned property in multiple buildings on more than one lot, as permitted.

(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 DSP approvals will provide regulations for 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 350,287 square feet on the 21.818-acre property is 0.369. This will be refined further at the time of DSP, relative to the final proposed gross floor area of the buildings, in conformance 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.

- (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 overall development is accessed from a public street; however, the residential and commercial uses 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.

- (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 two hundred (1,200) 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 eight (8) townhouses per building group, except where 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. The minimum building width in any continuous, attached group shall be eighteen (18) 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. The minimum building width in any continuous, attached group shall be eighteen (18) 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 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 proposes 119 townhouse units. Conformance with these specific townhouse requirements will be reviewed at the time of PPS and DSP, when detailed lot and building information is available.

- (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 two multifamily buildings are proposed to be four stories. The height limit will be further evaluated with the DSP.

- (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). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.**

The subject property was placed in the M-X-T Zone through a council resolution adopted in 2013, for which there was no comprehensive land use planning study conducted by technical staff. Therefore, this requirement does not apply.

- 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 Prince George's County 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;**

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/office uses, will provide increased economic activity proximate to the intersection of MD 5 and MD 223. It also allows for a potential reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other, with convenient access being provided to neighboring commercial/retail uses. This CSP promotes the many purposes of the M-X-T Zone and contributes to the overall vision of the Central Branch Avenue Sector 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;**

This property was placed in the M-X-T Zone through Council Resolution CR-13-2018, for a minor amendment to the 2013 Subregion 5 Approved Master Plan and Sectional Map Amendment. The proposed development is in conformance with the design guidelines intended to implement the general development concept for the area. This requirement will be further reviewed at the time of DSP when more site details are provided.

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

The proposed development is occurring on a property that is set behind existing commercial uses fronting on MD 223. This proposal includes a public road extension to integrate the existing residential community to the north and MD 223 to the south, as well as a public road to connect to future development west of this site. Development along these proposed public roads will be outwardly oriented. How buildings relate to the street and other urban design considerations will be addressed at the time of PPS and DSP.

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

The development has been evaluated with the illustrative development concepts in the Central Branch Avenue Sector Plan. The plan demonstrates compatibility with the surrounding residential and commercial uses, as conceptualized in the sector plan.

- (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 complement the surrounding uses to produce a cohesive development capable of sustaining an independent environment of continuing quality and stability.

- (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 indicated that this project will be phased.

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

This requirement will be further evaluated in detail at the time of DSP. The illustrative CSP shows sidewalks along all public and private roads, as well as connections to the adjacent uses, forming a comprehensive 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 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.**

This CSP is 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 2012 "Transportation Review Guidelines, Part 1" (Guidelines). The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site:

Trip Generation Summary: CSP-19008: Woodyard Station								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Townhouse	116	Units	16	65	81	60	33	93
Multifamily	46	Units	5	19	24	18	10	28
Senior Housing (multifamily building)	112	Units	6	9	15	11	7	18
Net Residential Trips			27	93	120	89	50	139
General Office	1,000	Square feet	2	0	2	0	2	2
Total Trips, CSP-19008 (sum of bold numbers)			29	93	122	89	52	141

The applicant submitted a traffic impact study dated October 2019. The findings outlined below are based upon a review of these materials and analyses reviewed 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 TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 at Coventry Way	586	740	A	A
Coventry Way at Schultz Road	14.9*	17.6*	--	--
Schultz Road at Springbrook Lane	9.6*	10.2*	--	--
Schultz Road at Rockwell Drive	8.7*	8.9*	--	--
MD 5 at MD 223	975	1,040	A	B
MD 5 at Woody Terrace	835	1,001	A	B
MD 5 at Pine View Lane	840	1,126	A	B
MD 223 at site access	Future	--	--	--
MD 223 at Old Branch Avenue/Brandywine Road	1,348	1,318	D	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.				

No approved developments are identified in the study area for the purpose of developing background traffic. Given the major growth just outside of the study area, a 1.5 percent annual growth rate for a period of six years has been assumed.

The intersection of MD 223 and Old Branch Avenue/Brandywine Road 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 the requirement for developer funding and, as such, it is computed into total traffic and not background traffic. The traffic study also assumes a public street connection will be constructed between MD 223 and Brandywine Road in the southwestern quadrant of this intersection, and it utilizes a diversion for this connection. 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 5 at Coventry Way	640	809	A	A
Coventry Way at Schultz Road	16.4*	20.5*	--	--
Schultz Road at Springbrook Lane	9.7*	10.4*	--	--
Schultz Road at Rockwell Drive	8.8*	9.0*	--	--
MD 5 at MD 223	1,066	1,137	B	B
MD 5 at Woody Terrace	913	1,095	A	B
MD 5 at Pine View Lane	918	1,231	A	C
MD 223 at site access	Future	--	--	--
MD 223 at Old Branch Avenue/Brandywine Road	1,473	1,441	E	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.				

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 5 at Coventry Way	657	819	A	A
Coventry Way at Schultz Road	16.5*	20.8*	--	--
Schultz Road at Springbrook Lane	10.0*	10.9*	--	--
Schultz Road at Rockwell Drive	8.9*	9.0*	--	--
MD 5 at MD 223	1,077	1,149	B	B
MD 5 at Woody Terrace	937	1,108	A	B
MD 5 at Pine View Lane	942	1,245	A	C
MD 223 at site access (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	52.2*	63.9*	Fail	Fail
Minor Street Volume Test (100 or fewer)	58	33	Pass	Pass
MD 223 at Old Branch Avenue/Brandywine Road	1,483	1,453	E	E
With Capital Improvement Project	930	1,103	A	B
*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.				

An inadequacy in both peak hours is noted in the table above at the MD 223 and Old Branch Avenue/Brandywine Road intersection. The intersection of MD 223 and Old Branch Avenue/Brandywine Road is programmed for improvement with 100 percent construction funding within the next six years in the current CIP, with the requirement for developer funding. The improvements included within the "Brandywine Road and MD 223 Intersection" project in the current CIP include the following:

- (1) On the northbound approach, three approach lanes with exclusive through, right-turn, and left-turn lanes.
- (2) On the westbound approach, three approach lanes with exclusive through and left-turn lanes and a shared through/right-turn lane.
- (3) On the eastbound approach, four approach lanes with two through lanes and exclusive right-turn and left-turn lanes.

It is determined, therefore, that the CIP project with partial developer funding 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 the Prince George's County Department of Permitting, Inspections and

Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation, and supplied 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 21.82 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 compact urban layout, consistent with the vision conceptualized in the Central Branch Avenue Sector Plan. 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, 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. Therefore, the parking calculations should be removed from the CSP, as conditioned herein. Adequate visitor 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 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in

size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan TCP1-001-2020 was submitted with this CSP application.

Based on the natural resource inventory (NRI) submitted with this application, the total site area is 21.80 acres and contains 18.20 acres of woodlands, but the submitted TCP1 states that the total site area is 21.82 acres and contains 18.10 acres of woodlands. These numbers need to be corrected and the NRI needs to be revised, or the TCP1 needs to reflect the NRI numbers. The woodland conservation worksheet needs to be revised to show the corrected numbers.

The preserved woodland area along the eastern property line should be relocated north to include Specimen Tree (ST) 5, and the preservation area should be used for stormwater management (SWM). This layout change would increase the size of the preservation area and save a specimen tree. Conditions regarding these issues have been included 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 MX-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 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; 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 of 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 21.82 acres in size and the required TCC is 2.18 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 adopted, herein by reference, a memorandum dated January 9, 2020 (Stabler to Burke), which indicated that based on a search of historic resources, the probability of archeology sites within the subject property was high. A Phase I archeology survey was completed for this site, and based on the report, no further archeology is required. Further, the site does not contain and is not adjacent to any designated Prince George's County historic sites or resources.

- b. **Community Planning**—The Planning Board adopted, herein by reference, a memorandum dated February 7, 2020 (Lester to Burke), which indicated that pursuant to Part 3, Division 9, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this application. Pursuant to Section 24-121(a)(5), at the time of PPS, conformance to the approved sector plan will not be required because of Council Resolution CR-13-2018, Minor Amendment Five. The Planning Board finds this event renders the future land use recommendations of the Central Branch Avenue Sector Plan no longer appropriate.

This application is in Area E, Conical Surface (20:1) – Left Runway of the Military Installation Overlay Zone - Height. Pursuant to Section 27-548.54, the maximum building height on the subject property should not exceed 230 feet.

- c. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated February 10, 2020 (Masog to Burke), which determined that pursuant to Section 27-546 of the Zoning Ordinance, the plan conforms to the required findings for approval of the CSP. Adequacy, however, will be 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 with a slightly different mix of uses than was tested at the time of CSP. The trip cap for the site will be based on the PPS. The Planning Board deems that the proposed Mimosa Avenue, Woodyard Station Road, and Road EE meet the functional intent of P-509 and I-507 as depicted on the Central Branch Avenue Sector Plan. Likewise, Road BB helps to create improved connectivity, a gridded street pattern, and a more walkable environment within the area termed the Clinton Commercial Core Focus Area and is approved by the Planning Board. MD 223 is a master plan arterial facility with a minimum proposed width of 120 feet and a variable right-of-way. The right-of-way is acceptable as shown on the CSP.
- d. **Subdivision Review**—The Planning Board adopted, herein by reference, a memorandum dated February 12, 2020 (Diaz-Campbell to Burke), which found the proposal to be in general conformance to the Subdivision regulations, to be further evaluated with the PPS.
- e. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated February 11, 2020 (Smith to Burke), which is summarized as follows:

The site is impacted by one master plan trail; a planned bike lane along I-507 at the southern portion of the site. The 2009 *Approved Countywide Master Plan of Transportation* includes policies regarding sidewalk construction, the accommodation of pedestrians, and the provision of complete streets.

The Central Branch Avenue Sector Plan includes the following recommendations regarding the accommodation of pedestrian and bicycle facilities (page 99):

- Design interior streets with an interconnected grid or modified grid street pattern with sidewalks and street tree planting. Provide pedestrian amenities that include trash receptacles, benches and bus shelter.
- Provide vehicular and pedestrian connectivity from Woodyard Crossing to the adjacent neighborhoods to the west.

The Planning Board requires that sidewalks be provided along both sides of all internal roads, excluding alleys. The internal sidewalk network will be evaluated further at the time of PPS and DSP. The proposed development includes an extension of Mimosa Avenue that meets the intent of the planned I-507 roadway, per the area master plan. The Planning Board requires bike lanes along Mimosa Avenue to fulfill the intent of the master plan. Conditions relative to these required pedestrian improvements must be addressed at the time of PPS.

- f. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated February 10, 2020 (Schneider to Burke), which provided comments on this application, summarized below:

Natural Resources Inventory Plan/Existing Features

A Natural Resource Inventory, NRI-033-2019, was approved on September 6, 2019, and is provided with this application. The site contains no regulated environmental features and 18.20 acres of woodlands. There are eight specimen trees scattered throughout the property. The TCP1 and the CSP show all the required information correctly in conformance with the NRI.

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 Environmental Technical Manual.”

The specimen tree table lists eight specimen trees that are located on-site. The eight on-site specimen trees were identified with the ratings of good (ST 2, 5, and 8), fair (ST 6), and poor (ST 1, 3, 4, and 7). The current design proposes to remove seven specimen trees for the development.

A Subtitle 25 variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on January 3, 2020 and dated October 4, 2019.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the

removal of seven specimen trees located on-site. Details specific to the individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	DIAMETER (in inches) DBH	RATING	CONDITION	APPLICANT'S PROPOSED DISPOSITION	PLANNING BOARD'S DETERMINATION
1	White Oak	58	Poor	Substantial Limb Dieback	To be removed	To be removed
2	White Oak	33	Good		To be removed	To be removed
3	White Oak	32	Poor	Major Limb Failure	To be removed	To be removed
4	White Oak	32	Poor	Major Limb Failure	To be removed	To be removed
5	Southern Red Oak	49	Good		To be removed	To remain
6	White Oak	31	Fair	Sucker Growth at Trunk, Limited Crown	To be removed	To be removed
7	Southern Red Oak	31	Poor	Dead Second Stem, Limb Dieback	To be removed	To be removed
8	White Oak	33	Good		To remain	To remain

The following are the six criteria listed in Section 25-119(d)(1) that must be met for approval of the requested variance.

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

The specimen trees on-site range in condition ratings from good to poor; however, the comments provided in the specimen tree table indicate that the trees rated as fair and poor have existing conditions, including sucker growth at the trunk and limited crown, that would make preservation difficult given the extent of the proposed development within the M-X-T Zone. A preserved tree with existing stress conditions within this development would likely end up dying due to stress and needing to be removed during or shortly after construction. The on-site specimen trees are located throughout the site, which in an M-X-T-zoned property makes them difficult to preserve and provide woodland preservation. ST 5 is located in an area proposed for SWM and adjacent to a woodland preservation area. The site layout should be redesigned to switch the SWM and woodland preservation to preserve the Southern Red Oak, which has a 49-inch DBH Southern and a good rating.

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

The protection of an existing stressed condition specimen tree within a proposed development area would not be required to be protected in similar applications. These trees are approved for removal to prevent the developer from coming back in the future to request the removal of a dead tree within their project limits. ST 5 should be saved because of the good rating, and an adjacent preservation area could be moved to include this tree and increase the on-site preservation area. The proposed development of the site is in keeping with similar projects within the area.

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

See criteria (B).

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

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The removal of the specimen trees is primarily due to their health and the intense density of the development envisioned by the zone. ST 5 should be saved by relocating a SWM area and preservation area to preserve a good rated tree and more woodlands than presently proposed. The request to remove several of the specimen trees cannot be avoided, but the removal of ST 5 can be avoided by slightly redesigning the proposed SWM features.

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

This request is based on the health of the specimen trees and the intense density of the development envisioned by the zoning. This request is not based on a condition relating to land or a building use on a neighboring property.

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

The proposed Woodyard Station development will not adversely affect water quality because the review of the project will be subject to the requirements of the Maryland Department of the Environment (DoE), the Prince George's County Soil Conservation District (PGSCD), and the approval of a SWM concept plan by DPIE.

The required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees numbered 1, 2, 3, 4, 6 and 7 based on the level of design information currently available, and the limits of disturbance shown on the TCP1. The Planning Board approves of the removal of ST 1, 2, 3, 4, 6, and 7, and disapproves of the removal of ST 5. The applicant is permitted to submit a variance application for the removal of specimen tree ST 5 during the course of subsequent entitlements.

Stormwater Management

A Stormwater Management Concept Approval Letter, 23226-2019-00 and associated plan were submitted with the CSP. The approval was issued on November 18, 2019 by DPIE. The plan proposes to construct 51 micro-bioretention ponds. No SWM fee for on-site attenuation/quality control measures is required.

Erosion and Sediment Control

No information with respect to erosion and sediment control was submitted with the subject application; however, it should be noted that the site is located within a Tier II catchment area (Piscataway Creek) as designated by the Maryland Department of the Environment (DoE). Tier II streams are high quality stream segments that have an existing water quality that is significantly better than the minimum water quality standards. There are no regulated environmental features located on-site or identified on the adjacent parcels; however, the Soil Conservation District may require additional or redundant erosion and sediment control devices.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopted, herein by reference, a memorandum dated February 12, 2020 (Zyla to Burke), in which DPR indicated that at the time of PPS, the residential portion of this development will be subject to the mandatory dedication requirement of approximately 3.27 acres of parkland. Given the significant need for land and recreational facilities in the surrounding community (Service Area 8) per the Land Preservation, Parks and Recreation Program for Prince George's County, DPR recommends the Planning Board requires that the applicant allocate an area for parkland dedication large enough to contain adequate on-site recreational facilities for the proposed population of the development. This area should be dedicated to the Maryland-National Capital Park and Planning Commission and be centrally located within the development to provide convenient and safe access for the residents. At the time of PPS, the applicant should provide a larger park site and on-site recreational facilities to meet the mandatory dedication of parkland requirement and to serve the recreational needs of the residents within this proposed community. This issue will be further examined at that time.
- h. **Prince George's County Fire/EMS Department**—At the time of the writing of this resolution, the Fire/EMS Department did not provide comments on the subject application.

- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this resolution, DPIE did not provide comments on the subject application.
 - j. **Prince George's County Police Department**—At the time of the writing of this resolution, the Police Department did not provide comments on the subject application.
 - k. **Prince George's County Health Department**—In a memorandum dated January 21, 2020 (Adepoju to Burke), incorporated herein by reference, the Health Department provided statistics and information regarding exercise, walkability, traffic, and noise impacts.
 - l. **Maryland State Highway Administration (SHA)**—At the time of the writing of this resolution, SHA did not provide 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 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. The subject property contains no regulated environmental features and, therefore, this finding can be made with the proposed development.

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 TCP1-001-2020, and further APPROVED Conceptual Site Plan CSP-19008 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information provided:
 - a. Correct the floor area ratio tabulations to show 2,500 square feet of commercial use and adjust the total floor area to represent the correction.
 - b. Remove parking tabulations from the site plan.
 - c. Revise the Type 1 tree conservation plan (TCP1) as follows:
 - (1) Add "TCP1-001-2020" to the approval block and the worksheet.

- (2) Review the approved natural resource inventory and submitted TCP1 and revise the total site area and total woodland area to match in the woodland conservation worksheet.
 - (3) Revise the woodland conservation worksheet to remove the specimen tree credit.
 - (4) Revise the TCP1 to expand the woodland preservation area to include and save Specimen Tree 5.
 - (5) Have the revised plan signed and dated by the qualified professional preparing the plan.
2. Prior to approval of the preliminary plan of subdivision, the following information shall be provided or shown on the plans:
 - a. Provide continuous standard sidewalks along both sides of all internal roads, excluding alleys, unless modified by the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - b. Provide a bike lane along Mimosa Avenue in compliance with the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement standards.
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 223 at Brandywine Road/Old Branch Avenue:

 - (1) On the northbound approach, provide three approach lanes with exclusive through, right-turn, and left-turn lanes.
 - (2) On the westbound approach, provide three approach lanes with exclusive through and left-turn lanes and a shared through/right-turn lane.
 - (3) On the eastbound approach, provide four approach lanes with two through lanes and exclusive right-turn and left-turn lanes.

If the above-listed improvements are to be provided pursuant to the "Brandywine Road and MD 223 Intersection" 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.

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, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 12, 2020, in Upper Marlboro, Maryland.

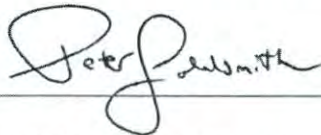
Adopted by the Prince George's County Planning Board this 2nd day of April 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: March 20, 2020