



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

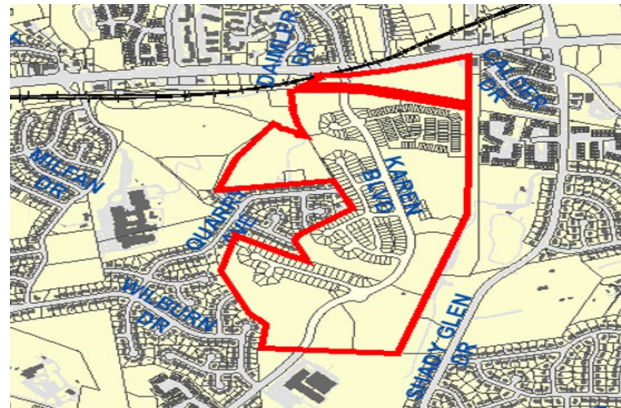
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Preliminary Plan of Subdivision Glenwood Hills

4-21051

REQUEST	STAFF RECOMMENDATION
126 lots and 37 parcels for development of 676 dwelling units and 825,000 square feet of commercial and industrial development.	With the conditions recommended herein: <ul style="list-style-type: none">•Approval of Preliminary Plan of Subdivision 4-21051•Approval of Type 1 Tree Conservation Plan TCP1-066-94-04•Approval of a Variation from Section 24-128(b)(7)(A)•Approval of a Variation from Section 24-121(a)(3)

Location: South of MD 214 (Central Avenue), at its intersection with Pepper Mill Drive.	
Gross Acreage:	133.45
Zone:	RMF-48/RSF-65/MIO
Prior Zone:	M-X-T/R-55/M-I-O
Reviewed per prior Subdivision Regulations:	Section 24-1703(b)
Gross Floor Area:	825,000 sq. ft.
Dwelling Units:	676
Lots:	126
Parcels:	37
Planning Area:	75A
Council District:	06
Municipality:	None
Applicant/Address: BE Glenwood LLC 5410 Edson Lane Suite 220 Rockville, MD 20852	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Date:	01/19/2023
Planning Board Action Limit:	03/14/2023
Mandatory Action Timeframe:	140 days
Staff Report Date:	01/05/2023
Date Accepted:	10/10/2022
Informational Mailing:	11/17/2021
Acceptance Mailing:	09/27/2022
Sign Posting Deadline:	12/20/2022

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 4-21051
Type 1 Tree Conservation Plan TCP1-066-94-04
Glenwood Hills

OVERVIEW

The site is located south of MD 214 (Central Avenue), at its intersection with Pepper Mill Drive. The majority of the property is known as the Glenwood Hills subdivision and is recorded in Plat Book MMB 235 pages 22–40; however, the property also includes two acreage parcels known as Parcels 124 and 125, which are not the subject of any prior plat. These two parcels are recorded in the Prince George's County Land Records in Liber 33040 folio 581 and Liber 33221 folio 532, respectively. The property totals 133.45 acres. The property is within the Residential, Multifamily-48 (RMF-48) and the Residential, Single-Family-65 (RSF-65) Zones, and it is partially subject to the Military Installation Overlay (MIO) Zone for height. However, the property is subject to a prior conceptual site plan (CSP). Therefore, this application is being reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required by Section 24-1703(b) of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the Mixed Use-Transportation Oriented (M-X-T) Zone, the One-Family Detached Residential (R-55) Zone, and the Military Installation Overlay (M-I-O) Zone, which were effective prior to April 1, 2022. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan) is applicable to this development. The site is currently vacant and wooded.

This preliminary plan of subdivision (PPS) application proposes to subdivide the property into 126 lots and 37 parcels for development of 550 multifamily dwelling units, 126 single-family attached (townhouse) dwelling units, 50,000 square feet of commercial development, and 775,000 square feet of industrial development. The 37 parcels include 20 parcels associated with the townhouse development, 3 parcels associated with the multifamily and commercial development, and 14 parcels associated with the industrial development, and they include both parcels proposed for development and parcels which will be conveyed to a property owners association (POA). The POA will cover the whole development.

The M-X-T-zoned portion of the site is subject to a prior PPS, 4-04081 (PGCPB Resolution No. 04-252), which was approved on October 28, 2004, for 316 lots and 19 parcels to support 594 dwelling units and 203,000 square feet of commercial development. However, a new PPS is required at this time for the creation of additional parcels, adding more land area to the development that was not subject to the previous PPS, and the substantial revisions to the proposed site layout. The current PPS will supersede 4-04081 in its entirety.

The property is subject to CSP-88020-03, which was approved on December 8, 2022. The development proposed with this PPS is consistent with the approved CSP. The proposed development also benefits from the approval of Prince George's County Council Bill CB-51-2021, which revised Section 27-441 of the prior Zoning Ordinance, to permit townhouse uses in the R-55 Zone under certain circumstances, and revised Section 27-547 of the prior Zoning Ordinance to permit certain warehouse and distribution uses in the M-X-T Zone under certain circumstances.

The northernmost section of the site is separated from the rest of the site by a strip of land owned by the Potomac Electric Power Company (PEPCO). This land is currently used as right-of-way for overhead power transmission lines but is also anticipated to be the future right-of-way for the Central Avenue Connector Trail, a master-planned trail. The anticipated future right-of-way for the Central Avenue Connector Trail continues west past the western edge of the site onto land owned by the Washington Metropolitan Area Transit Authority (WMATA), before meeting MD 214; and continues east past the eastern edge of the site onto land owned by the Millwood Community Association, a homeowners association (HOA) for a local subdivision, before meeting Shady Glen Drive. With this PPS, staff recommends the applicant construct a section of the Central Avenue Connector Trail from MD 214 east to the western boundary of the Millwood Community Association property, on land owned by WMATA and PEPCO. Staff recommends the applicant construct the trail as part of meeting the requirements of mandatory dedication of parkland and bicycle and pedestrian facilities (Sections 24-135 and 24-121.01 of the prior Subdivision Regulations). The Prince George's County Department of Parks and Recreation (DPR) will construct the trail on the Millwood Community Association land in order to ensure a complete trail segment connecting between MD 214 and Shady Glen Drive. Details of this staff recommendation are contained in the Parks and Recreation and Transportation findings of this technical staff report.

The applicant filed a request for a variation from Section 24-121(a)(3) of the prior Subdivision Regulations, to allow two points of direct driveway access to MD 214, an arterial roadway. These driveways would serve the multifamily and commercial portion of the development located on Parcels 1 and 2, Block B. Though access to Parcel 1 is provided from an internal street (Karen Boulevard) as required by this section, additional access is proposed to enable the vehicular circulation system proposed for these two parcels. This request is discussed further in the Site Access and Layout finding of this technical staff report.

The applicant also filed a request for a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations, to allow the use of alleys to serve lots within the townhouse portion of the development, where the lots front on private streets or open space rather than public rights-of-way. This request is discussed further in the Site Access and Layout finding of this technical staff report.

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

SETTING

The subject site is located on Tax Map 66 in Grids E-4 and F-4 and on Tax Map 73 in Grids D-1, D-2, E-1, E-2, and F-1. The site is within Planning Area 75A. North of the site is MD 214; the site has approximately 1,100 linear feet of frontage on this master-planned arterial roadway. Across MD 214 is vacant land and a church in the Residential Multifamily – 20 Zone, and single-family detached dwellings in the RSF-65 Zone.

The property is bounded on the east by land in the Residential, Rural (RR) Zone; land in the Residential Single Family-95 (RSF-95) Zone; and land in the RMF-48 Zone, all of which is owned by PEPCO and used for overhead power transmission lines and a substation. Across this PEPCO-owned land, is the Millwood Towne subdivision in the Residential Single-Family-Attached Zone, and the Maryland-National Capital Park and Planning Commission-owned Millwood Neighborhood Recreation Center in the RSF-95 Zone.

The property is bounded on the south by Walker Mill Middle School in the RSF-65 Zone. To the west of the property lies residential development consisting of single-family detached dwellings, along with Central High School, both of which are also in the RSF-65 Zone.

The property is bisected by the RR-zoned, 66-foot-wide PEPCO right-of-way, which traverses in an east-west direction, approximately 250 feet south of MD 214. Similar to the subject property, the adjoining properties to the north, east, and south are also located in the MIO Zone for height. The App/Dep Clearance (50:1) – North End and Transitional Surface (7:1) – Left Runway areas affect the subject site. The boundaries of the MIO Zone, including its sub-zones, are identical to those of the M-I-O Zone, which was in effect prior to April 1, 2022. This PPS was evaluated according to the standards of the prior M-I-O Zone.

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
Zones	RMF-48/RSF-65/MIO	RMF-48/RSF-65/MIO (reviewed per prior M-X-T, R-55, and M-I-O standards)
Use(s)	Vacant	Single-family attached, multifamily, commercial, industrial
Acreage	133.45	133.45
Parcels	21	37
Lots	316	126
Dwelling Units	0	676
Non-residential GFA	0	825,000 sq. ft.
Variance	No	No
Variation	Yes (Sections 24-130 and 24-121(a)(3))	Yes (Sections 24-128(b)(7)(A) and 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 28, 2022. The requested variations from Sections 24-128(b)(7)(A) and 24-121(a)(3) were accepted on October 10, 2022 along with the PPS, and also heard at the SDRC meeting on October 28, 2022, as required by Section 24-113(b) of the prior Subdivision Regulations.

2. **Previous Approvals**—A 121.42-acre portion of the subject property was rezoned to the M-X-T Zone in the 1986 *Approved Suitland/District Heights and Vicinity (Planning Areas 75A and 75B) Master Plan and Sectional Map Amendment*. CSP-88020, entitled Meridian, was approved by the Prince George's County Planning Board on September 8, 1998 (PGCPB Resolution No. 88-303). That original approval included 2,146,700 square feet of office space; 1,794 residential dwelling units; a 300-room hotel; and 85,100 square feet of retail space. The development approved under that CSP never came to fruition, and subsequent approvals were never pursued.

CSP-88020 was amended, renamed Glenwood Hills, and approved by the Planning Board on March 31, 1994. The amended CSP-88020-01 was approved with 785 dwelling units and 203,000 square feet of office/retail space. PPS 4-94066 was approved by the Planning Board on November 10, 1994 (PGCPB Resolution No. 94-351), subsequent to this CSP. The development, however, again did not proceed for the M-X-T-zoned portion of the subject property, in accordance with these approvals.

On January 10, 2005, the Prince George's County District Council approved CSP-88020-02, for the M-X-T-zoned portion of the subject property, with 597 dwelling units and 203,000 square feet of office/retail space. PPS 4-04081 was approved by the Planning Board on October 28, 2004 (PGCPB Resolution No. 04-252), subsequent to this CSP. The PPS approved 316 lots and 19 parcels for development of 594 dwelling units and 203,000 square feet of office/retail use. Several detailed site plans (DSPs) were approved, subsequently, including DSP-07003 for Phase I, DSP-07046 for Phase II, and DSP-07048 for Phase III of the mixed-use development. This portion of the property was platted in 2012, in accordance with these approvals in the Prince George's County Land Records in Plat Book MMB 235, plat numbers 22 to 40. However, development has not taken place in accordance with these approvals at this time.

The subject PPS will supersede 4-04081 for resubdivision of the site. It is noted that as part of this resubdivision the existing dedicated public rights-of-way, which were platted but never developed, are proposed to be vacated to accommodate the layout shown in this PPS, including adjustment to the alignment of Karen Boulevard. The applicant has filed a minor vacation petition (V-21008) to vacate the existing dedicated public rights-of-way, which is pending approval following approval of this PPS to complete the lotting pattern now proposed. Following approval of this PPS, a new DSP and final plat will be required, and the vacation petition must be approved prior to final platting.

The Planning Board approved CSP-88020-03, subject to 17 conditions, on December 8, 2022 (PGCPB Resolution No. 2022-129). This CSP amendment added Parcels 124 and 125 to the subject site and replaced all prior approved development with development of 550 multifamily dwelling units, 126 single-family attached (townhouse) dwelling units, 50,000 square feet of commercial development, and 775,000 square feet of industrial development. The development proposed by the subject PPS is consistent with this CSP approval. Of the 17 conditions of approval of CSP-88020-03, the following are relevant to the review of this PPS:

9. **At the time of preliminary plan of subdivision, the applicant shall evaluate on-site recreation facilities including outdoor active and passive amenities, and the development of the Central Avenue Connector Trail along the Potomac**

Electric Power Company right-of-way between MD 214 (Central Avenue) and Shady Glen Road, to fulfill the mandatory dedication of parkland requirement.

A combination of private on-site recreational facilities and Central Avenue Connector Trail are recommended to fulfill the mandatory dedication of parkland requirement, as discussed further in the Parks and Recreation finding of this technical staff report.

- 10. Prior to approval of a grading permit, Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's 2005 Guidelines for Archeological Review, shall be conducted on Parcels 124 and 125 within the subject property to determine if any cultural resources are present. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations is required prior to approval.**
- 11. Upon receipt of the report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the grading permit which includes Parcels 124 and 125, the applicant shall provide a plan for:**
 - a. Evaluating the resource at the Phase II level, or**
 - b. Avoiding and preserving the resource in place.**
- 12. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits. Which includes Parcels 124 and 125**
- 13. Prior to approval of the first detailed site plan, if significant archeology resources exist, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, II, and/or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.**

In fulfillment of Conditions 10–13, Phase I archeological investigations were conducted, and a Phase I report was submitted with this PPS. No meaningful information was recovered, and no further investigations are recommended, as discussed further in the Historic Preservation finding of this technical staff report.

- 14. Prior to the approval of a preliminary plan of subdivision (PPS), the applicant and the applicant's heirs, successors, and/or assignees shall submit a signal warrant analysis for the Karen Boulevard and MD 214 (Central Avenue)**

intersection, if the traffic impact study submitted with the PPS application shows that a traffic signal is needed offset traffic impacts at this intersection.

A traffic study submitted with this PPS did include a signal warrant analysis, and signalization was found to be warranted. The applicant will be required to install a traffic signal, as a condition of approval.

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

Plan 2035

This application is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium- density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met (page 20).

Master Plan

The master plan recommends that the site be used for mixed-use residential, and that a portion be used for private open space (page 62). However, this is no longer applicable due to CB-51-2021.

It is noted that CB-51-2021 includes specific requirements and recommends that the M-X-T Zone regulations be applied to townhouses within the R-55 Zone, that industrial uses not exceed 60 percent of the gross acreage of the land, and that the industrial development must be separated from any existing or proposed residential development by a minimum of 75 feet. This will be further reviewed with a future DSP. The applicant is encouraged to work with staff at that time to make sure screening, berming, and landscaping is provided to buffer incompatible uses and the existing residentially zoned property surrounding the site.

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, this application is not required to conform to the master plan because on October 12, 2021 the District Council passed CB-51-2021 which permitted warehouse and distribution uses in the M-X-T Zone, and townhouses in the R-55 Zone, under certain circumstances.

Sectional Map Amendment/Zoning

The master plan retained the M-X-T Zone, and a portion of the site in the R-55 Zone. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment ("CMA"), which reclassified the subject property from the M-X-T and R-55 Zones to RMF-48 and RSF-65 Zones effective April 1, 2022. However, this PPS is reviewed according to the prior M-X-T and R-55 zoning.

Aviation/Military Installation Overlay Zone

This application is partially located within the Military Installation Overlay (MIO) Zone. Pursuant to Section 27-548.54(e)(2)(D), Maximum Height Requirement, of the prior Zoning Ordinance, all proposed structures in this application must comply with the requirements for height for properties located in Surface B App/Dep Clearance (50:1) – North End. This will be reviewed at the time of DSP.

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 and letter (48714-2021-1) were submitted by the applicant dated November 29, 2022. This letter was reviewed and approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) and approved on November 16, 2022, with an expiration of December 10, 2024.

Staff finds that development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure 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 the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities.

The proposed development aligns with the master plan’s intention to improve upon the existing neighborhood and community parks while providing facilities that meet the changing needs of the community, with the recommendations contained herein.

Park and Recreation amenities serving the subject property include Millwood Park which is 0.64 miles from the proposed development and the Walker Mill Regional Park located within 1.54 miles of the proposed development. The applicant, with this PPS, is proposing to provide on-site recreation to meet the mandatory dedication of parkland requirement. CSP-88020-03, recently approved by the Planning Board, illustrates areas along Karen Boulevard – the area west of the Karen Boulevard/MD 214 intersection, within the multifamily/retail east of that intersection, and within Development Block E – as locations for on-site outdoor recreational amenities and facilities. In accordance with Condition 9 of CSP-88020-03, staff agrees with the provision of on-site recreation amenities, but also recommends that the applicant construct a portion of Segment 4 of the Central Avenue Connector Trail adjacent to the subject property, as a public recreational facility, to meet the mandatory dedication of parkland requirements of Sections 24-134 and 24-135.

The master-planned Central Avenue Connector Trail is adjacent to the subject property and is a prioritized recreational trail facility for DPR. The *Central Avenue Connector Trail 30% Design Project: Preliminary Construction Drawings and Final Report* illustrates Segment 4, PEPCO right-of-way to Shady Glen Drive (page 70), as traversing WMATA, PEPCO, and Millwood Community Association properties, extending west from MD 214 through the proposed Karen Boulevard east to Shady Glen Road. This segment of the trail, which is adjacent to development Blocks A, B, C, and F, is the link between the end of Central Avenue Phase I and the beginning of Phase II. The trail will connect to the proposed public space in development Block A, located west of the Karen Boulevard/MD 214 intersection, and provide linkages to both the multifamily (development Block B) and townhouse dwellings (development Block E) via the required sidepath along Karen Boulevard. The estimated cost to construct Segment 4 of the Central Avenue Connector Trail is approximately 1,160,484 dollars (in 2019 dollars).

With this PPS, staff recommends the applicant construct a portion of Segment 4 which will extend east from MD 214 to the western boundary of the Millwood Community Association land, on land owned by WMATA and PEPCO. Staff makes this recommendation pursuant to Section 24-135(b)(1) of the prior Subdivision Regulations, which requires that any recreational facilities provided instead of land or fees be superior or equivalent to those that would have been provided under the provisions of mandatory dedication. The trail segment is the superior alternative for meeting mandatory dedication in part because a fee-in-lieu for this site would be of low value, and in part because any land dedicated would not be adjacent to existing public parkland, and so would be unsuitable for incorporation into the public park system. However, the trail segment is also the superior alternative because, as part of the overall Central Avenue Connector Trail, it will act as a recreational amenity connecting the residents of the development to existing public parks in the area, as well as to public transit options which can take the residents to regional park and recreation facilities throughout the County.

The applicant has proposed a variety of private on-site recreational facilities, including a shelter, playgrounds, and sitting areas within the townhouse development (an estimated value of 157,373.50 dollars) and fitness rooms, lounges, public courtyards, and roof terraces within the multifamily development (an estimated value of 1,068,100 dollars). While these private facilities are useful because they serve as immediately accessible recreation facilities for the residents, they should supplement, rather than substitute, the public recreation facilities in the area. Based on the value of private facilities proposed, staff finds that the applicant has proffered private recreation facilities far in excess of what would be needed to meet the residents' on-site needs. The applicant should prioritize providing the recommended trail segment over the excess private facilities, to meet the residents' overall recreational needs. The DSP should determine which of the above listed facilities are necessary to meet the residents' on-site needs and propose these, together with the trail segment, to meet the requirements of mandatory dedication. Any excess on-site facilities may still be proposed at the applicant's discretion. The PPS shows adequate area allocated for all private facilities which could be provided. Private facilities used to meet the mandatory dedication requirement should be subject to a private recreational facilities agreement (RFA) as well as a bond or other suitable guarantee for construction.

DPR staff met with Transportation Planning Section staff and has had ongoing meetings with the applicant representatives to discuss implementing the Central Avenue Connector Trail. The recommended trail segment does require the concurrence of WMATA and PEPCO for the construction of the trail on their land; DPR staff anticipates that this concurrence will be achieved before construction of the development begins. It is noted that the applicant is already in discussion with PEPCO to dedicate the right-of-way of Karen Boulevard through their land. DPR has also determined that they will construct the remaining portion of Segment 4 on the Millwood Community Association land (with the HOA's concurrence) to connect the trail segment to Shady Glen Drive, using funds budgeted for the trail in DPR's Capital Improvement Program. The details of the agreement between DPR and the applicant to construct the trail segment should be determined in a public RFA, along with the timing for the construction of the trail segment.

It was further determined that the applicant could allocate both bicycle and pedestrian impact statement (BPIS) funds and funds for recreational facilities for the development and construction of the Central Avenue Connector Trail. BPIS funds may be allocated to the trail

construction after the applicant has funded the identified projects from DPIE and the Maryland State Highway Administration (SHA), as further discussed in the Transportation finding.

Based on the preceding finding, staff finds the provision of mandatory dedication of parkland, Section 24-134, will be met through the provision of on-site and off-site recreational facilities in accordance with Section 24-135(b), subject to the conditions recommended in this technical staff report.

6. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the Subdivision Regulations to provide the appropriate transportation recommendations.

Conformance With Applicable Plans

The subject property fronts MD 214, which is designated as master-planned arterial road (A-32) with a recommended variable width right-of-way of 120 to 150 feet. MD 214 also includes a master plan recommended bicycle lane facility. The latest PPS submission shows the extent of MD 214 along the property's frontage, labeled as a variable width right-of-way, but does not provide the exact width of the roadway or any necessary dedication along the frontage to facilitate the master plan ultimate right-of-way. The subject property also includes the master-planned collector roadway Karen Boulevard (C-429), for which the MPOT recommends an 80-foot right-of-way to include bicycle lane and sidepath facilities along the frontage. The latest PPS submission shows the extent of Karen Boulevard as an 80-foot right-of-way within the limits of the site consistent with the master plan recommendation. However, the PPS indicates that the application includes roadway dedication of 6.61 acres but does specify how the roadway dedication will be allocated between the recommended master plan rights-of-way. As a condition of approval, staff recommends that the PPS be modified to show the dimensions of the A-32 (MD 214) right-of-way and show any dedication along the property's frontage that is needed to facilitate the master plan ultimate right-of-way. In addition, staff recommends that the note section of the PPS be updated to show the allocation of right-of-way dedication for all the master plan roadways within the limits of the site.

It is important to note that the hard surface Chesapeake Rail Trail impacts the northern portion of the site with an east-west orientation.

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 Complete Street Policies, in part, also recommend a landscape amenity panel to facilitate separation between sidewalks and the road, by buffering pedestrians from the vehicular travel lanes. This is a safety mechanism that is appropriate, given the high volume of vehicle and pedestrian trips generated by the site. Implementation of a minimum 5-foot-wide landscape strip is a standard requirement governed by the operating agency for landscape strips along public streets, and by the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for landscape strips along private streets. The PPS provides a street cross section for Karen Boulevard which includes the landscape strip. The private streets within the townhouse portion of the development also include landscape strips which will be reviewed in further detail at the time of DSP, for conformance to Section 4.10 of the Landscape Manual.

This development is also subject to the master plan, which recommends a 120 to 150-foot right-of-way along MD 214 and an 80-foot right-of-way along Karen Boulevard. The area master plan recommends the following policies regarding multi-modal transportation (page 234):

Roadway Policies

Policy 2: The transportation system must have efficient access to residential, commercial, and employment areas with improvements to existing roadways and new roadways and minimizing dislocation and disruption resulting from the implementation of these recommendations.

Policy 5: Ensure the transportation facilities are adequate prior to the approval of any new development within established neighborhoods and in the designated centers in accordance with the procedures provided in the County Code.

Pedestrian, Bicycles and Trails

Policy 1: Incorporate appropriate pedestrian-oriented and TOD features in the centers.

Policy 2: Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metro stations and schools, and provide for increased non-motorized connectivity between neighborhoods.

Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

In addition, the subject site is impacted by the planned Central Avenue Connector Trail, which includes a portion of the planned Chesapeake Rail Trail. The segment of the Central Avenue Connector Trail affecting the site is identified as Segment 4, and traverses WMATA,

PEPCO, and Millwood Community Association property, extending west from MD 214 through the proposed Karen Boulevard east to Shady Glen Road.

The submitted plans include an 8-foot-wide sidepath along MD 214 consistent with CSP-88020-03. A bicycle lane and a minimum 10-foot-wide sidepath are also recommended to be provided along the entire limits of Karen Boulevard to provide a multi-modal connection through the site and to adjacent properties. Minimum 5-foot-wide sidewalks are recommended along all internal roadways that are not designated as master-planned facilities. All pedestrian pathways are to include Americans with Disabilities Act (ADA)-compliant curb ramps and crosswalks. Designated bicycle parking is to be included throughout the site to accommodate the multi-modal environment.

Zoning Ordinance Compliance

The subject site is located within the M-X-T Zone. The Zoning Ordinances emphasizes the need for appropriate transportation facilities to support sites developed in this zone and comprehensive pedestrian connections within a mixed-use community.

Analysis of Bicycle and Pedestrian Impacts:

This development is located within The Central Avenue Corridor, and therefore, is subject to Section 24-124.01 of the prior Subdivision Regulations and the “Transportation Review Guidelines – Part 2”.

The cost cap for the proposed development’s off-site facilities, adjusted for inflation, is calculated as \$614,638.15.

Off-site Adequacy

The applicant has provided a BPIS to demonstrate pedestrian and bicycle adequacy per Section 24-124.01. Based on recommendations from DPIE, as well as SHA, the applicant recommends the following improvements:

- Upgrade the signalized intersection at Hill Road/Willow Hill Drive with pedestrian signal poles, pedestrian signal heads, and ADA compliant pedestrian push buttons. This intersection is used by children, pedestrians, and cyclists that access the Peppermill Community Center/Park as well as the Highland Elementary School and Judith P. Hoyer Montessori School. **Estimated Cost = \$52,259.93**
- Upgrade the Walker Mill Road/Karen Boulevard signalized intersection with pedestrian signal poles, pedestrian signal heads, and ADA compliant pedestrian push buttons. **Estimated Cost = \$47,259.93**
- Install a rectangular rapid flashing beacon at the intersection of Shady Glen Drive and Shady Glen Terrace. **Estimated Cost = \$56,400.00**
- Install a rectangular rapid flashing beacon at the entrance of Walker Mill Middle School along the existing Karen Boulevard. **Estimated Cost = \$56,400.00**
- Existing crosswalks along the cross streets (along Karen Boulevard) are not ADA compliant. The upgrade of these four locations should be included in the possible improvement list. **Estimated Cost = \$47,840.00**

The total estimated cost for the above improvements is **\$260,159.86**.

In addition, DPR is in the process of constructing the Central Avenue Connector Trail which is adjacent to the subject property and is listed as a DPR priority recreational trail facility. Segment 4 of the overall Central Avenue Connector Trail project is the section that is closest to the subject property. The latest cost estimate from DPR puts that segment at a cost of over one million dollars. Staff finds that the construction of the Central Avenue Connector Trail will also help mitigate site generated pedestrian and bicycle impacts consistent with the provision provided in Section 24-124.01. Staff recommends that the remaining funds under the cost cap (approximately \$354,478.29) will be directed towards the construction of the portion of Segment 4 which is recommended to be constructed with this PPS.

On-site Adequacy

On-site pedestrian and bicycle adequacy facilities are also required pursuant to Section 24-124.01(b). The BPIS indicates that the site will be served by a series of interconnected pedestrian facilities and on-road bicycle facilities that will allow pedestrian and bicycle users to safely navigate the site and reach destinations outside of the proposed site. The BPIS also indicates that a network of streetlights will be provided along the entirety of the future Karen Boulevard within the limits of the site to facilitate safe and enhanced mobility for all users. The latest PPS submission shows that the layout and design of the internal network will accommodate these pedestrian and bicycle facilities.

It is noted that Condition 15 of the approved CSP-88020-03 (PGCPB Resolution No. 2022-129) requires the applicant to construct a series of on-site bicycle and pedestrian related improvements, and to show those improvements on the DSP. With the benefit of a revised BPIS study and a revised traffic study, all of those improvements have been incorporated in conditions of approval that are integrated into the recommendations of this PPS.

Demonstrated Nexus

The identified off-site improvements will improve pedestrian connectivity to the surrounding area and will accommodate the planned Central Avenue Connector Trail as well as associated improvements to adjacent road network. The proposed off-site improvements are also within the estimated cost cap per Section 24-124.01(c).

Pursuant to Section 24-124.01, staff finds that there is a demonstrated nexus between the proposed off-site facilities and improvements for the proposed development and nearby destinations.

Traffic Evaluation

The proposed development is projected to generate greater than 50 trips in either peak hour, requiring the submission of a traffic impact study which was as part of the evaluation of transportation adequacy. The findings and recommendations outlined below are based upon a review of the materials and analyses conducted, consistent with the "Transportation Review Guidelines – 2022 Supplement", otherwise termed the "Guidelines."

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service E, with signalized intersections operating at a critical lane volume of 1,600 or less. Mitigation per Section 24-124(a)(6) of the prior Subdivision Regulations, is permitted at signalized intersections within any transportation service area subject to meeting the geographical criteria in the “Guidelines”.

Unsignalized Intersections: A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions.

EXISTING CONDITIONS		
Intersections	AM	PM
	(Level of Service / critical lane volume)	(Level of Service / critical lane volume)
MD 214 & Addison Road	B/1022	C/1169
MD 214 & Pepper Mill Drive-Site Access	A/766	A/651
MD 214 & Hill Road-Shady Glen Drive	B/1041	B/1101
Walker Mill & Hill Road-Shady Glen Drive	A/503	A/825
Walker Mill & Addison Road	A/977	C/1277
MD 214 & Morgan Blvd.-Ritchie Road	B/1020	E/1476
MD 214 & Brightseat Road-Hampton Park Blvd.	A/838	C/1273
Walker Mill Road & Karen Blvd.	A/473	A/596

The traffic impact study identified 7 background developments whose impact would affect some or all the study intersections. In addition, a growth of 0.5 percent over two years was also applied to the traffic volumes along MD 214. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(Level of Service / critical lane volume)	(Level of Service / critical lane volume)
MD 214 & Addison Road	B/1065	D/1362
MD 214 & Pepper Mill Drive-Site Access	A/974	A/826
MD 214 & Hill Road-Shady Glen Drive	B/1116	B/1184
Walker Mill & Hill Road-Shady Glen Drive	A/575	A/879
Walker Mill & Addison Road	B/1049	D/1382
MD 214 & Morgan Blvd.-Ritchie Road	B/1071	E/1545
MD 214 & Brightseat Road-Hampton Park Blvd.	A/882	C/1336
Walker Mill Road & Karen Blvd.	A/650	A/714

Trip Generation

As mentioned, the PPS application proposes the subdivision of land for residential, warehousing and retail uses. The table below summarizes trip generation for the site and is used in reviewing traffic and developing a trip cap for the site:

TRIP GENERATION SUMMARY							
Proposed uses	Units	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Garden Apartments	550	57	229	286	215	115	330
<i>Less internal capture</i>		-1	-7	-8	-63	-26	-89
Total Apartments		56	222	278	152	89	241
Townhouses	126	18	70	88	66	35	101
<i>Less internal capture</i>		-0	-2	-2	-17	-7	-24
Total Townhouses		18	68	86	49	28	77
Warehousing	775,000 sq. ft.	248	62	310	62	248	310
<i>Less internal capture</i>		-16	-17	-33	-11	-24	-35
Total Warehousing		232	45	277	51	224	275
Shopping Plaza	50,000 sq. ft.	110	67	177	241	261	502
<i>Less internal capture</i>		-20	-11	-31	-43	-72	-115
<i>Less pass-by</i>		-36	-22	-58	-79	-76	-155
Total Shopping		54	34	88	119	113	232
Total Development		360	369	729	379	457	836
Trip Cap Recommendation		729			836		

A third analysis depicting total conditions was done which included site traffic plus background conditions. That analysis revealed the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(Level of Service / critical lane volume)	(Level of Service / critical lane volume)
MD 214 & Addison Road	B/1102	D/1434
MD 214 & Pepper Mill Drive-Site Access	B/1116	D/1313
MD 214 & Hill Road-Shady Glen Drive	C/1175	C/1238
Walker Mill & Hill Road-Shady Glen Drive	A/646	A/930
Walker Mill & Addison Road	B/1065	D/1428
MD 214 & Morgan Blvd.-Ritchie Road	B/1106	E/1592
MD 214 & Brightseat Road-Hampton Park Blvd.	A/917	D/1383
Walker Mill Road & Karen Blvd.	A/756	A/843

The results under total traffic conditions show that all external intersections will all operate adequately except for the MD 214/Pepper Mill Drive/Future Site Access which fails the three-step test for transportation adequacy for unsignalized intersections. The traffic impact study indicates that a new traffic signal is needed to offset the site impacts and includes a signal warrant analysis which demonstrates that a signal will be warranted in total future conditions. As a condition of approval, staff recommends that the applicant provides a traffic signal at the MD 214/Pepper Mill Drive/Future Site Access consistent with SHA standards. The traffic impact study also shows that the Karen Boulevard extension within the limits of the site will need to be completely constructed to meet transportation adequacy, as the roadway will provide additional options to distribute site traffic which will relieve congestion on the existing road network. Lastly, the traffic impact study evaluated 12 potential access points along the future Karen Boulevard. All unsignalized intersections were found to operate well below the allowable 50-second acceptable threshold. As a condition of approval, staff recommends that the applicant consolidate driveways along Karen Boulevard to the extent possible and provide intra-parcel connections between parcels, as well as associated easements pursuant to Section 24-128(b)(9) of the prior Subdivision Regulations, to facilitate safe operations along the master plan roadway. It is noted that the plan drawings depict 10 access points along Karen Boulevard compared to the 12 evaluated in the traffic impact study, which may be an appropriate consolidation. The applicant should demonstrate the feasibility and evaluate the operational implications of consolidated driveways with subsequent site plan applications.

Based on staff evaluation of the PPS, staff concludes that all aspects of the site access and layout are deemed to be acceptable, as discussed further in the finding below. More details regarding on-site facilities for bicyclist and pedestrians will be provided at the time of DSP.

Based on the findings presented above, staff concludes that multimodal transportation facilities will exist to serve the proposed subdivision, as required under Subtitle 24, and will conform to the MPOT and the master plan, with the recommended conditions provided in this technical staff report.

7. **Site Access and Layout**—The PPS includes multifamily and commercial parcels fronting on MD 214, a master-planned arterial right-of-way. This development area is isolated and triangular, with its shortest side fronting on Karen Boulevard and longest frontage on

MD 214. The development area is constrained to its current location by a PEPCO right-of-way to the south. A variation request for access to the subject site via MD 214 was submitted and was reviewed as part of the PPS application. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. While rear parcel access is provided from Karen Boulevard, on-site access and circulation is dependent on two additional right-in/right-out access driveways to MD 214.

Variation from Section 24-121(a)(3)

Pursuant to Section 24-113 of the prior Subdivision Regulations, the below listed criteria must be met for the variation to be approved. The criteria, with staff comments, are noted below:

- (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:**

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

The portion of MD 214 that fronts the subject site is a six-lane divided arterial roadway. The applicant is proposing to construct two access driveways along MD 214 which will provide access to all vehicles accessing the multifamily and commercial portion of the site. Proposed road frontage improvements along Karen Boulevard will maintain sight lines which provide for safe movements into and out of the proposed development while maintaining free-flow for other vehicular traffic passing by the proposed development. The two (2) access driveways to the multi-family/retail center will be limited to right-in and right-out movements as a result of the existing median in MD 214, which precludes the left turn movements that tend to create queuing issues and conflict movements. The approval of the variation for access to MD 214 would allow motorists to enter and exit the site while minimizing the need to directly access Karen Boulevard, thereby maximizing traffic operations. The granting of the variation would also improve public safety by providing multiple opportunities to access the site. One example of this benefit would be if the entrance on Karen Boulevard is blocked due to an accident, then emergency equipment will have access to the site via the MD 214 access points if the medical emergency or fire event were on-site. Access to the site was evaluated as part of the traffic impact study submitted by the applicant and the result of the traffic analysis shows that the site access will not result in inadequate traffic operations, and therefore, will not be detrimental to the public safety, health, welfare, or injurious to other properties.

- (ii) **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 multifamily/commercial site is a triangular shaped property sandwiched between MD 214 and a PEPCO right-of-way, with most of its street frontage on an arterial roadway and the remaining frontage too short to provide for additional access onto Karen Boulevard, a condition not applicable generally to other properties. Internal circulation of a proposed commercial development is a key to the success of the project. While the project could direct all traffic to one access on Karen Boulevard, it would create an unsafe condition on Karen Boulevard and undesirable congestion on-site which could lead to safety concerns. It is critically important from an emergency access, traffic safety and circulation standpoint to provide additional access points to this property. It is impossible to add another access point from Karen Boulevard to serve the property due to the proximity of the intersection with MD 214. The location of the access points will be coordinated with SHA, along with additional road frontage improvements which will promote benefits to public safety, health, and welfare. Allowing the proposed access points to MD 214 will allow the purposes of Section 24-121(a) of the prior Subdivision Regulations to be served to a greater extent than strict compliance with the regulation.

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

Staff reviewed the SHA Access Management Guidelines to determine if the proposed access from an arterial roadway meets the state requirements. Staff finds that Section 1.3.1.B of the SHA Access Management Guidelines, copied below, is relevant to the proposed variation:

1.3.1.B. Commercial Sites - Short Frontage – Commercial sites with under 400 feet of frontage will be limited to a single point of access, unless otherwise warranted by demonstrated traffic operations or site circulation considerations.

The site has more than 400 feet of frontage on MD 214, and therefore, more than one access is permissible. The applicant will be required to design and locate the access under coordination with SHA, through their permitting process.

Staff is not aware of any other applicable laws, ordinances, or regulations which would be violated should the variation request be approved, and Planning Board's approval of a variation does not preclude final design and permitting approvals that may be required by SHA. Therefore, this criterion is met.

- (iv) **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;**

Due to the unique shape of this property, along with the existing environmental features and PEPCO right-of-way along the southern portion of the property, only one entrance is possible along Karen Boulevard. The shape of the property is long and triangular with limited frontage of only about 130 feet of frontage on Karen Boulevard, allowing for limited access due to its proximity to its intersection with MD 214.

The majority of the property frontage is along MD 214 with nearly 1,000 feet of usable frontage. Strict adherence to the guidelines would not allow access on MD 214 which would result in only one access to the site (via Karen Boulevard). Furthermore, a single access to the site via Karen Boulevard would result in on-site circulation to/from the single access point that increases congestion and on-site conflicts between vehicles and pedestrians, creating a particular hardship to the property owner. Approval of the variance to allow access to MD 214 would improve safety as it relates to emergency access, on-site circulation, and would also provide a redundancy that improves traffic operations at the access points.

- (v) **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 site is subject to review under the prior M-X-T and R-55 Zones. Therefore, this criterion is not applicable.

Staff finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Pursuant to Section 24-113(a) of the prior Subdivision Regulations, the Planning Board may approve a variation when it finds that extraordinary hardship or practical difficulties may result from strict compliance with the Subdivision Regulations, and/or when it finds that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal, provided that the variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Staff finds that because the site plan demonstrates adequate access for residents, visitors, and emergency services, that the applicant may indeed encounter a practical difficulty if strict compliance with the Subdivision Regulations were required, as the limited access would cause undue congestion at the intersection of MD 214 and Karen Boulevard. Staff further finds that approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations, due to the variation allowing for site access that achieves the circulation necessary to serve the

development. Therefore, staff recommends approval of the variation to allow two right-in/right-out driveways to MD 214.

All commercial and industrial parcels proposed for the subdivision have been designed with frontage on and the opportunity for direct access to public streets. However, as indicated in the transportation finding above, parcel access along Karen Boulevard should be consolidated to the extent feasible and easements established for shared access. The PPS includes single-family attached (townhouse) lots served by a network of private streets and alleys connecting the development pod to Karen Boulevard. A mixture of front and rear access is proposed for the townhouse lots, with access to some lots provided by private streets in front of the lots and access to other lots provided by private alleys at the rears of the lots. Alleys longer than 150 feet, with no through access, must provide a turnaround for fire apparatus, unless access can be provided from a public street.

Variation from Section 24-128(b)(7)(A)

The use of private alleys to serve townhouse development in the M-X-T Zone is permitted, in accordance with Section 24-128(b)(7)(A), with the stipulation that when alleys are used to serve townhouse lots the lots must also front on a public street. However, in this case, the applicant has proposed that certain lots front on private streets or open space instead. Specifically, townhouse Lots 1-10 and 65-126, Block E, are served by private alleys and do not have frontage on a public street. Instead, Lots 1-10, 65-78, 86-98, and 123-126 front on open space, and Lots 79-85 and 99-122 front on private streets.

In order to permit the use of alleys to serve these lots, the applicant has requested a variation from Section 24-128(b)(7)(A).

Section 24-113 requires that the following criteria be met for the Planning Board to approve a variation. The criteria are in **BOLD** text below, while staff findings for each criterion are in plain text.

(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:**

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

The Subdivision Regulations generally require frontage on public streets to ensure adequate access and public safety. The affected lots will have rear-loaded garage unit, which allow vehicles to access each unit from the alleys rather than directly from public streets. The proposed alleys connect to the private streets for full circulation. In addition, all alleys serving lots which front on private open spaces have pavement at least 22 feet wide. The

alleys will allow adequate access for emergency vehicles, as all alleys where such vehicles must utilize the alleys are no greater than 150 feet in length. The design separates vehicular traffic using the alleys from pedestrian traffic using the sidewalks in front of the units, thereby reducing the number of sidewalk/driveway crossings, and improving safety for residents and visitors. This better achieves the purpose of the Subdivision Regulations that land be subdivided in such a way that it can be used safely for building purposes without danger to health, safety, and welfare.

(ii) 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 property is unique in that it is significantly sized, including being located inside the beltway; being close to a metro station; and having the condition of a townhouse residential development area bounded by an existing school on the on the western boundary, existing single-family detached houses on the southern boundary, a proposed master-planned collector road on the eastern boundary, and environmental features along the northern boundary. The townhouse development area is appropriately located near the abutting existing residential development and school. The secondary streets to serve the townhouse development area, extending from the public master-planned collector road, are proposed to be private. While in theory, additional public streets could be provided in lieu of the private streets, there would be no advantage to doing this. Rather, the private streets act as a logical extension of the public streets, reduce the infrastructure impact of providing wider public streets, reduce the road maintenance burden of the operating agency, and allow greater flexibility in the design of the subdivision (for instance, by allowing some townhouse lots to have front access onto the private streets). In addition, the street grid allows for the placement of a variety of open spaces within the development block. From the standpoint of future homeowners, some may find the lots fronting on these open spaces to be more desirable than the lots fronting on the streets. Staff finds that the proposed development pattern is a unique condition on which the variation is based, is unique to the property for which the variation is sought, and is not applicable generally to other properties.

(iii) The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

Staff is not aware of any applicable law, ordinance, or regulation that will be violated if this variation is granted. The approval of a variation is under the sole authority of the Planning Board. This request was referred to the road operating agency and the Prince George's County Fire Department for review and comments, neither of which have objected to this request.

(iv) 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.

Due to the particular physical surroundings of the property as describe in criterion 2 above, an undue hardship to the owner would be created if the strict letter of these regulations is carried out. The prohibition of private streets and alleys to serve townhouse units deprives the applicant of the ability to create townhouse lots and pedestrian oriented communities, with integrated open spaces and recreation areas, as envisioned with CB-51-2021. If the strict letter of Section 24-128(b)(7)(A) were to be carried out, the applicant would need to significantly alter this development pattern, to include additional public streets and further constrain the lot placement. This would constitute a particular hardship to the owner rather than a mere inconvenience, given that, as established above, there would be no particular benefit which would accrue to the development from this alteration. Due to the constraints provided by the physical surroundings, a grid pattern of private streets and alleys is the most efficient way of attaining the approved density of the site, and a different development pattern that conforms to Section 24-128(b)(7)(A), even one that is still a grid, may be less efficient. Therefore, staff finds that, because of the particular physical surroundings of this specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out.

- (v) **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.**

This property is not in any of the above listed zones. Therefore, this criterion does not apply.

Staff finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Pursuant to Section 24-113(a), the Planning Board may approve a variation when it finds that extraordinary hardship or practical difficulties may result from strict compliance with the Subdivision Regulations, and/or when it finds that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal, provided that the variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Staff finds that because the site plan demonstrates adequate access for residents, visitors, and emergency services, that the applicant may indeed encounter a practical difficulty if strict compliance with the Subdivision Regulations were required, as the applicant would need to make significant changes to their site design that would be neither needed to gain better access, nor guaranteed to actually have a better result. Staff further finds that approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations, due to the variation allowing for a site layout that places much of the responsibility for the streets on the homeowners association and gives some of the lots frontage on desirable open spaces. Therefore, staff recommends approval of the

variation to allow the above-listed lots to be served by alleys without fronting on a public street.

8. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the prior Subdivision Regulations, and in accordance with Prince George’s County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. Per Section 24-122.02(a)(2), the subdivision is considered adequate when the future student enrollment does not exceed 105 percent of the state-rated capacity. The subject property is located within Cluster 3, as identified in the *Pupil Yield Factors and Public-School Clusters 2021 Update*. Staff has conducted an analysis and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 3	Middle School Cluster 3	High School Cluster 3
Multifamily (MF) Dwelling Units	550 DU	550 DU	550 DU
Pupil Yield Factor (PYF) –MF	0.119	0.070	0.081
Multifamily Enrollment	65	39	45
Single family Attached (SFA) Dwelling Units	126 DU	126 DU	126 DU
Pupil Yield Factor (PYF) – SFA	0.104	0.072	0.091
Single family Attached Enrollment	13	9	11
Future Subdivision Enrollment	78	48	56
Adjusted Student Enrollment 9/30/21	7214	2978	3660
Total Future Student Enrollment	7292	3026	3716
State Rated Capacity	10508	3320	4713
Percent Capacity	69%	91%	79%

Per Section 24-114.01, School Planning Capacity Analysis, of the prior Subdivision Regulations, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities; it is not a condition of approval for a subdivision.

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current (FY 23) amount is \$11,020 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$11,020 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by WMATA; or \$18,900 per dwelling for all other buildings. This project is located outside the Capital Beltway; thus, the surcharge fee is \$11,020 per dwelling unit. This fee is to be paid to DPIE at time of issuance of each building permit.

This PPS is found to conform to the master plan recommendations for schools, as discussed in the Public Facilities finding below.

9. **Public Facilities**—In accordance with Section 24-122.01 of the prior Subdivision Regulations, water and sewerage, fire and rescue, and police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated December 16, 2022 (Ray to Diaz-Campbell), provided in the backup of this technical staff report, and incorporated by reference herein.

Applicable Plan Conformance

This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan identifies the need for public facilities and public facility adequacy in several plan visions and policies:

- Public facilities are planned to support, protect, and educate the current and future residents of the subregion (page 52)
- Plan and provide public facilities to support and be incorporated into the Developed Tier's development pattern (page 58)
- Ensure that public facilities are adequate to serve the local population (page 84)

The proposed development will not impede achievement of any of the above-referenced vision and policy statements. The master plan does not propose any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property. As discussed in the memorandum referenced above, the public facility analysis has determined that the studied facilities are adequate to serve the proposed development.

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, however, none of its recommendations affect the subject site.

10. **Use Conversion**—The total development included in this PPS is for 126 lots and 36 parcels for development of 676 dwelling units and 825,000 square feet of commercial and industrial development in the R-55, M-X-T, and M-I-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on MD 214 and contains the public right-of-way of Karen Boulevard. The PPS shows the required PUEs along both sides of these public rights-of-way. It is noted that the PUEs along MD 214 are proposed to be 15 feet wide.

In addition, Section 24-128(b)(12) of the prior Subdivision Regulations requires that all private streets have a 10-foot-wide PUE along at least one side of the right-of-way. The PPS includes private street within the single-family attached portion of the development. The applicant submitted a utility plan which highlights the PUEs and show their location along at least one side of the private roads and that continuity will be provided to serve each proposed lot.

12. **Historic**—A Phase I archeology survey was conducted on a portion of the subject property in 2007. A draft report, *Phase I Archaeological Survey of the Glenwood Hills Development, Prince George's County, Maryland, Preliminary Plan Number 4-04081*, was received by the Prince George's County Planning Department and was reviewed by Historic Preservation Section staff. Two archaeological sites were identified: 18PR838 and 18PR839. Both were identified as 20th century farmsteads with related outbuildings, and no further work on those sites was required.

The subject application also contains Parcels 124 and 125, which were not included in the prior Phase I archeology survey. A Phase I archeology survey was conducted on the subject property in November 2022. The study area consisted of approximately 12 acres between Quarry Avenue and MD 214 in Capitol Heights. The subject property was once part of a large tract called Independence, patented to Benjamin Berry in 1783. A total of 218 shovel test pits were excavated within the Study Area. Of these, seven contained historic cultural material resulting in the recovery of 47 artifacts. This artifact scatter was designated archeological site 18PR1238, a 20th century domestic site related to two demolished residences along the southern boundary of the study area. More than half of the site's artifacts are coal fragments. The artifact assemblage does not exhibit vertical or horizontal distribution patterns that would indicate temporally stratified deposits or specific activity areas. No features were identified. It is likely that the artifacts were displaced during the demolition of the two houses within the site. The lack of identifiable pre-twentieth-century material suggests that the site's occupation does not predate 1900 or that any potentially intact nineteenth-century contexts have been disturbed.

Site 18PR1238 represents a low-density twentieth-century domestic site that was impacted by demolition activity in the 2010s. It does not have the potential to contribute meaningful information about historic lifeways in Prince George's County. The archeology consultant recommended that site 18PR1238 is not eligible for inclusion in the National Register of Historic Preservation. Therefore, no further work was recommended on site 18PR1238. Staff concludes that site 18PR1238 lacks integrity and the ability to contribute significant information on the history of Prince George's County. Therefore, no additional archeological investigations are recommended.

The master plan contains goals and policies related to Historic Preservation (pages 287 through 296). However, these are not specific to the subject site or applicable to the proposed development.

13. **Environmental**—The subject PPS (4-21051) and Type 1 Tree Conservation Plan (TCP1-066-94-04) were received on October 10, 2022. Comments were provided in a SDRC meeting on October 28, 2022. Revised materials were received on December 12 and 14 of 2022. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-88020	N/A	Planning Board	Approved	9/8/1988	88-303
CSP-88020-01	N/A	Planning Board	Approved	3/3/1994	93-269
4-94066	TCPI-066-94	Planning Board	Approved	7/18/2002	94-351
CSP-88020-02	TCPI-066-94-01	Planning Board	Approved	7/15/2004	04-170
4-04081	TCPI-066-94-02	Planning Board	Approved	10/28/2004	04-252
DSP-07003	TCP2-049-07	Planning Board	Approved	10/11/2007	07-165
DSP-07003-01	N/A	Planning Director	Approved	5/25/2010	COA
NRI-165-2021	N/A	Staff	Approved	11/18/2021	N/A
CSP-88020-03	TCPI-066-94-03	Planning Board	Approved	12/8/2022	Pending
4-21051	TCP1-066-94-04	Planning Board	Pending	Pending	Pending

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

Environmental Site Description

This 133.45-acre site is fully wooded and located just south of the MD 214 and Karen Boulevard intersection. A review of the available information indicates that streams, wetlands, and steep slopes occur on the property. There is potential forest interior dwelling species habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The site has one stream system that drains towards Cabin Branch. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated and evaluation areas.

Conformance with the Master Plan and Green Infrastructure Plan

The master plan does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation and SWM are addressed in the Environmental Review section below.

The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines are determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve, and enhance the green infrastructure network in Subregion 4.

According to the approved Natural Resources Inventory NRI-165-2021, the site contains regulated environmental features within or adjacent to the subject property. The entire site is within the green infrastructure network and contains regulated areas and evaluation areas. The regulated areas are found along the on-site stream system and the TCP1 shows woodland in the area as being saved.

Reforestation is proposed in the evaluation area. The on-site evaluation areas are proposed to be impacted as these are the upland developable areas.

Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.

Development is focused in the most developable area of the site, outside of the primary management area (PMA). There are impacts proposed for a master-planned roadway and SWM. Impacts were evaluated with the associated CSP application, with the exception of revisions to Impact 4 which are discussed in the Environmental Review section of this finding.

Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

The applicant proposes micro bioretention, Contech Filterra inlets, and bio-swales to handle SWM for the entire project. This SWM concept plan (48714-2021-1) has been approved by DPIE on November 16, 2022.

Policy 4: Improve the base information needed for the County to undertake and support stream restoration and mitigation projects.

The site has an approved NRI that details the existing conditions of the site. The subject property has multiple stream systems on-site and the TCP1 proposes to impact this stream system for the master-planned roadway and utility connections to existing lines. The site is fully wooded and contains steep slopes, 100-year floodplain, and wetlands. These features are shown on the NRI and fully reflected on the TCP1, which is proposing to retain these sensitive areas within woodland conservation. No stream restoration or mitigation is proposed as part of this application.

Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

The applicant proposes micro bioretention, Contech Filterra inlets, and bio-swales to handle SWM for the entire project. This SWM concept plan (48714-2021-1) was approved by DPIE on November 16, 2022.

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The subject property is maintaining the existing wooded stream buffer. The impacts to the stream buffer are the proposed SWM outfalls, utility connection, and the master-planned roadway. These impacts were addressed at the time of CSP and are minimized to the extent practicable. The applicant is proposing woodland conservation throughout the site to retain and protect these sensitive areas.

Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

The project proposes to construct a mixed-use development consisting of residential, commercial, and industrial uses, with roads and SWM facilities. The site has frontage on MD 214 and Karen Boulevard, of which MD 214 is identified as an arterial roadway, with Karen Boulevard as a collector roadway. Noise generated by a site is further reviewed by DPIE, in accordance with the Prince George's County Code requirements contained in Subtitle 19. Noise impacts from the adjacent roadway on the proposed residential dwellings is discussed further in the Urban Design finding of this technical staff report.

Policy 9: Implement environmentally sensitive building techniques that reduce overall energy consumption.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

This site is not an infill site and not within a Plan 2035 transit center.

Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 13: Preserve, restore, and enhance the existing tree canopy.

See Policy 14.

Policy 14: Improve the county's capacity to support increases in the tree canopy.

Subtitle 25, Division 3 requires the site to provide 10 percent of tree canopy coverage (TCC). TCC will be addressed at the time of DSP review. Woodland conservation is discussed in the Environmental Review section of this finding.

The site contains evaluation areas and regulated areas of the Green Infrastructure Plan. This site is wooded with several major on-site stream systems that bisect the site and flows off-site to the east.

The Green Infrastructure Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved plan, the site contains regulated and evaluation areas.

The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the master 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 Potomac River basin but is not within a Tier II catchment area. The site contains several stream systems, associated wetlands, and 100-year floodplain which are within the regulated area with some in the evaluation area of the network. The current plan proposes to preserve the majority of the stream system within an area of woodland conservation. Impacts are proposed to the PMA for a master-planned roadway identified as Karen Boulevard.

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 that the regulated systems on-site will be preserved to the extent practicable. The TCP1 proposes the woodland conservation requirement to be met with 28.04 acres of on-site preservation, 3.63 acres of reforestation, and 10.76 acres of off-site credits.

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.**

Minor fragmentation of regulated environmental features is proposed with this PPS; however, these areas are located where the stream crossing and bridge abutment are needed for the master-planned roadway. The environmentally sensitive areas on-site are being preserved to the extent practicable.

- 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.**

A trail system is proposed off-site within the adjacent PEPCO right-of-way and is not considered part of the environmental review.

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.**

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements, prior to the certification of the Type 2 tree conservation plan.

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 development proposal has received SWM concept approval dated November 16, 2022. The submitted approved SWM concept plan (48714-2021-1) shows the use of micro bioretention, Contech Filterra inlets, and bio-swales to meet the current requirements of environmental site design to the maximum extent practicable. No SWM features aside from outfalls are being placed within the PMA.

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.**

The TCP1 proposes to provide 24 percent of the gross tract area in woodland conservation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). TCC requirements will be evaluated at the time of DSP 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 proposed with the subject application. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does have potential forest interior dwelling species. However, this area is surrounded by residential development. Green corridors are proposed to be retained and green space is encouraged 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 is discussed further in the Urban Design finding of this technical staff report.

Environmental Review

Natural Resource Inventory/Environmental Features

NRI-165-2021 was submitted with the application. The site is fully wooded and contains regulated environmental features, steep slopes, streams, wetlands, and their associated buffers, which comprise the PMA. The site also contains specimen trees. The site statistics table on the NRI shows 26.71 acres of PMA, with 7,200 linear feet of regulated streams.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. Type 1 Tree Conservation Plan TCP1-066-94-04 was submitted with the PPS application.

The site contains a total of 120.86 acres of woodlands, with 4.28 acres of wooded floodplain. With the passage of CB-51-2021, it was determined that the entire site would be subject to the M-X-T Zone regulations, including the regulations for the woodland conservation thresholds. The site has a woodland conservation threshold of 15 percent or 18.72 acres. The TCP1 proposes to clear 91.69 acres of woodland resulting in a total woodland conservation requirement of 42.43 acres. The woodland conservation requirement is proposed to be met with 28.04 acres of on-site preservation, 3.63 acres of afforestation, and 10.76 acres of off-site credits. Technical revisions are required to the TCP1 prior to signature approval of the PPS in conformance with the recommended conditions provided in this technical staff report.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual." The Code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d) of the WCO. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The required findings of Section 25-119(d) were adequately addressed with CSP-88020-03, and the Planning Board approved the variance request for the removal of 107 specimen trees, identified as 2, 3, 8-10, 18-20, 22, 23, 25, 27, 43, 46-48, 50-52, 56, 64, 65, 69-83, 90 through 97, 102-105, 109-114, 125-129, 132-140, 150-158, 160-163, 165-184, 204-206, 217, and 218. No additional specimen trees are requested for removal with this application.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains regulated environmental features including streams, stream buffers, wetlands, wetland buffers, and steep slopes which comprise the PMA.

Section 27-273(e)(15) of the prior Zoning Ordinance requires that CSP applications include “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.” Section 27-276(b)(4) of the prior Zoning Ordinance states that for all CSP applications, “The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).”

Section 24-130(b)(5) of the prior Subdivision Regulations states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

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

A letter of justification and exhibit for PMA impacts were submitted with the CSP application, which proposed a total of 12 impacts to the PMA. Under that review, Impact 4 was partially supported pending additional support from the applicant. No modifications are proposed to Impacts 1–3 or 5–12; only Impact 4 is modified under this PPS application.

Impact 4 Karen Boulevard Construction

The revised Impact 4 proposes 50,791 square feet (1.16 acres) of PMA impacts for the development of Karen Boulevard including a culvert, headwalls, a roadway, and environmental site design. The current master-planned alignment of Karen Boulevard (C-429) was previously reviewed and approved with prior approvals for CSP-88020 and PPS 4-94066. This impact is supported as it is required for site access and was recommended for approval with the CSP.

Impact 4a Storm drain Outfall, Driveway Access, and Stormwater Management

Impact 4a requests 9,491 square feet (0.22 acre) of PMA impacts for a SWM outfall, driveway access, and a portion of a micro-bioretenention feature. The revised exhibit provided breaks this impact out from the above-mentioned Impact 4, as this impact is associated with the adjacent development pod. The placement of this micro-bioretenention feature is shown on the approved SWM concept plan (48714-2021-1).

Primary Management Area Impact Summary

This site features multiple areas of PMA (26.71 acres total) consisting of steep slopes, wetlands, 100-year floodplain, and streams. One impact is proposed to the PMA area with this application. Impacts 1–3 and 5–12 were approved with the CSP. Impact 4 was partially approved by the CSP for the portion of development associated with Karen Boulevard. With this PPS application, the portion of Impact 4 associated with the development pad was identified as Impact 4a and is supported as proposed.

Based on the level of design information submitted with this application, Impact 4a is proposed to the regulated environmental features on the subject property and is recommended for approval with this PPS. Impact 4a is proposed for the site access of the southernmost industrial development pod.

Soils

The predominant soils found to occur according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, includes the Adelphia-Holmdel complexes, Adelphia-Holmdel-Urban land complexes, Annapolis fine sandy loam, Collington-Wist complexes, Collington-Wist-Urban land complexes, Croom gravelly sandy loam, Croom-Marr complexes, Marr-Dodon complexes, Marr-Dodon-Urban land complexes, Sassafras-Urban land complexes, Udorthents highway, and Widewater, and issue soils. According to available mapping information, unsafe soils containing Marlboro clay or Christiana clay do not occur on this property. This information is provided for the applicant's benefit.

Based on the foregoing findings, staff finds that the PPS conforms to the relevant environmental policies of the master plan and Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24 and 25, with the recommended conditions of approval.

- 14. Urban Design**—Development in the prior M-X-T Zone requires a DSP, at which time development must show compliance with the Zoning Ordinance.

Conformance with the Requirements of the Prince George's County Zoning Ordinance

The applicant is proposing a mixed-use development consisting of residential dwelling units, as well as commercial and industrial development. DSP-21037 has been submitted for review and is currently in pre-acceptance. At the time of DSP review, the applicant will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, including but not limited to, the following:

- Sections 27-544, 27-546, and 27-548 requirements for the M-X-T Zone, as applicable,

- Part 11 Off-Street Parking and Loading, and
- Part 12 Signs.

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 of gross floor area or disturbance and require a grading permit. Properties that are within the prior M-X-T Zone are required to provide a minimum of ten percent of the gross tract area, which equals to approximately 13.35 acres for this property, to be covered by tree canopy. Conformance with this requirement will be evaluated at the time of DSP.

Conformance with the Requirements of the 2010 Prince George's County Landscape Manual

The proposed development is subject to the Landscape Manual, including Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements; and Section 4.10 Street Trees Along Private Streets. Conformance with landscaping requirements will be evaluated at the time of DSP.

Noise Impacts from Adjacent Roadways

The subject site abuts and proposes residential dwellings (multifamily) proximate to MD 214, an arterial right-of-way. Arterial rights-of-way are known noise generators which should be evaluated for impacts on residential development. A noise analysis dated August 31, 2022, was submitted with the PPS which evaluated modeled noise levels from MD 214 (based on SHA data), as well as projected noise levels based on future traffic conditions with the addition of Karen Boulevard. The noise analysis shows that the proposed multifamily buildings' north, east and west elevations, and an outdoor activity along MD 214, will be impacted by lower and upper-level noise exceeding 65 dBA Ldn. The analysis concludes that further analysis will be required when building architecture is proposed in order to determine any upgraded building materials that will be needed and where. A 6-foot noise barrier was also determined to be needed in order to mitigate the courtyard facing MD 214 from noise impacts. However, this should also be determined at the time of DSP when the location of building and outdoor activity areas is finalized. The proposed recreation area on Block A was also not mentioned in the noise study and will need analysis. Accordingly, staff recommends further noise analysis and mitigation be provided the time of submittal of the DSP.

RECOMMENDATION

APPROVAL, subject to the following conditions:

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

- a. Add a note on the PPS to state that the mandatory dedication of parkland requirement is being addressed by providing both on-site and off-site recreation facilities (Segment 4 of the Central Avenue Connector Trail) for Service Area 5, to meet the recreational needs of the projected population.
 - b. Show the dimensions of the MD 214 (Central Avenue) (A-32) right-of-way and show any dedication along the property's frontage to facilitate the master plan ultimate right-of-way.
 - c. Update the general notes to show the allocation of right-of-way dedication for all the master plan roadways within the limits of the site.
 - d. Change the designation of Parcel C, Block D to Parcel 1, Block D, as the parcel is not a property owners association parcel. Revise the designations of the lettered parcels in Block D to ensure no letters are skipped.
 - e. Update General Note 23 to indicate the approval date of the stormwater management concept plan (November 16, 2022).
 - f. Update General Note 40 to add information on the second Phase 1 archaeological study completed in November 2022.
 - g. Update General Notes 43 and 44 to show the final revision dates of the traffic impact analysis and the bicycle and pedestrian impact statement.
 - h. Correct General Note 46 to indicate that cross vehicular access easements will be required by Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, for Parcels 2-6, Block C only.
2. A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 48714-2021-1 and any subsequent revisions.
 4. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of public utility easements along the public and private rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - b. Right-of-way dedication along all roadways in accordance with the approved preliminary plan of subdivision.
 - c. A note reflecting the granting of a variation with the preliminary plan of subdivision, from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations, to allow Lots 1-10 and 65-126, Block E to be served by alleys while fronting on private streets or open space. (Note: the lot numbering stated herein shall be adjusted in accordance with any renumbering of the same lots.)

- d. A note reflecting the granting of a variation with the preliminary plan of subdivision, from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, to allow two access driveways to MD 214 (Central Avenue).
 - e. Draft access easements or covenants, in accordance with Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, for shared access for the nonresidential parcels, shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department for review and approval, as determined with the detailed site plan. Upon approval by DRD, the easements or covenants shall be recorded among the Prince George's County Land Records, and the Liber and folio of the document(s) shall be noted on the final plat, prior to plat recordation.
- 5. 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 shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
 - 6. The 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 Park and Recreation Facilities Guidelines, with the review of the site plan. Triggers for construction shall be determined at the time of site plan review.
 - 7. 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 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.
 - 8. 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 recreational facilities.
 - 9. 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 public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation – Park Planning and Development Division (PP&D) for construction of off-site recreational facilities (a portion of Segment 4 of the Central Avenue Connector Trail), for approval. Upon approval by PP&D staff, 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. The public RFA shall establish the timing for the construction of the off-site recreational facilities.
 - 10. 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 guarantees to the Prince George's County Department of Parks and Recreation – Park Planning and Development Division, for the construction of

off-site recreational facilities (a portion of Segment 4 of the Central Avenue Connector Trail). The recreational facilities (Segment 4 of the Central Avenue Connector Trail) shall be constructed by following the 30 percent design documents of the *Central Avenue Connector Trail 30% Design Project: Preliminary Construction Drawings and Final Report (Appendix G)*.

11. Prior to the acceptance of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements approved with Preliminary Plan of Subdivision 4-21051, consistent with Section 24-124.01(f) of the prior Prince George's County Subdivision Regulations.
12. The applicant shall provide a network of on-site pedestrian and bicycle facilities and provide a system of streetlights along Karen Boulevard within the limits of the property. All on-site pedestrian/bicycle facilities shall be consistent with Section 24-124.01(c) of the prior Prince George's County Subdivision Regulations. The details of the on-site facilities shall be provided as part of the detailed site plan submission.
13. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the prior Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
 - a. Upgrade the signalized intersection at Hill Road/Willow Hill Drive with pedestrian signal poles, pedestrian signal heads, and Americans with Disabilities Act-compliant pedestrian push buttons. This intersection is used by children, pedestrians, and cyclists that access the Peppermill Community Center/Park, as well as the Highland Elementary School and Judith P. Hoyer Montessori School.
 - b. Upgrade the Walker Mill Road/Karen Boulevard signalized intersection with pedestrian signal poles, pedestrian signal heads, and Americans with Disabilities Act-compliant pedestrian push buttons.
 - c. Install a rectangular rapid flashing beacon at the intersection of Shady Glen Drive and Shady Glen Terrace.
 - d. Install a rectangular rapid flashing beacon at the entrance of Walker Mill Middle School, along the existing Karen Boulevard.
 - e. Upgrade the four existing crosswalks at the cross streets along Karen Boulevard to be Americans with Disabilities Act compliant.
 - f. Direct the remaining funds under the cost cap (approximately \$354,478.29) towards the construction of the Segment 4 phase of the Central Avenue Connector Trail project.

14. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following master plan facilities and shall depict the following facilities on any detailed site plan prior to its acceptance:
 - a. An 80-foot right-of-way to include bicycle lane and sidepath facilities along the frontage of Karen Boulevard, unless modified by the operating agency with written correspondence.
 - b. Minimum 5-foot-wide sidewalks along both sides of the internal roadways throughout the site, including Americans with Disabilities Act curb ramps and associated crosswalks.
 - c. Americans with Disabilities Act curb ramps and crosswalks crossing all vehicular access points.
 - d. Long- and short-term bicycle parking within the multifamily buildings and near the building entrances, and short-term bicycle parking provided near the entrances of the retail buildings, in accordance with the American Association of State Highway and Transportation Officials guidelines.
15. Total development within the subject property shall be limited to uses which generate no more than 729 AM peak hour trips and 836 PM peak hour trips. Any development generating an 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.
16. Prior to issuance of the first building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. MD 214 (Central Avenue)/Pepper Mill Drive/Karen Boulevard:
 - (1) Install a traffic signal if it is deemed to be warranted and approved for construction by the operating agency.
 - (2) Construction of C-429, Karen Boulevard, within the limits of the site in general conformance to the approved preliminary plan of subdivision.
17. If the development is phased, the applicant shall provide a phasing plan (with supplemental operational analysis and adequate justification) as part of each site plan submission, to show the phasing of transportation improvements provided in Conditions 13 and 14 with the phased development of the site. A determination shall be made at that time as to when said improvements shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.

18. New site driveways along Karen Boulevard shall be consolidated to the extent possible, and intra-parcel connections and shared access easements shall be provided between parcels in accordance with Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, in order to facilitate safe operations along the future Karen Boulevard. The applicant and the applicant's heirs, successors, and/or assigns shall demonstrate the feasibility of consolidated driveways and evaluate the future operations of the consolidated driveways with subsequent site plan applications.
19. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-066-94-04). 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 (TCP1-066-94-04 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 (WCO). 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. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."
21. At the 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."
22. Technical corrections to the Type 1 tree conservation plan (TCP1) associated with the conceptual site plan (CSP) shall be reflected on the TCP1 associated with the preliminary plan of subdivision (PPS). The TCP1 associated with the CSP shall be signature approved prior to signature approval of the TCP1 associated with the PPS.

23. The Type 1 tree conservation plan (TCP1) shall meet all the requirements of Subtitle 25, Division 2 and the Environmental Technical Manual prior to certification, and shall be revised as follows:
- a. The Environmental Planning Section approval block shall be revised to provide the prior approval information of TCP1-066-94.
 - b. The following note shall be added under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25-122(b)(1)(G), approved with CSP-88020-03 by the Planning Board on December 8, 2022 for the removal of the following 107 specimen trees: 2, 3, 8-10, 18-20, 22, 23, 25, 27, 43, 46-48, 50-52, 56, 64, 65, 69-83, 90-97, 102-105, 109-114, 125-129, 132-140, 150-158, 160-163, 165-184, 204-206, 217, and 218.”
24. Prior to approval of a final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a property owners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division, 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.
25. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the property 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.
 - 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.
26. Prior to the acceptance of a detailed site plan for the parcels abutting MD 214 (Central Avenue), the applicant and the applicant's heirs, successors, and/or assignees shall submit a revised noise analysis based on the final site layout and building architecture that demonstrates the interior of dwelling units will be mitigated to 45 dBA Ldn or less and that outdoor activity areas will be mitigate to 65 dBA Ldn or less.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-21051
- Approval of Type 1 Tree Conservation Plan TCP1-066-94-04
- Approval of a Variation from Section 24-128(b)(7)(A)
- Approval of a Variation from Section 24-121(a)(3)