

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 29, 2017 regarding Detailed Site Plan DSP-07034-09 for Brickyard MARC Planned Community, the Planning Board finds:

1. **Request:** The subject application proposes to develop the subject property with 188 single-family attached (townhouses) lots, in lieu of the previously approved 440 multifamily residential building with ground floor retail, which were part of the original approved Preliminary Plan of Subdivision PPS 4-07053 and Detailed Site Plan DSP-07034. This application also includes a Variance from Section 27-475.06.02 for an existing monopole.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	I-2	I-2
Use(s)	MARC Planned Community Residential	MARC Planned Community Residential
Gross Acreage	12.71	12.71
Net Acreage	12.71	12.71
Parcels/Lots	5	15
Dwelling Units	0	188

OTHER DEVELOPMENT DATA**Parking Spaces for this DSP:**

Residential Use – 188 units (2.04 per unit) @ 1 space/unit to 1.5 spaces/unit*	384 spaces
Total	384 spaces

Parking Spaces Provided:

Total number of garage spaces	203 spaces
Standard spaces (9.5 ft. x 19 ft.)	7 spaces
On-street parallel spaces (8 ft. x 22 ft.)	32 spaces
Total Spaces Provided	242 spaces*

Note: *This section is part of an approved larger MARC Planned Community.

Overall Parking Required

Parking Spaces Required (Overall Site)

Multifamily Building 1

433 units (1.33) @ 1 space/unit to 1.5 spaces/unit*	576 spaces
192 two bedroom units (0.77) @ 1 space/unit to 1.5 spaces/unit*	149 spaces
Flex space @ 1 space/unit to 1.5 spaces/unit*	32 spaces
Total	757 spaces

Lot 9 Flex Space **6 spaces**

Clubhouse **26 spaces**

Residential

Single-Family @ 1 space/unit to 1.5 spaces/unit*	104 spaces
Townhouses @ 1 space/unit to 1.5 spaces/unit*	1,108 spaces
Total	1,212 spaces

Site Overall Total **2,001 spaces**

Parking Spaces Provided (Overall Site)

Multifamily Building 1 **773 spaces**

Lot 9 Flex Space **6 spaces**

Clubhouse **31 spaces**

Residential **1438 spaces**

Site Overall Total **2,248 spaces**

3. **Location:** The subject larger property is located on the east side of Muirkirk Road, northeast of its intersection with Baltimore Avenue (US 1), in Planning Area 62 and Council District 1. More specifically, the site is located on the northwest side of Brickyard Boulevard, at the intersection of Brickyard Boulevard and Brickyard Station Drive. The site is directly adjacent to the MARC

station on the southern boundary of the site and to the north by the stormwater management pond and community center.

4. **Surroundings and Use:** The site is an existing industrial property used in the past as clay mine, gravel pits and fill sites. The site is bounded to the southwest by the right-of-way of Muirkirk Road; to the northwest by the CSX Railway track and the right-of-way of Baltimore Avenue (US 1); to the east by the right-of-way of Cedarhurst Drive; and to the northeast by other property in the Brickyard development in the I-3 (Planned Industrial/Employment Park) Zone. Further across Cedarhurst Drive to the east are properties in the R-80 (Single-family Detached Residential) and the R-O-S (Reserved Open Space) Zones; across Muirkirk Road to the southwest are properties in the I-2 (Heavy Industrial) and the C-M (Commercial Miscellaneous) Zones; and across the CSX tracks and Baltimore Avenue to the west are properties in the I-1(Light Industrial) and the I-3 Zones. To the southwest corner of the subject site is an existing MARC station and its associated parking lot in the I-2 Zone. More specifically the site is located on the northwest side on Brickyard Boulevard at the intersection of Brickyard Boulevard and Brickyard Station Drive. The site is directly adjacent to the MARC station on the southern boundary of the site, and to the north by the Stormwater management pond on Parcel I.
5. **Previous Approvals:** Parcels C, D, F, G, and I, are part of the overall Brickyard MARC Planned Community. The site had been operating as a brick manufacturing, and clay/ sand mining operation since the turn of the century. The property is located within the limits of the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* in Employment Area 6. The master plan land use recommended a heavy industrial use for the southern portion of the site and industrial park use for the northern portion. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* retained the I-2 and I-3 zoning for the property.

Preliminary Plan of Subdivision 4-14020 (PGCPB Resolution No. 15-86) was approved on July 28, 2005 to subdivide the 115-acre site for the future development of a MARC Planned Community, and per County Council Bill CB-21-2006 (adopted on July 18, 2006) the use was permitted in the I-1 and I-2 Zone and defined the requirements for a MARC Planned Community. Preliminary Plan of Subdivision 4-07053 was submitted and approved on May 15, 2008, pursuant to PGCPB Resolution No. 18-77. The plan proposed to subdivide a portion of the original site into 436 residential lots and 37 parcels including; 354 townhouses, 51 single-family lots, two multifamily buildings (containing 860 dwelling units), and 29,787 square feet of flex space. The subject property has a Detailed Site Plan DSP-07034, which has been revised eight times as follows:

Detailed Site Plan DSP-07034: The original development on the site (DSP-07034) was for the approval of a MARC Planned Community, which included a mix of uses on the site consisting of 51 single-family detached houses, 354 townhouses, 860 multifamily apartment/condominium units, approximately 29,787-square-foot-retail/commercial, office uses, a community center, and restaurant pad site. The approval was granted on August 22, 2008, pursuant to PGCPB Resolution No. 08-78.

Detailed Site Plan DSP-07034-01: was for the purpose of revising Multifamily Building 1, and included revisions to the gross floor area (GFA), the number of units, the number of parking spaces, revised elevations, and additional landscaping. This was approved by the Planning Director on November 14, 2011.

Detailed Site Plan DSP-07034-02 was for the purpose of adding additional elevations and optional features to the approved templates for the townhouse lots. This was approved by the Planning Director on May 30, 2012.

Detailed Site Plan DSP-07034-04 was for the limited minor amendment to the DSP to change the lot-lines and unit type in the community, in response to market demand, affecting the single-family homes, townhomes, and entrance feature for the community. This was approved by the Planning Director on May 20, 2013.

Detailed Site Plan DSP-07034-05 was for the minor amendment and modifications to the amenity areas shown in the courtyard areas for Multifamily Building 1 and was approved by the Planning Director on July 18, 2013.

Detailed Site Plan DSP-07034-06 was submitted for the purpose of an amendment to redesign the clubhouse building, noise wall and adjustment of the grading in the immediate area. This was approved by the Planning Director on July 28, 2014.

Detailed Site Plan DSP-07034-07 was for the minor revision and modifications to signs and awnings for Multifamily Building 1 and was approved by the Planning Director on May 6, 2014.

Detailed Site Plan DSP-07034-08 was submitted for the purpose of revising the grade elevations of a portion of the site north of Parcels L and O and was approved by the Planning Director on March 20, 2015.

The property has a Stormwater Management Concept No. 5249-2005-03 approved by the Prince George's County Department of Permitting Inspections and Enforcement (DPIE) on April 26, 2016 and valid until April 26, 2019.

6. **Design Features:** The subject site is part of the overall Brickyard community, and is located directly adjacent to the existing MARC station near the front of the community along Brickyard Boulevard, southeast of the CSX railway tracks, which border the property to the east. This application proposes the development of 188 townhouses, in lieu of the previously approved mixed-use multifamily building on the subject parcels, and includes a 10- to 12-foot sound wall to mitigate the noise from the railroad track adjacent to the site.

The site is accessed from Brickyard Boulevard and is served by a spine road, which provides a looped circulation pattern at the periphery of the townhouse development. The townhouses that are proposed on the property are fee-simple lots. The majority of these lots are rear-loaded alley units,

which are organized around a series of courtyards, open spaces, and alleys. A portion of the proposed units are larger front-loaded units located along the spine road adjacent to the stormwater management facility.

The applicant has proposed a pedestrian network consisting of sidewalks and trails through landscaped courtyards. These courtyards provide a unique design element for the community and include sitting areas with benches for passive recreational opportunities for the residents. The pedestrian trails in the courtyards connect to the trails throughout other parts of the site and link the neighborhood to the central community center adjacent to the stormwater management pond and looped pedestrian path. The community center includes a club house, swimming pool, and a community garden area that was approved previously. Additionally, one outdoor tot-lot activity area has been provided on the northern portion of the site adjacent to the stormwater management pond and the sound wall near the CSX tracks, which will allow active outdoor play opportunities, including play equipment, for children.

Noise Discussion: A Phase II noise analysis was provided with this application. The Planning Board noted that a 10- to 12-foot-high noise barrier has been proposed along the western property boundary between the townhomes and the rail road to maintain noise levels below the interior limit of 45 dBA Ldn, and exterior limit of 65 dBA Ldn. Parcels C, D, F, G, and I require modification to the proposed building construction to achieve the appropriate interior noise levels. Modifications include specific building products and exterior wall treatments such as noise reducing windows, sliding doors, and enhanced wall construction techniques. In specific cases the side elevations of the townhomes closest to the railroad cannot offer windows on the third and fourth floor. A table and graphic was shown in the Phase II noise analysis listing the units and parcels requiring additional building modifications which should be provided with the DSP, and a condition has been added to this resolution. At the hearing, testimony was presented by a resident of Brickyard Station that the existing noise wall stops just north of the outfall for the stormwater management pond and that the proposed wall stops just on the south side of the outfall, resulting in a gap in the noise wall which allows more noise intrusion than a continuous wall. The noise consultant from Phoenix Noise and Vibration testified that tests were conducted in June 2017, which determined that the noise at the resident's property is within the noise standards utilized by the Planning Board. Notwithstanding, the applicant proffered at the hearing that it would contact the DPIE to determine what, if any, type of sound attenuation could be installed within the gap between the two walls. If DPIE allows any type of noise attenuation in this area, the applicant agrees to install it.

Architecture: The townhouse architecture proposed for this project is the same as previous approvals and both gabled-roof and flat-roof models have been proposed. Three models of townhomes are proposed with this application and include a 16-foot and 20-foot rear-loaded product, as well as a 24-foot front-loaded model. In the flat-roof model, the fourth stories are setback from the third floor to create a roof-top terrace. Most of the townhouses are four stories in height. A combination of brick, cementitious panel and color vinyl siding is also employed to finish the townhouse models. Various architectural elements such as dentils, keystone arched windows, and box windows are appropriately used to achieve a rich visual effect. Townhouses

with a frontage wider than 20 feet have two-car garages. Since the townhouse section will occupy most of the central portion of the site, the townhouse elevations will be a dominant visual attribute of the development. All previous conditions regarding architecture are still valid and governing.

No deck or patio information has been proposed with this DSP. Given the layout and high-density features of the site, there is limited space for addition of deck or patio by future home owners. The Planning Board recommends that the site plan be revised to show a standard deck for rear-load garage units for each single-family dwelling unit prior to certification.

Recreational Facilities: A recreational facilities package was previously approved for this project. The package consisted of the facilities for the multifamily component as well as facilities for the single-family component. For this application, the recreational facilities have been amended for the single-family detached and attached sections, which include various previously approved recreational facilities proposed throughout the development, as well as this new portion of the community for the overall site. Recreational facilities are usually located within a distance of no more than 300 feet from each unit. The recreational facilities include a 4,136-square-foot clubhouse; one-multi-age playground of about 15,000 square feet; two gazebos; numerous sitting areas within about 12 pocket parks; two grass volleyball courts; a 30-linear-foot overlook/pier around the stormwater management pond in Parcel H; and over 5,100 linear feet of eight-foot-wide trail. A community center has also been proposed in this community across the stormwater management (SWM) pond in the central portion of the site. The community center includes a clubhouse of approximately 4,136 square feet, a swimming pool and a community garden area. The clubhouse is designed with three pavilion towers on the main elevations and is finished primarily with brick and pre-cast stone bands.

According to the information provided by the applicant, total value of the proposed recreational facility package for the single-family section is estimated at over \$2 million. The quantity and location of the proposed recreational facilities have been shown on the recreational facility plan. The proposed recreational facility package exceeds the minimum required value for recreational facilities. Many of the proposed recreational facilities have been completed, however, the new facilities being proposed with this application should be finished on time to be enjoyed by future residents, and a construction timing condition that requires the completion of the facilities prior to issuance of a specific number of building permits has been incorporated in this approval.

At the hearing, a resident of Brickyard Station testified that there were a large number of dog owners in the community and that the Central Park area is commonly used for dog walking, which has resulted in a concentration of dog waste. The resident requested that a dog park be added to the community. The applicant stated that ample areas would be available in the community at full build-out to walk dogs, which would alleviate the need to use the Central Park for this purpose. The most central location would be the trail system around the stormwater management pond. The applicant proffered to install two pet waste containers along the path around the pond and a trash receptacle within the proposed lot adjacent to the trail around the pond. A condition was added to require that the location of these facilities be shown on the DSP.

Lighting: The applicant is specifying standard globe lights along the roadways, as well as other dark sky options to light the alleyways in the community. A variety of other lighting types are also proposed on the site and in the landscape courtyards, such as, wall-mounted lights, bollards, sconces, step lights, and accent lights similar in character and style to those installed throughout the rest of the community.

Signage: No new signage is being proposed with this application. Previous approvals include signage for the development. However, the Planning Board notes that an existing billboard is located on the site. Pursuant to Council Bill CB-84-2016, the billboard must be certified as a nonconforming use in accordance with Section 27-244 of the Zoning Ordinance prior to December 31, 2021 or be removed from the subject site. The Planning Board adopted a condition which requires the billboard to be removed by December 31, 2021 if it is not certified as a nonconforming use, as required.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-2 (Heavy Industrial) Zone for a MARC Planned Community and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-473 (b) of the Zoning Ordinance, which governs uses in the industrial zones. The proposed MARC planned community is a permitted use in the I-2 Zone.
- b. Section 27-475.06.05 MARC Planned Community has the following requirements for approval of a MARC planned community:

(a) Purposes:

- (1) To promote the optimum use of transit facilities by assuring the orderly development of land in transit station development areas and access, both vehicular and pedestrian, to transit stations;**

The 188 townhomes proposed with this application are being developed adjacent to the Muirkirk MARC station and attention has been given to both the pedestrian and vehicular transportation on the site. Both pedestrian and vehicular connections to the rail station have been proposed and help to promote the optimal use and access to the transit station.

- (2) To promote the orderly development and redevelopment of land in the vicinity of mass transit rail stations so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The Brickyard is an example of redevelopment, converting a former industrial area into a transit oriented residential center, rejuvenating the area. The residents of the Brickyard utilize the MARC station which provides an attractive amenity to the community. Development of the subject site as proposed will further enhance the economic status of the area and provide a desirable living opportunity to County residents within proximity to a transit hub. The development of the proposed townhomes will serve as a significant source of County revenue and thereby contribute to the enhancement of the properties economic status.

- (3) **To maximize the value of land, infrastructure and buildings by increasing the public and private investment and development potential inherent in the location of the mass transit rail station which might otherwise become scattered throughout and outside the County, to its detriment;**

By offering a varied, high-quality development in a location accessible by a variety of transportation options, the development of the subject site and the overall Brickyard Planned Community maximize the value of land, infrastructure and buildings within its vicinity. By fostering this stability, the Brickyard MARC Planned Community will contribute to conditions that increase the potential for further public and private investment opportunities.

- (4) **To promote the effective and optimum use of mass transit rail station;**

Development of the proposed townhomes will enhance the use of the adjacent MARC Rail Station. The Muirkirk MARC Station is easily accessible by residents of the proposed development, which includes pedestrian access to the station and encourages the use of the station by residents to reach a number of employment destinations, including the District of Columbia and the City of Baltimore.

- (5) **To permit a flexible response to the market;**

The 188 proposed townhouses are incorporated into the overall development of the Brickyard project, which consists of a several residential housing types in addition to commercial, office, flex space, and industrial uses on the site. The varied land use, located in close proximity to a major transportation hub, ensures the ability of the development to accommodate a variety of income levels and lifestyles, and provide a flexible response to market forces. The 188 townhomes proposed with this application are proposed in a direct response to the current market conditions, and will provide a more favorable response than the previously approved multifamily development.

(6) To provide for the needs of the workers and residents within a MARC Planned Community;

The proposed townhomes in this application provide additional housing options for the residents of the MARC Planned Community and present a convenient housing opportunity for the existing and future residents of the Brickyard, in addition to those employed within the MARC Planned Community.

(7) To provide appropriate flexibility in the architectural design of buildings and their grouping and layout within the area classified as a MARC Planned Community in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning, to stimulate the coordinated, harmonious, and systematic development of a MARC Planned Community, the area surrounding the use, and the Regional District as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhoods; and to promote the health, safety, and welfare of the present and future inhabitants of the Regional District and County as a whole;

As proposed with this application, the coordinated development of the subject site, in conjunction with the overall Brickyard MARC Planned Community, provides an aesthetically-pleasing design and layout that is compatible with the other forms of development within the existing portion of the MARC Planned Community. The proposed development extends the existing grid street pattern with sidewalks on both sides of most major streets. Residents in this community have access to a variety of recreational amenities, open space, and an inter-connected bicycle and pedestrian infrastructure system. By offering varied, high-quality development in a location accessible by several transportation options, with access to employment centers such as the District of Columbia and the City of Baltimore, the proposed application will provide a beneficial addition to the overall Brickyard Planned Community and will positively impact surrounding neighborhoods and community.

(8) To afford reasonable flexibility in the design of a MARC Planned Community and its response to the market while phasing out heavy industrial uses; and

The Brickyard Planned Community, upon completion, will successfully replace and phase out the sand and gravel mining / brick manufacturing use that previously occupied the site. As provided with this application, the MARC Planned Community demonstrates adaptability and ability to provide a flexible

response to market forces by including a variety of uses and housing types while remaining a cohesive community.

(9) To maximize the value of existing or planned public infrastructure.

The Brickyard Planned Community will maximize the value of its proximity to the Muirkirk MARC station, and encourages ridership by connecting the rail station to a significant residential node. Additionally, The MARC Planned Community is easily accessed from Baltimore Avenue (US 1), which is classified as a major arterial road, and the Intercounty Connector (MD 200), a major freeway in Prince George's County. The transit-friendly design of the community is consistent with the plans for bicycle/pedestrian improvements along Cedarhurst Drive and Muirkirk Road.

- c. A MARC Planned Community is permitted (P) in the Table of Uses and is subject to the following requirements as stated in Section 27-475.06.05 (b)(11):

(1) Requirements.

(A) The open space facilities shall be planned to be well maintained, easily accessible, and well connected, and shall include:

- (i) Pedestrian circulation to the MARC station from the MARC Planned Community and adjacent neighborhoods; and**
- (ii) Green spaces of scale and facilities appropriate for the immediate residents;**

A comprehensive green open space and pedestrian network has been proposed with this site plan, which provides a pedestrian connection to the MARC station, in addition to the rest of the community. The green open space and courtyards in this application provide a unique design element and are central to the design of the community. The entire site is laid out around these spaces in a grid street pattern with sidewalks on the main streets and a hierarchy of roadway widths to help pedestrian and motorists with wayfinding. A trail system is superimposed on the sidewalk network that links the MARC station, on-site private facilities and the open spaces of each block. The proposed recreational facilities and green open spaces are appropriate for the residents in terms of location, scale and quantity.

- (B) The MARC Planned Community shall provide adequate private and/or public vehicular access to adjacent public rights-of-way to accommodate the traffic generated by the MARC Planned Community;**

The Planning Board found that the proposed development provides a network of interconnecting streets and alleys in the community that has adequate vehicular access to accommodate the traffic generated by the community. A concurrent PPS is being reviewed in conjunction with this application and will be reviewed in accordance with Division 4 of the Prince George's County Subdivision Regulations, which provides requirements for transportation and site circulation.

- (C) The MARC Planned Community shall include each of the following three (3) categories of uses:**

- (i) Retail;**
- (ii) Office, research, or industrial;**
- (iii) Residential.**

The Planning Board found that the development is part of the larger Brickyard community, which has largely been completed under previous approvals with some sections under construction. The 188 proposed townhomes with this application are part of the MARC Planned Community, which incorporates all three of the use categories. Specifically, these include a multifamily residential building with ground floor retail and commercial space, as well as a variety of single-family attached townhomes, and single-family detached homes. The development also includes a community building and the former industrial administration building, which has been reconstructed and conveyed to the homeowner's association as additional community meeting space. Finally, the remaining industrial development has been completed on the northern portion of the MARC Planned Community under a different DSP.

- (D) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density and intensity, dwelling unit types and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided in this Section. The dimensions, percentages and development data shown on the approved Detailed Site Plan shall not be inconsistent with the area Master Plan or a Sector Plan and will constitute the regulations for development of a MARC Planned Community.**

The Planning Board found that the subject DSP proposes an urban, walkable environment with regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density and intensity, dwelling unit types and other requirements established by the DSP. This DSP is consistent with prior approvals.

(E) Development within a MARC Planned Community shall be situated so that uses generating a minimum of fifty (50) percent of all trips proposed in the entire MARC Planned Community shall be located no further than one thousand three hundred twenty (1,320) feet (1/4 mile) from the center of the mass transit rail station platform.

The Planning Board found that a traffic consultant previously generated a traffic report in accordance with the previously approved PPS 4-07053. A revised traffic study has been prepared for the layout of the 188 townhome units proposed and has been reviewed with the new PPS application. The study indicates that based on revised traffic calculations, 66 percent of total trips within the Brickyard community are within one-quarter mile of the MARC Station Platform, in accordance with this requirement.

(2) Site Plan

A Detailed Site Plan shall be approved for the use in accordance with Part 3, Division 9, of this Subtitle to ensure compliance with the provisions of the Section. If the first Detailed Site Plan does not include the entire MARC Planned Community area, the applicant shall submit in addition to the other filing requirements, a concept and phasing plan concurrent with the first Detailed Site Plan for the entire MARC Planned Community which shall include the proposed residential density and non-residential intensity. Any future expansion of the MARC Planned Community that was not included in a concept and phasing plan filed concurrently with the first Detailed Site Plan may occur only upon the approval of a Conceptual Site Plan at the sole discretion of the District Council.

The Planning Board found that the larger project was approved with a DSP, and that DSP was revised several times in accordance with Part 3, Division 9 of the Zoning Ordinance. The initial Detailed Site Plan DSP-07034, included Parcels C, D, F, G, and I. This DSP covers a multifamily parcel included in the original entire MARC Planned Community site. A concept and phasing plan are not required for this DSP, because an expansion of the MARC Planned Community is not proposed with this application. The subject site is a section of the previously approved MARC Planned Community.

- d. **Site design guidelines:** Section 27-283 of the Zoning Ordinance provides that a DSP shall be designed in accordance with the same design guidelines for a Conceptual Site Plan (Section 27-274), and provides design guidelines regarding parking, loading, and circulation; lighting; views; green area; site and streetscape amenities; grading; service areas; public spaces; and architecture.

Section 27-274 further requires the applicant demonstrate the following:

Section 27-274

(2) Parking, loading, and circulation

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

The Planning Board found that the DSP is in general conformance with the site design guidelines contained in Section 27-274 regarding provisions for safe and efficient on-site pedestrian and vehicular circulation, as well as provisions for adequate illumination. Specifically, it has been noted that no surface parking areas have been proposed with this application and that the streets have been designed to provide safe and efficient vehicular and pedestrian circulation within the site, with sidewalks and drive aisles oriented to minimize the number of crossings by pedestrians, and parking spaces designed to be near the use it serves.

The vehicular circulation throughout the site is served by a hierarchy of roads which include primary, secondary, and tertiary streets. The street widths proposed for this development include a minimum isle width of 20 feet in the alleys and maximum width of 24 feet on the primary road. A spine road provides a looped pattern at the periphery of the townhouse development and includes on-street parking and a sidewalk where appropriate.

Pedestrian traffic on the site is provide by a detailed pedestrian network including a four-foot-wide concrete sidewalk, located in the courtyard spaces which are organized north-south and east-west across the site, in addition to a 12-foot sidewalk adjacent to Brickyard Boulevard. These design elements provide a safe circulation

pattern for both vehicles and pedestrians and allow open and unobstructed views from the homes and provide access to the MARC station at the southern boundary of the site.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.**

The Planning Board noted that the proposed light fixtures include standard globe lights along the roadways, as well as other dark sky options to light the alleyways in the community. A variety of other lighting types are also proposed on the site and in the landscape courtyards such as; wall-mounted lights, bollards, sconces, step-lights, and accent lights similar in character and style to those installed throughout the rest of the community. Their locations have been proposed to provide adequate lighting on the property, with the lighting pattern dispersed evenly. The lighting placement has been designed to enhance the building entrances, pedestrian pathways, enhance the site's design character, and improve safety.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The Planning Board found that the DSP is designed to preserve, create, or emphasize views from the public roads and public spaces to the adjoining properties and green areas. The proposed buildings have been designed to provide a modern, clean, and appealing street presence along the roadways. The applicant is proposing an architectural design with a contemporary appearance including a combination of brick, cementitious panel, vinyl siding and includes a variety of architectural elements such as dentils, keystone arched windows, and box windows.

(5) Green Area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.**

The Planning Board found that this DSP proposes a series of interconnected landscaped courtyards and greenspaces, about which the community is organized. These courtyards are scaled appropriately and include a variety of planting material, and green area. They are a central feature of the community design, and provide a unique amenity for the community.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.**

The Planning Board noted that the proposed site and streetscape amenities will contribute to an attractive, coordinated development, which promotes pedestrian connectivity by using sidewalks and improved streetscape that have generally been prepared in accordance with the provisions of the Prince George's County Code and the 2010 *Prince George's County Landscape Manual*. These requirements are further discussed in detail in Finding 10. Landscaping has been added to the perimeter of the property and along the property boundary with the CSX railroad tracks to give a buffer to the site from the adjacent rail traffic.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.**

The Planning Board noted that the development is being proposed on the site of the previous site of the multifamily building and was previously mass graded for this building. Minor fine grading will be required, but should be designed to minimize disruption to existing topography and other natural resources on the site and on adjacent properties.

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive.**

The Planning Board noted that the DSP does not propose a trash facility or loading area with this application. Trash facilities will be provided to the individual home sites.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

The Planning Board noted that the overall Brickyard subdivision proposes a variety of uses and with this application has proposed an extensive open space and pedestrian network consisting of sidewalks and trails through landscaped courtyards. These courtyards include sitting areas with benches for passive recreational opportunities for the residents, in addition to pedestrian trails which connect to other parts of the site and link the neighborhood to the central community center. The community center includes a club house, swimming pool, and a community garden area. Additionally, one outdoor activity area has been, provided on the northern portion of the site adjacent to the stormwater management pond and the sound wall near the CSX tracks, which will allow active outdoor play opportunities including play equipment for children.

(10) Architecture.

- (A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with section 27-277.**

The Planning Board found that the proposed buildings have been designed to provide a modern, clean, appealing presence, with enhanced details and building materials to provide a variety of building forms and interest. The exterior and architectural façade of the buildings will be comprised of high quality and attractive materials that include a combination of brick, cementitious panel and color vinyl siding on all sides of the buildings.

- e. **Variance from Section 27-475.06.02 for the existing monopole:** A monopole is currently located on the subject property. The applicant requested the approval of a variance of 108 feet because they are proposing to retain the monopole with this application. The monopole is 150 feet in height measured from the base. The DSP shows the location of the monopole; however, the DSP does not provide the setback. The Planning Board found that the distance of the height of the monopole on the DSP demonstrates that approximately 12 "dwelling units" are located within the setback. In this case, the monopole is on the subject property and, therefore, the Board believes that the setback is to "dwelling units" and the variance is required.

Section 27-475.06.02 of the Zoning Ordinance requires that the monopole comply with the following standards:

- (B) The minimum setback from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan, or any approved Conceptual or Detailed Site Plan) or any dwelling unit shall be a distance equal to the height of the structure measured from the base to the property lines of such residentially zoned property or dwelling unit; otherwise, it shall be set back a minimum of forty (40) feet from any street and twenty (20) feet from any yard.**

The applicant's request indicates that they believe that the setback is the nearest lot line, a stricter standard. The applicant has indicated that the setback is 108 feet because there are no lots within the first 42 feet from the base of the monopole. However, this would not reduce the overall setback of 150 feet. The entire setback applies. Based on the Planning Board's analysis, as stated, there are 12 dwellings within the 150-foot setback.

During the public hearing on June 29, 2017, the Planning Board evaluated the monopole for conformance with the Zoning Ordinance and the applicant's request to retain the existing monopole. The Planning Board reexamined the criteria for granting a variance in Section 27-230 of the Zoning Ordinance, and made the following revised findings.

- (a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
- (1) A specific parcel of land has exceptional, narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations, or conditions;**

The Planning Board noted that the applicant has indicated that the property exhibits an extraordinary condition or situation which justifies the granting of the variance. The existing monopole was installed in 1997, when the property was being used as a heavy industrial, brick manufacturing facility, consistent with its I-2 zoning. The monopole was placed in a location on the property that would not interfere with the industrial activities, and no consideration was given to the site's future use as a MARC Planned Community. Moreover, the project site does have a triangular shape and is confined by the railroad track to the northwest and Cedarhurst Drive to the west. In addition, because the required stormwater management is abutting to the north and located on the lowest portion of the site it pushes the development toward the monopole. The shape of the property and topography conditions result in the buildable area of the site being concentrated to the south in close proximity to the monopole, a configuration and condition not shared by surrounding properties. The Planning Board agrees with the applicant that this standard is met.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

The Planning Board found that the proposed residential “dwelling units” on Lots 440–448, 452, 570, and 621 (12 lots) are within the 150-foot required setback. These dwelling units are within the fall zone of the monopole and the required setback which is equal to the height of the monopole (150 feet from the base).

To justify a lesser standard the applicant has stated that the “crumple zone” of the structure is much less than the required setback and is engineered to be 55.4 feet. However, the Zoning Ordinance does not allow for a reduction in the setback based on a construction technique such as a “crumple zone.” However the Planning Board notes that this could result in a reduction in the risk of dwellings being located within the 150-foot setback. The strict application of the full setback requirement will result in townhouses having to be redesigned so that they are removed from the setback.

The applicant indicates that the requirements for a MARC Planned community require at least 50 percent of the proposed traffic generation to be located within 1,320 feet from the transit rail station platform as a justification for the grant of the variance. The Planning Board found that there is a clear policy to concentrate as much density as close as possible to the MARC station. Further, imposing a setback that is clearly larger than is necessary to protect public health, safety, and welfare would require the loss of units and force a redesign of the project within the area of the required setback. Either prospect would result in practical difficulties to the applicant because it would unreasonably prevent the owner from using the property for a permitted purpose, and conforming to the requirement by redesigning the project at its closest point of access to the MARC station would be unnecessarily burdensome. The Planning Board finds that providing a setback to the nearest dwelling equal to, or further than, the 55.4-foot crumple zone will do substantial justice to the applicant and ensure that the monopole is available to provide service to other residents in the community. Therefore, the Planning Board determined that the appropriate variance to be granted is 94.6 feet (150 feet minus the 55.4-foot crumple zone), not the 108-foot variance to the property as requested by the applicant. Finally, the Planning Board finds that by granting the requested variance, the spirit of the Zoning Ordinance can be observed because the public safety and welfare is secured by the setback provided.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The Planning Board noted that the applicant has stated that granting of the variance will not substantially impair the intent, purpose or integrity of the General Plan and master plan, and that the development of a MARC Planned Community is consistent. The Board agrees that this finding is met.

This variance was filed by the applicant and is required because the existing monopole is to remain as requested by the applicant and discussed further in this report. The Planning Board notes that the previous DSP approval included a variance to this setback which was approved by the Board and District Council, but was based on the proposal at that time being a multifamily building. The current application proposes a more land consumptive townhouse layout and results in more structures being located within the 150-foot setback, a greater impact from the monopole on the residential dwelling units proposed with this application.

The Planning Board finds that the monopole setback requirement impacts 12 townhouse dwellings and would require a redesign of the project at the point which is closest to the MARC station. The Planning Board thus finds that requiring strict conformance with the setback requirement under the circumstances of this case would result in peculiar and unusual practical difficulty. The Planning Board therefore **approves** the variance from Section 27-475.06.02(a)(2)(B) of the Zoning Ordinance for the 150-foot dwelling unit setback to allow dwelling units no closer than 55.4 feet to the monopole.

8. **Preliminary Plan of Subdivision 4-16035:** A PPS covering the subject site is currently pending with the Subdivision Section. According to Section 27-270, Order of Approvals, the PPS must be approved prior to approval of the DSP. Any conditions applicable to the review of the DSP should be reflected on the plan prior to certificate approval of the DSP.
9. **Detailed Site Plan DSP-07034 and its revisions:** This DSP was approved for the construction of The Brickyard, a MARC Planned Community. The site plan was subsequently revised eight times. The following conditions are applicable to the review of this DSP and warrant discussion:

Detailed Site Plan DSP-07034 was given final approval by District Council subject to 10 conditions. Several of these conditions apply to the subject application and the applicant has proposed modifications or elimination of these conditions. The conditions, which are relevant to this proposal require modification if the proposal is approved, are discussed in detail below. All other conditions of previous approvals remain relevant to the subject application and its revision.

The conditions of approval are set forth in the Order of Approval of the District Council. The applicant has requested the following conditions be deleted or modified as noted and discussed below:

Condition 1.b.

- (1) The monopole shall be removed from the subject site when the existing lease expires. No additional lease shall be signed.**

The Planning Board found that the applicant has requested to retain the monopole and therefore filed a variance from the setback to the dwelling units pursuant to Section 27-475.06.02(a)(2)(B), of the Zoning Ordinance, which requires, in this instance, 150 feet measured from the base of the monopole. The Board has analyzed the variance request and is recommending **disapproval**, as set forth in Finding 7 of this approval.

The applicant has requested to retain the monopole to better serve the residents due to the need to support the communication network. If the applicant were to remove the monopole (prior to the approval of any building permit within the 150-foot setback), a variance would no longer be required.

- (2) The primary elevations facing the public right-of-way of mixed-use buildings on Parcel C and D shall be a minimum of 70% brick or stone finish. Interior courtyards shall have a minimum 50 percent of brick or stone finish.**
- (8) Modify the ground floor plans of the multi-family buildings to include more “Flex (retail/office/residential/amenity)” space as follows for the purpose of increasing the amount of non-residential space on the property:**
- b. On Parcel D (multi-family 2) extend the Flex space on the eastern façade north approximately 220 feet to the entrance to the parking garage.**
- (11) Railroad noise control by building to an average sound transmission coefficient rating (STC) of at least 30 for the following façades on lots and parcels indicated on the approved Preliminary Plan 4-07053, in addition to those identified in the noise study:**
- b. On the north end of Multi-family-2 (Parcel D) facing the proposed restaurant pad (Lot 163).**

Condition 1. M

Provide additional brick on the columns of the parking garage on the elevation facing the CSX tracks. Additional roof treatments such as precast band shall be used to blend the roof.

The Planning Board notes that those conditions relate to the multifamily building and parking garage on Parcel D, which has been removed from this DSP, and agrees that they are not relevant anymore and should be deleted.

Condition 1. S

The DSP shall be revised to reflect the following:

- (1) A detailed plan and elevation of the continuous fence/wall proposed along the western project boundary from the MARC boundary to PEPCO.**
- (2) From the MARC station property to the volleyball court on Parcel H. The 'wall' shall function as visual screen of approximately 4 feet in elevation as viewed from the community looking west. It shall be of brick on both faces.**
- (3) From the volleyball court to the northern edge of Parcel H. The 'wall' shall be a safety fence located west of the landscaped berm and reforestation area. Said fence shall be black aluminum picket design six feet in height.**
- (4) Between the northern edge of the pond and the PEPCO property the 'wall' shall become a sound wall. Its height, up to 10 feet above the community side grade, will vary to achieve the sound level reduction required for the outdoor green space of the town homes south of the PEPCO property. The wall shall be brick on the community face and buff colored split face block on the railroad face.**

The Planning Board notes that the applicant has submitted a revised noise study based upon the change in dwelling unit type, and this condition will have to be modified to reflect the final approval resulting from the review of the revised noise study that has been included in this approval.

Condition 2

The applicant and the applicant's heir, successors, and/or assignees shall complete the construction of the on-site recreational facilities and open them to the residents as follows:

- (b) Prior to issuance of the first Use and Occupancy permit for multifamily building two on Parcel D, recreational facility Number four, five, six and seven as shown on the Recreational Facility Plan shall be completed.**

The Planning Board notes that the multifamily building on Parcel D is no longer proposed with this application. The Board also notes that the approved development quantities for the MARC Planned Community are approved pursuant to Detailed Site Plan DSP-07034 and will need to be amended to conform to the revised development proposal.

10. **2010 Prince George's County Landscape:** The application is subject to Section 4.1, Residential Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
 - a. **Section 4.1, Residential Requirements**—The subject DSP proposes 188 single-family attached townhouses. Section 4.1(f) requires one and a half shade trees and one ornamental or evergreen tree per dwelling unit to be located on individual lots and in common open space. The landscape plan portrays more trees graphically than are required. However, no landscape schedules are provided. A condition has been proposed to require the applicant to provide Section 4.1(f) schedules in accordance with the requirements of the Landscape Manual prior to certification.
 - b. **Section 4.7, Buffering Incompatible Uses**—The site is subject to Section 4.7 along its western property line where it abuts the CSX railroad tracks adjacent to the property. The intent of a 'MARC Planned Community' is to achieve a mixed-use, compact and high-quality development. According to the requirements in other mixed-use and comprehensive zones, the requirements of Section 4.7 are normally either not applicable or reduced in the application in terms of width of the bufferyard and quantity of the planting units. The applicability of Section 4.7 is not defined in the MARC Planned Community regulations. Whatever is approved on the site plan constitutes the regulations for this site. In accordance with similar requirements in other comparable zones, only the boundary areas where the MARC Planned Community is adjacent to other uses are subject to Section 4.7 requirements. In this case, a Section 4.7 bufferyard should be provided along the site's boundary area adjacent to CSX track right-of-way. The landscape plan provides landscaping between the tracks and property in this area. The bufferyard should be designed with the consideration of the noise mitigation wall that is proposed in this area. The Planning Board notes that a landscape schedule has been provided, however the location of this buffer in the current DSP is not labeled on the site plan. A condition has been proposed to require the applicant to label the area showing the Section 4.7 buffers adjacent to the CSX tracks and update the plant material shown in the 4.7 schedules in accordance with the requirements of the Landscape Manual prior to certification.
 - c. **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants. The submitted DSP provides the appropriate information indicating that the plans meet and exceed the minimum requirements of this section. The Planning Board notes that

no landscape schedule has been provided, and a condition has been proposed to require the applicant to provide a Section 4.9 schedule in accordance with the requirements of the Landscape Manual prior to certification.

- d. **Section 4.10, Street Trees Along Private Streets**—The site is subject to Section 4.10, which provides the requirement of street trees along private streets. The submitted DSP provides the appropriate information indicating that the plans meet and exceed the minimum requirements of this section. The Planning Board notes that no landscape schedule has been provided, and a condition has been proposed to require the applicant to provide a Section 4.10 schedule in accordance with the requirements of the Landscape Manual prior to certification.
11. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet; there is more than 10,000 square feet of existing woodland on site; and there is a previously approved Type I Tree Conservation Plan (TCPI/11/05) for this site.
 - a. The natural resources inventory (NRI) submitted with this application is concurrently reviewed with PPS 4-07053. No further information is required with this DSP.
 - b. The Type 2 Tree Conservation Plan, TCP2-118-05-10, submitted with this application, has been reviewed and was found to be in conformance with the requirements of the Woodland Conservation and Tree Preservation Ordinance.
 12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning Division**—The Planning Board found the following:

Determinations: The site is located in the US 1/Baltimore Avenue Corridor, Focus Area 3, that encourages medium- to high-density mixed-use development in the vicinity of MARC station with retail and office space on the ground floors and residential and office space above. (See Map 7, page 30, 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*.) The approved future land use for Parcels C, D, F and G in Subregion 1 is mixed-use commercial. Parcel I is designated for medium to high-density residential use (see Map 13, page 160). The proposed townhouse use on Parcel C and D does not conform to the plan’s vision and encouraged land use.

However, Council Bill CB-21-2006 supersedes the Subregion I Master Plan and states that a MARC Planned Community (MPC) is defined as a minimum of 10 acres included in a single PPS, any portion of which adjoins an existing MARC rail station site and which is planned to be developed with commercial, industrial, office, residential, retail or similar

uses. The MPC is permitted to have mixed uses in the I-2 Zone. The proposed development must include three of the following uses: (1) retail, (2) office, research, or industrial, and (3) residential. This requirement has been satisfied in the overall MPC.

Since this site is adjacent to the Muirkirk MARC station, pedestrian accessibility to maximize ridership is critical to the design and ultimate development of this site. The Bill requires pedestrian accessibility to the MARC station from the MARC Planned Community. The Planning Board found that pedestrian connections from Parcel C to the MARC Station parcel should be considered.

General Plan: The property is located in the Muirkirk MARC Neighborhood Center. “Neighborhood Centers are primarily residential areas that are lower in density with fewer transit options and offering neighborhood-serving retail and office use,” (Plan 2035 Growth Policy Map). This property is located within the General Plan Growth Boundary. The property is also within a designated Employment Area. Plan 2035 describes Employment Areas as areas commanding the highest concentrations of economic activity in four targeted industry clusters: healthcare and life sciences; business services; information, communication and electronics; and the Federal Government (page 106).

Master Plan: This application conforms to the mixed-use commercial land-use recommendation of 2010 *Approved Subregion I Master Plan and Sectional Map Amendment*.

Aviation/MIOZ: The site is not located within an Aviation Policy Area.

SMA/Zoning: I-2 (Heavy Industrial)

Planning Issues: In 2008, PPS 4-07053 subdivided 68.42 acres of the original 115-acre site into 436 residential lots and 37 parcels for the development of the Brickyard MARC Planned Community, approving 354 townhouse lots, 51 single-family lots, two multifamily buildings containing 860 dwelling units, 29,787 square feet of flex space and 74,100 square feet of mixed-industrial development. This PPS replaces the 440-unit multifamily building with ground floor commercial uses on Parcel C and D with 190 townhouses, a reduction of 250 living units.

This application proposes the development of 188 townhomes in lieu of the previously approved 436 multifamily dwelling units on the Subject Parcels. However, the 188 townhouses proposed will be incorporated into an overall development consisting of a variety of housing types as well as commercial, office, flex space and industrial uses. The requirements of a MARC Planned Community (Section 27-475.06.05) allow for a flexible response to market forces. The Planning Board notes that, while this will be a reduction in units in close proximity to the MARC station, the current DSP proposing 188 townhomes does provide a flexible and potentially more favorable

response to current market conditions than the previously approved multifamily development.

- b. **Subdivision Review Section**—The subject property is located on Tax Map 9 in E-4 and is zoned Heavy Industrial (I-2). The subject DSP totals 63.7 acres and includes approved single-family detached, single-family attached, multifamily and office/retail flex space. The property is the subject of a pending PPS 4-16035, which is scheduled to be heard before the Planning Board on June 29, 2017, along with this application.

The PPS includes the resubdivision of existing Parcels C, D, F, G, and I recorded in Prince George's County Land Records on plats titled The Brickyard in Plat Books REP 233-65 and 85, a 12.71-acre portion of the overall Brickyard community. The PPS includes 190 townhouse lots and nine parcels for townhouse development. This portion of the Brickyard community was previously approved for multifamily development and associated infrastructure for the overall community, which is now proposed for townhouse development. The subject DSP is being revised to reflect the development proposal and site layout consistent with that evaluated with the pending PPS.

The remaining area of the Brickyard DSP, outside of the 12.71 acres being revised for townhouse development, is subject to PPS 4-07053, which was approved the Board on May 15, 2008 (PGCPB Resolution No. 08-77) subject to 25 conditions. The area is partially developed in accordance with the prior PPS and DSP approvals.

The Board has included the following conditions specific to the area of the DSP being revised in accordance with PPS 4-16035:

Recommended Conditions

- (1) Prior to certification of the detailed site plan (DSP):
 - (a) The Preliminary Plan of Subdivision, 4-16035, shall be signature approved.
 - (b) The DSP shall be revised to reflect the location of public utility easements in accordance with Section 24-128(b)(12) of the Subdivision Regulations or as shown on a color-coded utility plan approved by the public utility companies.
 - (c) The DSP shall be revised to conform to the approved preliminary plan of subdivision.

The Planning Board has reviewed the subdivision-related conditions, which have been addressed during the review process or included as conditions of this approval.

- c. **Transportation Planning**—The overall subject property consists of approximately 67.02 acres of land in the I-2 Zone and proposes a mixed-use subdivision consisting of a mix of residential types and a small commercial component within a MARC Planned Community, as defined in Subtitle 27. The area of concern for this site plan is 12.71 acres, and concerns an area north of the MARC station and next to the CSX railroad line.

The subject property was the subject of a 2007 traffic study, and was given subdivision approval pursuant to adequate transportation facilities for PPS 4-07053, and was further updated by a new review in 2017 for PPS 4-16035. The uses proposed on this site plan are consistent with the uses proposed by the PPS. Furthermore, necessary transportation requirements associated with the MARC Planned Community are determined to be met.

- d. **Trails**—The Planning Board reviewed the DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. It was noted that:

The subject application consists of a resubdivision of a portion of the previously approved and partially developed Brickyard development. The PPS proposes the creation of 190 townhouse lots and 9 parcels on 12.71 acres within the I-2 Zone. The Brickyard development is immediately adjacent to the Muirkirk MARC station. The property is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (area master plan). Because the site is located in the US 1 Corridor and the Muirkirk MARC Center, it is subject to the requirements of Section 24-124.01 and the 2013 “Transportation Review Guidelines, Part 2” at the time of PPS.

Background

There are no master plan trails issues included in either the MPOT or the area master plan that impact the subject property. Continuous sidewalks and designated bike lanes are recommended along US 1, but this road is separated from the subject site by the railroad tracks.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

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

Prior approvals for the Brickyard development included an extensive network of sidewalk and trail facilities. As the subject site is a portion of a larger overall development, the facilities on-site will connect into the sidewalks and trails approved via the prior approvals. Preliminary Plan of Subdivision 4-07053 included conditions of approval for the following facilities:

- 4. In conformance with the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*, the applicant, and the applicant's heirs, successors, and/or assignees shall provide:**
 - a. The approved Subregion 1 Master Plan recommends that Muirkirk Road be designated as a 'Class III Bikeway' with appropriate signage. Because Muirkirk Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for the placement of this signage, or provide proof of prior payment. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.**
 - b. Provide an eight-foot-wide sidewalk along the subject site's entire frontage of Muirkirk Road separated from the curb by a grass landscape strip, unless modified by DPW&T.**
 - c. Provide a six-foot-wide sidewalk along the east side of Cedarhurst Drive separated from the curb by a grass/landscape strip, unless modified by DPW&T.**
 - d. Provide minimum six-foot-wide sidewalks along both sides of the roads within Parcel B, and Parcel F, and along the north side of Parcel E, unless modified by DPW&T.**
 - e. Provide a public walkway from the subject site to the adjacent MARC property, including the crosswalk details and pedestrian safety features indicated on the submitted DSP, unless modified by DPW&T.**
 - f. Provide standard sidewalks along both sides of all internal roads (excluding alleys) unless modified by DPW&T.**

Detailed Site Plan DSP-07034 incorporated the same conditions of approval as copied below:

- 1. Prior to certificate approval of this Detailed Site Plan, the applicant shall:**
 - e. Provide an eight-foot-wide sidewalk along the subject site's entire frontage of Muirkirk Road separated from the curb by a grass landscape strip, unless modified by Department of Public Works and Transportation (DPW&T).**
 - f. Provide a six-foot-wide sidewalk along the east side of the Cedarhurst Drive separated from the curb by a grass/landscape strip, unless modified by DPW&T.**
 - g. Provide minimum six-foot-wide sidewalks along both sides of the roads within Parcel B and Parcel F and along the south side (Building 2) of the road in Parcel E, unless modified by DPW&T.**
 - h. Provide the pedestrian connection from the subject site to the adjacent MARC property, including the crosswalk details and pedestrian safety features indicated on the submitted DSP, unless modified by Department of Public Works and Transportation.**
 - i. Provide standard sidewalks along both sides of all internal roads (excluding alleys) unless modified by DPW&T.**
- 6. Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of "Share the Road with a Bike" signage, or provide proof of prior payment.**

The Planning Board notes that the majority of the conditions have been implemented as development of the Brickyard site has occurred. The necessary improvements along Cedarhurst Lane have been completed, including the six-foot-wide sidewalk and designated bike lanes. Other roads have included standard sidewalks as part of road construction. Improvements along Muirkirk Road are beyond the scope of the current application but have been addressed via previously approved conditions.

Proposed On-Site Bicycle and Pedestrian Improvements:

Sidewalks appear to be provided on both sides of most internal roads and internal walkways between and along the townhouse units. The streetscape/frontage improvements along two roads need to be clarified. Sidewalks need to be provided along both sides of all internal roads, excluding alleys. The pedestrian path exhibit reflects sidewalks at appropriate locations. The Planning Board recommends that a note be added to this exhibit clarifying the surface type of the path around the stormwater management pond on Parcel I. Also, because the planned townhouses are immediately adjacent to the MARC station, a more direct connection to the station platform was evaluated as part of the site

plan review. However, it appears that a direct connection linking the townhouses to the station platform is not feasible due to areas of steep slopes, wetlands, and stormwater management structures.

Exhibit of Required Off-Site Improvements:

Due to the location of the subject site within a designated center and corridor, the application is subject to County Council Bill CB-2-2012 at the time of PPS, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. As part of PPS 4-16035, several possible off-site improvements were evaluated. The Planning Board determined that the most appropriate improvements that met the requirements of Section 24-124.01 of the Subdivision Regulations are reconstruction of the sidewalk along the north side of Muirkirk Road to meet American with Disabilities Act (ADA) standards and current DPW&T specifications. Although the requirement for the off-site improvement is a PPS requirement, an exhibit of off-site improvements may be required at the time of DSP. This exhibit is being recommended in order to show the location, limits, specifications and details of the off-site improvement required as part of concurrent PPS 4-16035.

Recommendation

- (1) In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*, the following changes shall be made to the detailed site plan prior to signature approval:
 - (a) Provide an exhibit that illustrates the off-site pedestrian improvements approved as part of PPS 4-16035 for the review of the operating agencies. This exhibit shall show the location and limits of all off-site improvements and provide any necessary details and specifications for the improvements, consistent with Section 24-124.01(f) of the Subdivision Regulations.
 - (b) Add a note on the pedestrian path exhibit specifying the surface type of the path around the stormwater management pond on Parcel I.

The Planning Board reviewed the trails-related conditions, which have been addressed during the review process or included as conditions of this approval.

e. **Environmental Planning Section**—The Planning Board found the following:

(1) **Site Description**

This 67.02-acre DSP revision is part of a larger project site that is approximately 115.98 acres in size known as “The Brickyard,” which has previous approvals as listed in the background section. The area associated with this application is

located in northern Prince George's County on the northwestern quadrant at the intersection of Brickyard Station Drive with Brickyard Boulevard. This site was previously cleared in accordance with a rough grading permit and does not contain any woodlands or specimen/historic/champion trees. A review of the available information identified that regulated environmental features such as streams, associated buffers, and primary management exist onsite. This site is not within an area of county regulated 100-year floodplain, nor is it associated with wetlands or wetland buffers. This site is outside of the Chesapeake Bay Critical Area (CBCA). This site is located in the Indian Creek watershed, which drains into Potomac River Basin. The site is not located in a stronghold watershed. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Udorthents, reclaimed clay pits (0–5 percent slopes), and Urban land-Russett-Christiana complex (0–5 percent slopes). According to available information, soils containing Marlboro clay are not found on this property; however, this site does consist of soils containing Christiana complexes. This site is not within a Sensitive Species Protection Review Area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. No forest interior dwelling species (FIDS) habitat is located on-site. None of the streets that the site fronts have a historic or scenic designation. According to the 2005 Approved Countywide Green *Infrastructure Plan*, which is part of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the site includes an Evaluation Area within the designated network of the plan.

(2) **Natural Resources Inventory/Environmental Features**

An approved Natural Resources Inventory Equivalency Letter (NRI-065-2017) was submitted with the review package, which expires on March 29, 2022. The subject site contains no existing woodlands and no specimen/historic/champion trees. Revised features such as the expanded stream buffer and the primary management area are reflected on the TCP2. No additional information is required with regard to the NRI.

(3) **Woodland Conservation**

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has a previously approved tree conservation plan. A Type 2 Tree Conservation Plan, TCP2-118-05-09, was previously approved for this site. A revised TCPII has been submitted.

The TCP2 is a phased plan comprised of five separate phases. The area included in this DSP revision corresponds to four of these five phases on the plan and worksheet. The site has a woodland conservation threshold of 15 percent or 17.40 acres. According to the worksheet, the cumulative woodland conservation requirement for the five phases of development, based on the total proposed

clearing for this project, is 26.14 acres. The TCP2 proposes to meet this requirement through a combination of 3.74 acres of preservation, 8.41 acres of reforestation, 0.24 acres of fee-in-lieu, and 13.75 acres in off-site woodland conservation banks. No additional clearing is proposed with this revision.

Although the gross tract area on the DSP is 67.02 acres, the total gross tract area for each of the four phases associated with this DSP in the woodland conservation worksheet on the TCP2 is 63.32 acres. This is a 3.7-acre discrepancy in area between the plans. The total gross tract area on the TCP2 worksheet and plan for Detailed Site Plan DSP-07034-09 needs to be consistent with the corresponding site plan. No additional information is required regarding the TCP2 at this time.

(4) **Primary Management Area (PMA) Impacts**

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

The site contains regulated environmental features. Two impacts were previously approved under PPS 4-07043 in the form of variations. These impacts included installation of a 42-inch-wide water line within an existing WSSC easement, and for the construction of a storm drain outfall and installation of a noise barrier. All previously approved impacts were constructed, with the exception of the noise barrier. Subsequent to this subdivision approval, the stream buffer requirements were increased to 75 feet in 2010 per Section 24-101(b)(31) of the Subdivision Regulations.

According to the DSP and the TCP2, impacts to the stream buffer are proposed for the grading of several town house lots, a noise barrier, parking, and circulation. A statement of justification has been received for the proposed impacts, which are within the PMA.

(5) **Statement of Justification**

The statement of justification included an exhibit requesting impacts to the PMA totaling approximately 60,065 square feet on-site or 1.38 acres. The impacts are for the grading for lots, a noise barrier, parking, and circulation.

(6) **Analysis of Impacts**

The area of PMA consists of stream buffer associated with a stream that flows along the western and northern property boundaries. Impacts associated with grading and installation of the noise barrier were previously approved under PPS 4-07043, as they were considered necessary to mitigate for excessive noise entering the site from the MARC commuter rail and Baltimore Avenue (US 1) to the north of the property. The Planning Board agrees that this impact is still necessary as a similar residential use is proposed onsite with the current DSP application.

Impacts associated with the construction of paving associated with parking and circulation and grading for several townhouse lots coincide with the same area of the site that was previously approved for construction and grading as part of a proposed multifamily building with associated parking and circulation under PPS 4-07043. The Board does not generally support grading for lots and parking within the PMA; however, given that the site is already graded in accordance with previous approvals, and the impact for the noise barrier cannot be avoided, the Board approves the impacts to the PMA proposed with this DSP application.

(7) **Soils**

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Udorthents, reclaimed clay pits (0–5 percent slopes), and Urban land-Russett-Christiana complex (0–5 percent slopes). According to available information, soils containing Marlboro clay are not found on this property; however, this site does consist of soils containing Christiana complexes.

This information is provided for the applicant's benefit. No further action is needed as it relates to this DSP. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

(8) **Stormwater Management**

The site has an approved Storm Water Management Concept Letter (5249-2005-02) and plan that is in conformance with the current code, which is valid until May 24, 2020. The approved concept plan is consistent with the TCPII, with DPIE requiring on-site attenuation/quality control measures with no fee

in-lieu. The plan includes two ponds on-site and one off-site within M-NCPPC-owned property.

The Planning Board finds that Detailed Site Plan DSP-07034-09 and Type 2 Tree Conservation Plan TCP2-118-05-10 are acceptable, subject to conditions, which have been included in this approval.

- f. **Historic Preservation Section**—The subject property comprises 67.02 acres located at the northwest corner of the intersection of Muirkirk Road and Cedarhurst Drive in Laurel, Maryland. The subject application proposes a revision to the plan to change from multifamily units to 190 townhouses within an approved MARC planned community. The subject property is zoned I-2.

Most of the property was extensively graded as part of a previous development application and has been extensively disturbed. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.

- g. **Permit Review Section**—The Planning Board has addressed the permit-related conditions during the review process or worded these as conditions that are included in this approval.
- h. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer any comments.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE offered comments which have been provided to the applicant and will be addressed through their separate permitting process.
- j. **Prince George's County Police Department**—The Police Department did not offer any comments.
- k. **Prince George's County Health Department**—The Health Department did not offer any comments.
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer any comments.
- m. **Verizon**—Verizon did not offer any comments.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer any comments.

13. Based on the foregoing and as required by Section 27-285(b)(1), this DSP, if approved with the conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use
14. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5). The site does not contain any regulated environmental features that are required to be protected. Therefore, this required finding is not applicable to this DSP.

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:

- A. APPROVED a requested Variance from the requirements of Section 27-475.06.02 of the Zoning Ordinance to allow the existing monopole to be retained on this site.
- B. APPROVED the Type 2 Tree Conservation Plan (TCP2-118-05-10) and further APPROVED Detailed Site Plan DSP-07034-09 for the above-described land, subject to the following conditions:
 1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall revise the DSP to:
 - a. Obtain signature approval of Preliminary Plan of Subdivision 4-16035 and revise Detailed Site Plan DSP-07034-09 accordingly.
 - b. Provide an exhibit illustrating the off-site pedestrian improvements approved as part of Preliminary Plan of Subdivision 4-16035 for the review of the operating agencies, and show the location and limits of all off-site improvements providing any necessary details and specification for the improvements, consistent with Section 24-124.01(f) of the Subdivision Regulations.
 - c. Add a note on the pedestrian path exhibit specifying the surface type of the path around the stormwater management pond on Parcel I.
 - d. Provide a detail for the safety fence near the pond shown on the site or landscape plans, as originally required per previous Condition 1(s).
 - e. Amend the recreational facilities agreement to include the changes to the facilities and triggers associated with Detailed Site Plan DSP-07034-09.

- f. Provide a revised parking schedule identifying the correct number of parking spaces required for the subdivision including the required 25 handicap-accessible parking spaces.
 - g. Reflect the location of public utility easements or provide a color-coded utility plan approved by the public utilities companies showing these locations.
 - h. Reflect the location of the 55.4-foot crumple zone for the monopole on the DSP, to show the effected lots on the site plan.
 - i. Show the units and parcels requiring building modifications and treatments on the site plan.
 - j. Prior to certification of the DSP, the applicant shall provide information that addresses the reason for the discrepancy between the site plan and the Type 2 tree conservation plan gross tract area for Detailed Site Plan DSP-07034-09. After review of the information, the plans shall be revised as necessary.
 - k. Provide revised Section 4.1(f) and 4.7 schedules and add Section 4.9 and 4.10 schedules in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for the land area included in this DSP, as reflected on the landscape plan, and label the location of the Section 4.7 buffer prior to certification. The planting materials provided and the requirements of the Landscape Manual shall be as provided on the approved DSP.
 - l. Provide a standard deck on all rear-load garage units and the template for an optional deck on all other units.
 - m. Add a site plan note which reads: "Pursuant to the provisions of CB-84-2016 and Section 27-244 of the Prince George's County Code, the existing billboard on Parcel D shall be certified as a nonconforming use prior to December 31, 2021 or be removed."
 - n. Provide two pet waste containers along the path around the pond and a trash receptacle within the proposed tot lot adjacent to the trail around the pond on the landscape plan.
2. Prior to issuance of the 150th building permit, the proposed active recreational facilities in this detailed site plan shall be completed.

3. At the time of building permit, a certification by a professional engineer with competency in acoustical analysis shall be placed on building permits stating that “the affected building shells of these structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.”
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 and associated 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 Geraldo, with Commissioners Washington, Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent at its regular meeting held on Thursday, June 29, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 29th day of June 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:NAB:rpg