

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 March 21, 2019, regarding Detailed Site Plan DSP-18039 for Townes at Peerless, the Planning Board finds:

1. **Request:** The subject application proposes a detailed site plan (DSP) for 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, and approximately 3,000 square feet of commercial/retail space. This DSP is the companion case of DDS-651 (PGCPB No. 19-38) that was approved on the same date by the Planning Board.
2. **Development Data Summary:**

Zone Use(s)	EXISTING	APPROVED
	M-X-T Vacant	M-X-T Two-Family, Three-Family, and Multifamily Residential and Commercial/Retail
Acreage	7.64	7.64
of which floodplain	0.03	0.03
Total Gross Floor Area (GFA) (sq. ft.)	-	80,607
Commercial GFA	-	3,000
Residential GFA	-	77,607
Total Dwelling Units	-	62
Two-family	-	14
Three-family	-	12
Multifamily	-	36

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.25 FAR

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

### Parking and Loading Data

	Approved**
Total Number of Parking Spaces	137
Garage Spaces	26
Handicapped Spaces	6 (4 van-accessible)
Standard Parking Space Size*	9' x 19' surface; 9' x 18' garage
Bicycle Parking Spaces	6 retail; 6 residential
Total Number of Loading Spaces	1
Loading space size	12' x 33'

**Note:** \*DDS-651 has been requested as a companion case to this DSP and was approved on the same date.

\*\*The number of parking and loading spaces required for each proposed use is based on the requirements of Section 27-574 and Section 27- 583 of the Zoning Ordinance, respectively. See Finding 7 below for discussion.

3. **Location:** The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, Council District 6. More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland.
4. **Surrounding Uses:** The subject property is bounded to the east by the right-of-way of US 301; to the north and south by vacant properties in the Mixed Use-Transportation Oriented (M-X-T) Zone; and to the west by existing single-family detached residences in the M-X-T Zone.
5. **Previous Approvals:** The subject property includes the second part of Lots 5 and 6 recorded in the Prince George's County Land Records at Liber 4262 folio 610, the first and second part of Lots 7 and 8 recorded in Land Records at Liber 32208 folio 372, and part of Lot 9 recorded in Land Records at Liber 960 folio 283. These lots are part of Record Plat A03-8782. The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) rezoned the subject property to the M-X-T Zone. On July 12, 2018, the Prince George's County Planning Board approved Conceptual Site Plan CSP-17004 for 62 two-family, three-family, and multifamily dwelling units, as well as approximately 3,000 square feet of commercial/retail space. The Prince George's County District Council affirmed the Planning Board's decision on this CSP on September 24, 2018. On November 8, 2018, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-18004 for the subject property. The subject site also has an approved Stormwater Management (SWM) Concept Plan, 31545-2018-00, that is valid through 2021.
6. **Design Features:** The DSP proposes 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, as well as approximately 3,000 square feet of commercial/retail space, in four buildings with a site layout exactly as approved in CSP-17004.

The site will be accessed through a public roadway known as Peerless Avenue, which connects to US 301 with a right-in/right-out only access. Two access points off Peerless Avenue have been shown on the DSP. The access point closest to US 301 is right-in only, the access point at the west end of the site is full access. On-site circulation is through a loop street connecting the two access points, with the commercial/retail building located along the US 301 frontage and the proposed three residential buildings on either side of the loop street. Two 2-, and 3-family buildings are on the north side, and one 36-unit multifamily building, fronting on Peerless Avenue, is located on the south side of the loop street. A tot lot is located to the west of the multifamily building. A six-space bicycle parking rack is located to the east of the tot lot. Another six-space bicycle parking rack is located to the south of the commercial building, and a loading space is located to the north of the commercial building.

**Architecture:** The residential buildings are designed with pitched roofs with cross gables, and are finished with a combination of brick, vinyl, and fiber cement siding. Photovoltaic solar panels have been shown on the south-oriented roof on top of the asphalt shingles. Both the multifamily building (Building C) and the two- and three-family buildings (Buildings A and B) are designed in the same style, featuring three-part elevations and a combination of brick, fiber cement, and vinyl siding. The multifamily building is four stories in height, with the first floor occupied by enclosed parking spaces and dwelling units on the upper three levels. The first floor is finished with brick, and the middle three levels are finished with fiber cement and vinyl siding, in two colors. A gable roof with asphalt shingles is further divided with cross gables. Recessed balconies are also seen on the three levels. Side elevations are treated in the same way, with various projections to achieve articulated elevations.

The two- and three-family buildings are also designed in three parts, with porches and predominantly brick finishes on the first floor of the main elevations. Numerous cross gables on the vertical tower elements are used widely to break down the horizontal expanse. A standard balcony has been shown on the less-ornamented rear elevations of both buildings. Side elevations are highly articulated with various massing. However, for those highly visible elevations, additional architectural features are needed to enhance the solid wall segments. A condition has been included in this resolution requiring this change on the highly visible elevations.

The commercial/retail building is a one-story, unframed design with a tower element at the southwest corner. The tower element has a metal roof, and the rest of the building is finished with a combination of exterior insulation finish system and brick. The building has four bays, with aluminum storefront windows and doors with canopies. No tenants have been identified yet.

**Lighting and Signage:** Lighting fixtures include a full cut-off LED site light (with a maximum 14-foot height for the proposed surface parking lots), and building-mounted lights on the commercial building that may be revised later when the specific tenant is identified. The site lighting fixture is acceptable.

Building-mounted signs for commercial tenants have been shown on three sides of both the entrance tower and the building elevations. Two types of freestanding signage have been proposed in this DSP. The primary identification sign identifies the development and the

secondary wayfinding sign provides direction to the units of the residential development. A brick base should be provided for the primary sign. The secondary sign should be redesigned to integrate it with the physical devices that separate the commercial/retail area from the proposed residential development. A condition has been included in this resolution requiring the applicant to make these revisions prior to certification.

There is one loading space that has been proposed to serve the future commercial tenants. The space is screened with a wood fence. The fence material needs to be changed to synthetic material that will require minimum maintenance. A condition has been included in this resolution requiring the applicant to make this revision prior to certification.

**Recreational Facilities:** In accordance with the current recreational facility obligation calculation formula, this development will need to provide approximately \$53,000 worth of recreational facilities. A recreational facility package has been included in this DSP that exceeds the requirements, as follows:

- A 1,200-square-foot tot lot surrounded by approximately 3,000 square feet of open play area.
- Benches and sitting areas.
- A community meeting room, approximately 675 square feet.
- A fitness room, approximately 230 square feet.

In addition, a loop trail (approximately 450 linear feet) is also proposed on the south side of Peerless Avenue. The proposed recreational facilities should be bonded prior to issuance of any residential building permit and completed prior to issuance of the 18th residential building permit for this development.

In the public hearing for this application on March 21, 2019, the Planning Board directed technical staff to work with the applicant on the final alignment and length of the trail located on the south side of Peerless Avenue. The Planning Board decided a new condition i.o., as suggested by the Legal Counsel, to be added to require the applicant to work with technical staff to finalize the length and alignment of the natural surface loop trail prior to certification of this DSP. If the applicant and staff cannot completely agree upon the length and alignment of the trail, the applicant can bring the trail issue back to the Planning Board for a reconsideration.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27-547 of the

Zoning Ordinance, which governs uses in all mixed-use zones. The proposed two-family, three-family, and multifamily residential units and commercial uses are permitted uses in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of the CSP approval. The CSP limited the development to a total of 62 two-family, three-family, and multifamily residential units. The subject DSP meets this requirement.

- b. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows:

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

Various M-X-T purposes are satisfied by the DSP. For example, one purpose is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of the County. The proposed development will provide increased economic activity proximate to the intersection of MD 725 and MD 301. In addition, clustering of the design will conserve the value of the land by maximizing the public and private development potential. The proposal of the new public right-of-way for Peerless Avenue will encourage additional development towards the west. Also, new water and sewer will be brought to the site and will create the potential for adjoining properties to connect to public water and sewer. This proposal will allow freedom of architectural design by creating two- and three-family dwellings that are denser, but have the look and feel of a townhouse development. The DSP also contributes to implementation of the overall master plan and General Plan.

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

The applicable Subregion 6 Master Plan and SMA rezoned the subject property to the M-X-T Zone. The zoning change from the Rural Residential (R-R), One-Family Detached Residential (R-80), and Commercial Miscellaneous (C-M) Zones to the M-X-T Zone created new opportunities for development in the general vicinity. The project proposes uses and dwelling types, which would not have been permitted under the old zoning categories; thus, it is in conformance with the development concept recommended by the master plan.

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

The development will be outwardly oriented, with the proposed commercial/retail fronting on US 301 and a multifamily building fronting on Peerless Avenue. The adjacent properties in the vicinity are either vacant, dilapidated, or single-family detached dwellings. The residential and commercial buildings will create a new streetscape for the area and will catalyze adjacent community improvement.

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

Further away towards the south, there are existing retail areas on all four corners of the intersection of US 301 and MD 725. The subject property will introduce a moderate-density, transitional residential use, which will not overwhelm the existing single-family uses, but will also be compatible if multifamily dwellings (allowable under M-X-T zoning) were proposed on the adjacent properties in the future.

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

The mix of uses in this DSP are horizontal in nature. Retail use is located in a highly visible location along Peerless Avenue and US 301 to ensure its success. The residential component will complement the retail use and will introduce a new housing product to the area. This introduction of two-, three-, and multifamily units initiates the envisioned goal of an independent environment of continuing quality and stability.

**(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The uses and layout are such that each component is self-sufficient, regardless of which use is developed first.

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

Walkways and sidewalks are associated with all the parking areas and connect to both the public right-of-way and to internal walkways in and around the site. The entire pedestrian network is convenient.

**(8) On the Detailed Site Plan, in areas of the development which are to be used**

**for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

Adequate pedestrian walkways connect the development within the residential and commercial areas. A tot lot is being proposed to the west of the multifamily building as part of the recreational facilities and would be considered a gathering place. The tot lot is connected by walkways and is enclosed by a decorative metal fence. On-site lighting is being provided to allow for well-lit and safe pedestrian and parking areas.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject application is a DSP. The property was placed in the M-X-T Zone by an SMA. A traffic impact analysis was filed with CSP-17004 and PPS 4-18004 and tested successfully for adequate public facilities.

- (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).**

As stated above, the PPS (4-18004) governing this DSP was approved in 2018 and is only one year old.

- (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.**

This finding is not applicable to the subject property.

- c. The DSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 and cross-referenced in Section 27-283 of the Zoning Ordinance. At the time of CSP-17004, the applicable design guidelines were reviewed, and the findings are still governing. The DSP is in conformance with previously approved CSP-17004 for the subject site. The DSP conforms to applicable site design guidelines governing parking, loading, circulation, green areas, service areas, lighting, grading, and architecture.
- d. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. The DSP proposes 137 parking spaces, including 26 garage spaces and 96 surface spaces to serve the 62 residential units, which equals 1.96 spaces per unit, and 15 surface spaces for the 3,000-square-foot retail use, which equals one space per 200 square feet. Under Part 2 of the Zoning Ordinance, off-street parking and loading, a total of 162 spaces is usually required for this type of development in conventional zones.

Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). The applicant's statement of justification (SOJ) provided discussion of the methodology, assumptions, and data used in performing the calculations, which led them to a determination that the 137 spaces provided will be sufficient to meet the requirements of the users. The Planning Board concurs with this analysis and supports the applicant's proposed parking as acceptable.

8. **Conceptual Site Plan CSP-17004:** The Planning Board approved CSP-17004 on July 14, 2018 (PGCPB Resolution No. 18-49), with five conditions. The District Council affirmed the Planning Board's decision on September 24, 2018, with five conditions. The following two conditions are relevant to the review of this DSP:
2. **Total development within the subject property shall be limited to uses which generate no more than 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan, with a new determination of the adequacy of transportation facilities.**



This DSP proposes the exact number of dwelling units and square footage of commercial/retail development as contained in CSP-17004. This condition has been met.

**4. Prior to approval of a detailed site plan for the project, the applicant shall:**

**a. Provide the location, type, and number of bicycle parking spaces at the multifamily building and commercial/retail building.**

Two identical bicycle racks have been provided for the multifamily and commercial building, respectively. Details of the bicycle rack have also been provided on the site plan.

**b. Provide sidewalks on both sides of all internal streets, where appropriate, in consultation with the Urban Design Section.**

Sidewalks have been provided, in conformance with this condition.

**c. Consider the proximity of the Town of Upper Marlboro and the incorporation of a character element—such as an entry feature—to provide some identity attachment to the Town.**

A primary identification sign has been provided, in accordance with this condition. However, an additional brick base should be provided, as conditioned, prior to certification in this resolution.

**d. Use quality building materials, which shall be demonstrated in the architecture for all buildings.**

Both the residential and commercial buildings are finished with a combination of brick, fiber cement, and vinyl siding to address the requirements of this condition. Additional adjustment of the materials on the elevations, especially on highly visible elevations, has been conditioned in this resolution.

**e. Evaluate pedestrian elements, partially addressed in Finding 7 (c) (7) and (8), and said pedestrian elements shall be fully addressed at the time of applicant's detailed site plan.**

On-site pedestrian connectivity has been one of the top priorities in development in the M-X-T Zone. A comprehensive on-site pedestrian network has been achieved with this DSP, including a recreational looped natural surface trail.

**9. Preliminary Plan of Subdivision 4-18004:** The Planning Board approved PPS 4-18004 on November 8, 2018 (PGCPB Resolution No. 18-115), with 19 conditions. The conditions that are pertinent to the review of this DSP are discussed, as follows:

3. **Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-004-2018-01). The following note shall be placed on the Final Plat of Subdivision:**

**“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2018-01), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”**

The subject application, including a Type 2 tree conservation plan (TCP2), conforms to the previously approved Type 1 Tree Conservation Plan, TCP1-004-2018.

4. **The applicant, their successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**

A private recreational facility package consisting of a tot lot, a looped natural surface trail, a community room, and a fitness room has been proposed for this site. The entire package meets the recreational requirements.

5. **The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division (DRD), of the Planning Department for adequacy and property siting with the submittal of the Detailed Site Plan.**

The DSP includes a recreational facility package that consists of a 1,200-square-foot tot lot and playground of approximately 3,000 square feet, as well as a looped trail to the south of Peerless Avenue. In addition, a community meeting place and a fitness room are also provided with the multifamily building. The siting and amount of recreational facilities are appropriate.

7. **At the time of detailed site plan (DSP), detailed analysis of the internal sidewalk and trail network will be made. The following issues will be evaluated at that time:**
- a. **Sidewalks shall be provided along both sides of all internal streets where appropriate and deemed consistent with the Complete Streets Policies of the**

**Master Plan of Transportation.**

- b. A small amount of bicycle parking shall be provided at the commercial space. The number and location will be determined at the time of DSP.**
- c. A private recreational trail connection within the property.**

Sidewalks and bike parking are shown, as previously approved. An internal natural surface trail has been added to the plans in the open space on the south side of Peerless Avenue. Due to the project's M-X-T zoning and the relatively high density proposed, the Planning Board decided a larger looped natural surface trail is warranted. The Planning Board also decided that a greater buffer needs to be provided between the trail and Peerless Avenue, in order to provide greater separation between the trail and the sidewalk along the south side of the road.

- 8. Total development within the subject property shall be limited to uses which generate no more than 55 AM peak-hour trips and 61 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the PPS with a new determination of the adequacy of transportation facilities.**

The development in this DSP is within the development caps, as stated in this condition.

- 13. Prior to approval of the detailed site plan, the proposed stormwater management concept plan, which will include requirement for the relocation of the proposed pond (FBIO-01) and slope stability mitigation for the proposed improvements to Peerless Avenue, shall be reflected on all development plans.**

An approved SWM concept plan was submitted with this DSP application. The proposed pond was redesigned to an underground infiltration system on the other side of the development. A stormdrain pipe and outfall from the underground system will impact the Marlboro clay. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved these plans and determined that this SWM impact will not affect the on-site Marlboro clay.

- 14. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.**

The development is consistent with the approved SWM concept plan.

- 17. Prior to approval of a detailed site plan which includes residential development, the applicant shall submit a Phase 2 noise analysis for any outdoor activity areas are located within the unmitigated 65 dBA Ldn noise contour and provide mitigation measures to reduce noise levels to 65 dBA Ldn or less.**

A Phase II noise study has been provided with this DSP. According to the study, the proposed outdoor play areas are located outside of the mitigated 65 dBA Ldn noise contour line. A condition has been included in this resolution requiring the applicant to provide evidence that the interior noise level for those units within the 65 dBA Ldn contour line has been mitigated to below 45 dBA Ldn, at the time of permitting.

- 19. The applicant shall show the location of the mitigated safety factor line and a 25-foot building restriction line from the mitigated safety factor line on the TCP2 and the detailed site plan prior to approval, if applicable.**

No residential development is proposed within or near the existing limits of Marlboro clay, so a mitigated 1.5 safety factor line is not shown for this area. A 25-foot building restriction line should still be shown from the existing limits.

Regarding the road improvements and SWM, the TCP2 shows the limits of the existing and proposed 1.5 safety factor line. Final review and approval of these road improvements, with the Marlboro clay impacts, will be addressed at the time of permit review.

10. **2010 Prince George's County Landscape Manual (Landscape Manual):** This mixed-use development in the M-X-T Zone is subject to the requirements of the Landscape Manual. 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 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The landscape plan has provided all the required landscape schedules that show conformance with the applicable landscaping requirements.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan, TCP2-003-2019, was submitted with this DSP application.

A Natural Resources Inventory, NRI-16-2018, was approved on March 7, 2018, and is provided with this application. The TCP2 and the DSP show all the required information correctly, in conformance with the NRI.

Based on the TCP2 submitted with this application, the site contains 3.57 acres of woodland and has a woodland conservation threshold of 1.14 acres (15 percent). The Woodland Conservation Worksheet proposes the removal of 0.90 acre, for a woodland conservation requirement of 1.37 acres. The requirement is proposed to be met with 2.67 acres of woodland preservation. The forest stand delineation has identified 24 specimen trees on-site. This application proposes the removal of five specimen trees that was approved at the time of PPS 4-18004.

The TCP2 is consistent with the applicable requirements of the WCO, subject to minor conditions

of approval included in this resolution.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 7.64 acres in size and the required TCC is 0.764 acre, or 33,280 square feet. The applicant has provided a TCC schedule that shows a total of 2.43 acres, or 105,850 square feet, of on-site woodland preservation has been provided. The DSP meets and exceeds the TCC requirement.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions, and their comments are incorporated herein by reference. The major referral comments are summarized, as follows:
  - a. **Community Planning**—The Planning Board incorporated herein by reference a memorandum dated February 14, 2019 (White to Zhang), which provided comment on the submitted DSP relative to the applicable master plan and General Plan. However, master plan conformance is not required for this application.
  - b. **Transportation**—The Planning Board incorporated herein by reference a memorandum dated February 15, 2019 (Burton to Zhang), which provided a review of the conditions attached to prior approvals that are applicable to the review of this DSP. Those comments have been included in the findings. Additional comments are summarized, as follows:

The proposed development will be accessible from two points of access, the one closer to US 301 will be right-in only, while the other at the western end will be an ingress/egress. The site will be able to accommodate the turning movements of a variety of vehicles, including fire trucks and other commercial trucks. The Planning Board has concerns about the proposed site design, as all commercial traffic will be forced to drive within the parking lot, pass all the residential units, to exit the property. Therefore, a condition has been included in this resolution requiring the applicant to coordinate with the operating agency to change the eastern access point off Peerless Avenue to a two-way drive.

The Planning Board concluded that, from the standpoint of transportation, it is determined that this DSP is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance. Furthermore, all the transportation conditions have been adequately addressed.
  - c. **Subdivision Review**—The Planning Board incorporated herein by reference a memorandum dated February 14, 2019 (Turnquest to Zhang), which provided a review of the conditions attached to prior approvals that are applicable to the review of this DSP. Those comments have been included in the findings. Additional comments are summarized, as follows:

Two locations for loop trails were presented by staff, at the time of PPS, as appropriate

outdoor recreational amenities for this development. One location for a trail is parallel to the northern property line to the rear of the two- and three-family units, and the other location is south of Peerless Avenue around a previously proposed SWM pond. The applicant submitted an SOJ dated January 11, 2019, which determined that the proposed locations were not feasible.

The applicant determined that the trail to the north of the residential units conflicted with crime prevention through environmental design (CPTED) guidelines and was not feasible due to the topography of the site. Due to the steep grade change (10 to 12 feet below grade), users of the trail would not be easily seen. However, the visibility from the proposed development will not be an issue, as the trail would be downhill from the proposed building, with unimpeded views.

It is noted that the stormwater pond is no longer proposed on the site, south of Peerless Avenue. In the SOJ, the applicant stated that the proposed grading of 33 percent exceeds the typical trail grading of up to 12.5 percent. However, revised plans were received by Subdivision staff on February 14, 2019, which incorporate a natural surface loop trail south of Peerless Avenue. Approximately one-half of the trail is provided 10 feet from, and parallel to, the sidewalk along Peerless Avenue. Based on the proposed grading, there appears to be an opportunity to relocate this portion of the trail (so that it is further displaced from the right-of-way), providing additional buffering from the roadway and an opportunity for more scenic views into the PMA. The trail should also be paved with asphalt to allow the opportunity for various users (bikers, strollers) to enjoy it. In the public hearing on March 21, 2019, the Planning Board decided a looped natural surface trail is the best option south of Peerless Avenue and required the applicant to work with the technical staff to finalize the alignment and length prior to certification of this DSP. A new condition 1.o. has been included in this resolution.

**The commercial and residential uses of the development are abutting. A visual separation of the commercial and residential uses shall be considered so that customers to the commercial portion of the site do not use the residential area as a thoroughfare, which may result in conflicts that shall be address at the time of DSP.**

Preliminary Plan of Subdivision 4-18004, approved by the Planning Board on November 8, 2018, provided for two-way vehicular access to the site from Peerless Avenue. The two-way access allowed the circulation of traffic for the commercial use to ingress and egress the site using the same access point. The PPS provided for certification altered the access from a two-way to a one-way entry into the site. That plan was subsequently certified in error.

The applicant submitted a circulation exhibit that was received on February 12, 2019, which shows that the one-way access would force commercial traffic through the residential portion of the site. The finding to evaluate the visual separation of the commercial and residential uses demonstrates that the traffic flow approved with the PPS did not intend this new circulation. A visual separation of the commercial and residential

uses should be explored with this application. In addition, the applicant should work with the operating agency to determine if there is a viable alternative for providing two-way access to the commercial portion of the site, such as elongating the deceleration lane on US 301 or relocating the commercial access from Peerless Avenue, which may require the relocation of buildings.

The Planning Board approved this DSP, with three subdivision-related conditions that have been included this resolution.

- d. **Environmental Planning**—The Planning Board incorporated herein by reference a memorandum dated February 15, 2019 (Schneider to Zhang), which provided the following summarized comments on the subject application:

**Preservation of Regulated Environmental Features/Primary Management Area (PMA):** PMA impacts were addressed with approved PPS 4-18004. During this DSP review, the PMA impacts were revised to add an additional SWM outfall and lessen grading impacts. An SOJ was received on February 14, 2019 for revised impacts to the PMA and stream buffer.

The SOJ includes a request for two PMA impacts (22,503 square feet and 11,246 square feet) totaling 33,749 square feet (0.77 acre), or approximately 26 percent of the 2.86 acres of PMA mapped on the property. The previous impacts (18,370 square feet and 11,535 square feet) total 29,905 square feet (0.69 acre), or approximately 24 percent of the 2.86 acres of PMA mapped on the property.

Based on the revised SOJ, the applicant is requesting a total of two impacts, as described below:

Impact A increased to 22,503 square feet for the development of the required public right-of-way. The PMA has been established here based on the stream buffer and associated steep slopes; however, the width and location of the right-of-way is determined by the Prince George's County Department of Public Works and Transportation (DPW&T) standards. The alignment is fixed on the existing centerline of Peerless Avenue and, due to the widening requirements, additional grading will be required to account for the difference in fill for the proposed road. Impacts are necessary and already partially exist.

Impact B was reduced to 11,246 square feet for the development of the required public right-of-way, the removal of existing structures, and for SWM. The PMA has been established here based on the stream buffer and associated steep slopes. The width and location of the right-of-way is determined by DPW&T standards, and the alignment is fixed on the entrance of Peerless Avenue with US 301. In addition, the PMA will be impacted by the removal of the existing structures and the installation of SWM outfall. The outfall has been designed to minimize the disturbance within the PMA.

Therefore, the Planning Board approved both impacts.

**Soils:** The predominant soils found to occur according to the U. S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are the Collington-Wist-Urban land complexes, Marr-Dodon complexes, and Udorthents highway soils.

This property is also located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. The TCP2 shows the limits of Marlboro clay and the location of the existing and proposed 1.5 safety factor line for the proposed road improvements and SWM. There is no mitigation needed for the proposed residential units because they are more than 25 feet away from the existing Marlboro clay.

During the PPS approval process, SWM facilities and road construction were shown impacting the Marlboro clay and the location of the existing 1.5 safety factor line. An approved SWM concept plan and letter were submitted showing the SWM facilities relocated and a stormwater pipe and outfall impacting the Marlboro clay. These impacts were approved by DPIE. As part of the concept approval, the applicant was made aware that DPIE will review the proposed road improvements located in the Marlboro clay area during the fine grading approval or with the street construction permit.

The Planning Board approved DSP-18039 and TCP2-003-2019, subject to five environmental conditions that have been included in this resolution.

- e. **Trails**—The Planning Board incorporated herein by reference a memorandum dated February 15, 2019 (Shaffer to Zhang), which reviewed the DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation*, in order to implement planned trails, bikeways, and pedestrian improvements, and for conformance with applicable conditions attached to prior approvals that have been included in the findings of this resolution.

No master plan trail/bikeway issues impact the application. However, sidewalks are appropriate for the subject site. In addition, at the time of PPS 4-18004 approval, an on-site loop trail was discussed and deemed appropriate. The Planning Board decided that a looped natural surface trail be included on the south side of Peerless Avenue which was discussed previously.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated February 18, 2019 (Zyla to Zhang), DPR stated that private recreational facilities were deemed appropriate at the time of PPS 4-18004 approval. As such, the private recreational facilities were reviewed by the Planning Board for adequacy and property siting with this DSP.



- g. **Maryland State Highway Administration (SHA)**—In an email dated January 16, 2019 (Woodroffe to Zhang), SHA provided comments on issues regarding an access permit, acceleration and deceleration lanes, bicycle compatibility, and right-in/right-out entrances to the site. SHA's comments will be enforced through their separate permitting process.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of this resolution, DPIE did not offer comments on the subject application.
- i. **Prince George's County Police Department**—At the time of this resolution, the Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—In a memorandum dated February 6, 2019 (Adepoju to Zhang), the Health Department provided comments as follows:
  - (1) Health Department permit records indicate there are five existing carry-out/convenience store food facilities and one market/grocery store within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The applicant should consider setting aside commercial retail space for a tenant that would provide access to healthy food choices in the area.

This comment has been transmitted to the applicant who is fully aware of the situation. No specific tenant has been identified in this DSP.

- (2) The Final Plan Best Management Practices Summary Table indicates that Townes at Peerless on Peerless Avenue currently has 86 percent impervious surface. Creation of additional impervious surfaces in a recharge area could have long term impacts on the sustainability of this important groundwater resource.

This DSP has an approved SWM concept plan from DPIE. The approval addressed all stormwater-related site issues, including impervious surface.

- (3) The Townes at Peerless site is located within the Western Branch sewer basin. Provide documentation indicating Washington Suburban Sanitary Commission (WSSC) capacity for conveyance of sewage from the proposed project.

The Washington Suburban Sanitary Commission has reviewed this DSP and their comments will be enforced through their separate permitting process.

- (4) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform

to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A site plan note will be required to reflect this comment.

- (5) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction.

A site plan note will be required to reflect this comment.

- k. **Town of Upper Marlboro**—At the time of this resolution, the Town of Upper Marlboro did not offer comments on the subject application.
- 14. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if approved with the proposed 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.
  - 15. In accordance with Section 27-285(b)(2) of the Zoning Ordinance, the subject DSP is in general conformance with approved CSP-17004.
  - 16. Pursuant to Section 27-285(b)(4) of the Zoning Ordinance 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 Section 24-130(b)(5) of the Subdivision Regulations, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits. Both impacts are for right-of-way improvements that are required for the proposed development.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-003-2019, and further APPROVED Detailed Site Plan DSP-18039 for the above described land, subject to the following conditions:

- 1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
  - a. Revise the primary identification sign to include a brick base to match that of the building and move it out of the public utility easement.
  - b. Provide physical elements, such as fencing or landscaping, to more clearly define a separation between the residential and commercial portions of the development,

and incorporate the wayfinding sign into this design, where appropriate, to be reviewed and approved by the Urban Design Section as designee of the Prince George's County Planning Board.

- c. Revise the on-site loop trail specifications to a minimum six feet in width and natural surface of compressed wood chips or gravel.
- d. Provide a wider buffer between the trail and the sidewalk along the south side of Peerless Avenue, and extend the trail further to the east and west, as grading allows.
- e. Revise the detail for the fence around the dumpsters and loading space to a composite material.
- f. Delineate a 25-foot building restriction line from the limits of Marlboro clay, along the northern portion of the site on all plans.
- g. Revise the Type 2 Tree Conservation Plan (TCP2), as follows:
  - (1) Add "TCP2-003-2019" to the approval block and to the worksheet.
  - (2) Add a note stating, "All existing debris shall be removed from the woodland preservation areas and all proposed impact areas shall have all nuisance debris (bottles, cans, plastics and metal objects) removed."
  - (3) Have the revised plan signed and dated by the qualified professional who prepared it.
- h. Provide site plan notes, as follows:

"During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

"During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR)."

"All play equipment shall comply with the requirements of the Consumer Product Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM). All play areas shall comply with the requirements of the Americans with Disabilities Act and with the *Parks and Recreation Facilities Guidelines*."

- i. Delineate and label right-of-way widths on all plans.
  - j. Label the centerline of Peerless Avenue.
  - k. Revise the parcels on the Type 2 tree conservation plan to reflect the parcel and outlot designations approved in the preliminary plan of subdivision.
  - l. Provide two-way access into the commercial parking lot from Peerless Avenue, if approved by the operating agency, or provide evidence that there are no acceptable alternatives to the operating agency.
  - m. Provide a minimum of three standard endwall features, not including service doors, combined with full brick, stone, or stucco on the first-floor level of highly visible elevations, which are both ends of Building C, the eastern elevation of Building B, and the western elevation of Building A.
  - n. Recertify the preliminary plan of subdivision certified in error.
  - o. Work with the technical staff, as designee of the Planning Board, to finalize the alignment and length of the looped natural surface trail south of Peerless Avenue.
2. Prior to signature of the Type 2 tree conservation plan (TCP2), the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted for recordation to the Office of Land Records. The following note shall be added to the standard TCP2 notes on the plan, as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements have been placed in a Woodland and Wildlife Habitat Conservation Easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
3. Prior to issuance of the grading permit, copies of the recorded easement documents, with the liber and folio, shall be provided to the Environmental Planning Section, and the liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
4. Prior to issuance of any residential building permit, all of the recreational facilities shall be bonded and, prior to issuance of the 18th residential building permit, all of the facilities shall be complete.
5. Prior to approval of any residential building permit, the applicant shall provide a noise certification prepared by a professional engineer, with competency in acoustical analysis, stating that the interior noise levels have been reduced to 45 dBA Ldn or less through the

proposed building materials, for the portions of the residential buildings within the unmitigated 65 dBA Ldn or higher noise impact area.

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, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 21, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of April 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:gh