

AMENDED RESOLUTION

WHEREAS, Palisades Development at Good Luck Road, LLC is the owner of a 12.62-acre parcel of land known as Tax Map 35 in Grid F-2 and is composed of Parcel 4, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Commercial-Office (C-O); and

WHEREAS, on May 29, 2014, Palisades Development at Good Luck Road, LLC filed an application for approval of a Preliminary Plan of Subdivision for 22 parcels and one outlet; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13030 for Wood Glen was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 6, 2014, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on November 6, 2014, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated May 28, 2015, the applicant requested a reconsideration of conditions of approval and associated findings related to Outparcel A; and

*WHEREAS, on June 25, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

*WHEREAS, on June 25, 2015, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-13030, Wood Glen, including a Variance from Section 25-122(b)(1)(G), for [22]

*23 parcels [and one outlet] with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to incorporate the modifications depicted in Exhibit 1 and make the following technical corrections:

- a. The commercial parcel, currently designated in Applicant Exhibit 1 as Outlot A, should be re-labeled as [~~"Outparcel A."~~] *"Parcel 1."

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- b. Label the right-of-way widths for all proposed private streets.
- c. For each property frontage, label the distance to the centerline of the adjacent public right-of-way.
- d. Label and provide the width of the proposed public utility easement (PUE) serving the townhouse development both within the private streets and on HOA open space.
- e. Provide a table in the general notes listing the total number of parcels, outparcels, and lots and the associated total acreage for each.
- f. Indicate Private Recreational Facilities in General Note 12.
- g. Remove General Note 22.
- h. Remove the word "not" from General Note 41.
- i. The following note shall be placed on the PPS and DSP:

~~["Prior to approval of the 51st building permit, the applicant, their heirs successors and or assignees shall obtain approval of a final plat for Outparcel A (.75 acres). The outparcel shall be conveyed to the HOA or the applicant may retain the outparcel. Prior to development of Outparcel A, a new PPS is required. Direct access to Greenbelt Road may not be granted unless authorized by the Planning Board through the review of a PPS."]~~

*"Pursuant to Section 24-113, a variation from the provisions of Section 24-121(a)(3) of the Subdivision Regulations to allow a stand-alone right-in/right-out access into the property from Greenbelt Road (MD 193) is approved. The location of the access point shall be determined by the Maryland State Highway Administration."

- 2. Development of this site shall be in conformance with an approval of Stormwater Management Concept Plan No. 8011890-1999-02, and any subsequent revisions.
- 3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public and private streets or an alternative PUE acceptable to all applicable public utility providers, as reflected on the approved DSP.
- 4. Prior to the submission of final plats, the applicant and the applicant's heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site for approval. Upon approval by the DRD, the RFA shall be recorded among the County Land Records. The DSP shall establish appropriate triggers for construction for the recreation facilities.

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5. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities. The recreational facilities shall be determined at the time of DSP.
6. Prior to approval of building permits the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
7. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open space land as delineated on the approved preliminary plan of subdivision (PPS). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to issuance of building permits.
 - b. A copy of unrecorded special warranty deeds for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls shall be in conformance with the approved PPS and detailed site plan.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Development Review Division (DRD).
8. Prior to approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide the following, unless modified by DPW&T:

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- a. An eight-foot-wide sidepath (or wide sidewalk) along the site's entire frontage of Good Luck Road.
 - [a.] *b. An eight-foot-wide sidepath (or wide sidewalk) along the west side of Good Luck Road from the ingress/egress point to DuVal High School to the existing curb cut and crosswalk at Greenbelt Road (MD 193).
 - [b.] *c. One bus shelter at the existing bus stop along the west side of Good Luck Road in front of DuVal High School.
9. The Detailed Site Plan (DSP) shall demonstrate standard sidewalks along both sides of all internal roads, excluding the portion of the road abutting the Greenbelt Executive Center Phase Two Condominium.
10. Total development within the subject property, for townhouse development (11.87 acres) shall be limited to a mix of residential development which generates no more than 97 (20 in; 77 out) AM peak-hour trips, and 110 (72 in; 38 out) PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- [11.] Pursuant to Section 24-121(a)(3) of the Prince George's County Code, there shall be no direct access to and from Greenbelt Road (MD 193). Denial of access shall be reflected on the final plat for Outparcel A, unless a new determination is made through the review of a new PPS.]
- *11. Total development within the subject property for Parcel 1 (0.75 acre) shall be limited to a mix of commercial development which generates no more than 16 (13 in; 3 out) AM peak hour trips and 21 (7 in; 14 out) PM peak hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- *12. The following note shall be placed on the final plat: Pursuant to Section 24-113, a variation from the provisions of Section 24-121(a)(3) of the Subdivision Regulations to allow a stand-alone right-in/right-out access into the property from Greenbelt Road (MD 193) is approved. The location of the access point shall be determined by the Maryland State Highway Administration.
- [12.] *13. The following improvements shall be bonded for construction prior to the issuance of any building permits:
- a. Reconfiguration of the eastbound and westbound approaches of MD 193 at its intersection with Good Luck Road to provide the following lane configuration for each approach, respectively:
 - (1) Eastbound: an exclusive left-turn lane, two through and a shared through and right-turn lane.

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- (2) Westbound: two exclusive left-turn lanes, two through lanes and a shared through and right-turn lane.
 - b. Provision of these improvements may require additional widening of Greenbelt Road (MD 193) to receive the additional through lane in each direction and modification to the existing traffic signal to accommodate these changes, and any other modifications as deemed necessary by SHA and/or the Prince George's County DPW&T.
- [13-] *14. Approval of this preliminary plan of subdivision shall supersede PPS 4-01080 (PGCPB Resolution No. 02-43) for the development of the site.
- [14-] *15. Prior to approval of the DSP for the townhouse development, an exhibit shall be provided detailing the location limits and design of the off-site sidewalk construction and the off-site bus shelters, as agreed upon with the Department of Public Works and Transportation (DPW&T).
- [15-] *16. Prior to approval of the DSP, an approved stormwater site development plan shall be submitted to show how the proposed stormwater entering the site from MD 193 will be treated before entering the existing stream/wetland system. The proposed improvements (best management practices or environmental site design) shall be clearly identified on the plan and correctly reflected on the associated DSP and TCP2.
- [16-] *17. At the time of the DSP, the applicant shall provide a landscape plan detailing the planting specification for the 410 linear feet of stream channel and riparian plantings, and herbaceous wetland vegetation proposed in the bottom of proposed stormwater management ponds "A" and "B" as stated on page four (4) of a letter dated September 20, 2014 from Rifkin Weiner Livingston Levitan & Silver LLC Attorney's at Law, entitled "Variation Request – PMA disturbances Wood Glen 4-13030," to be reviewed by the Alternative Compliance Committee.
- [17-] *18. At the time of DSP, full cut-off optic street light fixtures shall be used on this site to reduce light intrusion.
- [18-] *19. Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:
- a. Revise the TCP1 worksheet and site statistics table to indicate the correct amount of total existing woodlands onsite per the approved NRI. If the acreage as shown on the NRI is determined to be incorrect, the NRI shall be revised as necessary.
 - b. Revise and update the TCP1 to consistently show all grading and proposed structures as reflected on the approved stormwater management concept plan.
 - c. Remove the proposed woodland preservation areas, not credited and show them as cleared if a pond is to be constructed in that areas.

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- d. Show the TCP1 Approval block.
- f. Remove the noise worksheet from the plan.
- e. Revise ~~[note]~~ Note [#] 8 to indicate that the section of Good Luck Road that runs adjacent to the site is designated as a historic road.

[19-] *20. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-003-14). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-003-14 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

[20-] *21. Based on the level of design information available at the present time, the regulated environmental features on the subject property appear to be proposed to be preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review for impacts associated with Impact Area #2.

[21-] *22. At the time of detailed site plan, a revised letter of justification shall be submitted for Impact Area #1 as necessary.

[22-] *23. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

[23-] *24. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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[24.] *25. Prior to approval of the DSP, a copy of the Erosion and Sediment Control Concept Plan shall be submitted.

[25. ~~At the time of DSP, the applicant shall demonstrate the approved stormwater management concept plan or technical plan has been revised to reflect no proposed development on Outparcel A.~~]

[26. ~~Prior to approval of the 51st building permit, the applicant, their heirs successors and or assignees shall obtain approval of a final plat for Outparcel A (.75 acres). The outparcel shall be conveyed to the HOA or the applicant may retain the outparcel. Prior to development of Outparcel A, a new PPS is required. Direct access to Greenbelt Road may not be granted unless authorized by the Planning Board through the review of a PPS.~~]

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 35 in Grid F-2 and is composed of Parcel 4, recorded in Plat Book REP 200-68 on June 11, 2004, and a deed parcel recorded in Liber 34991 at Folio 298 of the County Land Records. This deed parcel was created by a legal division of land, pursuant to Section 24-107(c)(1) of the Subdivision Regulations and Liber 33680 at Folio 407 of the County Land Records. The property consists of 12.62 acres within the Commercial Office (C-O) Zone. The site is currently undeveloped. The PPS proposes the creation of 138-townhouse dwelling-unit lots, *and [22] *23 parcels [and] *including one [outlot where] *parcel for 5,500 square feet of gross floor area (GFA) for a commercial use [was previously proposed]. Pursuant to Section 24-107 of the Subdivision Regulations, "no land shall be subdivided within the Regional District in Prince George's County until the subdivider or his agent shall obtain approval of the preliminary plan and final plat by the Planning Board," resulting in this application.

Preliminary Plan of Subdivision (PPS) 4-01080 was previously approved by the Planning Board on February 28, 2002 (PGCPB Resolution No. 02-43) for 86,000 square feet of commercial office on Lot 4. Subsequently, on December 6, 2007, the Planning Board approved DSP-06048 October 9, 2014 (PGCPB Resolution No. 14-113), which changed the use on the site to age-restricted multifamily. Council Bill CB-80-2013 was later adopted by the County Council on November 19, 2013, which amended the Subdivision Regulations to permit townhouses in the C-O Zone under certain circumstances, subject to detailed site plan (DSP) review. CB-39-2014 was also adopted by the County Council on September 9, 2014, which amended the subdivision regulations to allow the use of private roads and alleys for townhouses in the C-O Zone. The DSP will approve the lot size and width standards that have been proposed with this PPS, and may be further modified at the time of DSP review.

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The combining of Lot 4 and the deed parcel creates an orientation of the subject site (12.62) in which it fronts on two public rights-of-way. Footnote 59 of Section 24-461 of the Subdivision Regulations states that "The townhouses shall be located on a lot(s) or parcel(s) of less than 12 acres in size" in the C-O Zone. The PPS proposes to locate the 138-townhouse dwelling-unit lots on the majority of the site (11.87 acres), with direct access oriented toward Good Luck Road. The remaining portion of the site (0.75 acres), located at the northern area, [~~was originally proposed~~] *is to be developed for commercial use (5,500 square feet of GFA). Access to the commercial parcel is proposed from Greenbelt Road (MD 193) because environmental features and stormwater management facilities between this proposed parcel and the proposed townhouse development preclude the applicant from constructing a driveway connection from the commercial use to the townhouse development to provide access to Good Luck Road.

The applicant has filed a variation request from Section 24-121(a)(3) of the Subdivision Regulations, which is discussed further in the Variation Section of this report. The PPS reflects a proposed right in/right-out onto Greenbelt Road (MD 193), a state-maintained arterial roadway for the commercial parcel. The variation request has been reviewed for conformance to the required findings set forth in Section 24-113 of the Subdivision Regulations, and is [~~not~~] approved. [~~The proposed commercial parcel will be placed into an outparcel status (Outparcel A). Prior to approval of the 51st building permit, the outparcel shall be platted. With an outparcel status, the applicant may retain the outparcel and file a new PPS at a later time when the applicant is able to address the issue of access, or the outparcel could be conveyed to the homeowners association (HOA) and remain as undisturbed open space. The area of the outparcel, if conveyed to the HOA, does not need to be incorporated into the review of the detailed site plan because it is not required for density or by zoning.~~]

[~~The commercial parcel will hereinafter also be referred to as "Outparcel A" in this report.~~]

3. **Setting**—The site is located on the east side of Good Luck Road, approximately 400 feet south of Greenbelt Road (MD 193). To the north of the site is C-O zoned property with multiple commercial uses. To the south and west of the site is R-18 zoned property developed with multifamily dwellings. Also, to the west of the site, across Good Luck Road, is R-18 zoned land upon which DuVal High School is located.

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4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-O	C-O
Use(s)	Vacant	138-Townhouse Dwelling Units (11.87 acres)
Acreage	12.62	12.62
Lots	1	138
Outparcels	0	[1] *0
Parcels	1	[22] *23
Dwelling Units	0	138
Public Safety Mitigation	No	No
Variance	No	Yes (*Section 25-122(b)(1)(G))
Variation	No	[No] *Yes (Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting on June 20, 2014 and October 10, 2014. As discussed in the report and as required by Section 24-113(b) of the Subdivision Regulations, the requested variation to Sections 24-121(a)(3) was accepted on September 16, 2014 and heard on October 10, 2014 at the SDRC meeting, no less than 30 days prior to the Planning Board hearing date.

5. **Community Planning**—This application is located within the designated Established Communities per the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Plan Prince George's 2035 defers to the sector plan for specific land use recommendations. The 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (sector plan) designated the subject property for future commercial land use. The subject property is identified as the Greenbelt Executive Center, one of four employment areas designated in the sector plan. However, this proposal was submitted pursuant to an amendment of the Zoning Regulations (CB-80-2013) to allow townhouse development in the C-O Zone in certain circumstances, which supersedes commercial land use recommendation for the site in the sector plan, as provided for in Section 24-121(a)(5) of the Subdivision Regulations.

The subject property comprises the remaining developable land in the Greenbelt Executive Center employment area. The sector plan goals for this employment area include:

1. **Retain and attract an appropriate range of neighborhood-serving commercial uses.**
2. **Create attractive, pedestrian-oriented commercial centers.**

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Pursuant to County Council Bill CB-80-2013, townhouse development is allowed in the C-O Zone provided that it conforms to certain criteria stated in Footnote 59 of the Commercial Use table in the Zoning Ordinance. The proposed application conforms to the "12 acre or less" lot size requirement in Footnote 59, criteria (A), as 11.87 acres of the site is designated for the 138-townhouse dwelling lots. Regarding Footnote 59, criteria (B), that the proposal be located within a center or corridor designated in the 2002 *Prince George's County Approved General Plan*, the subject property is located within Corridor "B" University Boulevard. It is noted that the 2002 General Plan was replaced with the May 2014 approval of a new (General Plan) *Plan Prince George's 2035 Approved General Plan*, which did not carry forth policies for corridor development.

The subject property is directly across Good Luck Road from DuVal High School. If approved the proposed townhouse development will generate a population of high school students. Safe Routes to School and Complete Streets policies have been adopted to improve pedestrian safety, thereby, encouraging children to walk to school. Plan Prince George's 2035 includes the following policy in support of the Complete Streets initiative (page 177).

POLICY 3

Provide and maintain multimodal access to existing public facilities

- **Lack of sidewalks.**
- **Unsafe pedestrian crossings across Greenbelt Road (MD 193) and Good Luck Road.**
- **Undeveloped and underutilized land.**

Additionally, community design issues identified during the preparation of the sector plan are stated in Chapter 4, Community Design and Identity.

In response, the sector plan recommends (page 82):

- **Install sidewalks along Good Luck Road and Greenbelt Road (MD 193).**
- **Install crosswalks with special paving on all legs and pedestrian refuges at the intersection of Good Luck Road and Greenbelt Road (MD 193).**
- **Conduct a safety study for improving pedestrian conditions at the intersection of Good Luck Road and Greenbelt Road (MD 193).**

The sector plan provides recommendations for commercial/employment areas. Many of the plan's design recommendations will similarly enhance the way the proposed townhouse development helps to build community in the Glenn Dale-Lanham-Seabrook area. The relevant recommendations are:

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- *Provide landscaped parking areas:*
Landscaping should be incorporated into parking areas to soften edges and screen surface lots from public streets and internal pathways. Landscaping can also visually break up large areas of empty space and reduce heat effects in summer months.
- *Create internal pedestrian pathways that connect parking areas to building entrances:*
Special attention should be paid to moving pedestrians safely from parking areas to building entrances. Traditional parking lot design forces pedestrians to walk along parking aisles, creating potential conflicts with vehicles trying to exit and enter parking spaces. Separate pathways should be provided to remove pedestrians from the vehicular aisle area, connecting directly to pedestrian crosswalks and sidewalks that lead to building entrances.
- *Incorporate internal access drives to reduce the number of curb cuts onto major roadways:*
Internal traffic should be considered in the context of circulation patterns on adjacent properties and roadways. Access points for vehicles should be minimized to reduce the number of driveways connecting to roadways, which often lead to traffic hazards. Internal connections should be provided to allow vehicles to travel between adjacent commercial properties without having to enter a major roadway, and exit again within a short distance.
- *Provide adequate screening for utility and service features:*
Service and utility areas should not be visible from public right-of-way and should not block building access, views, or pedestrian pathways. Screening devices should be compatible with design character of the shopping center.
- *Provide functional and attractive outdoor lighting:*
Outdoor lighting should provide adequate illumination for building entrances, walkways, and parking areas, but should be sensitive to impacts on adjacent properties or into the sky. Lighting standards and fixtures should be human-scaled and compatible with the design character of the shopping center.
- *Ensure security and safety:*
All parking lots and building entrances should have high degrees of visibility, appropriate lighting and walkways. The use of CPTED is strongly encouraged.

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- *Use high quality materials with compatible colors and textures:*
Buildings should complement the design character of nearby properties. Materials, colors and textures should create visual interest and contribute to a harmonious design.
- *Use design elements to break up long façades:*
Windows, doors, and changes in textures can all be used to break long façades into smaller units that seem more inviting.
- *Promote energy efficient design:*
If feasible, building design should incorporate energy-saving elements, such as solar panels, wastewater recycling, water-saving fixtures, and energy-efficient windows and HVAC systems.

6. **Urban Design**—The application is subject to the requirements of Section 27-461, Uses Permitted, of the Zoning Ordinance. The proposed townhouses are permitted in the C-O Zone pursuant to footnote 59, which states:

PROVIDED:

- (A) The townhouses shall be located on a lot(s) or parcel(s) of less than twelve (12) acres in size;
- (B) The property is located within a Center or a Corridor as designated by the 2002 General Plan;
- (C) The adjacent properties are developed with institutional, commercial office, and multi-family residential uses;
- (D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
- (E) Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, distance between unattached townhouses, density, accessory buildings and other requirements of the C-O or R-T Zones shall not apply. All such requirements shall be established and shown on the Detailed Site Plan; and
- (F) The Detailed Site Plan shall include architectural review in order to ensure compatibility with the existing neighborhood.

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DSP review is required for the subject proposal. The DSP will be approved prior to final plat and will set development standards related to net lot area, lot coverage and green area, lot/width frontage, yards, building height, distance between unattached townhouses, as well as density consistent with the PPS. The requirements of the R-T (Residential Townhouse) and the C-O zones do not apply. However, design requirements in the R-T Zone have been used as guidance in reviewing this plan.

2010 Prince George's County Landscape Manual

Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering of all development in the Commercial Zones shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual should be determined when a detailed plan of development is submitted for review. However, with the review of the PPS, adequate spacing should be accommodated to provide for conformance to the Landscape Manual. The following discussion is offered regarding the applicable provisions of the Landscape Manual, which will be reviewed at the time of DSP.

- a. **Section 4.1**—Residential Requirements, requires a certain number of plants to be provided for residential lots depending on lot size and type.
- b. **Section 4.6**—Compliance with Section 4.6, Buffering Development from Special Roadways, is required along Good Luck Road, which is a designated historic roadway. The site is within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 Approved General Plan* as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31); therefore, a 20-foot-wide planting strip is required. The full 20-foot-wide bufferyard shall be provided on homeowners' association (HOA) land along the site's frontage on Good Luck Road, and not on individual townhouse lots. The revised plan proposes 20-foot-wide parcels along Good Luck Road consistent with this recommendation. Through the review of the PPS, options along the property's frontage on Good Luck Road were discussed. A private sidewalk should be provided within the 20-foot-wide buffer, separate from the public sidewalk. The lot sizes may be adjusted at the time of DSP to provide the buffer and walkway on HOA land without a loss of lots.
- c. **Section 4.7**—Buffering Incompatible Uses, at time of detailed site plan more specific information regarding the proposed uses and adjacent uses will be needed.

The property to the north of the bulk of proposed townhouse lots is developed with an office condominium development. A Section 4.7 buffer will be required along the northern property line. A "Type C" bufferyard inclusive of a 40-foot building setback and a 30-foot-wide landscape yard, to be planted with 120 plant units for each 100 linear feet of property line, will be required between the subject site and adjacent property to the north. Due to proposed drive aisle layout for the townhouse development and the

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stormwater management pond location, it may be difficult to provide the full bufferyard. If the requirements of Section 4.7 cannot be met in full, then an alternative compliance application or a Departure from Design Standards request may be pursued.

- d. **Section 4.9**—Sustainable Landscaping Requirements, requires that a percentage of the proposed planting materials be native plants.
- e. **Section 4.10**—Street Trees along Private Streets, requires a minimum five-foot-wide planting strip between the sidewalk and private streets.

Tree Canopy Coverage Ordinance

The Tree Canopy Coverage Ordinance requires ten percent tree canopy coverage for properties zoned C-O. Therefore, the subject 12.62-acre property will be required to provide 1.26 acres of tree canopy. This requirement can be met either through the preservation of existing trees, the proposed on-site landscaping, or a combination of both, and will be evaluated at the time of DSP review for the townhouse portion of the site.

While most units are designed to front a street, some units are designed to front on a shared open space. Lots 69–83 and Lots 100–113 are designed to face other units with a linear pedestrian space in between. The siting of buildings on either side of these pedestrian spaces should be a minimum of 34 feet and increased where it can be accommodated. HOA parcels are proposed (seven feet wide) to accommodate a linear sidewalk in each pedestrian space, and are supported.

Green building techniques should be employed in this development to the extent practical. Additional information should be provided at time of DSP review.

- 7. **Environmental Planning Section**—This site was previously reviewed in conjunction with a Preliminary Plan of Subdivision 4-01080. A previously approved Type II Tree Conservation Plan TCPH/063/99, was found to be in conformance with that preliminary plan. Detailed Site Plan DSP-06048 and Type II Tree Conservation Plan TCPH-063-99-02 were subsequently approved for the site. A 112-unit age-restricted (age 55 and older) multifamily condominium project (TCPH-063-99-02); however, the proposed development associated with these cases was never constructed. The site was also reviewed for conformance to Natural Resource Inventory (NRI/137/13) and approved on January 8, 2014.

The current application is for a new subdivision of a 12.62-acre site in the C-O Zone to construct 138-townhouse dwelling-units, and approximately 5,500 square feet of GFA for commercial use on *0.75 acre[s which is being converted to an outparcel] *(Parcel 1). The project is subject to the environmental regulations contained in Subtitles 24, 25 which came into effect on September 1, 2010 because the application is for a new preliminary plan

Site Description

The 12.62-acre site in the C-O Zone is located to southeast of the intersection of Good Luck Road and Greenbelt Road (MD 193). According to the approved NRI (NRI-137-13) this site contains

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5.95 acres of existing woodlands. According to mapping research and as documented with the approved NRI, streams, wetlands, associated buffers, and steep slopes are found on the property. 100-year floodplain does not occur onsite. This site is within the Folly Branch watershed, which flows into the Patuxent River basin. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Issue-Urban land complex, Russett-Christiana-Urban land complex, and Urban land-Issue complex. According to available information Marlboro clay is not present onsite; however Christiana complexes are found on this property. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review. No further action is needed as it relates to this Preliminary Plan of Subdivision (PPS) review.

The site has frontage on MD 193 to the north, which is a master planned arterial road that does generates traffic which does produce noise above the state standard. To the east the site fronts Good Luck Road which is a collector road not regulated for noise. Good Luck Road is a designated historic road. MD 193 is neither designated as a scenic or as a historic road. The TCP1 shows the location of the 65 dBA (Ldn) noise contour along MD 193; however, the preliminary plan does not and should. Based on the Environmental Planning Section noise model, the 65 dBA noise contour is located approximately 266 feet from the centerline of MD 193. The 65 dBA (Ldn) noise contour generated by the noise model must be shown on the PPS. The noise contour will not impact any proposed residential development onsite, and therefore no noise attenuation will be required

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains Regulated, Evaluation and Network Gap Areas within the designated network of the plan. The site is currently located within the Employment Areas of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated Plan Prince George's 2035.

Master Plan Conformance with Glenn Dale-Seabrook-Lanham and Vicinity

The Master Plan for this area is the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Sector Plan). The Natural Resources/ Environment Chapter contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The [bold] text is from the master plan and the plain text provides comments on plan conformance.

Goal 1: Restore and enhance water quality in areas that have been degraded.

Policy 1: Decrease the amount of pollutants from both storm and non-storm events entering sector plan area wetlands and waterways.

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The site contains a small wetland, two intermittent streams and an ephemeral channel. Due to the complexity of the existing water systems on the site, the existing streams and wetlands will need to be impacted to safely control and convey off-site stormwater through the site.

An approved Stormwater Management (SWM) Concept Plan, 8011980-1999-02, and associated approval letter were submitted with the application. According to the approval letter, retention is required with regard to water quality control. In addition, the site is also required to provide 2, 10, and 100-year floodplain attenuation for water quantity control, and pay a fee of \$1, 387.00 in lieu of providing on-site attenuation/quality control measures. The concept plan shows two existing bio-retention facilities that are to be redesigned and rebuilt to intercept and treat water from both storm and non-storm events.

The first facility labeled as "SWM Facility A" is a public facility to be maintained by the Department Permitting, Inspections and Enforcement (DPIE) and will be constructed to intercept untreated on-site and off-site stormwater via two proposed on-site outfalls and three existing outfalls originating off-site from the north. The proposed pond will impact the onsite intermittent stream identified on the central portion of the site; however, it will capture and treat this water before allowing it to outfall to the south into an existing off-site 42" storm drain.

The second facility labeled as "SWM Facility B" is proposed along the northeastern portion of the site on Lot 3A and will detain and treat stormwater originating from University Boulevard (MD 193). This facility will impact significant portion of the existing ephemeral channel and part of the adjacent stream buffer to the east of the pond. The detained stormwater from this facility will discharge into an improved ephemeral conveyance system of step pools onsite and then discharge into an overflow box connected to an existing 54-inch storm drain.

The second stream, which is associated with a wetland, receives untreated stormwater that is outfalling directly from a stormdrain from Greenbelt Road (MD 193). It appears that the source of this untreated water is from a parking lot on Parcel C to the north across Greenbelt Road. After the water outfalls onsite it currently flows through an existing surface drainage easement into existing wetlands. There appears to be opportunity to treat this water onsite. In a letter dated September 20, 2014 from Rifkin Weiner Livingston Levitan & Silver LLC regarding a Variation Request-PMA Disturbances, a proposed step pool is proposed to intercept to intercept water outfalling from the culvert under Greenbelt Road, however, this step pool is not labeled or identified on the stormwater concept plan.

Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.

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According to the TCP1, clearing of vegetation within the wetlands, stream and their associated buffers will result from the construction of pond facilities, townhouse lots, circulation and a commercial building. The applicant proposes to mitigate for the proposed impacts.

Impacts to these regulated environmental features are evaluated in the Environmental Review Section.

In a letter dated September 20, 2014 from Rifkin Weiner Livingston Levitan & Silver LLC Attorneys at Law, entitled "Variation Request – PMA disturbances Wood Glen 4-13030," the applicant proposes to mitigate for stream impacts onsite through the creation of a combined total of 410 linear feet of stream channel and riparian plantings, and through the planting of herbaceous wetland vegetation in the bottom of proposed stormwater management ponds "A" and "B".

Goal 2: Prevent flooding associated with new and redevelopment.

Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.

The opportunity exists for the applicant to clear any debris in the existing stream corridors onsite prior to site inspection.

Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.

Water quality will be addressed through the approval of the final stormwater management plan.

Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.

Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.

The Type 1 tree conservation plan (TCP1) shows two woodland preservation areas, not to be credited, totaling 0.41; however this area is not consistent with the stormwater management concept plan that shows a proposed pond in that area. The plan shows an additional area of 0.16 acres of woodland, not credited, within the wetland area.

Due to the inconsistencies between the plans, it is unclear how much woodland credited will remain on the site. The worksheet indicates the woodland conservation requirements are proposed to be met offsite. The TCP1 needs to be revised to correctly reflect the proposed development and woodland conservation areas consistent with the proposal. If the applicant were to propose the relocation of the stormwater management pond

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labeled “SWM Facility B” on the approved stormwater management concept plan along the frontage of Greenbelt Road where a future retail area is being proposed, untreated water currently outfalling onto the site from Parcel C under “Greenbelt” that is not being proposed to be treated could be intercepted and treated while providing the opportunity to gain woodland conservation credit for 0.41 acres of woodlands preserved not credited located in a high priority for preservation by providing afforestation where “SWM Facility B” is currently being proposed. The Commission would support this revision with the review of the TCP2.

Woodland conservation will be discussed in the Environmental Review Section.

Policy 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.

The proposed development does not propose any reforestation onsite. Landscaping requirements will be evaluated by the Urban Design Section in conjunction with the 2010 *Prince George's County Landscape Manual*.

Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.

Proposed site improvements may result in a net loss of forest cover within the boundary of the sector plan area if the proposed off-site requirement is placed in a woodland conservation bank in a different location. This off-site mitigation will be met in the form of afforestation or reforestation at a location to be approved by the Environmental Planning Section prior to issuance of the first grading permit. Therefore, any off-site mitigation for meeting woodland conservation requirements shall occur within the boundaries of the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (SMA) in the form of either afforestation or reforestation. If no suitable mitigation banks are available within the sector plan, the mitigation may be met in a location to be approved by the Environmental Planning Section.

Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.

Policy 1: Require stormwater to be treated non-structurally to the maximum extent practicable.

Because of the volume of off-site stormwater being entering the site, ponds are required to be implemented to treat stormwater per SWM Concept Plan 8011980-1999-02. Stormwater management is discussed in Goal 1, Policy 1 of this section.

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Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.

Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.

The use of green building techniques and energy conservation techniques should be used as appropriate.

Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

The minimization of light intrusion from proposed developed areas of this site, located in the Developing Tier, onto sensitive wetland areas to remain onsite, as well as to residential communities surrounding the site is of special concern. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures should be used.

Policy 3: Reduce air pollution to support community health and wellness and champion nonmotorized transportation alternatives.

Development of this site is subject to the BPIS regulations (Guidelines Part 2) for off-site pedestrian improvements which could result in a reduction in the number of vehicle trips.

Policy 4: Reduce adverse noise impacts to meet State of Maryland noise standards.

Environmental requirements for noise impacts are addressed in the Environmental Review Section below.

2005 Approved Countywide Green Infrastructure Plan

According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the eastern portions of the property are located within the designated network as Regulated Areas associated with areas within the Primary Management Area (PMA). Much of the western portion of existing Lot 4 is mapped as an Evaluation Area, as it covers existing woodlands and other vegetated in close proximity to Regulated Areas onsite. The Network Gap Area is typically mapped in areas that are wooded and open areas between the Evaluation and Regulated Areas.

The stormwater concept plan shows that a majority of the site will drain to the southeast through two proposed stormwater management facilities that outfall into two tributaries that flow off-site. The stormwater concept was approved under the current regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) and requires treatment for 50 percent water quality volume for the impervious area within the proposed disturbed area and 100 percent water quality and channel protection for new impervious area.

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To find conformance with the Green Infrastructure Plan, the Planning Board must find that the plan adequately addresses the following policies:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

Regulated, Evaluation, and Network Gap Areas are mapped on-site. Regulated environmental features exists onsite some of which are proposed to be protected. The site is in the Employment Area of the Growth Policy Map (formally the Developing Tier). In addition the site is zoned C-O for commercial office use, and has a future use designation of commercial use according to the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (SMA). All of these factors are associated with moderate-density suburban residential communities.

The site is proposed for residential development with no maximum amount of density, per County Council Bill CB-80-2013. The approval of the bill provides for the proposed high density (11.6 DUs per acre) development on the site, which is an intervening action by the District Council which permits the proposed land use.

The most developable area on the site is located on existing Parcel 3, which is within the Evaluation Area. The Regulated areas are located on existing Parcel 3A (see inset on PPS); and are primarily covering areas where stormwater is being conveyed through the site.

Because the stormwater facilities, particularly SWM Facility A, are necessary to develop the site, in accordance with CB-80-2013 it is necessary to impact these areas within the network. The applicant has proposed to improve some areas within the PMA where restoration is most needed.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

The stormwater concept was approved under the current regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). The plan proposes to treat off-site stormwater runoff from multiple sources as part of the design.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The current Plan Prince George's 2035, designates the site within ESA 2 (formerly the Developing Tier). The preservation of existing woodland resources in Regulated Areas of the green infrastructure network has been proposed along the eastern property boundary, which are not counted but not cleared for purposes of Woodland Conservation conformance.

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Environmental Review

An approved Natural Resource Inventory (NRI-137-13) was submitted with the review package, which was approved on January 8, 2014. The NRI verifies that regulated environmental features or woodlands occur on the subject property. No area associated with 100-year floodplains occur onsite. The NRI shows two major regulated areas onsite that are within the Primary Management Area (PMA). The first area is located along the northeastern corner of the site. The second regulated area onsite that is within the PMA is located on the center of the property. Water outfalls from three storm drain outfalls. The Forest Stand Delineation (FSD) and NRI indicate the presence of two forest stands, totaling 5.95 acres, and two (2) specimen trees on-site. No revision is required for conformance to the NRI.

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has a previously approved tree conservation plan. A Type II Tree Conservation Plan, TCP1I/063/99-02, was approved with Preliminary Plan (4-01080) and with a subsequent Detailed Site Plan (DSP-06048). A Type 1 Tree Conservation Plan (TCP1-003-14) was submitted with the review package. The site has woodland conservation threshold of 15 percent or 1.89 acres. According to the worksheet, the total woodland conservation requirement, based on the proposed clearing, is 3.93 acres. The TCP1 proposes to meet the entire requirement in an off-site woodland conservation bank. Several revisions are required. The approved NRI and FSD show the total woodland onsite as 5.95 acres; however, the TCP1 worksheet indicates that only 5.71 acres are on-site. Update the worksheet as necessary, and revise the site statistics table. The proposed stormwater management as shown in the approved stormwater concept plan (8011980-1999-02) is not fully reflected on the TCP1, specifically, Stormwater Management Facility "B." All structures need to be added to the TCP1. The two areas labeled as woodlands preserved not credited that are both 0.21 acres will need to be changed to woodland cleared if a pond is to be located in that area. Show the TCP1 approval block. Remove the noise worksheet. The section of Greenbelt Road that runs along the frontage of the subject property is not considered historic; however, the section of Good Luck Road that runs along its frontage is considered historic. Revise General Note#8 of the TCP1 accordingly.

Variance to Section 25-122(b)(1)(G)

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2 that includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

After careful consideration has been given to the preservation of the specimen trees and there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25 provided all of the

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required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 statement of justification in support of a variance was submitted, and stamped as received by EPS on October 6, 2014. The required Variance Application was not submitted and should be.

The specimen tree table on the TCP1 shows the removal of two on-site specimen trees. The limits of disturbance (LODs) on the plan show that both of these trees are to be removed.

The Letter of Justification submitted seeks to address the required findings for both of these specimen trees as a group; however, details specific to individual trees has not been appropriately provided. The statement of justification submitted with the Subtitle 25 Variance Application gives the rational of each trees removal. No condition analysis of each tree was provided therefore, staff does not have any details of the condition or rating of the tree other than what is provided on the plan. Specimen Tree #2 is located on proposed [~~Outparcel A~~] *Parcel 1 and is to remain. A variance for the removal of that specimen tree will be evaluated [~~with the review of a new PPS~~] *at the time of building permit for that parcel.

Section 25-119(d) of the WCO contains six required findings [text in bold] to be made before a variance can be granted.

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

Two trees (Southern Red Oak –Specimen Tree #1, and Red Maple – Specimen Tree #2 (ST)) were proposed for removal. The applicant has revised the PPS to reflect that Specimen Tree #2 will remain on [~~Outparcel A~~] *Parcel 1. As a technical matter the variance request for ST #2 has been reviewed and is denied [~~based on the revised PPS~~].

Specimen Tree #1 is located in an area between two water systems crossing the site from west to east. The tree is proposed to be removed for residential lots, additional parking and access to the proposed lots. The tree, in fair condition, could be saved without significantly impacting the overall development. The justification states that the existing water systems and the stormwater systems needed to accommodate the development limits the developable area on the site.

Specimen Tree #2 is located at the north and most narrow section of the site of proposed [~~Parcel A~~] *Parcel 1. During several discussions regarding proposed [~~Parcel A~~] *Parcel 1, staff concluded that proposed development on this parcel was not suitable at this time because access from MD 193 was unsafe. Because *development of [~~Parcel A~~] *Parcel 1 [~~is being recommended for denial by staff~~] *was originally denied by the Planning Board due to safety concerns and converted to an outparcel, the Environmental Planning Section [~~does~~] *did not support the applicant's request for the removal of Specimen Tree #2. *However, on June 25, 2015,

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the Planning Board approved a reconsideration of this PPS related to conditions of approval and associated findings regarding the commercial parcel. Therefore, [F] *the [need and] review for the removal of ST #2 will occur [with a new PPS for Outparcel A if development is proposed in the future on that site] *at the time of building permit review.

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

The applicant states that the adjacent commercial development (condominium townhouses, a day care center and assisted living facility, also in the C-O Zone were allowed to develop at a much higher density and were approved at much greater percentages of impervious area than what the subject property proposes. The stormwater management that would normally have been required for these sites was deferred to the subject property to manage. As a result of the density proposed for this site (11.6 DU's per acre) the areas available for development on the subject property are limited. The applicant argues that the two specimen trees would further limit the developable area and would require the loss of five (5) townhouse lots and a commercial/office/retail pad. The applicant argues that the impact of these losses and the cost and expense of re-building the storm water management facilities would deprive the applicant of the development rights extended to his immediate neighbors. The Commission is in agreement with the applicant as it relates to Specimen Tree #1.

[With the Transportation Section recommending denial of access to the proposed area for commercial development, there would be no way for this area to be constructed for commercial purposes so specimen tree #2 should remain.] *As previously discussed, review for the removal of Specimen Tree #2 will occur at the time of building permit.

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

The applicant's proposal is consistent with zoning for a high-density townhouse development and does not confer any special privilege.

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

The applicant has taken no action to date on the subject property.

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

The requested variance to remove the trees does not arise from any condition on a neighboring property.

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

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Granting the variance to remove the specimen tree (ST #1) will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by the Department of Permits, Inspections, and Enforcement (DPIE).

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of specimen tree #1. The variance for Specimen Tree #1 is approved.

8. **Primary Management Area (PMA)**—The site contains PMA that is required to be preserved to the fullest extent possible per Section 24-130(b)(5). The Subdivision Regulations requires that: "...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." The regulated environmental features on the subject property include the delineated PMA.

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 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 stormwater management 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. Stormwater management 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, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

If impacts to the regulated environmental features are proposed a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A Letter of Justification for the proposed impacts was date stamped received on October 2, 2014 and dated September 30, 2014. The letter was written to address findings of Section 24-113 of the Subdivision Regulations; however, impacts to regulated environmental features are not subject to those findings.

The impacts cannot be fully evaluated because a complete summary and justification of each impact was not provided. The exhibit submitted covers two areas but shows multiple impacts for parking, residential lots, stormwater management and circulation. According to the exhibits provided, it appears that a total of 2.29 acres of impacts to streams, wetlands and their associated buffers are proposed.

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Impact Area #1—The impacts as shown on the exhibit total 0.52 acres and are located in the northeast section of the site. The impacts are associated with grading for [~~proposed Outparcel A~~]
*Parcel 1 and improvements to the existing intermittent stream receiving waters from a culvert under MD 193. [~~It is unclear how necessary these impacts are at this time due to the proposal to convert the proposed commercial parcel to an outparcel. Prior to signature approval of the PPS, the TCP1 should be revised to remove all proposed development from Outparcel A. At the time of DSP, the applicant should demonstrate that the approved stormwater management concept plan has been revised to reflect no proposed development on the outparcel.~~] *As previously stated, development of Parcel 1 was originally denied by the Planning Board. However, on June 25, 2015, the Planning Board approved a reconsideration of this PPS related to conditions of approval and associated findings regarding the commercial parcel. Therefore, review of Impact Area #1 will take place at the time of building permit review.

The stormwater management concept plan also shows a pond that is not depicted on the TCP1, which would result in additional impacts to the PMA. These impacts, however, were not requested in the letter of justification. The TCP1 and exhibit does label the area as a pond but the limit of disturbance does not reflect the area to be disturbed for the pond. Because the limits of the impact are not fully detailed on the plans or in the exhibits, the letter of justification should be revised at the time of detailed site plan to accurately reflect all of the impacts associated with the exhibit for Impact Area #1. Those additional impacts may be filed and reviewed at the time of [~~DSP pursuant to Subtitle 24~~] *building permit.

Impact Area #2—The impacts as shown on the exhibit total 1.77 acres are located in the area of SWM Facility A. The primary impact in this area is for the proposed pond to capture and treat off-site stormwater entering the site through three storm drains from the parcel adjacent to the north. The impacts results in the complete removal of the open channel which flows from the three storm drains, daylight for 451 linear feet, and then re-enters a storm drain at the southeast boundary of the site. The proposed lots and road are secondary impacts as a result of the removal of the channel. The applicant states that the allowance of improvements within the PMA for the existing stormwater management system would benefit the public health, safety and welfare. Staff supports this impact because the need to control and treat the multiple sources of off-site stormwater presents a hardship on the development of the site.

Based on the level of design information available at the present time, the regulated environmental features on the subject property appear to be proposed to be preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review for impacts associated with Impact Area #2. The PMA impacts as described above are approved. Further review will occur at the time of DSP.

9. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has determined that on-site stormwater management is required. A Stormwater Management Concept Approval Letter and associated plan were submitted with the application for this site (8011890-1999-02). The approval letter was issued on February 25, 2014 and is subject to conditions. The submitted letter shows the approval of a fee payment in lieu of providing on-site

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attenuation/quality control measures. [~~As previously discussed, the applicant should demonstrate that the approved stormwater management concept plan has been revised to reflect no proposed development on the outparcel, at the time of DSP.~~]

Conformance with the 2010 Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, 100-year floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of Environmental Resources (DER), Prince George's Soil Conservation District, Maryland-National Capital Park and Planning Commission (M-NCPPC) and Washington Suburban and Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

10. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, appropriate on-site usable green space and recreational facilities should be provided for future residents. The recreation areas should be centrally located on the site, and should include active and passive recreational facilities, such as playgrounds, outdoor sitting areas, and walking trails for future residents. The PPS provided adequate open space elements to provide the recommended on-site private recreation facilities.
11. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Sector Plan) in order to implement planned trails, bikeways, and pedestrian improvements. Due to the site's location within the Greenbelt Road corridor (per the Adequate Public Facility Review Map of the General Plan), the application is subject to the requirements of Section 24-124.01 (CB-2-2012) and the associated Transportation Review Guidelines – Part 2.

Two master plan trail issues impact the subject property, with both Good Luck Road and MD 193 being designated as trail/bikeway corridors. The MPOT includes the following recommendations for each road:

Good Luck Road Shared-Use Side path and Designated Bike Lanes: These facilities will accommodate nonmotorized access to Greenbelt National Park, Parkdale High School, Robert Frost Elementary School, Lamont Elementary School, Catherine T. Reed Elementary School, Robert Goddard Middle School, DuVal High School, Turner Recreation Park, and Good Luck Community Center. This is a major east/west connection through northern Prince George's County. (MPOT, page 23)

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MD 193 Shared-Use Side path and Designated Bike Lanes: Provide continuous pedestrian and bicycle accommodations along MD 193 with either a wide sidewalk or side path for pedestrians and recreational cyclists, and wide curb lanes, bike lanes, or shoulders for on-road bicyclists. MD 193 is a major east/west corridor in northern Prince George's County and provides access to many schools, parks, and commercial areas. Pedestrian safety along the corridor is a concern and the provision of facilities to safely accommodate pedestrians and bicyclists is a priority. (MPOT, page 26)

The MPOT also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan further refined the recommendation along Greenbelt Road (MD 193) to reflect a sidepath south of Lanham Severn Road (MD 564) and sidewalks and designated bike lanes between MD 564 and Cipriano Road. Table A7 included the following text regarding the recommendation for the MD 193 in the vicinity of the subject site:

Continuous sidewalks and pedestrian safety features are needed along this segment of road. On-road bicycle lanes should also be provided, if right-of-way allows, from MD 564 to Cyprian Road. (Sector Plan, page 282)

The Sector Plan also contains the following text and recommendations regarding needed pedestrian improvements at the Good Luck Road and MD 193 intersection. The plan recognized that several intersections in the planning area need further evaluation and possibly modifications or additional improvements such as sidewalks, crosswalks, pedestrian signals, warning signage, and other treatments. The plan includes the following strategy regarding the Good Luck Road and MD 193 intersection:

Conduct pedestrian safety studies at key intersections and other areas with known pedestrian safety issues. Studies of sidewalk conditions, pedestrian vehicular conflicts, and crosswalks should be conducted at major sector plan area intersections to determine needed pedestrian safety improvements. These may include upgraded or new sidewalks, reduction in turning radii to slow vehicular speed on right turns, pedestrian-activated signals, or crosswalk striping. The intersection of Good Luck

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Road and Greenbelt Road (MD 193) should be the first study area, given its proximity to local schools and the high number of pedestrians attempting to negotiate this intersection. (Sector Plan, page 165)

Proposed On-Site Bicycle and Pedestrian Improvements

The subject application includes a network of internal sidewalks, as well as frontage improvements along both Good Luck Road and MD 193. Frontage improvements along MD 193 will be considered at the time of development of the outparcel. Sidewalks appear to be provided along both sides of all internal roads, excluding the alleys behind rear loaded units. One exception is the road serving Lots 121 through 138, where a standard sidewalk is shown along both sides except along the frontage of the road where no development is proposed. The proposed on-site improvements are sufficient. Good Luck Road includes a proposed eight-foot-wide sidepath/sidewalk, consistent with the recommendation of the MPOT. However, dedication should be adequate to accommodate all future master plan improvements, including designated bicycle lanes.

Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within a designated center, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c):

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

CB-2-2012 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

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- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 - 2. Installing or improving streetlights;**
 - 3. Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 - 4. Providing sidewalks or designated walkways through large expanses of surface parking;**
 - 5. Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
 - 6. Installing street trees.**

The submitted BPIS fulfills the requirements of the Transportation Review Guidelines, Part 2. The BPIS includes the following information, per the outlined review process on pages 9–13 of the “Guidelines”:

- Per Section 24-124.01(c), the calculation of the cost cap for the subject site is [~~\$41,400~~] *\$43,325 based on the cap of \$300.00 for each of the 138 residential units proposed *and \$0.35 for each square foot of GFA for the proposed commercial development.
- The pre-application meeting was held between the Transportation Planning Section and the applicant on March 5th. This meeting covered the requirements of the Transportation Review Guidelines—Part 2 were reviewed, the required on- and off-site improvements, and the required finding of adequacy, and discussed possible off-site improvements. At the time of the pre-application meeting, bike lanes along MD 193 and a bus shelter on Greenbelt Road were mentioned as possible off-site improvements. Other possible locations for off-site improvements include the pedestrian crossing of Good Luck Road linking the subject site to the DuVal High School. A crosswalk currently exists, but additional treatments and/or safety features may be appropriate. Also in the vicinity of the subject site, pedestrian improvements are needed at the MD 193 and Good Luck Road intersection and sidewalk gaps exist along both sides of Good Luck Road between the subject site and MD 193. Priority should be given to improving the existing crosswalk from the site to the high school and existing bus stop along Good Luck

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Road. If additional funding is available under the cost cap, a bus shelter may also be appropriate at this location.

- The required BPIS was submitted on September 16, 2014. The BPIS summarizes the facilities being provided on-site, including the sidewalk network and the master plan trail along Good Luck Road. Proffered off-site improvements include the following:
 - Approximately 470 linear feet of sidewalk construction along the east side of Good Luck Road on the property to the north of the subject site.
 - Provision of one bus shelter along Good Luck Road or MD 193. Staff recommends that this bus shelter be provided along the west side of Good Luck Road in the same vicinity as where the off-site sidewalk is proposed. Photos are attached which depict the existing conditions of the frontage where the sidewalk and bus shelter are proposed.

After discussions with DPW&T, it was determined that the off-site sidewalk and bus shelter improvements should be made along the west side of Good Luck Road. It appears that steep slopes, lack of public right-of-way, and the placement of utilities makes sidewalk construction not feasible along the east side of Good Luck Road at this time. However, the provision of the sidewalk and shelter on the west side of the road will still improve pedestrian access from the site and benefit the future residents of the subject property. This sidewalk construction will also improve pedestrian access at the MD 193 and Good Luck Road intersection, as recommended in the area master plan.

There is a strong nexus between the subject application and the proffered off-site improvements. Good Luck Road is the primary pedestrian route that runs along the subject site, and provides access to various school, park and commercial facilities. There are also numerous existing bus stops along Good Luck Road in the immediate vicinity of the subject site. The sidewalk along the site's frontage and the segment of off-site sidewalk construction will directly benefit the future residents of the subject site by providing a safe and convenient pedestrian route along a segment of road where currently no pedestrian access exists. The off-site sidewalk construction will also provide a pedestrian route along an existing school site and link the subject site with the designated crossing of MD 193. The off-site shelter will further benefit the future residents by providing a protected, sheltered space to wait for the bus where no sheltered facility currently exists.

Required Findings

County Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of Preliminary Plan. County Council Bill CB-2-2012 is applicable to Preliminary Plans within designated Centers and Corridors. The subject application is located within the designated Greenbelt Road corridor, as depicted on the Adequate Public Facility Review Map of the Plan Prince George's 2035. County Council Bill CB-2-2012 also

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included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by County Council Bill CB-2-2012, Section 24-124.01(b)(1)(A) and 24-124.01(b)(1)(B) includes the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
- (1) The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - (A) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area.**

The sidepath/wide sidewalk is shown along the site's frontage of Good Luck Road, per the recommendation of the MPOT. This facility will meet an existing need along Good Luck Road, which serves as an important pedestrian connection to several local schools, parks and commercial areas. Furthermore, the off-site segment of the sidepath will connect the subject site to an existing bus stop and improve the pedestrian environment approaching the Good Luck Road/MD 193 intersection, per the recommendation of the area master plan. Currently, bicycle and pedestrian facilities are fragmented, and these improvements will be provided in one of the locations that they are needed most across from DuVal High School and the MD 193 intersection. Current roadway dedication is sufficient to accommodate the designated bicycle lanes.

- B. the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape**

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and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).

This facility will meet an existing need along Good Luck Road, which serves as an important pedestrian connection to several local schools, parks and commercial areas. Furthermore, the off-site segment of the sidepath will connect the subject site to an existing bus stop and improve the pedestrian environment approaching the Good Luck Road/MD 193 intersection, per the recommendation of the area master plan. The area master plan recommends that improvements be made to this intersection "given its proximity to local schools and the high number of pedestrians attempting to negotiate this intersection." (Sector Plan, page 165)

As amended by County Council Bill CB-2-2012, Section 24-124.01(b)(2)(A) through and 24-124.01(b)(2)(D) includes the following criteria for determining adequacy:

2. The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:

- (A) the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

The master plan sidepath is accommodated along the site entire frontage of Good Luck Road, as well as the off-site portion of the road to the north. Right-of-way dedication accommodates the future provision of bike lanes, if determined appropriate by the operating agency. Frontage improvements along MD 193 consistent with the master plan can be determined at the time of development of ~~[the outparcel]~~ *Parcel 1.

- (B) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

The current right-of-way width of Good Luck Road is sufficient to accommodate bicycle lanes. The sidepath will also be provided along Good Luck Road, providing a buffered facility for pedestrians and cyclists who do not want to ride with traffic.

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- (C) **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

The sidepath will provide a protected and buffered bicycle facility along Good Luck Road which will separate bicyclists from motor vehicle traffic. Internal roads will be low speed and relatively low volume, and it is acceptable for bicyclists to share the lane with motor vehicles, per AASHTO guidance.

- (D) **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Bicycle parking is not appropriate for the subject application, as only private residential townhouse units are proposed. However, bicycle parking can be considered for the commercial portion of the subdivision at the time of development of [~~Outparcel A~~] *Parcel 1.

Based on the evaluation above, Preliminary Plan 4-13030 meets the required findings for adequate public pedestrian and bikeway facilities with conditions. However, sufficient detail should be provided on the off-site improvements for the operating agency to determine that it is feasible and/or practicable within the available public right-of-way, and to ensure that the appropriate agency is willing to assume maintenance of the proposed improvements. An exhibit shall be provided illustrating the location and limits of the off-site sidewalk construction (relative to property boundaries and the public right-of-way), as well as the location and design of the off-site bus shelter at the time of DSP.

12. **Transportation**—The findings and recommendations outlined below are based upon a review of materials and analyses conducted, consistent with the “Guidelines.”

Background

On February 28, 2002, the Prince George’s County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-01080 for the subject property. Pursuant to PGCPB Resolution No. 02-43, the PPS was approved with numerous transportation-related conditions. Among those conditions are the following:

1. **Total development of the subject property shall be limited to the equivalent of 86,000 gross square feet of commercial office development or any other permitted uses which generate no more than 172 AM and 159 PM peak hour vehicle trips. Any development that generates more peak hour trips than identified herein shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.**

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2. The following improvements shall be bonded for construction prior to the issuance of any building permits:
 - a. Reconfiguration of the eastbound and westbound approaches of MD 193 at its intersection with Good Luck Road to provide the following lane configuration for each approach, respectively:
 - Eastbound: an exclusive left turn lane, two through and a shared through and right turn lane.
 - Westbound: two exclusive left turn lanes, two through lanes and a shared through and right-turn lane.

Provision of these improvements may require additional widening of MD 193 to receive the additional through lane in each direction and modification to the existing traffic signal to accommodate these changes, and any other modifications as deemed necessary by SHA and/or the Prince George's County DPW&T.

3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall bond for construction bus shelters on both sides of MD 193 at its intersection with Good Luck Road in accordance with county and/or Washington Metropolitan Area Transit Authority requirements.
4. The applicant, his heirs, successors and/or assignees shall construct an eight-foot wide, asphalt, multiuse trail along the subject property's entire road frontage of Good Luck Road. Construction will be required at the time of road improvements. If the Department of Public Works and Transportation does not allow this trail in the right-of-way, this condition shall be void.

Traffic Evaluation

The subject property is located within the Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property was evaluated according to the following standards:

- **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.
- **Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In

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response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The applicant provided a traffic evaluation of the proposed development. That evaluation concluded that the proposed development will generate 113 (33 in; 80 out) AM peak-hour trips, and 131 (79 in; 52 out) PM peak-hour trips. It was concluded based on the proposed traffic evaluation that the development being proposed will generate fewer trips than the original trip cap (172 AM and 159 PM) established by PGCPB Resolution No. 02-43 (4-01080). Based on this analysis, it is determined that the proposal would generate no net trips beyond the original trip cap in each peak hour.

While the trip cap will not be exceeded, the applicant still has to demonstrate that all of the abovementioned improvements have been satisfied before any building permits can be released, and are required.

Transportation Findings

The subject application was reviewed for the construction of 138 townhouse units and 5,500 square feet of retail/commercial/medical office development. The residential component of this development will be adding 97 (20 in; 77 out) AM peak-hour trips, and 110 (72 in; 38 out) PM peak-hour trips. The office component will be adding 16 (13 in; 3 out) AM peak-hour trips, and 21 (7 in; 14 out) PM peak-hour trips. These rates were determined by using the Trip Generation, 9th Edition (Institute of Transportation Engineers). These projected trip generation will be within the limits of the original trip cap established by the previous approval.

The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 193 and Good Luck Road

This intersection will operate adequately subject to conditions.

13. **Variation**—The applicant filed a variation request from Sections 24-121(a)(3) of the Subdivision referenced Regulations for the commercial parcel (5,500 square feet of GFA for commercial use) also referenced as ~~[Outparcel A]~~ *Parcel 1. The PPS proposes direct vehicular access, via right-in/right-out turning movement, to MD 193 (an arterial facility) from the proposed commercial parcel ~~[(Outparcel A)]~~ *(Parcel 1). Section 24-121(a)(3) states the following:

Section 24-121. Planning and design requirements

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**

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- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Section 24-113(a) sets forth the required findings for approval of variation request as follows:

Section 24-113. Variations

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

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

The application indicates that no safety issue would exist. However, for those patrons who want to make a left turn out of the commercial pad site to go west on MD 193, they will have two options; one option is to go across two through (eastbound) lanes directly into the left turn lane along MD 193 at the intersection with Aerospace Road (approximately 100 feet east of the proposed access) and then make a U-turn. This could potentially be a very dangerous and unsafe maneuver. The second and much safer option will be to make a right turn from the pad site and travel eastward on MD 193 to the next median break at Forbes Boulevard (approximately 1,450 feet east of the proposed access) where a U-turn will be allowed. Consequently, given the choice of driving 100 feet and making a U-turn, as opposed to driving 2,900 feet to achieve the same objective, albeit by way of a safer maneuver, staff concludes that most motorists will choose the first option which is potentially more dangerous. Such an access point would constitute a detriment to the public.

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~~[Additionally, t]~~ The Maryland State Highway Administration (SHA) *, however,
has ~~[not indicated concept approval of this access]~~ *approved access to MD 193
via a right-in/right-out turning movement. This approval from the operating
agency supports the assertion that the granting of the variation will not be
detrimental to public health, safety, and welfare.

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

The commercial parcel is encumbered with adjacent storm drain outfalls, storm water surface drainage easements, environmentally sensitive site features, and an existing storm water management facility. Additionally, the length of the road frontage (170.566 feet) is less than the majority of freestanding parcels in the surrounding area. It is agreed with the applicant that several environmental and locational features cited in the justification create uniqueness. ~~[However, the commercial parcel is a proposed parcel and could be incorporated into the subject site and conveyed to the HOA, which would result in no need for direct access.]~~

- (3) **The variance does not constitute a violation of any other applicable law, ordinance or regulation.**

No other law, ordinance or regulation will be violated by this variance ~~[if]~~ *as
access ~~[were to be]~~ *has been approved by SHA. ~~[However, as of the writing of this report, the SHA has not rendered a decision on the granting of an access permit.]~~

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

The ~~[applicant states that the]~~ property is surrounded by developed sites and environmental features, ~~[and that denying access would create an undevelopable, landlocked site. However, the applicant still has the ability to develop the majority of the property with 138 townhouses. Furthermore, the possibility of access to the commercial parcel via the C-O zoned commercial property to the west can be further explored by the applicant, which could include an alternative access via an easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations]~~
*which restrict the developable area for the commercial site to the 0.75-acre location, resulting in a particular hardship for the owner if the strict letter of the regulations is carried out.

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[The granting of this variation would be detrimental to public safety and welfare. Furthermore, the applicant has not demonstrated that strict compliance to the regulations would result in a particular hardship. Therefore, it cannot be determined that a variation from Section 24-124(a)(3) for access to MD 193 is supportable at this time, and the variation is not approved.]

*Based on the findings above, the variation from Section 24-124(a)(3) for access to MD 193 is approved.

[After discussions with the applicant regarding staff's recommendation of disapproval of the variation to Section 24-121(a)(3) for direct access to Greenbelt Road, the applicant submitted Applicants Exhibit 1 on October 28, 2014, which converts the commercial parcel to an outlot/outparcel. Staff and the applicant have agreed that additional time would be helpful for the applicant to determine the best development scenario for the commercial parcel in light of the recommendation of disapproval of the variation. The applicant and staff agreed that prior to the 51st building permit, the applicant shall plat the outparcel. The applicant may either convey the outparcel to the HOA for open space (over and above that which is required and therefore would not need to be included in the DSP), or the applicant could retain ownership of the platted outparcel and file a new PPS for development when they are able to address adequate access. The Subdivision Regulations would allow for access via an easement (24-128(b)(9)) through the abutting commercial property to the west if the applicant were able to negotiate an easement with the property owner. Further, at the writing of the TSR the SHA had not finalized their decision on the granting of an access directly onto Greenbelt Road. Through the review of this PPS, the SHA has indicated concerns with the proximity of the site access to the adjacent intersection as discussed in the Transportation Planning Section of this report. Denial of access along Greenbelt Road is required at the time of final plat approval of Outparcel A.]

14. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR 23 2003 and concluded the following:

**Impact on Affected Public School Clusters
Attached Single-Family Units**

Affected School Clusters #	Elementary School 2 Cluster	Middle School 4 Cluster	High School 2 Cluster
Dwelling Units	140	140	140
Pupil Yield Factor	0.140	0.113	0.108
Subdivision Enrollment	20	16	15
Actual Enrollment	6,585	9,421	11,684
Total Enrollment	6,605	9,437	11,699
State Rated Capacity	7,360	11,807	13,106
Percent Capacity	90%	80%	89%

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County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495/95 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,862 and \$ 15,185 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a [¼] *quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in [§] *Section 27A-106 of the County Code; within an approved Transit District Overlay Zone; or where there is no approved Transit District Overlay Zone then within a [¼] *quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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

15. **Fire and Rescue**—The Special Projects Section has reviewed this application for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e) (1) (E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by West Lanham Hills Fire/EMS Co. 48. This first due response station, located at 8501 Good Luck Road, is within the maximum of seven minutes travel time.

Capital Improvements Program (CIP)

The Capital Improvement Program for Fiscal Years 2014-2019 provides funding for renovating the existing station.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

16. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie, Maryland. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the July 1, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using the 141 square feet per 1,000 residents, it calculates to 125,501 square

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feet of space for police. The current amount of space 267,660 square feet is within the "Guideline."

17. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Categories 3, Community System and will therefore be served by public systems.

18. **Prince George's County Health Department**—The PPS was referred to the Prince George's County Health Department for review. Comments had not been received as of the writing of this technical staff report.

19. **Public Utility Easement (PUE)**—In accordance with Sections 24-122(a) (for public streets) and 24-128(b)(12) (for private streets) of the Subdivision Regulations, when PUEs are required by a public utility company, the subdivider should include the following statement on the final plat:

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

The PPS delineates a variable width public utility easement, along the private streets less than ten feet in width. The applicant should provide a ten-foot-wide public utility easement (PUE) or an alternative easement acceptable all applicable utilities, in conjunction with the DSP approval. An approved color-coded site utility plan should be submitted with the DSP for review. If the applicant is unable to obtain consents from the effected utility companies, the standard PUE shall be required prior to final plat approval. The PPS does correctly reflect the standard ten-foot-wide PUE along Good Luck Road and Greenbelt Road.

20. **Historic**—The subject property is located at the southeast quadrant of the intersection of Good Luck Road and Greenbelt Road (MD 193) in Lanham, Maryland. The subject application proposes 140 attached single family townhouse dwelling units and approximately 4,000 square feet of retail commercial office space. The subject property comprises 12.62 acres in the C-O Zone.

Phase I archeological survey is not recommended on the above-referenced 12.62-acre property. A majority of the property has been previously graded. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any archeological resources.

21. **Use Conversion**—This preliminary plan was analyzed based on the proposal of 138-townhouse dwelling-unit lots and 5,500 square feet of GFA for a commercial use [~~which is being converted to an outparcel~~]. The analysis includes access, noise, mandatory dedication, and views of the

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property, specifically relating to the single-family, the dwelling and commercial land use proposed with this application. If land use were to be proposed for either proposed use, a new preliminary plan will be required.

- *22. **Reconsideration Hearing**—By letter dated May 28, 2015 (Nagy to Hewlett), Michael S. Nagy of Rifkin, Weiner, Livingston, Levitan & Silver LLC, requested a waiver of the Planning Board's Rules of Procedure and a reconsideration based on other good cause in the furtherance of public interest. On June 25, 2015, the Planning Board approved Mr. Nagy's request for the reconsideration of Conditions 1(a), 1(i), 11, 25, and 26 and associated findings related to Outparcel A, for the re-designation of Outparcel A to Parcel 1 in order to permit the development of 5,500 square feet of gross floor area (GFA) for commercial retail/medical office use.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, November 6, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2014.

*Denotes Amendment

Underlining indicates new language

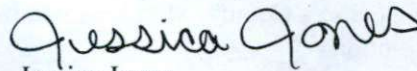
[Brackets] and ~~striketrough~~ indicate deleted language

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Shoaff, Washington, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 25, 2015 in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

*Adopted by the Prince George's County Planning Board this 16th day of July 2015.

Patricia Colihan Barney
Executive Director

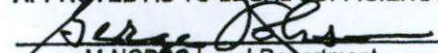
By



Jessica Jones
Planning Board Administrator

PCB:JJ:WM:rpg

APPROVED AS TO LEGAL SUFFICIENCY


M-NCP&C Legal Department

Date 7/8/15

*Denotes Amendment

Underlining indicates new language

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