



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

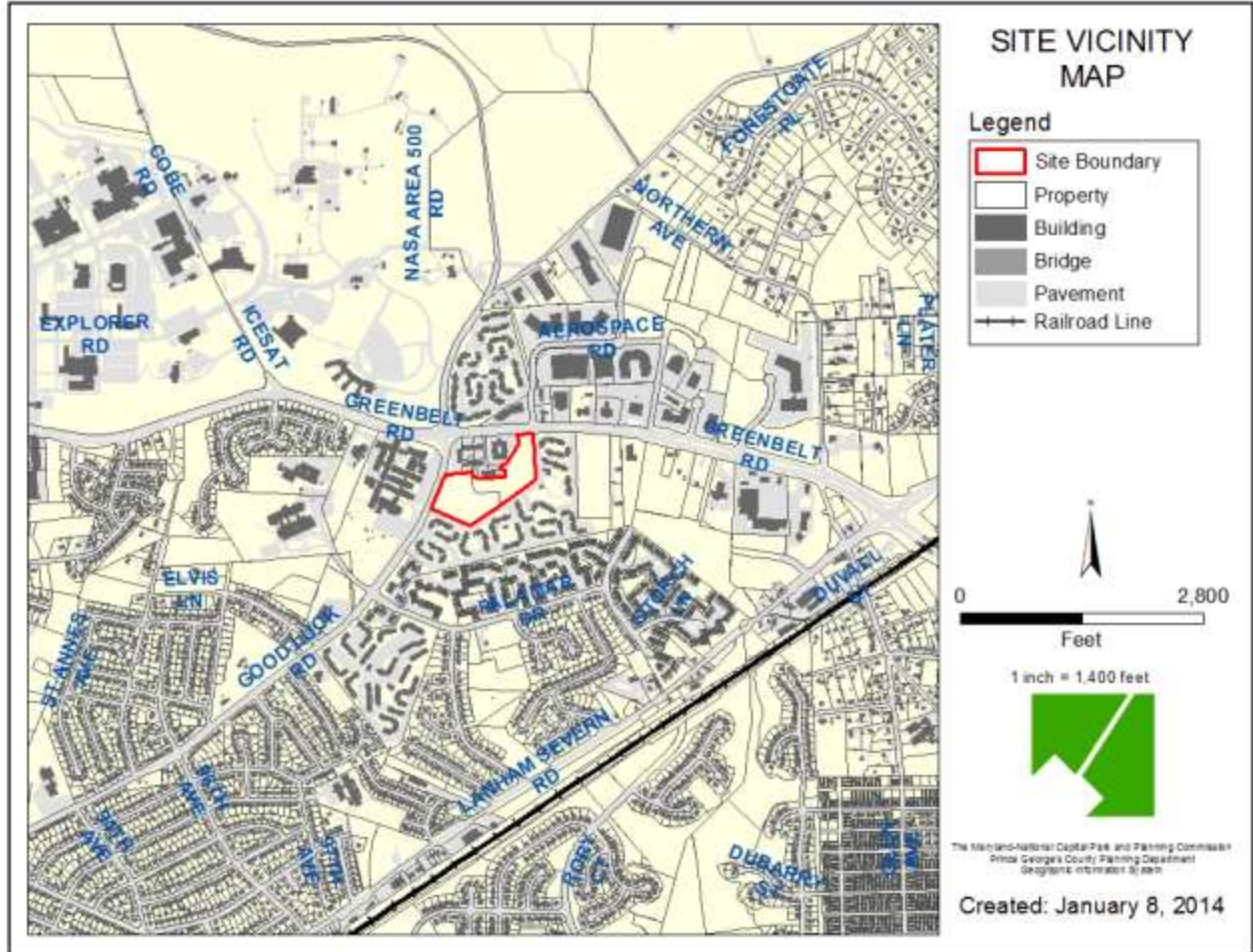
Preliminary Plan 4-13030

Waiver of Rules of Procedure, Reconsideration Request and Reconsideration Hearing

Application	General Data	
Project Name: Wood Glen Location: Southeast quadrant at the intersection of Good Luck Road and Greenbelt Road. Applicant/Address: Palisades Development at Good Luck Rd 13501 Cavanaugh Drive Rockville, MD 20850 Property Owner: Palisades Development at Good Luck Rd 13501 Cavanaugh Drive Rockville, MD 20850	Planning Board Hearing Date:	06/25/15
	Memorandum Date:	06/15/15
	Date Accepted:	03/19/15
	Planning Board Action Limit:	N/A
	Mandatory Action Timeframe:	N/A
	Plan Acreage:	12.62
	Zone:	C-O
	Gross Floor Area:	4,000 sq. ft.
	Lots/Dwelling Units:	138
	Parcels:	23
	Planning Area:	70
	Council District:	03
	Election District	14
	Municipality:	N/A
	200-Scale Base Map:	210NE09

Purpose of Application	Notice Dates	
STAFF NOTE: See attached memorandum dated May 28, 2015 and an amended variance request addressing: Waiver of Rules of Procedure – Discussion Reconsideration Request – Discussion Reconsideration Hearing – Approval with conditions	Previous Parties of Record (Applicant)	05/28/15
	Previous Parties of Record (M-NCPPC)	06/12/15

Staff Recommendation		Staff Reviewer: William Mayah Phone Number: 301-952-3554 E-mail: William.Mayah@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION



June 15, 2015

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Whitney Chellis, Supervisor Subdivision Review Section, Development Review Division

FROM: William Mayah, Planner, Subdivision Review Section, Development Review Division

SUBJECT: Wood Glen
Preliminary Plan of Subdivision 4-13030 (PGCPB Resolution No. 14-124)
Reconsideration Hearing for a Preliminary Plan of Subdivision

The preliminary plan of subdivision (PPS) was approved by the Planning Board on November 6, 2014, and the resolution (PGCPB Resolution No. 14-124) was adopted and mailed out on December 4, 2014. Michael S. Nagy of Rifkin, Weiner, Livingston, Levitan & Silver LLC, by letter dated May 28, 2015 (Nagy to Hewlett), has filed a request for a waiver of the Planning Board's Rules of Procedure (Section 10) and a reconsideration request in the furtherance of substantial public interest based on "other good cause." The applicant has requested a same-day hearing on the reconsideration, limited to the conditions of approval and associated findings related to Outparcel A only, which is supported by staff.

The Planning Board's approval of the PPS included 138 townhouse dwelling units (PGCPB Resolution No. 14-124) on 12.62-acres zoned Commercial Office (C-O). The applicant requests a reconsideration of conditions (Conditions 1(a), 1(i), 11, 25, and 26) to facilitate the redesignation of Outparcel A (0.75 acre) to Parcel 1 to permit the development of up to 5,500 square feet of gross floor area (GFA) for commercial retail/medical office use.

As summarized in the applicant's request dated May 28, 2015 (Nagy to Hewlett), the proposed commercial parcel was approved as Outparcel A (PPS 4-13030) due to denial of access to Greenbelt Road (MD 193), which was conditioned pursuant to the denial of the applicant's requested variation to Section 24-121(a)(3) of the Subdivision Regulations for access to an arterial roadway. This denial of access was based upon safety concerns raised by Planning Board staff regarding the proximity of the access to the nearby intersection of MD 193 and Aerospace Road. At the time of PPS review, no indication of approval of such an access was provided from the Maryland State Highway Administration (SHA) who is the operating agency for MD 193. Staff accordingly recommended several conditions relating to Outparcel A, which were adopted by the Planning Board, precluding the development of the

site until such time the applicant receives approval from SHA for the proposed access. Subsequent to the Planning Board hearing, the applicant obtained approval of access to MD 193 from SHA, subject to an access permit.

Staff has evaluated the applicant's request and found that the amended conditions are consistent with the findings and original intent of the Planning Board's action. In support of the revised conditions, an additional trip cap condition will be required for the commercial parcel, which is substantiated in Finding 12, Transportation, of the original resolution of approval (PGCPB Resolution No. 14-124). Additionally, staff now recommends approval, rather than disapproval, of the applicant's variation request originally filed with the PPS (Section 24-113) based on the SHA approval letter dated November 7, 2014 (Foster to Nguyen) for a single access to Greenbelt Road for the commercial parcel (Section 24-121(a)(3)). The approval (PGCPB Resolution No. 14-124) for this case included an adequacy analysis that will support the proposed commercial development of 5,500 square feet of GFA.

If the reconsideration is approved, staff will prepare an amended resolution reflecting the amended and deleted conditions recommended below, and adjustment of appropriate findings relating to the conversion of Outparcel A into Parcel 1 (commercial parcel).

RECOMMENDATION

Staff recommends **Approval** of the waiver of the rules and reconsideration request limited to Outparcel A and related matters based on other good cause, and

Approval of the reconsideration for PPS 4-13030 subject to the following amended and deleted conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to incorporate the modifications depicted in Exhibit 1 and make the following technical corrections:
 - a. The commercial parcel, currently designated in Applicant Exhibit 1 as Outlot A, should be re-labeled as "~~Outparcel A~~ Parcel 1."
 - b. Label the right-of-way widths for all proposed private streets.
 - c. For each property frontage, label the distance to the centerline of the adjacent public right-of-way.
 - d. Label and provide the width of the proposed public utility easement (PUE) serving the townhouse development both within the private streets and on HOA open space.
 - e. Provide a table in the general notes listing the total number of parcels, outparcels, and lots and the associated total acreage for each.
 - f. Indicate Private Recreational Facilities in General Note 12.
 - g. Remove General Note 22.
 - h. Remove the word "not" from General Note 41.

- i. The following note shall be placed on the PPS and DSP:

~~“Prior to approval of the 51st building permit, the applicant, their heirs successors and or assignees shall obtain approval of a final plat for Outparcel A (.75 acres). The outparcel shall be conveyed to the HOA or the applicant may retain the outparcel. Prior to development of Outparcel A, a new PPS is required. Direct access to Greenbelt Road may not be granted unless authorized by the Planning Board through the review of a PPS.”~~

“Pursuant to Section 24-113, a variation from the provisions of Section 24-121(a)(3) of the Subdivision Regulations to allow a stand-alone right-in/right-out access into the property from MD 193 is approved. The location of the access point shall be determined by the State Highway Administration.”

2. Development of this site shall be in conformance with an approval of Stormwater Management Concept Plan No. 8011890-1999-02, and any subsequent revisions.
3. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public and private streets or an alternative PUE acceptable to all applicable public utility providers, as reflected on the approved DSP.
4. Prior to the submission of final plats, the applicant and the applicant’s heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site for approval. Upon approval by the DRD, the RFA shall be recorded among the County Land Records. The DSP shall establish appropriate triggers for construction for the recreation facilities.
5. Prior to the issuance of building permits, the applicant and the applicant’s heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities. The recreational facilities shall be determined at the time of DSP.
6. Prior to approval of building permits the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
7. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open space land as delineated on the approved preliminary plan of subdivision (PPS). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to issuance of building permits.
 - b. A copy of unrecorded special warranty deeds for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls shall be in conformance with the approved PPS and detailed site plan.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Development Review Division (DRD).
8. Prior to approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide the following, unless modified by DPW&T:
- a. An eight-foot-wide sidepath (or wide sidewalk) along the site's entire frontage of Good Luck Road.
 - b. An eight-foot-wide sidepath (or wide sidewalk) along the west side of Good Luck Road from the ingress/egress point to DuVal High School to the existing curb cut and crosswalk at Greenbelt Road (MD 193).
 - c. One bus shelter at the existing bus stop along the west side of Good Luck Road in front of DuVal High School.
9. The Detailed Site Plan (DSP) shall demonstrate standard sidewalks along both sides of all internal roads, excluding the portion of the road abutting the Greenbelt Executive Center Phase Two Condominium.
10. Total development within the subject property, for townhouse development (11.87 acres) shall be limited to a mix of residential development which generates no more than 97 (20 in; 77 out) AM peak-hour trips, and 110 (72 in; 38 out) PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- ~~4011.~~ Total development within the subject property, for Parcel 1 (0.75 acres) shall be limited to a mix of commercial development which generates no more than 16 (13 in; 3 out) AM peak-hour trips, and 21 (7 in; 14 out) PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

- ~~11.~~ Pursuant to ~~Section 24-121(a)(3) of the Prince George's County Code~~, there shall be no direct access to and from Greenbelt Road (MD 193). Denial of access shall be reflected on the final plat for Outparcel A, unless a new determination is made through the review of a new PPS
- ~~12.~~ The following note shall be placed on the final plat: Pursuant to Section 24-113, a variation from the provisions of Section 24-121(a)(3) of the Subdivision Regulations to allow a stand-alone right-in/right-out access into the property from MD 193 is approved. The location of the access point shall be determined by the State Highway Administration.
- ~~12~~13. The following improvements shall be bonded for construction prior to the issuance of any building permits:
- a. Reconfiguration of the eastbound and westbound approaches of MD 193 at its intersection with Good Luck Road to provide the following lane configuration for each approach, respectively:
 - (1) Eastbound: an exclusive left-turn lane, two through and a shared through and right-turn lane.
 - (2) Westbound: two exclusive left-turn lanes, two through lanes and a shared through and right-turn lane.
 - b. Provision of these improvements may require additional widening of Greenbelt Road (MD 193) to receive the additional through lane in each direction and modification to the existing traffic signal to accommodate these changes, and any other modifications as deemed necessary by SHA and/or the Prince George's County DPW&T.
- ~~13~~14. Approval of this preliminary plan of subdivision shall supersede PPS 4-01080 (PGCPB Resolution No. 02-43) for the development of the site.
- ~~14~~15. Prior to approval of the DSP for the townhouse development, an exhibit shall be provided detailing the location limits and design of the off-site sidewalk construction and the off-site bus shelters, as agreed upon with the Department of Public Works and Transportation (DPW&T).
- ~~15~~16. Prior to approval of the DSP, an approved stormwater site development plan shall be submitted to show how the proposed stormwater entering the site from MD 193 will be treated before entering the existing stream/wetland system. The proposed improvements (best management practices or environmental site design) shall be clearly identified on the plan and correctly reflected on the associated DSP and TCP2.
- ~~16~~17. At the time of the DSP, the applicant shall provide a landscape plan detailing the planting specification for the 410 linear feet of stream channel and riparian plantings, and herbaceous wetland vegetation proposed in the bottom of proposed stormwater management ponds "A" and "B" as stated on page four (4) of a letter dated September 20, 2014 from Rifkin Weiner Livingston Levitan & Silver LLC Attorneys at Law, entitled "Variation Request – PMA disturbances Wood Glen 4-13030," to be reviewed by the Alternative Compliance Committee.
- ~~17~~18. At the time of DSP, full cut-off optic street light fixtures shall be used on this site to reduce light intrusion.

- ~~18~~19. Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:
- a. Revise the TCP1 worksheet and site statistics table to indicate the correct amount of total existing woodlands onsite per the approved NRI. If the acreage as shown on the NRI is determined to be incorrect, the NRI shall be revised as necessary.
 - b. Revise and update the TCP1 to consistently show all grading and proposed structures as reflected on the approved stormwater management concept plan.
 - c. Remove the proposed woodland preservation areas, not credited and show them as cleared if a pond is to be constructed in that areas.
 - d. Show the TCP1 Approval block.
 - f. Remove the noise worksheet from the plan.
 - e. Revise note Note#8 to indicate that the section of Good Luck Road that runs adjacent to the site is designated as a historic road.
- ~~19~~20. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-003-14). 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 (TCP1-003-14 or most recent revision), 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, Prince George’s County Planning Department.”
- ~~20~~21. Based on the level of design information available at the present time, the regulated environmental features on the subject property appear to be proposed to be preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review for impacts associated with Impact Area #2.
- ~~21~~22. At the time of detailed site plan, a revised letter of justification shall be submitted for Impact Area #1 as necessary.
- ~~22~~23. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

- ~~23~~24. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- ~~24~~25. Prior to approval of the DSP, a copy of the Erosion and Sediment Control Concept Plan shall be submitted.
- ~~25~~. ~~At the time of DSP, the applicant shall demonstrate the approved stormwater management concept plan or technical plan has been revised to reflect no proposed development on Outparcel A.~~
- ~~26~~. ~~Prior to approval of the 51st building permit, the applicant, their heirs successors and or assignees shall obtain approval of a final plat for Outparcel A (.75 acres). The outparcel shall be conveyed to the HOA or the applicant may retain the outparcel. Prior to development of Outparcel A, a new PPS is required. Direct access to Greenbelt Road may not be granted unless authorized by the Planning Board through the review of a PPS.~~

STAFF RECOMMENDS APPROVAL OF:

- Type 1 Tree Conservation Plan TCP1-003-14
- Variance to Section 25-122(b)(1)(G) for Removal of Specimen Tree 1
- Variation to Section 24-121(a)(3) of the Subdivision Regulations