

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, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Commercial, General and Office Zone (CGO) and Military Installation Overlay Zone (MIO); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, applications for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, may be reviewed and decided in accordance with the prior Zoning; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on February 2, 2023, regarding Conceptual Site Plan CSP-22001 for Carozza Property, the Planning Board finds:

1.     **Request:** This application requests approval of a conceptual site plan (CSP) for development of a mixed-used development consisting of 199 townhouse units, 401 multifamily units, and 50,000 square feet of commercial space.
  
2.     **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	CGO/MIO	M-X-T/M-I-O
Use(s)	Vacant	Residential, Commercial/Retail
Gross Acreage	59.93	59.93
Floodplain Acreage	0	0
Net Acreage	59.93	59.93
Total Gross Floor Area (GFA) (sq. ft.)		1,088,000*
Of which Commercial GFA	-	50,000
Residential GFA	-	1,038,000
Total Multifamily Dwelling Units	-	401
Total Townhouse Units	-	199

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

Base Density Allowed:	0.40 FAR
Total FAR Permitted:	0.40 FAR
Total FAR Approved:	0.417 FAR**

**Note:** \*The GFA on the Proposed FAR Table, in the plans submitted with the application, incorrectly adds to 1,098,000 GFA. A condition has been provided herein to correct this tabulation error to 1,088,000 GFA.

\*\*The applicant is not proposing the use of an optional method; however, the approved FAR is still greater than the maximum of 0.40 FAR. Refer to Finding 8 in this report for further discussion.

3. **Location:** This property is located on the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), and the north side of Marlboro Pike. The site is within the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA), and Conical Surface (Right Runway) Area E and the Noise Intensity Zone (60 db–74 db) of the Military Installation Overlay (M-I-O) Zone.
4. **Surrounding Uses:** This site is located to the south of MD 4, with Westphalia Town Center in the Town Activity Center – Edge (TAC-E) Zone beyond; to the west of Woodyard Road with a vacant property in the Commercial, General and Office Zone (CGO) and Legacy Comprehensive Design (LCD) Zones beyond; to the north of Marlboro Pike with residential development in the Residential, Rural (RR) Zone beyond; and to the east of a commercial/warehouse use in the CGO Zone.
5. **Previous Approvals:** On February 8, 2022, the County Council of Prince George’s County, Maryland, sitting as the District Council, signed into law the Final Conditional Approval, an Ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and to grant final conditional zoning approval in Zoning Map Amendment A-10051-C. This action conditionally approved A-10051-C to rezone this property from the Rural Residential (R-R) Zone to the M-X-T Zone.
6. **Design Features:** This site is long and narrow, mostly wooded, contains regulated environmental features (REF), and is currently undeveloped.

The CSP identifies three distinct development pods divided along the site’s length, with the commercial use on the east side, the multifamily buildings in the center, and the townhouse units on the west side. Each pod will have direct access from an internal road that runs through the middle of the site’s length, with the exception of a section of the townhouses on the western side of the property. Due to environmental constraints, the townhouse pod will only have vehicular access to Woodyard Road and an internal bicycle/pedestrian trail connecting this section to the

eastern section of the property. The internal road will have a total of four access points on Woodyard Road, including access to the isolated townhouse pod. The illustrative plan below shows three multifamily buildings, a cluster of commercial units, the townhouse units, three recreation areas, stormwater management (SWM) devices, environmental preservation interspersed throughout the site, and the internal network of roads, alleys, parking, and trails.

Given the scale, configuration, and unit type of the proposed development, there are ample opportunities for sustainable and green building techniques. The applicant should apply those techniques, as practical, at time of the detailed site plan (DSP). A condition has been included herein, requiring the applicant to provide details on sustainable site and green building techniques that will be used in this development, at the time of the DSP.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-10051-C:** The District Council approved A-10051-C on February 8, 2022, to rezone this property from the R-R Zone to the M-X-T Zone, with four conditions. Conditions 1 and 2 are relevant to the review of this CSP and warrant the discussion below. Condition 3 is relevant to the DSP review and will be evaluated at that time. Condition 4 is relevant to the CSP; however, the condition contains findings that were extracted from Section 27-548 of the prior Zoning Ordinance and are evaluated in Finding 8(b) of this report.

- (1) **The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance.**

This application for a CSP serves to contribute to fulfilling this condition and was provided in accordance with Part 3, Division 9, of the Zoning Ordinance.

- (2) **The Conceptual Site Plan shall include the following:**

- (a) **A general description of the pedestrian system proposed;**

This CSP shows separate vehicular and pedestrian circulation systems that minimize conflicts. To facilitate connectivity with the surrounding community, the site has been designed with a bikeway through the subject property, with connectivity to Marlboro Pike and Woodyard Road. Also provided are pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations are being coordinated with the Prince George's County Department of Public Works and Transportation (DPW&T) and shall be designed to comply with the Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors Bill and meet or exceed County and state standards. Details will be provided for review at the time of the DSP.

**(b) The proposed floor area ratio;**

The floor area ratio (FAR) was provided with this application, showing an FAR of 0.417.

**(c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;**

The location, range, and square footage of the various uses are provided within the CSP.

**(d) A general description of any incentives to be used under the optional method of development;**

The applicant is not utilizing any optional methods of development; however, the CSP represents a FAR greater than the maximum of 0.40. This is discussed further in Finding 8, below.

**(e) Areas proposed for landscaping and screening;**

The CSP contains plans that show landscape buffers and streetscapes proposed along the subject site's perimeter and parking areas, in accordance with the design standards defined in the 2010 *Prince George's County Landscape Manual* (Landscape Manual). These will be evaluated in further detail with the DSP.

**(f) The proposed sequence of development; and**

According to the applicant's statement of justification (SOJ), phasing of development is not anticipated. However, should the applicant choose to phase this project, the SOJ states that each phase will be managed to be self-sufficient, while also allowing integration with subsequent construction phases.

**(g) The physical and functional relationship of the project uses and - components.**

The CSP illustrates the physical and functional relationships of land uses and other components.

**8. 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 design guidelines of the prior Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-547 of the prior Zoning Ordinance, Use Permitted, which governs uses in all mixed-use zones, as follows:

- (1) The proposed residential and commercial/retail uses are permitted in the prior 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, development of this property would be limited to the numbers and types, as approved with this CSP, that cannot exceed 401 multifamily dwelling units and 199 townhouses.
- (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.**

This CSP proposes two types of uses, as required, including residential and commercial/retail uses. These proposed uses, with the square footage in the amount shown, are sufficient in quantity to serve the purposes of the zone and thus satisfy the mixed-use requirement of Section 27-547(d).

- b. Section 27-548 of the prior Zoning Ordinance, 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**

An FAR of 0.417 is approved with this CSP. The optional method of development, which allows additional FAR on top of the base 0.40 FAR, was not utilized with this application; however, the plan is showing an FAR greater than

the maximum of 0.40. A condition is provided herein to either exercise the options enumerated in Section 27-545 of the prior Zoning Ordinance, to allow development in excess of 0.40 FAR, or reduce the FAR to 0.40. This will be evaluated further, 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 prior 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 use.**

The development is subject to the requirements 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 and interior incompatible land uses, at the time of DSP.

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

The FAR for the proposed development, of up to 1,088,000 square feet on the 59.93-acre property, is 0.417. 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 CSP includes four access points along Marlboro Pike. Within the site, the proposed main roadway proposes a 52-foot right-of-way and 20- to 22-foot-wide alleyways. The proposed right-of-way is sufficient to provide all internal sidewalks and streetscape amenities. However, the Planning Board requires that all intersections within the site are perpendicular and properly aligned. A condition is provided herein to provide appropriate frontage and vehicular access for all lots and parcels, at the time of preliminary plan of subdivision (PPS).

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand 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 (1/2) 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.

This CSP proposes 199 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 height limit will be further evaluated with the DSP for the proposed multifamily buildings.

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

This property was placed in the M-X-T Zone through a Council resolution adopted in February 2022, 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 prior 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:**

The proposed development is in conformance with the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote the orderly development of land in the vicinity of major intersections, to enhance the economic status of the County. The proposed development, consisting of residential and retail uses, will provide increased economic activity proximate to the intersection of Woodyard Road, Marlboro Pike, and Pennsylvania Avenue. It also allows for a reduction of the number and distance of automobile trips, by constructing residential and nonresidential uses near each other. This CSP promotes the purposes of the M-X-T Zone and contributes to the orderly implementation of the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). However, one of the purposes of the M-X-T Zone is to create compact, mixed-use, and walkable communities that emphasize pedestrian experience with active street fronts. This CSP shows the commercial/retail area in the eastern

corner of the property. The proposed internal street frontage is activated by the placement of townhouse, multifamily, and retail uses and allows for a potential reduction of automobile trips, by constructing residential and nonresidential uses in close proximity to each other.

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

The Prince George's County Zoning Hearing Examiner and the County Council, sitting as the District Council, found in the final A-10051-C remand decision that the application furthers the purposes of the M-X-T Zone, since the subject property lies within the vicinity of a major interchange; it can be developed in a manner to support Plan 2035 and the Subregion 6 Master Plan and SMA goals by providing compact, mixed-use, and internally walkable design. This CSP proposes a mix of residential single-family attached units, multifamily units, and 50,000 square feet of retail and commercial uses, in close proximity to each other with interconnectivity through an internal sidewalk and trail system. These factors will encourage a robust, high-quality environment.

- (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 details of the orientation are not fully available at the time of CSP; however, based on conceptual plans provided, the proposed development will be partially outwardly oriented, with side townhouse units facing Marlboro Pike, the main road of access for this community. At the time of PPS, the applicant will be encouraged to orient the townhouses to be front-facing onto Marlboro Pike. Visually, this community will be integrated with existing surrounding communities and may serve to catalyze development on other undeveloped M-X-T-zoned properties nearby.

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

The surrounding areas are developed with various auto-oriented, commercial, and residential uses. The CSP is visually integrated with existing and future uses through the use of connecting streets, pedestrian systems, open space buffers, and landscaping, elements that will be illustrated at the time of DSP review.

- (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;**

Due to the long, narrow configuration of this site and being surrounded on three sides by roadways, the applicant is faced with challenges in bringing cohesion to the mix of uses. As proposed, the development is separated into three different sections, with the commercial, multifamily, and townhouse uses all separate and distinct. An internal road and sidewalk/trail network will connect all the uses internally and will provide safe, internal access to the public amenities. The location and design of the buildings will be evaluated at the time of DSP review.

- (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 indicated, in the SOJ, that phasing this development is not anticipated.

- (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 DSP. An illustrative plan submitted with the CSP shows sidewalks, adjacent to roadways, connecting to each part of the development.

- (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 site was not placed in the M-X-T Zone via an SMA, but through a Zoning Map Amendment, A-10051-C. At the time of rezoning, a traffic study was submitted to evaluate the impacts of the site with the proposed zoning change. The study found that, with several offsite improvements, the surrounding road network would operate at acceptable levels. Per Condition 3 of A-10051-C, supporting evidence of adequacy shall be provided at the time of the DSP; however, an adequacy determination will be made at the time of PPS and will be evaluated based on the proposed uses with the application.

- (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 59.93 acres and does not meet the above acreage requirement. Furthermore, this CSP does not propose development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The proposed development concept provides a mix of new multifamily housing, townhouses, and commercial/retail uses designed to front on roadways. A connected circulation system for vehicles and pedestrians is proposed. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed at the time of DSP.

- e. In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval, at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required for development.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Environmental Technical Manual (ETM) and the 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. Type 1 Tree Conservation Plan TCP1-016-2022 has been submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The site contains a total of 57.40 acres of woodlands and no wooded floodplain. The woodland conservation threshold is 15 percent, or 8.99 acres. The applicant is proposing to clear 46.74 acres of woodland, resulting in a total woodland conservation requirement of 22.35 acres, which will be met with 10.26 acres of on-site preservation, 2.57 acres of reforestation, and 9.52 acres of off-site credits. There is a discrepancy between the existing woodland shown on the natural resources inventory (NRI) and the TCP1. Therefore, the NRI plan shall be revised to identify the same existing woodland total as the TCP1. In addition, technical revisions are required to the TCP1, prior to certification of the CSP, in conformance with the conditions provided herein.

10. **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 prior M-X-T Zone will be subject to the requirements of the Landscape Manual, at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for 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 Roads, 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 59.93 acres in size and the required TCC is 6.00 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured, at the time of DSP.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are adopted herein by reference and main points are summarized, as follows:
- a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated November 17, 2022 (Stabler, Smith to Burke), which noted that the property was once part of Melwood Farm, a documented property (77-002) with a farmhouse that was constructed circa 1813 and demolished between 1980 and 1984. A Phase I archeology survey was completed on the undisturbed portion of the property by Applied Archaeology and History Associates, and a draft report Phase I survey of the Carozza Property was submitted with the subject application. The draft report identified no significant sites, and no further work is required.
  - b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated August 27, 2022 (White to Bishop), which provided that, pursuant to Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application. Master plan recommendations are discussed in Finding 7 above and compliance to those will be required at the time of PPS.
  - c. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated November 4, 2022 (Diaz-Campbell to Burke), which evaluated this proposal and the conditions of Basic Plan A-10051-C, and offered the following comments:
    - (1) The configuration of all proposed lots and parcels will be determined at the time of PPS review. The CSP depicts the approximate location for commercial and residential development, layout of buildings, vehicular and pedestrian circulation, and conceptual location of recreational facilities. It is noted that Conditions 4(b) and 4(c) of A-10051-C impose broad requirements for the site layout to have an outward orientation and be integrated with/compatible with adjacent development. The lotting pattern will be evaluated with the PPS for conformance to these conditions.
    - (2) The CSP identifies the locations for proposed on-site recreational facilities spread throughout the development, though no specific facilities are identified. The adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be evaluated at the time of PPS and DSP review. Recreational facilities should include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.
    - (3) The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets, internal to the development, will also be determined at the time of the PPS. The location of public utility easements required, along all public and private streets, will be determined with the PPS.

- (4) A noise study was submitted with the subject CSP application, to fulfil the requirements of Condition 4(h) of A-10051-C. Noise will be further evaluated with the PPS, when the positions of lots and approximate positions of recreation facilities are known, as well as at the time of DSP when the positions of dwellings and details of the recreation facilities are known. Phase I and Phase II noise studies will be required with these plans, respectively. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to be no higher than that level. All dwellings exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.
  - (5) At the time of PPS, all residential lots and parcels must meet a minimum 300-foot lot depth requirement from master-planned freeway MD 4 (Pennsylvania Avenue) and a minimum of 150-foot lot depth from master-planned arterial MD 223 (Woodyard Road), pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations.
  - (6) The property is entirely within the M-I-O Zone for height and the western portion of the property is within the M-I-O Zone for noise. Conformance with the requirements of Part 10C- Military Installation Overlay Zone of the prior Zoning Ordinance will be evaluated at the time of PPS and DSP.
  - (7) The property is within water and sewer Category 5, which is not within the appropriate service area of the County Water and Sewer Plan needed for approval of a PPS, pursuant to Section 24.122.01 of the prior Subdivision Regulations. The property must attain at least Category 4 through the next cycle of amendments to the Water and Sewer Plan, prior to approval of a PPS.
- d. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated November 14, 2022 (Smith to Burke), which provided an evaluation of the conditions of A-10051-C and the following summarized comments on the subject application.

**Master Plan Compliance**

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The subject property fronts the recommended 80-foot master-planned right-of-way of Marlboro Pike, which also recommends a shared roadway facility.

The Planning Board acknowledges that, at the time of PPS, the appropriate right-of-way dedication will be addressed, and requires that the applicant update the CSP to show the extent and limits of the master plan ultimate right-of-way along the subject property's frontage of Marlboro Pike.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

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

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

This development is also subject to the Subregion 6 Master Plan, which also recommends an 80-foot right-of-way along Marlboro Pike, and recommends the following policies regarding multi-modal transportation (page 105):

**Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities.**

**Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.**

**Policy 9: Provide multiuse trails accommodating hikers, bikers and equestrians along major stream valley corridors.**

The Planning Board requires a minimum 5-foot-wide sidewalk be provided along both sides of all internal roadways and provide associated crosswalks and Americans with Disabilities Act (ADA) compliant curb ramps throughout the site. In addition, Marlboro Pike is a planned shared roadway facility, to which the Planning Board requires a minimum 10-foot-wide shared-use path, shared roadway pavement markings, and signage to be provided along the property frontage, with concurrence from the operating agency. Designated space for short-term bicycle parking is also required in recreational and commercial areas, while both short- and long-term bicycle parking is required at proposed multifamily buildings. Conditions are provided herein.

- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated November 14, 2022 (Kirchhof to Burke), which provided the following summarized comments on the subject application:



### **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 (CRZ) 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 code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The approved Natural Resources Inventory (NRI-016-2021) identifies a total of 31 specimen trees, and the applicant provided an analysis of the request to remove 22 specimen trees located on-site.

A Subtitle 25 variance was submitted for review with this application. The TCP1 shows the removal of ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30, for a total of 22 specimen trees. The condition of trees proposed for removal ranges from poor to excellent.

### **SPECIMEN TREE SCHEDULE SUMMARY FOR TWENTY-TWO TREES PROPOSED FOR REMOVAL ON TCP1-016-2022**

<b>Specimen Tree #</b>	<b>Species</b>	<b>Condition</b>	<b>DBH (inches)</b>	<b>Reason for Removal</b>	<b>Applicant’s Disposition</b>
1	Yellow Poplar	Fair	34	Townhouse	Remove
6	Beech	Fair	34	Townhouse and Roadway	Remove
7	Beech	Fair	34	Townhouse	Remove
8	Beech	Fair	31	Townhouse and Roadway	Remove
11	Beech	Poor	30	Stormwater Management	Remove
12	Red maple	Poor	32	Stormwater Management	Remove
14	White oak	Fair	40	Parking and Retaining Wall	Remove
15	Yellow poplar	Excellent	31	Parking and Multifamily	Remove
16	Beech	Fair	42	Parking and Multifamily	Remove
17	Yellow poplar	Fair	31	Multifamily	Remove

Specimen Tree #	Species	Condition	DBH (inches)	Reason for Removal	Applicant's Disposition
18	Sweetgum	Good	34	Stormwater Management	Remove
20	Hickory	Poor	31	Stormwater Management	Remove
21	Sweetgum	Good	31	Stormwater Management	Remove
22	Sweetgum	Good	30	Stormwater Management	Remove
23	Beech	Fair	40	Parking and Multifamily	Remove
24	Beech	Fair	33	Multifamily	Remove
25	Beech	Excellent	31	Multifamily and Roadway	Remove
26	Beech	Good	34	Parking and Roadway	Remove
27	Black Walnut	Poor	37	Roadway	Remove
28	Beech	Excellent	37	Townhouse and Roadway	Remove
29	Beech	Fair	39	Townhouse and Roadway	Remove
30	Beech	Good	30	Townhouse and Roadway	Remove

The removal of 22 specimen trees requested by the applicant is approved, based on the findings below.

#### **Evaluation**

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance approval, with respect to the required findings, is provided below.

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

Special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain the 22 specimen trees. Of the 22 trees approved for removal, 4 are in poor condition, 10 are in fair condition, 5 are in good condition, and 3 are considered in excellent condition. The majority of the specimen trees on-site are considered fair. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 59.93 acres, and the TCP1 shows approximately 2.51 acres of primary management area (PMA) comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 4 percent of the overall site area. The applicant is proposing to preserve the site’s PMA, to the fullest extent

practicable, and is proposing woodland conservation and afforestation to further protect the PMA.

The property is fully wooded and the specimen trees are located across the entire site, with some within proximity to the PMA. This site contains steep slopes, wetlands, streams, and floodplains, which restrict development potential. Complete retention of these trees would severely limit the developable area of the site. Furthermore, the specimen trees proposed for removal are located in areas of the site most suited for development.

The proposed use of the site is a reasonable and significant use for a property in the prior M-X-T Zone, and development cannot be accomplished elsewhere on the site without additional variances, including the areas of the site containing regulated environmental features (REF) and PMA, which limit the site area available for development. Of the 22 specimen trees proposed for removal, 12 trees are identified as Beech and 3 are Poplar. Both Beech and Poplar have poor construction tolerances and vary in condition from poor to excellent. If these 15 trees were retained, the trees could become hazardous due to the stresses imposed by construction. The remaining seven trees vary in condition from poor to good and are located within the central developable portion of the site. Requiring the applicant to retain the 22 specimen trees on the site, by designing the development to avoid impacts to the critical root zone (CRZ) would further limit the area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential and commercial development is a use that aligns with the uses permitted in the M-X-T Zone. The specimen trees approved for removal are located within the developable parts of the site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of 22 specimen trees would be the result of grading required for the development, required infrastructure for the development, poor construction tolerances of the majority of the trees to be removed, and retaining these trees during development could result in hazardous situations. The approval to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

The request does not arise from existing conditions relating to land or building uses on neighboring properties. The trees have grown to specimen tree size, based on natural conditions, and the request is based on the location, construction tolerance, and condition of the specimen trees.

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

Granting this variance will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by the Prince George's County Department of Permitting Inspections, and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state standards, which are set to ensure that no degradation occurs.

**Conclusion**

The required findings of Section 25-119(d) have been adequately addressed for the removal of 22 specimen trees, identified as ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30. The Planning Board approves the variance for removal of 22 specimen trees, for construction of mixed-use development.

**Preservation of Regulated Environmental Features/Primary Management Area**

The site contains REF, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA.

Section 27-273(e)(15) of the prior Zoning Ordinance requires that CSP applications include: “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.”

Section 27-276(b)(4) of the prior Zoning Ordinance states that for all CSP applications: “The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

Section 24-130(b)(5) of the prior Subdivision Ordinance states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to [prior] Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to REF should be limited to those that are necessary for 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 this 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 REF. Stormwater management 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. Impacts to REF must first be avoided and then minimized.

A letter of justification (LOJ) and exhibit for PMA impacts were provided with the Subdivision and Development Review Committee submittal of this application. A revised LOJ was submitted in the November 3, 2022 submittal. This LOJ identifies eight impacts, with one additional unlisted impact to REF. PMAs are identified, in accordance with the

reviews conducted by other agencies, the Army Corps of Engineers and the Maryland Department of the Environment. An additional revised LOJ was submitted on November 7, 2022, which provided minor revisions to several impacts. A detailed summary of each impact is below.

**Impact 1**

Impact 1 proposes 5,500 square feet (0.13 acre) of permanent impacts for a pedestrian walkway stream crossing, which connects the western and central sections, and for a sanitary sewer pipe. In order to promote connectivity between the sections to be developed, the applicant has elected to construct a walking path, instead of a roadway. The utility connection will be co-located with the walkway, to minimize PMA impacts. This impact is approved, as proposed.

**Impact 2**

Impact 2 proposes 185 square feet (0.004 acre) of impacts for a retaining wall associated with the proposed townhouses in the central phase. The revised LOJ for PMA impacts, submitted on November 7, 2022, removes this impact and renumbers the subsequent impacts. This impact is no longer requested, and the LOJ shall be revised to indicate this.

**Impact 3**

Impact 3 proposes 2,432 square feet (0.06 acre) of impacts for SWM and associated grading. This location was chosen to tie into an existing culvert under MD 4. Currently, the SWM plan is in review with DPIE. This impact to PMA for SWM will be evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

**Impact 4**

Impact 4 proposes 4,372 square feet (0.10 acre) of impacts for SWM and associated grading. Similar to Impact 3, Impact 4 proposes to connect to the existing culvert. At this time, the SWM plan is in review with DPIE. This impact to PMA for SWM will be evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

**Impact 5**

Impact 5 proposes 4,661 square feet (0.11 acre) of impacts for building and grading. The LOJ states that this impact is the result of relocating the site access to align with Marwood Boulevard, across Marlboro Pike. Due to the grading required, this PMA area will be heavily disturbed. It is also central to the site. The TCP1 shows a proposed utility connection through this area to service the development, and townhomes are proposed within the PMA. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is approved, as proposed. The LOJ shall be revised to indicate that the impact is due to grading for units and utilities. The LOJ shall indicate that this disturbance eliminates impacts to larger wetland areas on-site.

#### **Impact 6**

Impact 6 proposes 5,558 square feet (0.13 acre) of impacts for a public utility easement, sanitary sewer, roadway, sidewalk, and grading. This impact serves to connect the eastern portion of the development to the central section. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is otherwise approved, as proposed, as this alignment reduces impacts to other wetland areas.

#### **Impact 7**

Impact 7 proposes 2,215 square feet (0.05 acre) of impacts for construction of a SWM facility. As with Impacts 3 and 4 above, this location proposes to tie into the culvert under MD4. At this time, the SWM plan is in review with DPIE. This impact to PMA for SWM will be evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

#### **Impact 8**

Impact 8 proposes 6,914 square feet (0.16 acre) of impacts for a parking lot, drive aisle, sidewalks, SWM, and grading for the commercial area. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is approved, as proposed.

#### **Impact 9**

The LOJ mentions 300 square feet (0.007 acre) of wetland buffer impacts to a wetland located in the eastern portion of the site. This disturbance is not identified as an impact within the LOJ. Impacts to REF, including buffers, shall be requested as proposed impacts. In order to retain the numbering system, this impact shall be identified as Impact 9, which is not approved and can be avoided.

#### **Summary of Proposed Impacts**

With CSP-22001, nine impacts to PMA are proposed, totaling 31,952 square feet (0.73 acre). Impacts 1, 5, 6, and 8 are approved; Impacts 3, 4, and 7 for SWM will be evaluated with a subsequent application; Impact 2 is no longer requested; and Impact 9 is not approved. Impact 9 is not identified as a requested impact, but is called out as impacting wetland buffers within the LOJ and shall be considered an impact. With the elimination of Impact 2, all impacts in the LOJ have been renumbered. The PMA LOJ shall be revised to retain a consistent numbering system.

#### **Soils**

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include the Marr-Dodon complex, Sassafras sandy loam, Sassafras-Urban land complex, Udorthents – highway, and Udorthents – reclaimed gravel pits. According to available mapping information, unsafe soils containing Marlboro clay or Christiana clay do not occur on this property. This information is provided for the applicant's benefit.

**Stormwater Management**

An unapproved Site Development Concept Plan (16177-2022) was submitted with the current application. Impacts to PMA for SWM are not approved, at this time, and will be evaluated with a subsequent application. Submittal of an approved SWM concept letter and plan will be required for subsequent development review applications. No further information pertaining to SWM is required, at this time.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—Comments on the subject application were not received from DPR.
  - g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated September 14, 2022 (Giles to Bishop), which provided standard requirements for road frontage improvements, including new sidewalks, private roadways shall be at least 22 feet wide, and conformance with DPW&T's utility policy, stormwater management facilities, and drainage system specifications and standards. The site layout and impervious area shall be consistent with Site Development Concept Plan 16177-2022-0, which is currently under review.
  - h. **Prince George's County Police Department**—Comments on the subject application were not received from the Police Department.
  - i. **Prince George's County Health Department**—The Planning Board has reviewed and adopts the memorandum dated August 17, 2022 (Adepoju to Zhang), which provided several comments on this proposal. Those comments have been transmitted to the applicant who is aware of the health-related requirements. Comments such as an increase of impervious surface, fine particulate air pollution, and noise related to traffic will be further evaluated at the time of PPS and DSP, when detailed information on the site will be available.
  - j. **Maryland State Highway Administration (SHA)**—Comments on the subject application were not received from SHA.
12. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, approved with the conditions below, the CSP 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.
13. Section 27-276(b)(4) of the prior Zoning Ordinance requires that, for approval of a CSP, 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 Planning Board has reviewed and adopts the Environmental Planning Section memorandum (Kirchhof to Burke, November 14, 2022), in which it was found that impacts are proposed to PMA on-site; however, the regulated environmental features on the



subject property have been preserved, to the fullest extent possible, based on the limits of disturbance shown on TCP1-016-2022.

14. At the public hearing held on February 2, 2023, the Planning Board heard testimony on the subject application. Several members of the public expressed concerns regarding potential traffic impacts of the development. Traffic impacts will be evaluated at the time of PPS. There was also testimony regarding a statement contained within a referral letter from DPIE, indicating that the CSP could not be reviewed, prior to the applicant obtaining the appropriate water and sewer category change. The Planning Board takes administrative notice that this statement from DPIE is incorrect, as the category change must occur prior to PPS.

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 TCP1-016-2022, and further APPROVED Conceptual Site Plan CSP-22001 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 shall be provided:
  - a. Correct the gross floor area (GFA) tabulations on the Proposed FAR table to represent the 1,088,000 GFA, consistent with the application.
  - b. The applicant and the applicant's heirs, successors, and/or assignees shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of Marlboro Pike.
  - c. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Identify TCP1-016-2022 in the approval block.
    - (2) Identify TCP1-016-2022 on line 6 of the Woodland Conservation Worksheet.
    - (3) Identify TCP1-016-2022 within the plan title on the first sheet.
    - (4) Revise the TCP1 for general technical conformance with the Environmental Technical Manual (2018).
    - (5) Revise the disposition of Specimen Tree ST-1 in the specimen tree table as "Removed."
    - (6) Confirm the values for woodland clearing and conservation required. When calculated, the worksheet does not match. Required woodland conservation for this site, based on clearing, is 20.67 acres.

2. At the time of preliminary plan of subdivision, design all intersections within the site to be perpendicular and properly aligned.
3. At the time of detailed site plan, the applicant shall:
  - a. Provide details on the sustainable site and green building techniques that will be used in this development.
  - b. Either reduce the floor area ratio (FAR) to 0.40 or exercise optional methods to allow development in excess of 0.40 FAR.
  - c. Provide the following facilities on a pedestrian and bikeway facilities plan:
    - (1) A minimum 10-foot-wide shared-use path, shared roadway pavement markings, and signage along the property frontage of Marlboro Pike, unless modified by the operating agency with written correspondence.
    - (2) A minimum 5-foot-wide sidewalk along both sides of all internal roadways.
    - (3) Americans with Disabilities Act compliant curb ramps and crosswalks crossing all vehicular access points.
    - (4) Designated pathways for pedestrians throughout the site to all uses and through surface parking lots.
    - (5) Streetscape amenities to be accessible and functional throughout the site to accommodate the mixed-use community.
    - (6) Long-term bicycle parking within the multifamily building and short-term bicycle near the building entrance, in accordance with American Association of State Highway and Transportation Officials guidelines.
    - (7) Short-term bicycle for the commercial areas, at a location convenient to the buildings, in accordance with American Association of State Highway and Transportation Officials guidelines.
    - (8) Dedicated space for rideshare activities.
4. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

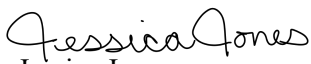
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

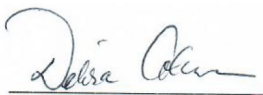
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:TB:rpg

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel  
Dated 2/22/23