



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-91(C)

File No. 4-13024

C O R R E C T E D R E S O L U T I O N

WHEREAS, Buena Vista West, LLC, is the owner of a 31.34-acre parcel of land known as Tax Map 045, Grid A-4, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Mixed-Use Transportation-Oriented (M-X-T); and

WHEREAS, on March 22, 2016, Buena Vista West, LLC, filed an application for approval of a Preliminary Subdivision Plan for 115 lots; and 22 parcels;

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-13024 for Vista Gardens West 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 July 7, 2016, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 7, 2016, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-13024, Vista Gardens West, including a Variation from Sections 24-121(a)(3) for lot depth and 24-121(a)(4) for access onto an arterial, and four (4) Variances to Section 27-548(h) with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS) the following technical corrections shall be made:
 - a. Consolidate the sheets by removing sheets 1, 2, 3, 8, and 9. Relocate the general notes to sheet 4 (new sheet 1).
 - b. Update general notes to reflect the applicable regulations and approved variance standards.
 - c. Update and list all variances, variations granted with this PPS.
 - d. State that PPS 4-13024 supersedes PPS 4-96086.
 - e. Relabel Outparcel B and Parcel A, to be conveyed to HOA.

- f. Remove reference to bufferyards required by the Landscape Manual from PPS.
 - g. Clearly reflect the proposed lotting pattern on sheet 6 of 9, with parcel sizes.
 - h. Adjust Lot 62 to abut 'Road B.'
 - i. Adjust the boundary of Outparcel B (Parcel A) to terminate to the northwest of Lot 84 and extend from 'Road B' to along the west side of Lot 1 to MD 450.
 - j. Remove "Route" from rights-of-way labels.
 - k. Minor adjustments to reduce unusable inaccessible open space parcels abutting lots and between lot lines, that may result in an increase in the number of open space parcels serving the residential lots.
 - l. Clearly label the 65 dBA Ldn mitigated and unmitigated along the arterial roadways.
 - m. Clearly label and dimension the Section 24-128(b)(9) access easement, with a 22-foot-wide minimum dimension with dimensions consistent with the PPS submitted on May 25, 2016, and the approved CSP Land Use and Circulation Plan.
 - n. Clearly delineate a ten-foot-wide public utility easement along the public rights-of-way and one side of all private rights-of-way.
 - o. The CSP shall have certificate approval.
 - p. Label the 150-foot lot depth (24-121(a)(4)), from both MD 450 and MD 704 on all sheets of the PPS.
 - q. Label all Parcels on all sheets of PPS and TCP1.
- 2. Development shall conform to the approved stormwater management plan and approval letter Case 47327-2007-04 and any subsequent revisions.
 - 3. At the time of final plat approval, the applicant shall grant a ten-foot-wide public utility easement along one side of all private streets and both sides of all public streets. The final plat shall depict the easement locations.
 - 4. The approval of this preliminary plan of subdivision (PPS) will supersede PPS 4-96086 (PGCPB Resolution No. 96-343) for the development of the property.

5. Prior to the approval of a final plat for property east of the western edge of the right-of-way of Lottsford Vista Road (~~*[Parcels 1-6]~~ Parcels 1-7, Block C), the applicant shall vacate that portion of rights-of-way as reflected on RNR 2-51 necessary for the implementation of this subdivision, as reflected on the approved PPS Road Vacation Exhibit.
6. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval and preliminary plan, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
7. Prior to approval of the final plat of subdivision for Parcels 1 through ~~*[6]~~ 7, Block C, a draft vehicular access easement pursuant to Section 24-128(b)(9) and the approved PPS and DSP, shall be reviewed and then approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement document shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat, the easement shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat and the limit of the easement reflected. The easement shall be drafted to allow flexibility in its alignment consistent with an approved DSP. The easement is to serve as an interior drive for general circulation for vehicles, pedestrians, and cyclists.
8. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall demonstrate that a business owners' association (BOA) has been established for Parcels 1 and 2, Block B, and ~~*[Parcel 1-6]~~ Parcels 1-7, Block C. The draft covenants shall be submitted to the Subdivision Section to ensure the rights of the M-NCPPC are included, and the maintenance responsibilities of the WB&A Trail are defined to the satisfaction of the Department of Parks and Recreation (DPR). The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
9. Prior to approval of the final plat of subdivision for Parcels 1 and 2, Block B, a draft vehicular access easement pursuant to Section 24-128(b)(9) and the approved PPS shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. The easement document shall allow for emergency vehicular access to Lots 1-115 (residential only) to the north. Prior to recordation of the final plat, the easement shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat and the limit of the easement reflected.

*Denotes Correction

Underlining indicates new language

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10. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall demonstrate that a homeowners' association (HOA) has been established for Lots 1-115. The draft covenants shall be submitted to the Subdivision Section to ensure the rights of M-NCPPC are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
11. 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:
 - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
 - 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 operations 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 an 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.
12. The applicant and the applicant's heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities on homeowners' land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
13. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities on homeowners' land, prior to the issuance of building permits.

14. Prior to signature approval of any preliminary plan, the applicant and the applicant's heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. The MIHP form shall be completed by a 36 CFR qualified architectural historian and the submitted documentation shall meet Maryland Historical Trust submittal standards and include a chain of title, floor plans, and representative interior and exterior photos of the buildings. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section.
15. The applicant and the applicant's heirs, successors, and/or assignees shall provide with the detailed site plan for the WB&A master plan public trail (Parcel A, Block C), for the installation of interpretive signage highlighting the history of the Buena Vista Community (including the Burke-Jackson House, 70-037) and the Vista Raceway along the proposed bikeway through the subject property. The wording and placement of the interpretive signage shall be reviewed and approved by Historic Preservation staff. The trigger for the installation of the interpretive signage shall be determined with the DSP for trail construction.
16. The 2008 *Water and Sewer Plan* designates this property in Water and Sewer Categories 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore, be served by public systems.
17. Prior to approval of the DSP:
 - a. Side entries shall be considered for dwelling units on Lots 100 and 101, abutting the private central green area (Parcel K, Block A) at a minimum.
 - b. A reduction in the lot width of Lots 85, 92, and 93 to shift lots outside of the 65 dBA Ldn, or provide appropriate mitigation measures.
 - c. The site plan shall address the architecture of the dwellings on Lots 85-115 abutting the west side of the WB&A Trail which shall be enhanced due to the high visibility of this location from the park and nearby retail.
18. Total development shall be limited to uses that would generate no more than 387 AM and 602 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
19. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Construction of an additional northbound left-turn lane on Forbes Boulevard at Martin Luther King, Jr. Highway (MD 704) resulting in two left-turn lanes and one shared right/through lane.
 - b. Construction of a new southbound approach from the site to Martin Luther King Jr. Highway (MD 704) opposite the western entrance to the Vista Gardens shopping center. The applicant is responsible for a signal warrant study at this location, and the construction of a traffic signal at this location if approved by the SHA.
 - c. Construction of a third left-turn lane on the eastbound approach of Annapolis Road (MD 450) at Martin Luther King, Jr. Highway (MD 704). The applicant is responsible for any traffic signal modifications, signage, and pavement markings at this location as required by the SHA.
20. Prior to the issuance of any building permits within the subject property, the applicant shall be responsible for the construction of a pedestrian crossing signal at the intersection of Annapolis Road (MD 450) and Baltimore Lane and/or at the at the Washington, Baltimore and Annapolis (WB&A) Trail crossing at Railroad Avenue as determined and required by SHA as a means of accommodating bicycle and pedestrian traffic using the WB&A Trail. The appropriate location for the pedestrian crossing signal will be determined by SHA.
21. As per Zoning Ordinance 11-2014, the applicant shall provide the WB&A Public Trail extension through the subject property Parcel A, Block C with connections to the residential and commercial developments to the east and west in accordance with the following:
 - a. The applicant shall enter into a Memorandum of Understanding (MOU) with the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department for the land area needed (Parcel A, Block C) for the linear park and it shall set forth the rights, responsibilities and liabilities of the parties. The MOU between the applicant and M-NCPPC shall be preceded by a MOU between SHA and M-NCPPC for the use of the 66-foot-wide SHA easement currently identified for "future transportation use" for the public trail (SHA Plat 53896 described in Liber 10751 on folio 655). Said MOU Agreements shall include but not be limited to discussions concerning bike paths, maintenance, grading, landscaping, utilities and construction. Both MOUs shall be recorded in the County Land Records and noted on the final plat of subdivision for Parcel A, Block C.
 - b. The applicant shall design, construct, and maintain the master planned WB&A Trail extension as a public linear park in accordance with the MOU.
 - c. The public recreational facilities within the linear park shall be designed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. Detailed drawing for the facilities shall be included with the Detailed Site Plan for the trail and linear park.

- d. Prior to the approval of final plats for Parcel A, Block C, the applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division, a Recreational Facilities Agreements (RFA) for construction of the linear Park on Parcel A, Block C, and connector trails. Upon approval of the RFA, by the DPR, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
 - e. Prior to the approval of the final plat for Lots 7-18, Lots 35-42 and Lots 85-115 abutting the west side of Parcel A, Block C, and the final plat for Parcels 1-3, Block C, (east of Parcel A, Block C) the applicant, his heirs, successors and/or assignees shall have an approved DSP for the WB&A trail extension on Parcel A, Block C and shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of the public recreational facilities on Parcel A, Block C, in accordance with the approved DSP.
 - f. The detailed site plan for the WB&A Trail extension on Parcel A, Block C shall establish appropriate triggers for the construction of the Linear Park, as designed with the site plan.
22. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
- a. Provide a standard sidewalk along the subject site's entire frontage of MD 450, unless modified by SHA.
 - b. Provide a ten-foot-wide shared use path along the subject site's entire frontage of MD 704, unless modified by SHA.
 - c. Provide a standard sidewalk along the subject site's entire frontage of Business Parkway, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE).
 - d. Provide a financial contribution of \$420 to the Department of Public Works and Transportation/Department of Permitting, Inspections, and Enforcement for the placement of one "Share the Road with a Bike" sign assembly along Business Parkway. Note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
 - e. Provide the extension of the WB&A Trail through the subject site within the linear park.
 - f. Provide standard sidewalks along both sides of all internal roads, unless modified by the Maryland-National Capital Park and Planning Commission Planning Board at the time of DSP.

- g. The number and location of bicycle racks in the office/commercial/retail component of the subject site will be determined at the time of DSP.
- 23. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, (MPOT) and the required findings of Section 24-124.01, the following improvements (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.
 - a. One off-site bus shelter installation along MD 704.
 - b. One off-site bus shelter installation along MD 450.
 - c. Pedestrian crossing beacon, thermoplastic pavement markings, handicapped ramps and associated sidewalk for crossing the center island at the intersection of MD 704 and existing Lottsford Vista Road.
 - d. Pedestrian crossing beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalk for crossing the center island of MD 704 at the MD 450 intersection.
 - e. Rapid flashing pedestrian beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalks for crossing the center island of MD 450 as indicated on the bicycle/pedestrian improvements map.
- 24. Prior to approval and at the time of DSP, provide an exhibit that illustrates the location and limits of all off-site improvements proposed in the BPIS for the review and approval of the operating agencies. This exhibit shall show the location of all off-site sidewalk construction, ADA ramps, pedestrian signals, crosswalk improvements, bus shelter installations, pavement markings and signage. If it is determined at the time of Detailed Site Plan that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section (d), be within one-half mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section(c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of Preliminary Plan of Subdivision approval.
- 25. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-048-96-02). 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 (TCP1-048-96-02), 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."

26. Prior to the signature of the TCP2 for this site, the liber and folio of the recorded woodland conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."

27. Prior to approval of the Detail Site Plan, a Phase II Noise Study shall be submitted for proposed Lots 85-87 unless they are relocated or eliminated from within the area impacted by noise levels at 65 dBA Ldn or higher.
28. Prior to approval of the Detailed Site Plan, all outdoor recreation areas shall be shown located outside the unmitigated 65 dBA Ldn.
29. At the time of building permit issuance of the building permits for townhouse Lots 1 through 18 and Lots 85 through 94, a noise certification, prepared by a professional engineer with competency in acoustical analysis using the certification template shall be submitted. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65 dBA Ldn or higher noise impact area.
30. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

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 property is 31.34 acres and zoned M-X-T. A Conceptual Site Plan (CSP-14002) is approved for the extent of the land that is the subject of this preliminary plan of subdivision (PPS). This application proposes: 115 single-family attached dwelling unit lots (townhouses) and 22 parcels (with a potential for 126 dwelling units with 26 parcels), as discussed further; 75,000 square feet of gross floor area (GFA); 15,000 square feet of existing office to remain; and a 126-room hotel. The limit of the PPS is located to the west and east of the future north-south extension of the Washington, Baltimore & Annapolis (WB&A) Master Plan trail through the property. Abutting the east side of the trail extension is the existing right-of-way (ROW) of Lottsford Vista Road. Existing Lottsford Vista Road ROW currently bisects the property running south from Annapolis Road (MD 450) to Martin Luther King Jr. Highway (MD 704) abutting the west side of the future trail. The property to the east of the trail includes all and parts of 44 existing lots (Lots 7, 8, 3-6, and parts of (P/O) Lots 1, 2, 9-10, and 23 Block C; Lot 1-3, 9-15, 24-28 and P/O 20-23; and P/O Lots 1, 2 and 23-34, Block E) reflected on a 1927 record plat (RNR 2-51), and previously dedicated rights-of-way including a portion of Lottsford Vista, Road that are to be vacated in accordance with Section 24-112 of the Subdivision Regulations in order to implement this plan of development. This eastern portion of the development is being resubdivided into ~~*[six (6)]~~ seven (7) commercial parcels (~~*[Parcels 1-6]~~ Parcels 1-7, Block C) for the development of 75,000 square feet of GFA of retail. ~~*[Parcels 1-6]~~ Parcels 1-7, Block C will front the Washington, Baltimore & Annapolis (WB&A) trail (Parcel A) to the west, and MD 450 and MD 704 (both arterial classification roadways). The Planning Board approved a variation for one direct vehicular access to MD 450 and two to MD 704, and to consolidate the access for ~~*[Parcels 1-6]~~ Parcels 1-7, Block C from the potential of six -to three. To accommodate this access arrangement, the Planning Board has authorized the use of an easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations. This easement is anticipated by the CSP (Circulation and Access exhibit), and this PPS to be developed as the primary driveway through the site from MD 450 to MD 704. The connection to MD 704 will create a four way signalized intersection with the entrance to the Vista Garden Market Place shopping center directly to the south.

The access easement is also a unifying element for the commercial component and must create an identifiable route through ~~*[Parcel 1-6]~~ Parcels 1-7, Block C, not only for vehicles but for pedestrians and bicyclists to the WB&A trail and commercial areas beyond. The route will be reviewed for a level of comfort for all users, and not be reduced to a circuitous route through a commercial parking lot. To accomplish this the applicant will submit a cross section which will include landscaping (shade), lighting, and adequate space for pedestrians and bicyclist. The Planning Board approved the variation to Section 24-121(a)(3) for access onto an arterial subject to conditions to ensure that the central unifying access driveway is implemented.

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To the west of the proposed WB&A Trail is existing Lot 45 and Outparcel B, Block B, which were recorded among the land records in 1997 (VJ 178-76), pursuant to PPS 4-96086 which is superseded by the approval of this PPS. Existing Outparcel B (18.10 acres) abuts the entire western edge of Lottsford Vista Road ROW from MD 450 to the north to MD 704 to the south. The record plat for Outparcel B (VJ 178-74) reflects a "66-foot-wide Perpetual Easement for Future Transportation Use Per S.H.A. R/W Plat No. 53896" abutting the western edge of the ROW of Lottsford Vista Road. Based on a search of deeds, this property (Lot 45 and Outparcel B) was previously in the ownership of SHA and was surplus, with SHA retaining the easement. The Maryland-National Capital Park and Planning Department (M-NCPPC) has verified that SHA agrees that the "transportation use" of the easement is consistent with the extension of the public Washington, Baltimore & Annapolis (WB&A) Master Plan Trail over the property (proposed Parcel A, Block C)) within the 66-foot-wide SHA easement. This parcel will be retained in private ownership and conveyed to a Business Owners Association (BOA for maintenance) but will be developed with the public WB&A Trail. SHA has stated that they do not intend to abandon the easement, but will enter into a Memorandum of Understanding (MOU) with M-NCPPC Department of Parks and Recreation (DPR) to ensure the perpetual public access remains and to allow for the public investment in the trail connection on private property. If SHA and DPR are unable to enter into a mutually acceptable MOU for the park trail location, the trail must be realigned and relocated possibly, by way of example and not of limitation, onto ~~*[Parcels 1-6]~~ Parcels 1-7, Block C. The WB&A Trail extension is a critical element for the overall approval of this site, including fulfilling a condition of the rezoning, Zoning Map Amendment (A-10028-C). The CSP and PPS are predicated on the extension successfully be constructed by the applicant. The community is being built around the trail, which is the central unifying element.

To the west of the WB&A Trail, the property is to be subdivided into 115 single-family attached dwelling unit lots (Lots 1-115 and 12 HOA parcels), a parcel for an existing office building (15,000 GFA) that is to remain (Parcel 1, Block B), and a parcel for the construction of a 126-room hotel (Parcel 2, Block B). A row of 31 dwelling units is being arranged abutting the WB&A trail and is to be constructed at a slightly higher elevation than the trail and the commercial component to the east. This arrangement will result in the units overlooking the trail, which is envisioned to be developed as a premier linear park, which is a critical link in the overall successful WB&A Trail Park. The arrangement of the dwellings will require high quality architecture at this highly visible location. The applicant has indicated a desire to develop the TH's along this edge with rooftop decks that will overlook the park.

Originally the applicant had proposed two-family dwelling units along this western edge of the WB&A Trail Park. The applicant has indicated that if they are able to identify a builder for the two-over-two dwelling unit housing type prior to DSP, they may convert the 31 townhouse (TH) lots along that edge to four parcels for 124 dwelling units (and 26 parcels total) which would be

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located within a condominium regime. The 31 lots would become four parcels for the two-over-two's, within the same outline as the townhouse groups, an increase of nine dwelling units (not lots).

Several of the dwelling units abutting the western edge of the WB&A Trail ROW are subject to noise above 65 dBA Ldn, and two of the lots do not meet with minimum lot depth of 150 feet from an arterial facility (MD 704). The Planning Board approved a lot depth variation (24-121(a)(4)) for Lots 85 and 86 with conditions, those conditions would require that the dwellings be shifted outside of the 65 dBA Ldn, and/or mitigation measures be implemented at the time of DSP.

The applicant originally filed five variances from the development standards of the M-X-T Zone, but has withdrawn the variance for the end unit building width as being more appropriate with the DSP. The Planning Board approved the variances requested (4). The applicant has also filed two variations, one for lot depth and one for access to an arterial. The Planning Board approved the two variations to Subtitle 24.

3. **Setting**—The project is located at the intersection of Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704). Across Annapolis Road to the northeast are two small subdivisions containing single-family dwellings in the R-R (Rural Residential) Zone. Across Martin Luther King Jr. Highway to the south are the Vista Gardens Shopping Center in the C-S-C (Commercial Shopping Center) Zone, the Lottsford-Palmer building in the C-O (Commercial Office) zone, and the Hanson Palmer Business Park in the I-1 (Light Industrial) Zone. To the west, across Business Parkway, is vacant property in the I-2 (Heavy Industrial) Zone and to the northwest, is the Washington Business Park in the I-1 Zone. An abandoned portion of Lottsford Vista Road proposed for a linear park bisects the property, separating the residential and hotel area of the site from the commercial area. The site is currently developed with an office building adjacent to Business Parkway serving as the Applicant's corporate headquarters that is to remain.

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

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Residential/Vacant	Mixed-Use Residential/retail/hotel/office
Acreage		31.34
Lots	29	115
Retail/Commercial Office/Hotel	15,000 Office to remain	90,000 GFA (75,000 new)
Parcels	3	22/*26
Dwelling Units:	0	115-*124
Public Safety Mitigation Fee		No
Variance(s)		Yes (27-548(h)(4 total))
Variation(s)		Yes 24-121(a)(3) 24-121(a)(4)

Pursuant to Section 24-119 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 8, 2016 and June 3, 2016. The requested variations to Sections 24-121(a)(3) and 24-121(a)(4) of the Subdivision Regulations were accepted and were heard at the SDRC meeting on April 8, 2016 and June 3, 2016, as required by Section 24-113(b) of the Subdivision Regulations.

*The applicant has indicated that if they are able to identify a builder for the two-over-two dwelling unit housing type prior to DSP they may convert the 31 TH lots abutting the western edge of Parcel A (BOA) (WB&A Trail) to four (4) parcels for 124 dwelling units which would be located within a condominium regime. The 31 lots would become four parcels for the two-over-two units, within the same outline as the townhouse groups, an increase of nine dwelling units (not lots) and an increase in the 22 parcels proposed to 26.

5. **Zoning Map Amendment Application A-10028-C**—In the approval of Zoning Map Amendment A-10028-C in 2014, for the conversion of land-use from industrial to mixed-use, the District Council set forth in Section 2 of their final decision (Zoning Ordinance No. 11-2014) that in order to protect adjacent properties and the general neighborhood, approval of the M-X-T Zone for the subject property was granted subject to the following conditions. The conditions are in **[bold]** followed by findings:
1. **The following road improvements shall be constructed as a part of the subject development, with timing to be determined at the time of preliminary plan of subdivision, with approval of the SHA where required:**

- a. **Martin Luther King Highway (MD 704) and Forbes Boulevard: Construction of an additional northbound left turn lane on Forbes Boulevard (resulting in two left-turn lanes and one shared right/through lane on the approach).**
- b. **Martin Luther King Highway (MD 704) and Vista Gardens shopping center driveway: Construction of a new approach from the north and a new traffic signal.**
- c. **Martin Luther King Highway (MD 704) and Annapolis Road (MD 450): Construct a third left-turn lane within the median on the eastbound approach of MD 450.**
- d. **The Applicants shall conduct a traffic study which shall include an evaluation of all site access points. Direct access to MD 450 and MD 704 will require approval of a variation.**

A traffic study was submitted by the applicant for review with the PPS, and has been evaluated in the Transportation Finding. Appropriate conditions are approved including a trip cap on the development of the property.

2. The following recommendations should be observed during the preparation and review of the Conceptual Site Plan (CSP) and preliminary plan of subdivision:

- a. **The site plan shall provide adequate open space at the interface, as determined by the Urban Design Section, to serve as a buffer between the project and abutting residential development.**

The commercial portion of the property (*~~Parcel 1-6~~ Parcels 1-7, Block C) is located in the western quadrant of the intersection of MD 450 and MD 704, and to the west of the existing dedicated public ROW of Lottsford Vista Road which is to be vacated (Section 24-112) within the limits of the PPS. A small area of R-R zoned land is surrounded on three sides by the subject property. The R-R land fronts a portion of the Lottsford Vista Road ROW which will not be vacated because it does serve the existing R-R zoned properties. The area of R-R zoned property was not included in the original rezoning. This small area of R-R zoned land is the only abutting residential development and will be buffered from the commercial at the time of DSP.

*Denotes Correction

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

- b. Wherever possible, existing living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.**

The PPS layout will accommodate the infrastructure necessary to provide these connections. The framework will be further refined with the DSP.

- c. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas, particularly the interface along Old Lottsford Vista Road.**

As discussed above, the 2010 *Prince George's County Landscape Manual* bufferyard will be required at the time of DSP between the R-R zoned properties and M-X-T commercial land uses.

- d. Provide a bikeway through the subject property that connects the Washington, Baltimore & Annapolis (WB&A) Trail to internal streets and area roads, and connect specifically to Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Also provide pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations shall be approved by the Department of Public Works and Transportation (DPW&T) and shall be designed to meet or exceed County and State standards.**

The extension of the WB&A Trail onto the subject site is reflected within the linear park. This park is centrally located and should be connected to the adjacent development with sidewalks and walkways. Trailhead facilities are recommended on both the residential and commercial sides of the linear park, with facilities including bicycle parking, benches or gazebos, trail signage, and water fountains.

- e. Provide sidewalks on both sides of all proposed internal streets. Right-of-way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to exceed County and State standards.**

Sidewalks are required along both sides of all internal roads, unless determined not feasible or appropriate, and modified at the time of DSP. Walkways should be provided where appropriate to link the linear park to the various commercial uses proposed on the eastern portion of the site.

- f. **Provide sidewalks on the adjacent roadways that abut the subject property, including Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to exceed County and State standards.**

Consistent with the MPOT, a standard sidewalk is recommended along the subject site's frontage of MD 450 and a sidepath is recommended along MD 704.

- g. **Provide right-of-way dedication along Martin Luther King Junior Highway (MD 704) that is sufficient for the inclusion bicycle lanes and a sidepath. Right of way dedication and locations for sidepaths and bike lanes shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation (DPW&T) and construction shall be designed to meet or exceed County and State standards.**

Right-of-way has already been dedicated to accommodate both dedicated bike lanes and a sidepath. Currently, approximately 40 feet of ROW exists from the edge of the northern curb of the road to the end of the right-of-way.

3. **All future submissions for development activities on the subject property shall contain a Natural Resources Inventory (NRI) plan that covers the entirety of the subject property. The NRI shall be used by the designers to prepare a site layout, which results in nonessential impact to the regulated features of the site.**

The NRI was submitted with the PPS.

4. **The Preliminary Plan application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450).**

A Phase I Noise Study was submitted with the PPS.

5. **Any hotel use developed shall not exceed fifty (50) feet in height, above grade, to limit any adverse impact upon the single family homes across Annapolis Road (MD 450).**

This shall be reviewed with the DSP.

6. **The Detailed Site Plan shall demonstrate the use of full-cut off optic light fixtures to the extent practicable.**

This shall be reviewed with the DSP.

7. **Prior to signature approval of any preliminary plan, the Applicants, the Applicants heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section prior to signature approval of the preliminary plan.**

This has been included as a condition of approval of the PPS.

6. **Conceptual Site Plan CSP-13001**—In the M-X-T Zone, development is subject to the Orders of Approval (Section 27-270), which requires the approval of the DSP prior to approval of the PPS. The CSP was approved by the Planning Board on July 7, 2016, and heard prior to this PPS. Development of this site shall be in conformance with Conceptual Site Plan CSP-13001. Prior to signature approval of the PPS the CSP shall have certificate approval and shall conform to all conditions of approval of the CSP applicable to the PPS.

The proposal is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, the proposal is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and, Section 4.10, Street Trees Along Private Street. Conformance with the requirements of the Landscape Manual will be evaluated at the time of DSP review.

Subtitle 25-125 of the Prince George' County Code, requires projects in the M-X-T Zone to provide a minimum of ten percent of the gross tract area of Tree Canopy Coverage (TCC). The subject site measures 31.34 acres requiring approximately acres 3.13 of tree canopy. This requirement can be met either through woodland conservation, proposed on-site landscaping and street trees, or a combination of the above. Conformance will be determined with the DSP application.

7. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* designates the area in the Established Communities Grow Policy area. The vision for Established Communities is a Context-Sensitive infill and low- to medium-density development. The site is within the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment, in Planning Area 70* (Glenn-Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA).

The sector plan contains development scenario principles, highlights and illustrative concepts to guide the future development for the Vista Gardens Marketplace and Vicinity. The vision is a human-centric mixed-use development articulated around village green and plazas that provide

community gathering spaces and promote pedestrian activities. As part of creating a human-scaled environment, the sector plan recommends orienting buildings to the public street with limited setbacks, placing parking areas to the rear of buildings, and providing accessible open space as a public amenity that are accessible by different modes of transportation.

The application as proposed reflects a conventional suburban development pattern with an emphasis on auto-oriented design, with the exception of the construction thru the center of the site of the WB&A Trail. The trail location within the development offers a unique opportunity that must be highlighted at the time of DSP. Consideration should be given to building placement and creating a human-scale design that create places for community gathering and live-work experiences. At the time of DSP, the interior "driveway" serving *~~Parcels 1-6~~ Parcels 1-7, Block C will be reviewed to provide intermodal through traffic, with equal emphasis on pedestrians, bicyclist, and vehicles. Many of the pad sites will be subject to the need for two or three sided building designs because they will front on the master plan trail the interior "driveway," and MD 704 and 450.

The subject property was rezoned from the I-1 and R-R Zones to the M-X-T Zone through a Zoning Map Amendment with conditions set forth in the Zoning Ordinance No. 11-2014, as discussed further.

8. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the above referenced Preliminary Plan of Subdivision (PPS). The analysis included an evaluation of the policies and recommendations in the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA (Planning Area 70), the Approved Zoning Map Amendment (ZMA A-10028-C Buena Vista West) for the property, the Land Preservation Parks and Recreation Plan (LPPRP) for Prince George's County, the Conceptual Site Plan (CSP-14002) and regulations in the Prince George's County Subdivision Regulations (Subtitle 24) as they pertain to public parks and recreation facilities.

The subject property is located at the southwest quadrant of the intersection of Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704). The subject property incorporates approximately 31.34 acres of land. Bisecting the property is a residential street, the northern segment of Lottsford Vista Road, which is to be vacated and which connects MD 704 with MD 450 to the north. The subject property is not adjacent to any existing parkland, but does provide a connection to the Washington, Baltimore & Annapolis (WB&A) Trail immediately to the north of MD 450.

In 2014, the District Council approved Zoning Map Amendment (ZMA A-10028-C), which resulted in the rezoning of the subject property from R-R and I-1 to M-X-T (Mixed-Use-Transportation Oriented) to allow for retail, commercial, residential, office and hotel uses.

*Denotes Correction

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As per Zoning Ordinance 11-2014, recommendation 2(e)(for the approval of M-X-T zoning on the subject property), "the applicant shall provide a bikeway through the subject property that connects the WB&A Trail to the internal streets and roads, with connections specifically to MD 450 and MD 704. The applicant shall also provide pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways and roads."

The development summary at the time of this analysis included 80 single-family attached and 20 two-family attached dwelling units (currently 115 TH lots) 60,000 square feet of retail (currently 75,000); a 103 room hotel (currently 124 rooms), and an existing 14,881 square feet office building (reviewed at 15,000). The current plans show that the residential portion of the development will be situated on approximately 8.9 acres of land, which results in an overall project density of 13.5 units per acre. The new residential development will result in a projected population increase of approximately 366 new residents.

Pursuant to Section 24-134(a)(1) of the Subdivision Regulations, residential subdivisions of this density may be required to dedicate 15 percent of their land to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks. In this case, application of the Mandatory Dedication requirement would require the dedication of 1.34 acres of land to M-NCPPC.

In lieu of mandatory dedication of parkland, a required adequacy finding with a PPS, the applicant will use private recreational facilities in order to meet the Mandatory Dedication requirements of Section 24-135, which is consistent with the recommendation of CSP-14002. The applicant has provided sketches of an approximately 7,000-square-foot private HOA pocket park to be located between the residential units, and abutting the west side of the public linear park that bisects the property, for the development of the WB&A Master Plan Public Trail connection. Other amenities in the applicant's proposal include a pergola/ trellis within a plaza area, seating areas and connector trail to the linear park.

The provision of the private pocket park will provide the future residents a connection to the public linear park, which would have additional active recreational opportunities, and which will be evaluated with the required DSP for the trail. The provision of this pocket park would meet the requirements of on-site private recreational facilities since these facilities would be superior to those that would have provided under the provisions of mandatory dedication per Section 24-135(b) of the Subdivision Regulations (Subtitle 24). A private recreational facilities agreement and bonding of these facilities are required.

As noted with the CSP-14002, the applicant has proffered to develop the public linear park to be located on existing Outparcel B abutting the west side of the existing Lottsford Vista Road right-of-way, within an easement which had been determined to be a perpetual easement controlled by the Maryland State Highway Administration (SHA). The public trail and facilities will be located within the 66-foot-wide State Highway Administration easement (SHA Plat 53896 described in Liber 10751 on folio 655).

The applicant has submitted plans indicating approximately 800 linear feet for a hiker/biker trail within a promenade that will contain benches, lighting and landscaping. There will also be three urban plazas with benches, seating walls, interpretative signage and a small open play area.

The Department of Parks and Recreation (DPR) and the M-NCPPC Planning Department agree that the incorporation of several urban plaza areas along the linear park/bikeway will further enhance this development as a destination center and be a focal point which will tie this mixed-use development together, orienting both the residential and commercial onto the linear park. Additionally, development of the linear park would provide a buffer between the commercial uses and the residential development. Due to the fact that the linear park is within the existing SHA easement right-of-way, DPR, M-NCPPC Planning Department, along with the applicant, have met with SHA to determine how to best secure the right-of-way for the public trail.

SHA has indicated that the easement will not be abandoned but has determined that the bikeway can be deemed a "transportation use." The development of the linear park will be subject to M-NCPPC entering into a Memorandum of Understanding (MOU) with SHA that outlines the rights, responsibilities, and liabilities of the parties for the public linear park ensuring that it is perpetual. Discussion between SHA and M-NCPPC should include but not be limited to issues concerning bike paths, maintenance, grading, landscaping, utilities and construction, within the SHA easement to provide the greatest understanding between the parties and the applicant. DPR will then enter into a MOU with the applicant that outlines the rights, maintenance responsibilities, and liabilities of the parties for the public linear park. The linear park facilities are to be designed and constructed by the applicant per the conditions of the approved Zoning Map Amendment (A-10028-C). The linear park facilities to be constructed by the applicant will be documented by means of a recorded Public Recreational Facilities Agreement (RFA), and bonding.

9. **Trails**—The following Preliminary Plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area Master Plan.

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	_____	Public Use Trail Easement	_____
PG Co. R.O.W.*	X	Nature Trails	_____
SHA R.O.W.*	X	M-NCPPC – Parks	_____
HOA	_____	Bicycle Parking	_____
Sidewalks	X	Trail Access	_____

The PPS has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is approved with a mixed-use residential and retail/commercial development. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved*

Sector Plan and Sectional Map Amendment (sector plan). Due to the site's location within the Annapolis Road Corridor (per the Adequate Public Facility Review Map of the General Plan), the site is subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines – Part 2, 2013."

Major Issues, Background and Prior Conditions:

The MPOT and sector plan include three master plan trails that impact the subject property:

- A sidepath along Annapolis Road (MD 450)
- A sidepath along Martin Luther King, Jr. Highway (MD 704)
- The extension of the WB&A Trail through the subject site

The sidepath along MD 450 has been completed by SHA on the north side of Annapolis Road through a previous capital improvement program project. The sidepath along MD 704 is required as part of road frontage improvements. The extension of the WB&A Trail is reflected on the submitted plans within a linear park.

The MPOT includes the wording copied below which explains the importance of the extension of the WB&A Trail and the planned sidepath along MD 704. These improvements will serve as important connection in the regional trail network and ultimately serve as a cross-county trail connection.

MD 704 Shared-Use Side path: A side path or wide sidewalk construction with designated bike lanes is recommended along MD 704 (District of Columbia to I-495). It may be appropriate to use excess capacity along MD 704 to accommodate improved bicycle and pedestrian facilities. MD 704 connects to the existing WB&A Trail outside I-495. Trail construction along MD 704 will provide an extension of the existing WB&A Trail to provide a continuous east/west trail connection through central Prince George's County (MPOT, page 28).

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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.

Sidewalks are recommended along both sides of all internal roads and designated walkways will be provided between the residential and to commercial uses. The details of these connections are most appropriately reviewed at the time of Detailed Site Plan.

Master Plan Compliance

The Transportation Planning finding is based on a review of the submitted PPS, as well as the Bicycle and Pedestrian Impact Statement (BPIS), which was submitted in May 25, 2016. Staff has worked with DPW&T and the applicant to identify appropriate off-site improvements for the site within the context of the guidance and requirements of Section 24-124.01. The case was discussed at the DPW&T/DPIE/M-NCPPC Coordination Meeting in April 2016, with the discussion focusing on appropriate improvements for the at-grade crossing of MD 450 to the north where the WB&A Trail connects to the subject site.

Proposed On-Site Bicycle and Pedestrian Improvements:

An extensive network of internal sidewalks, pedestrian walkways and trails is proposed on-site as indicated by the overall PPS. Frontage improvements will be required on both MD 450 and MD 704, sidewalks required on both sides of all internal roads, and pedestrian walkways are indicated in the office/commercial component of the development. A summary of bicycle, pedestrian and trail facilities include:

- a. Standard sidewalk along the subject site's frontage of MD 450
- b. Shared use sidepath along the subject site's frontage of MD 704
- c. Extension of the WB&A Trail through the subject site within the "perpetual easement for future transportation use"
- d. Sidewalks along both sides of all internal roads
- e. Pedestrian walkways between and to different commercial and office sites

Master plan facilities will be implemented via the sidepath along MD 704 and the extension of the WB&A Trail. Both of these facilities are critical to the planned trails network contained in the MPOT, as the WB&A Trail, when combined with the trail connection on-site and the planned sidepath along MD 704, will provide a complete "cross-county" connection from the Patuxent River near Bowie to the DC line. It appears that adequate access is provided from both sides of the development to the trail within the linear park. Additional pedestrian walkways or safety treatments may be appropriate in the areas of surface parking at the commercial/office space, and will be further addressed at the time of DSP.

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 County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

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

Major trails that currently exist in the vicinity of the subject site include the WB&A Trail, the Folly Branch Trail (both north and south of MD 450) and an existing shared use path along the north side of MD 450. Providing safe and convenient access from the subject site to these facilities is crucial to linking the property into the overall trails network, and improving the safety of the at-grade crossings of both MD 450 and MD 704 was a focus of the on-site improvements required per Section 24-124.01.

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

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

The Bicycle and Pedestrian Impact Statement (BPIS) lists the proposed development yield as 155,000 square feet of commercial/office/hotel development and 124 units of residential development. Based on the cost per unit and square foot noted in Section 24-124.01 the cost cap for the site is \$91,450. The applicant has submitted an exhibit showing a variety of improvements in the vicinity of the subject site. It is important to note that for the purposes of calculating the cost of the off-site improvements, the property's road frontages and out to the road center line are counted as "on-site," while any improvement on the opposite side of the road (beyond the center line) or beyond this point is considered as "off-site." Consequently, for crosswalk improvements proffered by the applicant, the applicant is only credited with the portion beyond the center line as being "off-site," while the portion closest to the site's frontage is considered an on-site "frontage" improvement.

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

(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 "Transportation Review Guidelines, Part 2, 2013." The BPIS Includes the following information, per the outlined review process on pages 9 – 13 of the "Guidelines:"

- Per Section 24-124.01(c), the calculation of the cost cap for the subject site is \$91,450, based on the 155,000 square feet of commercial/office/hotel development, and 124 units of residential development.
- The pre-application meeting was held between the Transportation Planning Section and the applicant February 2016. During this meeting, the requirements of the "Transportation Review Guidelines – Part 2, 2013," the required on- and off-site improvements, and the required finding of adequacy were reviewed and discussed. Also discussed were possible off-site improvements, with the priority being providing safe access from the site to the existing WB&A Trail and to nearby commercial developments. Currently, an at-grade crossing of MD 450 is necessary to reach the terminus of the WB&A Trail on the north side of the road, and providing necessary traffic controls to ensure a safe crossing is a priority for the off-site improvements for this site. Also, access across MD 704 is important in providing access from the site to the existing Vista Gardens Marketplace Shopping Center.
- The BPIS proffers the following improvements in order to meet the requirements of Section 24-124.01:

- Pedestrian crossing beacon/signal at MD 450 (providing access to the WB&A Trail)
- Pedestrian crossing beacon at existing light at MD 704 and MD 450 (providing access to the shopping center)
- Rapid flash pedestrian beacon at the crossing of MD 450 (at the new signal)
- Bus shelter at an existing stop along MD 450
- Bus shelter at an existing stop along MD 704

For each of the crossings, half of the cost of the improvement will count towards the off-site improvements, while the rest will be counted as standard frontage improvements. For the bus shelters, they will be located at stops not immediately along the property's frontage in order to be counted as off-site. The DPW&T Office of Transit will make the final determination regarding the location of these two off-site shelters.

- At the April 2016 coordination meeting with DPIE, DPW&T and SHA, the safety of the at-grade crossings of MD 450 and MD 704 was repeatedly identified as the most important off-site improvements for the site. Providing safe and accessible crossings at these locations will ensure access for the future residents of the site to both the existing trails network and the existing shopping center. Furthermore, the provision of a safe and controlled crossing of MD 450 and the trail on the subject site will serve as a crucial link in the "cross county" trail connection envisioned in the MPOT.

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 is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (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.**

Demonstrated Nexus Finding: The recommended off-site sidewalk improvement will directly benefit the future patrons, employees and residents of the subject site by providing safe crossing of MD 450 to the existing WB&A Trail and MD 450 to the existing shopping center. Furthermore,

the signal along MD 450 will connect the on-site trail proposed by the applicant with the existing WB&A Trail that was previously completed by M-NCPPC. Furthermore, the bus shelters proposed by the applicant will enhance the experience of transit users, including residents of the subject site and visitors to the commercial and office space.

Finding of Adequate Bicycle and Pedestrian Facilities:

County Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of Preliminary Plan. County Council Bill CB-2-2012 is applicable to Preliminary Plans within designated Centers and Corridors. The subject application is located within the designated Branch Avenue corridor, as depicted on the Adequate Public Facility Review Map of the General Plan. County 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) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**

1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**

- a. **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**

The subject application will implement two master plan trail recommendations via the extension of the WB&A Trail on the site and the completion of the sidepath along the site's frontage of MD 704. The off-site improvements will better connect the site with the surrounding communities and land uses, as well as provide safe access to the existing trails network. Discussion with the operating agencies emphasized that improving the safety of these at-grade crossings was the priority for the off-site improvements.

- b. **The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by**

planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).

The site will include sidewalks along both sides of all internal roads, and the access drive through ~~*[Parcels 1–6]~~ Parcels 1–7, Block C frontage improvements along the state highways, and pedestrian walkways through the areas of surface parking. The network appears to be comprehensive, although additional treatments may be considered at the time of DSP. The off-site improvements are focused on improving the safety of pedestrians when crossing the major roads that surround the subject property.

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;**

Several major trails in the vicinity of the subject site. These include the WB&A Trail, the MD 450 shared use path, and the Folly Branch Trail. The application proposes the extension of the WB&A Trail onto the site and an additional sidepath along MD 704, both of which are recommended in the MPOT. The extension of the WB&A Trail through the site and then to the west along MD 704 is one of the top trail priorities identified by the county in the 2016 Joint Signature Letter.

- 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;**

Denotes Correction

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

Existing wide outside curb lanes exist along both MD 450 and MD 704. An existing shared use path exists along MD 450, and a shared use path is proposed along the subject site's frontage of MD 704. These facilities will accommodate both on-road cyclists, as well as recreational cyclists who do feel more comfortable riding on a separate shared use path that is buffered from the travel lanes.

- 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**

Many of the off-site improvements proposed by the applicant are designed to provide safe crossings of the major roads surrounding the site to the nearby trails network. The most pressing concern for pedestrians and cyclists on the subject site is having safe access across MD 704 and MD 450, and the pedestrian crossing shall be designed to provide that safe access. SHA will have the final review and approval authority of the crossing treatments provided within the ROW.

- 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.**

A small amount of bicycle parking is recommended on the office/commercial side of the development, with the exact numbers and locations to be determined at the time of DSP. Additionally, some bike parking is also included along the linear parking abutting the trail internal to the site.

On May 25th 2016, a revised exhibit and detail sheet was submitted for the linear park layout. This exhibit illustrates the planned facilities along the trail, the location of the easement boundary, and the location of plazas, pocket parks, and other facilities. This exhibit meets the goal of providing access to the trail from all portions of the development. Details regarding the facilities, operation and maintenance of the trail is addressed through conditions of the PPS and will be refined at the time of the DSP. Facilities incorporated into the trailheads may include benches, a gazebo, bicycle parking, water fountains, and maps. The extension of the WB&A Trail is reflected in the linear park. The existing WB&A Trail terminates at MD 450 opposite the frontage of the subject site. Access from the existing trail to the planned trail on the subject site will be roughly opposite Railroad Avenue. The pedestrian crossing will be at the pedestrian signal at the site access opposite Baltimore Lane.

10. **Transportation**—Zoning Map Amendment (A-10028) was approved by the District Council with conditions in April 2014. The site was rezoned from the I-1 and R-R Zones to the M-X-T Zone. A traffic study was submitted with the application for the zoning map amendment in 2014.

Pursuant to Section 27-546(b)(8) of the Zoning Ordinance, a traffic study was required at the time of Conceptual Site Plan (CSP).

The District Council placed several transportation conditions on the site. These conditions are still applicable. The PPS included an updated September 2015 traffic study.

Zoning Map Amendment (A-10028)

The District Council's approval of the rezoning included several road improvements, with their timing to be determined at the preliminary plan stage. The conditions are incorporated as appropriate with triggers for construction.

Site Access Evaluation

Access is provided to the existing office building (14,880 square feet) from Business Parkway. Two new access points are shown on MD 704, one with a proposed traffic signal and median break creating a four-way intersection. The second access point on MD 704 will be a right-in/right-out. Two access points are also shown on MD 450, one private street connection to serve the TH lots opposite Baltimore Lane at the median break and a right-in/right-out into the retail area [*(~~Parcels 1-6~~) Parcels 1-7, Block C). A series of internal streets and driveways are shown on the PPS. In general, site access is acceptable and will be further evaluated with the DSP as conditioned herein.

There is a single one primary entrance onto MD 450 opposite Baltimore Lane proposed for the 115 townhouses. Typically, a second access is provided for safety concerns and to reduce traffic congestion. Therefore, the applicant has provided an emergency-only access extension of Road F, to Parcel 2, Block B to the southwest. The required access easement document (Section 24-128)(b)(9)) serving Parcels 1 (existing office) and Parcel 2 (proposed hotel) shall include a provision of emergency access for the residential component (HOA).

The applicant submitted an illustrative site plan showing the location of proposed buildings, parking areas, and driveways. Access, parking, and circulation patterns are adequate and will be further reviewed at the Detailed Site Plan stage, with conditions.

Traffic Analysis

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

Denotes Correction

Underlining indicates new language

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

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a) (6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the “Transportation Review Guidelines, Part 1, 2012.”

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies should be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in September 2015 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
1 MD 704 & Forbes Boulevard – signal	1,288	1,313	C	D
2 MD 704 & Lottsford Vista Rd./Business Parkway	863	1,257	A	C
3 MD 704 & Site Access – Vista Gardens – no signal	< 50.0*	< 50.0*	--	--
4 MD 704 & MD 450 - signal	1,057	1,474	B	E
5 MD 450 & MD 953 - signal	1,065	910	B	A
6 MD 450 & Site Access – no signal	--	--	--	--
7 MD 450 & Baltimore Ln. – no signal	< 50.0*	< 50.0*	--	--
8 MD 450 & Forbes Boulevard - signal	879	842	A	A
9 MD 704 & Site Access East – no signal	--	--	--	--
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the “Guidelines,” delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of

Transportation “Consolidated Transportation Program” or the Prince George’s County “Capital Improvement Program.”

Under existing conditions, all intersections are operating at acceptable levels of service and/or intersection delay as defined by the “Transportation Review Guidelines, Part 1, 2012” with the exception of the signalized intersection of MD 704 and MD 450.

For background traffic conditions, a growth rate of 1.0 percent per year was used. The growth rate was projected for six years, which is the expected build-out date for the site. Background development included the Washington Business Park, Glenn View, and Buckner. Background conditions are shown in the chart below.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 704 & Forbes Boulevard - signal	1,452	1,408	E	D
MD 704 & Lottsford Vista Rd./Business Parkway	924	1,324	A	D
MD 704 & Site Access West – no signal	< 50.0*	< 50.0*		
MD 704 & MD 450 - signal	1,150	1,570	B	E
MD 450 & MD 953 - signal	1,138	1,055	B	B
MD 450 & Site Access – no signal	--	--	--	--
MD 450 & Baltimore Ln. – no signal	< 50.0*	< 50.0*	--	--
MD 450 & Forbes Boulevard - signal	934	1,004	A	B
MD 704 & Site Access East – no signal	--	--	--	--
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the “Guidelines,” delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under background conditions all of the intersections are operating at acceptable levels of service and/or intersection delay with the exception of the signalized intersections of MD 704, Forbes Boulevard, and MD 450.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 704 & Forbes Boulevard - signal	1,496	1,453	E	E
MD 704 & Lottsford Vista Rd./Business Parkway	999	1,381	A	D
MD 704 & Site Access – Vista Gardens -no signal	110.0*	755.0*	--	--
MD 704 & MD 450 - signal	1,185	1,612	C	F
MD 450 & MD 953 - signal	1,166	1,098	C	B
MD 450 & Site Access – no signal	< 50.0*	< 50.0*	--	--
MD 450 & Baltimore Ln. – no signal	547	526	A	A
MD 450 & Forbes Boulevard - signal	981	1,102	A	B
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under total conditions without any adjustments to traffic or improvements, three intersections are operating at unacceptable levels of service and/or intersection delay. These include the two signalized intersections on MD 704 at Forbes Boulevard and MD 450 and an unsignalized intersection on MD 704 opposite the Vista Gardens shopping center. Critical lane analysis was done for the intersection of MD 704 and the Vista Gardens shopping center per the "Guidelines." The table below shows these intersections with adjustments to traffic and improvements. All intersections will be operating at acceptable levels of service and/or intersection delay with the following proposed improvements. The intersection of MD 704 and Forbes Boulevard includes a recommendation for a new northbound left-turn lane on Forbes Boulevard resulting in two left-turn lanes and one shared right/through lane. A new four-way intersection and traffic signal is proposed at the intersection of MD 704 and Vista Gardens shopping center driveway. At the intersection of MD 704 and MD 450, a third left-turn lane is proposed within the median on the eastbound approach of MD 450.

TOTAL TRAFFIC CONDITIONS (Improvements/Adjustments)				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 704 & Forbes Boulevard - signal	1,438	1,391	D	D
MD 704 & Lottsford Vista Rd./Business Parkway	999	1,381	A	D
MD 704 & Site Access – Vista Gardens – signalized	708	841	A	A
MD 704 & MD 450 - signal	1,155	1,420	C	D
MD 450 & MD 953 - signal	1,166	1,098	C	B
MD 450 & Site Access – no signal	< 50.0*	< 50.0*	--	--
MD 450 & Baltimore Ln. – signal	547	526	A	A
MD 450 & Forbes Boulevard - signal	981	1,102	A	B
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Trip Cap

The application is a preliminary plan of subdivision for a mixed-use subdivision of commercial and residential (townhouse) uses. The following is based on the submitted traffic study with minor changes. The table below summarizes trip generation in each peak hour that will be used for the analysis and formulating the trip cap for the site:

*Trip Generation Summary, 4-13024, Vista Gardens West								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Convenience Store with Gas Pumps	16	fueling positions	132	133	265	152	153	305
Less Pass-By (60 percent)			-79	-80	-159	-91	-92	-183
Net Convenience Store/Gas Trips			53	53	106	61	61	122
Retail	55,000	square feet	67	41	108	192	209	401
Less Pass-By (40 percent)			-27	-16	-43	-77	-84	-161
Net Retail Trips			40	25	65	115	125	240
Townhouses	115	units	16	64	80	60	32	92
Hotel	200	rooms	63	43	106	61	59	120
Existing Office Bldg.	14,880	square feet	27	3	30	5	23	28
Total Primary Trips – AM/PM Trip Cap			199	188	387	302	300	602

*This table equates to 124 Room Hotel, 124 Dwelling Units, 75,000 GFA Retail, 15,000 Existing Office

Department of Public Works & Transportation Comments [**in bold**]:

The traffic study references a site plan although it was not included in the appendix. We could not provide comments on it and the distribution of trips on the network.

The site plan was forwarded to the County for review as a separate item. The traffic study shows turning movements at nine intersections.

The section of Lottsford Vista Road between MD 704 and MD 450 should have been included in the traffic study as one of the studied roadways.

A large portion of this section of Lottsford Vista Road will be vacated (Section 24-112) prior to final plat approval of ~~*[Parcel 1-6]~~ Parcels 1-7, Block C. A small portion of the existing ROW will provide access to the remaining residences in the R-R Zone.

The percent of pass-by trips at the site entrances could not be determined without a site plan.

Acceptable pass-by trips for the retail space and convenience store/gas station were shown in the traffic study. The site plan was forwarded to the County for review as a separate item.

The traffic study does not fully document the operational analysis along both corridors of MD 450 and MD 704. Some proposed lane configurations at the study intersections may create operational issues. Supplemental analysis is needed related to queues, delays, etc.

The State Highway Administration (SHA) will work closely with the applicant at the permitting and implementation stage to ensure that all operational issues are addressed at specific intersections.

There are some inconsistencies with the total traffic volumes listed in the traffic study and those in the traffic signal warrant study.

The applicant's traffic consultant was notified. The applicant is proposing a new traffic signal at the access point on MD 704 opposite the Vista Gardens Shopping Center.

State Highway Administration (SHA) Comments

SHA has concerns about a proposed traffic signal opposite the Vista Gardens Shopping Center entrance on MD 704. They asked the applicant to provide justification for this signal. SHA recommends a right-in/right-out access point at this location. If a traffic signal is warranted at this location, the applicant will be responsible for including any lane modifications, pavement markings, etc.

Denotes Correction

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According to SHA the full movement intersection at MD 450 and Baltimore Lane is a potential location for a traffic signal when signal warrants are met by prevailing traffic volumes. The applicant will be responsible for a traffic signal at this location and/or at the (bicycle trail crossing W B & A Railroad Trail) at Railroad Avenue. The appropriate location for the traffic signal will be determined by SHA.

SHA also commented on the future of Lottsford Vista Road, a county roadway. The PPS shows a large portion of Lottsford Vista Road will be altered by the proposed development. A portion will remain to provide access to MD 450 for the existing dwellings to remain.

SHA's District 3 office had comments about operational issues along MD 704 and recommended further traffic analyses. These issues will be addressed by the applicant and the permitting agency (SHA), as part of the SHA access permit requirement.

Master Plan Rights-of-Way

The site is adjacent to two master plan arterial roadways, Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704). Adequate right-of-way consistent with master plan recommendations exists along these two facilities and is reflected on the PPS. However, the PPS prior to signature approval must be clear and provide dimensions of 60 feet from center line shown as public ROW dedication.

There is a linear SHA easement on the site reserved for future transportation use as discussed. This area is planned for a master plan trail in the MPOT. It is shown on the site plan as a linear park and would be used to extend the Washington, Baltimore, and Annapolis (WB&A) railroad trail from MD 450 to MD 704.

Variation Request

A variation request from Section 24-121(a)(3) of the Subdivision Regulations to allow direct access onto an arterial or higher classification of roadway was submitted by the applicant and is hereby approved. Three separate driveways – one from MD 450 and two from MD 704 – are shown on the plan. These driveways serve an on-site private driveway that serves the commercial/retail uses. The variation requests are approved but are further subject to SHA's traffic and safety requirements. It is recommended that the on-site driveway connecting these access points be shown with a cross section that meets the needs of bicyclists and pedestrians as well as vehicles, as discussed further in the Variation Finding.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

11. **Schools**—This PPS has been reviewed for impacts on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003.

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

Affected School Clusters #	Elementary School 1 Cluster	Middle School 1 Cluster	High School 1 Cluster
Dwelling Units	124	124	124
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	18	9	13
Actual Enrollment	9,518	3,712	5,838
Total Enrollment	9,536	3,721	5,831
State Rated Capacity	8,960	3,938	6,288
Percent Capacity	106%	94%	93%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a zoning map amendment or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$ 15,458, to be paid at the time of issuance of each building permit.

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

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

12. **Fire and Rescue**—This PPS proposes a mix of residential and commercial uses.

Residential

This PPS was tested for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 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 Glenn Dale Fire/Emergency Medical Services Co. 818, a first due response station (a maximum of seven (7) minutes travel time), which is located at 11900 Glenn Dale Boulevard.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of February 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

Nonresidential

The Special Projects Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 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 Glenn Dale Fire/Emergency Medical Services Co. 818, a first due response station (a maximum of seven (7) minutes travel time), which is located at 11900 Glenn Dale Boulevard.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of February 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

13. **Police Facilities**—This PPS proposes a mix of residential and commercial uses.

Residential

The subject property is located in Police District II, Bowie. 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 preliminary plan was accepted for processing by the Planning Department on March 22, 2016.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 3/22/2016	12/2015-1/2016	8 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information as of December 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on March 29, 2016.

Nonresidential

The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2014 (U.S. Census Bureau) County population estimate is 904,430. Using 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space 267,600 square feet, is within the guideline.

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

The 2008 *Water and Sewer Plan* designates this property in Water and Sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act, and will therefore be served by public systems.

15. **Stormwater Management**—Pursuant to Section 24-120(a)(8), the applicant has filed a copy of the approved stormwater management plan (SWM) and approval letter. The SWM approval 47327-2007 is valid until October 10, 2016. Development shall be in conformance with the approved plans and any subsequent revisions to ensure that the development of this site does not result in any on-site or downstream flooding.
16. **Use Conversion**—The subject application is proposing a maximum of 124 dwelling units, a 124-room hotel, 75,000 square feet of proposed commercial space, and retaining the 15,000 square feet of existing office for a mixed-use development in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new preliminary plan of subdivision shall be required prior to approval of any building permits.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) and 24-12(b)(12) of the Subdivision Regulations, the applicant shall include the following statement in the dedication documents recorded on the final plat:

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

Prior to signature approval, the PPS shall clearly delineate a ten-foot-wide public utility easement along the public rights-of-way and one side of all private rights-of-way, which shall be granted and reflected on the final plat prior to approval.

18. **Historic**—The subject property contains approximately 31.34 acres and is located at the intersection of Annapolis Road (MD 450) and Martin Luther King, Jr. Highway (MD 704) in Lanham, Maryland.

Three houses located on the subject property are more than 50 years old: 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955). With the advent of the automobile, ridership on the WB & A Railroad declined and service ceased in 1935. The Buena Vista community was further impacted by the construction of Defense Highway (now MD 450) in the early 1930s and George Palmer Highway (now MD 704 or Martin Luther King Highway) in the 1940s. Both of these highways have been expanded and have further encroached on the Buena Vista community.

To the north of Lottsford Vista Road, the Vista Raceway was established by the Land and Sea Sportsmen's Club, Inc. about 1951. The Vista Raceway was one-half mile of dirt oval that operated from the early 1950s until the early 1970s. The Maryland State Highway Administration acquired the 24 acres comprising the Vista Raceway in 1975. When MD 450 was expanded in the late 1990s, the northeastern edge of the raceway was destroyed. A stormwater management pond has resulted in the removal of the northern section of the raceway. The southern end of the race track is now overgrown, but may still be intact.

On July 21, 2014, the District Council approved zoning application A-10028-C Buena Vista West (Zoning Ordinance No. 11-2014) with the following condition related to Historic Preservation:

Prior to signature approval of any preliminary plan, the applicant, the applicant's heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section prior to signature approval of the preliminary plan.

A Phase I Archeological Survey is not recommended on this 31.34-acre property located at the intersection of Annapolis Road and Martin Luther King Highway, on both sides of Lottsford Vista Road and north of Business Parkway in Lanham, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.

There are three Historic Sites, Thomas J. Calloway House (70-049-33), Site of Buena Vista (70-017), and Crandell-Cook House (70-010), and one Historic Resource, Glen Dale Hospital (70-050), located within one mile of the subject property.

The subject property includes a portion of Buena Vista, which was subdivided by Robinson White in 1916. Buena Vista is located to the southwest of Lincoln, an early planned residential and retreat community for African Americans. Buena Vista also developed as a small African

American residential community adjacent to the Washington, Baltimore, and Annapolis Electric Railroad, which provided convenient transportation to and from these cities. Early development of the community concentrated along the WB&A Railroad and Defense Highway, now MD 450. A portion of the abandoned WB&A Railroad bed, now Lottsford Vista Road, extends through the center of the subject property.

The Burke-Jackson House (70-037), formerly located at 4907 Lottsford Vista Road, was listed in the 2010 *Approved Historic Sites and Districts Plan* as a Historic Resource. The Burke-Jackson House was constructed for Edwin and Georgia Burke about 1918 by Frank and Benjamin Holland, along with Isaiah T. Hatton and a man named Clark. Mrs. Georgia Burke was a prominent community activist in the Lincoln-Vista community and taught school in her home until a school was constructed by the Board of Education. She taught upper grades in the Lincoln school once it was completed in 1921. Isaiah T. Hatton was one of a rising generation of African American architects in the Washington, D.C. area and built several of the houses in the Lincoln and Buena Vista communities.

The Burke-Jackson House was demolished in April 2010, but was listed as a Historic Resource in the 2010 *Approved Historic Sites and Districts Plan*. Evaluation of this resource was triggered by the submittal of Conceptual Site Plan CSP-14002, Vista Gardens West that included the Site of the Burke-Jackson House. Because the proposed Conceptual Site Plan application included a Historic Resource, Subtitle 29 (Prince George's County Historic Preservation Ordinance) provided for the evaluation of the Historic Resource to determine if it could be found to meet Historic Site Designation Criteria in the Ordinance (Subtitle 29-104). In accordance with provisions 29-106, 29-117, 118, and 119, the Site of the Burke-Jackson House was evaluated by the Historic Preservation Commission at its April 19, 2016 meeting. At the public hearing, staff provided a PowerPoint presentation on the property including a description of the former structure and its setting, significance, and degree of integrity. Based on the findings, conclusions, and recommendations of the March 29, 2016 staff report, and supporting documentation, the Historic Preservation Commission found that the Site of the Burke-Jackson House (Historic Resource 70-037) and its associated property of 0.1720 acres (Tax Map 45, Grid A-4, Subdivision 1350, Block D, Lot 4) does not meet any evaluation criteria of Subtitle 29-104 and should therefore be removed as a Historic Resource from the Inventory of Historic Resources in the Historic Sites and Districts Plan. The Historic Preservation Commission voted 7-0-1 to remove the Burke-Jackson House (70-037) from the 2010 *Approved Historic Sites and Districts Plan*.

The applicant has indicated in the Statement of Justification (SOJ) that the PPS will provide a bikeway through the subject property along the Lottsford Vista Road right-of-way. The applicant has indicated that interpretive signage that highlights the history of the Buena Vista community and the Vista Raceway could be included along the segment of the trail that runs through the subject property.

The houses located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955), and any remnants of the Vista Raceway should be recorded on a Maryland Inventory of Historic Properties (MIHP) form prior to demolition or

any grading. The documentation should include floor plans and representative interior and exterior photographs of all structures. A chain of title can be provided by Historic Preservation staff.

The applicant shall provide interpretive signage highlighting the history of the Buena Vista Community (including the Burke-Jackson House, 70-037) and the Vista Raceway along the proposed bikeway through the subject property. The wording and placement of the interpretive signage will be reviewed and approved by Historic Preservation Section (M-NCPPC) at the time of DSP.

19. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan for 4-13024 and Type 1 Tree Conservation Plan TCP1-048-96-02. Vista Gardens West application was initially stamped as received by the Environmental Planning Section on March 17, 2016, with revised plans stamped May 25, 2016. Verbal comments were provided in a Subdivision Development Review Committee meeting on April 8, 2016.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-96086	TCP1-048-96	Planning Board	Approved	11/14/1996	PGCPB No. 96-343
A-10028	N/A	District Council	Approved	7/21/2014	N/A
CSP-14002	TCP1-048-96-01	Planning Board	Pending	Pending	Pending
4-13024	TCP1-048-96-02	Planning Board	Pending	Pending	Pending
NRI-036-13	N/A	Staff	Approved	4/1/2013	N/A
NRI-025-09-01	N/A	Staff	Approved	7/2/2015	N/A

The Environmental Planning Section reviewed the early preliminary plan when the subject property was known as Washington Business Park. There was subsequently a zoning map amendment to change the zoning from I-1 and R-R to M-X-T. The Environmental Planning Section signed a Natural Resource Inventory, NRI-025-09, NRI-025-09-01 and NRI-036-13, for this project area. No other previous environmental reviews have occurred on this site. This application was reviewed with Conceptual Site Plan CSP-14002.

Grandfathering

Although the subject property was part of a previously approved application, the project is subject to the current environmental regulations of Subtitles 24 (Subdivision Regulations) and 27 (Zoning Ordinance) that came into effect on September 1, 2010; because a new preliminary plan is required. The site is also subject to current environmental regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance).

Site Description

This 30.62 ± acre site is located on the north side of Martin Luther King Jr. Highway (MD 704), where it intersects with Annapolis Road (MD 450). The site is bisected by Lottsford Vista Road. A review of the available information indicates that nontidal wetlands and floodplain are found to occur on the property. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), and Web Soil Survey (WSS) include the Christina-Downer complex, Christina-Downer-Urban land complex, Issue silt loam, and Russett-Christina-Urban land complex soil series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, Christiana complexes are mapped on-site. No Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The site drains to Folly Branch, which is a part of the Folly Branch watershed, then to Western Branch and further to the Patuxent River basin. The site has frontage on Martin Luther King Jr. Highway and Annapolis Road, which are both classified as arterial roadways. The site also has frontage on Lottsford Vista Road and Business Parkway, neither of which are classified as a master plan roadway. Martin Luther King Jr. Highway and Annapolis Road are traffic noise generators and, because of the proposed residential development, noise is regulated in this subject application. No designated scenic or historic roadways are adjacent to the project site.

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the approved Countywide Green Infrastructure Plan, the site contains Regulated areas, Evaluation areas, and Network Gap areas

Plan Prince George's 2035 Approved General Plan

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by the *Plan Prince George's 2035 Approved General Plan*.

Conformance Finding for 2010 Approved Water Resources Functional Master Plan

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

Woodland Conservation

The site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodlands. The former I-1 portion of the site (northwest of Lottsford Vista Road) has a previously approved Type I Tree Conservation Plan, TCPI-048-96, and an approved Type II Tree Conservation Plan, TCPII-094-96. However, the former R-R portion of the site (east of Lottsford Vista Road) does not have an approved Tree Conservation Plan. This application proposes a Type I Tree Conservation Plan for the entire application area.

A Type I Tree Conservation Plan (TCPI) has been submitted showing the proposed development of the site. The site contains 10.03 acres of upland woodlands and 2.79 acres of wooded floodplain woodlands. This application proposes to clear all of the 10.03 acres of uplands, 0.07 acres within the floodplain, and 1.52 acres of off-site woodlands. The off-site clearing is for development within the right-of-way. The woodland conservation requirement is being met with 1.75 acres of on-site reforestation and 9.38 acres of off-site preservation. A portion of the reforestation is within the Primary Management Area (PMA). There is also planting outside the boundary of the PMA. The recordation of a woodland conservation easement is required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

Specimen Trees

A Subtitle 25 Variance Application, a statement of justification in support of a variance, and a tree removal plan were stamped as received by the Environmental Planning Section (EPS) on March 4, 2016. This specimen tree removal was reviewed with the CSP-14002 application. There are no proposed changes with this application. The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of specimen trees 1, 3 and 5, and were approved by the Planning Board with the CSP.

Primary Management Area Impacts

Wetlands and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the Primary Management Area (PMA) on the subject property in accordance with the Subdivision Regulations. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A Statement of Justification dated February 17, 2016 for the proposed impacts was stamped as received by the Environmental Planning Section on March 4, 2016. This PMA statement of justification was reviewed with the CSP-14002 application.

The applicant proposed one impact to the PMA. The proposed impact for a sewer line connection will disturb wooded 100-year floodplain, wetlands, and wetland buffer, which has been minimized to the fullest extent possible and is essential for the development of the site.

The impact was approved by the Planning Board with the CSP and no changes to the impact areas have occurred with this PPS. No additional information is required with regard to impacts.

Soils

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christina-Downer complex, Christina-Downer-Urban land complex, Issue silt loam, and Russett-Christina-Urban land complex soil series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, Christiana complexes are mapped on-site.

This information is provided for the applicant's benefit. Since this site is located within a Christiana clay complex area, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) may require a soils report of conditions within the Christiana clay area in conformance with CB-94-2004 during the building permit process review.

Stormwater Management

A copy of the approved Stormwater Management Concept plan and letter (SWM 47327-2007-04) dated October 22, 2015 were submitted with the subject application. The concept plan appears to show stormwater directed to an existing off-site extended detention facility, and on-site facilities such as two bio-retention areas, wet ponds, swales and an extended detention facility. The wet pond is used for and during construction activities only. According to the approval letter, no quantity or quality control is required. The TCP2 is consistent with the SWM concept plan. No additional information with regard to stormwater management is required.

20. **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 originally requested five variances related to the proposed 115 residential townhouse lots, only four were determined to be associated with the PPS, and the applicant withdrew the fifth as discussed further:

DEVELOPMENT STANDARD	REQUIRED	PROVIDED	CODE SECTION
a. Minimum Bldg. Width-Interior unit	20 ft.	16 ft.	Section 27-548(h)
b. Maximum TH Units per Bldg. Group	6 du	8 du	Section 27-548(h)
c. Max. number of Bldg. Groups w>6 du	20%	26%	Section 27-548(h)
d. Minimum Lot Size	1,800 sf	1,312 sf	Section 27-548(h)

Section 27-548(h) of the Zoning Ordinance establishes the regulations for the M-X-T Zone, including the width of buildings, lot size, building groupings, and other bulk requirements. The variances identified above must be reviewed with the PPS when the capacity of the land is analyzed and the lotting pattern is established in conformance with Subtitles 24 and 27, including the subdivision design regulations requirement for lot depth (24-121(a)(4)), as discussed in the

Variation Finding. With the PPS the spatial relationship of open space to the lot line and streets is established 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, alleys, open space and recreation.

The variances are analyzed together below because they are interrelated and in this instance should not be evaluated independently of one another. If any one of the variances were not granted it may result in a need for additional or alternative variances due to the condensed nature of the subdivision layout being developed in conformance with the M-X T Zone.

The review of the pending CSP (CSP-14002) is predicated upon and recognizes the need for the variances requested with this PPS. The variances are more particularly described below with the required findings. The Planning Board hereby approves the variances requested by the applicant with conditions as set forth including enhanced landscaping and architecture to be reviewed with the required detailed site plan.

(a) Interior Unit Width

The width of the interior units (23 units) within the four (4) building groups abutting the west side of the WB&A linear park are proposed to be reduced from 20 feet to 16 feet (20 percent reduction). These units are conceptually planned to front the trail with rear load garages. Because of the reduced width of the units they will appear to be very dense and are at a highly-visible location, abutting the west side of the public WB&A trail and the nearby retail further to the east; at the time of DSP these units shall have enhanced architecture;

(b) & (c) Building Groups

The maximum number of townhouses containing more than six (6) dwelling units may not exceed twenty percent (20%) of the total number of building groups, or no more than three (3) in this case. The applicant is proposing five (5) out of the nineteen (19) townhouse groups or 26.3 percent. Section 27-548(h) states that the Planning Board may approve and increase in this standard when the increase would create a more attractive living environment. The Planning Board believes that a higher density mixed-use development is intended to provide a compact living arrangement that is mixed horizontally with the adjacency of the public park and retail commercial, as a part of this single M-X-T application. Furthermore, with conditions to ensure high quality architecture at strategic locations, this arrangement will create a more attractive living environment and will ultimately enhance the diverse texture of the community.

(d) Lot Size

In order to take advantage of the desirable and attractive location abutting the western edge of the WB&A linear park, the applicant has proposed four (4) townhouse groups with a total of 31 dwelling units, two groups on each side of the central on-site private park plaza, which will act as a private extension of the public park. The 23 lots that are interior in these four groups of units are reduced in lot size to a minimum of 1,320 square

feet, from the required of 1,800 square feet. All of the units in these groups are proposed with rear lot lines parallel to the proposed WB&A linear park. Overall the applicant proposes lots which range in size from 1,312 to 2,340 square feet. The Planning Board supports the lot size reduction at this specific location abutting the trail to provide the greatest density toward the mixed-use side of the development, forcing the residential, public park, and commercial retail in close proximity to create a truly mixed-use feel, consistent with the M-X T zoning of the property.

The applicant also filed a variance from the minimum building width for the end units with this PPS. However, it was determined that the lot widths on all end lots proposed would accommodate the dwelling unit widths required in Section 27-548(h) of the Zoning Ordinance. Therefore, the applicant withdrew that request in lieu of a staff recommendation of denial. The applicant may file a variance with the DSP if they propose a smaller unit, however, the larger end unit lot will allow a side entry which is recommended at a minimum on Lots 100 and 101 abutting the private central green. Another consideration when evaluating the lot width with the DSP, would be if a reduction in the lot width would allow a shift in the dwelling units to the north, away from the noise source (MD 704) where they are impacted by the ground level unmitigated 65 dBA Ldn, as discussed with the variation request analysis for lot depth and noise impacts.

The variances described above have been evaluated together below for conformance with Section 27-230 as being interrelated and dependent on one another:

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 is unique to the surrounding properties, as it is bisected by an easement recorded for the benefit of the State Highway Administration (SHA). In this case the master plan proposes a public trail (WB&A) thru the center of the site over the easement establishing a natural development edge to the eastern side of the residential pod of development. To the western edge of this pod of development is a large area of 100-year floodplain (proposed Outparcel C). These site constraints result in conditions that warrant the need for the variances, conditions not shared by 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**

In order to achieve the higher mixed-use densities recommended by the Glenn Dale–Seabrook-Lanham and Vicinity Sector Plan and the M-X-T zoning established by Zoning

Map Amendment A-10028-C (Zoning Ordinance No. 11-2014), the variances are necessary. In total the variances represent the ability to capture an additional 7.3 percent or 8.4 dwelling units of the overall 115 units. This is a significant number of dwelling units for such a relatively small residential component.

The strict application of suburban-oriented zoning regulations will create unusual practical difficulties because the medium and mixed-use residential intensities encouraged by the sector plan cannot be achieved. However, the applicant has indicated that the larger lot for the end units creates greater private yard areas for landscaping and occupants.

The subject property is located in a designated urban mixed-use metropolitan center adjacent to major commuter corridors such as the WB&A trail. Intensities in such locations should be higher than densities typically found in a suburban-oriented community, lot sizes should be varied, and not required at a suburban lot size of 1,800 square feet. It is also appropriate that in this center area to slightly increase townhouse density in order to achieve sector plan objectives, with the reduced lot sizes, and lot widths.

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

The proposal is consistent with the recommendations and design guidelines contained within the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA, and is consistent with the purposes and regulations in the M-X-T Zone as amended by Zoning Map Amendment A-10028 for Buena Vista West.

In the *Prince George's 2035 Approved General Plan* the subject property is designated for Mixed Use, defined as:

“Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another.”

The requested variances are essential in facilitating a development plan application that is designed in accordance with the area Master Plan and General Plan guidelines.

The granting of the variances as requested will not preclude the ability of the applicant to develop the residential units in accordance with Section 27-548(h), which requires that the gross living space of each dwelling unit meet or exceed the one thousand two hundred and fifty (1,250) square feet in the M-X-T Zone.

In accordance with Section 27-239.03 and 27-230 of the Zoning Ordinance, the Planning Board **approves of four (4) variances to Section 24-548(h)** as requested by the applicant and set forth above, with conditions.

21. **Variation(s)—Section 24-121(a)(3) Access onto an Arterial**—The subject property has frontage on MD 450 and MD 704, both of which are classified as arterial roadways in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The Subdivision Regulations restrict direct vehicular access to an arterial facility, and require that the subdivision be designed with alternatives (Section 24-121(a)(3)). With the PPS proposing new mixed-development, the applicant is creating a consolidation of access (Section 24-128(b)(9)) for the ~~*[six (6)]~~ seven (7) commercial parcels (~~*[Parcel's 1–6]~~ Parcels 1–7, Block C) proposed to the west of the WB&A trail extension.

In addition to the use of a vehicular access easement for ~~*[Parcels 1–6]~~ Parcels 1–7, Block C, the applicant is also proposing access to Parcel 2, Block B via a vehicular easement (Section 24-128(b)(9)), and is also requesting that the Planning Board authorize the easement pass through

Parcel 1, Block B for Parcel 2, Block B. While Business Parkway is not an arterial facility, an alternative to direct access to Business Parkway may improve on-site circulation and safety. This access easement will include an emergency vehicular access from the residential land use to the north, specifically, the extension of private 'Road F.' The easement shall include the rights of the HOA to use this access in an emergency, to be defined by the agreement. The consolidation of access for Parcels 1 and 2, Block B is approved.

Both scenarios will require that the final plats, prior to approval, reflect a denial of access, saving the location of access approval for the DSP, consistent with the approved PPS. Prior to final plat approval the applicant shall submit draft vehicular access easements, one for Parcels 1 and 2, Block B and one for ~~*[Parcels 1–6]~~ Parcels 1–7, Block C. The easement documents shall be approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and include the rights, restrictions, liabilities, and responsibilities of all of the parties. The easements shall include the rights of M-NCPPC to ensure that the easements as required (Section 24-128) by the Planning Board remain. Prior to the approval of the final plat the draft documents shall be approved by M-NCPPC, and prior the recordation the liber and folio of the easement shall be reflected on the final plat.

The PPS proposes a unified integrated development on ~~*[Parcels 1–6]~~ Parcels 1–7, Block C with two limited vehicular access drives onto Annapolis Road (MD 450) and one limited vehicular access drive onto Martin Luther King, Jr. Highway (MD 704), of which are designated Master Plan arterial highways. In addition, one vehicular access is proposed for Parcels 1 and 2, Block B onto Business Parkway, which is a 70-foot-wide dedicated public street.

*Denotes Correction

Underlining indicates new language

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

Due to the potentially hazardous traffic situation, the variations for direct access for ~~*[Parcels 1-6]~~ Parcels 1-7, Block C and Parcels 1-2, Block B are approved subject to the consolidation of the access within a vehicular access easement (Section 24-128(b)(9)) where circulation can be focused, including pedestrian, bicyclist and vehicles. The Conceptual Site Plan concept proposes a specific location for this consolidation of access as a spine driveway that will establish the framework for the commercial component (~~*[Parcels 1-6]~~ Parcels 1-7, Block C). The CSP reflects pedestrian and bicycle circulation along one-side of the driveway that will serve for general circulation. The DSP will be designed with trees and lighting to provide a "street effect." The first DSP shall include the entire limit of the access easement. This will ensure that the access easement is located as a foundation for further building siting. While the initial DSP will include the entire easement, it can be adjusted within the site but must continue to create an identifiable route for pedestrians, vehicles and bicyclists through the site, in order to ensure that it does not become a circuitous route through a parking lot.

The Applicant and his Transportation Engineer have met with SHA regarding the best options for designing safe access to the project site from both MD 450 and MD 704. In accordance with the conditions of approval for the aforementioned Zoning Map Amendment A-10028-C, the applicant requested a variation from Section 24-121(a)(3) of the Subdivision Regulations to allow direct access onto an arterial or higher classification of roadway. Because an easement authorized pursuant to Section 24-128(b)(9) is defined as a "driveway" by the Zoning Ordinance (27-101.01), and not a "Street," Section 24-121(a)(3) does apply to all access driveways except the private street connection to MD 450 for the residential component. Section 24-121(a)(3) states:

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

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. The applicant has met with SHA concerning the best options for designing safe access to the project site from both MD 450 and MD 704. In concert with this design standard, all uses and vehicular roadways within the project site are directed towards the five (5) access points; no individual lots within the project plan will access directly either of the adjacent arterial roadways.

*Denotes Correction

Underlining indicates new language

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

The five points of access are listed below and are consistent with CSP-14002:

1. There is an existing office building (Parcel 2, Block B) in the western corner of the site with an existing full movement access along Business Parkway, for Parcels 1 and 2, Block B combined.
2. A full movement intersection is proposed along MD 450 at the existing median break at Baltimore Lane, for Lots 1-115 (residential).
3. A right-in and right-out along eastbound MD 450 approximately 500 feet northwest of the intersection with MD 704 for *~~[Parcels 1-6]~~ Parcels 1-7, Block C.
4. A right-in and right-out is proposed along westbound MD 704 approximately 500 feet west of MD 450 for *~~[Parcels 1-6]~~ Parcels 1-7, Block C (commercial),
5. A full movement median break with a traffic signal is proposed along MD 704 approximately 750 feet east of Business Parkway and 1,000 feet west of MD 450. This will require a median break approval from the Maryland State Highway Administration for *~~[Parcels 1-6]~~ Parcels 1-7, Block C (commercial).

The applicant is requesting relief from this requirement to allow direct access onto MD 450 and MD 704 to and from the site. Cross easements within the commercial lots are proposed to utilize the consolidated entry points to the arterial roads, in accordance with Section 24-128(b)(9) of the Subdivision Regulations. Excluding the access points described above, access to the site will be denied from MD 450 and MD 704, and Business Parkway, except for those locations specifically reflected on the DSP, and as described above.

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

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

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Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The Planning Board approves the variation to allow access to MD 704 (2) and MD 450 (2) in this case and makes the following findings:

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

The 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 Section 24-121(a)(3) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property in accordance with the M-X-T Zone and Basic Plan Amendment A-10028-C (Zoning Ordinance No. 11-2014).

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

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

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

The granting of this Variance request will not be detrimental to public safety, health, or welfare, or injurious to other properties. The proposed access will be permitted, and constructed to SHA (MD 450 and (MD 704) and DPW&T (Business Parkway) standards. The proposed access is greater than 250 feet from the closest intersection, including both the MD 450 and MD 704 intersections; and the MD 704 and Business Parkway intersection. As noted above, two of the vehicular access drives are designed to align with existing access or roadways located on opposite sides of the streets(s);

the remaining two proposed access points will be restricted to right-in and right-out vehicular movements. Thus, the granting of these Variations will not be detrimental to public safety, health, welfare, or injurious to other property.

- (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;**

There are other properties fronting along MD 450 and MD 704 that have similar individual access, however, with the exception of Vista Gardens Marketplace located south directly across MD 704 from the subject property, properties of such a large size, with the same zoning, and having such extensive road frontage on two key State highways, are unique. Also unique is the existence of a master plan public trail thru the middle of the property, extending north to south, essentially dividing the property in half.

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

The granting of this variation will not violate any other applicable laws, ordinances, or regulations. Access permits to both MD 450 and MD 704 are required to be reviewed and approved by the SHA.

- (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;**

Because of the unusual triangular shape and the desire to limit conflict with pedestrians by not proposing vehicular access over the WB&A Trail, the primary street frontage for the property is MD 450 and MD 704, with limited frontage on Business Parkway. Denial of access to these arterial roadways would result in the property not being able to be developed in a way consistent with the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Zoning Map Amendment (ZMA), and would be a particular hardship to the landowner.

- (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 because the property is zoned M-X-T.

Based on the proceeding findings, the Planning Board **Approves** the variation from Section 24-121(a)(3) for one direct vehicular access driveway onto Annapolis Road (MD 450) and two direct access driveways onto Martin Luther King Jr. Highway (MD 704) for the proposed development.

Variation—24-121(a)(4) 150-foot lot depth adjacent to an Arterial—The subject property has frontage on MD 450 and MD 704, which are both classified as arterial roadways in the 2010 *Approved Countywide Master Plan of Transportation* (MPOT). The Subdivision Regulations require a lot depth for residential lots adjacent to an arterial facility, and require that the lots have a minimum of 150 feet of lot depth (24-121(a)(4)).

A Phase I Noise Study prepared by Phoenix Noise and Vibration was received by the Environmental Planning Section on September 30, 2015. The study provided an analysis of noise impacts along Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450). No noise model was conducted by staff.

The study states that measurements were made at 5.5 feet above ground level and 25 feet above ground for the upper level. The TCPI did not show the upper and lower unmitigated and mitigated 65 dBA Ldn noise contour, but the Preliminary Plan showed upper and lower unmitigated and mitigated 65 dBA Ldn noise contours only in the townhouse area located on Annapolis Road. The upper and lower unmitigated 65 dBA Ldn noise contours need to be shown on the TCPI.

The noise study provided exhibits of the measured upper and lower 65 dBA Ldn noise contour and where noise impacts the site. The measured unmitigated lower and upper level 65 dBA Ldn noise contours, per the noise study, will affect 18 townhouse lots along Annapolis Road and ten townhouse lots along Martin Luther King Jr. Highway. The Preliminary Plan and the Type 1 Tree Conservation Plan must show the unmitigated 65 dBA Ldn noise contour along the entire frontage of Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450). A revised Phase I Noise Study dated May 23, 2016 was submitted on May 27, 2016. Based on the study, upper and lower noise impacts are anticipated to affect Lots 1 through 18 along Annapolis Road. The applicant proposes to provide noise mitigation in the form of an earthen and vegetative berm along Annapolis Road, which will mitigate the ground level noise impacts to below 65 dBA Ldn. Based on the current location of the unmitigated 65 dBA Ldn noise contour in this area, a berm is sufficient to mitigate ground level noise impacts, and all of these lots meet the minimum 150-foot lot depth requirement (24-121(a)(4)).

Along Martin Luther King Jr. Highway, Lots 85–94 will be impacted by upper noise levels at 65 dBA Ldn or higher; however, only Lots 85–86 will be impacted by ground level noise at 65 dBA Ldn or higher, and do not meet the minimum lot depth requirement of 150 feet. While the upper levels of the lots can be mitigated through appropriate construction materials, no ground level mitigation is proposed for Lots 85–86. The proposed Lots will be adjacent to a planned trail

anticipated to have an attractive viewshed from the fronts of the lots; however, the future homeowners would be exposed to high-noise levels if the area cannot be mitigated. Lots 85 and 86 should be eliminated, relocated, or mitigated to reduce the future traffic-related outdoor noise impacts to 65 dBA Ldn or lower, a condition recommended in support of the variation for lot depth. The Planning Board approves the variation for lot depth for two (2) lots (Lots 85 and 86, Block A) with mitigation.

The private outdoor plaza/play area adjacent to the proposed trail extension shall be located in an area that is not affected by the unmitigated and mitigated 65 dBA Ldn ground level noise contours, and will be further reviewed with the DSP.

Section 24-121(a)(4) requires the following:

- (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 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.**

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

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

Granting the variation to the required lot depth will not be detrimental in any way to the public health or welfare or be injurious to other property. The Applicant, and the Applicant's traffic engineer, and design team have worked closely with M-NCPPC and County departments to integrate the master planned linear park into the project design, while providing a practical relation to residential lot

placement. All buildings associated with the project will be located outside of any Master Plan right-of-way for Martin Luther King, Jr. Highway, and, as a result, the granting the variation to required lot depth will not be detrimental to the public health or welfare or be injurious to other neighboring property, with conditions.

With the use of appropriate residential construction standards designed to reduce interior noise levels, and the use of effective buffering and screening techniques to soften exterior views and reduce noise, there should be no detrimental impacts to health, safety and welfare of the residents by approving this variation request. Appropriate methods for buffering and screening the lots will be developed at the time of detailed site plan review.

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

The conditions which necessitate the requested variation result are of the planned linear park site development feature associated with the western terminus of the master planned linear park (i.e., WB&A Trail), and the irregular right-of-way boundary associated with the intersection of MD 704 and Lottsford Vista Road located to the southeast of the subject lots. Together, these physical constraints have required a lot design that cannot fully meet the requirements for lot depth.

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

Granting the requested variation will not violate any other law or ordinance. The townhouse lots and commercial parcels will not violate any other law, regulation or ordinance, with mitigation of the 65dBA Ldn standard.

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

The physical characteristics of the site, which include its triangular shape, make it difficult to provide 150 feet deep lots at the location proposed. The impact would be a loss of units which would result in a particular hardship without the opportunity to relocate or mitigate the noise impacts.

- (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 because the property is zoned M-X-T.

Based on the proceeding findings, the Planning Board **Approves** the variation from Section 24-121(a)(4) for lot depth for two (2) lots (Lots 85, and 86) from Martin Luther King Highway (MD 704), with conditions.

22. **Vacation**—Prior to the approval of a final plat for that portion of the development on the east side of the western edge of the dedicated public right-of-way (ROW) of Lottsford Vista Road, the applicant shall vacate the ROW's of Lottsford Vista Road, Pennsylvania, New Jersey, and New York Avenues, including alleys, as reflected on record plat RNR 2-5. The vacation of the dedicated public rights-of-way shall be in accordance with Section 24-112 of the Subdivision Regulations for the plat recorded in land records in 1927, and will consist of those rights-of-way within the boundary of this PPS.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 7, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2016 *and corrected administratively on August 4, 2016.

Patricia Colihan Barney
Executive Director




By Jessica Jones
Planning Board Administrator

PCB:JJ:WC:ydw

*Denotes Correction
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 8/9/16