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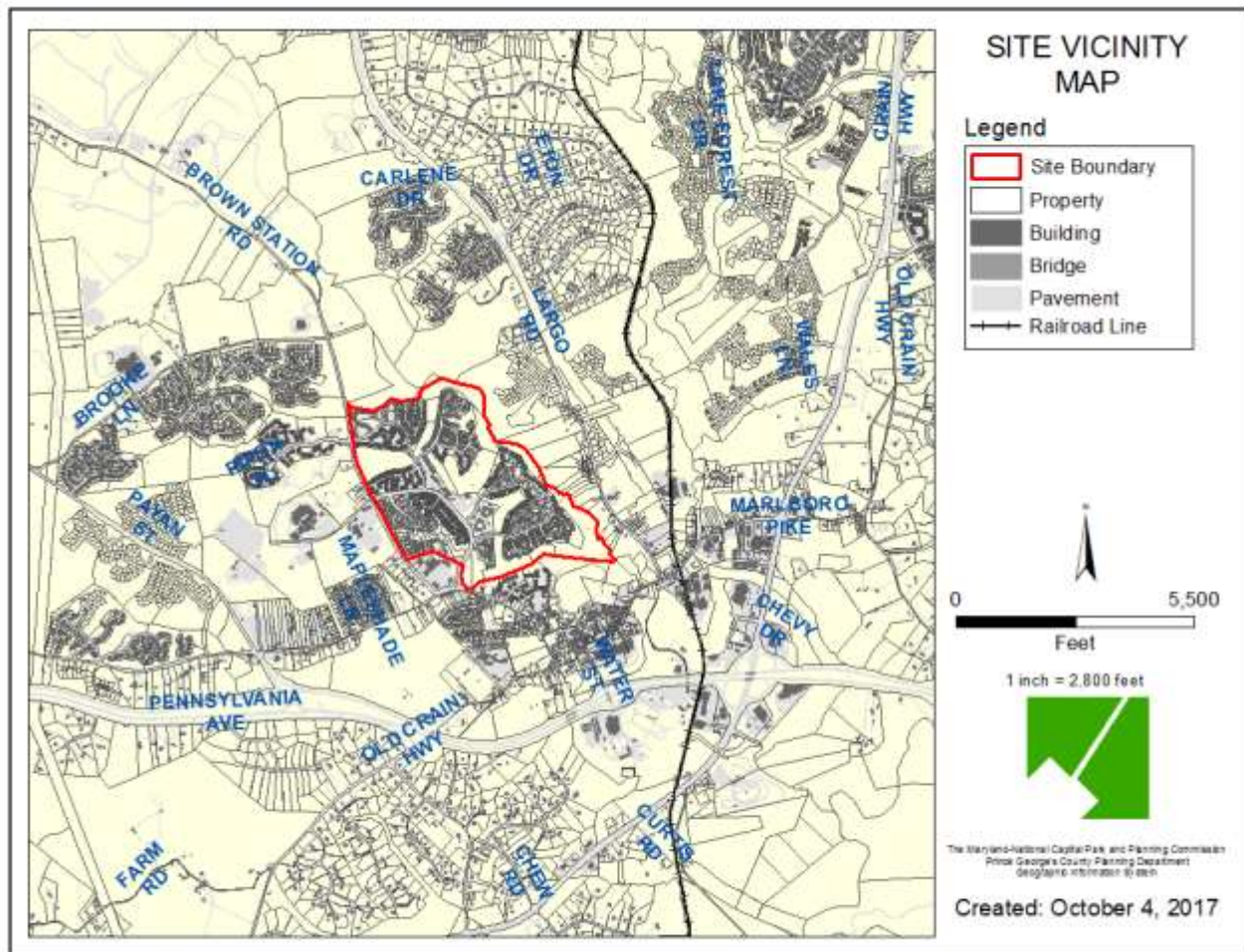
# Comprehensive Design Plan

## CDP-8309-01

Application	General Data	
<b>Project Name:</b> The Villages of Marlborough  <b>Location:</b> On the east side of Brown Station Road, approximately 1,000 feet north of its intersection with MD 725 (Marlboro Pike).  <b>Applicant/Address:</b> Codale Commercial Funding, LLC 8923 Shady Grove Road Gaithersburg, MD 20877	Planning Board Hearing Date:	03/15/18
	Staff Report Date:	03/01/18
	Date Accepted:	11/13/17
	Planning Board Action Limit:	03/15/18
	Mandatory Action Time Frame	107 days
	Plan Acreage:	367
	Zone:	R-U
	Dwelling Units:	206
	Gross Floor Area:	N/A
	Planning Area:	79
	Council District:	06
	Election District	03
	Municipality:	N/A
	200-Scale Base Map:	206SE12

Purpose of Application	Notice Dates	
To develop a 6.38-acre site within a larger fully developed project known as The Villages of Marlborough, with 206 multifamily dwelling units.	Informational Mailing:	01/09/17
	Acceptance Mailing:	11/08/17
	Sign Posting Deadline:	02/13/18

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Henry Zhang, AICP LEED AP <b>Phone Number:</b> 301-952-3572 <b>E-mail:</b> Henry.Zhang@ppd.mnccppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-8309-01  
Villages of Marlborough

PUBLIC HEARING

In accordance with the comprehensive design plan provisions of Section 27-522 of the Prince George's County Zoning Ordinance, a public hearing is scheduled before the Prince George's County Planning Board at 10:00 a.m. on March 15, 2018. The purpose of this hearing is to review and approve Comprehensive Design Plan CDP-8309-01, a revision to the previously approved Comprehensive Design Plan (CDP-8309) for Villages of Marlborough, to add 206 multifamily dwelling units on Parcel O, where the Marlborough Golf Course Clubhouse was previously located before being razed.

INTRODUCTION

The Development Review Division of the Prince George's County Planning Department has coordinated a review of the subject application with all offices and agencies having any planning activities that might be affected by the proposed development. This staff report (documents that process) and presents findings, and a recommendation to be acted upon, by the Prince George's County Planning Board.

RECOMMENDATION SUMMARY

The Urban Design staff recommends APPROVAL of the revision to Comprehensive Design Plan CDP-8309-01 with conditions, as stated in the Recommendation section of this report.

COMPREHENSIVE DESIGN ZONES

The comprehensive design plan (CDP) phase of the three-phase comprehensive design zone (CDZ) review process requires the submission of a plan that establishes the general location, distribution, and size of buildings and roads. The plan includes several drawings, the schedule for development of all or portions of the proposal, and standards for height, open space, public improvements and other design features. The regulations for any of the CDZs are at the same time more flexible and more rigid than those of other zones in Prince George's County. The zones are more flexible in terms of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of law once approved by the Planning Board and the Prince George's County District Council.

The principal difference between CDZs and conventional zones is that the CDZ includes a list of public benefit features, and density or intensity increment factors. If a development proposes to include a public benefit feature in a development, the Planning Board, at this stage of the process, may grant an increment factor that increases the dwelling-unit density or building intensity. The value of the public benefit feature proposal determines the size of the increase in density or intensity. A public benefit feature is an item that will improve the built environment or lessen the public cost of a development. The intent is to create a development, through the granting of incremental density increases, which will result in a better quality residential, commercial and industrial environment.

## EVALUATION CRITERIA

- a. The requirements of the Zoning Map Amendment Application (Basic Plan) A-7260-C;
- b. The requirements of the Prince George's County Zoning Ordinance for the Residential Urban Development (R-U) Zone;
- c. The requirements of Comprehensive Design Plan CDP-8309;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral comments.

## FINDINGS

Based upon the analysis of the subject application, Urban Design staff recommends the following findings:

1. **Request:** This application proposes to develop a 6.38-acre site, known as Parcel O, where the Marlborough Golf Course Clubhouse building was previously located before being razed, within a larger fully developed project known as The Villages of Marlborough, with 206 multifamily dwelling units (DUs).
2. **Development Data:**

Gross tract area of larger project site	367 acres
Of which Golf Course/Clubhouse/Floodplain Area/Parks	146 acres
Total Number of Dwelling Units Approved	3,383
Gross Tract Area of Parcel O	6.38 acres
Total Number of Dwelling Units proposed on Parcel O	206
3. **Location:** The larger Villages of Marlborough is located northwest of the Town of Upper Marlboro at the intersection of MD 725 (Marlboro Pike) and Brown Station Road. The triangular Parcel O site is located in the northern quadrant of the intersection of John Rogers Boulevard and

Governor's Grove Drive, in Planning Area 79, and Council District 6, Upper Marlboro, Maryland.

4. **Surroundings and Uses:** The larger 367-acre property is bounded to the north and east by the western branch of the Patuxent River and undeveloped properties in the Reserved Open Space (R-O-S), Residential-Estate (R-E), Residential Low Development (R-L) and Rural Residential (R-R) Zones, on the south by Old Marlboro Pike, the Federal Springs Branch, and developed properties in the R-O-S, Townhouse (R-T), Local Activity Center (L-A-C) Zone and One-Family Detached Residential (R-55) Zones; and to the west by Brown Station Road. Across Brown Station Road are properties in the R-O-S and R-R Zones.

Parcel O is located in the geographical center of the larger project and is bounded to the north by the Marlboro Golf Course green and multifamily section of The Villages of Marlborough in the R-U Zone.

5. **Previous Approvals:** The larger project, The Villages of Marlborough, has a very long approval history that started when the Prince George's County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, approved Zoning Map Amendment Application A-7260 on December 13, 1976, to rezone a 367-acre property in various zones to the R-U Zone for development of 386 single-family detached homes, 3,477 townhouses, mid-rise and high-rise apartments, 30 acres for schools, eight acres for a community center, and 146 acres for golf course/ open space including floodplain, with two conditions. The subject Parcel O was included in the above mentioned 146 acres.

Subsequently, between 1986–1991, the District Council approved five amendments to Zoning Map Amendment (ZMA) A-7260 and issued five orders of approval (from the Planning Department's Record), of which four are numbered Zoning Ordinances as follows:

Zoning Ordinance No. 29-1986, which was enacted on May 12, 1986, to modify the second condition attached to ZMA A-7260-C, to allow a base density of 10.5 units per acre with a maximum development of 3,864 units with certain restrictions on the phasing. There is no additional condition attached to this approval.

Zoning Ordinance No. 65-1986, which was enacted on July 28, 1986, to show a new mix of housing types on the property, that allows 386 single-family detached homes, 3,277 single-family townhouses, mid-rise and high-rise dwelling units (reduced from prior 3,477 units), and 200 new multifamily condominium units. This approval has two conditions.

Zoning Ordinance No. 48-1988, which was enacted on July 11, 1988, to slightly modify the land use quantities, land use types, and conditions of ZMA A-7260-C to allow a base density of 8 units per acre (2,936 DUs), with an increment of 927 units and maximum density of 10.5 units per acre (3,863 DUs) including 386 single-family detached houses, 3,477 townhouses, multifamily condominiums, mid-rise and high-rise apartments, and multiplex units. This amendment also prescribed the specific percentage ranges of each type of housing that can be built in the development. This approval has four conditions.

Zoning Ordinance No. 44-1991, which was enacted on November 11, 1991, to amend the Basic Plan A-7260-C into two basic plans. This order created a 15-acre parcel out of the 367 acres, that was approved previously in A-7260-C, and limited the maximum number of units to 870 with specific percentage ranges for mid-rise and high-rise units to be developed within the previously

approved 3,477 total units. This approval has four conditions mainly for transportation improvements of the nearby intersections and roadways.

An additional order modifying conditions attached to Zoning Map Amendment A-7260-C, was enacted on November 17, 1987 to amend Condition 1 regarding the timing of the transportation improvements related to the first 1,079 dwelling units. No additional condition is attached to this amendment.

### **Comprehensive Design Plans**

On April 12, 1984, the Planning Board approved Comprehensive Design Plan CDP-8309 for The Villages of Marlborough, as described in PGCPB Resolution No. 84-88, with nine conditions. The CDP included the entire  $\pm 367$  acres of land-zoned R-U and proposed to be developed as a golf course community with three phases, consisting of 339 single-family detached homes, 1,284 townhouses/quads, 1,160 mid-rise, and 600 high-rise apartments for a total of 3,383 dwelling units. A comprehensive recreational facility package was included and phased accordingly with the proposed development. The recreational facility package was also factored into the approval to grant a 16 percent density increment bonus (3,405 DUs). However, only 3,383 units were approved with Comprehensive Design Plan CDP-8309.

Ten CDPs that amended CDP-8309 were approved between 1986 and 1998. Each CDP only revised a portion of the approved CDP-8309 and covered a limited area of the larger development as follows:

Comprehensive Design Plan CDP-8604 covers a 12.68-acre area of the development and was approved by the Planning Board on September 11, 1986 with no conditions. This CDP was to transfer 65 single-family detached dwellings on Tract "F" from Stage II to Stage I.d.

Comprehensive Design Plan CDP-8608 covers a 47.8-acre area of the development and was approved by the Planning Board on April 2, 1987 with nine conditions. This CDP was for approval of 114 townhouses, 104 eight-plex, and 96 twelve-plex condominium units.

Comprehensive Design Plan CDP-8703 covers a 9.1-acre area of the development and was approved by the Planning Board on July 16, 1987 with no conditions. This CDP was to revise Substage 1. b to replace 92 four-plex units with townhouse condominiums.

Comprehensive Design Plan CDP-8711 covers a 14.7-acre area of the development and was approved by the Planning Board on October 20, 1988 with 16 conditions. This CDP was to revise development proposed for Tract "G," which is part of Stage II of the Villages of Marlborough, to replace the previously approved 36 four-plex units with 104 townhouses.

Comprehensive Design Plan CDP-8714 covers a 77.9-acre area of the development and was approved by the Planning Board on October 20, 1988 with 15 conditions. This CDP was to revise the development for Tracts "E" and "H", which are part of Stage II of the Villages of Marlborough, to specifically reduce the number of single-family detached units in Tract "E" from 150 to 124, and the number of townhouse units in Tract "H" from 62 to 57.

Comprehensive Design Plan CDP-8805 covers an 8.2-acre area of the development and was approved by the District Council on July 25, 1989 with 14 conditions. This CDP was to revise the development for Tracts "J" and "M", which are part of Stage II of the Villages of Marlborough to specifically remove 310 mid-rise apartments on both tracts and replace them with a maximum of 310 multiplex units.

Comprehensive Design Plan CDP-8902 covers a 21.94-acre area of the development and was approved by the Planning Board on September 14, 1989 with 10 conditions and one consideration. This CDP was to revise the development for Tract “K”, which is part of Stage II of the Villages of Marlborough to specifically revise the unit type from the previously approved four-plex units (maximum of 280) to six-plex multifamily condominium units (maximum of 252) and to revise the layout of Tract “K” to accommodate the new unit type. This CDP revision also included a master agreement for private recreational facilities at Villages of Marlborough and Sasscer Station that replaced the recreational facilities in the original CDP-8309 approval, in order to provide needed facilities in tracts that by then had been approved or completely built out.

Comprehensive Design Plan CDP-9204 covers a 36.82-acre area of the development on Parcel 31 and Lot 5, Block A (previously known as Tracts L and O, and Parcel 4) and was approved by the District Council on November 16, 1993 with 14 conditions. This CDP was to revise the development for Tracts “L” and “O”, to specifically remove previously approved 870 multifamily high-rise buildings, and substitute multifamily mid- and low-rise units and single-family attached units on fee-simple lots. The exact number of units was not approved; but capped the maximum number of dwelling units to the previously approved 870 and left the specific number of dwelling units to be set at Phase II of the development.

Comprehensive Design Plan CDP-9204-01 covers the same geographic area and was further approved by the Planning Board sometime in 1994 for a total number of 652 dwelling units. This revision to CDP-9204 eliminated the previously approved multifamily mid- and low-rise units and substituted single-family attached units on fee simple lots in their places. The Planning Board Action notice was sent out on January 20, 1995.

Comprehensive Design Plan CDP-9204-02 covers the same geographic area and further reduced the total number of allowed dwelling units to 580 and was approved by the Planning Board on April 30, 1998 with seven conditions.

### **Preliminary Plans of Subdivision**

There is not an overall preliminary plan of subdivision (PPS) covering the entire Villages of Marlborough development. The site has been developed pursuant to 11 separate PPS applications dating from 1984 to 1994. The adequacy finding in each PPS points back to CDP traffic studies contained in CDP-8309. Preliminary Plan of Subdivision 4-84042 appears to have been the PPS that set out Stage I of Villages of Marlborough. That plan included the area of the clubhouse, Parcel O, and assigned 200 multifamily dwelling units to an adjacent tract, which was ultimately developed with 144 multifamily dwelling units pursuant to Specific Design Plan SDP-9503. All other portions of Stage I were ultimately built out as assumed under PPS 4-84042. No other PPS applications included Parcel O. It appears that an adequate public facility test has been done for up to 3,100 dwelling units via various approved preliminary plans of subdivision for the entirety of the Villages of Marlborough.

### **Specific Design Plans**

Approximately 21 specific design plans (SDPs) have been approved for the development of all the lots within the project, including Parcel O, which is contained in this revision. A total of approximately 2,682 dwelling units were approved in all of the SDPs, and the Villages of Marlborough has been fully developed accordingly.

Specific Design Plan SDP-8953, Duke of Marlborough, for addition of recreational facilities to the existing clubhouse, required by Comprehensive Design Plan CDP-8309 was approved by the Planning Board on March 29, 1990 and affirmed by the District Council on April 30, 1990 with three conditions. SDP-8953 is for the purpose of validating the previously constructed clubhouse facilities and proposing construction of five racquetball courts, a pro shop addition to the cart storage building, and an outdoor spa adjacent to the existing clubhouse and pool. Parcel O was constructed in accordance with the approved SDP, but all structures were later demolished after the golf course ceased operation in 2010.

6. **Design Features:** The subject CDP proposes to develop Parcel O with 206 multifamily dwelling units in one building of no more than 110 feet in height. The proposed development will use the existing single parcel without further subdivision. The proposed site will be accessed via the existing entrances off John Rogers Boulevard and Governor's Grove Drive. The proposed development standards for the multifamily building are as follows:

Maximum Building Height: 110 feet

Setbacks from streets: 10 feet, excluding public utility easement

Maximum Lot Coverage: 70 percent

Since the site is located at the intersection of John Rogers Boulevard and Governor's Grove Drive and is in the geographical center of a developed community, the building should be designed with landmark elements, such as a tower or other unique architectural features, to visually command this important intersection. Additional innovative site design and landscaping techniques should also be employed to make this proposed multifamily building an aesthetically visual asset to the existing neighborhood.

The submitted CDP has some erroneous information that needs to be corrected prior to certification. A condition has been included in the Recommendation section of this report requiring the corrections.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment Application (Basic Plan) A-7260-C:** Zoning Map Amendment Application A-7260-C serves as the Basic Plan for Villages of Marlborough and rezoned the property to the R-U Zone. The District Council approved A-7260-C with two conditions that have been fulfilled. Four subsequent amendments were made to A-7260-C with various conditions as contained in Zoning Ordinance No. 29-1986, Zoning Ordinance No. 65-1986, Zoning Ordinance No. 48-1988, and Zoning Ordinance No. 44-1991. All the conditions attached to those amendments were satisfied, except for the following that warrant discussion:

### **Zoning Ordinance No. 48-1988**

4. **All multifamily residential structure shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13D and all applicable County laws.**

The proposed development on Parcel O is a multifamily dwelling and is subject to this requirement. This condition will be carried forward as condition of this approval.



## **Zoning Ordinance No. 44-1991**

- 2. The subject parcel shall be subject to all the requirements and stipulations of the Recreational Facilities Agreement recorded among the land records of Prince George's County at Liber 7647, Folio 192.**

Several years later, after multiple tracts had been approved and constructed, staff acknowledged that the list of public benefit features in Condition 9 were imprecise and difficult to follow. That sentiment was recorded on page 3 in staff's memorandum for CDP-8902, dated September 6, 1989, which reads in part as follows:

"Because of imprecision and lack of specificity concerning the location of required recreational facilities in the original CDP approval, staff and applicants for previous Specific Design Plans have both overlooked the necessity to provide needed facilities in tracts that now have approved SDP's or are completely built-out. For this reason, staff and applicant have worked together to develop a program for provision of recreational facilities for all the remaining tracts that, to the extent possible, fulfills the spirit and intent of the original CDP approval. This program for provision of facilities identifies specific facilities and assigns them all specific locations within the remaining undeveloped tracts of the Villages of Marlborough development or, in the case of a pool-bathhouse complex, immediately across Brown Station Road in the Sasscer Station development on a tract reserved for "quasi-public" uses. These agreements between staff and applicant have been formalized in a "Master Agreement for Private Recreational Facilities at Villages of Marlborough and Sasscer Station" and are also expressed in revised language in the CDP text...The CDP language regarding the pool-bathhouse complex explains that it will be available to the residents of both the Villages of Marlborough and Sasscer Station, and sets up a formula for sharing available memberships between the two."

The Master Agreement for Private Recreational Facilities at Villages of Marlborough and Sasscer Station (master agreement) is recorded in Prince George's County Land Records at Liber 7647, folio 192. The status of the recreational facilities listed in the master agreement is provided below:

Pursuant to Section 1.01 (page 4) of the master agreement the following recreational facilities are required to be provided:

- "a. One 10,000-square-foot open play area, located on Tract K.
- "b. One 25-meter pool and bathhouse, located off-site as part of King's Grant Recreation Association\*.
- "c. One multi-purpose court, located off-site as part of King's Grant Recreation Association\*.
- "d. Four tennis courts. Six currently exist; two are located as part of King's Grant Recreation Association\* and four are located off-site as part of King's Grant Community Park\*\*.

- “e. Two 275-foot baseline softball fields with associated parking. Two are located off-site as part of King’s Grant Community Park\*\*.
- “f. Approximately 0.5 mile of eight-foot-wide hiker biker’s trails located on Tracts K, L, and O.
- “g. An eight-station exercise course. Eight stations are currently located throughout Tracts K, L, & O.
- “h. Two picnic areas. Two are located off-site as part of King’s Grant Community Park\*\*.
- “i. One sitting area, currently located on Tract K.
- “j. One ball wall located off-site as part of King’s Grant Community Park\*\*.
- “k. One preteen area located off-site as part of King’s Grant Community Park\*\*.
- “l. One tot lot located off-site as part of King’s Grant Community Park\*\*.”

**Notes:**

\* These facilities were required to be included as part of the “pool complex,” per Article I, Section 1.04 of the master agreement. This pool complex is currently owned by King’s Grant Recreation Association and is located at 13500 Fenway Lane.

\*\* These facilities were required to be included as part of Sasscer Community Park, per Article IV, Section 4.01 of the master agreement. Of the seven open play areas, two, listed as “C” below, were also to be part of this park. Sasscer Community Park was constructed and is now operated under the name King’s Grant Community Park, located at 13251 Fenway Lane and is owned and operated by the Maryland-National Capital Park and Planning Commission (M-NCPPC).

Pursuant to Section 1.03 (Page 5) of the master agreement, the following satellite recreational facilities were to be constructed:

- “a. Three preteen lots. Three are located on Tracts G, H, and K.
- “b. Two tot lots. Two are located on Tracts G and H.
- “c. Seven open play areas. Four currently exist. Two are located in King’s Grant Community Park (formerly Sasscer Community Park) and two are located on Tracts J and K.”

However, as stated in Section 2.05 of the master agreement, “any subsequent owner of a tract upon which any satellite recreational facility is to be constructed, may substitute a recreational facility of equal value for any facility specified in this agreement.” Therefore, the development team believes that three of the open play areas were substituted out for other recreational facilities. Section 2.03 states the location of where these satellite recreational facilities are to be located: Tracts E and H (Area 6) are to contain one open play area. Upon inspection, it appears that the open play area was not provided on these tracts. The staff agrees with the applicant that this recreational facility was substituted for a combination of both six-foot and eight-foot wide

trails per Condition 1.c. of PGCPB Resolution No. 90-129 for SDP-8947. Tracts N and I (Area 8) are to contain two play areas. It appears that the open play areas were not provided on these tracts. It is believed that they were substituted for a Preteen Lot and a gazebo sitting area.

There are several other recreational facility agreements that were approved subsequently in different applications, in addition to the Master Recreational Facilities Agreement above. All recreational facilities as required by the prior approvals have been constructed.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for conformance with the requirements in the R-U Zone.

- a. In accordance with Section 27-515 (b), the proposed multifamily residential use is a permitted use in the R-U Zone.
- b. In accordance with Section 27-521(a), prior to approving a CDP, the Planning Board must make the required findings as follows:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The governing Basic Plan (A-7260-C) was approved by the District Council back in 1986, in accordance with Section 27-195, and was amended several times thereafter. Staff has reviewed the subject CDP and finds it to be in conformance with the approved Basic Plan, specifically in terms of approved uses and density.

The Basic Plan, as amended, capped the total number of the dwelling units at 3,863. The base density of the R-U Zone for the project is limited to 2,936 dwelling units. Later approval of CDP-8309, which was amended 10 times, set the development limit at 3,383. The prior approved preliminary plans of subdivision tested adequacy for approximately 3,100 dwelling units. SDPs included approximately 2,682 dwelling units. The applicant's research concluded that 2,525 dwelling units have been constructed. The staff's research based on the permits issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) concluded that approximately 2,440 dwelling units were constructed. With the addition of 206 multifamily residential dwelling units, the proposed development (2,646 dwelling units in total) is in conformance with the approved Basic Plan density.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The proposed revisions to Comprehensive Design Plan CDP-8309 will allow for development of additional multifamily dwelling units on a vacant site, where the clubhouse was located. The clubhouse was built in 1974, ceased operation in 2010, and was foreclosed on April 12, 2011. All facilities on the site have been demolished and the

site has been a nuisance for the existing neighborhood. The development of the site will provide needed housing and a better environment for the entire neighborhood.

- (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The proposed revisions to the previously approved Comprehensive Design Plan CDP-8309, which has been fully built out, will allow multifamily residential units on the site. Additional on-site recreational facilities and amenities will be provided to satisfy the needs of future residents. The redeveloped site will be a welcome improvement to the existing neighborhood.

- (4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The existing larger community, known as Villages of Marlborough, has been fully constructed in accordance with numerous prior approvals. The proposed multifamily use was an element of prior approvals, and several multifamily buildings have also been constructed and occupied for many years in the vicinity. Therefore, the proposed multifamily dwellings are compatible with existing land use, zoning and facilities in the immediate neighborhoods.

- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

- (A) Amounts of building coverage and open space;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points;**

As stated above, the existing community has been fully developed in accordance with numerous prior approvals including the governing CDP-8309. The proposed multifamily residential land use is compatible with the existing surrounding uses. The redevelopment of the subject site will use the existing access points off both John Rogers Boulevard and Governor's Grove Drive. The proposed building setbacks from both streets, the amount of the building coverage, and open space will be comparable to the existing multifamily buildings and have been determined in the design guidelines included in this approval.

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

The site, where the proposed multifamily dwellings will be located, has only 6.38 acres and is located in the middle of a larger developed community. The proposed development will be constructed at one time. No phasing is necessary.

- (7) The staging of development will not be an unreasonable burden on available public facilities;**

The proposed development will be constructed at one time on Parcel O. No phasing is necessary. The proposed 206 multifamily dwelling units is within the density that has been already approved and tested for adequacy of public facilities. The proposed addition will have minimal effect on traffic, as the surrounding roads are constructed and equipped to handle more trips. The site is already served by public water and sewer and will not burden the system.

**(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed revision does not propose an adaptive reuse of a historic site. According to the review by the Historic Preservation Section (Berger to Irminger), the proposed development will not impact any historic sites, historic resources or known archeological sites.

**(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

The overall Villages of Marlborough incorporates the applicable design guidelines for site plans (Section 27-274) and has been fully built out. This revision proposes development on Parcel O only and will be reviewed for conformance with the applicable site design guidelines at time of specific design plan.

**(10) The Plan is in conformance with an approved Tree Conservation Plan;**

The Environmental Planning Section has reviewed the CDP's conformance with the approved tree conservation plan. Since the larger development has been fully built out, the proposed development will not impact the approved tree conservation plan and will not result in any impact on regulated features either.

**(11) The Plan demonstrates 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).**

As stated previously, the overall Villages of Marlborough has been fully constructed. Parcel O was previously developed with a clubhouse and has no environmental features and less than 10,000 square feet of woodland. Therefore, this requirement is not applicable to Parcel O.

- (12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

As required under Section 27-226(f)(4), the property was placed in the comprehensive design zone through Zoning Map Amendment A-7260-C approved in 1976. The guidelines set forth in Section 27-480(g)(1) and (2), apply to properties placed in a comprehensive design zone approved after 2006, which does not apply to the subject property.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The Villages of Marlborough was approved and developed as a regional urban community. However, in the current Zoning Ordinance, Section 27-508(a) does not have a subsection (1) or (2). Section 27-508(a) provides:

- (a) The general principal for land uses in this zone is that uses shall be either residential in nature, or necessary to serve the dominant residential uses. These latter uses shall be integrated with the residential environment without disrupting the residential character or residential activities.**

The proposed use on Parcel O is multifamily residential dwellings and is therefore residential in nature. Any amenities that will be included in the project will be designed to serve the dominant residential uses of the property. Since there are other multifamily building constructed to the north of the site, the proposed development will be required to utilize similar residential design elements and thus, will preserve the residential character of the existing neighborhood.

9. **Comprehensive Design Plan CDP-8309:** Comprehensive Design Plan CDP-8309 for The Villages of Marlborough was approved by the Planning Board in 1984, subject to nine conditions. Even though there are 10 more CDPs that were approved between 1986 and 1998 after the approval of the original CDP-8309, none of the subsequent approval covers the entire development. Since the entire Villages of Marlborough have been completely built out, including Parcel O, all of the conditions attached to the approvals have been fully satisfied. This application proposes to redevelop Parcel O with multifamily dwelling units. Because the clubhouse was a component of the proposed recreational facility package and a density increment factor, the conditions related to recreational facilities and multifamily dwellings warrant a discussion as follows:
8. **Automatic sprinkler systems shall be required in all mid-rise and high-rise structures not already required by the County Building Code (except single-family dwellings).**

This is the condition first attached to the basic plan approval and is still relevant to the proposed revision, which includes 206 multifamily dwelling units. This condition will be carried forward as a condition of this approval.

**9. In accordance with the Department of Parks and Recreation memorandum:**

- (a) The applicant, his successor and/or assigns, shall provide a minimum of the following recreational facilities to Department of Parks and Recreation standards as shown on the comprehensive design plans and text, as revised. These facilities are to be provided in the following membership categories:**
  - (1) Three levels of membership are to be provided to have the same preferential treatment as provided for the purchasers and homeowners in the Northampton Cluster:**
  - (2) Stage I**
    - A. Club House Complex membership**  
4 tennis courts (or 2 with lights to be determined at SDP Phase)  
Pools  
Club House  
5 Racquetball courts  
Spa  
Etc., as per CDP text
  - (3) Existing**
    - B. Golf course limited to golf course and associated facility membership.**
  - (4) Stage II**
    - C. “Neighborhood Park” membership to consist of the following:**  
  
Playground – 10,000 square feet  
Pool – 25 meter  
Bathhouse  
2 multi-purpose courts  
2 Tennis Courts  
1 softball (275’)/soccer/football combination field  
Parking
  - (5) Satellite communities: Ten to be specifically located during SDP to contain the following:**  
10 playgrounds (5 tot lots, 5 pre-teen)  
10 open play areas (100’ x 200’)  
4’ Pedestrian hard surface trail system

**Satellite facilities are to be constructed in phase with the housing where they are located.**

- (b) **The developer, his successors and/or assigns, shall execute and record a formal agreement before submitting the final plat to the Subdivision Office to provide said recreational facilities (to Department of Parks and Recreation standards in phase with building construction, and shall submit a performance bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office of the M-NCPPC) within two weeks prior to applying for a building permit.**
- (c) **The developer, his successors and/or assigns, shall satisfy the Planning Board that there are adequate provisions to assure retention and all future maintenance of the proposed recreational facilities.**

The original applicant of A-7260-C requested a density increase from the base density of 8 dwelling units per acre of the R-U Zone to 10.5 units per acre that was approved by the District Council and capped the overall development at 3,863 units. At the time of CDP-8309, six types of public benefit features, including pedestrian system from vehicular rights-of-way, public facilities, common open space, preservation of irreplaceable natural or historic features, enhancement of existing physical features, and the creation of activity centers was considered as density increment factors. The Planning Board approved a 16 percent density increment bonus (at 9.2 DUs/acre) for a total of 3,383 units for the project. The Villages of Marlborough has been fully constructed with 2,440 dwelling units (in accordance with staff's research), which is approximately 494 dwelling units less than the base density of the R-U Zone. With the proposed addition of 206 dwelling units, the entire Villages of Marlborough is still within the base density of the zone without requiring the awarded density.

As far as the recreational facilities are concerned, the facilities listed above were amended later in 1989 and a new Master Agreement for Private Recreational Facilities at Villages of Marlborough and Sasscer Station (master agreement) is recorded in the Prince George's County Land Records at Liber 7647, folio 192. The master agreement was fully executed and all obligated recreational facilities have been constructed. In accordance with the review by the Prince George's County Department of Parks and Recreation (DPR) (Sun to Zhang dated February 8, 2018), all requirements for mandatory dedication under the approved CDP-8309, as amended, were satisfied.

Pursuant to this condition, a private covenant governing the open space, including the Marlborough Golf Course and the Clubhouse on Parcel O, was recorded in the Land Records of the Prince George's County, at Book 6115, page 977. The covenant specifically dictates the use of the golf course property in Paragraph 4 of the Covenants as follows:

**In the event that Marlborough Development Corporation determines to close and discontinue the operations of the subject golf course, Marlborough Development Corporation shall cease to be responsible or obligated in any manner for the continued maintenance of the course. Should Marlborough Development Corporation or its assignee, as provided herein, ever cease to own or operate the subject open space as a golf course for a period of at least 365 consecutive days, the subject golf course shall revert automatically to Villages of Marlborough Community Association, Inc. Such reversion shall not occur if, prior to the termination of the 365 consecutive day period, Marlborough Development Corporation, or its assignee, shall commence to operate the subject open space as a golf course. The 6.4 plus/minus acres**



**consisting of the clubhouse, swimming pool, parking compound, and other related facilities defined by the site plan for S.E. 2818 shall be specifically excluded from this automatic reversion provision. In any case, the subject open space shall continue to be maintained as a part of the public open space for the above-described development.**

The Golf Course closed in 2010 and foreclosed on April 12, 2011. The above covenant is a valid document that governs the use of the Parcel O. In a memorandum dated January 31, 2018 (Borden to Checkley), the Office of the General Counsel of the Maryland-National Capital Park and Planning Commission specifically addressed the issue as follows:

“The 1985 Declaration of Covenants expressly applies to the golf-course site (131.6 acres) itself, and to certain land contiguous to the course. Parcel O, the Subject Property of CDP-8309-01, is not part of this area and is thus not subject to the Covenants.

“The Applicant’s Supplement to the Statement of Justification for CDP-8309-01 (John Rogers Boulevard (“Parcel O”)) provides supporting evidence for this position. The Covenants (L 6115 F 977-981) (Exhibit C) define the golf course alone as the “subject open space,” which comprises “131.6 acres.” An analysis (Exhibit F; see p. no. 75) styled, “Public Benefit Features/Adequacy of Public Facilities” lists the golf course and associated flood plain as totaling 134.6 acres. These acreage reference cannot include the 6.4 acres of Parcel O, which is referenced in the same chart separately as a distinct line item.

“Further evidence suggesting that Parcel O is not included in the “subject open space” relates to paragraph no. 6 of the Covenants (Exhibit C) which states that the open space Declaration “shall be effective only as to those portions of the subject open space that are included in any final plats of subdivision for property contiguous to the subject open space.” In a related court case to determine ownership of the golf course and Parcel O, Judge John P. Davey opined that Parcel O is “excluded by Paragraph 6 of the Covenants.” *Villages of Marlborough Community Association, Inc. v. Codale Commercial Funding, LLC*, (Pr. Geo. County Circuit Court, CAE15-00485) (Exhibit J), dated 8/16/16. In that same court action, Russ Shipley, an attorney for the home owners’ association, acknowledged that Parcel O is “not a part of the [open space] covenant” (Exhibit I).”

“All exhibit references are to the Supplement to the Statement of Justification submitted by the Applicant.”

Parcel O is not part of the open space, which is the subject of the above covenant, and therefore it can be developed for the proposed 206 multifamily dwelling units.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George’s County Tree Canopy Coverage Ordinance:** The Villages of Marlborough development predates and is not subject to the Woodland Conservation and Tree Preservation Ordinance. The development is fully built out including Parcel O, which was previously developed with a clubhouse complex serving The Marlborough Country Club. The golf course closed in 2010 and the buildings on the site have been demolished. There is no woodland on the subject site. A Woodland Conservation Ordinance Standard Exemption Letter (S-200-16), was issued on December 28, 2016 for this site.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, which was adopted after the full build-out of this project, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-U are required to provide a minimum of 15 percent of the gross tract area in tree canopy coverage. During the future review of SDP and building permits, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance. A TCC schedule will be required to be added to the SDP to show how the tree canopy requirement is being met.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Office of the General Counsel**—In a memorandum dated January 31, 2018, the Office of the General Counsel of the Maryland-National Capital Park and Planning Commission addressed two issues regarding whether Parcel O is encumbered by a private covenant as open space (see Finding 8 above) and if the applicant is eligible for filing a revision to CDP-8309 for development on Parcel O as follows:

**ISSUE: May the Planning Board review this item even though the Applicant does not own all the properties associated with CDP-8309-01?**

Yes. Section 27-516 of the Zoning Ordinance does not specifically require a CDP applicant to be the owner of the property. It simply says that the application “shall be filed” without indicating by whom. (Compare with Section 27-273 of the Zoning Ordinance for CSPs, which does require the applicant to be the property owner.) Notwithstanding Section 27-516, the Planning Board has no authority to review an application without the property owner’s consent. Thus, the applicant must demonstrate ownership (or consent of the owner) of that portion of the property covered by the CDP (Parcel “O”) which is subject to the proposed amendment, and that adequate notice of the application has been sent to all adjacent and confronting property owners as well as the homeowner’s association within the CDP, in accordance with applicable notice

- b. **Community Planning**—In a memorandum dated February 22, 2018, the Community Planning Division made the following determination and comments on this DSP:

**Determinations**

Pursuant to Section 27-521(a)(1) of the Zoning Ordinance, this application conforms to the design guidelines or standards intended to implement the development concept recommended by Basic Plan A-7260-C. The application proposes to build up to the allowed density in Basic Plan A-7260-C, with the addition of 206 multifamily units. Although, this revision will change the land use for Parcel O, the application remains in conformance with the recommendations of the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*.

**General Plan:** This application is located within the Established Communities growth policy area designated in *Plan Prince George’s 2035 Approved General Plan* (2014). The vision for the Established Communities states that these areas are “most appropriate for context –sensitive infill and low- to medium-density development.

**Master Plan:** The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (CR-82-2013, July 24, 2013), designates the subject property in the Residential Urban Development Zone and recommends Residential Medium land uses

(3.5 to 8 du/ac.) on the subject property. The proposed 206 multifamily units will be less than the allowed density of Basic Plan A-7260.

The Living Area and Community Character section of the Master Plan provides additional context and supports the proposal. The language is provided below.

“Opportunities for new condominiums and townhouses at appropriate locations should be considered to improve the mix of housing available in the town core. New infill housing development in downtown districts is becoming more popular around the country and could be an attractive option for Upper Marlboro in the right location. Upper Marlboro has been a small town that primarily caters to single-family homeowners. Over time, the town’s lack of housing diversity has limited options for young singles, young couples, and seniors looking to downsize from their current single-family homes.

“According to local real estate professionals, there is pent-up demand for other housing types that meet the needs of people who are not inclined, nor ready, to purchase single-family homes. The town’s ability to attract younger households, particularly households headed by workers employed by the county court system or administration, should be considered an important goal. This could reduce the amount of daily commuting traffic into and out of the town. It would also bring new local consumers to town to support local retailers, which is critical to ensuring the improvement of the town core’s business mix. County employees, young professionals, and “empty-nester” households are the primary targets for non-single-family housing. New residential condominiums and townhouses should be developed along the Western Branch off a realigned and extended Judges Drive.

“Most town core infill will occur on underutilized properties, such as surface parking lots. Surface lots detract from the town core streetscape and diminish the pedestrian experience. For example, the presence of surface parking lots on both sides of the mall visually impairs the quality of the space and discourages pedestrian activity.” (page 194)

The Master Plan also indicates:

“New residential development also can help the town expand its tax base. Future residential infill should reinforce the existing single-family development pattern on the western side of town. The current land use and zoning for these residential areas should not be changed. Instead, emphasis must be placed on appropriate design of new residential infill to ensure its compatibility with existing neighborhood character.” (page 195)

Thus, the Master Plan offers the following policies and strategies that support the application:

### **Living Area and Community Character**

**Policies 2: Promote infill and site redevelopment in the town core to discourage commercial encroachment in residential areas.** (pages 196–197)

**Policies 3: Diversify the town’s residential products to attract young professionals, young families, and empty-nester” households.**

**Strategy: Promote residential infill development overlooking the Western Branch (maximum three stories). Relocate the county daycare facility and volunteer fire department to enable this redevelopment.**

**SMA/Zoning:** The subject property was retained in the R-U Zone in the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, (CR-83-2013) dated July 24, 2013. Zoning Map Amendment A-7260-C, rezoned the subject property from the Rural Residential (R-R) Zone to the Residential Urban Development (R-U) Zone.

**Master Plan Conformance Issues:** There are no additional issues.

- c. **Trails**—In a memorandum dated November 27, 2017, the trails planner provided comments on this application as follows:

No master plan trails impact the subject property, which is internal to a larger existing community and is served by existing roads. Sidewalks exist along the site’s frontages along both Governor’s Grove Drive and John Rogers Boulevard.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT), includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**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.**

Internal sidewalks serving the site will be evaluated in more detail at the time of SDP. Sidewalks exist along both of the site’s road frontages, but improvements may be necessary to meet current accessibility requirements and County specifications. Sidewalks or pedestrian walkways may be appropriate from both roads to the building entrance. Specific recommendations for additional sidewalks will be made at the time of SDP. Bicycle parking is also appropriate and will be addressed at SDP.

There appears to be an existing network of trails or golf cart paths in the open space that abuts the subject site. These paths extend throughout the Villages of Marlborough development. The trail immediately behind the subject site extends to a small pond north of the site and to the east of Governor’s Grove Drive. Access from the site to these paths should be maintained and enhanced. Specific recommendations regarding these connections will be made at the time of SDP. There are no master plan trail recommendations.

- d. **Transportation Planning**—In a memorandum dated January 31, 2018, the Transportation Planning Section has reviewed the CDP and noted the following:

Pursuant to PGCPB Resolution No. 84-88, the subject property was the subject of Comprehensive Design Plan (CDP-8309) that was approved on April 12, 1984. The application was approved with multiple conditions, including a reference to improving the intersection of MD 202 (Largo Road) and MD 725 (Marlboro Pike). All transportation-related improvements have subsequently been implemented.

Since the approval of CDP-8309, there have been a series of preliminary plans of subdivision (PPS) on the property covered by CDP-8309 that were approved. Based on staff's research, it was determined that those approved PPSs represent a total of 3,130 dwelling units. Further research indicated that only 2,525 units have been built to date. Consequently, the pending application proposal would put the total number of units built well below the 3,130-unit threshold that was the subject of previous PPS approvals.

The Transportation Planning Section concluded that overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a CDP application.

- e. **Subdivision Review**—In a memorandum dated February 13, 2018, the Subdivision Review Section provided the following comments on this CDP plan:

The applicant is requesting to develop 206 multifamily units on the subject parcel. The applicant has outlined that development approvals, including preliminary plans of subdivision and specific design plans, for the overall area of the CDP have not exceeded the capacity established with CDP-8309 and its subsequent revisions.

The Villages of Marlborough is subject to a Master Agreement for Recreational Facilities recorded in Liber 7647 at folio 192, which sets forth the recreational facilities required to satisfy the mandatory dedication requirement for the Villages of Marlborough. It should be noted that the recreational facilities as part of the master agreement do not include those facilities previously constructed on Parcel O. Parcel O previously operated as the "Marlborough Country Club," a private club having membership fees. Since the proposed dwelling units are within the capacity established with the approved CDP, staff finds that the mandatory parkland dedication requirements of Section 24-135 of the Subdivision Regulations have been satisfied for the units proposed with this application.

Subsequent to the approval of a new specific design plan and prior to the issuance of permits for the development of Parcel O, the applicant should file a minor final plat of subdivision to reflect the applicable development approvals and remove reference to the Marlborough Country Club Clubhouse on the subject site. There are no other subdivision issues at this time.

- f. **Special Projects**—In a memorandum dated January 17, 2018 (Mangalvedhe to Irminger), the Special Projects Section has reviewed this CDP in accordance with Section 27-521(a)(7) of the Zoning Ordinance, which states that:

(7) **The staging of development will not be an unreasonable burden on available public facilities.**

**Police Facilities**

The Special Projects Section has reviewed this CDP plan for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations.

The subject property is in Police District II, Bowie. The response time standards established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The CDP was accepted for processing by the Planning Department on November 13, 2017. Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls are met.

**Fire and Rescue Service**

The Special Projects Section has reviewed this CDP plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station. The proposed project is served by Upper Marlboro Fire/EMS Company 820, which is located at 14815 Pratt Street.

The Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that as of November 15, 2017, the project is within a seven-minute travel time from the first due station.

The Fire Chief, as of May 15, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01(e) of the Subdivision Regulations.

**Capital Improvement Program (CIP)**

The Prince George's County fiscal year 2016-2021 approved CIP provides funding for replacing the existing station with a new four-bay Fire/EMS station.

**Schools**

County Council Bill CB-31-2003, established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,317 and \$ 15,972 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within 0.25 mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone within 0.25 mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

**Water and Sewerage**

The proposed development is in Water Category 4 and Sewer Category 4, Community System Adequate for Development.

- g. **Historic Preservation and Archeology**—In a memorandum dated November 27, 2017 (Berger to Irminger), the Historic Preservation Section provided the following comments:

The subject property was formerly the site of the Marlborough Country Club. The associated golf course was constructed in 1974 and closed in 2010. The buildings associated with the Marlborough Country Club were demolished between 2014 and 2015. The subject property was extensively graded for construction of the club house and its associated buildings and parking lots. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Phase I archeology survey will not be recommended. This proposal will not impact any historic sites, historic resources or known archeological sites.

- h. **Environmental Planning**—In an e-mail dated December 21, 2017, the Environmental Planning Section (EPS) stated that EPS has reviewed the subject package referred on November 13, 2017. The application included a Natural Resources Inventory Equivalency Letter, NRI-240-2016, issued on December 28, 2016, indicating that the proposed development on the 6.38-acre Parcel O, will not result in any impacts to regulated environmental features as defined by Section 24-101(b) and Section 27-101(a) of the County Code. Additionally, a Woodland Conservation Ordinance Standard Exemption Letter, S-200-16, was issued on December 28, 2016, indicating that the 6.38-acre Parcel O, contains less than 10,000 square feet of woodland.

- i. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 14, 2017, DPIE provided a standard memorandum that includes comments regarding improvements within the public right-of-way, sight distance analysis, storm drainage system, etc. that will be enforced through its separate permitting process. DPIE specifically noted that the proposed development will require a conceptual stormwater management approval from DPIE in accordance with redevelopment requirements.

- j. **Prince George's County Health Department**—In a memorandum dated January 9, 2018, the Environmental Engineering Program of the Prince George's County Health Department provided comments on this application as follows:

- There are four existing carry-out/convenience store food facilities and one grocery store/market within a one-half mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

- Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Future plans should include details indicating how development of the site will provide for safe pedestrian access to amenities adjacent to the community.
- As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the buildings and landscaping on the site.
- The specific design plan should include open spaces and “pet friendly” amenities for pets and their owners. Designated areas may consist of the appropriate safe playing grounds, signage, and fencing. Pet refuse disposal stations and water sources are recommended at strategic locations around the community.
- Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Indicate on future plans related to this development project the proposed means of connecting to neighboring communities through public transportation.
- Recent case studies demonstrate the value of stakeholder input in enhancing positive outcomes of health impact assessment review. The developer should identify and actively engage stakeholders during the development review process.

Those comments have been transmitted to the applicant, who should consider them at time of SDP, to the fullest extent practical.

- k. **Department of Parks and Recreation (DPR)**—In a memorandum dated February 8, 2018, DPR provided a review of the application’s conformance with the obligated recreational facilities as follows:

Since 1984, the subject CDP has been amended numerous times: CDP-8604, CDP-8608, CDP-8703, CDP-8711, CDP-8714, CDP-8902, and CDP-9204 for various portions of the parent tract under CDP-8309. In 1993, it was determined that requirements for mandatory dedication under the approved CDP-8309 were satisfied under the Master Agreement for Recreational Facilities at the Villages of Marlborough and Sasscer Station, (recorded in Liber 7647, folio 192).

This master agreement for recreational facilities required the developers to construct the facilities listed in the condition of approval. These facilities are listed below:

- Multiple open-play area
- Pool and clubhouse
- Tennis courts
- Softball fields
- Hiker/biker trails and exercise stations
- Multiple tot-lots
- Multiple pre-teen-lots



The applicant is seeking to redevelop the site of the former clubhouse property (6.36 acres) with 206 multifamily units, which will generate an estimated 453 new residents in the community. The plans indicate that there will be two open space recreation areas behind the buildings. The open space recreation areas will be further refined with the SDP and developed as private on-site recreational facilities for future residents of this development. DPR believes that these additional private recreation facilities provided on this portion of the Villages of Marlborough will complement the existing recreation facilities within the development.

DPR recommends approval of this comprehensive design plan with two conditions that require on-site private recreational facilities serving future residents of the proposed multifamily dwelling units. However, on-site facilities are not required for adequacy and will be evaluated with the SDP, if proposed.

- l. **Town of Upper Marlboro**—At time of writing this staff report, the Town of Upper Marlboro did not respond to the referral request.
- m. **Prince George’s County Police Department**—As of writing of this report, the Police Department did not offer comments on the subject application.

## RECOMMENDATION

Based on the foregoing evaluation and analysis, Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-8309-01 for the Villages of Marlborough, with the following conditions:

1. Prior to certificate of approval of the comprehensive design plan (CDP), the applicant shall:
  - a. Provide total approved and constructed dwelling unit numbers on the plan and total dwelling unit numbers for the entire project with the addition of 206 multifamily units.
  - b. Revise the CDP plan to reflect acreage of the site with Parcel O site information as a subset.
  - c. Remove General Note 7.
2. At the time of specific design plan, the applicant shall:
  - a. Follow the design guidelines:
    - (1) Maximum Building Height: 110 feet.
    - (2) Setbacks from streets: 10 feet, excluding public utility easement (PUE).
    - (3) Maximum Lot Coverage: 70 percent.
  - b. The building shall be designed with landmark elements, such as a tower or other unique architectural features. Additional innovative site design and landscaping techniques shall also be employed for neighborhood aesthetics and integration.

- c. On-site parking shall be provided behind the building or in a garage.
- 3. All multifamily residential structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13D and all applicable County laws.