



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-98(A/1)

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
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File No. 4-13028

AMENDED RESOLUTION

WHEREAS, Largo Crescents, LLC is the owner of a 18.01-acre parcel of land known as Tax Map 67, in Grid E-3, and is also known as Parcels 1-4, Block B, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill (M-U-I); and

WHEREAS, on March 26, 2014, Largo Crescents, LLC filed an application for approval of a Preliminary Plan of Subdivision for 84 lots, *[31] 24 parcels and †[434] 436 dwelling units; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13028 for Crescents at Largo Town Center 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 September 11, 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 for *[76]84 lots, and [31] 24 parcels *and †[434] 436 dwelling units; and

WHEREAS, on September 11, 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 November 6, 2014, the applicant requested a reconsideration of the preliminary plan of subdivision for the addition of eight townhouse lots and all matters relating; and

*WHEREAS, on December 4, 2014, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

*WHEREAS, on March 19, 2015, the Planning Board heard testimony regarding the reconsideration.

†WHEREAS, by letter dated March 19, 2015, the applicant requested a reconsideration of the preliminary plan of subdivision for the addition of two multifamily dwelling units and all matters relating; and

†WHEREAS, on April 2, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

†WHEREAS, on April 2, 2015, the Planning Board heard testimony regarding the reconsideration.

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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 the Type I Tree Conservation Plan (TCP1-004-14), and further APPROVED Preliminary Plan of Subdivision 4-13028, Crescents at Largo Town Center, including a Variations from Section 24-128(b)(12) *Public Utility Easement (PUE) private streets and Section 24-122 *PUE public streets, and ~~*[a Variation to]~~ Section 24-121(a)(4) *lot depth for *7684 lots and *[34] 24 parcels, and the approval of Variances to Sections 27-442(b) Table VII Density, 27-442(b) Table I Minimum Lot Size, Section 27-433(d)(2) Building Width of End Units, Section 27-433(d)(3) Building Width of Dwellings, and Section 27-433(e)(1)(B) width of Private Streets, and 25-122(b)(1)(G) Specimen tree removal with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Correct MD 214, to remove "Rte."
 - b. Revise the Parcel Area Summary. The multifamily will not have a homeowners association (HOA), but will be "Multifamily Parcel." Include the total area of parcels to be conveyed to the HOA, not including the lots.
 - c. Revise General Note 13 to be consistent with the density summary table, and provide specific reference to the variance to density if approved by the Planning Board.
 - d. Label the number of multifamily units proposed on each parcel.
 - e. Label Pods 1 and 2, as discussed in the technical staff report.
 - f. Correctly delineate the lot depth from E-1 and Harry S. Truman Drive, which includes the ramp, on each sheet of the PPS (see PGAtlas transportation layer).
 - g. Label clearly the unmitigated 65 dBA Ldn, and the mitigated noise contour based on the noise wall location which does not include the dwelling units (see noise study).
 - h. More clearly label the denial of access along the property's entire street frontage, with the exception of the entrance drive location.
 - i. Provide additional dimensions from lots to surrounding property lines.
 - j. Provide reference to variations and variances as approved by the Planning Board.
 - k. Revise Block D's lotting pattern to accommodate the extension of sidewalks from Block C, through Block D.

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- *[2]. ~~Prior to signature approval, the preliminary plan of subdivision (PPS) shall be revised to convert the portion of the property from the southern boundary of Parcel H (primary management area) to the northern property line (Townhouse Pod 2) into either:~~
- a. ~~Outlet A which shall require a new PPS approval prior to detailed site plan approval of that portion of the property for the development of townhouses. The final plat shall contain the following note:~~
- ~~“Townhouse development of Outlet A shall require a new preliminary plan of subdivision.” or~~
- b. ~~Revise Pod 2 to be consistent with the design shown on Applicant’s Exhibit 1, showing 43 lots (in Pod 2). Any additional lots proposed by the applicant shall require a reconsideration or new PPS.]~~
- *[3]2. Prior to issuance of permits, a Type II tree conservation plan shall be approved.
- *[4]3. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 39406-2005-01 and any subsequent revisions consistent with the approved preliminary plan of subdivision.
- *[5]4. At the time of final plat, the applicant shall grant a ten-foot-wide public utility easement (PUE) along the public right-of-way of Largo Center Drive and along Harry S. Truman Drive, not including Pod 2. The PUEs along all private rights-of-way and alleys shall be as reflected on the approved detailed site plan consistent with the preliminary plan of subdivision.
- *[6]5. Nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of permits.
- *[7]6. Prior to approval of the final plat of subdivision, the applicant and the applicant’s heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication in accordance with Section 24-135 of the Subdivision Regulations.
- *[8]7. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the townhouse portion of the property and that the common areas have been conveyed to the HOA.
- *[9]8. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the homeowners association (HOA) land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

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- a. A copy of the unrecorded special warranty deed 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.
 - b. 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.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to 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.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
 - f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- *[10]9. The detailed site plan shall reflect all proposed utility easements prior to Planning Board approval and shall be consistent with the approved preliminary plan of subdivision. If the utility companies do not consent, the detailed site plan shall reflect the standard ten-foot-wide public utility easement along all public *streets and *one side of private streets.
- *[11]10. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2013 *Approved Largo Town Center Sector Plan and Sectional Map Amendment*, and the required findings of Section 24.124.01 of the Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following as part of the restriping/ reconstruction of Largo Center Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and the Prince George's County Department of Public Works and Transportation (DPW&T):
- a. Two 12-foot travel lanes.
 - b. Two five-foot bike lanes.

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- c. Two eight-foot parking lanes.
- d. Two crosswalks with ADA (Americans with Disabilities Act) ramps.
- e. Milling and repaving of Largo Center Drive.
- f. Standard sidewalk construction along the north side of Largo Center Drive from the easternmost crosswalk to the existing sidewalk to the north.
- g. For the reconstruction of Largo Center Drive, all improvements to the property's immediate frontage and the half-section of road abutting that frontage counts as on-site improvements. All other improvements count as off-site.
- h. If it is determined that a concrete median is not required by DPW&T, raised pedestrian refuges shall be provided within the striped median at each crosswalk.

- *[12]11. The detailed site plan for multifamily dwellings shall include bicycle rack(s) accommodating a minimum of 15 bicycle parking spaces at Building A (Parcel 1) and a minimum of five bicycle parking spaces at Buildings B (Parcel 2), C (Parcel 3), and D (Parcel 4).
- *[13]12. Total development on this property shall be limited to uses which generate no more than 241 AM and 279 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- *[14]13. Prior to issuance of any building permits within the subject property, the following improvements shall (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the operating agency: the reconstruction of Largo Center Drive within the dedicated 80 foot right-of-way to include: two 12-foot travel lanes, one in each direction; a 16-foot raised concrete median with left-turn lanes at intersections and pedestrian refuge islands at designated pedestrian crossings; two five-foot on-road bike lanes; and on-street parking on both sides of the street, unless modified in any way by Department of Permitting, Inspections and Enforcement (DPIE) and/or the Department of Public Works and Transportation (DPW&T).
- *[15]14. Prior to issuance of any building permits within the subject property, the applicant shall provide the following improvements the provision of wide crosswalks along Largo Center Drive on both sides of the main access driveway and raised concrete pedestrian refuge islands in the middle of Largo Center, and the provision of a new pedestrian crosswalk along Largo Center Drive south of the on- ramp to eastbound Central Avenue (MD 214),

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and extension of sidewalk on both approaches to this crossing and along the south side of Largo Center Drive to connect with existing sidewalks unless modified in any way by Department of Permitting, Inspections and Enforcement (DPIE) and/or the Department of Public Works and Transportation (DPW&T).

*[16]15. The final plat shall reflect the denial of access as reflected on the approved preliminary plan of subdivision which is consistent with the record plat (Plat Book VJ 188, page 22).

*[17. ~~Prior to signature approval of the preliminary plan of subdivision, the natural resources inventory shall be revised to reflect a primary management area based on a 50 foot wide stream buffer.~~

*[18. ~~Prior to signature approval of the preliminary plan of subdivision, an updated wetland delineation report and wetland delineation plan shall be submitted and the appropriate plan (Type 1 tree conservation plan and/ or natural resources inventory) corrected as appropriate.]~~

*[19]16. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:

a. Revise the woodland conservation worksheet as follows:

- (1) To reflect an area of existing woodland that is consistent with the approved natural resources inventory (NRI) (9.62 acres), or if the existing woodland has changed, the NRI and forest stand delineation shall be revised.
- (2) To reflect an area of "woodland retained not part of requirements" consistent with the area graphically reflected on the plan.

b. Revise the plan to show all woodland that is not proposed to be cleared as "woodland retained not part of requirements."

c. Revise the plan to graphically show the area of "woodland retained not part of requirements" consistent with the area reflected in the worksheet.

d. Add the symbol to the legend for specimen trees to be removed.

e. Revise the specimen tree table to include a column for the proposed disposition of each tree (to remain or to be removed).

f. Revise the TCP approval block to show the assigned plan number with an Arabic number and dashes (TCP1-004-14).

g. Remove the "General Notes" from the plan.

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- h. Revise the TCP1 notes as follows:
- (1) Revise the title of the notes to match the standard language: "Standard Type 1 Tree Conservation Plan Notes."
 - (2) Revise Note 1 to reference the correct preliminary plan of subdivision number (4-13028).
 - (3) Revise Note 8 to list Largo Road (MD 202) as a historic road.
 - (4) Revise Note 9 to add to the list, Largo Road (MD 202) as an expressway and to list the ramp from Largo Center Drive onto Central Avenue (MD 214) as an expressway (in addition to the roads currently listed in the note).
 - (5) Revise Note 11 to include the standard language for the entire stormwater management note.
 - (6) Add the standard note for land to be dedicated as Note 11.
- i. Have the qualified professional who prepared the plan sign and date it, and update the revision box with a summary of the revisions.

*[20]17. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-004-14. 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 (TCP1-004-14), 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."

*[21]18. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

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"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

*[22. — At time of detailed site plan the applicant shall:

- a. — ~~Submit a comprehensive stream restoration design to address existing problems within the stream valley including, but not limited to, invasive species removal, slope stability, the removal of existing rip rap, and reforestation. The stream restoration plan shall be incorporated into the stormwater management design and approved by the county for any stormwater credits used for stormwater management purposes.~~
- b. — ~~Submit a geotechnical report to address the stability of the slope located between the head of the on-site stream and the proposed private Road B, identified in the Stream Corridor Assessment Report dated April 25, 2013, as Problem Area 1. The report shall be signed by a professional engineer.~~
- c. — ~~A comprehensive invasive species management plan shall be submitted.~~

~~At the time of submittal of any future preliminary plan of subdivision, the applicant may submit the above information in support of the opportunity for additional impacts to the primary management area.]~~

*19. Prior to signature approval of the detailed site plan, the applicant shall submit a stormwater management conceptual plan approved by DPIE that incorporates the stream restriction design conceptually approved with the Preliminary Plan of Subdivision.

*[23]20. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

*[24]21. Prior to 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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- *[25]22. Prior to signature approval *of the PPS, a Phase II noise report shall be filed which evaluates a continuous wall along the entire E-1 facility (MD 214 and its ramp) on a ten-foot-wide parcel for maintenance, outside of any public utility easements, with a location appropriate for landscaping. The wall shall provide mitigation for all outdoor activity areas to be below 65 dBA Ldn.
- *[26]23. Prior to approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
- *[27]24. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised to show the unmitigated and the mitigated 65 dBA Ldn noise contours, as well as the proposed mitigation measures, based on the Addendum to Noise Report #140606 dated August 4, 2014.
- *[28]25. At the time of detailed site plan, a trail connection shall be considered from the end of Road B to the easternmost proposed crosswalk of Largo Center. If such trail connection can be accommodated it may be conditioned at that time.

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 67, in Grid E-3, and is known as Parcels 1–4, Block B, recorded in the Prince George's County Land Records in Plat Book VJ 188-22 (October 29, 1999), pursuant to the approval of Preliminary Plan of Subdivision 4-88195 (PGCPB Resolution No. 88-558). That preliminary plan (PPS) approval was for the development of 174.43 acres of land which included this 18.01-acre property. This site was approved for a 300-room hotel and 360,000 square feet of office.

Subsequent to that approval, the property was rezoned from the Major Activity Center (M-A-C) Zone to the Mixed Use–Infill (M-U-I) Zone, and placed within a Development District Overlay (D-D-O) Zone. This property is along the most southeastern boundary of the Largo Town Center Development District, at a highly visible location that represents an edge of the Largo Town Center D-D-O Zone for the Largo Metro Station.

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This application proposes a complete use conversion from what was analyzed with the original PPS approval. This PPS will supersede that approval for the development of this property and all previous zoning approvals relating to the M-A-C Zone of the property.

This case was accepted and heard before the Subdivision and Development Review Committee (SDRC) on April 11, 2014. At that meeting, the applicant was advised of many issues related to the development of the property as proposed that must be addressed prior to the Planning Board hearing. The applicant proceeded to work with staff and other agencies on very complicated issues related to transportation, archaeology, trails, recreation, and noise. Complicating the review of this PPS were numerous variances required from the Zoning Ordinance (Subtitle 27) and variations from the Subdivision Regulations (Subtitle 24) of the Prince George's County Code.

The applicant requested and obtained the approval of ~~*[three]~~ variances ~~*[including density, the minimum lot size, and specimen tree removal]~~. All of the variances are ~~*[recommended for approval]~~ approved. The applicant also filed variations from the Subdivision Regulations (Subtitle 24) ~~*[that include public utility easement (PUE) locations and lot depth. The]~~. All of the variations ~~*[to the provision of providing standard PUEs]~~ are approved.

The property is unusually shaped which results in significant challenges in the lotting and parcel layout for the development. In particular, as discussed with the applicant at the SDRC meeting on April 11, 2014 and throughout the review process, the northernmost portion of this property is crescent in shape surrounded by dedicated public rights-of-way. Of note is the frontage along the entire northern property line on Central Avenue (MD 214), including the ramp from Largo Center Drive onto westbound MD 214. This entire right-of-way is a designated expressway (E-1). The Planning Board approved ~~43-51~~ 352 townhouse lots within this pod of development (Pod 2) ~~[a loss of 8 lots from what the applicant originally proposed]~~. The remainder of the subdivision ~~*includes~~ †[350] 352 multifamily dwelling units and 33 townhouse lots (Pod 1), located south of Pod 2. ~~*[is recommended for approval]~~ The Planning Board approval is for a total of ~~*84~~ †[434] 436 dwelling units.

3. **Setting**—The property is zoned M-U-I and is located in the southeast quadrant of the intersection of Harry S. Truman Drive and Largo Center Drive, and is abutting MD 214 (E-1) to the east and north. The southern end of the subject property is located directly across the street from Lake Largo and adjacent to Largo Town Center Park, which is owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). To the north, across the MD 214 westbound on-ramp, is commercial development in the M-A-C Zone, to the west is the Lake Pointe at the Town Center condominium residential community in the M-A C Zone, to the southwest is the Midtown Largo Station condominium residential community in the M-U-I Zone, all being within the Largo Town Center D-D-O Zone.

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

	EXISTING	APPROVED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Vacant	Residential
Acreage	18.01	18.01 (†[7.29] <u>7.3339</u> acres Multifamily †[10.72] <u>10.678</u> acres Townhouse)
Lots	0	76
Outlots	0	0
Parcels	4	*[31] <u>24</u>
Dwelling Units:	0	*436 <u>26</u>
Multifamily	0	†[350] <u>352</u>
Townhouse	0	*7684
Public Safety Mitigation Fee	No	No
Variance(s)	No	Yes Section 27-442(b) Table I Section 27-442(b) Table VII Section 25-122(b)(1)(G) *Section 27-433(d)(2) *Section 27-433(d)(3) *Section 27-433(e)(1)(B)
Variation(s)	No	Yes *Sections 24-128(b)(12) *Sections 24-122 *Section 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 11, 2014. The requested variations to Sections 24-128(b)(12), 24-122, and 24-121(a)(4) of the Subdivision Regulations were accepted on March 26, 2014 and were heard at the SDRC meeting on April 11, 2014 as required by Section 24-113(b) of the Subdivision Regulations. *~~[The applicant also filed a variation to Section 24-128(b)(7)(A) which was determined not to be necessary pursuant to Section 24-128(b)(8). All of the variances and variations are approved.]~~

5. **Community Planning**—The application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) development pattern policies that call for more dense mixed-use development within regional transit centers. This application is located within the Plan Prince George's 2035 designated Largo Town Center Regional Transit Center. The

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vision for regional transit centers is more dense development with offices, apartments, condominiums, retail, and other uses arranged vertically within buildings.

The application is within Planning Area 73 in the Northampton community and conforms to the mixed-use residential land use recommendations of the 2013 *Approved Largo Town Center Sector Plan and Sectional Map Amendment* (Largo Town Center Sector Plan and SMA) for this site. The sector plan reclassified this property from the M-A-C Zone to the M-U-I Zone.

The 2009 Approved Countywide Master Plan of Transportation (MPOT) identified Harry S. Truman Drive and Largo Center Drive together as an existing collector loop road (C-346). The MPOT also identified a possible future extension of the Purple Line light rail system along Harry S. Truman Drive adjacent to the west of the subject property. The nearest Metrorail facility is the Largo Town Center Metro Station.

This property is outside of the 65 dBA and above noise contour and is outside of the accident potential zones (APZs) for Joint Base Andrews. However, noise is an issue for the residential use of this site from abutting roadways and should be mitigated to ensure that the future residents are not adversely effected by audible and visual intrusions from these roadways.

6. **Stormwater Management**—The Prince George's County Department of the Environment, Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 39406-2005-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. *Prior to the approval of the detailed site plan a revision to the conceptual stormwater management plan is required to reflect the required stream restoration. Development must be in accordance with this approved plan consistent with the approved PPS.
7. **Parks and Recreation**—The PPS has been reviewed for conformance with the Subdivision Regulations, the recommendations of the Largo Town Center Sector Plan and SMA, the requirements of the Zoning Ordinance for the M-U-I Zone, the requirements of the D-D-O Zone, and existing conditions in the vicinity of the development as they pertain to public parks and recreation.

The project area consists of ~~*[76]~~84 single-family attached dwelling units along with ~~†[350]~~ 352 multifamily units. The proposed subdivision will consist of ~~*[31]~~ 24 parcels and ~~*[76]~~ 84 single-family attached lots (townhouses). The southern end of the subject property is located directly southeast across the street from Lake Largo and adjacent to Largo Town Center Park, which is owned by M-NCPPC. The Department of Parks and Recreation (DPR) has developed a master plan for the construction of the park, which is located in the Largo Town Center core area. Current improvements in the park include a boardwalk across Lake Largo, a fountain, an upper entry plaza, and an accessible ramp from Harry S. Truman Drive to the lake. The second phase of the park development master plan includes a terrace garden (grand stairway with planters down to

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the lower boardwalk plaza), a pedestrian bridge, and a 2,000-square-foot water play area, along with extensive landscaping. This park will serve the residents of this community.

The Largo Town Center Sector Plan rezoned the property to M-U-I/D-D-O and did not address three previous parks and recreation issues that were associated with the original M-A-C zoning conditions, which are no longer applicable on the subject property:

- a. The developer of Parcel B was to provide a public amenities package that included a 2,000-square-foot water play area (Jumping Jewels), a pedestrian bridge, stone boulders, and electrical and water connections as specified on the plans for the Largo Town Center park.
- b. The developer of Parcel B was required to provide 50 parking spaces to serve park visitors as the subject property is immediately to the south of the Largo Town Center park.
- c. The developer of Parcel B was required to obtain Department of Public Works and Transportation (DPW&T) approval of up to 68 parking spaces along Largo Center Drive. The 68 public parking spaces on Largo Center Drive were to be in addition to the 50 on-site spaces that were required to serve park visitors.

Section 24-134 of the Subdivision Regulations states that at the time of PPS all residential subdivisions are required to dedicate suitable and adequate land for active or passive recreation to the M-NCPPC. The townhomes are located on [†][10.72] 10.678 acres of land with ~~*[an original]~~ density ~~*[proposed by the applicant]~~ of [†][*7.834] 7.867 dwelling. ~~*[As approved by the Planning Board the density is 7.08 dwelling units per acre.]~~ The multifamily residential units comprise [†][7.29] 7.3339 acres of land with a density of 48 dwelling units per acre. Based on the Subdivision Regulations, 7.5 percent and 15 percent (respectively) of the subject property is available for mandatory parkland dedication. According to Section 24-134, 1.89 acres of land is available for mandatory dedication of parkland for this development. DPR staff suggested that mandatory dedication could be used as means of providing land for a parking lot for the future users of Largo Town Center Park, given that the subject property is directly across the street from the park. However, given the shape, configuration, and access issues associated with the property, mandatory dedication of land would severely impact the design and density of the site.

Currently, the applicant is working with DPW&T to provide on-street parking along Largo Center Drive which may provide some parking for the users of the park. However, improvements within the public right-of-way of Largo Center Drive are subject to final approval and modification by DPW&T. The spaces, if provided, will be parallel spaces within the public right-of-way.

In accordance with Section 24-135 of the Subdivision Regulations, the applicant shall pay a fee-in-lieu of mandatory parkland dedication. The monies collected should be applied to Park Community CH with a community account code of 840801 (Largo Town Center Park).

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8. **Trails**—The PPS was reviewed for conformance with the Master Plan of Transportation (MPOT) and the Largo Town Center Sector Plan and Sectional Map Amendment (SMA) in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located between Largo Center Drive and Central Avenue (MD 214) within the Largo Town Center D-D-O Zone. Due to its location within the Largo Town Center, the application is subject to the requirements of Section 24-124.01, Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors, and the associated “Transportation Review Guidelines, Part 2” (Guidelines, Part 2).

Master Plan Compliance and Prior Approvals

One master plan trail issue impacts the subject property, although it should be noted that the adjacent MD 214 is a master plan bikeway that has been addressed by the Maryland State Highway Administration (SHA) with appropriate signage and pavement markings. The subject application will not have access onto this road. The MPOT also designates Harry S. Truman Drive as a master plan sidewalk/bike lane corridor. Harry S. Truman Drive is also listed in the MPOT as a current Green Complete Street Project in which bike lanes will be provided, access to bus stops improved, and traffic circulation evaluated. This project is currently anticipated to have its concept plan completed in March 2015 with a construction start date of March 2017. Frontage improvements along this road should be consistent with this project and will be coordinated with the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE).

The eastern edge of the subject site is approximately 2,200 linear feet from the Largo Metro Station. However, the actual walking or bicycling distance is slightly higher due to the somewhat circuitous route going around Lake Largo to the north and the alignment of the existing roads. However, the trail around the lake and the sidewalk network along the existing roads between the site and the Largo Metro Station are largely complete.

The Complete Streets section of the MPOT 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 internal sidewalk network appears to be consistent with the Complete Street policies of the MPOT, and will be further reviewed with the DSP.

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Proposed On-Site Bicycle and Pedestrian Improvements

The subject application includes a variety of proposed facilities for pedestrians and bicyclists on-site, including the site's frontage of Largo Center Drive. Sidewalks appear to be reflected at all appropriate locations with the exception of the northernmost pod of townhouse units. The sidewalks in that area focus the pedestrian circulation toward the ramp and MD 214 where they draw the pedestrian to open space elements.

At the Planning Board hearing on September 11, 2014 the *following information was provided regarding the development of Pod 2 into *[76]51 townhouse lots:

- After discussion at the internal staff meeting on September 4th, it was determined that additional sidewalk improvements are necessary in the townhouse portion of the proposed development. Although these roads will not be used to front units or to accommodate the majority of motor vehicle trips, they still provide logical routes for some pedestrian trips with the development. Consistent with the Complete Streets policies of the 2009 Approved Countywide Master Plan of Transportation, sidewalks are also recommended along both sides of Private Road F and Private Road C. Unlike some of the other private alleys (stub streets), which function solely to access the rear loaded townhouse units, Roads C and F will serve as through street connections where pedestrian access should be accommodated.
- At the time of Detailed Site Plan, the feasibility of a sidewalk or trail connection will be evaluated from the end of Road B (Pod 2) to the eastern most proposed crosswalk of Largo Center Drive. If it is determined that a trail connection is feasible given the environmental constraints of that portion of the site, the trail may be conditioned at the time of DSP.

Sidewalks are provided along the entire frontage of Largo Center Drive and on both sides of most internal roads, consistent with the Complete Streets policies of the MPOT. Staff agrees with the applicant that a sidewalk is not needed along the south side of the spine road (Road B), as this side includes no proposed development and immediately abuts the MD 214 right-of-way. Also, sidewalks are not shown along the private alleys, which are intended for vehicular access to the rear-loaded townhouses and are not intended as pedestrian routes. The sidewalk network as proposed provides access throughout the development, and connects the residential units with the public right-of-way along Largo Center Drive. Wider sidewalks are provided along the roads accessing the multifamily units. Further review for appropriate locations and widths will be evaluated at the time of review of the DSP.

The applicant proposes a "road diet" and complete street modifications to Largo Center Drive. Lane reduction, wider sidewalks, designated pedestrian crossings, and bike lanes are being proposed both along the frontage of the subject site and along the opposite side of the street, which is considered to be an "off-site" improvement pursuant to Section 24-124.01 for bike and pedestrian facilities required. In summary, the on-site facilities being provided include:

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- Standard sidewalks along both sides of the main roads within the townhouse portion of the development.
- Sidewalks between blocks of townhouse units and areas of open space in several locations.
- A sidewalk along the north side of the spine road (Road B).
- Six-foot-wide sidewalks are provided along road frontages near the multifamily units.
- The site's frontage of Largo Center Drive is being improved with an eight-foot-wide sidewalk and designated bike lanes. This will widen the existing standard sidewalk along the frontage of the subject site.
- On-street parking will be provided along the south side of Largo Center Drive. Although not normally thought of as a complete street treatment, the on-street parking provided will improve the pedestrian environment by further calming through-traffic along the road and buffering pedestrians from the travel lanes and passing motor vehicles.

Review of the 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 Section 24-124.01 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 public rights of way.**

The Guidelines, Part 2, include 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.

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

- (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 bicycle and pedestrian impact statement (BPIS) fulfills the requirements of the Guidelines, Part 2, for the entire development of †[434] 436 dwelling units. ~~*[The Planning Board approved the redesign of Pod 2 of the TH development for a total of 426 dwelling units. The BPIS public facility finding includes these lots, and will be included in background for the future PPS for that portion of the site.]~~

The BPIS Includes the following information, per the outlined review process on pages 9–13 of the Guidelines, Part 2:

- Per Section 24-124.01(c), the calculation of the cost cap for the subject site is †~~[\$130,200]~~ \$130,800 based on the cap of \$300.00 for each of the †[434] 436 residential units proposed. The itemized costs for the off-site improvements proposed by the applicant are included in the BPIS. The total cost of these improvements is listed as \$139,578. In discussions with DPW&T at the May 20, 2014 coordination meeting, DPW&T indicated general support of the road cross section proposed for Largo Town Center with amendments, and supports the use of the “half-section” of Largo Town Center Drive that is not included as the applicant’s frontage improvements toward fulfillment of the required off-site improvements. The amended BPIS submitted on May 30, 2014 accurately counts only the half-section of Largo Town Center Drive, that is not included as frontage

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improvements, towards the cost of the off-site BPIS improvements. The half-section of Largo Town Center Drive that immediately abuts the subject application is counted as the property frontage and is an "on-site" improvement. At a subsequent coordination meeting with DPW&T on July 23, 2014 where traffic forecasts were reviewed, the analysis supports the road diet concept and further helped DPW&T to refine the cross section for Largo Town Center Drive. Ultimately, the cross section is subject to DPW&T approval and is not under the authority of M-NCPPC.

- The pre-application meeting was held between the Transportation Planning Section (M-NCPPC) and the applicant on April 29, 2014, and the BPIS was submitted on April 25, 2014. The BPIS was subsequently revised on May 30, 2014 and included the necessary information for the proposed on-site pedestrian facilities and the existing pedestrian facilities in the vicinity of the subject site.
- On-site bicycle and pedestrian evaluation: This portion of the BPIS discusses the internal sidewalk network proposed, bicycle parking, ADA (Americans with Disabilities Act) access, and the complete street checklist.
- Off-site bicycle and pedestrian evaluation: This section reviews the overall bicycle and pedestrian network in the vicinity of the subject site, as well as the proffered off-site improvements. The BPIS states "the existing pedestrian and bicycle network in the area is fairly extensive." Staff concurs that the sidewalk network in the vicinity of the site is complete, extensive, and connects to surrounding destinations. However, on-road bicycle facilities are currently largely absent in the area. Also, staff agrees with the assessment contained in the BPIS that "while no major gaps exist in the system, this project which involves a complete redesign, milling and paving of an existing street, will ultimately provide a continuous bicycle and pedestrian pathway from the site to the Largo Town Center Metro Station." Although sidewalks currently exist from the site to metro, the biggest barrier to nonmotorized movements from the site is crossing the 104-foot-wide right-of-way of Largo Center Drive. Also, the lack of existing bicycle facilities along the road serves as a deterrent to bicycle trips to metro.
- Mapping was provided by the Countywide Planning Division (M-NCPPC) utilizing existing GIS data on bicycle and pedestrian facilities (including the existing sidewalk network), bus stops, park facilities, and potential pedestrian destinations such as shopping centers, restaurants, and transit stop. This map confirms the presence of an extensive sidewalk network in the vicinity of the subject site, the location of various bicycle and pedestrian destinations in the area, and the presence of existing sidewalks between the subject site and metro. This map also shows that the sidewalk network is largely complete in the vicinity of the subject site, but confirms that the road crossing of Largo Town Center Drive is perhaps the biggest obstacle in getting future residents from the subject site to the nearby metro and other surrounding destinations.

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The proffered off-site improvements include the following:

- **Complete redesign, milling, and paving of the Largo Center Drive.** These improvements will be done for the site's frontage of the road, but also for the portion of the opposite side of the road (north side of Largo Center Drive) which is considered off-site. The redesign will include a road diet to eliminate travel lanes while providing improved accommodations for bicyclists and pedestrians.
- **On-street bike lanes.** Bike lanes are proposed along both sides of Largo Center Drive. These bike lanes will be the first designated on-road bicycle facilities in the immediate area and will greatly enhance access from the site to the metro. They will ultimately connect to planned bike lanes along Harry S. Truman Drive, providing a complete bicycle connection to metro. The bike lanes, in conjunction with the road diet, will also serve to calm and slow traffic along Largo Center Drive by narrowing the visual appearance of the corridor to motorists. These bike lanes should be signed and marked in conformance with AASHTO (American Association of State Highway and Transportation Officials) and the MUTCD (Manual on Uniform Traffic Control Devices).
- **Crosswalks and ADA Sidewalk Ramps.** Currently, the only designated crossing of Largo Center Drive along the subject site is at Harry S. Truman Drive. The applicant is proposing two additional pedestrian crossings. DPW&T has agreed to two additional crossings at the May 20, 2014 coordination meeting. The first crossing is located at the entrance to the subdivision. The location and design of the second crossing will be further evaluated at the time of DSP, based on the layout of the northern townhouse pod of development, and will be coordinated but ultimately determined by DPW&T based on a thorough analysis of sight distance, road geometry, and other safety factors. Staff recommends that pedestrian refuges be incorporated into the design consistent with DPW&T Standard 700.05. DPW&T has subsequently recommended that a concrete median be provided in place of the striped median, and this additional improvement is discussed below.

Coordination with DPW&T and additional off-site improvements

At the July 23, 2014 coordination meeting with DPW&T, the proposed road diet for Largo Center Drive was evaluated, as was the package of improvements proposed by the applicant. After reviewing the forecasted average daily traffic for Largo Center Drive, it was determined that the traffic volumes can support a road diet along the road and that several lanes of travel can be removed along the road without negatively impacting capacity. This is reflected in the Phase II noise study submitted by the applicant. This additional space will be dedicated to wider sidewalks (in some locations), designated bike lanes, a median/pedestrian refuge, and on-street parking. It was decided that the road can be narrowed to one travel lane in each direction with the placement of a median accommodating turn lanes.

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The road restriping/reconstruction along Largo Center Drive will include:

- Two 12-foot travel lanes
- One 16-foot concrete median with turn lanes
- Two 5-foot bike lanes
- Two 8-foot parking lanes
- The existing curbs will remain in place
- A transition will be required to the road cross section to the north of the subject site

It was also determined that the off-site improvements along Largo Center Drive should include sidewalk construction along the north side of Largo Center Drive from the easternmost proposed crosswalk to the existing sidewalk approximately 130 linear feet to the north.

The Department of Permitting, Inspections and Enforcement (DPIE) confirmed staff's current understanding of on-site and off-site improvements:

- On-site includes the property's frontage, plus the half-section of road abutting the subject property.
- Off-site includes the half-section of road opposite the subject site's frontage.

Based on this, half of the improvements required along Largo Center Drive will count towards the off-site improvements. The off-site improvements proposed by the applicant and/or recommended by DPW&T include:

- Designated bike lanes on the north side of Largo Center Drive
- ADA ramps and crosswalks (half-section only)
- Milling and paving of Largo Center Drive (half-section only)
- Sidewalk construction along the north side of Largo Center Drive from the easternmost crosswalk to the existing sidewalk to the north (approximately 130 linear feet of sidewalk construction)

DPW&T strongly recommends the provision of the concrete median as a method to improve pedestrian safety, accommodate appropriate turning movements, and further calm traffic along the road. The Planning Department supports this analysis regarding the importance of the median that includes the concrete median as part of the on- and off-site improvements along Largo Center Drive. However, the function of the median and the overall finding of adequacy can still be made if DPW&T determines that some or the entire median can be designated by striping or other pavement markings, provided that pedestrian refuges are provided at the crosswalks. Ultimately, the cross section required within the dedicated public street is the decision of DPW&T.

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Demonstrated nexus between the subject application and the off-site improvements

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section (in bold) and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized:

- (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.**

The Planning Board concludes that there is a demonstrated nexus between the development proposed with the subject application and the proffered off-site bicycle and pedestrian improvements as recommended in the Largo Town Center D-D-O Zone. The emphasis on the provision of alternative modes of transportation within the D-D-O Zone, due to the proximity to the metro, has provided the applicant the ability to obtain higher densities and reduced standards to create a more urban environment that does not provide such a heavy emphasis on vehicles. In addition to providing improved bicycle, pedestrian, and transit access for the surrounding communities, the proposed improvements will also directly benefit the future residents and employees of the subject site.

1. The off-site bike lane proffered along the north side of Largo Center Drive will directly benefit future residents of the subject application by providing a continuous designated bicycle facility along Largo Center Drive that improves access both to and from the metro from the subject site. These bike lanes will serve as the first implementation step for the larger network of on-road bicycle facilities in the area envisioned in the master plan that will serve not only the subject site, but also the Largo Center. In addition, the bike lanes will improve access to adjacent shopping centers, surrounding residential communities, and to the future hospital site.
2. The ADA ramps and crosswalks will benefit future residents of the subject site by adding additional crossing opportunities along Largo Center Drive. These crosswalks will discourage unsafe pedestrian crossings by directing pedestrians to safe, visible, and enhanced crosswalks along the frontage of the subject site, enabling residents to safely get to metro, to the shopping areas to the north, or to the trail around the nearby Lake Largo.

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3. The redesign, milling, and repaving of Largo Center Drive will directly benefit future residents of the subject site by providing a complete street connection to metro, calming traffic along Largo Center Drive, and providing an enhanced and more inviting streetscape along both sides of the road.
4. The off-site sidewalk construction along Largo Center Drive will serve the future residents of the subject site by connecting to the existing sidewalk network to the north and by providing a complete pedestrian connection from the subject site to the commercial area to the north (Largo Town Center Shopping Center).

Section 24-124.01 and the Guidelines, Part 2, require that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. Prince George's County Council Bill CB-2-2012 is applicable to PPSs within designated centers and corridors as identified in the 2002 Prince George's County Approved General Plan and recognized by Plan Prince George's 2035 (Council Resolution CR-26-2014). The subject application is located within the designated New Carrollton Center. Council Bill CB-2-2012 also 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 CB-2-2012, Section 24-124.01(b)(1) and (2) include the following criteria for determining adequacy:

(b) Except for applications for development projects 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, at a minimum, include 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 subject application provides sidewalks in appropriate locations, including all frontages, along both sides of most internal roads, and along areas of surface parking. The application enhances the existing sidewalk along Largo Center Drive and provides internal sidewalk connections as needed

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based on the current layout. Street lighting should be evaluated for sufficiency at the time of DSP, particularly in the vicinity of the pedestrian crossings. Additional off-site sidewalk construction is recommended along the north side of Largo Center Drive in order to connect the subject site with the shopping center to the north.

- (B) **The presence of elements that make it 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 markings, “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 and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones.

The proposed sidewalk network, the widened sidewalk along Largo Center Drive, and the ADA ramps and crosswalks will all greatly improve the environment for pedestrians both in the immediate vicinity of the subject site and to the metro. The complete street redesign of Largo Center Drive will greatly improve the conditions for both pedestrians and bicyclists going to metro from the subject site and surrounding areas.

Furthermore, the off-site sidewalk construction recommended along the north side of Largo Center Drive will allow for a complete pedestrian connection from the subject site to the Largo Town Center Shopping Center to the north. Based on a review of the existing sidewalk network, it appears that the greatest challenge getting pedestrians from the subject site to the Largo Metro Station is crossing Largo Center Drive. Currently, there are multiple lanes of relatively high-speed traffic in both directions with limited crossing opportunities. The road diet proposed will reduce the number of travel lanes pedestrians have to cross, increase the number of crossing opportunities, provide pedestrian refuges where needed, and provide additional buffering of pedestrians on the sidewalks from the travel lanes. The existing sidewalk will also be widened in the vicinity of the multifamily units.

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(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;**

Harry S. Truman Drive is a master plan bikeway/sidewalk corridor. Frontage improvements and/or right-of-way dedication along Harry S. Truman Drive should be consistent with the current green complete street improvements being planned by DPW&T.

- (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;**

Bike lanes will be accommodated along both sides of Largo Center Drive as part of the road restriping/reconfiguration. The road diet, proposed median, and on-street parking will further serve to calm traffic and improve conditions for bicyclists.

- (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**

Designated bike lanes are proposed along Largo Center Drive. Additional pedestrian crossings are also proposed as part of this road reconstruction. On-street parking will also be provided (subject to DPW&T approval), which will further serve to calm traffic for bicyclists and buffer pedestrians from the travel lanes. In addition, a concrete median required by DPW&T will serve to further calm traffic along the road and make for a more inviting streetscape for pedestrians and bicyclists. The improvements to Largo Center Drive will provide a needed stretch of designated bike lanes in the immediate vicinity of the metro and will ultimately connect to the county's planned improvements to Harry S. Truman Drive.

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- (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.**

The subject application is solely residential in nature and an extensive amount of bike parking for visitors is not warranted. However, a small amount of bicycle parking is recommended for visitors of the multifamily units and will be further evaluated at the time of DSP review.

Based on the review of relevant materials, this PPS meets the required finding for adequate public pedestrian and bikeway facilities.

9. **Transportation**—The subject property, often termed Parcel B of Largo Town Center, is part of the previously approved 173-acre Largo Town Center PPS, 4-88195. The approval of that 1988 PPS was based on a maximum trip generation of 2,772 AM and 4,564 PM vehicle trips. All portions of that PPS were recorded at one time or another (except the parcel that went into reservation for WMATA (Washington Metropolitan Area Transit Authority), and that was the subject of a separate subdivision in 2011).

No traffic impact study has been submitted in support of this application. By virtue of the recordation of the subject property that has occurred, and pursuant to the Planning Board adequacy findings made for 4-88195, the subject property was approved for uses that would generate 386 AM and 568 PM peak-hour trips. The proposed development of *[85]84 townhouses and †[350] 352 multifamily dwelling units using the applicable trip generation rates contained in the "Transportation Review Guidelines, Part 1" (Guidelines) would generate 241 AM and 277 PM peak hour trips.

It is therefore determined that, given that the proposal has a lower trip generation than the uses that were considered when the adequacy finding was done, the Planning Board could deem the site's impact at this location to be a net *de minimus* impact. The full impact of this property as recorded has been considered in all subsequent traffic studies done in the area as background traffic. It is therefore recommended that the Planning Board find that 241 AM and 277 PM peak-hour trips as currently proposed will have a *de minimus* impact upon delay in the critical movements at the critical intersections in the area.

All of the required road improvements pursuant to 4-88195 have been fully constructed, and all other transportation-related conditions have been met. A trip cap consistent with the proposal contained herein is a condition of this approval.

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Conformance to the Approved Sector Plan

The subject property is covered by the 2013 Largo Town Center Sector Plan and SMA. The PPS is therefore required to conform to the sector plan's recommendations and relevant transportation requirements and standards.

Pursuant to the sector plan recommendation for Largo Center Drive, and by means of several multi-agency (SHA, Prince George's County, and the Transportation Planning Section) coordination meetings, it was determined that the existing Largo Center Drive will need to be reconstructed in accordance with county standards under the authority of the Prince George's County. The reconstructed Largo Center Drive within the dedicated 80-foot-wide right-of-way will include the following: two 12-foot travel lanes, one in each direction; a 16-foot-high raised concrete median with left-turn lanes at intersections and pedestrian refuge islands at designated pedestrian crossings; two 5-foot-wide on-road bike lanes; and on-street parking on both sides of the street, unless modified by DPW&T.

The submitted plan correctly shows the provision of 40 feet of right-of-way from the existing centerline along the entire property frontage with Largo Center Drive and Harry S. Truman Drive. These rights-of-way are consistent with the master plan recommendations.

On-Site Circulation and Access Review

The subject property will be served by a single divided access driveway from Largo Center Drive. Given that this is the site's only point of access, it is essential that this access connection be improved with wide sidewalks on all approaches, with a raised concrete pedestrian refuge island in the middle of Largo Center Drive. Additional pedestrian crossings along Largo Center Drive and south of the on-ramp to eastbound MD 214, and the extension of sidewalk on both approaches to this crossing and along the south side of Largo Center Drive to connect with existing sidewalk are needed.

Much of the site frontage carries a denial of access in accordance with the SHA right-of-way plats. These access denials are appropriately shown on the current record plat. Retention of these access denials is desired by SHA and is appropriate given the functions of the roadways. Therefore, all of the current denials of access are carried over onto future plats which will allow the access location to this site as approved on the PPS.

A number of variations and a statement of justification are approved as a part of this application, as noted below:

- a. Most of the variances and variations relate to design or environmental issues, and are addressed in this decision.
- b. It is noted that a variation from Section 24-128(b)(7)(A) of the Subdivision Regulations was filed for the purpose of allowing townhouses not having frontage on a public right-of-way to gain access by means of an alley. It was later determined that

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Section 24-128(b)(8) of the Subdivision Regulations would govern. That section allows the Planning Board to approve a subdivision with private rights-of-way, easements, alleys, or roads within the Transit District Overlay (T-D-O) or D-D-O Zone. As noted earlier, the site is within a D-D-O Zone; therefore, the system of private streets and alleys serving the site do not require approval of a variation.

- c. The Guidelines strongly recommend the use of multiple access points in lieu of culs-de-sac that exceed 1,000 feet in length. The plan shows a single point of access serving average daily traffic of approximately 2,950 vehicles and a cul-de-sac exceeding 1,600 feet in length. The applicant provided justification for this circulation pattern and indicated that the unusual shape of the property, combined with the extensive frontage having a denial of access, justifies the use of the single access point and the long cul-de-sac. The information has been reviewed, the options for access studied, and the single access location is approved.

Based on the preceding findings, adequate transportation facilities would exist.

10. **Schools**—This PPS has been reviewed for impacts on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003, and the following was concluded:

Impact on Affected Public School Clusters
Attached Single-Family Units

Affected School Clusters #	Elementary School 3 Cluster	Middle School 2 Cluster	High School 2 Cluster
Dwelling Units	84	84	84
Pupil Yield Factor	0.140	0.113	0.108
Subdivision Enrollment	12	9	9
Actual Enrollment	4,319	4,599	11,684
Total Enrollment	4,331	4,608	11,693
State Rated Capacity	4,943	5,540	13,106
Percent Capacity	88%	83%	89%

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Impact on Affected Public School Clusters
Multifamily Units

Affected School Clusters #	Elementary School 3 Cluster	Middle School 2 Cluster	High School 2 Cluster
Dwelling Units	†[350] <u>352</u>	†[350] <u>352</u>	†[350] <u>352</u>
Pupil Yield Factor	0.042	0.039	0.033
Subdivision Enrollment	15	14	12
Actual Enrollment	4,319	4,599	11,684
Total Enrollment	4,334	4,613	11,696
State Rated Capacity	4,943	5,540	13,106
Percent Capacity	88%	83%	89%

Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) 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 WMATA; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts (CR-055-2014) are \$9,035 and \$15,489 to be paid at the time of issuance of each building permit. In 2013, Maryland House Bill 1433 (in part) reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved T-D-O Zone. 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.

11. **Fire and Rescue**—This PPS was reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(C) and (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 the Kentland Fire/EMS Station, Company 46, a first due response station (a maximum of seven minutes travel time), located at 10400 Campus Way South.

The Prince George’s County Capital Improvement Program (CIP) for Fiscal Years 2014–2019 provides to complete a major renovation on existing Kentland Fire/EMS Station.

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The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

12. **Police Facilities**—The subject property is located in Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on March 26, 2014.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 03/26/2014	2/2014-3/2013	6 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on April 2, 2014.

13. **Water and Sewer Categories**—The 2008 Water and Sewer Plan designated the property in water and sewer Category 3 inside the sewer envelope within Tier 1, under the Sustainable Growth Act, and will therefore be served by public systems.

Water and sewer line extensions may be required to service the site and must be approved by the Washington Suburban Sanitary Commission (WSSC), with appropriate easements provided at their request.

14. **Health Department**—The PPS was referred to the Prince George’s County Health Department, which had no comment.
15. **Use Conversion**—This PPS was analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, public facilities, lot depth, and density specifically related to the land use and layout proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new PPS will be required.
16. **Public Utility Easement (PUE)**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) abutting all public rights-of-way when requested by the utility companies. The utility companies continue to request a minimum ten-foot-wide PUE. Section 24-128(b)(12) requires a ten-foot-wide PUE along at least one side of all private streets. The applicant has filed a variation request to Section 24-128(b)(12), which is approved.

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The subject property's unique shape and urban design character, including other site constraints, challenge the traditional design approaches for utility easement arrangement and design. Because of these design challenges, the proposed layout utilizes private alleys which contain both water and sewer service. WSSC requires a 30-foot-wide easement over these areas and does not allow their easements to run parallel within PUEs. Therefore, this requires that some of the PUEs are provided in the front yards of townhouse units in order to separate the wet and dry utilities. With an alternative utility easement, the purpose of providing the necessary utilities can be met in a nontraditional location. Specifically, all multifamily buildings will be served from PUEs around the perimeter of the site in accordance with Section 24-122. However, due to the narrowness of the site within the townhouse section (Pod 2), an alternative will provide flexibility in the utility design both along the public right-of-way along the designated expressway facilities (ramp to MD 214 and MD 214) (Section 24-122) and internal private streets and alleys (Section 24-128(b)(12)).

Section 24-113 of the Subdivision Regulations provides that the Planning Board may approve a variation to the strict application of the regulations:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Sections 24-128(b)(12) and 24-122 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

Granting the variations for the standard PUE locations will not be detrimental in any way to the public safety, health, or welfare or be injurious to other property, by ensuring that all of the affected utilities consent to the alternatives at the time of DSP. If the utility companies do

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not consent, the DSP shall reflect the standard ten-foot-wide PUE *along public streets and one side of private streets.

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

Although the site is surrounded by public streets, vehicular access is only authorized from Largo Center Drive. The site also is located at the headwaters of a tributary of the Patuxent River which requires establishment of a stream buffer on-site that limits access to the northeast section of the site. Together, these physical constraints have resulted in a design that inhibits providing a traditional PUE. The location of the primary management area (PMA) and the crescent shape of the property are conditions unique to this site and not shared by any abutting properties.

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

Granting the variation subject to a condition that all of the affected utilities approve the alternative prior to DSP approval will ensure that no other applicable law, ordinance, or regulation is violated.

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

The crescent shape of the property and the PMA location constrain the developable area of the site. Providing the ten-foot-wide PUEs as required would result in a hardship on the owner by requiring dry utilities to take precedence over the wet utilities. This could result in the owner not being able to satisfy the utility companies and; therefore, not be able to provide the necessary services to the residents of the townhouse community.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a) above, the percentage of dwelling units accessible to the physically handicapped and aged**

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will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This section does not apply to the instant variation because the property is zoned M-U-I.

- (b) **A petition for any such variation shall be submitted in writing by the subdivide prior to the meeting of the Subdivision Review Committee and at least thirty (30) calendar days prior to hearing by the Planning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.**

The variation was filed on July 2, 2014 and heard before the SDRC on June 20, 2014.

Based on the analysis, the Planning Board Approved the variation to Sections 24-122 and 24-128(b)(12) for the townhouse portions (*[76]84 TH lots-Pod 1 and 2) of the project, subject to approval by all of the affected utility companies prior to approval of the DSP.

In accordance with the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

"Utility easements are granted pursuant to the terms and provisions recorded among the Prince Georges County Land Records of Prince George's County in Liber 3703 at Folio 748."

The PPS correctly delineates a ten-foot-wide PUE along the public rights-of-way serving the multifamily portion of the property, but is not necessary within Pod 2 along the MD 214 ramp. The public utilities serving the townhouse portion of the property will be further reviewed at the time of DSP approval. The PUEs shall be reflected on the final plat prior to approval in accordance with the approved DSP and shall not substantially differ from the approved PPS *and DSP, as requested by the utility companies. If the applicant is unable to obtain consent from all of the affected utilities, a ten-foot-wide PUE shall be provided along ~~*[both sides of]~~ all public rights-of-way and along one side of all private streets.

17. **Historic**—There are seven identified archeological sites within a one-mile radius of the subject property. Two of the Archeological Sites, 18PR320 and 18PR751, are associated with the Northampton (73-012) and Waring's Grove (72-004) historic sites. Four of the Archeological Sites (18PR56, 18PR193, 18PR509 and 18PR537) represent the occupation of the area by prehistoric populations dating from the Early Archaic (7500–6000 BC) to the Woodland periods (2000 BC–1600 AD). One Archeological Site, 18PR508, has a prehistoric and historic (early nineteenth century) component. There are three historic sites, Waring's Grove (72-004); Ridgely Church and

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Cemetery (72-005), also listed in the National Register of Historic Places; and Northampton (73-012), located within a one-mile radius of the subject property.

In 1969, M-NCPPC recorded a house named Graden (73-013) on the subject property on a Maryland Inventory of Historic Properties form. The building was described as a two-story clapboard-sheathed structure dating to the mid-nineteenth century. Victorian-style porches and dormers had been added on the front and back. Several old outbuildings built of rough-cut split timber were also noted, including an eighteenth-century dairy to the north of the house. The dairy was moved from Graden to the Mt. Lubentia Historic Site (73-016) in 1970. The original house at Graden burned in 1861 and was rebuilt under the ownership of Dr. George W. Berry.

Graden was a 269-acre parcel patented by Col. Henry Darnall in 1686. Col. Darnall patented many large tracts of land in the vicinity of Graden. Phillip Gittings purchased Graden from Col. Darnall on March 27, 1703 and may have built the original house on the property. Phillip Gittings sold 249 acres of Graden to Francis King on May 17, 1717. On September 26, 1717, Francis King married Margaret Sprigg, the daughter of Thomas Sprigg Jr. (owner of Northampton). Francis King added 169 acres to his plantation from two adjoining tracts, Brooke's Grove and Reparation, in 1719. Francis King became indebted to Richard Bennett of Queen Anne's County and mortgaged his plantation lands including Graden, Brooke's Grove, and Reparation. Francis King died before the debt to Richard Bennett was paid. Margaret King, the widow of Francis King, agreed in 1732 to convey a portion of the landholdings of Francis King to Bennett to cover the debt. As part of that agreement, Richard Bennett agreed to reserve to Margaret King "the place where Francis King lay buried," being a tract 20 feet square that at the time was enclosed by a wood paling fence. It was noted that the late dwelling plantation of Francis King was located on a tract of land called Graden. Margaret King conveyed title to her remaining lands, including Graden, to Richard Bennett in 1735, reserving the 20-square-foot burial site of Francis King for herself and her heirs, along with the right of ingress/egress to bury additional family members in the graveyard.

John Cooke acquired Graden and parts of Brooke's Grove, Reparation, and Northampton from Richard Bennett on October 25, 1738. This deed noted that the 20-square-foot graveyard where Francis King was buried was not included in the conveyance. John Cooke served as Sheriff of Prince George's County from 1744 to 1746 and again from 1750 to 1752. John Cooke occupied Graden as his dwelling plantation and died on the property. John Cooke's son, William, inherited Graden and filed an affidavit with the Land Office stating that the original patent for Graden had been lost and that his father acquired the property from Richard Bennett in 1738. John Cooke made improvements to the property, the value of which was at least 800 pounds sterling. This petition did not contain a date.

Levi Gantt held title to Graden by 1798, when he was taxed for the property in 1798 Federal Direct Tax. At that time, there was a framed dwelling house (52 by 30 feet), a nursery (20 by 16 feet), a kitchen (30 by 20 feet), a meat house (16 by 12 feet), a milk house (12 feet square), a storehouse (30 by 20 feet), a granary (30 by 20 feet), a poultry house (30 by 12 feet), and a corn

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house (40 by 10 feet) with shed stables on the Graden tract. Levi Gantt died at Graden in October 1820. He may also be buried on the property. Levi Gantt requested in his will that his whole estate be sold 15 years after his death. The Graden plantation was offered for public sale in 1837 and was purchased by Zachariah Berry Jr., the husband of Priscilla Gantt, daughter of Levi Gantt.

During the occupation of Graden by Zachariah and Priscilla Berry, four of their grandchildren (Ida Maria Berry, Zachariah Berry, Ann Loundes Berry, and Priscilla Gantt Berry—children of Thomas E. and Elizabeth Berry) were buried at Graden. The remains were later moved to St. Barnabas Church in Leeland. After the death of Zachariah Berry, his widow, Priscilla Berry conveyed the Graden plantation to their son, George W. Berry, in 1859 as directed by the will of Zachariah Berry. Graden burned to the ground in 1861 and was replaced with the two-story building documented in 1969.

The Graden property remained in the possession of the Berry family until it was sold to the Northampton Corporation in 1970. The house at Graden was torn down in 1975. In the early 1990s, SHA expanded Central Avenue (MD 214) and Landover Road (MD 202) and constructed new on- and off-ramps around the site of Graden. The property has changed hands among development companies from the 1970s to the present. Although some of the known burials at Graden were moved, Maryland law provides protection against disturbance of burial sites and human remains (Code of Maryland Regulations, Criminal Law Article 10-401, Crimes Against Public Health, Conduct and Sensibilities, Subtitle 4). A person may not remove or attempt to remove human remains from a burial site except under certain conditions. The State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction: 1) to ascertain the cause of death of the person whose remains are to be removed; 2) to determine whether the human remains were interred erroneously; 3) for the purpose of reburial; or 4) for medical or scientific examination or study allowed by law. There are certain notification procedures required by the State's Attorney's office to relocate human remains.

In accordance with the Planning Board's directives, as described in the "Guidelines for Archeological Review" and consistent with Sections 24-104, 24-121(a)(18), and 24-135.01 of the Subdivision Regulations, the subject property was the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

The archeological investigations were particularly focused on determining whether there are human burials on the subject property. A Phase I work plan was filed and approved by the Historic Preservation Section (M-NCPPC) on July 17, 2014. The work commenced on the site on July 18, 2014. A small excavator was used to clear brush from an area that possibly contained a burial ground noted in historic deed records. The excavator was then used to clear some of the topsoil from the area to identify any grave shafts that might be present. A concrete wall was noted

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on the north side of the cleared area that was initially found to extend at least 20 feet. After additional brush clearing, the wall was found to extend 95 feet east-west. A wooden post that supported a wire fence was found at the northeast corner. A second wooden post was found to the south of the first. After a thorough search of the undisturbed area for grave shafts, none were identified. The small knoll appears to have been used as a garden area or stock pen and not as a burial ground. No additional archeological investigations are recommended on The Crescents at Largo Town Center property.

18. **Variances**—Section 27-239.03 of the Zoning Ordinance authorizes the Planning Board to grant variances in conjunction with its approval of a zoning case, site plan, or other request, pursuant to the provisions in Section 27-230 of the Zoning Ordinance.

The applicant requested five variances related to the proposed ~~*[76]~~ 84 townhouse ~~*lots~~, as well as a variance for the removal of specimen trees as set forth in the Environmental Finding:

- a. Section 27-442(b), Table VII, Density
- b. Section 27-442(b), Table I, Minimum Lot Size
- c. Section 27-433(d)(2), Building Width of End Units
- d. Section 27-433(d)(3), Building Width of Dwellings
- e. Section 27-433(e)(1)(B), Width of Private Streets

The zoning regulations, which dictate the width of a building and not the width of the lot, should be evaluated with the DSP, items (c) and (d) above. The width of the 22-foot-wide alleys, item (e) above, is provided for in Section 27-443(e)(1)(B) by providing for 11-foot-wide driveways which dead into a parking lot. The alleys in fact provide access to the parking garages of the units and a variance is therefore not required ~~*for the alley's~~ but is required for the private streets.

The variances for density and minimum lot size, items (a) and (b) above, are variances that must be reviewed with the PPS when the capacity of the land is analyzed, the lotting pattern is established, and the subdivision design regulations are applied, including lot depth and the spatial relationship of open space through the efficient design and layout of land to provide the most beneficial relationship between the subdivision of land and the circulation of traffic relating to the lot pattern including the layout of the streets and alleys pursuant to Subtitle 24. These ~~*[two]~~ variances (lot size, density, and lot width ~~*[2]~~, and width of private streets) are analyzed together below.

The development of townhouses in the M-U-I Zone is subject to the townhouse regulations in the Multifamily Medium Density Residential (R-18) Zone. Section 27-442, Table VII, Density, limits the townhouse density to six dwelling units per acre. The applicant is proposing ~~*[76]~~ 84 townhouse lots which equates to a density of ~~†*[7.08]~~ ~~[7.83]~~ 7.867 dwelling units per acre based on the ~~†[10.72]~~ 10.678 acres designated for the townhouse portion of the overall development (~~*[76]~~ 84 units/~~†[10.72]~~ 10.678 acres = ~~†*[7.08]~~ ~~[7.83]~~ 7.867 dwelling units per acre). Therefore,

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a variance of †~~*[1.08]~~ ~~[1.83]~~ 1.867 dwelling units per acre is required *and approved, †as amended by the reconsideration granted on April 2, 2015.

The applicant also filed a variance from the minimum lot size of 1,800 square feet, item (b) above, for ~~*[47]~~51 of the 84 townhouse lots proposed. For Pod 1 located south of the primary management area (PMA), 21 of the 33 lots require a variance from the minimum lot size of 1,800 square feet. The applicant proposes lots which range in lot size from 1,200 to 3,015 square feet. In Pod 2 north of the PMA, ~~*[24]~~30 of the ~~*[43]~~51 lots proposed require a variance. The applicant proposes lots which range in lot size from 1,200 to 2,342 square feet.

The applicant also filed a variance from the minimum building width for interior and end unit units. This variance was analyzed with this preliminary plan because the lots proposed would not accommodate that required building widths in 27-433. The minimum building width for end units in sticks of townhouses which exceed six units is 24 feet wide and 20 feet wide for interior buildings. In Pod 1 located south of the primary management area, the four end units on the two sticks of townhouse lots which exceed six units are all 20 feet wide. Of the 33 lots in this pod of development 12 of interior units do not meet the minimum 20 feet, and are proposed at no less than 16 feet wide. For Pod 2, there ~~*[are no]~~is one sticks of townhouse lots which exceed six units ~~*in a row (Lots 31-38).~~ However, ~~*[24]~~21 of the ~~*[43]~~51 lots proposed do not meet the minimum interior lot width that would accommodate a 20-foot wide dwelling unit. These ~~*[24]~~30 lots are approved at no less than 16 feet wide.

The increase in allowable density for the townhouse lots is consistent with and not contrary to the recommendations in the Largo Town Center Sector Plan for medium-density residential development in the southeast quadrant of the D-D-O Zone area (page 88). Because of site constraints, this increase in density results in the needed variances for lot size and lot width. Moreover, one of the purposes for placing property in the M-U-I Zone in the sector plan is to encourage "mixed-use residential or commercial development in or adjacent to established communities within the DDO" (page 95).

Townhouse density in a development designated by a master plan or sector plan as a "townhouse transit village" may be up to 12 units per acre in the Townhouse (R-T) Zone. Footnote 84 in Section 27-441(b), Table of Uses, allows up to 12 townhouses per acre if the property contains at least six acres and is located in a mixed-use activity center designated as a transit village in the applicable master plan. While the subject property is not in the R-T Zone and is not within a sector plan designated transit village, it is within a transit-oriented town center area where medium-density and mixed-use residential is encouraged, and where townhouses are a permitted use. The ~~*[slight]~~ increase in townhouse density, modification in lot width, ~~*[and]~~ varying lot ~~*size, and reduction in the street width~~ will allow the applicant to provide a housing product that is more urban than suburban in character.

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Section 27-230. Criteria for granting appeals involving variances.

(a) A variance may only be granted when the Board of Appeals finds that:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The subject property derives its name from its unusual narrow and elongated crescent shape (The Crescents) formed by its location between Central Avenue (MD 214), Largo Center Drive, including its sweeping curve ramp to MD 214, and Harry S. Truman Drive. At its narrowest point toward the center, the property is 135 feet in width. It increases slightly in width toward the west to 310 feet wide. To the east it gradually expands in width between Largo Center Drive, the MD 214 ramp, and MD 214 to 610 feet wide. The unusual crescent shape, including the environmentally-sensitive areas in the center of the site, is unique to this particular property and not shared by adjacent surrounding properties.

- (2) The strict application of the subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The strict application of suburban-oriented zoning regulations will create unusual practical difficulties because the medium and mixed-use residential densities encouraged by the sector plan cannot be achieved. The subject property is located at the edge of a designated urban and transit-oriented metropolitan center where density is reduced from those in the core area. However, density in such locations should reasonably be slightly higher than densities typically found in a suburban-oriented community where townhouse density is limited to six dwelling units per acre, and lot sizes and lot widths should be varied and not required at a suburban standard. It is also logical in this edge area to slightly increase townhouse density in order to achieve sector plan objectives, and reduce the lot sizes ~~*[and]~~ lot width, and street widths. The inability to deliver the diverse range of proposed townhouse lot sizes, variable width townhouse dwellings, and smaller units will inhibit the applicant from adequately responding to housing market requirements of new urban-oriented buyers who are typically seeking smaller lots and units within urban-scaled and walkable neighborhoods. The inability to deliver a denser townhouse product that offers smaller lots and resulting dwelling unit sizes in this particular transit-oriented development (TOD) area could create exceptional and undue hardships by not allowing the applicant to develop consistently with the vision of the sector plan.

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(3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The property and overall sector plan was moved into the General Plan's Developed Tier for the purpose of focusing on and incentivizing TOD. Higher densities, varying lot sizes included varying widths are appropriate in such areas. Specifically, the sector plan rezoned the subject property to the M-U-I Zone to increase the opportunities for medium mixed-use residential development at the subject property. Unfortunately, while many purposes of the M-U-I Zone encourage flexibility and innovation in planning and design of infill development and promotion of smart growth principles, the zone relies on Euclidean bulk and density regulations that are intended for townhouse development in suburban areas under the R-18 zoning regulations. Imposing such suburban type regulations at this location does not provide the applicant the ability to exercise the full flexibility of the M-U-I Zone, which encourages medium densities and maximization of housing opportunities within walking distance of the Metro station. Approval of the requested density, lot size, *[and] building *width, and street width variances will enable the development to offer more diverse housing types, sizes, and densities to a market segment more interested in an urban TOD orientation than the typical suburban pattern.

Based on the preceding analysis, the Planning Board approves of variances for *street width (Section 27-433(e)(1)(B)), density (Section 27-442(b), Table VII, Density) for *[76]84 townhouse lots; and lot size (Section 27-442(b), Table I, Minimum Lot Size) for the *[45]51 townhouse dwelling unit lots; and building width (Section 27-433(d)(2) and (3)) for 4 lots below 24 feet wide, and *[36]33 lots below 20 feet wide to accommodate minimum building widths of no less than 16 feet wide.

19. **Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision 4-13028 and Type 1 Tree Conservation Plan TCP1-004-14, stamped as received on June 13, 2014 and July 28, 2014, respectively. The subject proposal is for a multifamily and townhome residential subdivision.

The site is located in the northwest corner of Landover Road (MD 202) and Central Avenue (MD 214). The property is zoned M-U-I and contains 18.01 acres. The site is currently unimproved. According to mapping research and as documented on the approved natural resources inventory (NRI), a stream, stream buffers, wetlands, wetland buffers, and steep slopes are found to occur on this property and comprise the PMA. The site is located within the Western Branch drainage basin. The predominant soils found to occur on the site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Beltsville, Croom-Marr, and Downer-Hamonton complexes. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. According to information obtained from the Maryland Department of

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Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No forest interior dwelling species (FIDS) is mapped on-site. The site has frontage on Largo Center Drive, a master-planned collector roadway that is not regulated for noise. The site fronts on Harry S. Truman Drive, a master-planned arterial roadway, which is regulated for noise. The site also fronts on Central Avenue (MD 214) and the on-ramp from Largo Center Drive onto Central Avenue, both designated as master-planned expressways, which are regulated for noise. The site is also in close proximity to Largo Road (MD 202), a master plan designated expressway. The site is located within the employment areas of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. According to the 2005 *Approved Countywide Green Infrastructure Plan* (Countywide Green Infrastructure Plan), the site is not mapped within the network.

Master Plan Conformance

The master plan for this area is the 2013 Largo Town Center Sector Plan and SMA. In the sector plan, environmental recommendations are made for proposed development. These recommendations contain goals and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the master plan and the plain text provides findings on plan conformance.

Goal: A Green and Sustainable Community

Strategies:

- **Identify places where green infrastructure elements of local significance can be permanently preserved and, where possible, restored and enhanced.**
- **Preserve the woodlands along streams as woodland conservation to meet their own requirements or those of adjacent sites.**
- **Identify suitable sites for and construct replacement green infrastructure elements within the Southwest Branch Watershed.**
- **Share stormwater management facilities and function between development sites to reduce the overall land consumption needed to manage stormwater with an emphasis on managing stormwater quantities in shared facilities.**
- **Identify priority downstream locations within the Southwest Branch Watershed for stream and wetland restoration projects required for mitigation.**

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- **Reconstruct the stream system between the Largo Town Center Metro Station and the southeast portion of The Boulevard at the Capital Centre as an amenity and to serve a greater role in stormwater management to improve water quality.**
- **Integrate stormwater management and environmental site design features with complete street designs for all new and reconstructed interior streets within the sector plan area.**

The applicant's request to reduce the stream buffer width, the proposed PMA impacts, a stream corridor assessment, stream restoration recommendations, enhanced stormwater management recommendations, and woodland conservation have been evaluated below.

Goal: A Safe and Healthy Community

Strategies:

- **For buildings proposed within the 65 decibel noise contours, their associated indoor and/ or outdoor activity areas should be located outside the noise contours or shielded from the noise sources.**
- **Provide an interconnected trail network for recreational purposes that is designed and maintained to permit safe use by pedestrians and bicyclists.**
- **Incorporate CPTED principles into the design of buildings and public spaces.**
- **Construct new streets and/ or reconstruct existing streets to provide safe and convenient access for pedestrians, bicyclists, public transit users, and motorists (i.e., apply complete street principles in all cases).**

The proposed lot layout, buildings, and outdoor activity areas proposed within the 65 decibel noise contours have been evaluated below.

Conformance with the Countywide Green Infrastructure Plan

Neither the subject property nor any adjacent properties are within the designated Green Infrastructure Network.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan shall be used to describe what revisions were made, when, and by whom.

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An approved Natural Resource Inventory, NRI-041-12, was submitted with the review package, which was approved on August 25, 2012. A stream, stream buffer, wetlands, wetland buffers, and steep slopes are found to occur on this property and comprise the PMA. There is no regulated floodplain on-site.

The forest stand delineation (FSD) indicates the presence of three forest stands totaling 9.62 acres and four specimen trees. The significant presence of invasive species was noted in all three forest stands on the site. Stand A has 18 percent invasive coverage of the herbaceous layer with Japanese honeysuckle and multiflora rose. Stand B has 60 percent invasive coverage of the herbaceous layer with Japanese honeysuckle and multiflora rose. This stand also has an extensive area of vines growing into the canopy, resulting in numerous trees with top damage and/or dying. Stand C has the highest documented invasive species coverage on-site with both the herbaceous and the understory affected. Stand C has Tree of Heaven in the understory accounting for 33 percent of the species coverage. Tree of Heaven is a very prolific invasive tree species. Stand C also has Japanese honeysuckle, multiflora rose, Wisteria, and English ivy, accounting for 23 percent of the herbaceous layer. Stand C also has significant vine damage which, according to the FSD report, has resulted in almost complete mortality of all of the trees within the area.

The NRI was approved with a 75-foot stream buffer when the site was designated within the Developing Tier. Subsequent to the NRI approval, the tier designation for the site was changed to the Developed Tier, which requires a 60-foot stream buffer. With the current PPS application, the Planning Board approved a reduction in the stream buffer width to a 50-foot stream buffer in accordance with Section 24-101(b)(31) of the Subdivision Regulations.

~~*[The current NRI reflects the originally approved 75 foot stream buffer. The NRI must be revised prior to signature approval of the PPS to reflect an updated PMA based on a revised stream buffer. The NRI must be revised to reflect a 50 foot stream buffer and resulting PMA.]~~

~~The wetland and wetland buffer are shown on the TCP1 in a different configuration than what is shown on the approved NRI. An updated wetland delineation report and a wetland delineation plan are needed to address and correct the discrepancies in these two plans.]~~

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. Type 1 Tree Conservation Plan TCP1-004-14 was submitted with the application.

The subject property was included as a portion of previously approved Type I Tree Conservation Plan TCP1/088/04 and Type II Tree Conservation Plan TCP2/118/96; however, these plans are no longer valid because a new PPS is required for the development as proposed. The project is not grandfathered with respect to the WCO effective September 1, 2010 because the current application is a new PPS.

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The woodland conservation threshold for this 18.01-acre property is 15 percent of the net tract area, or 2.70 acres. The total woodland conservation requirement, based on the amount of clearing proposed as shown on the plan, is 5.70 acres. The woodland conservation requirement is proposed to be satisfied with a combination of on-site preservation, on-site reforestation/ afforestation, and off-site credits.

The plan requires technical revisions to be in conformance with the WCO. The woodland conservation worksheet reflects the area of existing woodland as 9.78 acres; however, the approved NRI and all previous versions of the TCP1 that have been submitted indicate that the existing woodland is 9.62 acres. The worksheet on the TCP1 must be revised to reflect all site statistics as shown on the approved NRI, or the NRI must be revised as necessary if any existing conditions have significantly changed. The worksheet must be further revised to accurately account for the "area of woodland not cleared" and the "woodland retained not part of requirements." The woodland retained not part of requirements must be graphically shown on the TCP1. The plan as currently submitted shows an area of woodland retained not part of requirements that is outside of the treeline. The plan and worksheet must consistently and accurately reflect this area.

This site contains a high amount of invasive species coverage over all three forest layers (canopy, understory, and herbaceous). ~~*[The TCP1 shows the preservation of the forest within the PMA; however, b]~~Based on the presence of a high percent of invasive species, the on-site woodland is not suitable ~~*[to be counted as]~~for preservation. Any woodland not proposed to be cleared with the current application must be shown on the TCP1 as woodland retained not part of requirements. ~~*[At the time of DSP for Pod 2, a comprehensive invasive species control plan must be submitted to address the likelihood of the survival of the existing woodland and the steps necessary to eliminate all invasive species so that the native species can survive. Any additional impacts to the PMA needed to address the removal and/or management of invasive species shall be addressed at the time of DSP.]~~

The plan shows ~~*[three]~~ four specimen trees within the limits of disturbance that are proposed to be removed. The legend must be revised to include the standard symbol for specimen trees that are proposed to be removed. The specimen tree table must be revised to include a column for the proposed disposition of each specimen tree (to remain or to be removed).

The plan as submitted shows the previous TCP number in the approval block. The approval block must be revised to show the newly assigned plan number with an Arabic number (not a Roman numeral), as this indicates that the project is not grandfathered under the current WCO (TCP1-004-14). The general notes must be removed from the plan; these are the PPS notes that do not need to be on the TCP. The TCP1 notes are shown on the plan, but are currently mislabeled. The notes currently titled "Standard General Notes and Application Specific Notes" must be re-labeled as "Standard Type 1 Tree Conservation Plan Notes." These notes must be further revised per the standard notes and as follows: Note 1 must reference the correct PPS number; Note 8 must list Largo Road as a historic road; Note 9 must list Largo Road as an expressway and

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list the ramp from Largo Center Drive onto Central Avenue (MD 214) as an expressway (in addition to the roads currently listed in the note); Note 11 must include the standard language for the entire stormwater management note; and the standard note regarding land to be dedicated must be added. After all of the revisions have been made, have the qualified professional who prepared the plan sign and date it.

A stream corridor assessment dated April 25, 2013 was submitted to document the health of the on-site stream system. This report was prepared in accordance with the Stream Corridor Assessment Survey Protocol published by the Waterway Restoration Division of the Maryland Department of Natural Resources. The purpose of the report is to identify locations within a stream system and its associated buffer that contain environmental issues, and to document areas for potential restoration and/or enhancement. The stream corridor assessment identified two problem areas on-site:

Area 1 is located along the eastern side of the site in Townhouse Pod 2 and was identified as an area of erosion located at the head of the on-site intermittent stream. The report describes the hydrology for this area as coming from an old sediment basin that was built in association with the construction of the adjacent Central Avenue (MD 214). The report indicates that the basin does not contain an outfall and that the water from the basin is draining through the substrate causing channels to develop below the ground surface and undermining vegetation in the area. The report describes the proposed remediation of this issue to be addressed by diverting the stormwater that currently feeds the basin around the problem area and outfalling further downstream. This proposed remediation is shown on the TCP1 and on the approved stormwater management concept; however, it is not clear how the slope will ultimately be stabilized. Diversion of the stormwater may prevent further erosion, but may not address the ultimate stability of the area. This is a concern because the proposed road right-of-way (private Road B) is within close proximity to the problem area and this land will be conveyed to a homeowners association to maintain. The proposed change in elevation ranges from approximately 170 feet at the five-foot-wide sidewalk and ten-foot-wide PUE, to approximately 164 feet at the area of erosion. This change in elevation occurs over approximately 50 feet, a 12 percent slope. While this does not technically meet the definition of "steep slope" which is set at 15 percent, it is a significant slope over an area documented to have questionable stability. Additional information in the form of a geotechnical report ~~*[must be]~~has been provided to address the stability of the slope associated with Problem Area 1. ~~*[Any additional impacts to the PMA needed to address slope stability shall be addressed at time of DSP.]~~

Area 2 is located along the western side of the site within Townhouse Pod 2 and was identified as an area of inadequate riparian buffer. This area is described in the report as being a remnant sediment basin that contains few scattered trees and is in need of reforestation to provide shading and habitat. The NRI shows this area as a regulated wetland. The TCP shows reforestation proposed in this area; however, a portion of the reforestation is proposed over what appears on the plan to be an existing rip-rap channel.

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The existing rip-rap is located in front of the existing head-wall for the stormdrain that runs under Largo Center Drive, but the rip-rap expands significantly to the south of the stream. The existing rip-rap channel in this area appears to have been approved to remain on-site because it is shown on the stormwater management plan with a proposed stormdrain outfall designed to drain over the existing rip-rap before entering into the stream and ultimately through the stormdrain pipe under Largo Center Drive. *The approval requires ~~[Staff recommends]~~ the removal of the existing rip-rap channel on the south side of the stream and the establishment of an environmental site design (ESD) stormwater management structure such as bioretention, a series of step pools, or even a grass channel to replace the function of the rip-rap in reducing velocity of the water as it enters the stream. This will allow for treatment of the stormwater before entering the stream system and will provide a greater area for reforestation and the establishment of a needed wooded stream buffer. ~~*[Any additional impacts to the PMA needed to address the removal of the rip-rap channel from the stream buffer shall be addressed at the time of submittal of the DSP.]~~

***Summary of Reconsideration Request**

*A request was made for the reconsideration of certain conditions of approval found in the Resolution (PGCPB No. 14-98) for Preliminary Plan 4-13028, and for the addition of eight (8) townhouse lots. Several of these conditions are related to the environment. The respective conditions are in **bold** type face and the associated comments are in standard type face.

***22. At time of detailed site plan the applicant shall:**

- *a. Submit a comprehensive stream restoration design to address existing problems within the stream valley including, but not limited to, invasive species removal, slope stability, the removal of existing rip-rap, and reforestation. The stream restoration plan shall be incorporated into the stormwater management design and approved by the county for any stormwater credits used for stormwater management purposes.**
- *b. Submit a geotechnical report to address the stability of the slope located between the head of the on-site stream and the proposed private Road B, identified in the Stream Corridor Assessment Report dated April 25, 2013, as Problem Area 1. The report shall be signed by a professional engineer.**
- *c. A comprehensive invasive species management plan shall be submitted.**

At the time of submittal of any future preliminary plan of subdivision, the applicant may submit the above information in support of the opportunity for additional impacts to the primary management area.

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*The need to address the components included in this condition was identified during the review of the original preliminary plan based on the findings of the stream corridor assessment and the forest stand delineation (FSD). In order to meet the requirements of this condition, the applicant has submitted a comprehensive stream restoration plan, an invasive species management letter, geotechnical report, and revised TCP1.

*The invasive species management letter prepared by Wetland Studies and Solutions, Inc., dated December 11, 2014 discusses the mass grading of the site, including the PMA area within the stream valley. This is the initial step in addressing the invasive species; the removal. The letter also outlines the need to spray the site four times over a two year period to prevent any regrowth. A separate page of what appears to be language for a note was submitted. This information must be added to the TCP1 in the form of a note. Additional specific control methods may be required to be addressed on the TCP2.

*The TCP1 has been revised to account for the current proposed clearing of the PMA to address the removal of invasive species and to accomplish the proposed stream restoration.

*A geotechnical report prepared by Geotechnical Solutions, Inc., dated December 8, 2014 was prepared to address this condition. The report states that 53 soil borings were performed on-site; however, the cross section of only two (2) borings were evaluated in the report specifically to address this condition. The on-site soils investigation concluded that the existing slope in the area of the head of the stream is not acceptable. Re-grading the area with structural fill at a slope of 2H:1V, benched and compacted in accordance with industry standards is required. These technical engineering requirements will be reviewed by the appropriate agencies prior to the issuance of permit. No further soils information is needed at this time.

*A comprehensive stream restoration plan was submitted along with a comprehensive description of the stream analysis and proposed restoration methods. The plan shows several cross sections of the stream valley (existing and proposed stream valley elevations), Rosgen Stream Classification information, and the proposed grading of the stream channel as well as the installation of rock weirs and fiber rolls within the stream bed to slow the velocity of the water, increase bankfull width/ depth, increase stream and slope stability, and to provide in-stream and riparian habitat enhancement. Upon completion, the area is proposed to be planted with a mix of native vegetation suited for each zone of inundation. The area is proposed for reforestation with native species in accordance with the requirements of a TCP. The components included in the proposed stream restoration design are considered ESD because they will slow down runoff, maintain discharge timing, and increase infiltration and evapotranspiration.

*The site is grandfathered from the current stormwater management regulations based on previous stormwater approvals. The stormwater requirements for this site were further relaxed because it drains almost directly into an existing regional pond. The stream restoration plan as submitted far exceeds any stormwater management requirement. It also exceeds the minimum requirements of the previous condition 22 (deleted with the reconsideration because it has now been addressed)

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because the proposed design uses ESD techniques to provide water quantity and quality controls as well as providing in-stream and riparian habitat enhancement.

*The only component of condition 22 that has not been addressed is to have the proposed stream restoration plan reviewed by DPIE and approved as part of the stormwater management plan. The Condition 22 was replaced with the following language:

***Prior to the approval of the detailed site plan, the applicant shall submit a stormwater management plan approved by the county that incorporates the stream restoration design conceptually approved with the Preliminary Plan of Subdivision.**

***Environmental Review**

***Specimen tree variance**

*In order to provide stream restoration and the installation of a stormwater outfall into the stream system, a variance for the removal of an additional specimen tree is required. This tree is proposed to be removed with this application in addition to the three specimen trees that were granted a variance for removal with the original preliminary plan application. The plans indicate that specimen tree 4, a 36-inch yellow poplar in good condition, has a swollen trunk, decay and is in need of pruning. The Planning Board approved the removal of specimen tree 4 for the installation of a stormwater outfall and for grading associated with the proposed stream restoration. The required findings for the previously approved application for the removal of specimen trees remains valid for the removal of specimen tree 4 for the current reconsideration.

***PMA impact**

*The original preliminary plan approval granted a reduction in the stream buffer width from the typical 60-foot buffer for properties located in this portion of the county to a 50-foot buffer, as allowed by definition. The NRI was subsequently revised to reflect a PMA based on the approved 50-foot buffer. The resulting area of existing PMA on-site is 1.99 acres.

*The original preliminary plan approval for the site included the approval of 0.07 acres of PMA impact for two (2) stormwater outfalls. The current reconsideration includes a request to impact 1.65 acres of PMA on-site for the proposed grading associated with stream restoration, stabilization, invasive species management, and for a portion of eight (8) additional townhouse lots.

*The applicant has proffered to provide stream restoration above what has been required of them as an off-set for their request to add an additional eight (8) townhouse lots to be located partially within the PMA. Proposed impacts to the PMA as a result of the placement of these lots has been somewhat reduced by the proposed use of retaining walls at the rear of the lots. The Planning Board approved the addition of 8 lots located partially within the PMA because the stream restoration proffered by the applicant will provide ecological value that may not otherwise be implemented. The grading necessary to implement the stream restoration design will add to the

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invasive species removal effort that may not be as comprehensive otherwise. And finally, replacing the existing low quality woodland within the PMA which contains a high vine and invasive species component with proposed native planting will be more aesthetically pleasing to the future residents of this subdivision. For all of the reasons outlined above, the Planning Board approved the addition of the proposed eight (8) townhouse lots based on the stream restoration proffered that is above the minimum requirements, and the associated PMA impacts necessary to implement the proposed site design.

~~*[While the stream corridor assessment report did not specifically address the presence of invasive species, the FSD report identified a significant invasive presence on-site, which staff has identified as a substantial problem within the stream valley as discussed further. The presence of invasive species on-site is so significant that the existing woodland that is currently proposed to remain on-site, mainly within the PMA, is not suitable to count as woodland conservation credits. The removal of invasive species would better support the health of the forest and stream ecosystem, as would additional stream restoration efforts to enhance water quality and provide habitat, and is required.]~~

~~Several conditions of this approval will directly affect the on-site stream valley and may require additional impacts to the PMA, an invasive species management plan, a geotechnical report to address stream side slope stability at the head of the stream. A comprehensive stream restoration design shall be incorporated into the stormwater management design and be submitted with the DSP to address all of the issues that exist within the stream valley.]~~

A Stormwater Management Concept Plan and Approval Letter (39406-2005-01) were submitted with the subject application. The stormwater concept approval is grandfathered under the current stormwater regulations. The concept plan shows three outfalls entering the on-site stream system. The concept letter outlines the following requirements that are to be met as conditions of approval: the site flows into an existing regional stormwater pond; water quality for one-half-inch of water must be provided on-site; rip-rap plunge pools are required at stormdrain outfalls; and SHA approval is required.

There are notes on the concept plan indicating the use of underground filters, stormfilters, and structural sand filters; however, it is not clear whether these features meet the one-half-inch water quality requirement. No ESD has been provided on-site at this time.

Section 24-130 of the Subdivision Regulations requires the following with respect to stream, wetland, and water quality protection and stormwater management:

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

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- (1) The plat shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.
- (2) The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.
- (3) The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plat approval.
- (4) Where a property is partially or totally within an area covered by an adopted Watershed Plan, the plat shall conform to such plan.

The approved stormwater concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management, Section 172, Watershed Management Planning. As such, the requirements of Section 24-130(b)(4), which requires that a subdivision be in conformance with any watershed management plan, have been addressed with the approval of the stormwater management concept plan by the county.

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include a stream, stream buffer, wetlands, wetland buffers, and steep slopes which comprise the 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 the County Code.

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A statement of justification dated July 30, 2014 was submitted for the proposed PMA impacts and to request a reduction in the stream buffer width based on the definition of stream buffer found in Section 24-101(b)(31), as stated below:

- (31) **Stream Buffer:** A minimum of sixty (60) feet of preserved and/or restored vegetation measured from the top of bank on each side of a regulated stream in the Developed Tier; a minimum of seventy-five (75) feet of preserved and/or restored vegetation measured from the top of bank on each side of a regulated stream in the Developing Tier; and a minimum of one-hundred (100) feet of preserved and/or restored vegetation measured from the top of bank on each side of a regulated stream in the Rural Tier. A reduction to the minimum buffer Developed Tier to fifty (50) feet may be approved during the development approval process to support transit-oriented development or other revitalization projects on constrained sites.

The NRI was approved with a 75-foot stream buffer, when the site was designated within the Developing Tier. Subsequent to the NRI approval, the tier designation for the site was changed to the Developed Tier, which requires a 60-foot stream buffer. With the current PPS application, the Planning Board granted a reduction in the stream buffer width to a 50-foot stream buffer in accordance with Section 24-101(b)(31).

The statement of justification includes an evaluation of the proposed impacts based on the required 60-foot stream buffer and the proposed 50-foot stream buffer. The Planning Board approved the proposed impacts to the PMA and stream buffer reduction to 50 feet.

The applicant has requested a reduction in the stream buffer based on the site's proximity to the Largo Town Center Metro Station, in support of transit oriented development (TOD). The sector plan locates the site at the "edge" of the Town Center and within the sector plan's designated southeast quadrant. The property is both within and adjacent to the half-mile radius from the metro station and is proposed for development pursuant to the sector plan's TOD planning principles. In order to support the density envisioned for the site, a reduced stream buffer is supported in light of the irregular and constrained shape of the site.

The proposed PMA impacts for the current site design, based on the 50-foot stream buffer, totals *1.65 acres [3,049 square feet (0.07 acre) for stormwater outfalls. The plan shows the preservation of the remaining areas of PMA.]

The stormwater management impacts are supported because they are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the county and state codes. The minor impacts proposed are approved pursuant to the sector plan's TOD planning principles and the site's location within a half-mile radius from a metro station, in light of the irregular and constrained shape of the site.

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Additional impacts to the PMA ~~*[will need to be evaluated at the time of DSP]~~ are approved to address invasive species removal and/or control, slope stability issues, and stream restoration.

A reduction to the minimum stream buffer to 50 feet is approved based on the proposed development pursuant to the sector plan's TOD planning principles and the site's location within a half-mile radius from a metro station, in light of the irregular and constrained shape of the site.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP. ~~*[The evaluation of any impacts to the PMA for invasive species removal and/or control, slope stability issues, and to provide stream restoration, shall be addressed at the time of submittal of the DSP.]~~

Noise

The site has frontage on Largo Center Drive, a master-planned collector roadway that is not regulated for noise. The site fronts on Harry S. Truman Drive, a master-planned arterial roadway, which is regulated for noise. The site also fronts on Central Avenue (MD 214) and the on-ramp from Largo Center Drive onto MD 214, both designated as master-planned expressways (E-1), which are regulated for noise. The site is also in close proximity to Largo Road (MD 202), a master plan designated expressway (E-6).

A Phase I noise study dated June 24, 2014 and an addendum dated August 4, 2014 were submitted for the subject application to evaluate traffic-generated noise surrounding the site. The report contains exhibits which show the location of the unmitigated upper and lower level 65 dBA Ldn noise contours based on on-site measurements. The entire northern pod of development is impacted by the unmitigated 65 dBA Ldn noise contour, which requires mitigation.

The 65 dBA Ldn noise contours are required to be shown on the TCP. The unmitigated noise contours have been shown on the plan as submitted; however, the addendum to the noise report was submitted on August 4, 2014 which shows the locations of both the unmitigated mitigated noise contours. The TCP1 must be revised to show both the unmitigated and mitigated 65 dBA Ldn noise contours as well as the proposed mitigation measures.

The noise report identifies numerous lots that will be negatively affected by unmitigated upper level noise in excess of 65 dBA Ldn. The buildings on these lots will require enhanced building materials to mitigate interior noise to below the state standard of 45 dBA Ldn. A certification by a professional engineer with competency in acoustical analysis must be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less for residential buildings located within the unmitigated 65 dBA Ldn noise contour.

To mitigate outdoor noise, the applicant shall construct a continuous minimum ten-foot-high noise walls as reflected on the approved PPS (Applicant Exhibit 1). The noise report indicates that, even with the proposed walls, noise in excess of 65 dBA Ldn will still affect the outdoor activity areas

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of several other lots and open spaces parcels. The location of the walls shall be on HOA parcels that provide a minimum 10 feet to provide for maintenance and inspection of the wall by the HOA. The wall should be set in the middle of the 10-foot wide clear area. A single continuous wall on commonly owned land would allow space to adequately maintain the wall and would provide noise mitigation for the numerous open space parcels proposed along the ramp. A continuous wall along the ramp would also serve to meet the protection and screening requirements of Section 24-121(a)(4), which states:

- (4) **Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

Based on the information submitted with the application, protection and screening from traffic nuisances has been adequately demonstrated by Applicants Exhibit 1 which was presented at the Planning Board hearing of September 11, 2014 and provides for a variable 50-foot building setback and a 45-foot lot setback from the ramp of MD 214. The PPS shall be revised prior to signature approval to reflect Applicant's Exhibit 1. Further review with the DSP shall continue to address the mitigation of views of the ROW, traffic impacts, and address appropriate open space elements.

Variance for Removal of Specimen Trees

TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2, Section 25-122(b)(1)(G), which includes the preservation of specimen trees. 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).

If after careful consideration has been given to the preservation of the specimen trees 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 the WCO provided all of the required findings in Section 25-119(d) can be met. 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 Variance application and a statement of justification in support of a variance for the removal of *~~three~~four specimen trees were submitted with the subject application.

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Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the specimen trees.

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

The property is irregularly shaped. The western half of the site is very narrow and widens out to the east; PMA is located centrally. The three specimen trees proposed for removal are located between the narrowest portion of the site and the PMA. The TCP shows the proposed removal of three specimen trees ranging in condition from poor to excellent.

The justification indicates that Specimen Tree 1, a 42-inch yellow poplar in poor condition, has root and trunk damage, cavities, branching and top damage, and dieback. Specimen Tree 2 is a 34-inch yellow poplar listed as being in excellent condition; however, the plan indicates that the tree has branching and top damage. Specimen Tree 3 is a 35-inch American elm in fair condition, with trunk decay, top decay, and branches in need of pruning. *Specimen tree 4, a 36-inch yellow poplar in good condition, has a swollen trunk, decay and is in need of pruning The FSD report documents the presence of a high number of invasive species on-site, which is indicative of a habitat in poor health. The FSD report also describes the presence of vines within the canopy which is causing mortality.

Based on the overall health of the trees proposed to be removed and their location relative to the shape of the property.

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

The site is located in the M-U-I Zone, which allows for high-density development. The preservation of all on-site specimen trees would not allow for the density of development envisioned for this zone. If other constrained properties encounter trees in similar condition and locations on a site, the same considerations would be provided during the review of the required variance application.

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

If other constrained properties encountered trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The existing conditions or circumstances are not the result of actions by the applicant.

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

The request to remove the tree does not arise from any condition on a neighboring property.

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

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the county.

The Planning Board approved a variance to Section 25-119(d) for the removal of Specimen Trees 1, 2, *~~and~~ 3, and 4.

20. **Urban Design**—The Urban Design Section has reviewed Applicants Exhibit 1 in support of Preliminary Plan of Subdivision 4-13028, Crescents at Largo Town Center. In general, the revised plans address the urban design issues previously identified as appropriate with the PPS.

Conformance with the Requirements of the Zoning Ordinance

Development located within the M-U-I Zone is subject to the requirements of Section 27-548.22, Uses, of the Zoning Ordinance. The proposed uses in this application are permitted in the M-U-I Zone. Residential development in the M-U-I Zone is required to comply with Section 27-546.18, Regulations, below:

- (a) **Except as provided in Subsection (b), the regulations governing location, setbacks, size, height, lot size, density, and other dimensional requirements in the M-U-I Zone are as follows:**
- (2) **R-18 Zone regulations apply to all uses in Section 27-441(b)(6), Residential/ Lodging, except hotels and motels; and**
- (4) **Multifamily residential densities up to forty-eight (48) units per acre are permitted.**

The D-D-O Zone standards do not address density; therefore, conformance is determined by the above regulations of the Zoning Ordinance.

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Conformance with the 2013 Approved Largo Town Center Sector Plan and Sectional Map Amendment

The purpose of the Largo Town Center Sector Plan is to promote and facilitate TOD around the Largo Town Center Metro Station and to ensure that TOD implementation is realized. The sector plan sets out a development vision for the Largo Town Center area, divides the entire sector plan area into four subareas, and articulates vibrant and diverse neighborhoods, an efficient multimodal transportation system, sustainable and accessible environmental infrastructure, and a pedestrian- and bicycle-friendly urban environment. The plan expanded the D-D-O Zone boundary to include the entire Largo Town Center Sector Plan area.

The D-D-O Zone contains specific development standards and guidelines for development within each subarea. The subject site is located in the Southeast Quadrant subarea of the plan. In the southeast quadrant where this property is located, the sector plan envisions medium-density residential development with limited retail uses.

A DSP is required in the D-D-O Zone that should address the relevant D-D-O Zone standards not addressed with this PPS. The D-D-O Zone standards for each subarea, that guide development to achieve the TOD concept are as follows (pages 117 and 157 of the sector plan):

- a. Urban Design Criteria (Build-to Line; Frontage; Other Setbacks, Building Heights)
- b. Street Design Criteria (Complete Streets; Street Types; Tree Zone)
- c. Open Space Criteria (Open Space Types)
- d. Architectural Design Criteria (Building Form; Storefronts; Building Materials and Elements)
- e. Parking Design Criteria
- f. Signage Design Criteria

The Largo Town Center Sector Plan provides general urban design and planning objectives to achieve the ultimate vision of sustainable TOD in proximity to the Largo Town Center Metro Station (page 62). Specifically, the following are applicable to the subject property:

- **Locate buildings close to the street to help activate the streetscape and to provide vertical definition of the street.**
- **Establish open space to foster a range of activities and provide new gathering spaces for the community.**

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To achieve the vertical definition envisioned in the sector plan, the applicant is proposing a four-story townhouse. The sector plan requires residential structures at this location to be four to six stories high. Staff was provided an example of the proposed building type which is, for all intents and purposes, a three-story unit with a fourth-story loft and roof deck. Because of their proximity to major roadways, staff questions whether a roof deck would be an attractive option at this location.

Conformance with the 2010 Prince George's County Landscape Manual

Landscaping, screening, and buffering on the subject site should be provided pursuant to the provisions of the Landscape Manual, except for those as modified by the D-D-O Zone standards. The site's conformance to the applicable landscaping requirements, which is a zoning regulation in regards to the building setback, is reviewed with the PPS for adequate siting of the lotting pattern to accommodate the required bufferyard. For the multifamily units, the build-to line specified in the D-D-O Zone standards supersedes the landscaping requirements of Section 4.2, Requirements for Landscape Strips along Streets. The townhouses are subject to Section 4.6, Buffering Development from Streets. A 50-foot-wide bufferyard (50-foot building setback) between Largo Center Drive and the townhouse lots is required for those townhouse units with rear yards oriented toward the right-of-way. The PPS establishes the overall lotting pattern and spatial relationships among elements of the plan. Therefore, it is necessary to show that the required bufferyards can be accommodated on the PPS.

Conformance with the Tree Canopy Coverage Ordinance

This application is also subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the M-U-I Zone and a minimum ten percent of the property should be covered by tree canopy. Conformance to the tree canopy coverage requirements will be reviewed at the time of DSP.

21. **Lot Depth Variation**—The applicant has filed a request for a variation to Section 24-121(a)(4) of the subdivision Regulations, which establishes design standards for all subdivisions of land. The applicant's variation request did not take into consideration that the ramp onto westbound Central Avenue (MD 214) is a part of the expressway system. However, the ramp is not operationally equivalent to the expressway which was taken into consideration with the analysis of this variation as discussed below.

Section 24-121. Planning and design requirements.

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
 - (4) **Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing**

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or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

The site is uniquely situated between Central Avenue (MD 214) to the east, Harry S. Truman Drive to the south, Largo Center Drive to the west, and the on-ramp to westbound MD 214 to the east. The property's crescent shape is a result of the MD 214 expressway ramp along the northern property line. It is located in the northwest quadrant of the interchange of Largo Road (MD 202) (E-6) and MD 214 (E-1), both master plan expressway facilities. This property is along the most southeastern boundary of the Largo Town Center Development District, at a highly visible location that represents an edge of the Town Center D-D-O Zone for the Largo Metro Station.

At its narrowest, the property measures 135.77 feet in width and, at its widest, in the northern "crescent," to 610 feet where fee-simple townhouse lots (51 lots) are proposed north of the southern edge of the PMA. The site widens along the southern property line abutting Harry S. Truman Drive to 310 feet, an area proposed for multifamily dwelling units.

Central Avenue (MD 214) is classified as an expressway (E-1) and requires a 300-foot minimum lot depth for residential lots. The ramp for MD 214 is a part of the expressway (E-1) system as reflected on the master plan transportation layer. However, the on-ramp is not operationally an expressway, but it is technically a part of the expressway system and has therefore been evaluated with this variation in consideration of its operational value to the E-1 facility. The northern crescent, north of the PMA, is entirely within the required 300-foot lot depth, with the exception of one stick of townhouses (Lots 1-6, Block C).

In Pod 2, which is north of the PMA, there are ~~*[18]~~26 of the ~~*[43]~~51 lots that do not meet the 300-foot lot depth from MD 214 where it is operationally an expressway along the eastern side of the property. There are 19 lots which are technically within 300 feet of the MD 214 expressway ramp, which are not directly impacted by high volumes of traffic associated with the expressway. However, consideration has been given to the impacts of traffic along the entire northern property line due to adverse impacts associated with vehicles accelerating on the ramp from Largo Center Drive onto southbound MD 214, the views toward this right-of-way, and the setbacks and buffering that will be required

Multifamily

Parcel 1 is proposed with multifamily dwellings and is the southernmost parcel. Parcel 1 is subject to a lot depth requirement of 150 feet from Harry S. Truman Drive, an arterial facility to the south, and a 300-foot lot depth along MD 214, a designated expressway (E-1), along the eastern parcel line. Parcel 1 conforms to both of these required design standards. **A variation is not required.**

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Parcels 2 and Parcel 3 are proposed to be developed with multifamily dwellings and are abutting Parcel 1 to its north. Both parcels are subject to a lot depth requirement of 300 feet along MD 214, a designated expressway (E-1), and at no point conform to this required design standard. **A variation is required, has been submitted, and is approved.**

Parcel B is a parcel created for the sole purpose of providing a joint parking compound between Parcels 3 and 4, and is therefore not subject to the lot depth requirement because is it not being developed with residential units and cannot be converted to a development site. **A variation is not required.**

Parcel 4 is proposed with multifamily dwellings and is subject to a lot depth requirement of 300 feet from MD 214 and meets the required design standard. **A variation is not required.**

Townhouse

Pods 1 and 2

The applicant has proposed ~~*[76]84~~ fee-simple townhouse lots, all located north of Parcel 4. There are two distinctive pods, with one (33 lots) located on the south side of the PMA and the second (~~*[43]51~~ lots) located to the north of the PMA abutting the crescent created by the MD 214 ramp and MD 214 along the eastern property line. Combined there are ~~*[66]74~~ lots that do not meet the minimum lot depth required.

Pod 1

The first pod of townhouse lots abutting the north side of Parcel 4 and south of the PMA is a group of 33 townhouse lots. Of those lots, Lots 4, 5, 6, and 7, Block B, meet the design standard and the remaining 29 lots do not meet the minimum 300-foot lot depth required from MD 214 (E-1), a designated expressway. **A variation is required, has been submitted, and is approved.**

Pod 2

The second pod of townhouse lots is abutting the north side of the PMA and is a group of ~~*[43]51~~ townhouse lots. Technically, ~~*[37]45~~ lots (except Lots 1–6, Block C) do not meet the minimum 300-foot lot depth requirement from MD 214 (E-1), a designated expressway. **A variation is required, has been submitted, and is approved.**

Pod 2 is uniquely situated between Central Avenue (MD 214) to the east, Largo Center Drive (a collector facility) to the west, and the on-ramp to westbound MD 214 to the east. The crescent shape of Pod 2 is the result of the MD 214 expressway ramp along the northern property line. Pod 2 is located in the northwest quadrant of the interchange of MD 202 (E-6) and MD 214 (E-1), both master plan expressway facilities. Section 24-121(a)(4) of the Subdivisions Regulations states that **[R]esidential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet.**

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Central Avenue (MD 214) is classified as an expressway (E-1) and requires a 300-foot minimum lot depth for residential lots. All ~~*[37]45~~lots which do not meet the 300-foot lot depth from this facility have been evaluated with this variation. However, while the ramp for MD 214 is a part of the expressway (E-1) system as reflected on the master plan transportation layer, the on-ramp is not operationally an expressway, which has been taken into consideration with the analysis of this variation.

Consideration has been given to the impacts of traffic along the entire northern property line due to noise, fumes, and particulates associated with the acceleration of vehicles on the ramp from Largo Center Drive onto westbound MD 214, and the general environment of this pod of development.

The applicant's variation request was submitted in accordance with Section 24-113 of the Subdivision Regulations. Section 24-113 of the Subdivision Regulations requires the following findings be made in approving any variation request.

Section 24-113(a) and (b)

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

The applicant's justification for the grant of the variation states that conformance to "the required 300-foot lot depth would deprive all reasonable use of the overall property and would result in not achieving the Largo Town Center's vision for mixed-use residential on the subject property." If the required design standard was applied and a variation was not granted, an extraordinary hardship could result by requiring the deletion of townhouse lots proposed. In this case, ~~*[staff believes that]~~ the purposes of the subtitle could be served by an alternative layout that could create a balance between the rights of the property owner and the environment being created for the future residents.

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

The applicant in their justification stated for this particular finding that:

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“Granting the variations to the required lot depth will not be detrimental in any way to the public safety, health or welfare or be injurious to other property.” The applicant stated that due to “the shape and physical site constraints of the subject property severely constrain design alternatives and unit yield for providing lots with a minimum 300-foot lot depth...These constraints create an untenable situation whereby the Applicant would experience an extraordinary hardship and practical difficulties in developing the property with medium mixed-use residential units as recommended in the Largo Town Center Sector Plan. In fact, strict compliance with the requirements of Sections 24-121(a)(4) and 24-128(b)(12) could cause practical difficulties for the Applicant to develop the property as proposed. In one sense the sector plan encourages medium residential densities, but the lot depth regulations...inhibit the ability to properly implement these recommendations on a property that is severely constrained by shape, size, physical features and location”

“Appropriate residential construction standards designed to reduce interior noise levels, including exterior sound mitigation measures such as visual screening and sound buffering measures will be proposed to effectively protect public health, safety and welfare of the residents by approving this variation request.”

The applicant did file a noise study for the entire site in support of this variation to lot depth. The applicant proposes that interior noise levels should be mitigated by construction materials to no less than 45 dBA Ldn which is a condition of approval for all buildings. In general, this proposal will mitigate interior noise issues.

The noise study also recommends a ten-foot-high noise wall to mitigate rear yard outdoor activity areas. In **Pod 1**, the applicant has proposed a 500-foot-long ten-foot high fence/wall on the east side of Private Road B, adjacent to the MD 214 right-of-way. Coupled with the noise wall, the townhouse lots are set back no less than 55 feet from the MD 214 right-of-way. This spatial relationship provides an adequate setback from the nuisance source to mitigate not only noise, but fumes and particulate matter through an appropriate setback and opportunity for landscaping. The noise wall will be located on a parcel of homeowners association (HOA) land that is no less than ten feet wide to allow for inspection and maintenance by the HOA, who will ultimately have the responsibility for maintaining this ten-foot-high wall.

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✓The noise study also recommends ten-foot-high noise fence/walls to mitigate the rear yards of the townhouse lots in **Pod 2**. In Pod 2 the applicant has proposed Applicant Exhibit 1, (which will be the approved PPS layout) a continuous 10-foot high noise fence/wall. The PPS will also reflect a 50-foot building setback and a 45-foot lot setback from the ROW of MD 214. This setback will provide for adequate area (10 feet wide) to provide the 10-foot fence, a continuous planting area (35 feet wide) for major shade trees to mitigated upper level views of the ramp and ROW, and a 5-foot clear zone from the lot line to the dwelling.

As required by Section 24-124(a)(4), the Planning Board finds that the spacial relationship in Pod 1 and Pod 2 provides **[A]dequate protection and screening from traffic nuisances, which shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.** These measures should ensure the protection of the health, safety, and welfare from adverse impacts of MD 214 in Pod 1 and Pod 2 and will be further reviewed for landscaping at the time of DSP.

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

Although the site has extensive street frontage, access is limited to Largo Center Drive. The site is located at the headwaters of a tributary of the Patuxent River which requires establishment of a stream buffer (PMA) on-site that limits access and the location of lots in relation to the 300-foot lot depth design standard. Together, these physical constraints have required a lot design that cannot fully meet the requirements for lot depth and at the same time implement densities anticipated by the Largo Town Center Sector Plan. Essentially, there are no other properties within the sector plan area that are similarly constrained by natural features, property shape, and size.

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

Granting of the requested variations will not violate any other law or ordinance. The townhouse lots and multifamily parcels will not violate any other law, regulation, or ordinance.

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

It is not feasible to provide 300-foot deep lots on a property as oddly shaped and narrow as the subject property. The impact of not granting the variations would be a severe loss of units. However, the purposes of the subtitle may be served by an alternative layout to create a balance between the rights of the property owner and the environment being created for the future residents.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This section does not apply to the instant variation request regarding lot depth because the property is zoned M-U-I.

- (b) **A petition for any such variation shall be submitted in writing by the subdivide prior to the meeting of the Subdivision Review Committee and at least thirty (30) calendar days prior to hearing by the Planning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.**

The applicant filed the variation on March 27, 2014 and it was heard at the SDRC meeting on June 20, 2014.

The Planning Board approved the lot depth variation for Parcel 2 and 3 *for multifamily dwellings, Lots 1-7, Block A, and Lots 1-3, 8-26, Block B (Pod 1); and Lots ~~*[7-30]~~ 7-38, Block C, and Lots 1-13, Block D, in Pod 2; a total of ~~*[66]~~74 TH ~~*lots, [-, and multifamily dwellings.]~~

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.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 11, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of October 2014.

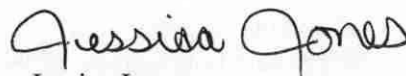
*This is to certify that the foregoing is a true and correct copy of the reconsideration action to add eight townhouse lots taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 19, 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 19th day of March 2015.

†This is to certify that the foregoing is a true and correct copy of the reconsideration action to add two multifamily dwelling units taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 2, 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 30th day of April 2015.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

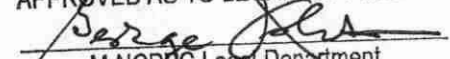
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APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 4/6/15