



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

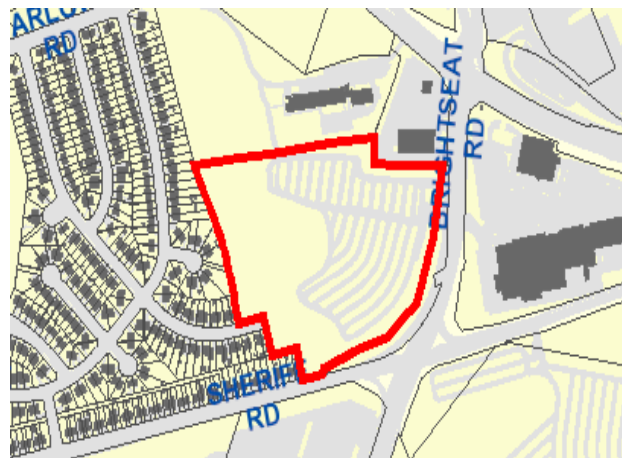
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Conceptual Site Plan 1990 Brightseat Road Property

CSP-13006-01

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of February 9, 2023 to February 23, 2023.</p> <p>Development of up to 172 rear-loaded single-family attached condominium units on a single lot.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none">•Approval of Conceptual Site Plan CSP-13006-01•Approval of Type 1 Tree Conservation Plan TCP1-001-14-01•Approval of a Variance to Section 25-122(b)(1)(G)

Location: In the northwest quadrant of the intersection of Brightseat Road and Sheriff Road.	
Gross Acreage:	22.15
Zone:	AG/TAC-C
Zone Prior:	O-S/M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	172
Gross Floor Area:	0
Planning Area:	72
Council District:	05
Municipality:	N/A
Applicant/Address: Neighborhood Partners 100, LLC 11 Dupont Circle, NW Suite 900 Washington, D.C. 20036	
Staff Reviewer: Tom Burke Phone Number: 301-952-2739 Email: Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	02/23/2023
Planning Board Action Limit:	70 Days: 2/23/2023
Staff Report Date:	01/27/2023
Date Accepted:	11/16/2022
Informational Mailing:	10/21/2021
Acceptance Mailing:	11/10/2022
Sign Posting Deadline:	01/10/2023

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-13006-01
 Type 1 Tree Conservation Plan TCP1-001-14-01
 1990 Brightseat Road Property

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

The property is located within the Town Activity Center-Core (TAC-c) and Agriculture and Preservation (AG) Zones, formerly the Mixed Use-Transportation Oriented (M-X-T) and Open Space (O-S) Zones. This application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903(c) of the Zoning Ordinance, which allows certain development proposals to be reviewed under the prior Zoning Ordinance. This conceptual site plan application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance, specifically for the Mixed Use-Transportation Oriented (M-X-T) and Open Space (O-S) Zones.
- b. The requirements of the 2010 *Prince George's County Landscape Manual*.
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- d. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- e. Referral comments.

FINDINGS

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

1. **Request:** The application proposes to develop the subject property with 172 rear-loaded single family attached condominium units on a single lot.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	TAC-C/AG	M-X-T/O-S
Use(s)	Vacant/parking lot	Residential, Townhouse
Gross Acreage	17.26/4.89	17.26/4.89*
Floodplain Acreage	4.06	4.06
Net Acreage	18.05	18.05
Total Gross Floor Area (GFA) (sq. ft.)	-	293,088 sq. ft.**
Of which Commercial GFA	-	0
Residential GFA	-	0
Total Townhouse Units	-	172

Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Total FAR Permitted:	0.40 FAR
Total FAR Proposed:	0.304 FAR***

Note: *The gross tract area on the various plans submitted is represented as 22.12 acres and 22.15 acres. A condition has been provided herein, to correct the acreage to be consistent on all plans.

**The gross floor area (GFA) proposed is not provided on the conceptual site plan (CSP). A condition has been provided herein, to include the GFA in the CSP General Notes.

***The floor area ratio (FAR) proposed is not provided on the CSP. A condition has been provided herein, to provide a FAR table on the CSP.

- 3. Location:** The subject property is located in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road, in Planning Area 72 and Council District 5. The site is currently unimproved, with remnants of a former overflow parking lot to serve the nearby stadium. The Cattail Branch Creek runs north/south through the western end of the site, with an extension of the stream projecting further into the middle of the property.
- 4. Surrounding Uses:** The site is bounded to the north by the Board of Education Bonnie F. Johns Educational Media Center and a parcel improved with an existing automotive dealership, both in the Town Activity Center – Core (TAC-C) Zone; to the east by Brightseat Road, with commercial uses in the TAC-C Zone beyond; to the south by Sheriff Road, with FedEx Field stadium property in the Legacy Comprehensive Design Zone beyond; and to the west by single-family detached homes in the Residential, Single-Family-Attached Zone.

5. **Previous Approvals:** The subject property, also referred to as Parcel 51, was the subject of Certification of Nonconforming Use CNU-25172-11, which sought non-conforming use certification for a permanent use and occupancy permit, to allow parking for stadium events. The Prince George's County Planning Board denied the request (PGCPB Resolution No. 12-87); however, the Prince George's County District Council approved it on February 11, 2013, allowing the existing gravel lot to continue as a temporary nonconforming use for five years. The 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* (sector plan) rezoned 19.57 acres, including the subject property, from the Miscellaneous Commercial Zone to the Mixed Use-Transportation Oriented (M-X-T) Zone. On June 26, 2014, the Planning Board approved CSP-13006 (PGCPB Resolution No. 14-60) for the development of 380 multifamily units.
6. **Design Features:** This CSP proposes a single-use, residential community including up to 172 single-family attached dwelling units with associated recreational facilities, in compliance with the prior Prince George's County Zoning Ordinance and applicable review criteria. The project, which will be primarily located on the M-X-T-zoned portion of the property, will comply with all applicable development standards of the M-X-T Zone.

The property is proposed to be developed with up to 172 rear-loaded single-family attached units in a condominium regime on a single lot. All units will be constructed with 3 stories, measuring 18 feet wide by 36 feet deep, and up to 1,704 gross square feet of interior space. Each unit will be provided one-garage parking space and at least one parking space in the driveway, with the exception of units 30–35, which will only be provided with a single garage parking space. In addition to the unit parking provided, 52 on-site parking spaces will be provided as either on-street parallel parking or head-in spaces. The overall parking provided will result in a total of approximately 2.26 spaces per unit.

The proposed streets within the community will be private and are designed as modified sections, in accordance with the County's urban street design standards. An opportunity for an inter-parcel access has been provided for future development on adjacent properties to the north of the subject property.

The proposed community features private on-site recreational amenities which include a pool, a pool-house with up to approximately 2,000 gross square feet (and associated storage for outdoor equipment), a tot-lot with play equipment for age groups 2–5 and 5–12, and open space play areas. A master plan trail is proposed to extend through the site for a future trail connection to the north.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** This application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the prior Zoning Ordinance.
 - a. This application is in conformance with the requirements of Section 27-547, Uses Permitted, of the prior Zoning Ordinance, which governs uses in all mixed-use zones, as follows:

- (1) The proposed residential use is permitted in the prior M X-T Zone. Per Footnote 7 of the Table of Uses, which stipulates that 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 172 single-family attached condominium units.
- (2) Section 27-547(d) of the prior Zoning Ordinance 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.**

Only residential uses are proposed with this CSP. Section 27-547(e) of the prior Zoning Ordinance provides an exception to the required mix of uses “for property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the general plan, and a master plan, or sector plan for which a comprehensive land use planning study was conducted by technical staff prior to initiation, a CSP submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.”

In an e-mail dated July 1, 2014, to the applicant’s legal representative from the Maryland-National Capital Park and Planning Commission’s Legal Department (Borden to Haller), it was concluded that an Urban Land Institute Technical Assistance Panel (TAP) conducted between January 17 and 18, 2006 for the redevelopment of the Landover Mall and vicinity, and which included the subject property, was deemed sufficient to allow the applicant to proceed with a single use on the subject property. With the recommended conditions, the proposal will conform to the visions, goals, and policies within the sector plan.

- b. Section 27-548, M-X-T Zone Regulations, of the prior Zoning Ordinance, 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

The applicant is not proposing the use of the optional method. The statement of justification (SOJ) provided 0.304 FAR proposed for this site, which is within the maximum.

(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 CSP proposes more than one building on one lot, as allowed.

(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 to this CSP, but will be applicable to a subsequent detailed site plan (DSP) review for this site.

(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 uses.

The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Compliance with the requirements of the Landscape Manual will be reviewed 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.

This requirement will be reviewed for compliance at the time of DSP when detailed building designs are provided; however, the CSP complies with this requirement.

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

This requirement will be reviewed for compliance at the time of DSP; however, the CSP does not show any private structures above or below public rights-of-way.

- (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.**

This requirement is met, pursuant to prior Subtitle 24. The applicant will need to request a variation at the time of preliminary plan of subdivision (PPS), to provide access directly from an arterial roadway (Brightseat Road) if an internal road is not provided.

- (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 (½) 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.

This CSP proposes 172 single-family attached condominium units. Conformance with these specific townhouse requirements will be reviewed at the time of PPS and DSP, when detailed lot and building information is available.

- (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, or a Mixed-Use Planned Community.**

Multifamily buildings are not being proposed with this application.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the prior Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the prior 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. 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, located in the northwest quadrant of the Sheriff Road and Brightseat Road intersection will provide increased economic activities to the numerous retail, dining, and recreational opportunities in the immediate vicinity. Proximity to these amenities will allow for the reduction of the number and distance of automobile trips. 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). Another purpose of the M-X-T Zone is to create compact, mixed-use, and walkable communities that emphasize pedestrian experience with active street fronts, encouraging a 24-hour environment. Although this development is entirely residential, accessibility to nearby commercial operations is critical and will be further evaluated with the DSP. The visual character and identity of the project will be a function of the architecture of the buildings, entrance features, and landscape plantings, which will be evaluated at the time of DSP review. Buildings should be designed with high-quality detailing and design variation and should be appropriate in scale with the location. The architecture, landscape treatment, signage, and other elements should be coordinated to give the development a distinctive visual character.

(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 to the M-X-T Zone in 2009, through the sector plan. This sector plan does not contain a design concept for the subject property but does provide design guidelines and standards for evaluating conformance with a general design concept for the center and edge areas. If approved with the recommended conditions, the intent of the design guidelines and sector plan will be met.

- (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 details of the orientation are not fully available at the time of CSP; however, based on conceptual plans provided, the proposed development will be partially outwardly oriented with the front and side facades of the townhouse units oriented toward Brightseat Road, Sheriff Road, and the main road into this community. At the time of PPS, the applicant will be encouraged to increase the front facades along the entrance road into the community. Several residential, commercial, and industrial development projects are currently in various stages of review or construction within this area.

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

This site is bounded by public roadways to the east and south, by a Board of Education property and car dealership to the north and by the Palmer Park single-family detached subdivision to the west. Staff believes that the proposed residential development, if sensitively designed in accordance with the sector plan vision, will be compatible with existing development in the vicinity.

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

The design proposed for the site will need additional refinement to adequately reflect a cohesive development of continuing quality and stability. The layout, internal circulation, and connectivity will be reviewed further at the time of PPS and DSP.

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

The applicant has indicated in the SOJ that phasing this development is not anticipated.

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

This requirement will be evaluated in detail at the time of PPS and DSP. An illustrative plan submitted with the CSP shows sidewalks, adjacent to roadways, connecting to each part 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**

This finding will be evaluated at the time of DSP.

- (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, or will be provided by the applicant, 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.**

This requirement is applicable to this CSP, as it was placed in the M-X-T Zone by a sectional map amendment; however, at the time of the writing of this technical staff report, a detailed discussion of transportation issues was not provided by the Transportation Planning Section.

- (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 approved by the applicant.**

This finding is not applicable because this application is a CSP; however, the finding will be evaluated at the time of DSP.

- (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 548.**

The subject site contains only 22.15 acres and therefore 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 prior Zoning Ordinance. The proposed development concept provides townhouses and community amenities designed to front on roadways. A connected circulation system for vehicles and pedestrians is proposed. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed at the time of DSP.
 - e. In accordance with Section 27-574 of the prior 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) of the prior Zoning Ordinance. At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required for development.
8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. This application is also subject to the requirements of the Environmental Technical Manual (ETM). Type 1 Tree Conservation Plan TCP1-001-14-01 has been submitted with this application and requires minor revisions to be found in conformance with the WCO.
- Based on the TCP1 submitted with this application, the site contains a total of 4.70 acres of woodlands and 3.42 acres of wooded floodplain for a total of 8.12 acres of existing woodlands. The site has a woodland conservation threshold of 17.11 percent, or 3.09 acres. The TCP1 proposes to clear 2.01 acres of woodland resulting in a total woodland conservation requirement of 3.88 acres. The woodland conservation requirement is proposed to be met with 2.92 acres on-site preservation, 0.59-acre reforestation, and fee-in-lieu for 0.37 acre. There is a discrepancy between the existing woodland shown on the natural resources inventory (NRI) plan and the TCP1. The NRI plan shall be revised to identify the same existing woodland total as the TCP1. Technical revisions are required to the TCP1 prior to certification of the CSP in conformance with the conditions provided at the end of this memorandum.
9. **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:** Per Section 27-548, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Specifically, the site is subject to the following sections of the Landscape Manual: Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees Along Private Roads.

- 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 that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 22.15 acres in size, resulting in a TCC requirement of 2.2 acres. Compliance with this requirement will be evaluated at the time of DSP.
- 10. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are adopted herein by reference and main points are summarized, as follows:
- a. **Historic Preservation**—In a memorandum dated November 16, 2022 (Stabler to Burke) and incorporated herein by reference, the Historic Preservation Section provided an evaluation concluding that the probability of archeological sites within this property is low and that a Phase I archeology survey will not be recommended. Further, the memorandum indicates that this property does not contain, and is not adjacent to any Prince George's County historic sites or resources.
 - b. **Community Planning**—In a memorandum dated January 12, 2023 (Bellina to Burke) and incorporated herein by reference, the Community Planning Division indicated that the application is in conformance with both the sector plan and Plan 2035. This application is also in conformance with the sector plan's land use recommendations. The following design principals were identified to be evaluated with the DSP:
 - (1) Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.
 - (2) Include wide sidewalks and distinctive, visually appealing streetscape elements.
 - (3) Ensure buildings are not set back to provide a continuous street wall for pedestrians.
 - (4) Use street grid patterns to create compact blocks of development.
 - (5) Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk.
 - (6) Develop well-placed open space throughout the district to serve for formal and informal gatherings.
 - c. **Subdivision**—In a memorandum dated January 6, 2023 (Vatandoost to Burke), and incorporated herein by reference, the Subdivision Section provided an analysis of this application with the following comments:

- (1) The property is located adjacent to A-31 (Brightseat Road), a master-planned arterial roadway. A Phase I noise study will be required with the PPS to demonstrate that any planned outdoor recreation areas and the residential dwelling units are not impacted by noise. While the CSP depicts the layout of dwelling units and location of on-site recreational facilities, these will be finalized at the time of DSP, at which time Phase II noise studies will be required. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to not higher than that level. All dwellings exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.
- (2) The CSP proposes direct access to Brightseat Road, a master-planned arterial roadway. A variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations will be required with PPS to approve the proposed access to an arterial road.
- (3) Pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations, all residential lots and parcels adjacent to existing or planned arterial roadways shall be platted with a minimum depth of 150 feet. Otherwise, a variation from Section 24-121(a)(4) will be required at the time of PPS.
- (4) The CSP identifies locations for the proposed on-site recreational facilities. The adequacy of any on-site recreational facilities to satisfy Section 24-134 of the prior Subdivision Regulations, mandatory dedication of parkland requirement will be evaluated at the time of PPS and DSP. Recreational facilities should include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.
- (5) The CSP proposes two parcels for 172 condominium dwelling units. The development is proposed to be served by a network of private streets and alleys. The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets internal to the development will also be determined at the time of the PPS. General Note 18 on the CSP states that variable public utility easements (PUEs) are provided along all rights-of-way. The location of required PUEs along all public and private streets will be determined with the PPS and should be in accordance with Section 24-122(a) and Section 24-128(b)(12) of the prior Subdivision Regulations.

- d. **Transportation Planning**—In an email dated January 26, 2023 (Capers to Burke), and incorporated herein by reference, the Transportation Planning Section provides that the CSP submission does not conform to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommendation for a master plan trail facility along the western edge of the property. The applicant proposed an alternative alignment of the master plan trail through the site which creates multiple conflicts with several intersections and driveways onsite. Staff believes that the applicant's alternative alignment is not in accordance with the functionality and intent of the master plan trail in creating a continuous uninterrupted facility free from vehicle conflicts. In the

initial review of the application, staff recommended that the applicant adjust the trail alignment to be situated along the western perimeter of the developed area, to meet the goal and intent of the plan. A condition has been provided herein, to show an alignment of the master plan trail consistent with the MPOT recommendation, or in an alternative alignment that does not change the functionality of the master plan facility.

- e. **Environmental Planning**—In a memorandum dated January 12, 2023 (Rea to Burke), and incorporated herein by reference, the Environmental Planning Section provided an analysis of the application’s conformance with the WCO, incorporated into Finding 9 above, along with the following summarized comments:

Specimen Trees

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

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

The approved NRI identifies a total of 25 specimen trees. The applicant hired an arborist after the submission of plans for this case to re-evaluate the specimen trees that would be impacted or removed by this development. The arborist determined that Specimen Tree 350 did not meet the definition of a specimen tree. The NRI plan shall be revised with the updated specimen tree information prior to certification of the TCP1. The following analysis is the review of the request to remove one specimen tree located on-site.

A Subtitle 25 variance was submitted for review with this application. The TCP1 shows the removal of Specimen Tree 349, which condition has been ranked as poor to fair.

**SPECIMEN TREE SCHEDULE SUMMARY FOR ONE TREE PROPOSED FOR
REMOVAL ON TCP1-001-14-01**

Specimen Tree #	Species	Condition	DBH (inches)	Reason for Removal	Applicant’s Disposition
349	American Beech	Poor/Fair	36	Stormdrain Outfall	Remove

The removal of the one specimen tree requested by the applicant is supported based on the findings below.

Evaluation

Section 25-119(d) contains six required findings [text in bold below] to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

(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 subject property would cause an unwarranted hardship if the applicant were required to retain the one specimen tree. The one tree requested for removal is in fair to poor condition. The majority of specimen trees on-site are considered fair to good. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 22.15 acres, and the TCP1 shows approximately 7.39 acres of primary management area (PMA) comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately one third of the overall site area. The applicant is proposing to preserve the site’s PMA to the fullest extent practicable and is proposing woodland conservation and afforestation to further protect the PMA.

This site contains steep slopes which further restricts the development potential. The specimen trees have grown to size across the property as a whole. Complete retention of this tree would limit the developable area of the site.

The proposed use, as residential development, is a reasonable use for the mixed-use zoned site and it cannot be accomplished elsewhere on the site without additional variances. Development cannot occur on the portions of the site containing regulated environmental features and PMA, which limit the site area available for development. The one specimen tree proposed for removal is identified as an American Beech, which has poor construction tolerance and is in poor to fair condition. If this tree is retained, the tree could become hazardous due to the stresses imposed by construction. Requiring the applicant to retain the one specimen tree on the site by designing the development to avoid impacts to the critical root zones 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 zones, would deprive the applicant of rights commonly enjoyed by others in similar areas. All

variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen tree proposed for removal, retaining the tree and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential development is a use that aligns with the uses permitted in the M-X-T Zone. The specimen tree requested for removal is located within the proximity of a stormdrain outfall as needed infrastructure for the development of this site.

(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. This is not a special privilege that would be denied to other applicants. If other similar developments featured regulated environmental features and 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 existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the one specimen tree would be the result of the installation of a stormdrain outfall, infrastructure required for the development. The specimen tree proposed for removal is an American Beech, which has poor construction tolerances. Retaining this tree during development could result in hazardous situations. The request to remove the tree is solely based on the tree's location on the site, the species, and its condition.

(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 relating to land or building uses on the site, or on neighboring properties, which 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 state water quality standards nor cause measurable degradation in water quality. Requirements regarding stormwater management (SWM) will be reviewed and approved by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Prince George's 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. State standards are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree, identified as Specimen Tree 349.

Staff recommends that the Planning Board approve the requested variance for the removal of one specimen tree for the construction of a residential development.

Preservation of Regulated Environmental Features/Primary Management Area

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

Section 27-273(e)(15) of the prior Zoning Ordinance requires that CSP applications include "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible."

Section 27-276(b)(4) of the prior Zoning Ordinance states that for all CSP applications "The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5)."

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

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, and orderly and efficient development of the subject property, or are those that are required by the County Code for reasons of health, safety, or welfare. Necessary impacts include,

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

A letter of justification (LOJ) and exhibits for PMA impacts were provided with the SDRC submittal of this application. A revised LOJ was submitted January 6, 2023. This LOJ identifies seven impacts. The seven proposed impacts are for the construction of two stormdrain outfalls, two for slope stabilization efforts, one is for a sanitary outfall connection, one is for soil stabilization efforts, and one is for non-woody buffer establishment. The proposed on-site impacts total approximately 0.79 acre. A detailed summary of each impact is below.

Storm Drain Outfalls Impacts

Two areas of impact are proposed for an approximate total of 13,594 square feet (0.31 acre) of permanent impacts for the installation of two stormdrain outfalls. These impacts cannot be avoided because they are required by other provisions of the County and state codes.

These impacts are supported as proposed.

Slope Stabilization Impacts

Two areas of impact are proposed for an approximate total of 10,032 square feet (0.23 acre) of temporary impacts. One impact, located in the northwestern portion of the property, is for mitigation of an eroded condition caused by the existing gravel surface parking lot. The second impact, located in the southwestern portion of the property, is for the mitigation to remove an existing drainage pipe to allow the installation of a 100-year attenuation facility. The applicant proposes to replant these areas upon completion of the work.

These impacts are supported as proposed.

Sanitary Outfall Impacts

This one permanent impact is for the installation of a sanitary outfall to the manhole in Sheriff Road, east of the intersection with Brightseat Road, which will result in approximately 2,156 square feet (0.05 acre) of PMA impact.

This impact is supported as proposed.

Soil Stabilization Impacts

This one impact proposes approximately 341 square feet (0.01acre) of impacts to implement soil stability measures. The scope of work is limited to the crest of the slope on the west side of the man-made swale along Brightseat Road and is based on the recommendations of a global stability analysis, which calls for limited undercutting and placement of a stone buttress.

This impact is supported as proposed.

Non-Woody Buffer Establishment Impacts

These impacts, which are in two areas and shown in exhibits 4 and 7, are for the establishment of a required non-woody buffer to the 100-year attenuation pond for a disturbance of approximately 8,125 square feet (0.19 acre). These impacts can be avoided if the pond is repositioned.

This impact is not supported as proposed because the proposed grading for the non-woody buffer can be designed to avoid impacts to the PMA by shifting the location of the pond.

Soils

The predominant soils found to occur according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey include the Christiana-Downer-Urban land complex, Croom-Urban land complex, Russett-Christian-Urban land complex, Urban land-Collington-Wist complex, and Zekiah and Issue soils, frequently flooded. According to available mapping information, unsafe soils containing Marlboro clay do not occur on this property. However, Christiana clay, which is considered an unsafe soil, is present on-site. This information is provided for the applicant's benefit.

A geotechnical report and slope stability analysis was submitted with this application and reviewed by the Commission's Geotechnical expert. The 1.5 factor safety line is correctly shown on the TCP1; however, the 25-foot setback line is not being shown on the plan. Prior to certification of the CSP, the TCP1 shall be revised to show the 25-foot setback line from the 1.5 Safety Factor Line.

Stormwater Management

An unapproved Site Development Concept Plan, 46784-2021, was submitted with the current application. Submittal of an approved site development concept letter and plan will be required for subsequent development review applications. No further information pertaining to stormwater management is required at this time.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated January 9, 2023 (Thompson to Burke), and incorporated herein by reference, DPR provided an evaluation of the mandatory dedication of parkland by providing on-site recreation, including master plan trails. DPR also provided an exhibit, included in the backup for this application.

- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 14, 2022, and incorporated herein by reference, DPIE offered a review of roadway, trail, and bike lane requirements for this site.
 - h. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire Department did not offer comments on this application.
 - i. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on this application.
 - j. **Prince George's County Health Department**—In a memorandum dated November 30, 2022, and incorporated herein by reference, the Health Department provided comments relating to public health and wellbeing.
- 11. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, if approved with the conditions below, the CSP 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.
 - 12. Section 27-276(b)(4) requires that, for approval of a CSP, 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). According to the review by the Environmental Planning Section (Rea to Burke, January 12, 2023), impacts are proposed for the construction of stormdrain outfalls, to stabilize slopes, install a sanitary outfall, stabilize soil on-site, and to provide a non-woody buffer to a SWM facility. All the impacts, except for the non-woody buffer impacts, which are part of Impacts 4 and 7, are supported.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-13006-01, and Type 1 Tree Conservation Plan TCP1-001-14-01, for 1990 Brightseat Road Property, subject to the following conditions:

- 1. Prior to certification of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. Correct the acreage of the site to be consistent on all plans.
 - b. Provide the gross floor area in the general notes.
 - c. Provide a floor area ratio table on the CSP.
 - d. Revise the natural resources inventory to correct the Site Static Table and the specimen tree information.

- e. Revise the master plan trail alignment to reflect the applicable 2009 *Approved Countywide Master Plan of Transportation* recommendation or propose an alternative alignment that does not change the functionality of the master plan facility.
- f. Revise the Type 1 tree conservation plan (TCP1) as follows:
 - (1) Show the 25-foot setback line from the 1.5 Safety Factor Line.
 - (2) The Site Statistic Table information on the TCP1 shall match the revised natural resources inventory plan.
 - (3) Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet, identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-13006-01 for the removal of the following specimen tree: 349.”
 - (4) Revise the CSP and TCP1 to remove the primary management area impacts for the proposed stormwater management pond non-woody buffer.
 - (5) Enhance the Limit of Disturbance line, so it is easier to read.
- 2. At the time of detailed site plan (DSP), the following design criteria shall be addressed:
 - a. The applicant shall use full cut-off light fixtures to prevent light trespass and direct the pattern of light pooling on-site.
 - b. The applicant shall consider setting aside space for a community garden.
 - c. Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.
 - d. Provide sufficient visitor parking spaces evenly distributed among the multifamily units.
 - e. The development shall be designed and organized to create cohesively designed building groups that front on an interior road extending from Brightseat Road and connecting to Parcel 56 to the north. The buildings at this location shall feature well-articulated façades, quality building materials, pedestrian-scaled detailing, and should have a strong relationship with each other, as well as the internal road. The buildings should also be organized to provide quality public spaces, with pedestrian connections that will provide a pleasant outdoor setting for the residents.

- f. Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
 - g. Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing shall be included for all residential and recreational buildings in the DSP.
 - h. All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone, and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
 - i. Front elevations of residential units shall be oriented toward the internal road, Brightseat Road, and Sheriff Road to the extent feasible. Side elevations of the highly visible units from the internal road, Brightseat Road, or Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone, and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
 - j. A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.
3. At the time of detailed site plan (DSP), the following issues regarding the proposed on-site recreational facilities shall be addressed:
- a. The applicant and the applicant's heirs, successors, and/or assignees, shall provide on-site private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and property siting, prior to approval of the DSP by the Prince George's County Planning Board.
 - b. The applicant shall demonstrate to the Prince George's County Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the applicant and the applicant's heirs, successors, and/or assignees.
 - c. The applicant shall submit three (3) original executed private recreational facilities agreements (RFAs), for the private recreational facilities on-site, to the Development Review Division (DRD) of the Prince George's County Planning Department, for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County.

- d. The applicant shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, within at least two weeks prior to applying for building permits. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate to the satisfaction of the Prince George's County Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
- 4. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved.
- 5. At the time of future development applications for this site, the applicant shall submit an approved stormwater management concept plan and approval letter.
- 6. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.