

R E S O L U T I O N

WHEREAS, Galaxy NC, LLC is the owner of a 36.42-acre parcel of land known as Parcel A, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Commercial Office (C-O); and

WHEREAS, on March 28, 2017, Galaxy NC, LLC filed an application for approval of a Preliminary Plan of Subdivision for 308 lots and 32 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16031 for Capital Court, 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 June 15, 2017, 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 June 15, 2017, 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 I Tree Conservation Plan TCPI-003-2017, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-16031, including Variations to Section 24-128(b)(12) and Section 24-121(a)(4) for 308 lots and 32 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:
  - a. Remove the proposed entrance signs from the plans.
  - b. Relocate the storm drain and easement off of Lot 271 and ensure that the proposed terminus of Albany Place does not interfere with the driveway access to Lot 271, or remove Lot 271.
  - c. Show a 10-foot-wide PUE along the proposed terminus of Capital Court and Prince Place.

- d. Create an additional parcel 50 feet wide, from the southern property line extending west from Prince Place to the western property line. The parcel shall be labeled with the next available alphabetic parcel designation and indicate the parcel is to be conveyed to the HOA or donated to M-NCPPC.
  - e. Provide a note stating that “all existing water, sewer and storm drain lines, easements and paving on the proposed lots are to be removed except for the existing storm drain easement that extends through Alley 9.”
  - f. Remove the plat reference from the existing PUEs shown on the plan.
  - g. Revise and minimize the right-of-way line, sidewalk and PUE along the north side of Phoenix Drive to provide more usable space within proposed Parcel R.
  - h. Revise the plan to provide room for additional landscape buffering between the end of the pavement of Alleys 2 and 9 and the public utility easements along Capital Court, if feasible, by adjusting the lot lines of the units along the alleys or by reducing/eliminating the hammer-head terminus, if determined to be acceptable by the Transportation Planning Section.
  - i. Label all HOA parcels to be conveyed to the HOA instead of to be dedicated to the HOA.
  - j. Show a minimum of 22 feet of pavement for all private roads.
  - k. Submit a revised Phase I noise study demonstrating that the rear and front yard areas of Lots 139–145, 243–247, 302–308, 287, and 279 will not be affected by noise levels exceeding 65 dBA Leq.
2. Total development within the subject property shall be limited to uses which generate no more than 351 AM and 402 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
  3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
  4. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (60156-2016) or any subsequent revisions.
  5. At the time of a detailed site plan for the townhouse and multifamily developments (not including infrastructure), a Phase II noise report shall be submitted to demonstrate that the interior of all units can be mitigated to 45 dBA Ldn or less.

6. Prior to the issuance of building permits, provide a certification by a professional engineer with competency in acoustical analysis to be placed on the building permits stating that the shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
7. Prior to signature approval of the preliminary plan, the NRI shall be revised to be consistent with the TCP1 and Preliminary Plan, showing a revised floodplain boundary and associated primary management area (PMA) boundary.
8. Prior to signature approval of the Preliminary Plan, the TCP1 shall be revised as follows:
  - a. Correct the TCP1 number in the approval block and in the Planning Board resolution block.
  - b. Correct the TCP name on the forest conservation worksheet.
  - c. Remove all woodland conservation areas as credit that do not meet the minimum 50-foot width requirement, specifically the area between lots 74 and 75.
  - d. Remove all woodland conservation areas as credit on the existing WSSC easement, storm drain easement, and trail easement. These areas will be impacted periodically for maintenance and improvement and cannot be valued as woodland preservation. If any of these easements are proposed to be vacated, provide notations on the TCP1 and Preliminary Plan.
  - e. Remove areas of Landscape Credit where the width is less than 35 feet, noting that the WSSC easement may not overlap.
  - f. Remove areas of preservation, where the limits of disturbance extend into the existing woodland.
  - g. Revise the Specimen Tree Table on Sheet 1 of 6 to correct the transposed scientific and common name column headings.
  - h. Revise the PMA to follow the boundary of the floodplain on Sheet 5 of 6 and the stream buffer and floodplain on Sheet 6 of 6.
  - i. Add the owner's awareness certificate for all affected private property owners.
  - j. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision(s).
  - k. Show the location of the noise barrier in accordance with the revised Phase I noise study required in Condition 1(k).

9. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-003-2017). The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-003-2017), 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 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.”

10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated PMA except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

11. Prior to signature approval of the TCP1, the TCP1 shall include the following note to the plan on the same plan sheet where the woodland conservation worksheet is provided:

“NOTE: A variance application to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the preliminary plan of subdivision to allow removal of specimen trees ST-1 and ST-6.”

12. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees, shall demonstrate that a homeowners’ association (HOA) has been established. The draft covenants shall be submitted to the Subdivision Section to ensure the rights of M-NCPPC are protected. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.

13. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees, shall submit evidence that the deed of conveyance has been submitted for recordation to Land Records to convey to the homeowners’ association (HOA) land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

- a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro prior to issuance of the 70<sup>th</sup> building permit.
  - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site plan. This shall include but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
  - f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
14. At the time of final plat, the applicant and the applicant's heirs, successors and/or assignees shall:
- a. Donate to M-NCPPC the 50-foot-wide parcel created pursuant to Condition 1(d) of this approval. An executed deed of conveyance shall be submitted and the existing 35-foot-wide trail easement (REP-201-66) shall be abandoned prior to plat approval or, a draft easement agreement for the existing 35-foot-wide trail easement shall be provided to the Subdivision and Zoning Section for review and approval by M-NCPPC, and be fully executed prior to final plat approval. The easement document shall set forth the rights, responsibilities, and liabilities of the M-NCPPC and the land owners (HOA). The Liber and folio of the recorded easement agreement shall be provided on the final plat prior to recordation.
  - b. Grant a 10-foot-wide public utility easement along all public and private rights-of-way as delineated on the approved preliminary plan of subdivision or as shown on an approved color-coded utility plan. The final plat shall note the Planning Board's approval of a variation to Section 24-128(b)(12) of the Subdivision Regulations for the location of public utility easements.

15. Prior to the approval of a final plat, the vacation of Prince Place and Capital Court shall have been approved in accordance with Section 24-112 of the Subdivision Regulations. The vacated areas shall be in substantial conformance with the approved preliminary plan of subdivision.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located in the southeast quadrant of the intersection of the Capital Beltway (I-95/495) and Central Avenue (MD 214) and is currently known as 'Parcel A,' recorded among the Prince George's County Land Records on a plat titled "Metropolitan Baptist Church in Plat Book REP 201-66." The property contains an existing partially constructed church that is vacant and to be razed. The gross tract area of the property is 36.42 acres and is located in the C-O (Commercial-Office) Zone. This application includes 308 lots and 32 parcels for the construction of a townhouse and multifamily development. A detailed site plan (DSP) will be required for the development of this site in accordance with the requirements of the underlying zoning and proposed use as contained in Section 27-461(b)(6) of the Zoning Ordinance. Detailed Site Plan DSP-16041 for infrastructure for the townhouse portion of the development has been filed and is currently under review.

The lots in this application are to be accessed via a network of internal private streets and alleys. Section 24-128(b)(12) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along one side of all private roads. A variation for the width and location of the PUEs is approved, as set forth herein.

The subject site has frontage on Central Avenue (MD 214) and Harry S Truman Drive, a master planned expressway and arterial roadway, respectively. Residential lots are required to be platted with a 150-foot lot depth when adjacent to an arterial roadway and a 300-foot lot depth when adjacent to a freeway or higher classification roadway in accordance with Section 24-121(a)(4) of the Subdivision Regulations. An expressway is not explicitly stated as part of the regulations but is a road classified between an arterial and a freeway in the hierarchical road system. As such, a 150-foot lot depth requirement has been applied along MD 214 for the subject site. A variation for 15 of the townhouse lots, which do not meet the required 150-foot lot depth, is approved as set forth herein.

A variance for the removal two specimen trees in accordance with Subtitle 25 is approved, as set forth herein.

3. **Setting**—The property is located on Tax Map 67, Grid E-3 and E-4 in Planning Area 73 and is zoned C-O. Development surrounding this site includes; MD 214 to the north; Harry S Truman Drive and Capital Court to the east; Prince Place, a school in the One-Family Detached Residential

(R-80) Zone and multifamily development in the Medium Density Multifamily (R-30) Zone to the south; and M-NCPPC-owned parkland in the Reserved Open Space (R-O-S) Zone to the west.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone Use(s)	EXISTING	APPROVED
	C-O Church (vacant to be razed)	C-O Multifamily Residential (260 units) Single-Family Attached (308 units)
Acreage	36.42 acres	36.42 acres
Lots	0	308
Outlots	0	0
Parcels	1	32
Dwelling Units:	0	568
Public Safety Mitigation	No	No
Variance	No	Yes
Variation(s)	No	Section 25-122(b)(1)(G) Yes Section 24-128(b)(12) Section 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 7, 2017. The variations to Section 24-128(b)(12) and Section 24-121(a)(4) of the Subdivision Regulations were accepted on March 28, 2017 and heard at the SDRC meeting on April 7, 2017, as required by Section 24-113(b) of the Subdivision Regulations. The variance (Section-25-122(b)(1)(G)) was also accepted on March 28, 2017.

5. **Previous Approvals**—The site was subject to a previously approved PPS 4-86201, approved by the Prince George’s County Planning Board on January 29, 1987 (PGCPB Resolution No. 87-32), for 22 lots for commercial development. That PPS included a larger land area (58.96 acres) of which the subject property was included. The commercial lots were platted pursuant to PPS 4-86201, however, the commercial development did not occur, saving the development of Lot 1 (3.12 acres), which is not included in this PPS application and is developed with a library. The remaining lots for development were consolidated to form Parcel A, the subject site, as shown on the current record plat REP 210-66, which was approved on February 1, 2006.

A Detailed Site Plan DSP-04046 was approved by the Prince George's District Council on May 9, 2005 for the development of a church on Parcel A. The church was partially constructed and is now proposed to be razed in order to develop the property as approved herein. The applicant is not developing the subject site in accordance with the previous approvals and, therefore, the conditions of the previous approval will not apply. This PPS provides an adequacy analysis based only on the development herein. The applicant has filed a Detailed Site Plan DSP-16041 for infrastructure for the townhouse portion of this site, which is currently under review and scheduled to be heard at the Planning Board following this application.

6. **Community Planning**—The subject property is within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* (Sector Plan) boundary, which retained the subject property in the Commercial Office (C-O) Zone. The Sector Plan focuses on recommendations concerning the future land use and development character within the identified core areas, at and adjacent to the Morgan Boulevard and the Largo Town Center Metro Stations, and a section of Central Avenue near Hill Road and Shady Glen Drive. The Sectional Map Amendment (SMA) also contains Development District Overlay standards for the core areas which establish consistent design framework to ensure quality in future development. As a result, the Sector Plan is silent on development policy recommendations outside those identified focus areas, including the subject property. Therefore, the subject property does not have a land use designation or applicable development policy according to the Sector Plan.

*The Plan Prince George's 2035 Approved General Plan* designates the property in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low to medium-density development. This application is consistent with the Established Communities Growth Policy in the General Plan.

On March 3, 2017, the District Council adopted Council Bill CB-4-2017, permitting certain residential development within the C-O (Commercial Office) Zone, under certain specified circumstances. The subject application meets those specified circumstances, which are further analyzed in the Urban Design Section below.

7. **Stormwater Management**—An approved Stormwater Management Concept plan (60156-2016) and approval letter were submitted with the subject application. The concept approval expires March 6, 2020. The approval requires use of the existing off-site SWM pond on Outlot A abutting to the west, infiltration, extended detention, and submerged gravel wetlands on-site. No further information pertaining to stormwater management is required. Development must be in accordance with the approved plan or as amended to ensure that development does not result in any on-site or downstream flooding.
8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements of Subdivision Regulations as they pertain to parks and recreational facilities. The property is located within the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard Largo Town Center Metro Areas* (Sector Plan). The PPS indicates that the ultimate development

will include 308 single-family townhouse units along with 260 multifamily units, with the residents being served by on-site recreational amenities including a community building. The approximate proposed density for the project is 16 units per acre, with a projected population increase of approximately 1,420 new residents. Per Section 24-134(a)(1) of the Subdivision Regulations, residential subdivisions of this density may be required to dedicate 15 percent of their land to M-NCPPC for public parks. In this case, the Mandatory Dedication requirement (Section 24-134) would require the dedication of 5.28 acres of land to the M-NCPPC for public parks.

The applicant has submitted information verifying that this application is a resubdivision of property from which land was previously donated to M-NCPPC and that donation fulfilled the requirement of the Mandatory Dedication of Parkland in accordance with Section 24-134(a)(3)(D) of the Subdivision Regulations. The Planning Board finds that the subject property has fulfilled the Mandatory Dedication requirements.

Outlot A (14.926 acres) was part of the previous PPS 4-86201 for Northampton Business Park, approved on January 29, 1987, which included the subject site. The conditions of approval for Preliminary Plan 4-86201 did not require the dedication of land to M-NCPPC for parks and only included commercial development. Subsequently, on November 20, 1989, Northampton Office Park Associates deeded Outlot A to M-NCPPC as a donation property. Section 24-134(a)(3)(D) of the Subdivision Regulations provides an exemption for the resubdivision of a property that had previously dedicated land or paid a fee-in-lieu. M-NCPPC accepted the property (Outlot A) and assembled additional properties to create the Southwest Branch Stream Valley Park and the Planning Board finds that a portion of Outlot A, which was donated in 1989, shall be credited for the Mandatory Dedication requirements for this application, pursuant to the Code.

Donated Outlot A consists of 14.926 acres, which is entirely within the 100-year floodplain and is encumbered with a 3.55-acre storm drain and stormwater management (SWM) easement which serves the subject property of this application. Since the land in Outlot A is within the 100-year floodplain, the land is not suitable for development as active recreation but could be used for the development of a recreational trail. For purposes of determining a credit for the Mandatory Dedication requirements, the portion of Outlot A that is encumbered by the SWM easement, which serves the proposed development has been deducted. The total credit for previously donated land is 11.4 acres (total lot area less the SWM easement area). Mandatory Dedication of Parkland has, therefore, been met by the previous donation of 11.4 acres of Parkland from Outlot A.

Current access to Outlot A (M-NCPPC) to the west is provided via a 35-foot-wide Public Use Trail Easement through the subject site, westward from Prince Place, approximately 25 feet from the southern boundary of the property (as shown on the record plat). The Department of Parks and Recreation (DPR) is currently in the planning phase of implementing a section of the Southwest Branch Stream Valley Master Planned Trail. Considerations for connecting and continuing this trail are difficult as it would need to cross over Capital Beltway (I-495) or Central Avenue (MD 214). DPR is considering a connection of the master planned trail to the Prince Place dedicated public right-of-way abutting the south. DPR is requesting that the developer donate the

portion of their property from the trail easement southward (approximate 50-foot-wide strip of land) in fee simple to M-NCPPC for the future implementation of the Southwest Branch Stream Valley Master Planned Trail, which will provide vehicular access to the trail for maintenance and inspection by M-NCPPC. Currently, the trail extension will be implemented within the existing public use trail easement which will be located on the private HOA land. DPR has approached the applicant to request a donation of the land on which the trail easement is located to provide for better control and maintenance of the future public trail connection to the public right-of-way (ROW) of Prince Place. This request is not a requirement of the approval of the PPS, and is unrelated to the findings of adequate mandatory dedication which have been previously met. If the applicant and DPR are able to come to an agreement, the boundary of the land to be donated should be reflected on the PPS prior to signature approval. If the land on which the easement exists is not donated, the applicant shall enter into a written easement document clearly setting forth the rights, responsibilities, and liabilities of M-NCPPC and the HOA (as future property owner), with the liber/folio reflected on the final plat prior to recordation. The reduction of the gross tract area of the site associated with the potential donation of land has no effect on density, which is being set by the DSP and would be adjusted prior to signature approval.

The mandatory dedication of parkland requirement (Section 24-134) has been fulfilled by the donation of Outlot A as described herein.

9. **Trails**—This PPS application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Sector Plan in order to implement planned trails, bikeways, and pedestrian improvements. The PPS is located at the end of Capital Court in Largo. The approximate corridor boundaries for Central Avenue shown on PGAtlas appear to indicate that the site is partially within the Central Avenue Corridor. However, the 2002 *Prince George's County Approved General Plan*, which set the boundaries for the designated corridors, indicates that the MD 214 corridor ends at the Capital Beltway, not to the east of it. While the boundary of the corridor extends for one-half mile to the north and south of the road, because the General Plan specified that the corridor ends at the Capital Beltway, it is concluded that the Central Avenue Corridor does not extend beyond the Beltway to include the subject site. This conclusion is based on Map 2 of the 2002 Approved General Plan. Because the site is not located in either a designated center or corridor, Preliminary Plan of Subdivision 4-16031 is not subject to the requirements of County Council CB-2-2012 (BPIS) or the "Transportation Review Guidelines, Part 2, 2013."

Three master plan trails are recommended in the vicinity of the subject site. The MPOT recommends on-road bike facilities along MD 214, designated bike lanes and continuous sidewalks along Harry S Truman Drive and the stream valley trail along Southwest Branch. Due to its proximity to the Beltway interchange, the site does not have access onto MD 214. However, the entire frontage of the subject site on MD 214 includes a wide-paved shoulder to accommodate bicycle traffic and Maryland State Highway Administration (SHA) has posted bicycle signage along the corridor. Harry S Truman Drive currently has standard sidewalks along the frontage of the subject site and designated bike lanes can be considered by the Department of Public Works and Transportation (DPW&T) at the time of road resurfacing or as part of the Complete Green

Street Project currently under consideration for the corridor. The Stream Valley Trail along Southwest Branch, while near the site, is beyond the limits of the subject application.

The Complete Streets element of the MPOT reinforces the need for sidewalk construction as frontage improvements are made by including the following policies:

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

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

The subject site includes six-foot-wide sidewalks along both sides of all internal (private) streets (excluding alleys) and five-foot-wide sidewalks within open space or HOA areas. Sidewalks exist along the subject site's frontage on Harry S Truman Drive, Capital Court and Capital Lane. However, the sidewalks along Capital Court and Capital Lane do not appear to meet current county specifications. Reconstruction of the sidewalks along Capital Court and Capital Lane are recommended, however, frontage improvements within the public right-of-way are subject to the approval of the Department of Permitting, Inspections and Enforcement (DPIE), and are not conditioned with this application.

As previously stated, the PPS reflects a 35-foot-wide Public Use Trail Easement that extends from the end of Prince Place to the dedicated parkland west of the subject site. This easement could accommodate future trail access to the Southwest Branch Stream Valley Trail, and Prince Place could ultimately serve as the northern terminus for this master plan trail, if determined appropriate by DPR.

10. **Transportation**—The property is located east of I-495, in the southwest quadrant of the intersection of MD 214 and Harry S Truman Drive and includes the development of 568 residential dwelling units.

**Previous Approvals/Background**

This property was part of a larger 58.96-acre parcel, which was the subject of a Preliminary Plan of Subdivision (PPS 4-86201) approved on January 29, 1987. Pursuant to information within the record for PPS 4-86201, it was determined that the development would generate a maximum of 1,255 AM peak-hour trips. This trip cap was not explicitly referenced in the resolution (PGCPB Resolution No. 87-82) for that PPS but was referenced in the Transportation Planning memorandum dated January 21, 1987 (Wilkinson to Dean) included in the record on which the transportation adequacy was based.

On February 17, 2005, a Detailed Site Plan (DSP-04046) for the subject property was approved by the Planning Board for the development of a church. Based on information provided with

DSP-04046 (PGCPB Resolution No. 05-49), it was determined that the total trip cap for the original PPS (58.96-acre parcel) was 1,255 AM and 1,161 PM peak-hour trips. The following represents an allocation of trips relative to the trip cap:

Application	Development Quantity	Status	AM Trip Generation	PM Trip Generation
Trip Cap per DSP-04046 (PGCPB Resolution No. 05-49)			1,255	1,161
DSP-88027	50,400 sq. ft. library	Built	53	357
PPS 4-16031	568 dwelling units	Proposed	351	402
<b>Total trips allocated</b>			<b>404</b>	<b>759</b>
Remaining Trip Cap Balance			851	402

The 568-unit residential development consisting of 308 townhouses and 260 garden and midrise apartments will collectively generate 351 AM and 402 PM peak-hour trips, as expressed in the table above. These rates were determined using the “Transportation Review Guidelines, Part 1, 2012.” The projected trip generation for this development, combined with the trip generation of the previous development within the original PPS 4-86201 will have a combined trip generation of 404 AM and 759 PM peak-hour trips. Consequently, the original trip cap of 1,255 AM and 1,161 PM peak-hour trips established by PPS 4-86201 has not been exceeded and, therefore, the Planning Board finds the development to be *de minimis* in accordance with the Transportation “Guidelines.”

**Traffic Impact**

While not required, in order to address the change of use, the applicant provided a Traffic Impact Study (TIS) dated July 2016. The traffic generated by the PPS will impact the following (critical) intersections:

- Central Avenue (MD 214) and I-95/I-495 NB Ramps
- Harry S Truman Drive and Largo Center Drive
- Harry S Truman Drive and EB MD 214 Off-Ramp
- Harry S Truman Drive and Capital Lane
- Harry S Truman Drive and Prince Place
- Harry S Truman Drive and Campus Way South

All of the intersections deemed critical are projected to operate within the transportation adequacy thresholds. The findings and recommendations outlined below are based upon a review of the materials and analyses, consistent with the “Guidelines.”

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

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

**Unsignalized intersections:** The 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 applicant has provided a Traffic Impact Study (TIS) dated July 2016. Using data from this revised TIS, the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Central Avenue (MD 214) and I-95/I-495 NB Ramps	C/1258	C/1,178
Harry S Truman Drive and Largo Center Drive	A/696	C/1159
Harry S Truman Drive and EB MD 214 Off-Ramp	A/687	A/636
Harry S Truman Drive and Capital Lane *	20.3 seconds	>50 seconds
Harry S Truman Drive and Prince Place *	37.0 seconds	>50 seconds
Harry S Truman Drive and Campus Way South	A/717	A/761
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. 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 <i>Highway Capacity Manual</i> (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

In evaluating the effect of background traffic, an average growth of one percent for six years was applied to the through traffic volumes. Since the property is an approved PPS with a vested trip cap, no background development was included in the analyses. The results under the background scenario are as follows:

<b>BACKGROUND CONDITIONS</b>		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Central Avenue (MD 214) and I-95/I-495 NB Ramps	D/1336	C/1250
Harry S Truman Drive and Largo Center Drive	A/739	C/1230
Harry S Truman Drive and EB MD 214 Off-Ramp	A/728	A/676
Harry S Truman Drive and Capital Lane	22.6 seconds	>50 seconds
Harry S Truman Drive and Prince Place	48.3 seconds	>50 seconds
Harry S Truman Drive and Campus Way South	A/759	A/808

Regarding the total traffic scenario, the TIS applied trip generation rates for multifamily residential based on trip rates from the “Transportation Review Guidelines, Part 1, 2012.” Based on 572 proposed dwelling units used in the TIS, the new trips were computed as 354 (70 in, 284 out) AM peak trips, and 405 (263 in, 142 out) PM peak trips. The study assumed a trip distribution of 25 percent to/from the south of Harry S Truman Drive, and 75 percent to the north of Harry S Truman Drive. A third analysis (total traffic) revealed the following results:

<b>TOTAL CONDITIONS</b>		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Central Avenue (MD 214) and I-95/I-495 NB Ramps	D/1346	C/1260
Harry S Truman Drive and Largo Center Drive	A/830	D/1309
Harry S Truman Drive and EB MD 214 Off-Ramp	A/872	A/792
Harry S Truman Drive and Capital Lane	>50 seconds (871) *	>50 seconds (941) *
Harry S Truman Drive and Prince Place	>50 seconds (732) *	>50 seconds (749) *
Harry S Truman Drive and Campus Way South	A/779	A/815
* Unsignalized intersections results show the CLV’s (xxx) based on a two-part evaluation pursuant to the “Guidelines.” A maximum CLV of 1150 is deemed acceptable.		

The results of the traffic analyses show that under total traffic, all of the critical intersections were deemed to be operating adequately.

**Master Plan, Right-of-Way Dedication**

The property is located in an area where the development policies are governed by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), as well as the approved Sector Plan. The MPOT recommends Harry S Truman Drive be upgraded to an arterial road (A-38), with four- to six lanes within a right-of-way of 120 feet wide. Harry S Truman Drive is currently built to its master planned cross section, and therefore no further dedication is required. The other three frontage streets; Capital Lane, Prince Place, and Capital Court will also not require additional dedication.

**Vacation (Section 24-112)**

The project includes access and circulation via a network of private streets and alleys. The development includes the vacation of part of the public right-of-way of Capital Court, which is

shown to terminate at the intersection of Capital Court and Capital Lane, and part of the cul-de-sac at the terminus of Prince Place (public), which is shown to terminate in a T-turnaround. In order to develop the site as shown, the vacation process will need to be completed in accordance with Section 24-112 of the Subdivision Regulations, prior to approval of the final plats for the approved lots. The PPS was referred to DPW&T, however no comments were returned regarding the vacation of part of Capital Court and Prince Place. Consent from DPW&T will be required for the vacation of these roadways in accordance with Section 24-112 of the Subdivision Regulations. If DPW&T objects to the vacation of the roadways, there may be a substantial impact to the lotting pattern proposed with this PPS application and the pending DSP, which could result in the loss of lots or the need to redesign the project. Approval of the PPS is predicated upon the consent of DPW&T for the vacation of the rights-of-way, as shown. The vacation has been analyzed as part of the review of this PPS and a minor vacation petition may be approved with the concurrence of the operating agency. The approval of a petition to vacate the roadways will be required prior to the approval of the first final plat for this subdivision in accordance with Section 24-112 of the Subdivision Regulations.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision as required in accordance with Section 24-124 of the Subdivision Regulations.

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

**Impact on Affected Public School Clusters  
 Multifamily Units**

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Dwelling Units	260 DU	260 DU	260 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	31	14	19
Actual Enrollment	11,626	4,454	8,008
Total Enrollment	11,657	4,468	8,027
State Rated Capacity	14,216	5,518	9,389
Percent Capacity	82%	81%	85%

**Attached Single-Family Units**

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Dwelling Units	308 DU	308 DU	310 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	45	24	33
Actual Enrollment	11,626	4,454	8,008
Total Enrollment	11,671	4,478	8,041
State Rated Capacity	14,216	5,518	9,389
Percent Capacity	82%	81%	86%

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 or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$ 15,458 to be paid at the time of issuance of each building permit to Prince George’s County.

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 one-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 one-quarter mile of a metro station. This act is in effect from October 1, 2013 through September 30, 2018. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

12. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

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

The project is served by Kentland Fire/EMS, Company 846, a first due response station (a maximum of seven (7) minutes travel time), which is located at 10400 Campus Way South.

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

**Capital Improvement Program (CIP)**

The Prince George’s County FY 2017-2022 Approved CIP provides funding to complete a major renovation of the existing station constructed in 1970.

13. **Police Facilities**—The subject property is in Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. This PPS was accepted for processing by the Planning Department on March 28, 2017.

Based on the most recent available information provided by the Police Department, as of December 2015, the police response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met.

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

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

15. **Use Conversion**—The total development included in this PPS is 308-single-family attached residential units and 260-multifamily residential units in the C-O Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval and reflected on the PPS plan, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is ten feet wide along all both sides of all public rights-of-way, which has been provided along property's frontage on MD 214, Harry S Truman Drive, Capital Court, Capital Lane and Prince Place. This subdivision provides internal circulation through a network of private streets and alleys. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along one side of all private streets. A 10-foot-wide PUE is provided along all the private streets, some of which are located in HOA spaces and within the private street rather than abutting the private street in order to best serve the lots. A variation to Section 24-128(b)(12) to provide an alternate location for PUE is approved, as set forth herein.

17. **Variation**—Section 24-128(b)(12) of the Subdivision Regulations requires the following:

**Section. 24-128. - Private roads and easements.**

- (b) **The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**

- (12) **Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.**

The subject site includes a network of five private streets, four of which extend from the property's frontage along Capital Court, Capital Lane and Prince Place along the eastern portion of the site and one private street along the western portion of the site. A 10-foot-wide PUE has been provided along a minimum of one side of all private streets within the development. However, along Capital Court within the site, a 40-foot-wide HOA open space is provided along the lots fronting on Capital Court. The PUE has been offset approximately 20 feet from the private street in this location and provided closer to the lot frontages within the open space. A portion of the 10-foot PUE along Albany Place, along Lots 165 and 166, has been located within the private street. Additional PUEs have been provided throughout the site, generally along both sides of the private streets and along the alleys, which far exceed the requirements of Section 24-128(b)(12) of the Subdivision Regulations. The location of the PUEs, as shown, allows for greater flexibility in the location of utilities which will best serve the lots.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

**Section 24-113 Variations**

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision**

**Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The alternative location of the PUEs is shown along a portion of approximately 200 feet of Capital Court and Albany Place. The PUEs will provide dry utility connections to the lots within the subject site and are supplemented by the location of PUEs along opposite sides of the private streets and within the alleys. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property.

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

Lots are generally designed to front on public or private streets. However, a 40-foot-wide green boulevard has been provided along Capital Court (private street) within the subject site. Therefore, the PUE has been set back from the private street to provide the utility connections closer to the lots, a condition which is unique to this property.

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

The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

This PPS and variation for the location of PUEs were referred to the Potomac Power and Electric Company (PEPCO), Washington Suburban Sanitary Commission (WSSC), Verizon and Comcast. WSSC will be provided a separate 30-foot-wide easement within the private streets per their standard requirement. A response from PEPCO, Verizon, and Comcast was not received. The applicant has submitted a utility location plan with this application which is consistent with the submitted PPS. The final plat will reflect the approved location of the PUEs.

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

The physical conditions of the site are such that the site is oddly shaped, having a curved shaped along the abutting parkland to the west. The site is adjacent to I-495 to the west and abutting an expressway to the north, resulting in limited access for the site. The proposed layout provides maximum density for a site that is within one mile of Largo Town Center Metro Station. The adjustment for location of the PUEs is minimal and specific to only two locations within the site. Requiring the strict location for a 10-foot-wide PUE along the private streets would restrict the developable area and lessen the achievable density, resulting in a particular difficulty to 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.**

The subject property is zoned C-O; therefore, this provision does not apply.

The Planning Board finds that the site is unique to the surrounding properties and the variation is supported by the required findings. The approval of the variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which in part is to encourage creative residential subdivision design that accomplishes the purpose of the Subdivision Regulations in a more efficient manner.

Therefore, the Planning Board **approves** the variation to Section 24-128(b)(12) of the Subdivision Regulations for the location of PUEs along the private streets, as shown.

18. **Historic**—The subject property was previously developed with a church and associated parking lots. Most of the property was extensively graded for the construction of the church and has been extensively disturbed. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This development will not impact any historic sites, historic resources or known archeological sites.

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

Development Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
4-86201	NA	Planning Board	Approved	1/29/1987	87-32
DSP-04046	TCP2-159-04	Planning Board	Approved	02/17/2005	05-49
4-16031	TCP1-003-2017	Planning Board	Pending	Pending	Pending
DSP-16041	TCP2-159-04-01	Planning Board	Pending	Pending	Pending

A Natural Resources Inventory, NRI-194-2016, was approved and signed on November 17, 2016.

**Proposed Activity**

The current application is to subdivide Parcel A for the development of 308 townhomes and 260 multifamily units for a total of 568 dwelling units.

**Grandfathering**

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new preliminary plan. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

**Site Description**

This 36.42-acre site is located on the southeast corner of Capital Beltway Outer Loop (I-495/95) and Central Avenue (MD 214) with frontage to the east on Harry S Truman Parkway. A review of available information indicates that there are no streams located on the property, however, the site does contain 100-year floodplain and 15-percent slopes. The site is within the Patuxent River watershed and drains toward the Southwest Branch, to the south. Nontidal wetlands are mapped on this property. The Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program shows no rare, threatened, or endangered species found to occur on, or near this property, however, potential Forest Interior Dwelling Species (FIDS) habitat are mapped on-site. The approved Resource Conservation Plan shows that the majority of the property falls within the Evaluation Area with portions located within the Regulation Area, associated with the ephemeral streambeds and the existing storm water management pond on the adjacent, M-NCPPC-owned property and off-site streams. The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include the Adelphi-Holmdel-Urban land complex (0-5 percent slopes), Collington-Wist-Urban land complex (0-5 percent slopes), and Croom-Urban land complex (5-15 percent slopes). Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes.

**Plan Prince George’s 2035 Approved General Plan (2014)**

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by the General Plan.

**Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas (May 2004)**

In the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Metro Areas*, the Environmental Infrastructure section contains a goal and recommendations. The recommendations provided in the plan have been addressed in the most current environmental regulations and policies. Conformance with these regulations and policies, which include the current requirements for woodland conservation and stormwater management, are addressed in the Environmental Review section below.

**2017 Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan**

The 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* shows that most of the property falls within the Evaluation Area with portions located within the Regulation Area, associated with the ephemeral streambeds and the existing stormwater management pond on the adjacent, M-NCPPC-owned property as well as off-site streams. The conceptual design as reflected on the Type 1 tree conservation plan (TCP1) is in keeping with the goals of the Resource Conservation Plan and focuses development outside of the most sensitive areas of the site.

**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 Resources Inventory/Existing Conditions**

The Natural Resources Inventory, NRI-194-2016, was approved and signed on November 17, 2016. The regulated environmental features onsite include nontidal wetlands, floodplain and specimen trees. The TCP1 and the Preliminary Plan are not consistent with the information shown on the NRI. Floodplain limits and the associated Primary Management Area (PMA) are shown differently on the NRI. The applicant's consultant disclosed during a meeting subsequent to the preliminary plan submittal, that since the time of the NRI approval, updated floodplain information was provided to the consultant offering a revised location of the boundary. The NRI shall be revised to be consistent with the TCP1 and Preliminary Plan, showing a revised floodplain boundary and associated PMA boundary.

**Woodland Conservation and Tree Preservation**

This property is subject to the provisions of the applicable Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A companion Type 1 Tree Conservation Plan, TCP1-003-2017, has been submitted for review.

The 36.42-acre site contains 12.49 acres of existing woodland on the net tract and 0.18-acre of woodland within the 100-year floodplain. The site has a Woodland Conservation Threshold (WCT) of 5.43 acres, or 15 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 9.74 acres. The TCP1 proposes to meet this requirement by providing 2.09 acres of on-site woodland preservation, 0.89-acre reforestation, 0.80-acre landscape credits, and the remaining 5.96 acres in off-site woodland conservation credits.

The tree conservation plan has been reviewed and requires technical revisions to be in conformance with the applicable Woodland and Wildlife Habitat Conservation Ordinance (WCO), which have been incorporated as conditions of approval for this application.

### **Specimen Trees**

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 Environmental 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.

The specimen tree table on the NRI identified two on-site specimen trees, ST-1 and ST-6, and one off-site specimen tree, ST-2. The plan shows the two on-site trees are within the limits of disturbance and designated to be removed.

### **Subtitle 25 Variance Request**

A Subtitle 25 variance application, a statement of justification in support of a variance, and a tree removal plan were received for review on March 28, 2017.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the two specimen trees together; however, details specific to individual trees have also been provided in the following chart.

### **Specimen Tree Schedule Summary**

<b>St #</b>	<b>Size (DBH)</b>	<b>Species</b>	<b>Condition</b>	<b>Disposition</b>	<b>Reason for Removal</b>
ST-1	37”	Chestnut Oak	Good	Remove	Central Area Location
ST-2	35”	Red Maple	Good	Save	Off-site
ST-6	30”	Hickory sp.	Dead	Remove	Central Area Location

A variance from Section 25-122(b)(1)(G) is approved for the clearing of the two specimen trees on-site. This variance is to the WCO, which requires under Section 25-122 of the Prince George's County Zoning Ordinance, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle Variance Application form requires a Statement of Justification of how the findings are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

A significant amount of roadway infrastructure surrounds the project site, making this an infill site. ST-1 is centrally located on the property and near one of the main entrance roads proposed with this subdivision (shown as Phoenix Drive on the preliminary plan). The removal of ST-1 is necessary to provide an efficient use of the land for dwellings along a main entrance to the site. Failing to grant the variance would leave the applicant with an area of vacant land along a main corridor into the community. ST-6 is dead and will be removed because it presents a potential hazard to public health from falling tree limbs, and damage to personal property.

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

Given that this project is an infill site surrounded by existing road and utility infrastructure, the removal of ST-1 is necessary to provide an efficient use of the land for dwellings along a main entrance to the site. Failing to grant the variance would leave the applicant with an area of vacant land along a main corridor, ST-6 is dead and will be removed because it presents a potential hazard to public health from falling tree limbs, and damage to personal property.

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

Granting the variance will not confer a special privilege on the applicant because the specimen trees are central on the property and removal is necessary to efficiently and safely develop the property.

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

This variance request is based on the nature of the existing site, distribution of the subject trees, and the existing infrastructure surrounding the site. This variance request is not based on conditions or circumstances which are the result of actions by the applicant.

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

This variance request is based on the nature of the existing site, distribution of the subject trees, and the existing infrastructure surrounding the site. This variance request is not based a condition relating to land or a building use on a neighboring property.

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

Some stormwater management will be provided on-site through the integration of Environmental Site Design and the removal or retrofit of incomplete sediment control devices contained on and adjacent to the site. The developer has obtained a Stormwater Management Concept Approval, 60156-2016-00. The approval was issued on March 6, 2017 from the Department of Permitting, Inspections and Enforcement (DPIE).

The required findings of Section 25-119(d)(1) have been addressed by the applicant. The Planning Board **approves** the removal of specimen trees ST-1 and ST-6.

**Preservation of Regulated Environmental Features/Primary Management Area**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include but are not limited to adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road-crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are shown for a sanitary sewer connection within the stream buffer. A statement of justification has been received for the impacts to the PMA, stream buffer, and non-tidal wetlands.

### **Statement of Justification**

The Statement of Justification includes impacts to two isolated nontidal wetlands and the associated buffer, totaling approximately 3,690 square feet (0.08 acre) and 12,790 square feet (0.29 acre), respectively. Through examination of the TCP1, an impact to the PMA/stream buffer is also shown, totaling approximately 400 square feet. On May 11, 2017, the applicant submitted a revised Statement of Justification to include the impact to the PMA.

### **Analysis of Impacts**

Based on the revised statement of justification, the application includes a total of three impacts described below:

#### **Impact 1 and 2:** Nontidal wetlands and buffer

The on-site wetlands are located toward the center of the property near the intersection of two major roads within the community. Disturbance of these wetlands is unavoidable and needed to provide road infrastructure improvements, dwelling lots and a central community parcel. Field studies have determined wetland hydrology for the isolated wetlands is driven by impervious runoff from the unfinished church parking lot. The isolated wetlands provide little to no habitat, wetland function or value. The project development will redirect impervious runoff from the area of the isolated wetlands and into best management practices, contributing to water quality improvements within the watershed.

#### **Impact 3:** PMA Impact for Sanitary Sewer Connection

The temporary impact of approximately 400 square feet results from utilizing the only feasible approach in providing a connection to the existing sanitary sewer service to the property. The sanitary sewer connections are designed to minimize PMA impacts to the extent possible.

For the foregoing reasons, the Planning Board **approves** PMA Impacts 1–3.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the impact exhibits, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

20. **Noise**—There are noise impacts associated with the property from I-495/95, MD 214, and Harry S Truman Drive, which are located west, north, and east of the site respectively.

A Phase I noise analysis dated April 26, 2017 was prepared by Phoenix Noise & Vibration, LLC. The analysis considered roadway noise based on site sampling and computer modeling, generated from the sampling of three locations near the adjacent noise generating roadways. The noise analysis addressed outdoor noise, considered mitigation provided through the location of an eight-foot-tall double sided wooden fence atop a six-foot earthen berm along MD 214, and considered mitigation in the form of shielding from proposed buildings based on a preliminary site design. The noise measurement results indicate that the site will be subject to noise levels above 65 dBA Ldn at the ground level and upper level.

All outdoor activity areas within the site are shown to be mitigated to noise levels below 65 dBA Leq at the ground level by the berm and fencing along MD 214 and shielding from the proposed buildings, except for Lots 139–145, 243–247, 302–308, 287 and 279. The buildings on these lots assist in noise attenuation but may have yard or deck areas which exceed 65 dBA Leq. The Leq measurement is a daytime average measurement (7 AM-10 PM) used to demonstrate the noise measurement when outdoor activity areas are most likely occupied and is an acceptable standard. The Ldn measurement is the average noise measurement for a 24-hour period, taking night noise in to account, and is more suitable for demonstrating mitigation for interior areas which are occupied at all hours. Upper level noise impacts are shown to affect most of the site and can only be mitigated by building materials, therefore appropriate building materials should be selected that will mitigate interior noise levels to 45 dBA Ldn or less. Architectural materials have not been submitted with this application or evaluated with the noise analysis that was provided. The lotting pattern approved in the PPS for the townhouse development will provide the necessary shielding for most ground level outdoor noise areas as demonstrated by the submitted noise analysis, however, a Phase 2 noise report and additional mitigation, if necessary, is required at the time of DSP to ensure all areas are attenuated.

The 2017 report is based on the current proposed layout of the townhouse and multifamily buildings. However, a Phase 2 noise report must be provided at time of DSP for all development to determine what, if any, mitigation is required to ensure that interior noise is mitigated to 45 dBA Ldn or less and that all outdoor activity areas are mitigated to 65 dBA Leq or less. All multifamily buildings and affected townhouse dwelling units must have acoustical certification at time of permit.

21. **Variation (Section 24-121(a)(4))**—Section 24-121(a)(4) of the Subdivision Regulations provides the following criteria for lots abutting specific rights-of-way:

- (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 subject site has frontage on MD 214 and Harry S Truman Drive, a master-planned expressway and arterial roadway, respectively. Residential lots are required to be platted with 150-foot lot depth when adjacent to an arterial roadway and a 300-foot lot depth when adjacent to a freeway or higher classification roadway in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The required 150-foot lot depth from Harry S Truman Drive has been provided. An expressway is not explicitly stated as part of the regulations but is a road classified between an arterial and a freeway in the hierarchical road system. As such, a 150-foot lot depth requirement has been applied along MD 214

for the subject site. The lot depth requirement is for the purpose of providing adequate protection from traffic nuisances such as noise, views, and particulate matter. A variation for 15 of the townhouse lots, which do not meet the required 150-foot lot depth, is approved as set forth herein. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

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

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could further result in the applicant not being able to develop this property for its intended purpose.

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

As previously discussed in the Noise Finding, ground-level noise impacts are to be mitigated, however, some of the private yard on deck areas may be affected. Conditions pertaining to outdoor mitigation and the structural design of the townhomes and multifamily units for the interior mitigation of noise at the time of DSP are included as part of this PPS approval. Notification to potential purchasers and tenants by the placement of notes of the final plats of the potential noise impacts are also conditioned. The health, safety, and welfare of the residents is addressed.

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

This property is surrounded by roadways on three sides which are subject to specific lot-depth requirements (I-495/95, MD 214, and Harry S Truman Drive). Moreover, the property is zoned C-O, with legislation to allow the residential development. This condition is unique to the property and not generally applicable to other properties.

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

Conditions of approval are included which require; certification by a professional engineer with competency in acoustical analysis be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less, prior to the issuance of building permits; and notes to be placed on the final plat indicating that the property is subject to noise and impacts from the roadways. Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

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

Adherence to the requirements of Section 24-121(a)(4) of the Subdivision Regulations, in this case, would result in the loss of 15 townhouse lots which complete the lotting pattern oriented closest to MD 214. The lots occur at intermittent locations along this boundary and loss of the lots would result in an inconsistent lotting pattern. This would result in a particular hardship to the applicant as they would have to redesign the site and be incapable of developing the property to its full potential.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family 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.**

The site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the preceding findings, the Planning Board **approves** the variation to Section 24-121(a)(4) for Lots 100-104, 126-128, 137-138 and 243-247 that do not meet the 150-foot lot depth.

22. **Urban Design**—This case is being processed concurrently with Detailed Site Plan DSP-16041 for grading and infrastructure associated with the townhouse portion of the PPS. The following comments are offered with respect to the Urban Design review:

**Conformance with the Requirements of the Zoning Ordinance**

The application is subject to the requirements of Section 27-461, Uses Permitted, of the Zoning Ordinance. The proposed townhouses and multifamily units are permitted in the C-O Zone pursuant to Footnote 65, which states the following:

**Provided:**

- (A) **The residential component of Townhouses, Two Family Dwelling Units and Multifamily dwelling units shall be located on a lot(s) or parcel(s) of less than forty (40) acres in size;**
- (B) **The property is located at the intersection between: a roadway with a functional transportation classification of arterial; an expressway; and the Capital Beltway (I-495);**
- (C) **A boundary of the property is located within three-quarters (3/4) of a mile from a metro station, and does not include property within the boundaries of a sector plan originally approved after January 1, 2013;**
- (D) **A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.**
- (E) **Regulations concerning lot size, coverage, frontage, setbacks, density, bedroom percentages, and other requirements applicable to multifamily, two-family and townhouse dwellings shall not apply. These dimensional (bulk) requirements shall be those approved by the Planning Board (or District Council after review) in the Detailed Site Plan. However, those standards shall include a minimum lot size of 1,200 square feet;**
- (F) **The Detailed Site Plan shall include an architectural review in order to ensure the compatibility of the development with the existing neighborhood. Bike and pedestrian connections to mass transit stations, roadways, parks, and other public facilities, as established by Section 24-124.01 of this Code, shall be evaluated as part of the detailed site plan review and approval; and**
- (G) **The site plan shall include a community facility of two (2) floors with separate access for each floor. The Detailed Site Plan may include any additional standards or requirements for inclusion at the time by the Prince George's County Planning Board or District Council.**

The subject property qualifies for this Footnote as it is less than 40 acres; is located at the intersection between Central Avenue, a roadway with a functional transportation classification of expressway and the Capital Beltway; and is located within three-quarters of a mile from the Largo Town Center Metro Station, and is not within the boundaries of a sector plan originally approved after January 1, 2013.

Detailed site plan (DSP) review is required for the subject proposal. The DSP shall be approved prior to final plat and will set development standards related to lot coverage and green area, lot/width frontage, yards, building height, distance between unattached townhouses, as well as density. The PPS, as submitted, does include a minimum lot size of 1,200 square feet, which is acceptable. The requirements of the C-O Zone do not apply. However, design requirements in the R-T (Townhouse) Zone have been used as guidance in reviewing this plan.

**Conformance with the 2010 Prince George’s County Landscape Manual**

Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering of all development in the Commercial Zones shall be provided pursuant to the provisions of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual is evaluated with the PPS to ensure that the spatial relationships of the layout may accommodate conformance. The following discussion of the relevant provisions of the Landscape Manual is provided for informational purposes.

- a. **Section 4.1, Residential Requirements**—Requires a certain number of plants be provided for residential dwellings depending on their size and type.
- b. **Section 4.6, Buffering Development from Streets**—Requires buffering of rear yards of townhouses from streets. Based on the submitted PPS, the required 75-foot-wide bufferyard will not be provided along Central Avenue. An Alternative Compliance application, AC-05008-01, has been submitted with the DSP.
- c. **Section 4.7, Buffering Incompatible Uses**—Requires that vegetated buffers be included along shared property lines where the abutting uses are deemed incompatible by the Landscape Manual.
- d. **Section 4.9, Sustainable Landscaping Requirements**—Requires that a percentage of the plant materials be native plants, along with other sustainable practices.
- e. **Section 4.10, Street Trees along Private Streets**—Requires that street trees be provided along private streets, which are proposed within the development. It appears from the submitted plans that the requirements of this section would not be able to be met, and an Alternative Compliance application will have to be approved with the DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more

than 5,000 square feet or greater of gross floor area (GFA) of disturbance and require a grading permit. The subject site is zoned C-O and is required to provide a minimum of ten percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be further evaluated at the time of DSP review.

### **Recreational Facilities**

The Subdivision Regulations requirement for mandatory parkland dedication are being met through land that was previously dedicated to M-NCPPC to the west of the subject property. At this time, no passive or active recreational facilities are developed on that property.

Opportunities for ‘open spaces’ within the site should be maximized where feasible. Within the townhouse development, Parcels EE and BB, as shown, provide ‘open spaces’ in the southern and western sections, respectively. In the northern section of the townhouse development, Parcel R is potentially suitable; however, the positioning of the private right-of-way of Phoenix Drive, the six-foot-wide sidewalk and the ten-foot-wide public utility easement (PUE) create a fracturing of this space into strips. These features shall be moved as close to the roadway pavement and minimized as much as possible, or removed, to leave a more consolidated and usable ‘open space’ within Parcel R.

### **Additional Urban Design Findings**

The dead-end alleys along the eastern edge of the development, specifically Alleys 2 and 9, shall be adjusted to allow additional space for landscape buffering between the end of the pavement and the public utility easements along Capital Court, if feasible. This is important for aesthetic reasons, as this is a main frontage of the development, and to provide buffering between the cars in the alleys and the pedestrians on the sidewalk along Capital Court. There are multiple options, such as reducing the lots from 20 feet wide to 18 feet wide or redesigning the turnarounds, which could provide the additional space needed without the loss of lots.

Further design considerations, such as the reduction in pavement width for alleys surrounded by private streets, have been analyzed with the review of Detailed Site Plan DSP-16041.

23. **Planning Board Hearing**—At the Planning Board hearing, the applicant presented an exhibit (Applicant’s Exhibit #2) showing an extension to the noise wall to ensure that the front and rear yards of lots will be mitigated to 65 dBA Leq or less. The revised Phase I noise study which includes the extension of the noise wall, as provided in the Exhibit, shall be provided and is conditioned as part of this approval. The applicant also submitted an exhibit (Applicant’s Exhibit #3) showing an alternate 50-foot radius cul-de-sac at the terminus of Prince Place, in lieu of the T-turnaround evaluated with the PPS. The 50-foot radius cul-de-sac will still result in the need for a vacation of part of the existing cul-de-sac (70-foot radius) at the terminus of Prince Place. The alternate layout was found to be acceptable and will result in a one-lot reduction to the PPS if approved by DPW&T at the time of review of the vacation petition. Modifications to the conditions provided in Applicant’s Exhibit #1 were incorporated into this approval.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, June 15, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of June 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator