

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Special Exception Application SE-4387 requesting a Planned Retirement Community in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 15, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is a large, irregularly shaped parcel located on the northwest corner of the intersection of US 50 and US 301. The property is bounded on the east, southeast and south by the westbound ramp from MD 3/US 301 to US 50, on the west by single-family residential development and on the north by Kendall Lane/Belair Drive. The site has frontage along the exit ramp and at three stub streets extending from the adjacent residential neighborhood. The property is undeveloped and heavily wooded. There are two streams that flow across the property and converge before crossing under MD 3.
- B. History: The 1991 Bowie-Collington-Mitchellville and Vicinity Sectional Map Amendment retained the property in the R-R Zone.
- C. Master Plan Recommendation: The 1991 Bowie-Collington-Mitchellville and Vicinity Master Plan recommends a ■suburban■ land use (2.7 to 3.5 dwelling units per acre) for the property, with a 30± acre floating park symbol.
- D. Request: The applicant proposes to develop a planned retirement community with 798 dwelling units (480 condominiums and 318 townhouse villas) and a 15,000- to 30,000-square-foot village activity center with retail uses and recreation amenities. This development is a planned community for adults of age 50 or older.
- E. Neighborhood and Surrounding Uses: The applicant defines a large neighborhood that extends across MD 3 to include the University of Maryland Science and Technology Center to the north and east; Kenhill and Stoneybrook Drives to the west; and Bowie Gateway Center, the Heather Hills and Ensleigh communities to the south.

In planning, it is generally understood that a neighborhood is a smaller unit of a larger community. In the applicant's discussion of the neighborhood boundaries several large subdivisions, a large employment center and a commercial center are included. Most of these developments could stand alone as a neighborhood.

The applicant's rationale for these boundaries is that these developments contribute to the character of the area, so they must be part of the neighborhood. The staff disagrees with this approach to defining a neighborhood. It is entirely possible (and common) that a use or development that

influences the character of a neighborhood is outside of the neighborhood. While uses such as the University of Maryland Science and Technology Center, Bowie Gateway Center, the Heather Hills and Ensleigh subdivisions may influence the character of the subject property and adjacent development, these uses are not, in our opinion, in the same neighborhood as the subject property.

In defining a neighborhood, staff has consistently used large, physical, natural or man-made barriers as neighborhood boundaries. MD 3 and US 50 are obvious major, man-made barriers that separate development in this area. These highways tend to isolate the subject property and adjacent residential neighborhood from the commercial and employment uses east of MD 3 and south of US 50. Staff believes the neighborhood is defined by the following boundaries:

North - Belair Drive

East - Crain Highway (MD 3/US 301)

South - John Hanson Highway (US 50)

West - Kenhill Drive

The property is surrounded by the following uses:

North - Single-family detached homes in the R-55 Zone in the Kenilworth and Buckingham subdivisions.

East - Across Crain Highway (MD 3/US 301) is the University of Maryland Science and Technology Center in the E-I-A Zone.

South - Across John Hanson Highway (US 50) is the Heather Hills subdivision to the southwest in the R-55 Zone and the International Renaissance Center in the C-M Zone.

West - Single-family detached homes in the R-55 Zone in the Kenilworth subdivision.

- F. Specific Special Exception Requirements: Section 27-395 of the Zoning Ordinance provides that a planned retirement community may be permitted subject to certain requirements. The requirements relevant to the subject application are as follows:

(1) Findings for approval.

(A) The District Council shall find that:

- (i) The proposed use will serve the needs of the retirement-aged community;**

The proposed use will serve the needs of the retirement-aged community. The retirement-aged community has steadily increased since 1970, when the population aged 65+ comprised 4.0 percent of the county's population (according to M-NCPPC

■Statistical Reference, Prince George's County, 1989") to 1999 where it was estimated at 8 percent (U.S. census, 1999 Population Estimate). The proposed community is targeted toward the active adult population that is generally between 50 to 70 years of age. The growth of this segment of the population is well documented.

As the ■Baby Boom• generation moves toward retirement age, there is an anticipated demand for planned retirement communities. The applicant cites Prince George's County's ■Senior Citizen's Housing and Service Task Force• report published April 1999, which estimates that individuals aged 55-64 are expected to represent more than 10 percent of the county's population. This segment of the population does not require the traditional nursing home or assisted living facility. The proposed development will offer a variety of living styles, including single-family attached villas with garage parking and first floor master bedrooms to condominium units with elevators and covered parking.

(ii) The proposed use will not adversely affect the character of the surrounding residential community; and

The proposed use will not adversely affect the character of the surrounding residential community. The applicant proposes a residential community which generally is consistent with the recommendation of the Master Plan. While the proposed density exceeds what is recommended in the Master Plan, with the appropriate conditions regarding architecture, traffic circulation, tree preservation and density, this development can be integrated into the surrounding community.

(iii) In the R-A Zone

The subject property is in the R-R Zone. This requirement does not apply.

(2) Site plan.

(A) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.

The Transportation Planning Section, in a memo dated August 21, 2001, includes the following comments:

Review Comments

Alternative Study●Access from Belair Drive

This study assumes that all access would be via Belair Drive, with no access otherwise. The traffic study examined the site impact at two intersections which are critical to traffic accessing the subject property:

Belair Drive at ramps to/from southbound MD 3/site entrance (signalized)

Belair Drive at ramps to/from northbound MD 3 (signalized)

This traffic study was scoped as a potential M-X-T project in November 1999. The scope was sent to DPW&T, SHA and the City of Bowie at that time. No comments on the scope were received. Staff's records do not indicate that the scope was ever presented as a planned retirement community.

The transportation staff has fully reviewed the traffic study as submitted by the applicant. The existing conditions at the following intersections, based on counts taken in late August 2000 (the Tuesday after schools opened), are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belair Drive at ramps to/from southbound MD 3/site entrance	342	341	A	A
Belair Drive at ramps to/from northbound MD 3	231	308	A	A

Under existing traffic, both intersections under study operate acceptably during both peak hours. The *Guidelines* identify signalized intersections operating at LOS E or F during any peak hour as unacceptable. In accordance with the *Guidelines*, the traffic study indicates acceptable operations within the study area.

There is only one approved development in the area, but it is large. The University of Maryland Science and Tech Center (UMSTC) allows for uses beyond those which exist which can generate up to 2,200 AM and 2,605 PM peak-hour trips. These trips are distributed into the two study intersections in accordance with past analyses. Background conditions are summarized below:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belair Drive at ramps to/from southbound MD 3/site entrance	615	528	A	A
Belair Drive at ramps to/from northbound MD 3	421	869	A	A

The critical lane volume analysis shows that both intersections operate acceptably. For reasons that will be discussed later, the impact of the UMSTC is probably

understated, but not to the extent that either intersection would fail under background traffic.

The site is proposed for development as a planned retirement community. While the transportation staff is not opposed to the use in principle, note should be made that the traffic impact study assumes conventional trip rates for the housing (assumed to be townhouses) and the village retail center which are planned within the site. At best, this approach far overestimates the traffic impact of the site (and to its credit, the traffic study does indicate that the impact represents a worst case). At worst, this proposal places development on this site which would not be allowable under the R-R zoning category lacking its approval within a planned retirement community. Nonetheless, the traffic study presents what it presents, and the site is proposed to be developed as 798 townhouses and 30,000 square feet of retail space. The residential site trip generation would be 559 AM peak-hour trips (112 in, 447 out) and 638 PM peak-hour trips (415 in, 223 out). The retail site trip generation is a little more complex, as explained below:

- Using rates in the *Guidelines*, the retail space would generate 0 AM and 360 PM peak-hour trips (180 in, 180 out). Staff notes that the traffic study did not use the higher trip rates prescribed for the smallest category of retail centers.
- The *Guidelines* allow 60 percent of trips generated by a retail center of this size to be deducted as pass-by trips (meaning that the trips are already on the road). The traffic study has not taken this discount, perhaps in consideration of the requirement for a planned retirement community in Section 27-395(4)(B) that ■(r)etail commercial uses . . . which are related to the needs of the community may be permitted.● But this raises an additional question in staff's mind that if the retail use is intended to draw virtually all of its traffic from the adjacent planned retirement community, why the use is assumed to generate outside trips at all.
- In several recent cases involving retail uses, the transportation staff has recommended that AM retail rates from the Institute of Transportation Engineers●(ITE) *Trip Generation Manual* be used in lieu of the zero trip generation which is contained in the *Guidelines*. This is appropriate since many types of retail businesses are open during the AM peak-hour. Using the ITE rates in the AM peak-hour, the retail space would generate 78 AM peak-hour trips (48 in, 30 out).
- Total site trip generation, residential and retail uses combined, would be 637 AM peak-hour trips (160 in, 477 out) and 998 PM peak-hour trips (595 in, 403 out).

In summary, a very peculiar message is being sent by the traffic study. In the ITE *Manual*, the retirement community use is very similar to the

planned retirement community described in Section 27-395; its description in the ITE *Manual* includes:

■Retirement communities●restricted to adults or senior citizens●contain residential units similar to apartments or condominiums, and they are usually self-contained villages. They may also contain special services such as medical facilities; dining facilities; and some limited, supporting retail facilities.●

Such a development of the size proposed by SE-4387 would generate 136 AM peak-hour trips (61 in, 75 out) and 215 PM peak-hour trips (121 in, 94 out), which is around one-quarter the trip generation assumed in the traffic study. The transportation staff cannot imagine why the study assumes four times the number of trips that the site would presumably generate if the site were to be developed as a planned retirement community. Another application for an active adult community recently approved by the District Council, the Pines of Laurel (Special Exception SE-4391), *prepared by the same traffic consultant* used different and lower residential trip rates (that other application does not include a retail component, however). Nonetheless, total future traffic is developed using the numbers supplied by the traffic consultant with AM retail numbers as modified by staff.

The transportation staff has a very technical concern about the analysis which needs further explanation. As the nature of this concern is very technical, the concern will be described by a series of points which are described below:

1. The traffic study uses the conventional critical lane volume technique for the intersection of Belair Drive and the northbound MD 3 ramps. For the westbound through movement, the technique uses the standard Lane Use Factor of 0.37 for a three-lane approach.
2. In essence, the technique assumes that of the 1,532 cars traveling westbound through this intersection during the PM peak hour, 567 will travel in the most heavily-used lane, while the remaining 965 cars will utilize one of the other two lanes.
3. However, 74.5 percent of the westbound traffic approaching the Belair Drive/southbound MD 3 intersection would be using the one-lane loop ramp to travel southbound. It is probably not reasonable to assume in this specialized case that only 37 percent of vehicles will use a lane at the Belair/northbound MD 3 intersection that over 74 percent of the vehicles will have to use the loop ramp diverge, which is just 500 feet to the west.

4. If a more reasonable Lane Use Factor, such as 0.5, is employed for the westbound through movement at the Belair Drive/northbound MD 3 intersection, we obtain the following results under background traffic: AM peak hour, critical lane volume of 459, LOS A; PM peak hour, critical lane volume of 1,068, LOS B.
5. If a more reasonable Lane Use Factor, such as 0.5, is employed for the westbound through movement at the Belair Drive/northbound MD 3 intersection, we obtain the following results under total traffic, using the trip generation numbers supplied by the traffic consultant with AM retail numbers as modified by staff:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belair Drive at ramps to/from southbound MD 3/site entrance	994	1069	A	B
Belair Drive at ramps to/from northbound MD 3	636	1385	A	D

Using a different Lane Use Factor in the critical lane volume computations at the Belair Drive/northbound MD 3 intersection gives results indicating that this intersection will continue to operate acceptably with the development of the subject property. And the addition of the site entrance to the Belair Drive/southbound MD 3 intersection does not deteriorate service levels at that intersection deprecably.

Neither SHA nor DPW&T had significant comments concerning the study. Both agencies have previously expressed concern that any modifications to the signal at Belair Drive/southbound MD 3 be the responsibility of the applicant, and SHA has suggested a need to interconnect this signal with the signal at Belair Drive and the northbound MD 3 ramps.

Alternative Study●No Access from Belair Drive

This study assumes that all access to the site would be via the local residential streets which stub into the property, with no direct access from Belair Drive. The traffic study examined the site impact at seven intersections which are critical to traffic accessing the subject property:

Belair Drive at ramps to/from southbound MD 3/site entrance (signalized)
Belair Drive at ramps to/from northbound MD 3 (signalized)
Belair Drive at Kendale Lane (unsignalized)
Belair Drive at Kembridge Drive (unsignalized)
Kembridge Drive at Kinderbrook Lane (unsignalized)
Kembridge Drive at Keswick Lane (unsignalized)
Kembridge Drive at Kavanaugh Lane (unsignalized)
Link of Kembridge Drive between Belair Drive and Kavanaugh Lane
Link of Belair Drive east and west of Kembridge Drive

This traffic study was never scoped in this form.

The site is analyzed using the same amount of residential development (but no retail component) and a modified site trip distribution. Staff's comments on the primary study also apply to this alternative study. Staff notes that the *Guidelines* prescribe that the unsignalized intersection analysis in the Highway Capacity Manual be done for unsignalized intersections; however, all intersections were reviewed using the critical lane volume technique, and so the findings in the traffic study for the five unsignalized intersections are meaningless.

Staff's quick overview of the alternative study indicates the following:

1. The critical intersections at the MD 3 ramps with Belair Drive would operate slightly better than under the primary study because slightly less site traffic (80 percent versus 95 percent of site traffic) is operating within these intersections.
2. The transportation staff concurs with the link analyses provided.
3. The revised access arrangement would probably create operational problems at the Belair Drive/Kendale Lane intersection which would need to be resolved by installation of a westbound exclusive left-turn lane along Belair Drive. Otherwise, vehicle delays at the critical intersections are well within the Planning Board's *Guidelines* when the intersections are analyzed using the Highway Capacity Manual unsignalized procedures.
4. These proposed access points, Kelmar Way, Karen Way and Kyler Way, are all platted as 50-foot public streets, and they connect to other streets which are 50-foot public streets. Due to the potential for vehicular conflicts, the transportation staff would never approve extensive development which is served only by 50-foot streets, and would recommend that at least one of the access points

become a 60-foot street or greater. That possibility does not seem feasible in this circumstance.

5. The operating agencies had no comment on this alternative study.

While this alternative indicates adequacy on the roadways in the area, because the proposed use is so intensive, it really needs to be served by a 60-foot street or larger. The transportation staff cannot recommend approval of this use unless it has access to Belair Drive as its primary access. The other platted streets may be used if needed for access. However, because the proposed access onto Belair Drive is wide with a median and there are no capacity issues noted, that access may also function as the sole access if that is desirable. While the transportation staff normally would request that stub streets be connected, given the volume of traffic to be generated by the site along with the self-contained nature of a planned retirement community, there is not sufficient justification to require connection into these streets.

Findings and Recommendations

From a transportation perspective, the Special Exception would not adversely affect the health, safety, or welfare of residents or workers in the area. As the site would require a preliminary plat of subdivision prior to its development, the subject property will require a finding of adequate transportation facilities, in accordance with Section 24-124, at that time. Specific conditions recommended by transportation staff are adopted by the Planning Board in this decision.

(3) Regulations.

- (A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.**

The applicant proposes the following development regulations:

Regulations	Villas	Multi-Family	Retail
Net Lot Area	1,800 sq.ft.	N/A	N/A
Lot Coverage	N/A	80%	N/A
Green Area	500 sq.ft.	25% for 4 stories or less 20% for more than 4 stories	N/A
Lot Width Frontage Front Building Line	20 ft. min. .	85 ft. min	N/A
Front Street Line	20 ft. min.	85 ft. min.	N/A
<u>Yards:</u>			
Front	5 ft. min	5 ft. max.	10 ft. min.
Side	0 ft.	20/10 ft. min.	12 ft. min.
Rear	10 ft. min.	10 ft. min.	5 ft. min.
Building Height	45 ft. max.	65 ft. max.	65 ft. max.
Distance between unattached multi- family dwellings	N/A	50 ft.	N/A

(B) The subject property shall contain at least twelve (12) contiguous acres;

The subject property contains 99.8 contiguous acres.

(C) The average number of dwelling units per acre shall not be more than eight (8) for the gross tract area; and

The applicant is requesting the maximum density permitted. The proposed 798-dwelling-unit development on 99.8 acres represents a density of 8 dwelling units per acre.

(D) In the R-A Zone

(E) In the I-3 Zone

The subject property is in the R-R Zone.

(4) Uses.

- (A) **The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;**

The proposed retirement community will contain a community building that may include meeting and activity rooms, classrooms, a fitness center, sports bar with billiard tables, media room, a library, and indoor and outdoor pools. The applicant also proposes public gathering spaces and community activity areas such as parks, recreation areas, plazas, open space and trails that will be integrated throughout the community. If this application is approved, the scope of the facilities and the service area (the retirement community or larger) should be determined at time of Detailed Site Plan.

- (B) **Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.**

A neighborhood retail center with approximately 15,000 to 30,000 square feet of floor area is proposed to serve the daily needs of the Weston community. The proposed uses in the retail center include retail shops, restaurants, medical and health care offices and other uses related to the needs of the residents of the proposed development.

- (5) **Residents' age.**

- (A) **At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.**

The applicant has submitted covenants setting forth a minimum age of 50 years for residents and a restriction prohibiting permanent residents under 18 years old as required.

- (6) **Recreational facilities.**

- (A) **Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.**

A draft of covenants and a condominium declaration guaranteeing the maintenance of recreational facilities and the community's right to use the facilities have been submitted as required.

- G. Parking Regulations: The site plan indicates that parking spaces will be required for ■Villa• units based on 2.04 spaces per unit. Parking spaces for multifamily units are based on 2 spaces per unit, and retail requires 1 parking space per 250 square feet of gross floor area. In addition, loading spaces for the retail component will be provided in accordance with the requirements of Section 27-578(a).
- H. Landscape Manual Requirements: The site plan reflects compliance with the minimum requirements set forth in the *Landscape Manual*. Given the prominent location of the property along major highways, it may be necessary to require that landscaping exceed the minimum standards. This determination should be made at the Detailed Site Plan stage of review.
- I. Zone Standards: No variances are required for the proposed use.
- J. Sign Regulations: No signs are proposed with this application.
- K. Conceptual Site Plan: Section 27-296(c)(B) requires a site plan, drawn to scale, showing all existing and proposed development of the site. It has been our experience that large special exceptions such as this that involve hundreds of dwelling units do not lend themselves well to the degree of specificity usually required. Numerous changes to the site plan can and do occur during the time between approval of the special exception and the actual building of the units due to engineering constraints, unforeseen design flaws and improvements in product. In the past, this has led to a never-ending string of reconsiderations, revisions and amendments to a site plan that was fine in concept but hampered by minutia. In response, the Planning Board, Zoning Hearing Examiner and District Council have approved special exception site plans for conceptual purposes only, with the understanding that the detailed aspects of the development would be reviewed in a single or series of limited detailed site plans, prior to the issuance of permits.

This approach has been used in the special exception approvals for Collington Lifecare, Marwood, Riderwood Village and the Pines of Laurel communities, and it is recommended in this instance. It also provides dual benefit to the applicant and the county. Time is saved and the site plan is given an additional detailed review without having to go back through the entire special exception process. Accordingly, it is recommended that this development be subject to Limited Detailed Site Plan review(s) in accordance with Part 3, Division 9, of the Zoning Ordinance. The plan(s) shall be

reviewed for approval by the Planning Board and shall include, in addition to other requirements and guidelines, details of the architecture, interior layout, design of units, landscaping, internal circulation, signs, entrance features, etc.

- L. Environmental Assessment: The subject property has certain environmental features that must be monitored and protected. The Environmental Planning Section, in a memo dated October 5, 2001, submits the following comments:

The Environmental Planning Section is able to make the required findings to support approval of the Special Exception subject to recommend revisions and conditions. These comments supercede the August 21, 2001, memorandum from the Environmental Planning Section.

Environmental Description

Approximately 85 acres drain to the northeast corner of the site, where two perennial streams converge before crossing under MD 3. The western branch of this tributary follows the northwest boundary of the site, and has associated 100-year floodplain and nontidal wetlands. The eastern branch of the forked tributary flows on a diagonal path from the southwest to northeast, dividing the developable area of the site, in the northern portion of the site. Approximately 15 acres drain to the southwest corner of the site, where it is piped under US 50. This constriction point has resulted in a small area of nontidal wetlands. This site is located in the Patuxent River watershed, and it is subject to the delineation of a Primary Management Area to protect the sensitive areas. The soil series predominant on this site is Collington, which are in hydrologic soil class B, and have a K factor of less than 0.37. These soils pose few difficulties to development. No Marlboro clay has been identified. No historic or scenic roads are affected.

US 50 and MD 3 are both classified as freeways in the affected segments, with a minimum projected noise corridor between 2,201 and 2,835 feet from the centerline. The majority of the site falls within the modeled 65 dBA noise corridor. The proposed noise impacts on the residential uses are a major concern.

The dominant tree cover is primarily yellow poplar. Mixed species of oaks, hickory, blackgum, red maple and other deciduous hardwoods are scattered throughout the stand. Forest cover accounts for approximately 89.4 acres, or about 90 percent of the tract.

Environmental Review

1. The Site and Landscape Plan submitted does not include sufficient detail concerning internal traffic circulation patterns, proposed improvements, landscaping, recreational facilities, noise mitigation, or stormwater management for a determination to be made that the proposed use is in full compliance with all requirements of the Zoning Ordinance. Although an Illustrative plan has been submitted proposing one possible development alternative in detail, it is not included as part of the official submittal, and has not been revised to reflect changes to the development envelope shown on other plan sheets. In addition, the noise study

was conducted based on the Illustrative plan, which is now outdated. Review of a more detailed plan in the future is necessary to determine full compliance with the requirements of the Zoning Ordinance.

2. *A Nash Property Wetland Delineation Report (June 1996)* prepared by Greenhorne and O'Mara was submitted with the Special Exception. Appendix B to the report was a Preliminary Wetland Delineation Map delineating three wetland areas identified within the report. Wetland Area 2 is a small area located in the southwest corner of the property, which has been added to the four plan sheets, but a 25-foot-wide wetland buffer, as shown on all other identified nontidal wetlands, has not been added. Wetland Area 2 is also located where it would be impacted by the alternative access point from Kyler Way.
3. Wetland Area 1 as shown on the *Nash Property Wetland Delineation Report (June 1996)* has been partially illustrated on the plan sheets, but the full extent of the wetlands on the property between the subject property and the right-of-way has not been shown, and wetland buffers and the PMA have not been delineated in this area. Impacts may have occurred to Wetland Area 1 since the preparation of the Wetland Delineation Report, but an amended delineation was not submitted with this application. Because the conceptual Site and Landscape Plan shows this area as the major access point to the site, the identification of environmental features in this area is critical to the evaluation of development options.

At time of detailed site plan submission a jurisdictional delineation (JD) of nontidal wetlands for the subject property and proposed access points shall be submitted. The plans shall be revised to show all nontidal wetlands, buffers, and the PMA shall be adjusted to conform with the JD.

4. The site plan indicates the presence of a 100-year floodplain on the site. Submittal of a 100-year floodplain study is necessary for the correct delineation of the Primary Management Area and review of the Tree Conservation Plan.
5. US 50 and MD 3 are both classified as freeways in the affected segments, with a minimum projected noise corridor between 2,201 and 2,835 feet from the centerline. The majority of the site falls within the modeled 65 dBA noise corridor. The proposed noise impacts on the residential uses are a major concern.

A Traffic Noise Impact Analysis (April 10, 2001) was submitted for review. It identified the modeled 75 dBA noise contour for the site based on the results of a 24-hour measurement survey and the increased traffic volume over the next 20 years. This contour is identified on the Existing Conditions and Environmental Analysis Plan as 75 dBA Noise Contour. In order to clarify what this line represents, a note should be added to this plan further describing the source.

6. The noise study submitted determined that based on the modeled 75 dBA noise contour, two levels of mitigation would be required to meet the county's interior and exterior noise guidelines. The first level of mitigation would be a noise barrier to

shield the buildings and reduce the exterior noise levels impacting the buildings and active outdoor areas. The second level of mitigation would be construction modifications to the acoustic properties of the building shells to mitigate noise impacts on the interior residential units.

The noise study further proposes two mitigated 75 dBA contours, one at 75 dBA Ldn at ground level and 75 dBA Ldn at upper level (25 feet above grade). The report states:

- With proposed barrier layout, grading recommendations, and condominium unit locations, the noise impact upon the building will be 75 dBA or less and the average noise impact upon rear yard areas will be 65 dBA or less.●

The noise study contains detailed recommendations for mitigation of noise on this site, but the Conceptual Site Plan does not provide sufficient information about the height and construction of the barrier, grading or condominium location to support this determination. In addition, all the noise mitigation recommendations were based on the layout of the Illustrative plan which cannot be implemented due to other environmental constraints. This determination will need to be made at the time of detailed site plan.

7. Limited information about stormwater management has been provided for this site, except for the proposed location of three small ponds on the Illustrative Site Plan. These appear to be undersized for the density of development proposed. Due to the sensitive character of this site, the appropriate location of outfalls will also be a concern.
8. A state-listed endangered plant, Coville's phacelia (*Phacelia covillei*) was identified on the site through a field inspection by the Wildlife and Heritage Division staff of the Maryland Department of Environmental Resources after the original submission of the Special Exception application. A plant is considered endangered when fewer than six populations exist in the state. The plant is located in the central portion of the site in an area of mature forest. The Wildlife and Heritage Division, in conjunction with Greenhorne and O'Mara, used a GPS to accurately locate the limits of the population and locate population groups within the short timeframe when these plants were readily visible in the spring.

The plant is an annual which can only be seen when it blooms in May. The preservation and protection of a viable population of this species on this site is therefore dependent on the preservation and protection of the habitat which is favorable to the germination and growth of this species with regard to light, soils and hydrology, and the protection of a seed source. The presentation of this species on this site is somewhat atypical, in that it is found in more upland locations. Because the plant is endangered, and an annual, there is limited knowledge about how to best perpetuate its viability as a colony.

This plant was previously encountered during the review of another site in the Western Branch watershed. In conjunction with that case, a letter was received from Jonathan A. McKnight, Program Manager for the Resource Management Section of the Maryland Department of Natural Resources, dated September 25, 1997, which outlined the habitat protection requirements for the identified endangered species, *Phacelia covillei* (there has been a change in the name for this botanical species since 1997). The letter reads as follows:

■ *Phacelia* *Ranunculaceae*, commonly known as Coville's Phacelia, Buttercup Phacelia, or Blue Scorpion-weed, is listed as an Endangered species under the Maryland Nongame and Endangered Species Act.

■ This status, and the presence of the species on the site of this proposed project, should not present a major obstacle to the development of the upland portion of this property, and the development need not present a threat to the continuation of this species as long as the development is planned with a few measures to protect the plant habitat. The major threats to this habitat are posed by the alteration of site drainage patterns, the deposition of sediment from construction activities and the incursion of weed species from ground and forest canopy disturbance. I recommend that the following measures be implemented to ensure the compatibility of the site plan with the long term conservation of this rare species:

■ The site plan should strive to maintain existing site hydrology and drainage patterns in the headwaters of the [tributaries where the *Phacelia* population is located]. Construction or post-construction drainage patterns which dramatically alter either the rate or volume of surface flows could severely damage this habitat.

■ Construction should be designed with particular regard to the potential for chronic or storm event-related deposition of sediment in the rare species habitat. A spill event which might be considered an unfortunate but commonplace violation of sediment control standards on another site could cause considerable ecological damage at this site.

■ The rare plant habitat should be protected with a minimum 100 foot-forested buffer to protect it from future site activities and from the incursion of weedy invasive species. Any extended wooded buffer that can be allowed in addition to this 100 feet would be an excellent ecological investment and I would encourage the site planner to extend the buffer where feasible.●

Measures to protect the identified endangered species on this site have been discussed with the DNR Natural Heritage staff, and the extent of the population to be protected and minimum 100-foot buffers have been incorporated into the plan on the latest revision. Additional study of the life cycle of this plant on this site will provide information with regard to protecting a viable population at this location

that is necessary for the review of a detailed development proposal. Using the information that was gathered to delineate the population this year as a base, next spring the location of the plant population and a review of plant density should be carried out to determine whether migration is occurring, and in what direction; whether the population is expanding or contracting.

9. The ongoing protection of the endangered species after the development of the site is also a concern. Because of the annual character of this plant, the protection of the habitat area from compaction, invasive plants, changes in light regimes, sediment, or disturbance is important. Human activities should largely be kept out of the area. The relationship of the proposed development with the protected area will be important, and will need to be addressed at time of detailed site plan.
10. Plan sheets were revised to include the location of colonies of the plant, but the full extent of the population was not shown. A delineation has been provided for the entire population on a separate sheet titled "Butterfly Scorpion Weed Location." The identification of woodlands which contain trees, shrubs, plants or animals determined to be rare, threatened or endangered under state or federal law are priority areas for woodland conservation.
11. As part of this review, specific information was requested with regard to endangered plant populations defined on the delineation as dense, large and small. This information was not provided in sufficient detail to allow for a full evaluation of the protection needs of the population. Prior to a final determination of the habitat needs of the plant, definitions of these terms are needed.
12. The Conceptual Site Plan shows a proposed alternative access location on Karen Way that will have severe impacts on the delineated Phacelia population. In addition, the other two access points result in environmental impacts to a varying degree. The access point off of Kendale Lane would result in the destruction of wetlands and the crossing of a 100-year floodplain. The access point at Belair Drive, closest to its interchange with US 301 also would result in some environmental impacts, but to a lesser extent than the access point off of Kendale Lane.
13. This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Forest Stand Delineation and Type I Tree Conservation Plan are required. Forest Stand Delineations are not intended to show proposed conditions, only existing conditions. Proposed alterations to the site should be moved to the appropriate plan sheet, and the existing conditions that affect the preparation of the Tree Conservation Plan should be included, such as the location of the identified population of endangered plant.
14. The Existing Conditions and Environmental Analysis Plan is inconsistent in its illustration of existing conditions versus proposed. Proposed future alterations to the site should be removed from this plan, and existing environmental conditions which affect the development potential of the site should be included.

15. A revised Tree Conservation Plan, TCPI/30/00, was submitted and reviewed. The minimum woodland conservation requirement for this site is 19.3 acres (20 percent of the Net Tract). The TCPI submitted proposes the clearing of 54.4 acres, which requires additional woodland replacement acres, for a total minimum requirement of 33.80 acres. The plan proposes to meet this requirement with 32.50 acres of on-site preservation and 1.30 acres of reforestation/replacement.

The Tree Conservation Plan shows reforestation areas with a width of less than 35 feet in some areas. The Woodland Conservation Ordinance requires a minimum width of 35 feet for a woodland conservation area.

16. Utility easements are incompatible with the perpetual protection of woodlands as required by the Woodland Conservation Ordinance.
17. An approved TCPII is required prior to the issuance of a grading permit for this site. It is appropriate for this to be approved concurrently with the detailed site plan.

Specific conditions recommended by the Environmental Planning Section are adopted by the Planning Board in this decision.

M. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of the Zoning Ordinance are contained in Section 27-102(a). The proposed use and site plan will generally be in harmony with the purposes of the Zoning Ordinance provided the density is reduced to prevent the overcrowding of land as noted in purpose number 10. The illustrative site plan submitted by the applicant shows a development scenario that would yield a total of 798 dwelling units and a small commercial area.. This development appears very dense, monotonous and does not demonstrate the type of open space system and creative layout that is appropriate for such a prominent location.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

With the recommended condition for conceptual and detailed site plan approvals prior to the issuance of permits, the proposed use will conform with all regulations.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The proposed use will not substantially impair the integrity of the *Bowie-Collington-Mitchellville and Vicinity Master Plan* (1991). While the proposed development is not in

strict compliance with the Master Plan, the Planning Board recognizes that the Plan serves as a guide, rather than a mandate as to the way development should occur. Clearly, the Plan identifies senior housing as a preferred development option. The proposed density of eight dwelling units per acre however, would yield a community that is too dense and therefore, incompatible with the adjacent residential community. We note that there is no ■senior housing• use in the list of uses for the R-R Zone. The Board believes the ■Planned Retirement Community• is an appropriate use to address the Master Plan's recommendation.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

With the recommended conditions of approval, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The proposed community, at a lower density and with sufficient access to the property, could enhance the ■gateway• attributes of this property. A community for senior citizens would, in some ways, have a less severe impact than a traditional single-family detached development. These types of developments do not create enrollment issues for schools and peak-hour traffic tends to be less.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

With the recommended conditions of approval, and careful attention to the recommended design guidelines, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The conditions of approval recommended by the Environmental Planning Section address revisions to the proposed Tree Conservation Plan.

CONCLUSION:

The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location would have any adverse impacts above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Special exception uses are afforded a strong presumption of validity absent any facts or circumstances negating this presumption. While the Master Plan recognizes the subject property as a ■gateway• given its visibility from MD 3 and US 50, it also encourages senior housing at a lower density than proposed by the applicant. A lower density (than eight DUs per acre) is appropriate, and the Master Plan is a guide, rather than a requirement, as to how development should occur. A density of six DUs per acre permits a development that is not as congested as that which is shown on the applicant's illustrative plan.

The applicant has submitted enough information to suggest that the proposed development would not have any adverse impacts above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

N. Additional Finding:

A colored illustrative plan was included in the applicant's presentation showing a development scenario for a Planned Retirement Community at six dwelling units per acre. This plan was not submitted to the Technical Staff for review prior to the public hearing. The Planning Board therefore requests that the plan be submitted to both the Zoning Hearing Examiner and Technical Staff. The Technical Staff will submit comments directly to the Examiner for ZHE review.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED for a maximum potential density of 6 dwelling units per acre (598 dwelling units) and a maximum of 30,000 square feet of retail/commercial gross floor area, subject to the following revised conditions:

1. The current Special Exception Site, Landscaping, Illustrative and Tree Conservation Plans (TCP I) are recommended for approval for conceptual purposes only, to generally represent the form and scale of the proposed planned retirement community. These plans shall be revised prior to signature approval by the Zoning Hearing Examiner, and the revisions shall include the following:
 - a. A planned retirement community at a maximum of six (6) dwelling units per acre.
 - b. The 25-foot-wide wetlands buffer, the full extent of the Primary Management Area (PMA) and the following note shall be added:

■At time of Detailed Site Plan (DSP) submission, a jurisdictional delineation (JD) of nontidal wetlands shall be provided. The DSP shall show all nontidal wetlands, buffers, and the PMA shall be adjusted to conform with the JD.●
 - c. Elimination of the alternative access from Karen Way.
 - d. The TCP I shall be revised to include Wetland Area 2 and the required buffer within the woodland preservation area.
5. The following note shall be added to the ■Existing Conditions and Environmental Analysis Plan●:

- The 75 dBA Noise Contour shown on this plan is based on a
- Traffic Noise Impact Analysis●(April 10, 2001) prepared by the

Polysonics Corporation and is based on a 24-hour measurement survey and the projected increase in traffic volume over the next 20 years.●

- f. The Site Landscape and Illustrative Plans shall be revised to show and label the mitigated 75 dBA noise contour at ground level and the mitigated 75 dBA at the upper level. The following note shall be added to the plan:
 - The location of the mitigated 75 dBA noise contours shown on this plan are conceptual, based on assumptions about noise mitigation measures, grading, and building location that are not addressed as part of this plan.●
7. The TCP shall be revised to eliminate woodland conservation areas less than 35 feet in width.
- h. The TCP shall be revised to eliminate woodland conservation areas proposed within utility easements.
1. The Forest Stand Delineation shall be revised as follows:
 - (1) References to tree preservation, tree removal, selective clearing shall be removed.
 - (2) The small squares identified with a number and a letter shall be identified as to their purpose in the legend.
 - (3) The location and extent of the population of *Phacelia covillei* will be shown.
10. The Existing Conditions and Environmental Analysis Map shall be revised to remove references to tree preservation, tree removal, selective clearing.
2. Prior to the issuance of any grading permits, the applicant shall obtain approval of a full Detailed Site Plan or a Detailed Site Plan for Infrastructure to include building and parking footprints in accordance with Section 27-285(b)(3). The following information shall be required:
 1. A Stormwater Management Concept Approval Letter shall be submitted and the location of all outfalls shall be shown. The use of bioretention and other low-impact development methodologies shall be used to the fullest extent possible.
 2. A copy of the approved 100-year floodplain study shall be submitted.
 3. A detailed delineation shall be submitted that includes at a minimum an evaluation of the habitat of the *Phacelia covillei* at the subject site, with a particular focus on soils, light and hydrology and a review of plant

distribution, including a delineation of the extent of the population using a transect methodology that covers the entire existing population area and 100 feet beyond in all directions. The evaluation shall be planned and conducted in consultation with the Natural Heritage Staff of Maryland Department of Natural Resources.

4. The Type II Tree Conservation Plan to be submitted as part of Detailed Site Plan shall show the full extent of the endangered plant population and shall provide a detailed explanation of the plant distribution, measured in plants per square foot, and size of the populations in square feet.
 5. A Type II Tree Conservation Plan shall be approved at time of Detailed Site Plan approval.
3. The property may be developed in distinct phases or sections. No building permits shall be issued prior to the applicant obtaining Detailed Site Plan approval by the Prince George's County Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance for each related phase or section of development. These Detailed Site Plans shall include the following:
1. Architectural plans (certified by a professional engineer with competency in acoustical analysis) shall be provided along with construction details which demonstrate that the design and construction of building shells within the delineated noise corridor will attenuate noise to an interior noise level of 45 dBA (Ldn) or less.
 2. The proposed development shall be, at a minimum, subject to the requirements of the *Landscape Manual*.
 3. A revised Phase II noise study shall be submitted that shows the location of the unmitigated and mitigated 75, 70 and 65 dBA noise contours at ground level and for the upper level, based on the revised layout, grading and building placement. Recommendations shall be included regarding methods to meet the noise standards on site. Noise mitigation measures shall reduce noise levels in exterior living areas to 65 dBA and interior living areas to 45 dBA. All noise contours shall be shown on the detailed site plan so that impacts can be fully evaluated.
 4. The Detailed Site Plan, shall be designed to minimize human contact and interaction with the endangered plant population with design techniques including, but not limited to, the isolation of the area through the use of fencing and the prohibition of rear yard areas abutting or adjacent to protection areas.
- e Single-family detached homes shall be considered for a portion of the subject development.

6. The Guidelines for Elderly Housing as referenced in the Urban Design memo dated October 9, 2001, shall be followed.
7. An arrival court shall be provided at the Clubhouse wide enough to accommodate open car doors and passing cars. To avoid inclement weather, the passenger drop off area at the club house shall be covered.
8. Private patios and or balconies shall be landscaped to allow for privacy for the residents and to define edges of ground-level patios.
 - i. All sidewalks shall be at least four (4) feet in width.
 - j. The stormwater management facilities shall be treated as amenities and special attention shall be paid to landscaping.
 - k. Architecture for the proposed development will be key in creating the mood for this retirement facility. Monotonous facades shall not be allowed and special lighting fixtures should be provided. All trails should be lit to provide a safe environment. Appropriate lighting shall be determined during Detailed Site Plan review.
 - l. A coordinated sign plan shall be incorporated into the development.
 - m. Street furnishings including, but not limited to, benches, trash receptacles, lighting and shelters. The locations and amount of these street furnishings also shall be determined.
 - n. The conditions regarding recreational facilities in the May 29, 2001, memo from the Park Planning and Development Division, Department of Parks and Recreation, shall be considered.
4. Prior to the issuance of any permit, a Sensitive Species Management Plan shall be approved by the Environmental Planning Section for the ongoing protection and monitoring of the endangered plant population.
5. The subject property should receive primary access via an existing traffic signal at the Belair Drive/MD 3 southbound ramps intersection. The access street will include two travel ways separated by a median, with two lanes outbound. The applicant shall be responsible for all physical modifications at the intersection, as well as any signal, signage, or pavement marking modifications, in accordance with State Highway Administration requirements. With the exception of Karen Way, existing stub streets may be considered for primary access. In the event the City of Bowie does not provide the right-of-way to allow access at Belair Drive / MD 3, it should prohibit parking on one side of the street to allow a clear travel way for two-way traffic.
6. The colored illustrative plan included the applicant's presentation at the public hearing showing a development scenario for a Planned Retirement Community at six dwelling units per acre, shall be submitted to both the Zoning Hearing Examiner and the Technical Staff.

The Technical Staff shall submit comments on the illustrative plan to the Zoning Hearing Examiner for inclusion in the Examiner's review.

* * * * *

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 15, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of December 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:rmk