



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-93

File No. 4-15022

R E S O L U T I O N

WHEREAS, Camp Springs Allentown, LLC is the owner of a 13.03-acre parcel of land known as Parcels 52-55 and Parcel 164, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on April 19, 2016, Camp Springs Allentown, LLC filed an application for approval of a Preliminary Plan of Subdivision for 59 lots and 13 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-15022 for Allentown Andrews Gateway 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 Type 1 Tree Conservation Plan (TCP1-001-16-01), and APPROVED Variances to Section 27-548(h) and Section 25-122.02 for the removal of Specimen Trees (ST-7 and ST-8), and further APPROVED Preliminary Plan of Subdivision 4-15022, Allentown Andrews Gateway, including APPROVAL of a Variation from Section 24-121(a)(4) for 20 lots, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical revision shall be made:
  - a. Correct General Note 34 to reflect what was approved with the PPS.
  - b. Revise General Note 20 to indicate that all existing structures are to be razed.
  - c. Clearly delineate a ten-foot-wide public utility easement along both sides of the public rights-of-way and one side of the private rights-of-way.
  - d. The rights-of-way dedication at Perrie Lane and Allentown Road (MD 337) shall be modified, reduced, and/or deleted based on a specific recommendation from the Maryland State Highway Administration.



- e. Provide evidence from the Prince George's County Department of Public Works and Transportation that the nonstandard right-of-way of the new public street is acceptable for public dedication.
  - f. Label all private streets as parcels separate from the homeowners association open space. Adjust all tables accordingly.
  - g. Provide a note that the lotting pattern for Parcel C and Lots 34–47 shall be adjusted and analyzed at the time of detailed site plan to provide a four-way intersection with the private street on the west side of the spine road between Lots 40–42. Parcel C will be adjusted and there shall be no shared access between the homeowners association and the business owners association.
  - h. Clearly label dedication of 60 feet from the center line of Allentown Road (MD 337).
  - i. All information including easements shall be legible.
2. Prior to approval of the final plat, a note shall be placed on the plat stating that “the outdoor areas of the fronts of the lots will be exposed to traffic-related ground noise levels of 65 dBA Ldn or higher.”
3. Prior to final plat approval, the Declaration of Covenants for the residential property, in conjunction with the formation of a homeowners association, shall include language notifying future contract purchasers of dwellings located on the east side of the dedicated spine road of the exposure to ground level traffic-related noise levels above 65 dBA Ldn or higher in the outdoor areas along the front of the lots. The Declaration of Covenants shall include the Traffic Related Noise Disclosure Notice. Upon execution of all purchase contracts for homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to Branch Avenue (MD 5).
4. At the time of detailed site plan, provide an exhibit that illustrates the location and limits of all off-site improvements proffered and proposed for the subject site to meet pedestrian and bicycle adequacy (Section 24-124.01). The off-site exhibit shall show:
- a. An enhanced pedestrian crossing on Allentown Road (MD 337) at the entrance to the subject site as indicated, including:
    - (1) An imprint red thermoplast brick paver crosswalk crossing the west and south legs of the intersection, unless modified by the Maryland State Highway Administration.



- (2) Pedestrian crossing signals for the west and south legs of the intersection, unless modified by the Maryland State Highway Administration.
  - (3) Curb ramps that meet Americans with Disabilities Act (ADA) guidelines at the northwest and southwest corners of the intersection, unless modified by the Maryland State Highway Administration.
5. At the time of detailed site plan, the applicant shall provide an exhibit that illustrates the location and limits of all on-site improvements proffered and proposed for the subject site to meet pedestrian and bicycle adequacy (Section 24-124.01). This exhibit shall show the location of all:
  - a. Sidewalks, crosswalks, and curb ramps.
  - b. Shared lanes markings (sharrows) along the proposed public spine road, unless the Prince George's County Department of Public Works and Transportation/ Department of Permitting, Inspections and Enforcement agrees to a modification.
  - c. Street furniture, including trash receptacles and benches at appropriate locations throughout the subject site.
  - d. Bicycle parking racks near the entrances all commercial locations within the subject site.
  - e. Pedestrian scaled street lights at appropriate locations throughout the subject site.
6. Prior to approval, the detailed site plan for the Allentown Andrews Gateway development, the proposed architecture, landscaping, and lighting that will be visible from the Old Bells Methodist Church and Cemetery Historic Site (76B-017) shall be referred to the Historic Preservation Commission for review and comment.
7. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private, on-site recreational facilities in accordance with Section 24-135(b) of the Subdivision Regulations and the standards outlined in the *Park and Recreation Facilities Guidelines*. The details of the proposed facilities and timing for construction shall be determined at the time of approval of the detailed site plan.
8. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision Review Section to ensure the rights of the Maryland-National Capital Park and Planning Commission, are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.



9. 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 and detailed site plan (DSP). 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 Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, Subdivision Review Section of the Development Review Division.
  - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to an HOA shall be in accordance with an approved DSP. 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 the Maryland-National Capital Park and Planning Commission, Development Review Division of the Planning Department in accordance with the approved DSP.
  - f. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
10. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Maryland-National Capital Park and Planning Commission, Development Review Division (DRD) of the Planning Department for construction of private recreational facilities on homeowners' land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber/folio reflected on the plat prior to recordation.
11. 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 issuance of building permits.



12. 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 on the approved plan, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
13. 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.
14. Prior to approval of the detailed site plan, a determination of the extent, if any, of additional right-of-way dedication on Parcel 1 in the vicinity of Perrie Lane shall be made by the Maryland State Highway Administration, and reflected on the record plat.
15. Total development within the subject property shall be limited to uses that would generate no more than 201 AM and 380 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
16. At the time of final plat approval, the applicant shall clearly demonstrate dedication of right-of-way along Allentown Road (MD 337) of 60 feet from centerline.
17. 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. Provision of a left-turn lane along eastbound Allentown Road (MD 337), within the existing median.
  - b. Provision of two lanes exiting the site which will result in a shared left/through and a separate right-turn lane.
18. The detailed site plan (DSP) shall reflect that the existing full movement at Allentown Road (MD 337) and Perrie Lane shall be modified to permit right-turns in and right-turns out only. Details of this modification, including any median modifications, shall be included on the DSP for Parcel 1 and reviewed prior to DSP approval.
19. Prior to approval of the detailed site plan (DSP):
  - a. The lotting pattern for Parcel C and Lots 34–47 shall be adjusted to provide a four-way intersection with the private street on the west side of the spine road between Lots 40–42. Parcel C will be adjusted and there shall be no shared access between the homeowners association and the business owners association.



- b. The DSP should be designed to conform to Crime Prevention Through Environmental Site Design standards to the extent practicable.
20. Prior to the approval of the final plat, the applicant shall provide a copy of the recorded abandonment of the existing 50-foot-wide right-of-way, described in both Liber 1904 folio 172 (1955) and 2648 folio 470 (1960) as an "outlet to the public road," or the easement shall be reflected on the final plat as shown on the preliminary plan of subdivision.
21. At the time of detailed site plan, a lighting plan shall be submitted. The lighting plan shall demonstrate the reduction of sky glow through the use of full cut-off optics. Lighting from the commercial development shall be directed away from the adjacent on-site and off-site residential areas.
22. Prior to preliminary plan of subdivision approval, the following note shall be placed on the Type 1 tree conservation plan which reflects this approval, directly under the woodland conservation worksheet:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of two specimen trees (Section 25-122(b)(1)(G), ST-7, a 36-inch dbh Southern Red Oak and ST-8, a 39-inch dbh Willow Oak."
23. At the time of building permit issuance, applications for building permits shall include a certification by a professional engineer with competency in acoustical analysis using the certification template. 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.
24. Development shall conform to approved Stormwater Management Concept Plan, 29321-2015-00, and any subsequent revisions.
25. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-16-01). 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 (TCP1-001-16-01), 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 signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 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 certification of the detailed site plan, a copy of the technical stormwater management plan shall be submitted. The plan shall address how stormwater entering the site from the adjacent Branch Avenue (MD 5) stormwater outfall structures will be controlled.
28. At the time of detailed site plan, a lighting plan shall be submitted. The lighting plan shall demonstrate the reduction of sky glow through the use of full cut-off optics. Lighting from the commercial development shall be directed away from the adjacent on-site and off-site residential areas.
29. At the time of detailed site plan, the need for the following improvements shall be evaluated:
- a. Eight feet of additional dedication along the proposed public spine road to accommodate:
    - (1) Six-foot-wide sidewalks on both sides;
    - (2) 14-foot-wide travel lanes with shared-lane markings (sharrows);
    - (3) The additional dedication or modifications to standards may be reduced per approval of the Prince George’s County Department of Permitting, Inspections and Enforcement and/or Department of Public Works and Transportation.
30. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following at the time of detailed site plan:
- a. On-site sidewalks must be six feet wide.
  - b. A minimum eight-foot-wide asphalt side path, with buffer, along the subject site’s frontage on Allentown Road (MD 337), unless modified by the Maryland State Highway Administration and in coordination with the Washington Suburban Sanitary Commission.



- c. A crosswalk crossing the proposed public right-of-way, spine street at the curb ramps within the residential section of the subject site, just north of Lots 28 and 42, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement and/or Department of Public Works and Transportation.
  - d. A pedestrian crosswalk crossing the center spine road just south of Lots 33 and 47.
31. A notice shall be prominently displayed in the sales office stating the "The dwelling units in this community are located adjacent to Branch Avenue and may be exposed to traffic-related ground noise levels of 65 dBA Ldn or higher."

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. **Overview**—The subject property is 13.03 acres, zoned Mixed Use—Transportation Oriented (M-X-T), and is located on Tax Map 98 in Grid B-3. The property is known as Parcels 52–55, and Parcel 164 all being legal acreage parcels that have never been the subject of a preliminary plan of subdivision (PPS) or record plat. Three commercial structures exist on the site that are to be razed.

The property is located in the northeast quadrant at the intersection of Branch Avenue (MD 5) an expressway and Allentown Road (MD 337) and arterial roadway. The site is bounded on the north and the east by Perrie Lane, a 20-foot-wide right-of-way (ROW). Along the east property line Perrie Lane is not a fully dedicated public right-of-way, but is a County-Maintained Other Public road, as discussed further, over an existing easement established pursuant to Equity Case Order 2367 on September 27, 1899. Along the northern property line Perrie Lane is a fully dedicated public street, where the applicant will dedicate additional ROW to provide for a standard 50-foot-wide residential street.

The applicant is proposing to dedicate a new public right-of-way through the center of the site (spine road), extending 900 feet from the north property line south from Perrie Lane to Allentown Road, a signalized intersection. The ROW will serve as the primary access for the site development for residential and commercial. The development is divided into two distinct pods, minus various road dedications. The residential (4.94 acres) includes the northern portion of the property extending roughly 400 feet south into the site from the northern property line on both sides of the spine road with frontage on MD 5 to the west. The applicant proposes to subdivide this portion of the property into 59 lots and 9 parcels for single-family attached dwelling units (TH), and nine (9) parcels totaling 3.03 areas to be conveyed to the homeowners association (HOA) for parking, access, recreation and open space.



The commercial development (6.27 acres) includes the southern portion of the property extending from the residential lots, 500 feet south to Allentown Road (also on both sides of the spine road), with frontage on Branch Avenue (MD 5) to the west and Allentown Road (MD 337) to the south. The applicant is proposing four parcels (Parcels 1–4) for commercial development (56,600 square feet of gross floor area (GFA)). The four commercial parcels are proposed to be developed with a grocery store, gas station and other miscellaneous retail.

The layout and land use has gone through substantial changes from the original Zoning Map Amendment (ZMA) (A-9998-C), which rezoned the property from R-R and C-O to M-X-T. That approval included a vertical mixed-use; office, multifamily and retail. Townhouses were not a land use consideration at that time. The recently approved Conceptual Site Plan (CSP-15001) changed the residential development type and removed the vertical mix of uses. The PPS reflects that change from multifamily dwellings to townhouse (TH) dwellings, and proposes a horizontal mix of the uses. The applicant has indicated that the change in dwelling unit type is due to market conditions, and a response to the concerns and recommendations of the existing single-family dwelling unit communities that adjoin the property to the north and east. The applicant has indicated that these communities oppose the multifamily dwelling unit product type but do support the TH dwellings.

There are several recommendations that will alter the lotting pattern primarily in the residential area that can be accommodated at the time of detailed site plan (DSP). One includes an adjustment to the lotting pattern on the east side of the main spine road where the layout should reflect the lotting pattern to the west of the spine road to create a four-way intersection. This would result in the private street being no more than 150 feet long without adequate turnaround, which would then allow for the adjustment of the limited access to this pod of development. The access is located at the southernmost edge of the residential (south of Lot 47 and 48), and is co-located with the commercial pod to the south. This relationship should be avoided where the land uses are in a horizontal mix, where the sole access to this residential pod of development is encumbered by an easement between the HOA and the business owners association (BOA), and the commercial driveway is over the residential private street. Staff believes that this adjustment could occur without the loss of lots.

3. **Setting**—The property is approximately 13.03 acres, and located in the M-X-T Zone. The site is in the northeast quadrant of the intersection of Branch Avenue (MD 5) and Allentown Road (MD 337).



# FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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)	3 vacant structures (to be razed)	Mixed Use (Residential/Retail/Commercial)
Acreage	13.03	13.03
Lots	0	59
Outlots	0	0
Parcels	5	13
Dwelling Units:		
Townhouse		59
Commercial	0	56,600 sq. ft.
Public Safety Mitigation	No	No
Variance(s)	No	Yes (27-548(h)) 4 requested (25-122(b)(1)(G))
Variation(s)	No	Yes 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 6, 2016. The requested variation to Section 24-121(a)(4) of the Subdivision Regulations was received and heard at the SDRC meeting on May 20, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The property was rezoned to the M-X-T by Zoning Map Amendment (ZMA A-9998-C). Development in the M-X-T Zone is subject to the Order of Approval (Section 27-270), which requires the approval of a conceptual site plan (CSP) prior to approval of the PPS. The ZMA and CSP are further reviewed below:

## Zoning Map Amendment A-9998-C

On March 23, 2009, the District Council approved a Zoning Map Amendment (ZMA) A-9998-C, for the Landing at Camp Springs (Allentown Andrew Gateway), to change the zoning of the property from the R-R and C-O zones to the M-X-T Zone. The approval was granted subject to 20 conditions as outlined in Zoning Ordinance No. 7-2009. The District Council adopted the findings and recommendations of the Zoning Hearing Examiner as its findings and conclusions in the case. Exhibits in the record indicate both horizontally and vertically integrated development with commercial development along Allentown Road and 370 multifamily dwelling units and structured parking located to the rear of the property. The following are the conditions of approval **[in bold]** with findings:



1. **The Conceptual Site Plan shall show right-of-way along MD 337 (Allentown Road) consistent with Master Plan recommendations. This right-of-way, as may be revised during Conceptual Site Plan, shall be shown for dedication at the time of Preliminary Plan of Subdivision.**

This condition requires that right-of-way along MD 337 be shown to be consistent with the master plan, and is shown for dedication on the preliminary plan of subdivision. The PPS conforms to this requirement.

2. **Allentown Road (MD 337) at Old Branch Avenue: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full 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) **Restriping the northbound Old Branch Avenue approach to provide an exclusive right-turn lane and a shared left-turn/through lane.**

This condition requires physical and signalization improvements at the Allentown Road and Old Branch Avenue intersection. This intersection is covered in the traffic study which was submitted, and has been fully reviewed. Section 27-213(c)(2) makes provision that the establishment of this condition as part of a finding of transportation adequacy "shall not prevent the Planning Board from later amending this finding during its review of subdivision plats." The condition requires "restriping the northbound Old Branch Avenue approach to provide an exclusive right-turn lane and a shared left-turn/through lane," along with any needed signalization. The traffic study has shown that the improvement is not needed to meet the policy level of service in this area; it has been further reviewed by planning and operating agency staff and found to be a valid conclusion.

- (b) **This condition shall include any signalization changes that may be required by this improvement and other off-site improvements to improve operations and traffic progression through the area.**

This condition requires physical and signalization improvements at the MD 337 and site access intersection. This intersection is covered in the traffic study which was submitted and discussed further in the Transportation finding. Section 27-213(c)(2) makes provision that the establishment of this condition as part of a finding of transportation adequacy "shall not prevent the Planning Board from later amending this finding during its review of subdivision plats." The requirement of this condition is incorporated into the conditions of this preliminary plan of subdivision.

3. **MD 337 (Allentown Road) at site access: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full 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) Provision of an exclusive left-turn lane along eastbound Allentown Road.**
- (b) This condition shall include any signalization changes that may be required by this improvement and other off-site improvements to improve operations and traffic progression through the area.**

This condition requires physical and signalization improvements at the MD 337 and site access intersection. This intersection is covered in the traffic study which was submitted and discussed further in the Transportation finding. Section 27-213(c)(2) makes provision that the establishment of this condition as part of a finding of transportation adequacy "shall not prevent the Planning Board from later amending this finding during its review of subdivision plats." The requirement of this condition is incorporated into the conditions of this preliminary plan of subdivision.

- 4. MD 337/Perrie Lane: 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) The existing full movement MD 337/Perrie Lane intersection shall be modified to permit only right turns in and right turns out to/from Perrie Lane.**

This condition requires that the existing full movement intersection at MD 337 and Perrie Lane be modified to permit only right-turns in and right-turns out. The function of Perrie Lane has been discussed at length during the review of this plan. The most recent plan uses Perrie Lane as a potential right-in right-out access to a proposed gas station. Even with that representation, however, the plan does not show changes to the median of MD 337 that would help to enforce the right-in right-out arrangement. Therefore, this condition is carried forward to ensure that any needed modifications to the median of MD 337 are implemented.

- (b) An inter-parcel access will be provided from Perrie Lane into the site allowing residents from the adjacent neighborhood to utilize the MD 337/Site Access Drive signalized intersection.**

This condition requires the provision of an inter-parcel access between the site and adjacent Perrie Lane. This is accomplished along the northern boundary of the subject property, to the extent appropriate.



5. **The schematic site plan submitted with the revised Application shall be modified to eliminate all right angle parking along Perrie Lane. In recognition of the function of the roadway as a secondary residential roadway, the limits of dedication, along with the typical section along Perrie Lane, shall be determined at the time of Preliminary Plan.**

This condition requires the elimination of all right angle parking along Perrie Lane, and requires the determination of a typical section for Perrie Lane. Current plans show no parking along Perrie Lane. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and Department of Public Works and Transportation (DPW&T) are requiring that Perrie Lane along the eastern property line, be reclassified from a County roadway and retain just the existing private roadway status. The subject site does not access or use Perrie Lane for any reason north of the convenience store access abutting MD 337. For that reason, and because the roadway within the subject property serves little existing traffic, the applicant is maintaining the existing road section. Because the roadway is reverting back to a private roadway within the boundaries of this site, there will be no ROW dedication.

6. **At the time of Conceptual Site Plan, DPW&T, M-NCPPC and the Applicant will determine an acceptable pavement width for Perrie Lane within the subject property.**

This condition requires that an acceptable pavement width for Perrie Lane be determined during the CSP review. This condition is deferred appropriately to the PPS. As discussed with Condition 5 (above), the roadway is proposed to revert back to a private roadway within the boundaries of this site. There will be no ROW dedication, and the existing road section will be maintained by the HOA and/or BOA, with no change to the current access arrangement.

DPIE and DPW&T have determined that the Other Public Road (OPS) status of this right-of-way shall be terminated. The removal of the public status will not change the operation or alter any right of access that currently exists. However, the public maintenance of the easement will terminate, and the ROW will be maintained by the property owner, and ultimately the BOA. Prior to final plat the OPS status of Perrie Lane will be removed.

For informational purposes, the PPS reflects an existing 50-foot-wide right-of-way, described in both Liber 1904 folio 172 (1955), and 2648 folio 470 (1960), as an "outlet to the public road." The plan indicates that the ROW is to be abandon. If at the time of final plat approval, if the easement still exists and has not yet been abandoned in land records it shall be reflected on the final plat.

7. **At the time of Preliminary Plan, the Applicant will explore the feasibility of providing a westbound MD 337 right turn lane at the MD 337/Site Access Drive intersection.**



This condition requires consideration of further physical improvements at the MD 337 and site access intersection during PPS review. This was done, and additional improvements are part of the conditions.

**8. The following recommendations should be observed during the preparation and review of the Conceptual Site Plan.**

- (a) The Conceptual Site Plan shall provide adequate open space at the perimeter as determined by the Urban Design Section to serve as a buffer between the project and adjacent lower density residential development.**

The submitted plans depict a sidewalk network that provides pedestrian circulation within the subject site. The PPS reflects closely the design of the CSP. In regard to the townhouse portion of the development, none of the lots are shown within a future potential bufferyard. In regard to the commercial portion of the development, any buildings, trash facilities and/or loading spaces shown conceptually on the preliminary plan within 50 feet of the property line abutting single-family detached dwellings must be in conformance to the Landscape Manual as well as the requirements of Section 27-579(b) of the Zoning Ordinance which states:

**No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

- (b) Multifamily development shall not have primary access through single-family residential streets.**

No multifamily development is proposed with this application.

- (c) Wherever possible, 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 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (Henson Creek-South Master Plan SMA) placed an emphasis on bicycle and pedestrian accommodation particularly because of the potential future bus rapid transit stop on the east side of Branch Avenue adjacent to the site. The proposed internal public road will increase connectivity and accessibility, however, the pedestrian facilities along the spine road need to be emphasized, including the requirements for street trees.



At the Planning Board hearing on July 7, 2016, the applicant was advised that the determination of the need for additional ROW dedication along the new spine road would be determined at the time of DSP to ensure that pedestrian and bicycle facilities within the ROW of the proposed spine road will be accommodated. The determination for additional ROW dedication is a function of the PPS approval; however, the applicant requested that the Planning Board provide them with the opportunity at the time of DSP to demonstrate that they can accommodate the improvements within the ROW reflected on the PPS without additional dedication. The applicant was advised that additional ROW may be required with the DSP.

- (d) **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 Perrie Drive.**

The PPS shows a mixed-use development with commercial buildings on the southern half of the property adjacent to Allentown Road and residential development in the form of single-family attached dwelling units on the northern half. The application proposes to remove approximately 92 percent of the existing on-site woodlands. Adequate buffering and screening, particularly from the nonresidential portion of the proposed development, is recommended and requested by Section 4.7 of the 2010 *Prince George's County Landscape Manual*. The existing Perrie Lane along the east property line is an access easement and is therefore, not a "street" as defined by the Zoning Ordinance. The proposed open space or green area along existing Perrie Lane ranges from approximately 11 feet to 52 feet wide; however, most of this area is proposed to be encumbered with Stormwater Management (SWM) facilities, leaving little to no room for landscaping. The SWM facilities are designed as bioretention which can support certain plant species. Considerations at the time of DSP will incorporate crime prevention through environmental design in this area to avoid creating isolated areas on the site, particularly areas along Perrie Lane, which will continue to be open to traffic. Therefore, flexibility in regard to the treatment and integration of this area into both the townhouse development and the business association area is appropriate. The lotting pattern may shift due to the need to conform to the Landscape Manual, a consideration which could result in a loss of lots.

At the Planning Board hearing on July 7, 2016, the Planning Board questioned the ability of the applicant to provide adequate buffering on-site between the residential and commercial land uses. Staff advised the Planning Board that landscaping will be reviewed with the DSP, but it was a staff concern because of the dense spacial relationships.



Along the Applicant addressed concerns by discussing western boundary of the residential area, the Type 1 tree conservation plan (TCP1) featuring a wooded buffer ranging from 50 feet to 135 feet wide in consideration of the need for visual and particulate matter screening of MD 5 for the proposed residential section. The Planning Board finds that the woodland conservation along this edge is appropriate to buffer the residents from MD 5.

9. **A Type I Tree Conservation Plan (TCPI) will be required with the Conceptual Site Plan. The TCPI should propose the preservation of as much of the existing vegetation as possible (as deemed appropriate by the Environmental Planning Section) and should provide some areas of afforestation adjacent to the expanded buffer. If any off-site mitigation is proposed, the first priority will be within the Henson Creek or Tinkers Creek watersheds.**

The submitted TCP1 proposes to clear 8.21 acres of the existing 9.12 acres of on-site woodland. The plan shows the on-site preservation of 0.74 acre and off-site conservation of 4.05 acres to meet the overall 4.79-acre woodland conservation requirement. An additional 0.17 acre is being preserved but not counted toward meeting the requirement because it is too narrow. Most of the non-credited woodlands is shown along the western boundary adjacent to the preservation area.

The condition identifies an "expanded buffer" and the need for preservation or afforestation adjacent to this area. This buffer was noted without a wetland survey or natural resources inventory (NRI) completed on the subject site. After further review this area was determined to be an ephemeral stream channel. This type of stream is not regulated and does not require buffer protection. No additional information is needed with regard to the above condition.

10. **At the time of Conceptual Site Plan, the Applicant and Staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreational facilities, fees or donations to meet the future needs of the residents of the planned community.**

The Department of Parks and Recreation (DPR) has reviewed the PPS for conformance to Section 24-134 of the Subdivision Regulations for adequate recreational facilities, as discussed further in the Parks and Recreation finding. The applicant has provided a location for private on-site recreational facilities on the east side of the spine road. The details of the facilities will be determined with the DSP.

11. **All future submission packages shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout, which results in non-essential impact to the regulated features of the site.**

An NRI was recently reapproved prior to the submission of Conceptual Site Plan CSP-15001. As part of the CSP review, an investigation of the NRI and site visit identified that there were some existing features that were not shown on the NRI. There were several outfall structures, one ephemeral stream and an area that appeared to be a wetland observed during the site visit. A



revised NRI plan and narrative was submitted that investigated the areas adjacent to the Branch Avenue outfalls. The investigation showed no evidence that the adjacent outfall areas contain the parameters to be a wetland or waters of the U.S. The revised NRI plan and narrative has been approved.

- 12. At the time of Conceptual Site Plan, the Applicant shall submit a noise study and shall use the appropriate noise and vibration mitigation measures in developing the property. The Conceptual Site Plan and TCP1 shall show all unmitigated 65 dBA Ldn noise contours, and the TCP1 shall show conceptually how noise will be mitigated.**

The applicant filed an amended Phase I noise study that was evaluated with the variation for the 300-foot lot depth along MD 5, as discussed further in the Variation finding.

- 13. At the time of Conceptual Site Plan, the Applicant shall submit a Stormwater Management Concept Plan that maximizes appropriate density on the site through the use of underground facilities and bioretention.**

An approved Stormwater Management Concept Plan and Letter (29321-2015-00) was submitted with the subject application. Proposed stormwater management features include micro-bioretention and underground attenuation facilities.

- 14. The project will be designed to accommodate a grocery store of up to 18,000 gross square feet, should one be identified.**

The lotting pattern proposed could accommodate a grocery store of up to 18,000 square feet.

- 15. The project will be designed to accommodate a pharmacy of up to 15,000 gross square feet, should one be identified.**

The lotting pattern proposed could accommodate a pharmacy of up to 15,000 square feet.

- 16. The commercial office square footage will be increased by an amount to be determined the between the Applicant and the Planning Board.**

The applicant filed an application that has been analyzed for 56,600 square feet of commercial/retail gross floor area.

- 17. The Applicant shall provide a meeting room for use by civic associations in the greater Camp Springs area.**



With the DSP, the applicant should provide information regarding conformance to this condition, with appropriate conditions established at that time.

18. **The Applicant agrees to construct the commercial/retail component which is vertically integrated with the residential portion of the project concurrently. This commercial/retail space approximates 15,000 square feet. The Applicant recognizes the community desires high end commercial tenants, which may include a grocery store or pharmacy, which may have specific design requirements. The Applicant will use its best efforts to attract such tenant, which may cause the development of the single story retail components fronting Allentown Road to trail slightly behind the start of the vertically integrated retail located in the middle and rear of the subject property, which will have more standardized space configured for a variety of uses.**

The applicant has proposed a horizontal mix of uses with single-story retail fronting on Allentown Road. With the conversion away from multifamily to townhouses, the ability to construct a vertical mix is no longer viable.

19. **Café sidewalks will be provided along the storefronts of proposed eating establishments to enhance the vitality of the area.**

The applicant indicated in the submitted statement of justification that to date, no eating or drinking establishments have been identified as tenants for the subject property.

20. **All HVAC units located on the rooftops of the single story retail buildings will be screened from view of the Branch Avenue-Allentown Road flyover and its access ramp.**

This condition shall be reviewed with the DSP.

#### **Conceptual Site Plan CSP-15001**

The District Council determined that they would take no action on Conceptual Site Plan CSP-15001 for Allentown Andrews Gateway on June 13, 2016. The appeal period for the CSP expired on June 23, 2016. Conceptual Site Plan CSP-15001 was approved on May 19, 2016 by the Planning Board as a mixed-use development, including approximately 54,600 square feet of commercial space and 61 single-family attached residential dwelling units. The following conditions were adopted (PGCPB Resolution No. 16-56) by the Planning Board in their review and approval, and apply to the review of this PPS. The following are the conditions of approval (**in bold**) with findings:

1. **Prior to certificate approval of the conceptual site plan (CSP), the applicant shall:**
  - a. **Show right-of-way along Allentown Road (MD 337) consistent with the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommendations, as described: a variable right-of-way along MD 337 of 10**



**to 20 additional feet along the frontage of the subject property, varying from 10 feet at the western property line to 20 feet at Perrie Lane. The final right-of-way dedication shall be determined at the time of preliminary plan of subdivision.**

This condition requires that right-of-way along MD 337 be shown as described on the certified CSP plan. This was done, and checked during review of this plan, and the plan shows appropriate and adequate right-of-way, which is consistent with the PPS.

- b. Revise the Type 1 tree conservation plan and the CSP to show a woodland preservation area along the portion of the western boundary adjacent to the residential area of the site. The woodland preservation area shall range in width from 50 feet along the northern property line to 125 feet along the southern edge of the proposed residential development, with an average width along this buffer of no less than 75 feet. The woodland shall be counted toward the woodland conservation requirement. This buffer shall be shown on all future plans at the time of preliminary plan of subdivision and detailed site plan.**
- c. Revise the plans to delete all proposed individual lot lines.**
- d. Revise the Type 1 tree conservation plan (TCP1) as follows:**
  - (1) Remove the old approval block and add the new TCP1 approval block.**
  - (2) Add "TCP1-001-16" to the required approval block.**
  - (3) Label Perrie Lane as "existing asphalt to remain."**
  - (4) Label Branch Avenue (MD 5) as "Master Planned Freeway" and Allentown Road (MD 337) as "Arterial Roadway."**
  - (5) Revise the specimen tree labels to a larger readable size.**
  - (6) Revise General Note 7 to remove "Developed Tier" and add "Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by the Plan Prince George's 2035 Approved General Plan."**
  - (7) Revise General Note 11 to add the approved stormwater management concept number.**



- (8) **Revise General Note 12 to identify the project's dedicated land and, if no land is currently or proposed to be dedicated with this application, remove Note 12.**
- (9) **Remove General Note 13.**
- (10) **Revise the plan to show the location of all specimen trees. The future disposition of the specimen trees will be determined at the time of the preliminary plan of subdivision.**
- (11) **Revise the Woodland Conservation Worksheet as necessary after all required revisions have been made.**
- (12) **Have the revised plan signed and dated by the qualified professional preparing the plan.**

These Conditions 1(d)(1-12) shall be reviewed with the certification of Conceptual Site Plan CSP-15001. The type 1 tree conservation plan (TCP1) with this application shall also reflect these revisions.

- e. **Provide minimum six-foot-wide sidewalks along both sides of the proposed main street, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).**

The submitted plans depict five-foot-wide sidewalks. The applicant's statement of justification indicates that six-foot-wide sidewalks will be provided at the time of DSP. As discussed further, additional ROW dedication may be required along the spine road prior to approval of the DSP to accommodate the sidewalks.

- 2. **Prior to acceptance of a preliminary plan of subdivision (PPS) or 35 days prior to the Planning Board hearing for the PPS, information shall be provided or the issues shall be properly addressed, as follows:**
  - a. **The natural resources inventory plan shall be revised to:**
    - (1) **Show the two off-site stormwater outfall structures;**
    - (2) **Identify the location of any existing wetlands on the site;**
    - (3) **Identify the location of any existing 100-year floodplain.**
  - b. **Submit a wetland delineation report identifying any on-site wetlands and their associated buffers.**



A revised wetland and NRI plan was approved on June 6, 2016. An investigation was completed on-site within the area adjacent to the Branch Avenue stormwater outfall structure. The wetland report documented the analysis of the subject area to see if it met the three parameters of a wetland determination. It was determined that the area in question did not qualify as a wetland.

- c. Submit an approved floodplain request from the Prince George's County Department of Permitting, Inspections and Enforcement. The letter shall confirm the presence or absence of 100-year floodplain.**

A request by Soltesz on April 19, 2016 was submitted to DPIE to determine if any 100-year floodplain was located within the subject property boundary. A drainage area map was submitted with this request and a review was conducted by staff. DPIE determined that there is no 100-year floodplain located on-site.

- d. Submit a revised Phase I noise study, including an exhibit of the location of the unmitigated 65 dBA Ldn noise contours and correctly reflect them on the Type 1 tree conservation plan and PPS.**
- e. Submit a Phase II noise study, including an exhibit of the location of the mitigated 65, 70, 75, and 80 dBA Ldn noise contours based on various recommended noise mitigation measures, in combination with a forested buffer along the western boundary adjacent to the residential area.**

With regard to Condition 2(d) and 2(e), a revised Phase I and new Phase II noise study has been submitted. The noise impacts and mitigation are discussed in the Environmental Review and Variation findings related to lot depth (Section 24-121(a)(4)).

- f. Submit a Subtitle 25 variance application for the removal of specimen trees, including a statement of justification addressing the required findings of Section 25-119(d) of the Prince George's County Code.**

A variance for specimen tree removal has been submitted. The Planning Board approved the requested variance for the removal of two of the five specimen trees located on-site, as discussed further in the Environmental finding.

- g. Submit a letter of justification and exhibits for any impact to the regulated features of the site.**

No letter of justification is required because the revised wetlands report determined that there are no regulated features on-site.



3. Prior to approval of each detailed site plan (DSP) for the project, information shall be provided or the issues shall be addressed, as follows:
- a. Consider a hard-surface pedestrian and bicycle trail within the 20-foot-wide easement of Perrie Lane.
  - b. Consider a minimum six-foot-wide sidewalk along both sides of all internal private roads (excluding private alleys), as appropriate.
  - c. Provide high-visibility textured crosswalks at all appropriate locations within the subject site.
  - d. Submit a revised and approved stormwater management concept plan to reflect the limits of disturbance as shown on the approved conceptual site plan, and demonstrate how off-site runoff from outfalls conveying stormwater from Branch Avenue (MD) 5 will be controlled.
  - e. Locate all outdoor recreational areas outside of the mitigated ground-level 65 dBA Ldn and outside of the approved woodland preservation area adjacent to Branch Avenue (MD 5) established pursuant to Condition 1(b).
  - f. Consider providing a wide sidewalk and/or patio space in association with the in-line retail structure to accommodate outdoor cafés, benches, and bicycle racks.
  - g. Provide a list of the green building techniques proposed to be employed in the development.
  - h. Provide brick, glass, masonry, or other high-quality material as the predominant exterior finish of the commercial and residential buildings.
  - i. Consider providing a three- to four-foot-high decorative wall, hedge planting, or other similar treatment along the commercial parking compounds proposed directly along the pedestrian walkways along the main street and along Allentown Road (MD 337).

These conditions will be further addressed at the time of DSP.

4. Prior to issuance of a building permit, a professional engineer with competency in acoustical analysis shall certify (using the certification template) 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 mitigated 65 dBA Ldn or higher noise impact area.



This condition is carried forward with this PPS, and will be required prior to the issuance of building permits.

5. **The applicant and the applicant's heirs, successors, and/or assignees shall provide private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The adequacy and location (including spacing) of the proposed facilities shall be determined at the time of preliminary plan of subdivision. The exact details and timing for construction shall be established at the time of detailed site plan.**

As set forth in the Parks and Recreation finding, private on-site recreational facilities will adequately serve the development. The details of the facilities will be determined at the time of DSP. Appropriate conditions are included which require a recreational facilities agreement and bonding. The triggers for construction of the facilities will be determined with the review of the DSP.

6. **Prior to approval of a preliminary plan of subdivision, no grading permits shall be issued for the property.**

Based on available information, a grading permit had not been issued at the time of approval of this PPS.

6. **Community Planning**—The property is within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (sector plan), in Planning Area 76B/Henson Creek. The future land use for the property is residential mixed use and the land use recommendations include neighborhood commercial adjacent to Allentown Road and residential on the north end of the property. The application is consistent with the sector plan and the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) future land use category for mixed use.

A sectional map amendment was not included as part of the sector plan. However, the property was rezoned from R-R and C-O to M-X-T through Zoning Map Amendment A-9998-C, which became effective on June 19, 2009 (Zoning Ordinance No. 7-2009), as discussed further.

The PPS is consistent with the sector plan and Plan Prince George's 2035.

7. **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, 29321-2015-00, is valid until December 14, 2018. 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.

The SWM approval letter in Condition 11 states that full frontage improvements along Perrie Lane will be required. Subsequent to the issuance of the SWM approval letter, staff has been advised that DPW&T and DPIE are recommending that the other public road status be removed from

Perrie Lane along the eastern property line, therefore, full frontage improvement and ROW dedication will no longer be required for that portion by DPTE and DPW&T. Perrie Lane will remain as is, and subject only to the original easement, as reflected on the PPS as Liber 3958 at folio 919 and Liber 7525 at folio 198. Perrie Lane, along the northern property line, will be fully improved with dedication to accommodate a 50-foot-wide public ROW.

8. **Parks and Recreation**—The Department of Parks and Recreation's (DPR) evaluation of this PPS is based on the recommendations in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Planning Area 76B), the approved zoning map amendment for the property (A-9998), the Land Preservation and Recreation Program for Prince George's County, Conceptual Site Plan CSP-15001, and the Prince George's County Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation.

The subject property is 13.03 acres in size and is located in the northeast quadrant of the intersection of Allentown Road and Branch Avenue, approximately three-quarter miles south of the Capital Beltway (I-95/I-495). The subject property is in the Branch Avenue/Allentown Road Corridor and is part of the Camp Springs Town Center. The subject property is surrounded on the north and east by single family detached dwellings and is not adjacent to any existing parkland.

The PPS is approved for 59 single-family, attached, residential lots and 56,600 square feet of retail space. The residential units are situated on approximately 6.6 acres of land which equates to a density of 8.94 units per acre. The new residential development will result in a projected population increase of approximately 148 new residents. As per Section 24-134(a)(1) of the Subdivision Regulations, residential subdivisions of this density may be required to dedicate ten percent of their land to M-NCPPC for public parks. In this case, the application of the Mandatory Dedication requirement would require the dedication of 0.66 acre of land to M-NCPPC.

In 2008, the District Council approved Zoning Map Amendment A-9998-C, which resulted in the rezoning of the subject property from R-R and C-O to M-X-T. The approval of the M-X-T Zone approved 370 multifamily dwelling units (at a maximum density of 28 units per acre) and 52,000 square feet of commercial, retail, and office space. Condition 10 of A-9998-C requires the applicant, at the time of CSP, to address the need for park and recreational facilities for the future residents of this development. The Planning Board approved the PPS with private recreational facilities as a means of meeting the mandatory dedication requirement for the townhouse dwellings. The facilities should be properly developed and maintained to the benefit of future residents through a private recreational facilities agreement.

9. **Trails**—The PPS was reviewed for conformance with the appropriate master and sector plans in order to provide pedestrian and bicyclist improvements.



Type of Master Plan Bikeway or Trail

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

The PPS, with conditions, conforms to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Central Branch Avenue Corridor Revitalization Sector Plan* (sector plan) to implement planned trails, bikeways, and pedestrian improvements.

Due to the site's location within the Branch Avenue Corridor (per the Adequate Public Facility Review Map of Plan Prince George's 2035), the application is subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines – Part 2, 2013" at the time of PPS.

The conditions are based upon a review of the submitted bicycle and pedestrian impact statement (BPIS) and the PPS submitted May 27, 2016.

The subject site is immediately served by three bus routes which all travel along Allentown Road abutting to the south of the subject site; Washington Metropolitan Area Transit Authority (WMATA) Metrobus routes D13 and D14; and Prince George's County TheBus Route 30. There is a Metrobus bus stop directly across Allentown Road from the subject site. There are additional Metrobus/TheBus bus stops on Allentown Road at the intersections of Robin Lane and Leon Street, approximately 300 and 500 feet east from the subject site, on the north side of Allentown Road. None of these bus stops have shelters.

**Master and Sector Plan Compliance**

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes four master plan trails in the vicinity of the subject site. These include the following (MPOT):

- **Designated bicycle lanes along Allentown Road**
- **A sidepath along Allentown Road**
- **A hard surface trail along Perrie Lane**
- **Designated bicycle lanes along the center spine road within the subject site**

The BPIS text document mentions that there is a master-planned trail proposed along Perrie Lane. The trail along Perrie Lane is one segment of a larger planned trail that provided a north-south connection parallel to MD 5. DPW&T has determined that the public road status of the Perrie Lane should be removed and the new dedicated public street extending thru the site should be developed with a cross section that can accommodate bicycle and pedestrian facilities consistent with the master plan trail recommendation. At the Planning Board hearing, the applicant was advised that additional dedication may be required at the time of DSP if the ROW width as proposed with the PPS is not sufficient. While ROW dedication is a function of a Planning Board

action on a PPS, the Planning Board agreed to allow the applicant the opportunity to demonstrate with the DSP an appropriate cross section for the ROW that can accommodate both bikes and pedestrians as conditioned. While Perrie Lane will remain as a private easement it is not intended for general public circulation, that function will be better served by a dedicated public street.

The MPOT also provides several policies related to active transportation access and the provision of sidewalks. The Complete Streets section includes the following policies (MPOT, page 9):

**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.**

**POLICY 4: Develop bicycle friendly roadways in conformance with the latest standards and guidelines, including the *Guide for the Development of Bicycle Facilities* (American Association of State Highway and Transportation Officials, 2012).**

**POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with Complete Streets principles.**

The submitted PPS and BPIS improvement plan include standard, five-foot-wide sidewalks along all roads within the subject site and many zebra-striped style crosswalks throughout the subject site. The subject application does not indicate any bicycle improvements within or connecting to the subject site and should. The Planning Board is requiring the provision of six-foot-wide sidewalks along both sides of the main spine road, unless a reduction is approved with the DSP as conditioned.

The 2013 *Central Branch Avenue Corridor Revitalization Sector Plan* indicates that the subject application is in the Camp Springs Town Center area (Sector Plan, page 64) and provides specific facility recommendations that impact the subject site. These include (Sector Plan, page 95):

- Allentown Road node east of MD 5 – Sidepath/cycletrack
- Camp Springs Bicycle Lanes (New Roads) – Bicycle lanes
- Perrie Trail – Hard surface trail

The improvements on Allentown Road will be implemented by SHA. The applicant has proposed adequate dedication to accommodate the improvement. The new spine road shall include facilities for bicycles. Perrie Lane along the eastern property line is private property and should not be open to the general public without a public use easement. The master plan trail alignment is being located along the new dedicated public street which will end at a signalized intersection and



extend through the proposed residential and commercial development, and will therefore be centrally located.

Additionally, the Central Branch Avenue Corridor Sector Plan includes the following recommendations [**in bold**] to guide the circulation and connectivity of the Camp Springs area (Sector Plan, page 66):

**Ensure that a minimum of six-foot-wide sidewalks are provided on both sides of the street. Install textured crosswalks at intersections or in mid-blocks where pedestrian crossings are anticipated. Use special paving material for sidewalks and crosswalks.**

The submitted PPS and BPIS improvement plan show sidewalks that are five feet wide. Zebra-striped style crosswalks are shown at most intersections, however there is no marked crossing of the proposed public spine street at the center of the subject site, therefore a condition of approval has been recommended to address this issue. This can be further reviewed with the DSP. The submitted statement of justification indicates that six-foot-wide sidewalks will be addressed at the time of DSP. While master plan conformance is a requirement applicable at the time of review of the PPS, conditions to further review the ROW dedication along the new spine road are proposed to ensure that adequate ROW dedication is provided to allow for implementation.

**Install traffic calming measures to slow traffic along the roadways where pedestrian usage is expected to be heavy.**

The submitted plans indicate a center median at one point, curb extensions, and on-street parking in the residential section of the subject site. This is consistent with the Central Branch Avenue Corridor Sector Plan, but ultimately subject to DPW&T/DPIE approval for the public right-of-way.

**Build a pedestrian overpass over Branch Avenue that is well designed as a distinguishing characteristic and brand for the area and that is also inviting to pedestrians.**

The provision of a pedestrian bridge is beyond the scope or requirements of the subject application. No detailed analysis or evaluation of a pedestrian bridge design or placement has been undertaken by public agencies. A pedestrian bridge crossing Branch Avenue can be implemented as a future Maryland State Highway Administration (SHA) capital improvement project.

**Redesign Allentown Road east of Branch Avenue to develop a multi-way boulevard to allow six travel lanes, a 15-foot two-way cycle track, and wide sidewalks on the north side.**

SHA has not permitted cycle tracks along SHA maintained roadways. The right-of-way indicated on the PPS will allow for SHA to implement a more detailed analysis of feasible facilities within the curb-to-curb right-of-way along Allentown Road. The submitted plans indicate a five-foot-wide sidewalk within the subject site's frontage on Allentown Road, which is not consistent with the sector plan. The cycle tracks recommended in the sector plan may be implemented by SHA as part of a corridor wide project or capital improvement project. The applicant should provide an eight-foot-wide (minimum) asphalt sidepath on Allentown Road along the subject site frontage, this facility can be used by pedestrians and bicyclists and is consistent with the master and sector plans. However, the improvements within the dedicated public right-of-way are under the jurisdiction of the operating agency and will be determined with street construction permit approval.

#### **Proposed On-Site Bicycle and Pedestrian Improvements**

As stated the applicant submitted a BPIS improvement plan with this PPS that indicates on- and off-site bicycle and pedestrian improvements. The submitted plans indicate:

- a. Five-foot-wide sidewalks providing direct pedestrian access to all residential units.
- b. Five-foot-wide sidewalks along the proposed public spine through the center of the subject site.
- c. Five-foot-wide sidewalks along the subject site's frontage along Allentown Road.
- d. Curb ramps that meet American with Disabilities Act (ADA) guidelines at 17 crossings within the subject site.
- e. Twelve zebra-striped style crosswalks.

The proposed improvements will contribute to pedestrian accessibility within the subject site. Five-foot-wide sidewalks are shown along both sides of the proposed public spine road with marked crosswalks. Six-foot-wide sidewalks are recommended in the sector plan. There are three crosswalks that cross the proposed public spine road; one crosswalk crosses the north leg of the intersection of the proposed public spine road and MD 337, connecting the southern ends of Parcels 1 and 2; the second crosswalk crosses the south leg of the intersection of the proposed public spine road and Perrie Lane, just north of Lots 21 and 34; the third crosswalk crosses the public spine road and connects the north end of Parcel 1 with the center of Parcel 2. Two additional marked crosswalks will improve the pedestrian environment; the first is a crosswalk with curb ramps that meet Americans with Disabilities Act (ADA) guidelines that crosses the center spine road just south of Lots 33 and 47; and a crosswalk that crosses the proposed public spine road just north of Lots 28 and 42, where curb ramps are indicated. Pedestrian streetscape elements, such as benches, pedestrian scaled street lights, and trash receptacles, are not depicted in the submitted plans and will be required with the review of the DSP. These facilities are necessary for on-site pedestrian adequacy and comfort. There are no bicycle facilities depicted on the submitted plans, however, bicycle facilities should be provided within the alignment of the new



dedicated public ROW through the center of the property. This is necessary to accommodate the master plan recommendations regarding Perrie Lane, that is being relocated from an OPS road, which will be remaining as a private easement only. Integrating bicycle transportation facilities into the subject site will be required at the time of DSP and shall be consistent with the MPOT and the Sector Plan and necessary for on-site bicycle adequacy.

**Proposed Off-Site Improvements:**

Due to the location of the subject site within a designated corridor, 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.**

County Council Bill CB-2-2012 includes 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 subject application proposes 59 residential units and 56,600 square feet of commercial/retail development. The cost cap for the subject site is \$37,510 (\$17,700 from residential units and \$19,810 from commercial/retail square footage).

Section 24-124.01 also provides 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):**
  - (i) **Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  - (ii) **Installing or improving streetlights;**

- (iii) **Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
- (iv) **Providing sidewalks or designated walkways through large expanses of surface parking;**
- (v) **Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.);**
- (vi) **Installing street trees.**

Compliance with Section 24-124.01 and the "Transportation Review Guidelines – Part 2, 2013:"

The BPIS includes details/preliminary designs for the following improvements:

- a. An enhanced pedestrian crossing of MD 337 on the west leg of the intersection of MD 337 and the proposed public spine road, including:
  - A red thermoplast imprinted crosswalk
  - Curb ramps that meet ADA guidelines
  - Pedestrian crossing signals
- b. An enhanced pedestrian crossing of the south leg of the intersection of MD 337 and the proposed public spine road, including:
  - A red thermoplast imprinted crosswalk
  - Pedestrian crossing signals

The improvements are located on MD 337, an SHA maintained road. The applicant submitted a cost estimate for Item 1 of the above improvements including the installation, engineering, permitting, and construction costs. The submitted cost estimate totals \$37,600.50. Item 2 of the above improvement was added to the off-site improvements after SHA reviewed and provided comment to Item 1. These off-site improvements will contribute to the pedestrian and bicycle adequacy of the area.

**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 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.**

The proffered improvements will provide pedestrian crossings on MD 337 directly across from the entrance of the subject site. These improvements will provide a crossing for residents and visitors of the subject site and for people using transit at the nearby bus stops. There is a nexus between the subject site and the proffered improvements.

**Finding of Adequate Bicycle and Pedestrian Facilities:**

Section 24-124.01 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of Preliminary Plan. More specifically, 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**

(B) **The presence of elements that make it safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield 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).**



Standard five-foot-wide sidewalks and street lights currently exist along both sides of MD 337 off-site in the vicinity of the subject site. These sidewalks do not have buffers separating the sidewalk from the street. On-site, the submitted plans indicate five-foot-wide sidewalks throughout the development. The plans do not indicate any street lights on-site, which will be reflected on the DSP. A master plan sidepath is recommended along MD 337 and wide sidewalks and cycle tracks are recommended in the sector plan. Submitted plans depict a five-foot-wide sidewalk along the subject site frontage on Allentown Road (MD 337). An asphalt sidepath with a buffer along MD 337 will address pedestrian adequacy along the frontage of the subject site and contribute to make walking safer, easier, and more inviting for pedestrians. A master plan trail is recommended along Perrie Lane, however, in light of the County's recommendation to remove the public status the central dedicated public right-of-way will accommodate the master plan recommendation. This on-site facility would improve the bicycle and pedestrian environment.

There are a few planted street trees along MD 337 in the vicinity of the subject site, and there is no street furniture, such as benches, shelters, or trash receptacles. Off-site streetscape improvements, such as street trees and furniture, can be added by SHA as part of a future capital improvement project. On-site the submitted concept plans do not depict street lights, street trees, or furniture and these should be included to address adequate pedestrian facilities on-site and along the subject site's frontage along MD 337 at the time of DSP, as appropriate.

There are no traffic calming measures off site such as curb extensions, pedestrian refuge medians, or marked crosswalks along MD 337. The applicant has proffered to build an enhanced pedestrian crossing on MD 337 at the intersection with the proposed spine road serving as the main site entrance, approximately 700 feet from the nearest crossing. This improvement is subject to modification by SHA and will improve the pedestrian environment. Other traffic calming improvements, such as curb extensions may not be feasible along MD 337, an arterial road. On-site, submitted plans indicate curb extensions, a traffic calming median, and crosswalks throughout the subject site. These will contribute to the on-site pedestrian environment.

- (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;**



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

The MPOT recommends bicycle lanes on MD 337, which can be built by SHA as part of a future capital improvement project. On-site improvements, including a trail along the proposed public road extension through the center of the site and bicycle facilities should be included to address adequate bicycle facilities. Off-site there are no marked bicycle lanes nor shoulders wide enough to provide dedicated space for bicycle travel along the right-of-way. An asphalt sidepath along the subject site frontage would provide space for bicyclists and pedestrians. Any frontage improvements along MD 337 should be consistent with the *Bicycle Policy & Design Guidelines* (Maryland State Highway Administration, 2015). On-site, the MPOT recommends bicycle lanes along the proposed public spine road; however, because of expected traffic volumes and speeds, shared lane markings (sharrows) will be adequate.

Off-site, there are no protected bicycle lanes in the vicinity of the subject site. The sector plan recommends cycle tracks along MD 337, however this facility would require additional right-of-way dedication and would be subject to modification by SHA, which has not traditionally used this type of bicycle facility. An asphalt sidepath would provide separated bicycle lanes along MD 337.

No bicycle parking is depicted off- or on-site in the submitted plans. Bicycle parking, especially at all nonresidential units shall be included in the review of the DSP to further address bicycle adequacy.

In accordance with Section 24-122.01 of the Subdivision Regulations adequate pedestrian and bicycle facilities will exist.

10. **Transportation**—The overall subject property consists of approximately 13.03 acres of land in the M-X-T Zone. The property is located on the east side of MD 5 (Branch Avenue) and north of MD 337 (Allentown Road), in the northeast quadrant of the interchange of the two facilities. The applicant proposes a mixed-use subdivision consisting of a mix of residential and commercial uses on the site.



## Analysis of Traffic Impacts

### Trip Generation

The application is a preliminary plan of subdivision for a mixed-use subdivision of commercial and residential (townhouse) uses. Residential townhouses are proposed on 59 lots, and approximately 56,600 square feet of commercial development is also proposed. The table below summarizes trip generation in each peak hour that was used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-15022, Allentown-Andrews Gateway								
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	153	152	305
Less Pass-By (63 percent AM/66 percent PM)			-83	-83	-166	-101	-101	-202
Net Convenience Store/Gas Trips			49	50	99	52	51	103
Retail	51,000	square feet	64	39	103	183	199	382
Less Pass-By (40 percent)			-26	-16	-42	-73	-80	-153
Net Retail Trips			38	23	61	110	119	229
Townhouses	59	units	8	33	41	31	17	48
<b>Total Trips Utilized in Analysis</b>			<b>95</b>	<b>106</b>	<b>201</b>	<b>193</b>	<b>187</b>	<b>380</b>

It needs to be noted that the traffic study, for the Convenience Store with Gas Pumps use, utilized the square footage of the convenience store of 5,600 square feet as the independent variable for computing trip generation. During review, it was noted that all conceptual plans for the site showed up to 16 fueling positions in front of the convenience store. This number of fueling positions would generate, per *Trip Generation 9<sup>th</sup> Edition Review* Institute of Transportation Engineers (ITE), approximately ten percent more trips than was assumed in the traffic study using square footage as the independent variable. Because that difference would not make a difference in the overall recommendations, and in order to ensure that a lower trip cap would not create a future issue in the review of this site, trip generation has been analyzed using fueling positions as the independent variable for the convenience store use.

The traffic generated by the proposed preliminary plan would impact the following six critical intersections, interchanges, and links in the transportation system:

- Allentown Road and Brinkley Road
- Allentown Road and Old Branch Avenue
- MD 337 (Allentown Road) and MD 5 ramps
- MD 337 and site access



- MD 337 and Perrie Lane
- MD 337 and Auth Road

The application is supported by a traffic study dated June 2015 provided by the applicant and referred to SHA, DPW&T, and DPIE. Comments from the County and SHA have been received and are included in the analysis. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Transportation Review Guidelines – Part 1, 2012."

#### **Existing Traffic**

The subject property is located within Transportation Service Area (TSA) 1, as defined in Plan Prince George's 2035. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to 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, (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; (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, interchanges and links identified above, when analyzed with existing traffic using counts taken in May 2015 and existing lane configurations, operate as follow:



EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Allentown Road and Brinkley Road	796	937	A	A
Allentown Road and Old Branch Avenue	1,374	1,290	D	C
MD 337 (Allentown Road) and MD 5 ramps	1,088	960	B	A
MD 337 and site access	1,103	694	B	A
MD 337 and Perrie Lane/site access	28.8*	15.0*	--	--
MD 337 and Auth Road	944	1,104	A	B
*In analyzing unsignalized intersections, 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 that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The submitted study included a separate site access from Perrie Lane. During an early stage of review, it was determined that the two points of access would be combined, and that is reflected in the table above and all succeeding tables.

**Background Traffic:**

None of the critical intersections identified above are programmed for improvement 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." Background traffic has been developed for the study area using several approved but unbuilt developments within the study area. A 0.5 percent annual growth rate for a period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:



BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Allentown Road and Brinkley Road	827	972	A	A
Allentown Road and Old Branch Avenue	1,433	1,349	D	D
MD 337 (Allentown Road) and MD 5 ramps	1,142	1,012	B	B
MD 337 and site access	1,147	724	B	A
MD 337 and Perrie Lane/site access	32.3*	15.6*	--	--
MD 337 and Auth Road	989	1,154	A	C
<p>*In analyzing unsignalized intersections, 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 that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

**Total Traffic:**

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines," including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume CLV, (AM & PM)		Level of Service (LOS, AM & PM)	
Allentown Road and Brinkley Road	853	1,023	A	B
Allentown Road and Old Branch Avenue	1,458	1,405	E	D
MD 337 (Allentown Road) and MD 5 ramps	1,187	1,092	C	B
MD 337 and site access	1,590	1,624	E	F
MD 337 and Perrie Lane/site access	16.6*	19.1*	--	--
MD 337 and Auth Road	1,020	1,199	B	C
<p>*In analyzing unsignalized intersections, 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 that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

The site access intersection along MD 337 operates unacceptably under total traffic in both peak hours. In response to the inadequacies, the applicant proposes the following:



- The intersection of MD 337 at the site access should be improved to include the following:
  - a. Provision of a left-turn lane along eastbound MD 337 within the existing median.
  - b. Provision of two lanes exiting the site which will result in a shared left/through and a separate right-turn lane.

With these improvements in place, the MD 337 and site access intersection will operate at LOS C (CLV of 1,195) in the AM peak hour, and LOS B (CLV 1,011) in the PM peak hour. With these improvements in place, all intersections in the study area will operate acceptably. It must be noted that Condition 7 of the District Council Order for A-9998-C requests consideration of a westbound right turn lane along MD 337 at the site access. By means of the traffic study, it has been determined that an additional right-turn lane is not needed for adequacy. Traffic needs will be better addressed by a multi-lane approach from the site as recommended. However, SHA still retains the final decision on the lane configuration at the site entrance; this is part of the State's legal authority to grant and govern State Highway access. For reasons of safety and other issues, the State could require this right-turn lane. That is a decision that is correctly deferred to the time of access permit approval.

A trip cap consistent with the analysis and the adequacy finding, 201 AM and 380 PM peak hour trips, is included in this approval.

The traffic study was referred to and reviewed by the County and SHA, as noted below:

- The County concurred with the traffic study and its conclusions.
- SHA has offered only one minor comment on the study, and that comment actually relates to the plan and the impact of future MD 5 improvements upon the plan. This issue will be discussed further below.

#### **Plan Comments**

The site is configured as two distinct "pods" of development – one commercial pod within the southern portion of the site, and one residential pod within the northern portion of the site. The applicant plans a major north-south public street through the development to connect Perrie Lane off-site to MD 337. This roadway is shown with a non-standard cross section, and will require County approval to be supportable prior to approval of the DSP, in order to dedicate the street to public use at the time of final plat pursuant to Subtitle 24 (24-123(a)(4)).

The status of Perrie Lane has remained a major issue through the review of this application. The concept plan submitted with the zoning map amendment suggested a much greater utilization of Perrie Lane even though the status of the roadway was not fully understood. During review, several determinations were made:



- Tax maps show a right-of-way for Perrie Lane but it does not appear to have been ever dedicated to public use.
- Several properties have a longstanding legal right of access to use Perrie Lane, so it cannot be closed. The vacation process cannot be used given that a dedication has never occurred.
- DPW&T/DPIE has indicated that, at some point about 30 years ago, the County paved Perrie Lane. On later mapping, Perrie Lane was shown variously as a County road and a County OP/OPS (minimal maintenance) road.
- SHA has offered only one minor comment on the study, and that comment actually relates to the plan and the impact of future MD 5 improvements upon the plan. This issue will be discussed further below.

Given the need to maintain a legal right of access to adjacent properties via Perrie Lane (per the applicant), the lack of need for the subject property to use Perrie Lane for access and circulation, the limited amount of traffic using Perrie Lane, and the substandard nature of the cross-section, it was considered that Perrie Lane should revert from a public roadway maintenance to a private roadway. The dedication needed to bring Perrie Lane to an appropriate public street standard would have had a major impact on the development of the subject site, requiring a 50-foot-wide public ROW per DPW&T/DPIE. By e-mail dated June 14, 2016 (A. Issayans to W. Chellis), the Deputy Director of DPW&T has stated the County's "desire to remove the ROW from the County's responsibility as part of a condition" for this PPS, resulting in Perrie Lane remaining as a private roadway and not a public street authorized pursuant to the Subdivision Regulations. With this condition, the County is no longer requesting additional ROW dedication, to a public road standard of 50 feet wide along the entire length of Perrie Lane.

The proposed major north-south public street thru the center of the property has a nonstandard section along its length. DPIE has indicated support for this section as depicted on the plan. Nevertheless, the plan must be modified to demonstrate six-foot-wide sidewalks (as required by Condition 1(e) of the resolution approving CSP-15001). Also, given that Perrie Lane is recommended to become private, the master plan trail along Perrie Lane must be relocated to this north-south street. This recommendation is consistent with the trails analysis. These requirements may necessitate a larger right-of-way along the major north-south public street, which is recommended, subject to modification by DPW&T/DPIE, and will be further reviewed with the DSP when a cross section for the main spine road can be analyzed.

The private streets on the plan have been reviewed. Private streets greater than 150 feet in length must have a turnaround capability shown on a plan; this is not necessary for streets less than 150 feet in length. The street serving Lots 34 to 59 is approximately 300 feet in length. While the plan must be modified to show a full movement turnaround that can accommodate fire truck access, a turnaround of this size could result in a substantial loss of lots. Moreover, the joint access between the TH development and the commercial is an undesirable relationship and must be modified. To accommodate both issues, a connection to the public right-of-way will be provided



between Lots 40 and 41 which would result in a “T” intersection to the TH access across the public ROW, which will allow the combined residential and commercial access to be deleted.

The proposal to have Perrie Lane revert from a public street to a private street for the exclusive use by the few adjacent properties that have a legal right of access is necessary per DPIE/DPWT. The existing pavement section will remain as it is, and there will be no further dedication. Perrie Lane at this location along the eastern property boundary is not a “street” as defined by Section 27-107.01 for development purposes, but is a driveway.

**Master Plan Rights-of-Way – MD 5**

The site is adjacent to MD 5 to the west, a current freeway facility. No additional right-of-way dedication is required in support of current or planned functions of MD 5.

**Master Plan Rights-of-Way – MD 337**

The site is adjacent to MD 337 (Allentown Road) to the south. In the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the following description is provided:

**The overall facility is recommended to range from 175 feet to 205 feet measured building-to-building. In effect, the southern edge of the facility limits would be the boundary of Joint Base Andrews. The typical section incorporates:**

- **Six travel lanes.**
- **A service roadway on the north side between Maxwell Drive and Suitland Road, incorporating a single one-way travel lane and on-street parking (the absence of the service roadway between MD 5 and Maxwell Drive results in the lesser building-to-building requirement).**
- **A 15-foot two-way cycle track on the north side.**
- **Wide sidewalks on the north side.**

The issues of interpreting the requirements of the above referenced sector plan were fully discussed in the Transportation Planning Section memorandum for the CSP (Masog to Lareuse, April 11, 2016), and set forth in the Conceptual Site Plan CSP-15001 resolution of approval (PGCPB Resolution No. 16-56). It was determined that a variable dedication along MD 337 of 10 to 20 additional feet along the frontage of the subject property was appropriate, varying from 10 feet at the western property line to 20 feet at Perrie Lane. This will bring the full right-of-way width along the site’s frontage to a right-of-way of 120 feet minimum. The plan shows dedication of 60 feet from centerline, and it is determined that this dedication is adequate, but must be clearly shown and labeled on the PPS prior to signature approval.



**Master Plan Rights-of-Way – Southern Maryland Rapid Transit Line**

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternates are under study by MTA.

These plans were forwarded to MTA for their review and comment. The following comments were received by e-mail (J. Dement of Wilson T. Ballard Company to T. Masog) on March 1, 2016 regarding the CSP:

Attached is a plan showing the proposed Allentown Andrews Gateway development and the SMRT Beltway Options 2, 3 5 or 9. As you can see on the plan, the potential SMRT alignment limit of disturbance (LOD) may impact several proposed structures (townhomes?) within the development. However, we feel that the potential SMRT impact can be minimized by extending a retaining wall southward that is proposed for the Manchester Crossing community (see plan). Therefore, with the proposed retaining wall extended, no displacements would be required.

Additionally, the SMRT alignment would impact a stormwater management pond near Allentown Road.

The proposed transit line limit of disturbance (LOD) was provided, the illustrative plan reflected the CSP layout; the current PPS has moved the residential development envelope about 15 to 20 feet from the western property line. As was determined during CSP review, there is no impact to the retail buildings as proposed. Due to the presence of slopes, the LOD was very near the proposed townhouses on the CSP. However, with the current plan, the townhouse lots are set further back from the LOD an additional 15 feet or more. Therefore, the subject plan allows sufficient space to implement the SMRT, and there would be no future displacements as a result. It is noted that the referenced stormwater management pond is on SHA property, and any impacts to that facility will be handled by the State.

In reviewing this plan, it is noted that MTA has been considering a large mixed-use development on this site as the study has progressed. Between zoning and site plan, however, the housing element of the development has decreased from 370 multifamily residences (ZMA A-9998-C) to 59 townhouse residences. The MTA has a major concern about approving development at lower densities in proximity to planned stations along future transit lines. The entire subject property is within 0.3 miles of the proposed Camp Springs station. While the MTA is not concerned about land uses near planned stations, the State is concerned about creating fee-simple lots near future stations.

In accordance with Section 24-124 of the Subdivision Regulations, adequate transportation facilities will exist.



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 and concluded the following:

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

Affected School Clusters #	Elementary School 4 Cluster	Middle School 4 Cluster	High School 4 Cluster
Dwelling Units	59 DU	59 DU	59 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	9	4	6
Actual Enrollment	11,626	4,454	8,008
Total Enrollment	11,635	4,458	8,014
State Rated Capacity	14,216	5,518	9,389
Percent Capacity	82%	81%	85%

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 basic plan zoning map amendment or CSP 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 the County Urban Centers and Corridors as defined in Section 27A-106 of the County Code; within an Approved Transit District Overlay Zone; or where there is no approved transit district overlay zone then within a 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.

On May 13, 2016, Rupert McCave, Capital Improvement Program Officer, Prince George's County Public School (PGCPS), sent a letter to Suzanne Nickel, Planner Coordinator, The Maryland-National Capital Park and Planning Commission (M-NCPPC) Development Review Division (DRD). He provided a development impact statement on the capacity of three schools.



The PGCPB analysis is provided for information purposes only, and does not use the required methodology for school facilities testing as required by Section 24-122.02.

School	2015 Capacity	Current SY2015-16 Enrollments	Current SY2015-16 Cap. Balance	Projected SY2021-22 Enrollments	Projected SY2021-22 Cap. Balance
Princeton ES	448	345	103	388/335*	60/113*
Thurgood Marshal MS	956	545	411	647/863*	309/93*
Dr. Henry A. Wise Jr. HS	2,606	2,178	428	2,293	313

\* Post 6th Grade Realignment

Please see the transportation referral for an analysis of pedestrian and traffic circulation recommendations.

12. **Fire and Rescue**—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.

**Residential and Nonresidential**

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 Morningside Fire/EMS, Company 827, a first due response station (a maximum of seven minutes travel time), is located at 6200 Suitland Road. “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.”

Pursuant to County Council Resolution CR-69-2006, the Prince George’s County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

13. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill, Maryland.

**Residential**

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 M-NCPPC Planning Department on April 19, 2016.



Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 4/19/2016	12/2015-1/2015	7 minutes	15 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon the most recent police response times as of December 2015, the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on April 27, 2016.

#### **Nonresidential**

The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. 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, 267,660 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. **Health Department**—The Prince George's County Health Department, Division of Environmental Health, has reviewed the PPS and has the following comments. Prior to the issuance of grading permits, the areas of dumped trash and other debris on the property must be removed. During the construction phases of the project, no dust should be allowed to cross over property lines and impact adjacent properties. The applicant is subject to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control. During the construction phases of the project, noise may not adversely impact activities on the adjacent properties in accordance with construction activity noise requirements as specified in Subtitle 19 of the Prince George's County Code. Conformance to these County Code requirements will be determined by DPIE. This information is provided for the benefit of the applicant.



16. **Use Conversion**—The subject application is proposing 59 single-family attached dwelling units and 56,600 square feet of GFA for commercial use in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that substantially affects Subtitle 24 adequacy findings as set forth in the resolution of approval, the revision of the mix of uses will require approval of a new preliminary plan of subdivision prior to approval of any building permits.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-128(b)(12) for private roads and Section 24-122(a), when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents established on the record plat:

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

Prior to signature approval the preliminary plan of subdivision shall clearly delineate a ten-foot public utility along the both sides of the public rights-of-way and one side of the private rights-of-way.

18. **Historic**—The subject property is adjacent to the Old Bells Methodist Church and Cemetery Historic Site, 76B-017, located across Allentown Road to the south. Built in 1910, Old Bells is a large front-gabled frame church building with an inset corner bell tower and gothic-arch stained glass windows. The interior features decorative pressed metal ceiling and wainscoting. The 1910 building is the third church on the site, and is adjoined by a large graveyard and a 1954 church building. The old church is a good example of a Gothic Revival church type popular in Prince George’s County early in the twentieth century. The name is derived from James Beall, who was the founder of the first church built on the site, and who died in 1859.

The DSP, which will include details of the buildings that will be visible from the Old Bells Methodist Church and Cemetery, will be reviewed by the Historic Preservation Commission (HPC) for impacts to the Old Bells Methodist Church Historic Site.

#### **Archeology**

The subject property is located on two tracts of land patented as “Tryall” and “Deer Pond” in the 1720s by John Magruder. The two tracts were conveyed by Magruder to John Lowe in 1728. John Lowe had the land re-patented in 1765 as “Deer Pond and Tryall Enlarged,” adding adjacent vacant land that included in total 408 one-half acres. John Lowe, Sr. conveyed 241 acres of Deer Pond and Tryall to his grandson, Michael Lowe, in 1770. Michael Lowe served as Captain of the Maryland Militia of Prince George’s County during the Revolutionary War.

On November 11, 1800, Michael Lowe conveyed one-half acre of land within the Deer Pond and Tryall Enlarged tract to John Rawlings, John Brashears, Luke Rawlings, William Pumphrey and Nathaniel Wilson, Trustees, to build a place of worship for the use of the members of the Methodist Episcopal Church in the United States of America. After the Revolutionary War, class meetings and Methodist Societies spread rapidly. The Methodist Episcopal Church in the United States of America was established in December 1784, with Francis Asbury serving as Presiding



Elder. The one-half acre conveyed by Michael Lowe to the Trustees of the Methodist Church was likely located near the cemetery associated with Old Bells Methodist Church Historic Site. When Bishop Asbury passed through Maryland he preached to the congregation at Bells Chapel in March 1813.

James Beall became a Methodist Class leader in 1805 and held that position until his death in 1859. The historic chapel took its name from its first leader. The community of Camp Springs may have also taken its name from the camp meetings that were held by the Methodist congregants near the numerous springs in the area.

The 1828 road survey of Prince George's County describes road 5 in District 6 (now Allentown Road) as running through the old fields between Bells Meeting House and Theodore Middleton's (located to the north of Allentown Road). The earliest marked grave in the church's cemetery dates to 1836, again indicating a church building was located near the current churches in the early nineteenth century.

Michael Lowe's residence was probably located to the north and west of the subject property near the Beall-Lowe Family Cemetery (76B-066), next to the Evangel Assembly of God church. Charles and Matilda Jane Soper purchased a 29-acre tract in April 1856 that includes the subject property and probably built a house there about that time. Members of the Soper family operated a truck farm on the subject property until the land was sold to Walter Ogden in 1919. The Ogdens also operated a truck farm on the property and were members of Bells Methodist Church located across the street. Walter Ogden died in 1969 and is buried in the Bells Methodist Church cemetery. Other members of the Ogden family are also buried in the Bells Methodist Church cemetery.

After Andrews Air Force base (AFB) was established in 1942, the character of Camp Springs changed dramatically with the construction of numerous subdivisions to house the military personnel and civilians working on the base. Many of the small truck farms were no longer viable and businesses were established along Allentown Road just outside of the base. The three existing structures on the subject property were part of the transformation of area into suburban neighborhoods, and are to be razed.

A Phase I archeological survey was conducted on the subject property in May 2016 and a draft report was submitted on May 19, 2016. No archeological sites were identified and no further work was recommended. No additional archeological investigations are necessary on the subject property.

19. **Environmental**—The analysis is based on the preliminary plan and Type 1 tree conservation plan (TCP1) stamped as received on April 20, 2016 and May 27, 2016. Verbal comments were provided during the Subdivision Development Review Committee (SDRC) meeting on May 6, 2016.



### **Background**

The following are applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
A-9998	N/A	District Council	Approved	3/23/2009	Final Decision
CSP-15001	TCP1-001-16	Planning Board	Approved	4/28/2016	PGCPB No. 16-56
4-15022	TCP1-001-16-01	Planning Board	Pending	Pending	Pending

An approved and signed Natural Resources Inventory, NRI-073-07-01, for this project area was issued on May 26, 2015. No other previous environmental reviews have occurred on this site. The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new preliminary plan, and is therefore not grandfathered.

### **Site Description**

A review of the available information indicates that there are ephemeral (non-regulated) streams located within subject project area. The predominant soils found to occur according to the U.S Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are five types of Beltsville silt loam, Grosstown gravelly silt loam, Sassafras sandy loam and Urban land-Grosstown complex. According to available information, Marlboro clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stormwater drains to the east toward an existing inlet structure adjacent to Perrie Lane. There is also off-site stormwater that enters the property from outfalls adjacent to Branch Avenue that flow to the east towards on-site Perrie Lane inlet. The site drains to Tinkers Creek, which is a part of the Piscataway watershed, then to Piscataway Creek and then to the Potomac River.

The site has frontage on Allentown Road, which is identified as an Arterial roadway, and Perrie Lane which is not classified as a master plan roadway. Abutting to the west is Branch Avenue (MD 5), which is identified as a master planned freeway roadway. Allentown Road and Branch Avenue are traffic noise generators. The Branch Avenue ramp adjacent to the site also presents visual and particulate matter impacts to the proposed adjacent residential portion of the development. No designated scenic or historic roadways are adjacent to the project site. No forest interior dwelling species (FIDS) or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. According to the approved Countywide Green Infrastructure Plan, the site contains an evaluation area adjacent to Allentown Road.



**Conformance with the 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 was 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, the Prince George's County Department of Health, the Prince George's County Department of Environmental Resources, the Prince George's Soil Conservation District, the Maryland-National Park and Planning Commission, and the Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

**Master Plan Conformance**

The subject property has been evaluated for conformance to the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (CBA Corridor Revitalization Sector Plan), and is found to be consistent with the plan recommendations as set forth in this resolution.

**Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

Preservation of water quality in this area will be provided through the application of best stormwater management practices for stormwater management. The stormwater management concept plan requires the use of micro-bioretenention and underground attenuation facilities.

**Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques to reduce overall energy consumption should be addressed.

**Policy 4: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.**

The proposed commercial development is expected to generate sufficient light pollution to intrude into adjacent residential areas. The light intrusion into the adjacent off-site residential areas should be protected from light intrusion.

At the time of DSP, a lighting plan shall be submitted. The lighting plan shall demonstrate the reduction of sky glow through the use of full cut-off optics. Lighting from the commercial development shall be directed away from the adjacent on-site and off-site residential areas.



**Policy 5: Reduce adverse noise impacts to meet State of Maryland noise standards.**

This is addressed in the Noise and Variation finding.

**Conformance with the 2005 Countywide Green Infrastructure Plan**

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site does contain an evaluation area within the designated network of the plan. This evaluation area is a circular shape, which centers on the historic setting of the Old Bells Methodist Church and cemetery, located on the south side of Allentown Road and extends onto the subject property. This on-site area has been previously impacted and contains fallow areas and scattered woody vegetation. There is no primary management area (PMA) associated with this evaluation area. Grading impacts are proposed in this area for commercial development.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

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

This on-site evaluation area has been previously impacted and contains fallow areas and scattered woody vegetation. No woodlands or PMA are located within the identified evaluation area. The most appropriate location for on-site preservation is along the western boundary of the residential portion.

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

There is no PMA associated with this evaluation area. No stormwater management features or best management practices are proposed within this part of the proposed development.

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

The 2002 *Prince George's County Approved General Plan* has been superseded by Plan Prince George's 2035. The property is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance as discussed further. No woodlands or regulated environmental features are within the on-site Green Infrastructure Plan evaluation area.

**Environmental Review**

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



### **Natural Resource Inventory Plan and Existing Features**

An approved Natural Resources Inventory, NRI-073-07-01, was submitted with the application. This NRI was recently updated in May 2015. The plan confirmed the presence of an ephemeral stream channel located in the northeast corner of the site and five on-site specimen trees.

A site visit was later conducted during the CSP review to investigate the health of the five on-site specimen trees and to analyze the extent of Perrie Lane. During this visit, two off-site outfall structures were identified, which collect stormwater from the Branch Avenue (MD 5) right-of-way. The larger of the two outfalls structures discharge to a flat on-site area and then meanders across the site, connecting into the previously identified ephemeral stream system, and finally empties into the on-site inlet structure. The other off-site outfall which is smaller in size, empties into an adjacent roadside swale. This stormwater swale drains in a southerly direction to a created wetland pond area on land owned by SHA.

A revised wetland and NRI plan was submitted on May 27, 2016. An on-site investigation was completed within the area adjacent to the Branch Avenue larger stormwater outfall structure. The submitted wetland report documented the investigation of the subject area to determine if it met the three parameters of a wetland determination. It was determined that the area in question did not qualify as a wetland or waters of the US. The revised NRI has been approved.

### **Tree Conservation Plan**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-001-16-01) was submitted with the preliminary plan application.

The plan proposes to remove 8.21 acres (90 percent) of the 9.12 acres of existing woodlands and meet the woodland conservation requirement of 4.79 acres with 0.74 acre of on-site preservation and 4.05 acres of off-site woodland conservation credits. A woodland preservation area ranging from 50 to 135 feet wide has been retained along the western property line along Branch Avenue. This area meets the need for buffering and screening from Branch Avenue.

The site contains five specimen trees with the ratings of excellent (Specimen Trees 2 and 3), good (Specimen Trees 1 and 8) and fair (Specimen Tree 7). Trees 4, 5, and 6, are depicted on the TCP but are off site and not subject to the review with this PPS. These trees have large canopies with condition ratings that should result in preservation to the extent possible. The current design proposes to remove two of the five on-site trees. The trees proposed to be saved (Specimen Trees 1-3) are located in a wooded area that is to be retained on-site along western property line adjacent to MD 5 and adjacent residential lots. This tree preservation will provide a sufficient visual buffer and a reduction the particulate matter which would impact the single-family attached dwelling units to the east of the ROW. No changes are required of the TCPI at the time.



The revised TCP1 shows a recreation area adjacent to the Perrie Lane along the eastern boundary. This recreation area will not be impacted by the unmitigated 65 dBA Ldn at ground level, but may be impacted by the 65 dBA Ldn at the upper level. No plans have been submitted showing the proposed types and specifications heights of play equipment proposed at this location. In the U.S. Consumer Product Safety Commission – December 29, 2015 manual “Public Playground Safety Handbook” states various standards for various types of playground equipment. These standards identify various levels of “fall heights” depending on the equipment and appropriate age range. Fall height is described as “The vertical distance between the highest designated play surface on a piece of equipment and the protective surfacing beneath it.” The highest “fall height” stated was 60 inches (6 feet). This fall height standard should result in the overall height of the play equipment to be below the upper level noise such that the impact is minimized.

#### **Specimen Trees–Variance**

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

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

A Subtitle 25 Variance Application has been submitted. The application is dated May 17, 2016. This letter requests the removal of two specimen trees in support of redesigned site layout. The revised TCP1 shows the removal of a specimen tree 36-inch in diameter breast height (dbh) Southern Red Oak (ST 7) and a 39-inch dbh Willow Oak (ST 8). The limits of disturbance on the plan also show that these tree are to be removed.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted addresses the required findings for removal of two specimen trees (ST-7 and ST-8).

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

The condition comments for these two specimen trees are listed as trunk damage, top damage, dieback and decay. ST-7 is located in the middle area of the commercial development within a proposed asphalt parking area in front of a large commercial building. If this tree is preserved, the parking area and building would be reduced in size because of the potential critical root zone impacts. The proposed use of the building is grocery retail. The footprint and parking proposed is needed to accommodate the future use. ST-8 is located along the woodland edge next to Perrie Lane to the west. If ST-8 is



left on-site the proposed stormwater grading, utilities and one building would be reduced in size or relocated.

The condition and locations of the specimen trees proposed for removal is a special condition peculiar to the property. All of these factors occurred beyond the owner's control and have created an unwarranted hardship for this site.

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

If other properties include trees in a similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

The two specimen trees are located in the most developable areas of the site. If other properties include trees in a similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

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

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

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size with respect to the specimen trees to be removed.

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

Granting the variance to remove ST-7 and ST-8 will not directly affect water quality because the reduction in tree cover caused by two specimen trees removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by DPIE.



The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of two specimen trees (ST-7 and ST-8) and the Planning Board **approved** the variance.

**Regulated Environmental Features/ Primary Management Area**

The site does not contain any regulated environmental features.

**Stormwater Management**

The site has a Stormwater Management Concept approval letter (29321-2015-00); however, at the May 6, 2016 SDRC meeting, DPIE informed the applicant that the stormwater management concept plan will need to be revised to address the stormwater coming from the adjacent Branch Avenue stormwater outfall structure. This revision is not expected to affect the lotting pattern proposed.

Currently, the approved stormwater plan proposed stormwater management features such as micro-bioretenment and underground attenuation facilities. The approval letter states that site is not required to pay a stormwater management fee for providing on-site attenuation/quality control measures. The preliminary plan and TCPI are not inconsistent with the approved stormwater management plan. The PPS is subject to conformance to the approved Stormwater Management Concept Plan, 29321-2015-00, and any subsequent revisions.

20. **Urban Design**—The property is subject to the requirements of the rezoning standards for the M-X-T Zone, and must be in conformance with Conceptual Site Plan CSP-15001. Prior to signature approval of the PPS, the CSP must have certificate approval and conform to all conditions of approval.

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. In regard to Section 4.7, the lots should provide for buffering between the commercial and proposed residential community and that buffering should be provided on both properties. In regard to Section 4.10, the lots should not impede into the street tree and lighting bank that is required to be located between the curb and the sidewalk. Conformance to the requirements of those sections will be evaluated at the time of DSP review. Based on review of the lotting pattern with the DSP the applicant may require an alternative to the strict requirements. The DSP should be designed to conform to crime prevention through environmental site design standards.

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



The applicant requested **four variances** related to the proposed 59 residential townhouse lots:

DEVELOPMENT STANDARD	REQUIRED	PROVIDED	CODE SECTION
a. Minimum Bldg. Width-End Unit	24 ft.	22 ft.	Section 27-548(h)
b. Maximum TH Units per Bldg. Group	6 du	7 du (3 groups)	Section 27-548(h)
c. Max. number of Bldg. Groups w>6 du	20%	30% (3 groups)	Section 27-548(h)
d. Minimum Lot Size	1,800 sq. ft.	1,560 sq. ft.	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 requirement. 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 Subtitle 24 and 27, including the subdivision design regulations of lot depth (Section 24-121(a)(4)) as discussed in the Variation finding. With the PPS the spatial relationship is analyzed to make sure that the lotting pattern results in the most beneficial relationship between the subdivision of land and the circulation of traffic which impacts the lot pattern, street and alley layout, open space and recreational facilities placement at a minimum.

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 had not been granted, it may have resulted 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 CSP anticipated the need for the variances to be requested with this PPS. The variances are more particularly described below with the required findings. The Planning Board approved the variances requested by the applicant with conditions as set forth including enhanced landscaping and architecture to be reviewed with the DSP.

**(a) End Unit Width**

The variance from the minimum building width for end units is analyzed with this preliminary plan because the lots proposed would not accommodate the required building widths in Section 27-548(h) of the Zoning Ordinance. The minimum width of twenty end units in the ten building groups is requested to be reduced from 24 feet to 22 feet, and is recommended for approval.

**(b) & (c) Building Groups**

The maximum number of townhouses containing more than six (6) dwelling units may not exceed twenty percent of the total number of building groups, or no more than two in this case, with ten building groups proposed. The applicant is proposing three out of the ten townhouse groups or 30 percent. In addition, and related, the applicant is proposing three groups with 7 dwelling units, one more than the 6 dwellings allowed. 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. In this case, the higher density



mixed-use development (M-X-T Zone) is intended to provide a compact living arrangement that is mixed horizontally.

With conditions to ensure high-quality architecture at strategic locations, this arrangement can create a more attractive living environment. In this case, the applicant has proposed two groups with only four dwelling units, which are located along the public spine road. With these strategically-located building groups, an appropriate diversity of the appearance of the building groups is being provided and the variances for both the one additional building group over that allowed and the increase of one dwelling unit in three of the ten groups is approved.

**(d) Lot Size**

The applicant has proposed a reduction in the minimum lot size of 1,800 square feet to 1,560. The applicant has provided a range of lot sizes of 1,560 to 1,760, none of the 59 lots proposed meet the minimum lot size. The lot size reduction to address the constraints of the site related to the proximity to MD 5 is appropriate to provide not only a variety of lot sizes, but building groups (as discussed above) at this location abutting single-family dwelling units to the north and east. This variety is important to lessen the difference between the two dwelling unit types to the extent possible, and is recommended for approval.

The variance(s) described above have been evaluated together below for conformance to 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 property is located in the north east quadrant of two major roadways, that result in significant site constraints when developing in accordance with the M-X-T Zone, and the Subdivision Regulations (Section 24-121(a)(4)). Because of the location abutting MD 5, a freeway classification roadway, the Subdivision Regulations require a lot depth that resulted in the need to shift the dwellings to the east to the extent practicable. The Planning Board approved the lot depth variation which allowed a reduction in the lot depth requirement.

In relation to other M-X-T-zoned properties, the site is divided into two narrow linear land bays because, in addition to MD 5, the applicant is proposing the extension of a dedicated public ROW through the center of the property. In providing this connection, the site will be further divided, resulting in two oddly



shaped and narrow parcels for the development of the single-family attached dwellings. The resulting configuration requires a variety of measures including the need for the variances to the standard requirements in order to achieve a lot yield consistent with other M-X-T zoned properties.

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

The applicant has stated that the strict application of the Subtitle will result in exceptional hardship on the owner since a denial will render the property economically not viable. The strict application will also make it difficult to achieve the sector plan goal of developing the property as residential mixed-use to promote medium-density residential development and complimentary nonresidential uses. The applicant has stated that having less units will create a heavier burden on the homeowners' association with regards to revenue collection for operational matters.

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

The granting of the variance(s) will not impair the intent, purpose, or integrity of the sector or master plans. Rather, the approval of these variance(s) will allow the property to be consistent with the M-X-T zoning of the property and support the roof tops necessary to support the commercial component of the site. The approval at the densities may encourage similar growth in the area. This area will become part of a vibrant, walkable, regional-serving center with a robust economic and employment base and an appropriate housing stock, with diverse mixed-income communities.

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) that requires that the gross living space of each dwelling unit meet or exceed 1,250 square feet in the M-X-T Zone.

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

The Planning Board approved a modification to the lotting pattern to the east of the main spine road with this PPS. The modification will be reflected on the DSP and not on the PPS prior to certification. The changes may result in the need for additional variances that may be reviewed at the time of the DSP. In particular, it is anticipated that the number of sticks with more than six dwellings in a row may increase, but other variances may also be required. The modifications in concept were considered and are supported in concept. While the adjustment may affect the



specific description of the number of lots that need the variances described above, the adjustment would not materially affect the findings of the approval of the variances because the changes are anticipated and conditioned.

22. **Variation—Lot depth 24-121(a)(4) (Noise)**

The applicant has filed a request for a variation to Section 24-121(a)(4) of the Subdivision Regulations which establishes design standards for residential subdivisions of land. The property is abutting MD 5 to the west, a master plan freeway which requires a 300-foot lot depth for residential. In this case 20 lots do not meet the lot depth standard. The Planning Board approved the lot depth variation for Lots 1–20.

The lot depth design standard of the Subdivision Regulations requires mitigation of adverse impacts from roadways of arterial or higher classification. Branch Avenue (MD 5) is a freeway classification roadway. The entire property has been analyzed to ensure the health and welfare of the residents. A noise study was submitted by the applicant to address the lot depth variation and has been evaluated regarding the overall impacts on the residential component. Impacts relating to views and particulate matter have been addressed through the retention of woodland along MD 5, this mitigating measure is appropriate and provides a high-quality buffer.

**Section 24-121. Planning and design requirements.**

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

The site is adjacent to Branch Avenue (MD 5). According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is located approximately 722 feet from the centerline of MD 5. The residential area of the site, in total, varies from 600 - to 1,000 feet deep from MD 5. A revised Phase I noise study was submitted on June 13, 2016. The study states that measurements were made at 5.5 feet ground level and 25 feet upper level. The exhibits provided identify the following:

- Location of the lower unmitigated 65 dBA Ldn contour and the affected lots.
- Location of the lower unmitigated 65 dBA Leq (Daytime 7:00 a.m. to 10:00 p.m.) contour and affected lots.



- Location of the lower unmitigated 60 dBA Leq (Nighttime 10:00 p.m. to 7:00 a.m.) contour and affected lots.
- Location of the lower mitigated 65 dBA Ldn based on use of proposed noise barrier.

In a previous study, it was confirmed that the upper level of all of the lots will be affected by noise because the entire site is within the upper level unmitigated 65 dBA Ldn contour. It has been the policy of the Planning Board to apply the 65 dBA Ldn standard to residential land uses. The applicant has provided additional analysis based on an alternative standard (Leq).

For clarification, the Ldn reflects the average noise level measured over a 24-hour period, with a 10 dBA penalty for nighttime. The Leq reflects the average noise level over specified time period, and does not include a penalty so it is considered actual. For this particular study, the Leq measurements were provided for daytime at 7:00 a.m. to 10:00 p.m., and for night time at 10:00 p.m. to 7:00 a.m. (an accepted standard of measurement). These time periods are not inconsistent with the state's time periods for day and night in COMAR 26.02.03.02 B:

**Table 1 Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories**

Day/Night	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

The proposed residential lots will be constructed as townhouse dwelling units. All of the proposed residential buildings will be affected by upper level noise of 65 dBA Ldn or higher. Proposed Lots 1-47 will be affected by ground level noise of 65 dBA Ldn or higher. Mitigation of the upper outdoor noise level will be difficult because of the existing elevation of Branch Avenue (MD 5) including the ramp which is a part of the ROW, compared to the elevation of the subject site which is approximately 18-20 feet lower. Interior noise levels will be reduced to 45dBA Ldn or less within the units with the use of the appropriate building materials.

With regard to the ground-level noise impacts, staff met with the applicant's noise engineer and discussed possible mitigation methods. According to the engineer, a taller than normal noise barrier would be needed to mitigate the ground level impacts from MD 5. The noise study provides the future mitigation based on the use of a 23- to 25-foot-high noise barrier, approximately five feet inside the property boundary along the western property line abutting MD 5 and part of the northern property line. The proposed fence, while providing mitigation, would create an undesirable visible barrier to the community. The required maintenance for a small residential community may also be a burden. As such, the Planning Board concluded that a wall of that height would not be appropriate. Therefore, noise impacts above 65 dBA Ldn on this site are unavoidable.



At the Planning Board hearing, the applicant entered into the record (Applicant Exhibits 1A–1E) evidence that the noise policy of the Planning Board was not an inappropriate measure in general; however, in certain circumstances, it is appropriate to consider alternate standards of noise measurement and/or alternative measures to ensure the health, safety, and welfare of the residents are appropriate. In this case, the daytime utilizing the Leq standard of measurement shows that the maximum noise level impacting the dwelling units at ground level is 66 dBA. Due to the inability of the applicant to provide structural mitigation for exterior noise, the Planning Board determined that the alternative measures reflected on the plan and proffered by the applicant provide adequate protection and screening from traffic nuisances. These measures include the retention of the wooded buffer along the western property line, the relocation of the outdoor recreational facility outside the 65 dBA Ldn noise contour, the mitigation of sound to 45 dBA Ldn within the interior of the dwelling units, and appropriate notice to prospective homeowners of the proximity of the residential development to MD 5. The disclosure notice is to include, but not be limited to, requiring that the Declaration of Covenants include a Traffic Related Noise Disclosure Notice, which requires that, at the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. In addition, the record plats will contain a plat note, and the applicant shall post notice in the sales offices of potential noise impacts from MD 5.

In consideration of the factors cited above, the Planning Board approved the variation for lot depth for Lots 1–20, pursuant to the required findings below.

**Variation—Section 24-121(a)(4) 300-foot lot depth adjacent to an freeway**

The subject property has frontage on MD 5 a master plan classified freeway facility (F-9) in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The Subdivision Regulations requires a lot depth for residential lots adjacent to an arterial facility, and requires that the lots have a minimum of 300 feet of lot depth (24-121(a)(4)). Lots 1–20 on the PPS do not meet this minimum depth from MD 5. The applicant filed a variation dated June 16, 2016 (Haller to Chellis). A variation is subject to the required finding of Section 24-113(a) of the Subdivision Regulations.

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



The applicant states (Haller to Chellis) clearly that the Planning Board may grant a variation and that the Planning Board has wide discretionary authority in the application of the required design standard, so that substantial justice may be done and the public interest secured.

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

Based on the considerable notice which will be required of this applicant for the future homeowners and the substantial woodland buffer provided along MD 5, the granting of the variation will not be detrimental to the public safety, health, or welfare.

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

There are several circumstances which are unique to the property which support the granting of the variation and which are not applicable generally to other properties. The grade of the property is substantially below the elevation of Branch Avenue, which impacts how the noise is distributed across the property. The ground-level noise is not as extensive as the upper level noise. On the negative side, the ability to mitigate the noise with a barrier is compromised such that the height of the barrier becomes a burden. Not only does the height of a barrier (23–25 feet) create a claustrophobic environment, but the cost of maintaining the wall would be a burden on a relatively small townhouse community. These unique circumstances relate directly to the 300-foot lot depth requirement and are not shared by any other property. For example, just to the north of the subject property is a community of single family detached homes for which a lot depth variation was granted. In that case, the property was adjacent to the main travel lanes of Branch Avenue (rather than the entrance ramp) and was level topographically. A noise wall of reasonable height was installed which was able to reduce the noise exposure. In this case, the retention of existing woodlands and the grade difference result in a relatively few units being exposed to average daytime noise levels above 65 dBA.

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

The approval of a variation to allow typical lot depths for townhouse development does not constitute a violation of any other law, ordinance or regulation.

- (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 subject property is zoned M-X-T and is located in the Developed Tier. If the strict letter of these regulations is carried out, 20 of the proposed townhouse units would have to be eliminated, resulting in a particular hardship to the owner. Further, if the strict letter of these regulations was carried out, several of the remaining lots would need to be unusually deep, out of character with the remaining lots, and less desirable. For these reasons (reduction of density, compromised design), strict application of the lot depth requirement would result in a particular hardship on the owner."

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

Based on the preceding findings, the Planning Board finds that the conditions of the variation are unique to the property, that granting the variation would not violate any other rule, regulation, or law, that disapproval would result in a hardship to the owner, and that granting the variation will not be detrimental to the public health and welfare, and approves the variation from Section 24-121(a)(4) for lot depth for Lots 1-20.

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

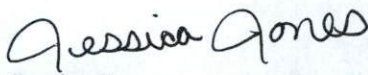
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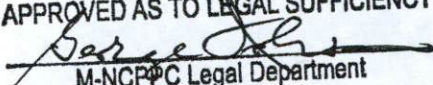
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent, 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.

Patricia Colihan Barney  
Executive Director

  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:WC:mas

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCP&C Legal Department  
Date 7/22/16