



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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Conceptual Site Plan Conservation Plan National View

CSP-21004
CP-21006

REQUEST	STAFF RECOMMENDATION
CSP: Mixed-use development consisting of up to 1,870 multifamily dwellings, and up to 289,000 square feet of commercial/retail, and office space CP: 1.73 acres in the Chesapeake Critical Bay Area	With the Conditions Recommended herein: •Approval of Conceptual Site Plan CSP-21004 •Approval of Conservation Plan CP-21006 •Approval of Type 1 Tree Conservation Plan TCP1-009-2022

Location: Approximately 1,000 feet north of the Capital Beltway between the Wilson Bridge and MD 210 (Indian Head Highway).

Gross Acreage:	20.09
Zone:	RMF-48/IDO
Zone Prior:	M-X-T/I-D-O
Reviewed per prior Zoning Ordinance:	Section 27-1703(a)
Dwelling Units:	1,870
Gross Floor Area:	289,000 sq. ft.
Planning Area:	76A
Council District:	08
Municipality:	Forest Heights

Applicant/Address:
Harbor View Development, LLC
1875 Connecticut Avenue NW
Washington, DC 20009

Staff Reviewer: Henry Zhang, AICP LEED AP
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Planning Board Date:	05/26/2022
Planning Board Action Limit:	05/31/2022
Staff Report Date:	05/11/2022
Date Accepted:	03/22/2022
Informational Mailing:	10/08/2021
Acceptance Mailing:	03/17/2022
Sign Posting Deadline:	04/26/2022

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: Conceptual Site Plan CSP-21004
Conservation Plan CP-21006
Type 1 Tree Conservation Plan TCP1-009-2022
National View

The Urban Design Section has completed the review of the subject application under the prior zoning requirements and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL of the conceptual site plan and the conservation plan, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

The property is within the Residential, Multifamily-48 (RMF-48) Zone. This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1703(a) of the Zoning Ordinance. This conceptual site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment A-10055
- b. The requirements of the prior Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance
- d. The requirements of other site-related regulations
- e. Referral comments.

This conservation plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Intensely Development Overlay (I-D-O) Zone of the Chesapeake Bay Critical Area Ordinance (Subtitle 5B).
- b. The requirements of the Chesapeake Bay Critical Area Overlay Zones of the prior Zoning Ordinance (Subtitle 27).

FINDINGS

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

- 1. Request:** The subject application is a conceptual site plan (CSP) for a mixed-use development consisting of up to 1,870 multifamily dwelling units, including up to 485 units for seniors, and approximately 289,000 square feet of office and commercial/retail space.

Conservation Plan CP-21006 is also filed for the 1.73-acre portion of the property in the Intensely Development Overlay (I-D-O) Zone of the Chesapeake Bay Critical Area (CBCA), where only a 12-foot-wide shared-use path, with two-foot cleared space on either side, one stormwater management (SWM) facility, existing utility easements, proposed utility connections, and a picnic pavilion are proposed.

- 2. Location:** The subject site is located approximately 1,000 feet north of I-95/495 (Capital Beltway) between the Woodrow Wilson Bridge and MD 210 (Indian Head Highway), and on the west side of Bald Eagle Drive. The northern portion of the site is within the municipal boundary of the Town of Forest Heights.

- 3. Development Data Summary:**

	EXISTING	PROPOSED
Zone	RMF-48 (prior M-X-T)/ I-D-O	RMF-48 (prior M-X-T)/ I-D-O
Use(s)	Vacant	Residential, Commercial/retail, and Office
Gross Acreage	20.09	20.09
Of which in CBCA	1.73	1.73
Net Acreage	18.36	18.36
Total Gross Floor Area (GFA)(sq. ft.)	-	1,926,000
Of which Office & Commercial	-	289,000
Residential	-	1,637,000
Total Multifamily Dwelling Units	-	1,465-1,870
Of which Senior living	-	485

Floor Area Ratio in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Outdoor Plaza Optional:	1.16 FAR
Total FAR Permitted:	2.56 FAR*
Total FAR Proposed:	2.41 FAR

Note: *Maximum density allowed, in accordance with Section 27-545(b)(4), Optional method of development, of the Prince George's County Zoning Ordinance, for providing 20 or more residential units and outdoor plaza. Exact floor area ratio to be determined at the time of detailed site plan.

4. **Surrounding Uses:** The subject property, consisting of two sites, Forest Heights Subdivision, Section 16, within the Town of Forest Heights, and the adjoining Butler property to the south, is located on the west side of Bald Eagle Drive. The generally triangular site is bounded to the north by existing single-family detached homes in the Forest Heights Subdivision in the Residential, Single-Family-65 Zone, to the east by National Park Service property in the Agriculture and Preservation Zone, and to the west by National Park Service property in the Reserved Open Space Zone.
5. **Previous Approvals:** The Forest Heights Subdivision, Section 16, within the Town of Forest Heights, in the northern part of the site, was platted in April 1956 and is comprised of Lots 61–91 in Block 122, Lots 13–24 in Block 123, and Lots 8–14 in Block 124, recorded in the Prince George's County Land Records as Forest Heights, Section 16 at Plat Book 28, Page 5. The single-family lots on this site were never developed and the site has remained vacant.

The Butler House property, in the southern part of the site, is mostly wooded but has two historic residences and an existing electric utility right-of-way. The site is comprised of Parcels 26, 32, 33, 35, 36, and 37, which are not mapped within the Forest Heights municipal boundary. This section contains the Butler House (PG:76A-014/National Register), a Prince George's County historic site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George's County historic site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003. At least four outbuildings were located on the subject property from approximately 1965 until 1998, when the outbuildings were demolished.

On October 26, 2021, the Prince George's County District Council approved (via Zoning Ordinance No. 6-2021) Zoning Map Amendment A-10055, to rezone the subject site from One-Family Detached Residential (R-55) and Rural Residential (R-R) to the Mixed Use-Transportation Oriented (M-X-T) Zone, with five conditions.

6. **Design Features:** The narrow triangular site is on the west side of the constructed Bald Eagle Drive, which provides direct vehicular access to the proposed conceptual seven buildings. From north to south, the property depth increases, and the building footprints become larger. Buildings A, B, and C occupy the southern portion of the site with a rear loop road and a shared private street between Buildings B and C. Moving further to the north are Buildings D and E, with a private street between them. In the northern part, outside of the I-D-O Zone, is Building F, which is connected to Building E, and shares a looped road with Building G. The northernmost tip of the site is located in the I-D-O Zone and is preserved as open space with only a 12-foot-wide shared-use path running through it, connecting to an off-site trail system. The buildings range from 5 to 18 stories high and conceptually indicate roof decks, rooftop amenity spaces, outdoor plazas, internal parking garages, trash, and loading spaces.

Shade and viewshed studies have been provided with this application. The possible shadows created by the proposed development have been simulated at various times (9:00 a.m., 12:00 p.m., and 3:00 p.m.) on the days of Summer Solstice (June 21), Equinox (March/September 21) and Winter Solstice (December 21). With the exception of the shadow after 3:00 pm on the Winter Solstice, the adjoining existing single-family residences to the northeast of the site are completely outside the shadow of the proposed development. Only a few of the existing single-family detached residences are within the shadow of the proposed development on Winter Solstice after 3:00 p.m.

A viewshed study has also been performed at four vantage points, including viewpoints from the Capital Beltway Overpass, Cree Drive's highest and lowest points, and Mt. Welby Hill. The proposed development is dominating in the views from Cree Drive, where the existing single-family detached residences are located. The proposed development is slightly visible above the tree lines from the other two viewpoints. Due to the inherent difference in building massing between the existing single-family detached houses and the proposed mid- to high-rise buildings, it is difficult to minimize the visual impact of the proposed buildings on the views from Cree Drive. At the time of detailed site plan (DSP), the applicant should exercise various design techniques, such as vertical division of the elevations into smaller modules, with a combination of building finish materials and architectural vocabularies, plus landscaping treatment of the northeastern boundary area, to minimize the visual impact of the proposed development on the existing single-family detached residences.

Given the scale and multiple phases of the proposed development, there are plenty of opportunities for the application of sustainable site and green building techniques in the development. The applicant should apply those techniques, as practical, at the time of DSP. A condition has been included in the Recommendation section of this report requiring the applicant to provide sustainable site and green building techniques that will be used in this development with the submittal of the DSP.

For CP-21006, except for the 12-foot-wide shared-use path, a 300-square-foot picnic pavilion, and a stormwater management (SWM) facility, most of the 1.73-acre part of the site is preserved as open space. Total lot coverage in this area is proposed at 12.1 percent. Since there is no maximum lot coverage regulation in the I-D-O Zone, this proposed lot coverage is acceptable. The lot coverage information in Table A of the CP, regarding the underlay zoning requirements, is not right, because the M-X-T Zone does not have a lot coverage requirement. All development standards will be approved with the DSP. A condition has been included in the Recommendation section requiring the applicant to correct the lot coverage information on Table A, prior to certification of CP-21006.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. The Requirements of Chesapeake Bay Critical Area Ordinance (Subtitle 5B) and the Chesapeake Bay Critical Area Overlay Zones (Subtitle 27):** The site is located within the I-D-O Zone and is therefore subject to CBCA regulations. The purposes of the I-D-O Zone, as outlined in Section 27-548.13 of the Zoning Ordinance, are to maintain or, if possible, improve the quality of runoff and groundwater entering the tributaries of the

Chesapeake Bay from developed areas; conserve and enhance fish, wild and plant habitats; promote new residential, commercial, and industrial land uses in accordance with development intensity limits designated for the I-D-O Zone, and to accommodate existing residential, commercial, or industrial land uses within the Chesapeake Bay Critical Area. Since there is only one shared-use path, one SWM facility, existing utility easements, proposed utility connections, and a picnic pavilion in the 1.73-acre I-D-O Zone area, the proposed development meets the purposes for the zone.

- a. **Chesapeake Bay Critical Area Ordinance (Subtitle 5B):** The regulations concerning the impervious surface, stormwater, slopes, and other provisions for new development in the I-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

Section 5B-113, Intensely Development Overlay (I-D-O) Zones

- (e) **Development standards. The following development standards must be demonstrated within the I-D-O Zone:**

- (1) **For redevelopment plans, opportunities to reduce impacts on water quality generated by existing development shall be analyzed;**

This project is a new development and not a redevelopment plan. However, all development proposed on the portion of the property is outside of the I-D-O Zone. No regulated environmental features or primary or secondary buffers are located within the CBCA portion of the property. One specimen tree, a 30-inch diameter at breast height White Oak, which is in poor condition, is proposed to be removed and has no impacts on water quality.

- (2) **Urban (BMPs) for stormwater treatment shall be considered and, where appropriate, implemented as part of all plans for development and redevelopment;**

The portion of the site within the I-D-O Zone will have stormwater facilities. The impervious surface area will be approximately 12.1 percent.

- (3) **Stormwater shall be addressed in accordance with the following provisions:**

- (A) **Development or redevelopment projects shall use technologies as required by applicable ordinances in order to minimize adverse impacts to water quality caused by stormwater.**

- (B) **In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment,**

then offsets shall be provided. Guidance for compliance with this requirement is provided in the Critical Area 10% Rule Guidance Manual - Fall 2003 and as may be subsequently amended.

- (C) In the case of new development, offsets shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance - Fall 2003 and as may be subsequently amended.**
- (D) Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures. Guidance regarding offsets is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance - Fall 2003.**

An unapproved SWM concept plan was submitted with the subject application. Currently, SWM Concept Plan, 49501-2021-00, is under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) Site Road Section. Since this site is located within the I-D-O Zone, DPIE is required to review for the 10 percent pollutant reduction requirement. The SWM concept plan within the CBCA proposes stormwater to be directed to an underground storage treatment facility and into grass swales. Submittal of an approved SWM concept plan and approval letter showing the proposed buildings, interior roads, and surface parking will be required, prior to Type 1 tree conservation plan (TCP1) and CP certification.

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded, prior to certification approval for development of the site. Review of the Conservation and Planting agreement falls under the purview of DPIE.

A conservation easement will be required for this site to preserve the existing developed woodlands and the mitigation plantings area. A metes and bounds description must accompany the easement. Review of the easement falls under the purview of DPIE.

- (4) There is no Critical Area lot coverage maximum in the I-D-O, however, where practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution.**

A review of the plan and Tables B and B-1 (CBCA Lot Coverage) demonstrates that the development proposes 9,836 square feet of lot coverage, which is 12.1 percent of the site. There is no lot coverage maximum in the I-D-O Zone, therefore, the proposed lot coverage is acceptable.

- (5) Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within the I-D-O.**

The site is sandwiched between the existing residential neighborhood and Oxon Cove Park. There is no shoreline, nor access to it located on this property.

- b. **Chesapeake Bay Critical Area Overlay Zones (Subtitle 27):** Section 27-548.16 and Section 27-548.17 establish requirements regarding uses and regulations in the CBCA Overlay Zones.

Specifically, Section 27-548.16 states that uses allowed in the CBCA are the same as those allowed in the underlying zones, except as modified in the Table of Uses. The proposed commercial/retail component is not water-dependent and is located outside of the I-D-O Zone; therefore, it is permitted.

Section 27-548.17 establishes additional regulations on density, maximum impervious surface ratio, and slopes. For the I-D-O Zone, the density and maximum impervious surface ratio are the same as underlying zone, and there is no regulation for slopes. In this case, all proposed uses are outside of the I-D-O Zone and the proposal meets all requirements.

- 8. Zoning Map Amendment A-10055:** The District Council approved A-10055 on October 26, 2021, to rezone approximately 20.01 acres of R-55 and R-R-zoned land to the M-X-T Zone, with five conditions. The conditions of approval that are relevant to the review of this CSP warrant the following discussion:

- (1) Prior to Conceptual Site Plan review and the issuance of any permit Applicant shall submit written evidence from the SHA indicating its approval of the proposed access to the property via the state-owned right of-way and with Mr. Lenhart's March 16, 2021 response to SHA's concerns with the Traffic Study (Exhibit 72).**

Evidence has been provided indicating that the Maryland State Highway Administration (SHA) has determined that the roundabout proposed by the applicant for access is not only acceptable, but is the preferred option. Furthermore, SHA issued a letter dated November 5, 2021, that acknowledges the proposed access and provides no further comments on this intersection. While the letter did include three remaining bullet points related to the MD 414 corridor, the study indicates that the intersections along the MD 414 corridor were projected to

operate at a LOS (level of service) A or LOS B during the review of the zoning map amendment (ZMA). A new traffic study will be prepared and reviewed during the preliminary plan of subdivision (PPS), and that is the appropriate time to address any outstanding SHA concerns.

- (2) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement). Additionally, special attention should be given to the development's compatibility with the surrounding area and any restrictions associated with the I-D-O Zone, as well as some appropriate recognition of the historic Butler House property.**

This CSP and CP are submitted in fulfillment of this condition. Compatibility studies are discussed in Finding 6 above and conformance with the I-D-O Zone is discussed in Finding 7. In addition, the CSP shows a space for a Butler House exhibit, in conformance with this condition.

- (3) The Conceptual Site Plan shall include the following:**
- (a) A general description of the pedestrian system proposed;**
 - (b) The proposed floor area ratio;**
 - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;**
 - (d) A general description of any incentives to be used under the optional method of development;**
 - (e) Areas proposed for landscaping and screening;**
 - (f) The proposed sequence of development; and**
 - (g) The physical and functional relationship of the project uses and components.**

The above seven elements are included in the submittal package of this CSP. A complete pedestrian system that connects to the off-site areawide system is proposed. Additional assessment will be carried out at time of subsequent reviews.

The proposed floor area ratio (FAR) is at 2.4 by using the optional method of development with a discussion of incentive factors, including multiple dwelling units and public plazas, in findings below. The eastern boundary area, where the site is adjacent to the existing single-family detached residences, is proposed to be both woodland preservation (as not credited on TCP1) and landscaping areas.

The CSP proposes to develop this property in four phases, as follows:

- Phase 1: Residential Buildings E, F, and G along with main access private road, necessary off-site road improvements, including the

proposed traffic circle within the SHA right-of-way, associated utilities to serve the site, and a pedestrian connection to the Town of Forest Heights

Phase 2: Mixed-use Buildings A and B

Phase 3: Mixed-use Building C

Phase 4: Residential Building D

The proposed development phasing may be further modified with the changing market conditions as the development project progresses.

The CSP also shows the physical and functional relationship among the proposed five development envelopes.

(5) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement), the Planning Board shall also find that:

- (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance (2019 Edition, 2020 Supplement);**
- (b) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**
- (c) The proposed development is compatible with existing and proposed development in the vicinity;**
- (d) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**
- (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**
- (f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated;**
- (g) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban**

design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and, in areas adjacent to existing homes or the adjacent park adequate attention has been paid to minimize any adverse impact of design or other amenities on these areas;

- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and**
- (i) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24- 124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

This condition includes all required findings for approval of a site plan in the M-X-T Zone. Detailed discussion on the CSP's conformance with each finding can be found in Finding 9 below.

9. Prior Prince George's County Zoning Ordinance: The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the prior Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-547, Use Permitted, of the Zoning Ordinance, which governs uses in all mixed-use zones, as follows:

- (1) The proposed multifamily residential units, including units for seniors, commercial/retail, and office uses, are permitted in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, development of this property would be limited to the numbers and types as proposed in this CSP, that cannot exceed 1,870 multifamily units, of which 485 are for senior living, with up to 289,000 square feet of office and commercial/retail space.

- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

- (d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an**

existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

This CSP proposes up to 1,870 multifamily dwellings and up to 289,000 square feet of commercial/retail, and office spaces, satisfying the requirement of Section 27-547(d). The proposed amount of multifamily dwellings, commercial/retail, and office space will complement the existing development in the vicinity of this site including those development projects in the National Harbor area.

- b. Section 27-548 of the Zoning Ordinance, M-X-T Zone regulations, establishes additional standards for the development in this zone. The CSP's conformance with the applicable provisions is discussed, as follows:

(a) Maximum floor area ratio (FAR):

- (1) Without the use of the optional method of development—0.40 FAR**
- (2) With the use of the optional method of development—8.0 FAR**

An FAR up to 2.41 is proposed in this CSP because the applicant elects to use the optional method of development, in accordance with Section 27-545(b)(4), Optional Method of Development, of the Zoning Ordinance. Specifically, the applicant intends to use Bonus Incentives (b)(4), Residential Use and (b)(6) Outdoor plaza, to achieve the FAR increment, as follows:

- (4) Residential use.**
 - (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

This subject CSP proposes 1,870 multifamily dwelling units that earns an FAR of 1.0 for this project.

- (6) Outdoor plaza.**
 - (A) Eight (8) gross square feet shall be permitted to be added to the gross floor area of the building for every**

one (1) square foot of outdoor plaza provided. The plaza shall be open to the sky, except for street furniture, landscaping, or similar items, or any sun or rain shades (not including open arcades) which cover not more than twenty percent (20%) of the plaza area. The plaza shall reflect a high degree of urban design which encourages a variety of human activities, such as walking and sitting in a pleasant public space. The plaza, and any buildings on the south side of the plaza, shall be arranged and designed to admit sunlight to the plaza. The plaza shall contain extensive plantings, a range of seating options, other street furniture, and works of art or water features, such as statuary, fountains, and pools. The plaza shall be surfaced in textured concrete, masonry, ceramic paving units, wood, or other approved special surfacing material. Lighting shall be furnished which provides for both safety and visual effect. The minimum size of a plaza shall be eighty (80) feet by one hundred (100) feet.

The CSP shows areas of outdoor plaza proposed for the project up to 116,875 square feet, which includes the proposed “woonerf treatment” areas, or shared space of 20,000 square feet at drop off areas at various intersections. These areas are envisioned as being an integral part of a long, dynamic outdoor plaza area along the western building façades that are larger than 80 by 100 feet. The 116,875 square feet multiple by 8 (Optional Method Bonus) would equate to an additional 1.16 FAR. Total FAR for this project with the credits earned by the two incentives, as discussed, is up to 2.56 and this CSP proposes an FAR of 2.41, which is below the maximum allowed density. Further details in conformance with this requirement will have to be provided at the time of DSP.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The applicant proposes to include the uses in multiple buildings on more than one lot, as permitted.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is not applicable since this application is for a CSP. Subsequent DSP approvals will provide regulations for development on this property.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land use.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone, and to protect the character of the M-X-T Zone and the existing single-family detached residences from the proposed incompatible land uses, at the time of DSP.

- (e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the proposed CSP of gross floor area of 1,926,000 square feet on the net 18.36-acre property is 2.41. This will be refined further at the time of DSP, relative to the final proposed gross floor area of the buildings, in conformance with this requirement.

- (f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below public rights-of-way, as part of this project.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject site is in a roughly triangular shape with a shallow lot depth on the west side of Bald Eagle Drive that provides direct vehicular access to all proposed seven buildings. Access and frontage will be further reviewed and approved at the time of PPS.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8)**

townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half ($\frac{1}{2}$) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual

Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject CSP proposes only multifamily dwelling units and does not include any townhouses.

- (i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

Given the nature of this CSP, no multifamily building architecture is included. This requirement will be further evaluated at time of DSP when detailed information is available.

- (j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

The subject property was placed in the M-X-T Zone through A-10055. Therefore, this requirement does not apply.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Prince George's County Planning Board to approve a CSP in the M-X-T Zone, as follows:

- (1) The proposed development is in conformance with the purposes and other provisions of this Division:**

The proposed development is in conformance with the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections to enhance

the economic status of Prince George's County. The proposed development, consisting of up to 1,870 multifamily dwelling units, including senior living units, and up to 289,000 square feet of office and commercial/retail space, will provide additional housing types in the National Harbor area and increase economic activity proximate to the major intersection of MD 210 and the Capital Beltway. It also allows for the reduction of the number and distance of automobile trips by constructing residential and nonresidential uses near each other. This CSP, in general, promotes the purposes of the M-X-T Zone and contributes to the orderly implementation of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035).

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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 subject site was rezoned M-X-T through A-10055, not through a sectional map amendment.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed development will be outwardly oriented toward Bald Eagle Drive. The subject site is located at the southernmost edge of an established community. The proposed development in this CSP will be physically and visually close to the interchange of the Capital Beltway and MD 210 and will serve as a barrier between the transportation facilities and the adjacent neighborhood to the north. Additional attention will be given to the design of the buildings at time of DSP to minimum visual impacts on the neighboring single-family detached homes. Given the mixed-use nature of the proposed development, this project will inject new economic vitality in the community.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The proposed development is compatible with the development in the vicinity, which includes an existing established neighborhood of single-family detached houses that is in close proximity to the intersection of the Capital Beltway and MD 210. The proposed development consists of larger building massing and volume that must be skillfully designed at later stages in order to minimize the visual impact on the existing homes. According to the shade and viewshed studies submitted with this CSP, the possible impact of the project on the existing homes, due to the proposed larger building massing, will be limited in terms of shadow and visuals of the buildings through design techniques. If the project is designed correctly in subsequent stages, plus sufficient buffering being added, a compatible and

greatly improved built environment can be achieved that will provide an organic barrier for the existing neighborhood from the busy interchange of the Capital Beltway and MD 210.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

Once the proposed development of this CSP is in place, the mix of uses, arrangement of buildings, and other improvements and amenities will produce a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed development concept of multifamily dwellings, commercial/retail, and office uses will create new market synergy in the close vicinity of the National Harbor area.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

Due to the shallow, triangular shape of the site, the development is envisioned to be carried out in four phases, which may be further adjusted to fit the market variations. According to the phasing plan, the construction will start with Residential Buildings E, F, and G, then gradually evolve into Mixed-use Buildings A, B, and C, and finish with Residential Building D. Each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This requirement will be further evaluated in detail, at the time of both PPS and DSP. The illustrative pedestrian and bicycle exhibit, submitted with the CSP, shows sidewalks adjacent to roadways, connecting to each section of the development.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The above finding is not applicable because the subject application is a CSP.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated**

Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The subject property was placed in the M-X-T Zone through A-10055, not through a sectional map amendment. Therefore, this finding is not applicable.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

The above finding is not applicable because the subject application is a CSP.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject property measures 20.09 acres and does not meet the above acreage requirement. Furthermore, this CSP does not propose development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance. The proposed development concept provides a mix of residential, commercial/retail, and office uses served by a spine road for vehicles and a parallel pedestrian network that is proposed to further connect to the areawide trail system. In addition, the CSP notes that architecture for the buildings will provide a variety of architectural elements to convey the individuality of each, while providing for a cohesive design. Detailed designs of all buildings, site infrastructure, recreational facilities, and amenities will be further reviewed at the time of DSP.

Specifically, the CSP anticipates adequate levels of lighting for safe vehicular and pedestrian movement, while not causing glare or spillover onto adjoining properties

by using full cut-off light fixtures throughout the development. The CSP is designed to preserve, create, and emphasize views from public roads and minimize visual impact on the adjoining properties. All buildings will be designed to provide a modern, clean, and strong presence along the Bald Eagle Drive frontage.

The proposed site and streetscape amenities in this project will contribute to an attractive, coordinated development. The CSP envisions attractive site fixtures that will be made from durable, high-quality materials and will enhance the site for future residents and patrons.

Landscaping will be provided in common areas, such as open plazas, along with street trees along the private roads, and extensive landscape planting in the eastern boundary area will further screen the development from views of the adjacent residential neighborhood to the northeast. It is anticipated and expected that the future builder of the residential units will provide high-quality architecture that will include a variety of architectural elements and articulation, to promote individuality and aesthetically pleasing appearances.

In addition to a centrally located plaza between Buildings C and B, additional open spaces and traffic circles branch out from the spine road, which will be designed with extra amenities and special paving. Many segments of the roadway will have the woonerf treatment that creates a very pedestrian friendly walking environment. Those design issues will be further evaluated at time of PPS and DSP when detailed information is available.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval, at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The property, except for the 1.73 acres in the I-D-O Zone, is subject to the provisions of the 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 existing woodland. As required by the WCO, TCP1-009-2022 was submitted with the CSP.

- a. Through various past proposals, a natural resources inventory (NRI) was submitted on the single lot area (north) and just recently with the Butler Tract (south).

The single lot area inside and outside the CBCA has an approved NRI (184-14) that expires on August 30, 2022. The NRI correctly shows the existing conditions of the property. There are specimen trees throughout this NRI study area. The site does not contain wetlands, streams, or 100-year floodplain. The CP shows all the required information correctly, in conformance with the NRI.

The Butler Tract, located outside the CBCA, has an approved NRI (146-2019) that expires on March 25, 2025. The site does not contain wetlands, streams, or 100-year

floodplain; however, this portion of the site contains steep slopes, and specimen trees are located throughout the site. The TCP1 shows all the required information correctly, in conformance with the NRI.

- b. The TCP1 shows the proposed development with buildings, interior roadways, SWM structures, utilities, and woodland preservation areas. Based on the revised TCP1, the overall site contains a total of 14.69 acres of net tract woodlands. The plan shows a proposal to clear 11.44 acres of on-site woodland, for a woodland conservation requirement of 5.61 acres. Currently, the plan view and woodland conservation worksheet shows 2.56 acres of on-site preservation to meet the woodland requirement. The worksheet must show the remaining 3.05 acres of woodland requirement as “off-site woodland credits required.” The applicant needs to purchase the woodland credits within the Potomac River watershed before the first permit. The proposed development is in general conformance with the WCO, subject to some technical revisions, as conditioned herein.
- c. 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 application area has had two full NRI investigations on the platted and Butler areas. The NRI’s were completed by two different companies, and some specimen tree identification numbers overlap. The platted NRI has specimen trees with no letters before the numbers, and the Butler NRI has “ST” before the specimen tree number.

The site contains 35 specimen trees, of which five are located within the CBCA. Specimen trees within the CBCA are not applicable to Subtitle 25 of the WCO and are not reviewed as part of this specimen tree removal variance. The 30 specimen trees located outside the CBCA have condition ratings of excellent (ST-12), good (ST-9, ST-13, ST-14, ST-15, 8, 11, and 17), fair (ST-2, ST-3, ST-11, ST-19, ST-39, 9, 13, and 19), good/fair (12 and 14), fair/poor (10), and poor (ST-1, ST-4, ST-5, ST-6, ST-7, ST-8, ST-10, ST-18, ST-20, ST-21, ST-38, and 18). The current design proposes to remove 21 specimen trees total with condition ratings as follows: excellent (one tree), good (four trees), fair (six trees), good/fair (two trees), and poor (eight trees) conditions.

A Subtitle 25 variance application dated April 19, 2022, was received for review with this application.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the 21 specimen trees, and details specific to individual trees have been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	LOCATED ON WHICH NRI	COMMON NAME	Diameter (in inches)	CONDITION	TREE WITHIN CBCA	RETAIN/ REMOVE
ST-1	146-2019	Willow Oak	59	Poor		Retain
ST-2	146-2019	White Oak	43	Fair		Remove
ST-3	146-2019	White Oak	41	Fair		Remove
ST-4	146-2019	S. Red Oak	42	Poor		Remove
ST-5	146-2019	White Oak	42	Poor		Remove
ST-6	146-2019	S. Red Oak	42	Poor		Remove
ST-7	146-2019	Black Walnut	34	Poor		Remove
ST-8	146-2019	White Oak	40	Poor		Remove
ST-9	146-2019	Tulip Poplar	39	Good		Remove
ST-10	146-2019	Tulip Polar	35	Poor		Remove
ST-11	146-2019	Tulip Poplar	42	Fair		Remove
ST-12	146-2019	Tulip Poplar	35	Excellent		Remove
ST-13	146-2019	Tulip Poplar	39	Good		Retain
ST-14 B14	146-2019 184-14	Tulip Poplar	43	Good		Remove
ST-15 B15	146-2019 184-14	S. Red Oak	36	Good		Remove
ST-18 B18	146-2019 184-14	White Oak	36	Poor		Remove
ST-19 B19	146-2019 184-14	Tulip Polar	30	Fair		Remove
ST-20 B20	146-2019 184-14	White Oak	38	Poor		Retain
ST-21 B21	146-2019 184-14	American Beech	37	Poor		Retain
ST-38 B38	146-2019 184-14	American Beech	33	Poor		Remove
ST-39 B39	146-2019 184-14	Tulip Polar	32	Fair		Remove
1	184-14	Post Oak	37	Good	*	Retain
2	184-14	Black Oak	34.5	Fair	*	Retain
5	184-14	Blackjack Oak	30	Good	*	Retain
6	184-14	White Oak	30	Poor	*	Remove
8	184-14	Red Maple	32	Good		Retain
9	184-14	White Oak	34	Fair		Retain
10	184-14	White Oak	56	Fair/Poor	*	Retain
11	184-14	Tulip Poplar	32	Good		Remove
12	184-14	Tulip Poplar	36	Good/Fair		Remove
13	184-14	Tulip Poplar	34	Fair		Remove
14	184-14	Black Cherry	34	Good/Fair		Remove
17	184-14	White Oak	50	Good		Retain
18	184-14	Oak	42	Poor		Retain
19	184-14	White Oak	31	Fair		Retain

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the 22 specimen trees on-site. The site consists of 20.09 acres and is within the prior M-X-T Zone. The current proposal for this application area outside the CBCA is to construct a mixed-use development consisting of residential, retail/commercial, and

office uses with surface parking, and various SWM facilities. This variance is requested to the WCO, which requires, under Section 25-122 of the Zoning Ordinance, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle 25 Variance Application Form requires a statement of justification of how the findings are being met.

The text in **BOLD**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain these 21 specimen trees identified as ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019; and specimen trees 11, 12, 13, and 14, as shown on NRI-184-14. Most of the application area is wooded, and in order to develop the site, woodland clearing is required. The property was rezoned M-X-T by the District Council. To achieve the development potential of the site, not all of the on-site woodland and specimen trees can be preserved. Steep slopes are located throughout the site, requiring significant grading to allow the proposed development. Retaining these 21 specimen trees would make this proposed development impossible. The remaining nine specimen trees will be preserved within the on-site woodland preservation areas, with condition ratings of good (three specimen trees), fair (two specimen trees), and poor (four specimen trees). The proposed use, as a mixed-use development, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without the requested variance. Development cannot occur on the portions of the site containing primary management area, which limits the site area available for development. Requiring the applicant to retain the 21 specimen trees on the site would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. The site contains 30 specimen trees outside the CBCA, and the applicant is proposing to remove 21 of these trees. These 21 trees are being removed due to their central location within the proposed development area. The applicant is preserving 2.56 acres for their woodland conservation requirements on-site, and the nine specimen trees are located within this preservation area. This application is saving more specimen trees and on-site woodland preservation than similar developments in the prior M-X-T Zone.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Not granting the variance would prevent the project from being developed in a functional and efficient manner for properties in the prior M-X-T Zone. This is not a special privilege that would be denied to other applicants. If other similar developments in the prior M-X-T Zone were fully wooded with specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The removal of the 21 specimen trees is the result of the trees being located throughout the application area, and the allowable density to achieve optimal development of the prior M-X-T Zone.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There are no existing conditions, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request will not violate water quality standards nor cause measurable degradation in water quality. The project is subject to SWM regulations, as implemented by DPIE. The project is subject to environmental site design, to the maximum extent practicable. The removal of the 21 specimen trees will not directly affect water quality. The unapproved SWM concept plan shows the use of 18 bioretention facilities and 6 storm filters.

Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards, which are set to ensure that no degradation occurs.

Specimen Tree Removal Summary

The application proposes the removal of 21 specimen trees (ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019, and Specimen Trees 11, 12, 13, and 14, as shown on NRI-184-14), all located outside the CBCA. A variance was submitted for the

removal of these trees and required findings of Section 25-119(d) have been adequately addressed. Staff recommends approval of this variance request.

- 11. Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:

- a. **2010 Prince George's County Landscape Manual:** The application is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the 2010 *Prince George's County Landscape Manual*. Conformance with the applicable landscaping requirements will be reviewed at time of DSP.
- b. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 20.09 acres in size and the required TCC is 2.01 acres, or 87,556 square feet. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

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

- a. **Historic Preservation**—In a memorandum dated April 20, 2022 (Stabler and Smith to Zhang), incorporated herein by reference, the Historic Preservation Commission reviewed the subject application at its April 19, 2022 meeting and voted 5-0 to forward the conclusions and recommendations to the Planning Board for its review, as follows:
 - The Butler House is in ruinous condition. Nevertheless, the applicant will need to apply for an Historic Area Work Permit to demolish and remove the Butler House ruins, prior to development. The ruins should be removed in a careful manner to allow for possible archeological investigations of the area below and around the house.
 - To mitigate for the loss of the Butler House Historic Site and its historic context, the applicant will be required to develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House in whole or in part, as means of telling the unique story of the property.
 - The existing environmental setting of the historic site includes all 2.23 acres that make up Parcel 35. This environmental setting should remain in place throughout the development process and may be reduced and relocated by the Historic Preservation Commission to facilitate development and to aid in

the commemoration of the property. The Historic Preservation Commission (HPC) does not have the authority to eliminate the environmental setting in its entirety. The applicant should work with the HPC on the ultimate character and location of the environmental setting as part of the interpretive and mitigative measures that will commemorate the Butler House Historic Site, as well as the history of the other African American occupants of the property. The interpretive measures to be developed by the applicant and reviewed by the HPC will require approval through the Historic Area Work Permit process if they are located within the existing environmental setting. If they are to be located outside the environmental setting, the applicant will be required to complete those plans and potentially complete the interpretive measures, prior to the potential reduction and relocation of the environmental setting.

- The proposed development will be highly visible from the Mt. Welby Historic Site. Through the DSP process, the applicant should work with the Prince George's County Planning Department and HPC staff to reduce the visibility of proposed construction from the Mt. Welby Historic Site, as well as to address the effects of scale and massing of the development on the adjacent national park, Oxon Cove Park and Oxon Hill Farm.
- Bald Eagle Road, which extends north-south through the subject property, was a main artery of the north-south postal roads running from the New England colonies through New York, Philadelphia, and Baltimore to a point near Bladensburg. The branch that ran to the early settlements in Southern Maryland through the subject property was known as River Road. During the Civil War, Union troops and their provisions were moved up and down the road and cut it up so badly that a new road had to be built around and bypassing it. The road was then only used to access the Butler, Gray, and Hatton residences. As much of this historic road as possible should be preserved within the development, possibly as a trail, and interpretive measures should discuss the significance of this ancient route.
- Due to the lack of intact cultural features and diagnostic artifacts found in the Phase II archeological investigations at sites 18PR1152 and 18PR1153, no further work was recommended on either site. Historic Preservation staff concurs with the report's findings and conclusions that no further work is necessary on sites 18PR1152 and 18PR1153. Staff also concurs that, if possible, the brick-lined well within site 18PR1151 should be filled and capped and preserved in place. If this is not possible, additional investigations may be requested. Staff also concurs with the report's findings and conclusions that the area of the site containing periwinkle should be investigated by mechanical means to determine if any human burials are present on the property. The applicant's consultant archeologist should also examine the areas below the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.
- After a discussion regarding the applicant's proposed changes to staff's Condition 2, the HPC voted to forward staff's recommendation as originally

written to the Planning Board for its review. The HPC noted that the main concern was the viewshed of the Butler House, but impacts to the entire site, including its environmental setting should be taken into account during review of subsequent applications.

The HPC recommends to the Planning Board approval of CSP-21004 and CP-21006 for National View, subject to three conditions that have been included in the Recommendation section of this report.

- b. **Community Planning**—In a memorandum dated April 27, 2022 (Tariq to Zhang), incorporated herein by reference, the Community Planning Section stated that, pursuant to Part 3, Division 9, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this CSP application.

The subject property is located within Plan 2035's designated established communities policy area. Plan 2035's vision for the established communities is "context-sensitive infill and low- to medium-density development," (page 20). The proposed high-density, mixed-use development is not supported by the recommended land use for the Established Communities Growth Policy area.

The 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity* (Planning Area 76A) (The Heights and Vicinity Master Plan and SMA) does not recommend mixed land uses for the subject property similar to those recommended in the M-X-T Zone. The proposed high-density mixed-use development does not conform to the recommended infill development that is compatible with the low-density character of the surrounding neighborhoods (The Heights and Vicinity Master Plan and SMA, page 13).

However, the District Council approved A-10055 rezoning the subject property to the M-X-T Zone that permits the development included in this CSP.

- c. **Transportation Planning**—In a memorandum dated April 29, 2022 (Masog to Zhang), incorporated herein by reference, the Transportation Planning Section provided a review of the subject application for conformance with previously approved A-10055 and governing plans, including the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*, the 2009 *Approved Countywide Master Plan of Transportation*, and The Heights and Vicinity Master Plan and SMA. The review of adequacy will occur with the review of the PPS, and at that time, a trip cap will be established to limit the off-site traffic impact of the overall project.

The Transportation Planning Section concludes that from the standpoint of transportation, it is determined that this plan is acceptable, meets the required findings, and therefore recommends approval of this CSP with conditions that have been included in the Recommendation section of this report.

- d. **Subdivision**—In a memorandum dated April 28, 2022 (Gupta to Zhang), incorporated herein by reference, staff provided plan comments, as follows:

- The CSP and CP depicts seven development parcels, one private road parcel, and two open space parcels for illustrative purposes; however, the lotting pattern will be determined at the time of PPS review.
- Several public streets (Chippewa Drive, Crow Way, and Bald Eagle Drive) are proposed to be vacated by this proposal. All of these streets are currently unimproved. Vacation of these streets shall be complete, prior to filing of final plats.
- The CSP identifies multiple locations, evenly distributed within the residential areas, for provision of on-site recreational facilities. Adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be determined at the time of PPS review.
- Pursuant to Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations, residential lots adjacent to an existing or planned roadway of freeway or higher classification, shall be platted with a depth of 300 feet. It is recommended that any future parcels with residential use be provided in accordance with the Subdivision Regulations and that appropriate mitigation be provided to protect dwellings from traffic noise and nuisances, which will be further evaluated at the time of PPS. The CSP includes residential development area within 300 feet of the right-of-way line for the Capital Beltway. A Phase 1 noise study should be provided at the time of PPS so that the placement of residential development parcels and any planned outdoor recreation areas are located and/or mitigated to avoid adverse traffic impacts. The CP and CSP site plans show an unmitigated 65dBA noise contour line along the southern portion of the site.
- Access to the property is proposed from Bald Eagle Drive located to the south, which is a state road. No right-of-way dedication is proposed along the property's frontage of Bald Eagle Drive. Private streets with varying rights-of-way and pavement widths are shown. Section 24-128(b)(7) of the prior Subdivision Regulations permits private streets in the M-X-T-Zone only for attached single-family dwellings, two-family dwellings, and three-family dwellings. Private streets in the M-X-T-Zone are not permitted for multifamily dwellings or any other nonresidential development. The lotting and circulation pattern, and any required street right-of-way dedication will be reviewed further with the PPS application.

A seven-foot-wide public utility easement (PUE) is shown on the CSP, as proposed along private streets. The location of required PUEs will be determined along all public and private streets with the PPS. Section 24-128(b)(12) requires a 10-foot-wide public utility easement along one side of all private rights-of-way. The applicant may request and provide justification for a variation at the time of PPS for PUEs which are proposed to be less than 10-feet-wide.

- Parcels 26, 27, 32, 33, 35, 36, and 37 are located in Water/Sewer Category 6. Before a PPS can be approved, a water and sewer category change for these parcels to be located in Category 4 will be required.

The Subdivision Section recommends approval of this CSP, subject to conditions that have been included in the Recommendation section of this report.

- e. **Environmental Planning Section**—In a memorandum dated April 25, 2022 (Schneider to Zhang), incorporated herein by reference, the Environmental Planning Section provided a review of CSP-21004, TCP1-009-2022, and CP-21006 for conformance with requirements of the I-D-O Zone and the provisions of the WCO. Some findings have been included above and additional findings are summarized, as follows:

Soils/Unsafe Soils: According to the U.S. Department of Agriculture, Natural Resources Conservation Service, and Web Soil Survey, the Butler Tract area contains the following soil types: Beltsville silt loam, Beltsville–Urban land complex, Sassafras and Croom soils, and Sassafras sandy loam series. Neither Marlboro clay nor Christiana complex occur in this area.

The single lot area in the north contains the following soil types Croom–Urban land complex, Sassafras and Croom soils, and Udorthents soil series. Neither Marlboro clay nor Christiana clay occur in this area.

The site elevation varies significantly, sloping down toward north in elevation, approximately elevation 196 to elevation 40. Mass grading and site retaining walls are proposed. In communication with DPIE reviewers, a geotechnical report is required to verify the subsoil conditions and the slope stability. A global stability analysis on cross sections of the proposed retaining walls is required if the wall height is taller than 10 feet, or taller than 6 feet with 3H:1V backslope. Because of the mass grading of the site, the subject application area is required to submit a geotechnical soils investigation report, prior to CSP and CP certification.

Stormwater Management: An unapproved SWM Concept Plan (49501-2021-00) was submitted with the subject application. Currently, the SWM concept plan is under review by the DPIE Site Road Section. The SWM concept plan proposes stormwater to be directed into 18 bioretention facilities and 6 storm filters. Submittal of the approved SWM concept plan and letter showing the proposed buildings, interior roads, and surface parking will be required, prior to TCP1 certification.

The Environmental Planning Section recommends approval of CSP-21004, TCP1-009-2022, and CP-21006, subject to conditions that have been included in the Recommendation section of this report.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated April 29, 2022 (Sun to Zhang), incorporated herein by reference, DPR noted multiple developed Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned parks, in proximity of the proposed development.

A segment of the Oxon Hill Farm Trail runs behind Bell Acres Park. Funding was approved in the FY21–FY26 CIP for rehabilitation and extension of the Oxon Run Trail in this location. The Potomac Heritage Trail also connects to the Oxon Hill Farm Trail, crossing the Capital Beltway and heading south along Oxon Hill Road.

The 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* encourages building upon the existing pathways and completion of the trail network in the area. The applicant has indicated plans to promote walking through new connections to the established trail system from the proposed future development.

The Heights and Vicinity Master Plan and SMA recommends the acquisition by M-NCPPC of a 10-acre parcel on a portion of the applicant's property near the historic Butler House (76A-014). The master plan recommends acquisition for passive parkland uses as well as community gardens. The applicant proposes interpretation of the Historic Butler property and the creation of rooftop community gardens as part of the development plan. DPR staff has no issues with the applicant's current proposal to provide the historic interpretation on the Butler Property. Further details shall be provided with the future development plans for this project.

Because a portion of development consists of residential uses, mandatory dedication of parkland is required at the time of PPS. Due to the large numbers of new residents proposed by this development, the mandatory dedication requirements and options for this development will be fully evaluated with the submission of the PPS.

The applicant has provided conceptual information on trail connections, on-site recreational facilities, covered public pavilions, and community gardens, which may be sufficient in meeting mandatory dedication requirements. DPR staff recommends that the applicant look at creating a centralized open green space (with a public use easement) to serve not just the residential community but the entire development. The details of the proposed facilities will be reviewed with future applications.

- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this report, a memorandum had not been provided by DPIE.
- h. **Prince George's County Health Department**—In a memorandum dated March 29, 2022 (Adepoju to Zhang), included herein by reference, the Health Department provided eight comments, as follows:
 - Health Department permit records indicate there are approximately three carryout/convenience store food facilities and no markets/grocery stores within a 0.5-mile radius of this location. 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. The developer should designate some commercial space for a food facility that provides healthy food options such as fruits and vegetables for the surrounding community.

- The applicant should apply for a raze permit with DPIE for removal of the existing houses on the lot.
- The current water and sewer category is W-6 and S-6 for the proposed development for individual systems. The applicant must contact the Water and Sewer coordinator at DPIE to apply for the water and sewer category changes to W-3 and S-3 for community systems.
- Ensure all well and septic structures that are discovered on the property are to be abandoned and backfilled according to regulatory standards prior to construction.
- Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community. 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. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities.
- The comprehensive design plans should include “pet friendly” amenities for pets and their owners. Pet refuse disposal stations and water sources are strongly recommended at strategic locations.

The above comments have been transmitted to the applicant. Issues such as pedestrian network and pet-friendly amenities, such as a dog park are noted in this CSP and will be provided in the subsequent DSP.

- During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George’s County Code.
- During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Those two comments will need to be included in the site plan notes on the DSP.

- i. **Critical Area Commission (CAC)**—The Environmental Planning Section received an email from the CAC, dated April 25, 2022, in response to the revised plans submitted by the applicant. The email is incorporated herein by reference.

The April 25, 2022 CAC letter does not oppose the application, and gives the following comments:

“The project must comply with all IDO requirements, including the 10% pollutant reduction requirement.”

13. Based on the foregoing and as required by Section 27-276(b)(1) of the prior Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-276(b)(4) for approval of a CSP, requires that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations. The subject CSP proposes no impacts to regulated environmental features and, therefore, this finding can be made with the proposed development.

RECOMMENDATION FOR CONSERVATION PLAN CP-21006

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Conservation Plan CP-21006 for National View, subject to the following condition:

1. Prior to certification of the conservation plan (CP), the applicant shall:
 - a. Correct the lot coverage information of the underlying zone on Table A of Chesapeake Bay Critical Area Overlay Zone.
 - b. Have the applicant sign the owner notification block.
 - c. Revise tables and plan view to show the same consistent Chesapeake Bay Critical Area, proposed woodland clearing, and preservation area totals throughout the plan.
 - d. Revise General Note 19 to reference only specimen trees located within the Chesapeake Bay Critical Area.
 - e. Revise General Note 21 to read, "No increase in lot coverage within the 100-foot critical area buffer. No critical area buffers are located on-site."
 - f. Update the revision blocks.
 - g. Execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County, prior to recordation. The applicant shall provide a copy of the recorded agreement to the Prince George's County Department of Permitting, Inspections and Enforcement, and the Liber/folio shall be shown above the site plan approval block in the following note: "The Chesapeake Bay Conservation and Planting Agreement for this property is found in Plat No. L. __F. __."
 - h. Record a conservation easement for the proposed mitigation plantings and the existing developed woodland preservation area in the Prince George's County Land Records. The easement document shall be reviewed by the County, prior to

recording. The Liber/folio shall be shown above the site plan approval block in the following note: "The conservation easement for this property is found in Plat No. L. ___ F. ___."

RECOMMENDATION FOR CONCEPTUAL SITE PLAN CSP-21004

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-21004 for National View, including Type 1 Tree Conservation Plan TCP1-009-2022, subject to the following conditions:

1. Prior to certification of the conceptual site plan (CSP), the applicant shall:
 - a. Remove any proposed public utility easements from the plans.
 - b. Revise Type 1 tree conservation plan, as follows:
 - (1) Revise the Woodland Conservation Worksheet to add 3.05 acres of off-site woodland credits.
 - (2) Update any number changes that occur after conservation plan revisions.
 - (3) Update the revision blocks.
 - c. Submit a geotechnical soils investigation report of the proposed retaining walls and building areas where significant grading is proposed.
 - d. Submit a copy of the approved stormwater management concept letter and plan associated with this site, and the facilities shall be correctly reflected on the CSP and TCP1.
2. At time of preliminary plan of subdivision, the applicant shall:
 - a. Provide a vertical grade plan along the length of the main access roadway. In consideration of the varying grades on this site, this plan shall be reviewed for the purpose of determining where bicycle lanes are needed to ensure safe and efficient traffic flow for vehicles and bicycles.
 - b. Provide a standard sidewalk along the west side of the main access roadway (Bald Eagle Drive).
 - c. Submit a Phase 1 noise study. The noise study shall define the unmitigated and mitigated 65 dBA Ldn noise contour on the subject property and identify any impacted residential lots or parcels that need further noise mitigation.
3. At the time of detailed site plan, the applicant shall:
 - a. Submit a list of sustainable site and green building techniques that will be used in this development.

- b. Utilize various design techniques, including in building massing and volume, finish materials and architectural vocabulary, in the design of all western elevations of the proposed buildings, plus landscaping treatments along the eastern boundary areas, to minimize visual impact on the existing single-family detached residences.
 - c. Conduct Phase III archeological investigations on the brick-lined well and in the location of a possible burial ground associated with the Butler House Historic site, (76A-014). The applicant's consultant archeologist shall also examine the areas below and around the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.
 - d. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mount Welby Historic Site (76A-013) is compatible with the Oxon Cove National Park.
 - e. Develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House, in whole or in part, as means of telling the unique story of the property. The location, character, and wording of any signage or commemorative features and any other educational or public outreach measures shall be reviewed by the Historic Preservation Commission and approved by Historic Preservation staff. The comprehensive plan shall include the timing for installation and/or launch for the commemorative measures.
4. Prior to approval of any grading permit, the applicant shall provide a final report detailing the Phase III archeological investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

STAFF RECOMMENDS:

- Approval of Conceptual Site Plan CSP-21004
- Approval of Conservation Plan CP-21006
- Approval of Type 1 Tree Conservation Plan TCP1-009-2022