The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530
Note: Staff reports can be accessed at http://mncppc.iqm2.com/Citizens/Default.aspx

Preliminary Plan of Subdivision 4-21003
Towne Square at Suitland Federal Center - Phase 4

REQUEST	STAFF RECOMMENDATION
Six parcels for development of 270 multifamily dwelling units and 204,840 square feet of commercial use.	With the conditions recommended herein: •Approval of Preliminary Plan of Subdivision 4-21003 •Approval of a Variation from Section 24-121(a)(8) •Approval of a Variation from Section 24-122(a)

Location: North of the intersection of MD 458 (Silver Hill Road) and MD 218 (Suitland Road).	
Gross Acreage:	6.43
Zone:	LMUTC
Prior Zone:	M-U-TC/D-D-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(j)
Gross Floor Area:	204,840 sq. ft.
Dwelling Units:	270
Lots:	0
Parcels:	6
Planning Area:	75A
Council District:	07
Municipality:	N/A
Applicant/Address: Redevelopment Authority of Prince George's County 9201 Basil Court, Suite 504 Largo, Maryland 20774	
Staff Reviewer: Antoine Heath **Phone Number:** 301-952-3554 **Email:** Antoine.Heath@ppd.mncppc.org	

Planning Board Date:	07/28/2022
Planning Board Action Limit:	09/11/2022
Mandatory Action Timeframe:	70 days
Staff Report Date:	07/20/2022
Date Accepted:	06/02/2022
Informational Mailing:	01/26/2022
Acceptance Mailing:	05/20/2022
Sign Posting Deadline:	06/28/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/.
Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-21003
Towne Square at Suitland Federal Center – Phase 4

OVERVIEW

The subject property is located north of the intersection of MD 458 (Silver Hill Road) and MD 218 (Suitland Road) and consists of 19 lots, 8 parcels, and a public alley which is to be vacated, totaling 6.43 acres. Lots 1–8 of Suitland Corner are recorded in the Prince George's County Land Records in Plat Book BB 10, page 43; Lots 2–10 and Parcel C of First Addition to Suitland are recorded in Plat Book BB 14, page 100; Lot 11 of First Addition to Suitland (a resubdivision of Lot 1) is recorded in Plat Book WWW 18, page 71; Lot 1 of First Addition to Suitland (a resubdivision of part of Parcel D) is recorded in Plat Book WWW 39, page 77; Parcel A, Block J of Town Square at Suitland Federal Center is recorded in Plat Book SJH 250, page 47; Parcel F of First Addition to Suitland (a resubdivision of Parcel B) is recorded in Plat Book WWW 68, page 5; Parcel G of First Addition to Suitland (a resubdivision of Parcel B) is recorded in Plat Book WWW 73, page 62; and the remaining parcels included in this subdivision are parts of Parcels B and D previously recorded in Plat Book 14, page 100, having been resubdivided by the plats described herein and part of the same property included in this subdivision. The property is within the Legacy Mixed – Use Town Center (LMUTC) Zone and was previously in the Mixed Use Town Center (M-U-TC) and Development District Overlay (D-D-O) Zones. This application is being reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 27-1704(j) of the Zoning Ordinance. In accordance with Section 24-1704(b) of the Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to Certificate of Adequacy ADQ-2022-009-00. The site is also subject to the 2006 *Approved Suitland Mixed-Use Town Center Development Plan* (development plan), the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (sector plan), Subtitles 24 and 27 of the prior Prince George's County Code, and other applicable plans, as outlined herein. This PPS proposes six parcels for development of 270 multifamily dwelling units and 204,840 square feet of commercial use. This PPS is known as Phase 4 of the larger Towne Square at Suitland Federal Center development. The site currently consists of one multifamily building (shown on the natural resources inventory plan for the site) which is to be removed, and a Potomac Electric Power Company (PEPCO) switchyard which is to remain.

Section 24-122(a) of the prior Subdivision Regulations requires that 10-foot-wide public utility easements (PUE) be provided along both sides of public rights-of-way. A proposed public right-of-way, labeled as Park View on the PPS, travels through the center of the site. The applicant is requesting approval of a variation from the PUE requirement for a reduction in the PUE width, which is discussed further in this technical staff report.

Section 24-121(a)(8) of the prior Subdivision Regulations requires corner lots be rounded with a radius of no less than 20 feet or provided with an equivalent truncation. The applicant is proposing corner radii less than 20 feet at four locations along the property's street frontage, which is discussed further in this technical staff report.

Staff recommends **approval** of the PPS, with conditions, and the variations, based on the findings contained in this technical staff report.

SETTING

The subject property is located on Tax Map 80 in Grids E3 and E4 and is within Planning Area 75A. All surrounding properties are located in the LMUTC Zone (formerly the M-U-TC and D-D-O Zones) which contain multifamily and commercial development to the north beyond Evansgreen Drive; commercial development to the east beyond Silver Hill Road; the United States Census Bureau to the south beyond Suitland Road; and developing residential and commercial uses as part of the larger Towne Square at Suitland Federal Center development project (PPS 4-15005) to the west beyond Towne Square Boulevard.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Development Data Summary—The following information relates to the subject PPS application and the proposed development.

	EXISTING	PROPOSED
Zone	LMUTC	LMUTC
Use(s)	Utility and Multifamily	Residential and Commercial
Acreage	6.43	6.43
Lots	19	0
Parcels	8	6
Dwelling Units	15 (multifamily to be removed)	270
Gross Floor Area	0	204,840 sq. ft.

There are six parcels proposed with this PPS, which include five development parcels (Parcel 1 Block K, and Parcels 1–3 and Parcel M, Block J), and one private alley parcel (Parcel N, Block J). Parcel M, containing the existing PEPCO switchyard, and Parcel N should be conveyed to a business owners or community association.

Pursuant to Section 24-119(d)(2) and Section 24-113(b) of the prior Subdivision Regulations, this PPS and the associated variations were heard at the Subdivision and Development Review Committee meeting on June 10, 2022.

2. Previous Approvals—PPS 4-08058 was approved by the Prince George's County Planning Board on December 3, 2009 (PGCPB Resolution No. 09-165). This PPS approved one parcel for the development of 225 multifamily dwelling units and 15,000 square feet of commercial use on what is currently Parcels B, C, F, G, and Lot 1. PPS 4-21003 will supersede this PPS, if approved.

Special Permit SP-150004 was approved by the Planning Board on November 19, 2015 (PGCPB Resolution No. 15-123). This special permit approved mixed-use development including age-restricted apartments and amendments to the development standards of the Suitland M-U-TC Zone. The boundaries of this PPS overlapped what is now Parcel A, but encompassed a larger land area to the west of the site.

SP-150004-01 was approved by the Planning Director on March 30, 2018. The special permit approved a revision to architectural elevations.

PPS 4-15005, which is a companion to SP-150004 and SP-150004-01, was approved by the Planning Board on December 1, 2015 (PGCPB Resolution No. 15-124). The boundaries of this PPS overlapped what is now Parcel A, but encompassed a larger land area to the west of the site. This PPS approved 29 parcels for the development of 700 multifamily dwelling units, 219 single-family attached dwelling units, 2 single-family detached dwelling units, 80,331 square feet of commercial use, and 50,000 square feet of institutional use. PPS 4-21003 will supersede this PPS on Parcel A, if approved.

3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated, as follows:

Plan 2035

This application is located within the Established Communities growth policy area. The vision for the Established Communities is to create the most appropriate context-sensitive infill and low to medium density development (page 20).

Sector Plan Conformance

The sector plan recommends mixed-use/flexible land use on the subject site. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, staff finds that this application conforms to the sector plan's recommended land use.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM concept plan (21525-2015-04) was submitted with this application, which shows the use of micro-bioretention, rainwater harvesting, and extended detention on site. Staff finds that development of the site in conformance with the SWM concept approval and any subsequent revisions ensuring that no on-site or downstream flooding occurs satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the development plan, the sector plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County,* the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space,* the Subdivision Regulations, and prior approvals as they pertain to public parks and recreation and facilities.

The proposed development aligns with the sector plan's intention to provide urban parks and plazas as amenities to support existing development patterns and future residents. The approved development plan also shows the subject property designated as a Boulevard Development with the northern corner designated as public open space/urban park. PPS 4-15005, approved in 2015 and located just west of this site beyond Towne Square Boulevard, is a previous phase of the Towne Square at Suitland Federal Center development which will contain a large urban plaza conveyed to the community association.

Existing surrounding parks are Suitland Community Park and Suitland Neighborhood Mini-Park (undeveloped), which are both within 0.5 mile of the proposed development. The Bradbury Community Center is within 0.78 miles of the site. Existing surrounding schools include Shadyside Elementary School, Drew-Freeman Middle School, and Suitland High School all within 0.5 mile which could provide recreational opportunities as well.

Separate from the evaluation of adequacy, the mandatory dedication of parkland requirements are applicable. This PPS is being reviewed per the provisions of Section 24-134 of the prior Subdivision Regulations, which pertains to the mandatory dedication of parkland, and provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities to meet the requirement. Based on the proposed density of development, 15 percent of the net residential lot area should be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.41 acre for public parklands. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. The 0.41 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed. The current plan proposal calls for this requirement to be met with private on-site recreational facilities. In accordance with Section 24-135(b) of the prior Subdivision Regulations, the Planning Board may approve on-site recreational facilities, in lieu of parkland dedication, provided the following are met:

1. **Such facilities will be superior, or equivalent, to those that would have been provided under and the provisions of mandatory dedication;**

2. **The facilities will be properly developed and maintained to the benefit of future residents of the subdivision through covenants, a recreational agreement, or other appropriate means, that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees, and that such instrument is enforceable, including enforcement by the Planning Board; and**

3. **No permit for construction or occupancy of dwellings will be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.**

On a conceptual basis, the applicant has proposed an outdoor swimming pool and indoor yoga center as recreational facilities.

The Prince George's County Parks and Recreation Facilities Guidelines also set standards based on population. Based on the projected population for the development, the typical recreational needs are:

- (1) Picnic Area
- (1) Sitting Areas
- (1) Preschool Playground
- (0.6) School Age Playground
- (1) Open Play Areas
- (1) Fitness Trail (6 stations)
- (0.6) Basketball - Multi-purpose
- (0.5) Tennis Courts

The current proposal does not meet all the requirements due to the constraints and layout of the property. Staff has concluded that the private recreational outdoor facilities provided are minimal with the swimming pool being a seasonal activity. The indoor yoga center is considered typical sales and marketing opportunities within the proposed development. Staff's finding is that the private on-site recreational facilities are not superior or equivalent to those that would have been provided under the provisions of mandatory dedication. Therefore, staff recommends the combination of a payment of a fee in-lieu of mandatory dedication of parkland with a review of the provision of on-site recreation at the time of detailed site plan (DSP) by Development Review staff. On-site facilities should include passive recreation, or an art based/themed connection to the Arts Center.

6. **Transportation (pedestrian, bicycle and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the development plan and the sector plan, to provide the appropriate transportation recommendations.

Master Plan Right-of-Way and Access

The subject site has frontage along master-planned arterial roadway Silver Hill Road, which is designated in the MPOT as A-40. Within the limits of the PPS application, the MPOT recommends a variable width right-of-way with a minimum width of 120 feet. The latest PPS submission shows dedication of right-of-way along the eastern frontage of Silver Hill Road and shows vacation of right-of-way at two locations along the western frontage. The PPS shows that with the vacated right-of-way along Silver Hill Road, 60 feet of right-of-way from centerline will be maintained along the frontage. The right-of-way configuration along Silver Hill Road is consistent with the MPOT recommended right-of-way and is adequately shown on the PPS. The site also has frontage along Suitland Road, which is designated in the MPOT as C-415. The MPOT recommends an ultimate right-of-way of 80 feet, which is adequately shown on the PPS. The PPS also includes an area of vacated right-of-way along the southern portion of Suitland Road, that will still maintain the 40 feet right-of-way from centerline that is required.

In addition, the site is bounded by existing and proposed public roadways: Town Square Boulevard with a 70-foot right-of-way to the north of the site; Evansgreen Drive extension with a 62-foot ultimate right-of-way to the east of the site; and Park View, a 50-foot right-of-way which traverses through the center of the site. The latest PPS submission shows additional right-of-way dedication along these public roadways to facilitate the ultimate configuration within the limits of the PPS application. It is noted that Park View is not an available roadway name and final naming shall be determined in consultation with the Property Address Section of the Prince George's County Planning Department, prior to final plat approval.

In accordance with Section 24-128(b)(8) of the prior Subdivision Regulations, the Planning Board may approve a subdivision with private rights-of-way, easements, alleys, or roads within a D-D-O Zone. As part of the overall development, a PEPCO switchyard was approved in Mandatory Referral MR-2113, which is located on proposed Parcel M, Block J. The applicant is proposing a private alley access on-site which will connect to the arterial roadway Silver Hill Road, for the purpose of providing access to the switchyard on Parcel M and rear loading access for the commercial buildings on Parcels 1-3, Block J. This alley removes direct access from Silver Hill Road, in accordance with Section 24-121(a)(3) of the prior Subdivision Regulations. The trips accessing the alley for this purpose are nominal and will not be detrimental to the public safety, health, welfare, or injurious to other properties. The PPS shows the alley as a limited right-in only movement access from Silver Hill Road, which will not impact traffic operations along this roadway. The trips associated with the development of the PPS application will not gain access to the site from the limited access alley. As a condition of approval, staff recommends that signage is provided to restrict the use of the driveway for access to the PEPCO switchyard utility and commercial loading area only. Staff also recommends that a note be added to the PPS and final plat of subdivision indicating that vehicle trips generated by the site shall be prohibited from using the access driveway along Silver Hill Road.

The PPS proposes vehicular access to buildings on-site via two, full access driveways along Towne Square Boulevard, one full access point along Park View, and one, a restricted right-in only access alley, along Silver Hill Road, for access to switchyard utility and loading. Staff finds that the overall circulation and proposed roadway configurations are acceptable. It is noted that the subject property also includes an existing public alley within Block J, which is to be vacated, as shown on the PPS. A vacation application for the existing alley and portions of the public rights-of-way described above must be filed and approved prior to approval of the final plat for this project.

Section 24-121(a)(8) requires corner lots be rounded with a radius of no less than 20 feet or provided with an equivalent truncation. The applicant is proposing a corner radius of less than 20 feet at four different locations along the property's frontage. One at the intersection of Silver Hill Road and the proposed public right-of-way Park View, two at the intersection of Towne Square Boulevard and Park View, and one at the intersection of Towne Square Boulevard and Evansgreen Drive. The applicant has requested a variation from the minimum radius in accordance with Section 24-113 of the prior Subdivision Regulations, which sets forth following required findings for approval of a variation (in **bold**), followed by review comments:

Section 24-113 Variations

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The development plan and sector plan recommend compact development. Larger corner radii reduce the amount of space available for development at the corner of lots, and are not consistent with dense urban development envisioned for this urban infill redevelopment site. Corner lots with radii of less than 20 feet are used throughout the Town Center at Suitland Federal Center project which have received prior approval.

The development of the larger Suitland Redevelopment will include a new signalized intersection along Silver Hill Road, to accommodate the trips generated by the overall development, which includes the limits of the subject site. It is staff's understanding that signal plans have been submitted to the Maryland State Highway Administration and include the alignment of a new four-legged intersection along Silver Hill Road, adjacent to the site. In addition, the PPS application shows that the proposed intersection and roadway configurations will adequately align with the current geometry of the existing roadways within the limits of the PPS, with the proposed lotting patterns. Therefore, staff finds the granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other properties.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The conditions on which the variation is based are unique as the subject site which is being used for urban infill redevelopment. The site is surrounded by existing public rights-of-way on all sides and is split in half by a proposed 50-foot-wide public right-of-way needed for access and circulation to abutting public rights-of-way. Additional right-of-way is also needed for Towne Square Boulevard, and a shared private alley is proposed to further divide the southernmost parcels for access. The sector plan and development plan call for compact urban development, in regard to the proximity of buildings to streets and population density which is not typical of suburban style development with streets having larger turning radii. As

previously stated, this proposal is also consistent with the alignment and geometry of existing roadways. The combination of recommendations, rights-of-way, existing conditions, and dedication have reduced the amount of development space, and are unique to this property. Providing 20-foot radii at every corner would reduce the amount of developable area even further.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The requested variation does not constitute a violation of any other applicable law, ordinance, or regulation. The approval of a variation, in accordance with Section 24-113, is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The lot design will not impact the traffic operations or the alignment and geometry with existing roadways. This PPS and variation request for the reduction of turning radii was referred to the public utility companies and public road operating agency, none of which have opposed this request. Staff is not aware of any other law, ordinance, or regulation that would be impacted by this request. Further approval of road operating agency will be required during their review of applicable permits.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The site is being used for urban infill development. The sector plan and development plan call for compact urban development in this area. The site is surrounded on all sides by existing public rights-of-way and will be further reduced and compacted with the access road and alley to be established for access to the site. Alleys are recommended by the development plan to provide access to rear of main street development. The development plan also calls for buildings to be located close to streets. This has reduced the amount of development space on site. Larger radii would reduce the amount of developable area even further. These factors, constrain the site and make it a hardship to provide the minimum 20-foot radius at every corner.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property in not within any of the zones specified by this criterion; therefore, this provision does not apply.

Staff finds that the required findings for the approval of variation is supported by the findings above and recommends approval of the variation request.

Master Plan Pedestrian and Bicycle Facilities
The subject property fronts the recommended master-planned bicycle lane along Silver Hill Road and Suitland Road, to which both roadways have existing bicycle infrastructure. Per the prior approved SP-150004, bicycle lanes will be provided along Towne Square Boulevard traveling parallel to Silver Hill Road.

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

> **Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**
>
> **Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**
>
> **Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities.***

The sector plan includes the following recommendations regarding the accommodations of pedestrian access that impact the subject site (page 36):

> **1. Provide safe, convenient, and accessible transportation system that meets the basic need for travel via motorized and non-motorized modes.**
>
> **3. Promote pedestrian access to the station via a connected street grid and seek locations to implement the county's Complete Streets policies, by providing sidewalks and marked bicycle lanes in the station areas.**
>
> **7. Decrease the production of greenhouse gases by minimizing vehicular trips and promoting greater pedestrian and bicycle mobility**

In addition, the development plan includes design guidelines beginning on page 30. The master plan design elements and MPOT policy recommendations shall be detailed and evaluated in subsequent detailed site plans (DSPs). However, the latest PPS submission shows that adequate right-of-way is provided to support the pedestrian and bicycle facilities recommended by the master plans.

Based on the preceding findings, the transportation facilities will be in conformance with the MPOT, sector plan, development plan, and the Subdivision Regulations, with the recommended conditions.

7. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan provides goals and policies related to public facilities (page 36). The sector plan goals are to "Seek opportunities for new public facilities that will serve as amenities to support the Green Line stations as neighborhoods of choice for current and new residents and businesses.". The sector plan does not include any recommended police, fire and emergency medical service facilities, schools, parks, or libraries proposed on the subject property. This application is further supported by an approved certificate of adequacy (ADQ-2022-009) which ensures adequate public facilities to support the proposed land use. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, none of which affect the subject site.

8. **Public Utility Easement**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

> "Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748."

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of Silver Hill Road, Suitland Road, Towne Square Boulevard, Evansgreen Drive, and a proposed public right-of-way titled Park View. The necessary 10-foot-wide PUEs are provided along all public rights-of-way, with the exception of the southern frontage of the proposed public right-of-way Park View. The applicant is proposing a 5-foot-wide PUE along the southern frontage of Park View. The applicant has requested a variation from the standard PUE requirement in accordance with Section 24-113, which sets forth following required findings for approval of a variation (in **bold**), followed by staff review comments:

Section 24-113 Variations

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Ten-foot-wide PUEs are required along both sides of all public rights-of-way to ensure that utilities will be able to serve the subject site and surrounding development. However, the applicant proposes a reduction to 5 feet wide for the required PUE width along south side of Park View, a proposed public right-of-way within the subject site.

The subject property is a redevelopment infill site that is surrounded on all sides by existing public rights-of-way, along which the standard required PUE will be provided to serve the subject site and surrounding properties. The limited request to reduce the PUE along one side of the proposed right-of-way internal to the site will not affect surrounding properties and or the availability of other area designated for utility placement from which the subject site can be served. Therefore, granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other properties. This application has also been referred out to the public utility agencies, none of which have objected to the request.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The conditions on which the variation is based are unique as the subject site is County-owned property to be used for urban infill development in accordance with the sector plan, with existing public rights-of-way on all sides and an on-site PEPCO switchyard. The site is split in half by a proposed 50-foot-wide public right-of-way needed for access which requires additional PUEs to those that will be provided along the existing rights-of-way. The sector plan and development plan call for compact urban development, regarding the proximity of buildings to streets, and population density. These recommendations run counter to the provision of 10-foot-wide PUE along the southern frontage of the proposed public right-of-way. These recommendations along with existing and proposed rights-of-way, limit the land area for development on the subject site.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The requested variation does not constitute a violation of any other applicable law, ordinance, or regulation. The approval of a variation, in accordance with Section 24-113, is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This PPS and variation request for the location of PUEs was referred to the public utility companies and none have opposed this request. Staff is not aware of any other law, ordinance, or regulation that would be impacted by this request. Further approval of utilities locations will be required by the affected agencies during their review of applicable permits and site development.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The site is being used for urban infill. The sector plan and development plan call for compact urban development in this area. The site is split in half by a proposed public right-of-way needed for access. The southern portion of the

site has frontage on the right-of-way, which is the subject of the variation request. This portion of the site is also split in half by a proposed alley providing utility and loading access to the development. Alleys are recommended by the development plan to provide access to rear of main street development. Additional right-of-way is also needed for Towne Square Boulevard. The development plan calls for buildings to be located close to streets. These factors have reduced the amount of development space south of the proposed public right-of-way and, by extension, the amount of space for the PUE in area, creating a hardship to provide the entire 10-foot-wide PUE along the south side of the public right-of-way.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property in not within any of the zones specified by this criterion. Therefore, this provision does not apply.

Staff finds that the required findings for the approval of variation is supported by the findings above and recommends approval of the variation request.

9. **Historic**—The sector plan contains minimal material related to historic preservation and these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources.

10. Environmental—The following applications and associated plans have been reviewed for the subject site:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
N/A	TCP2-155-04	Staff	Approved	11-29-2004	N/A
NRI-065-05	N/A	Staff	Approved	8-15-2005	N/A
NRI-065-05-01	N/A	Staff	Approved	4-2-2009	N/A
4-08058	TCP1-008-09	Planning Board	Approved	12-03-2009	09-165
NRI-038-2015	N/A	Staff	Approved	02-20-2015	N/A
NRI-038-2015-01	N/A	Staff	Approved	10-30-2019	N/A
NRI-014-2022	N/A	Staff	Approved	4-05-2022	N/A
4-21003	S-002-2022	Planning Board	Pending	Pending	Pending

Grandfathering
The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 because the application is for a new PPS.

Site Description
The property features no woodlands and currently lies vacant. A review of available information, and as shown on the approved natural resources inventory (NRI), indicates that streams and steep slopes are found to occur on the property, although the site has been previously graded. The site does not contain any Wetlands of Special State Concern, as mapped by the Maryland Department of Natural Resources (DNR). The Prince George's County Department of the Environment watershed map shows the entire site is within Oxon Creek of the Middle Potomac River basin. The site features several areas of steep slopes and two plateau areas. The site is not within a stronghold watershed area, as identified by DNR. There are no on-site streams. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The property does not abut any historic or scenic roads. According to the 2017 *Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains no evaluation or regulated areas. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Conformance with Applicable Plans

Sector Plan
There are no environmental infrastructure recommendations or guidelines within the sector plan.

Green Infrastructure Plan
The Green Infrastructure Plan was approved (Prince George's County Council Resolution CR-11-2017) on March 7, 2017. According to the approved plan, the site is not in a regulated or evaluation area. This site has no existing woodlands or regulated environmental features.

The following policies and strategies are applicable to the subject application. The text in **bold** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.

b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.

c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.

d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.

The property is in the Middle Potomac River basin and is not within a Tier II catchment area. The site contains no stream systems or wetlands on-site.

Policy 2: Support implementation of the 2017 GI Plan throughout the planning process.

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.

2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.

2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.

The PPS indicates no regulated environmental features on-site. The site features no existing woodlands or potential network gaps.

Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.

No fragmentation of regulated environmental features is proposed with this PPS. No regulated environmental features exist on-site.

b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.

No trail systems or proposed master-planned trails exist or are proposed with this PPS.

Policy 4: Provide the necessary tools for implementation of the 2017 GI Plan.

4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.

This site is exempt from Subtitle 25 and contains no regulated environmental features.

Policy 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

The proposal has received SWM concept approval. The approved SWM concept plan (21525-2015-04) shows use of micro-bioretention, rainwater harvesting, and extended detention to satisfy the current requirements of environmental site design to the maximum extent practicable. The site features no primary management areas (PMAs), and no SWM features are placed in environmentally-sensitive areas.

Policy 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.

7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.

This site is exempt from the tree conservation plan (TCP) process and contains no existing woodlands. The planting of native species on-site is required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Tree canopy coverage (TCC) requirements will be evaluated at the time of site plan review.

Forest Canopy Strategies

7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.

7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.

7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.

Clearing of woodland is not proposed with this application, and no woodland exists on-site. This site does not contain potential forest interior dwelling species. Green space is encouraged in compact developments to serve multiple eco-services.

Policy 12: Provide adequate protection and screening from noise and vibration.

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

Protection of proposed dwellings from noise and vibration associated with the dwellings will be evaluated at the time of DSP.

Environmental Review

Natural Resources Inventory
Approved NRI-014-2022 was submitted with this application. The site contains no streams, wetlands, PMA, woodlands, or regulated environmental features. No specimen trees are identified on-site.

Woodland Conservation
The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland and has no previous TCP approvals. A standard letter of exemption from the WCO was issued for this site (S-002-2022), which expires on January 5, 2024. No additional information is required regarding woodland conservation.

Soils

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present include Beltsville-Urban land complexes and Sassafras-Urban land complexes. Marlboro and Christiana clays are not found to occur on this property.

Erosion and Sediment Control

The County requires the approval of an Erosion and Sediment Control Plan. Erosion and sediment control plans are reviewed for conformance with the Maryland Standards and Specifications for soil erosion and sediment control.

11. Urban Design—The subject application is evaluated for conformance with the applicable plans as follows:

M-U-TC Development Plan

The development plan provides a community endorsed land use vision for the area and establishes specific design standards and guidelines for development of the town center. The design standards and guidelines of the Suitland M-U-TC are organized into five major parts, each covering a different aspect or development area of the town center concept plan. The five parts include design standards and guidelines for Commercial District, Residential District, Public Space, Parking and Loading, as well as Signage. The Commercial and Residential District standards are further organized into three sections: Site Design, Building Design, and Streetscape.

As stated on page 23 of the development plan, the design standards replace requirements that are set forth in the Zoning Ordinance and the Landscape Manual. Subdivisions shall be reviewed for compliance with relevant standards, such as those affecting circulation. The PPS is in conformance with the development plan and the project will be further reviewed for conformance with the special permit application.

Sector Plan

In 2014, the Prince George's County District Council approved the *Southern Green Line Station Area Sector Plan and Sectional Map Amendment* that established the future land use and modified the allowed uses within the Suitland M-U-TC boundary. The sector plan establishes development policies and design standards for new developments that are more permissive than the those of the Suitland M-U-TC Zone in terms of building height and building setback from the street. The sector plan also recommends retaining the Suitland M-U-TC Zone, but outlines specific recommendations to amend the Suitland M-U-TC Development Plan that include replacing the M-U-TC development concept with the sector plan future land use map and revisions to the applicability section, setback, parking, and height and bulk requirements. Except for additional use restriction that is also applicable to the Suitland M-U-TC area, no additional development standards have been established through this sector plan that are applicable to this project. The proposed uses in this application are permitted uses in accordance with the sector plan. However, in accordance with CR-10-2014, which is the D-D-O Zone M-U-TC Use Table, multifamily dwelling units are permitted only within a building containing commercial uses on the first floor. Other dwelling unit types require a special permit application.

Conformance with the Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is zoned M-U-TC and is required to provide a minimum 10 percent of the gross tract area to be covered by tree canopy. Conformance with this requirement was evaluated with SP-150004 for a parcel in this application, and the PPS is consistent with the special permit. However, conformance with TCC requirements for the rest of the site will be evaluated at the time of permit.

12. **Noise Analysis**—The subject site is located west of Silver Hill Road, which is designated as an arterial roadway. Section 24-121(a)(4) of the prior Subdivision Regulations requires adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. The 65 decibel (dBA) Ldn noise contour overlaps the property where residential use is proposed. It is anticipated that the multifamily building will be constructed to shield noise to the interior dwelling units and recreational amenities. A noise study should be submitted by a certified professional engineer, with competency in acoustical analysis, indicating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA or less, and outdoor recreational areas to 65 dBA or less, at the time of site plan review.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised as follows:

    a. Provide a note to state that the mandatory dedication of parkland requirement is being addressed by providing both on-site facilities and a payment of a fee-in-lieu.

    b. Provide a note indicating that vehicular trips generated by the site shall be prohibited from using the access alley along MD 458 (Silver Hill Road). Access shall be dedicated to the Potomac Electric Power Company switchyard and for loading purposes only.

    c. Provide labels for Parcels M and N, indicating they are to be conveyed to the community association.

    d. All parcels shall be labeled in sequence and receive the next available number or alpha designation available within their respective block.

2. Development of the site shall be in conformance with the stormwater management concept plan (21525-2015-04), and any subsequent revisions.

3. Prior to approval, the final plat of subdivision shall include dedication of a 10-foot-wide public utility easement (PUE) along the public rights-of-way, and a 5-foot-wide PUE along the southern frontage of the proposed public right-of-way, Park View, as delineated on the approved preliminary plan of subdivision.

4. Prior to approval, the final plat of subdivision shall include:

   a. Right-of-way dedication along all roadways, in accordance with the approved preliminary plan of subdivision, and the accurate right-of-way dedication along MD 458 (Silver Hill Road).

   b. A note indicating that vehicular trips generated by the site shall be prohibited from using the access alley along MD 458 (Silver Hill Road). Access shall be dedicated to the Potomac Electric Power Company switchyard and for loading purposes only.

   c. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a community or business owners association has been established for the subdivision. The draft covenants shall be submitted to the Development Review Division of the Prince George's County Planning Department along with the final plat for review, to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

   d. An available street name for the new public right-of-way, labeled on the preliminary plan of subdivision as Park View, selected in consultation with the Property Address Section of the Prince George's County Planning Department.

5. Signage shall be provided at the access driveway along MD 458 (Silver Hill Road), which limits access to the driveway for the Potomac Electric Power Company switchyard and loading only. The exact details and profiles of the signage shall be provided as part of the site plan submission.

6. At the time of site plan review, a noise analysis from a certified professional engineer, with competency in acoustical analysis, shall be provided indicating that the building shell or structure has been designed to reduce interior noise levels to 45 decibels (dBA) or less and that outdoor recreational areas will be mitigated to 65 dBA or less.

7. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities and show these facilities on a pedestrian and bikeway facilities plan as part of the site plan prior to its acceptance:

   a. A minimum 8-foot-wide sidewalk and associated Americans with Disabilities Act curb ramps and crosswalks along the property frontage of MD 458 (Silver Hill Road) and MD 218 (Suitland Road), unless modified by the operating agency with written correspondence.

   b. Minimum 5-foot-wide sidewalks or wide sidewalks throughout the site where feasible, including Americans with Disabilities Act curb ramps and associated crosswalks.

   c. Provide pedestrian and bicycle facilities and amenities where applicable, as described in the 2006 *Approved Suitland Mixed-Use Town Center Development Plan.*

d. Bicycle facilities along Town Square Boulevard and Evansgreen Drive. The specific facility and treatment shall be consistent with Special Permit SP-150004.

8. Prior to approval of the final plat of subdivision, in accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication for Service Area 7. The fee-in-lieu shall be offset by an equivalent percentage of any mandatory dedication which is found to be satisfied by providing on-site recreational facilities.

9. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the community or business owners association, land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

   a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division, of the Maryland-National Capital Park and Planning Commission.

   b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.

   c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.

   d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation 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.

   e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.

   f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

10. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees may allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities in accordance with the findings contained herein.

11. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of any on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.

12. Any on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County Parks and Recreation Facilities Guidelines, with the review of the site plan. Triggers for construction shall also be determined at the time of site plan.

13. Prior to approval of building permits for residential development, 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 construction of any on-site recreational facilities.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-21003
- Approval of Variation from Section 24-121(a)(8)
- Approval of Variation from Section 24-122(a)