

PGCPB No. 2024-096

File No. 4-23003

## R E S O L U T I O N

WHEREAS, Penn Place I Owner LLC is the owner of a 7.54-acre tract of land known as Parcel 100 and Parcel 21, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Residential, Multifamily-48 (RMF-48); and

WHEREAS, on June 12, 2024, Penn Place I Owner LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23003 for Penn Place 1 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 at a public hearing on September 26, 2024; and

WHEREAS, new Subdivision Regulations, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2024, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the prior Subdivision Regulations; and

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

WHEREAS, at the September 26, 2024 public hearing, 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 TCP1-017-2022-01 and APPROVED Preliminary Plan of Subdivision 4-23003 for one parcel, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
  - a. Revise General Note 6 to include Type 1 Tree Conservation Plan TCP1-017-2022 as a prior approval.

- b. Label the public utility easement on the east side of the Penn Crossing Drive frontage between MD 4 (Pennsylvania Avenue) and the Penn Crossing Drive roundabout.
  - c. Revise General Note 10 to be consistent with the Type 1 tree conservation plan.
  - d. Revise General Note 26 to reflect the most recent revision to the stormwater management concept plan and its approval date.
  - e. Revise General Note 33 to show the Type 1 tree conservation plan number as TCP1-017-2022-01.
  - f. Correct the numbering of General Notes 40 and 41.
  - g. Show the entrance to the site from the existing private driveway connecting Penn Crossing Drive to abutting commercial Parcel D.
  - h. Remove all mitigated noise contours from the plan and provide the 65 and 55 dBA/Leq unmitigated contours on the plan.
2. Prior to approval, the final plat of subdivision shall include dedication of a 10-foot-wide public utility easement along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
3. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities in accordance with the standards outlined in the *Prince George's County Park and Recreation Facilities Guidelines*.
4. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Prince George's County Park and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.
5. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.
6. Prior to approval of building permits for residential development, 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 construction of recreational facilities.

7. Development of this site shall be in conformance with Stormwater Management Concept Plan 11885-2022-00, and any subsequent revisions.
8. In conformance with the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* and the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall show these improvements on the detailed site plan:
  - a. Install a standard bicycle lane along the property frontage unless modified by the operating agency with written correspondence
  - b. Install shared bike lane markings along the existing access driveway connecting Penn Crossing Drive with Parcel D.
  - c. Submit a parking analysis to determine the parking rate for the proposed development, which examines both the residential and commercial/retail uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.
  - d. Submit a bicycle-pedestrian plan which displays the details, location, and extent of an interconnected network of on-site bicycle and pedestrian facilities.
  - e. All sidewalks provided shall be a minimum of 5 feet wide with the locations being determined at the time of detailed site plan.
  - f. Direct pedestrian pathways to include crosswalks and Americans with Disabilities Act curb ramps from the roadway frontage to the building entrances.
  - g. Crosswalks and Americans with Disabilities Act-compliant curb ramps across all site access points.
  - h. Long- and short-term bicycle parking throughout the site.
9. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan TCP1-017-2022-01. 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 (TCP1-017-2022-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). 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 (M-NCPPC), Prince George's County Planning Department."

10. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

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

11. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:

- a. Remove the woodland conservation area from the public utility easement. Any additional clearing shall be identified within the woodland conservation worksheet.
- b. All woodland conservation areas shall meet the design requirements of Section 25-122(b)(1)(J) of the Prince George's County Code by providing a minimum of 50 feet in width, or less than 50 feet if abutting woodlands were previously protected by a Type 2 tree conservation plan or other prior approval mechanism, such as a conservation easement. Landscaped areas may be 35 feet in width.
- c. Identify the Revision number on line 6 of the woodland conservation worksheet as revision number "1".
- d. Revise General Note 1 on the TCP1 to state that "This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-23003. If 4-23003 expires, then this TCP1 also expires and is no longer valid".
- e. Revise General Note 9 on the TCP1 to state "This property is adjacent to Pennsylvania Avenue which is classified as a master planned freeway".
- f. Provide the approval information within the Environmental Planning Section approval block for TCP1-017-2022.
- g. Correct the total existing woodlands on-site for consistency between the approved Natural Resources Inventory and the TCP1.

12. The detailed site plan (DSP) submission shall include a Phase II noise analysis based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), and that the interiors of dwelling units will be mitigated to 45 dBA or less. The DSP shall identify any buildings requiring enhanced building shell design or construction materials for interior noise mitigation, and the architecture shall reflect the enhancements required to these buildings. Any noise

mitigation measures that may be required for outdoor activity areas shall also be shown on the DSP.

13. As part of the detailed site plan review, the applicant shall look for opportunities to reduce the amount of impervious surfaces. Measures that could be taken include removing extraneous drive aisles not adjacent to required parking, requesting a departure from the number of required parking spaces, utilizing structured parking, or proposing on street parking.

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 applicable 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 includes two existing parcels which total 7.54 acres of land known in the Maryland State Department of Assessments and Taxation as Parcel 100 (2.86 acres) and Parcel 21 (4.68 acres), located on Tax Map 81, Grid A2. The property is further described by deed recorded in the Prince George's County Land Records in Book 48143 page 1, dated June 16, 2022. The site is subject to the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (sector plan). The property is in the Residential, Multifamily-48 (RMF-48) Zone. However, this preliminary plan of subdivision (PPS) was submitted for review under the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations in effect prior to April 1, 2022 ("prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1900 of the Subdivision Regulations. Under the prior Zoning Ordinance, the property was within the prior Mixed Use-Transportation Oriented (M-X-T) Zone.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations pursuant to Section 24-1903(a) of the current Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on January 1, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-003.

This PPS allows for subdivision of the subject property into one parcel for development of 168 multifamily dwelling units and 767 square feet of commercial development. A PPS is required, pursuant to Section 24-107 of the prior Subdivision Regulations. The property is currently vacant and wooded, except for a portion of a stormwater management (SWM) pond and a private access driveway located in the southwest corner of the property on Parcel 100. The existing access driveway connects Penn Crossing Drive to the existing shopping center on Parcel D, abutting the subject property to the south. Both the existing private driveway and the SWM pond will remain. The site further fronts on Penn Crossing Drive to the west and north, from which one full movement access will serve the development. An additional internal driveway will connect to the existing access driveway.

3. **Setting**—The subject site is within Planning Area 75A and is located on the south side of Penn Crossing Drive, at its intersection with MD 4 (Pennsylvania Avenue).

The subject property is bounded to the north and west by Penn Crossing Drive, with townhouse development in the RMF-48 Zone (formerly zoned M-X-T) beyond. The property is bounded to the east by vacant land in the Residential, Multifamily-20 (RMF-20) Zone (formerly zoned Multifamily Medium Density Residential (R-18)), known as Parcel 117, which is the subject of PPS 4-22049, titled Penn Place 2. PPS 4-22049 was approved by the Prince George’s County Planning Board on July 25, 2024 (PGCPC Resolution No. 2024-085) for development of 58 multifamily dwelling units, and is intended to be a joint development with this PPS. Beyond Parcel 117 is commercial development in the Commercial, General and Office (CGO) Zone (formerly Commercial Shopping Center (C-S-C) Zone). To the south, the property is bounded by commercial development in the CGO Zone (formerly zoned C-S-C), with MD 4 beyond.

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

	EXISTING	EVALUATED
Zone	RMF-48	M-X-T
Use(s)	Vacant	Multifamily Residential
Acreage	7.54	7.54
Lots	0	0
Parcels	2	1
Dwelling Units	0	168
Gross Floor Area	0	767 sq. ft.
Subtitle 25 Variance	No	No
Subtitle 24 Variation	No	No

The subject PPS was accepted for review on June 12, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on July 5, 2024, where comments were provided to the applicant. Revised plans were received on August 8, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—This property was part of a larger 35.99-acre tract of land which was placed in the M-X-T Zone, pursuant to adoption of the *Suitland-District Heights and Vicinity Sectional Map Amendment* (SMA) in 1986 (pages 91 and 324).

On March 24, 1988, the Planning Board approved Conceptual Site Plan CSP-87128 (PGCPB Resolution No. 88-126) for the overall 35.99-acre property, inclusive of this parcel. The Planning Board approved up to 550,000 square feet of residential use with 550 multiplex units, 100,000 square feet of office or industrial uses, 6,000 square feet of retail space, and 6,000 square feet of day care use, subject to 12 conditions. An amendment, CSP-87128-01, was

approved by the Planning Board on December 12, 1991 (PGCPB Resolution No. 91-451) to reduce the 550 multiplex units to 200 townhouse units, with five conditions. The townhouse development exists on the north side of Penn Crossing Drive, across from the subject site.

On April 6, 2023, the Planning Board approved CSP-87128-02 (PGCPB Resolution No. 2023-42, adopted on April 27, 2023) for development of 168 multifamily dwelling units and 767 square feet of commercial development. This CSP amendment was filed in support of this PPS and was approved with four conditions. Of these, Condition 2 is applicable to this PPS and requires the following, at the time of PPS application:

- a. **Explore opportunities to provide the amenity area at a more central location within the community.**
- b. **Submit a new and approved Traffic Impact Study Scoping Agreement, as part of a new traffic impact study, to evaluate transportation adequacy as part of the PPS application.**
  - (1) **The Traffic Impact Study Scoping Agreement shall include all site access connections, consistent with the approved Conceptual Site Plan, CSP-87128-02.**
- c. **Submit an operational and queuing analysis using *The Highway Capacity Manual* methodology for the proposed site access driveways along Penn Crossing Drive.**

Conformance with the above condition is further discussed in the Transportation and Urban Design findings.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated, as follows:

**Plan 2035**

Plan 2035 places the subject property in the Established Communities. “Established communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met” (page 20).

**Sector Plan**

The sector plan’s vision is to create neighborhoods that are livable and offer desirable and attractive housing choices that blend old and new communities (page 13). The sector plan recommends mixed-use land uses on the subject property (Figure III-2a on page 22). Mixed use is not described in the Land Use Patterns Definition table (page 24).

However, Plan 2035 defines mixed use as “areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e., commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another” (page 100).

The PPS evaluates approximately 23 dwelling units/acre and 767 square feet of commercial space. This PPS is consistent with the recommended land use because it proposes a mix of residential and commercial uses and blends new development with the surrounding neighborhood.

The sector plan contains several policies and strategies related to development along Marlboro Pike and the entire sector plan area. The policies and strategies related to development along Marlboro Pike are not applicable, however, as the property does not have frontage on Marlboro Pike. The site and the proposed development instead front onto Penn Crossing Drive. In addition, this property is not within any of the seven priority areas identified in the sector plan. Other sector plan recommended goals, including the objectives and strategies aimed at meeting those goals, which apply to the overall sector plan area are shown in **bold** below, with analysis on plan conformance following in plain text,

**Goal: Encourage place-making strategies, enhancement measures, accessibility improvements, and other initiatives to promote corridor wide investment that benefits and stabilizes area communities. (page 25)**

The project includes accessibility improvements, such as sidewalks and crosswalks, as discussed further in the Transportation finding, which promote corridor-wide investment and benefits.

**Goal: Provide new development opportunities to provide support to the priority areas. (page 43)**

**Policy: Encourage primarily residential development within transition areas. (page 43)**

The PPS includes residential development that will support the priority areas.

***Strategies:***

- **Encourage residential and some mixed-use infill development between priority areas. The development schedules only include major redevelopment projects within the seven priority areas. These areas are expected to function as centers from which economic growth impulses are expected to originate. Intervening areas should experience spillover effects, which are likely to result in upgraded retail establishments and additional infill development along Marlboro Pike. (pg. 43)**



The proposed development is a mixed-use development (multifamily and office) and is, therefore, in line with this strategy of the sector plan.

- **Reduce the amount of retail development outside of priority areas. Successful retailers should be welcome to relocate within the activity nodes if they do not already exist in one of these locations. (page 43)**

The proposed development does not include retail and is, therefore, in line with this strategy of the sector plan.

**Goal 1: Preserve and strengthen existing communities, provide quality new housing, and increase home ownership in the corridor area. (page 44)**

**Policy 2: Build new housing that is marketable and attractive to buyers. (page 45)**

**Strategies:**

- **Build housing suitable to the market demands with an emphasis on townhouse and condominium units. (page 45)**

The proposed multifamily development preserves the current residential nature of the existing surrounding residential community and provides new housing opportunities.

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS and final plat shall conform to the area sector plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, no longer applicable, or the Prince George's County District Council has not imposed the recommended zoning. Pursuant to Section 24-121(a)(5), the PPS is found to conform to the sector plan, as evaluated throughout this resolution.

### **Zoning**

The 2009 *Approved Marlboro Pike Sectional Map Amendment* reclassified the subject property from the C-S-C Zone to the M-X-T Zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the M-X-T Zone to the RMF-48 Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior M-X-T zoning.

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. An approved SWM Concept Letter (11885-2022-01) and an approved SWM Concept Plan (11885-2022-00) were submitted with this PPS. Though the approved SWM concept plan was an earlier version, the revised SWM concept letter indicates that the revision entailed the replacement of all previously approved submerged gravel wetland facilities with micro-bioretenment areas, thereby eliminating several retaining

walls, as well as a submerged gravel wetland facility in the southeast corner of the property. The Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE) issued the revised SWM concept letter on February 2, 2024. However, none of these revisions are reflected in SWM Concept Plan 11885-2022-00 provided.

It should be further noted that the approved SWM Concept Plan 11885-2022-00 indicates that 100-year floodplain exists on-site around the existing SWM pond. However, this contradicts the recent floodplain inquiry response letter (SIT-00073-2024) issued by DPIE on August 1, 2024, that indicates there is no floodplain on-site. The Type 1 tree conservation plan (TCP1) and approved Natural Resources Inventory (NRI-132-2021), provided with this PPS, do not show 100-year floodplain on site, in accordance with the response letter issued by DPIE.

Development of the site, in conformance with SWM concept approval and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations, with the conditions of approval contained herein.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The Prince George's County Department of Parks and Recreation manages and maintains The Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned park and recreation amenities in the vicinity and serving the subject property. These include Suitland Park, located approximately 0.85 mile south from the subject property, and which contains baseball/softball fields, a picnic area, a playfield, a playground, and basketball courts; the Park Berkshire Park, located approximately 0.93 mile southeast from the subject property, and which contains baseball/softball fields, multi-purpose fields, a picnic area, a playfield, a playground, tennis courts, and basketball courts; and the Dupont Heights Park, located approximately 0.85 mile northwest from the subject property, which contains two half-basketball courts, a picnic area, a playfield, a playground, and two outdoor tennis courts.

The sector plan includes the following goals for parks and recreation (pages 84–85):

- **Marlboro Pike is a safe and inviting atmosphere for community residents.**
- **Encourage active and healthy lifestyles for residents in the community.**

The PPS is in alignment with the sector plan's goals to provide quality, safe, and convenient parks and recreational facilities within developments, and to provide respite and contribution to the desirability and livability of the community, for current and future residents, with the recreation amenity and facilities required. The proposed development has no impact on the master plan park and open space recommendations.

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. The Planning Board may approve the payment of fee-in-lieu of parkland dedication when it finds that dedication of parkland is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision. Based on the permissible density of 23.5 dwelling units per acre of development, 15 percent of the net residential lot area, 0.71 acres, could be required to be dedicated to M-NCPPC for public parks. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC, which could be expanded by dedication of additional parkland. In addition, given the included density, on-site recreational facilities shall be provided for future residents, to meet the mandatory dedication of parkland requirement. Such facilities shall be superior, or equivalent, to those that would have been provided under mandatory dedication of parkland. Based upon the conceptual site layout depicted on the SWM concept plan and information provided by the applicant, the list of proposed recreational facilities conceptually includes an outdoor multi-age playground, a concrete planting curb, landscaping/planting, benches, and amenities within one of the four multifamily buildings, which offers bathrooms and a fitness room. While most of the proposed recreational facilities are acceptable, landscaping materials (i.e., concrete planter curbs, plants) and certain additional fixtures proposed (i.e., electrical and storage) are not considered a recreational facility. The details and cost estimates for the on-site facilities will be evaluated at the time of the detailed site plan (DSP). Appropriate conditions are included to ensure that the recreational facilities will be properly developed, provided at the appropriate state of development, and maintained to the benefit of future residents.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through on-site recreational facilities, in accordance with Section 24-135(a) of the prior Subdivision Regulations.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, the prior Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation facilities.

#### **Master Plan Right-of-Way**

The subject property has frontage on Penn Crossing Drive along the northern boundary of the site. Neither the MPOT nor the sector plan contain any right-of-way (ROW) recommendations for Penn Crossing Drive. The PPS displays Penn Crossing Drive as a 60-foot-wide ROW, and no additional dedication is required.

In addition, the southwestern boundary of the subject property has near frontage on MD 4, an expressway with an ultimate ROW of 200 feet. The PPS does not propose access onto MD 4 and no additional dedication is required.

The PPS conforms to the requirements of the MPOT and the sector plan and will be acceptable to serve the additional traffic generated by the project.

### **Master Plan Pedestrian and Bike Facilities**

There are no master-planned pedestrian and bicycle facilities applicable to the subject site.

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

**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 1999 AASHTO Guide for the Development of Bicycle Facilities.**

Penn Crossing Drive is not designated as a master-planned roadway facility by the MPOT and is subject to the 2012 Prince George’s County Department of Public Works and Transportation (DPW&T) “Specifications and Standards for Roadways and Bridges”. Five-foot-wide bicycle lanes are recommended, where feasible, in accordance with the latest American Association of State Highway and Transportation Officials (AASHTO) guidelines. The 2012 “AASHTO Guide for the Development of Bicycle Facilities” recommends a minimum of 5-foot-wide bike lanes for roadways where parking is permitted. The PPS shows 5-foot-wide bike lanes along the property frontage and sharrows along the driveway access. The provided bicycle facilities are in conformance with DPW&T regulations and AASHTO guidance.

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

The submitted bicycle and pedestrian facilities exhibit includes planned pedestrian facilities along the roadway frontage and throughout the site. Per the MPOT’s Complete Street principles, proposed developments should acknowledge that pedestrians will take the most direct route. The applicant shall provide ADA-compliant curb and crosswalks across each site access point, in conformance with this principle, to accommodate pedestrian movement throughout the site to prevent long circuitous pedestrian routes. In addition, the PPS includes bicycle facilities throughout the site to accommodate all modes of transportation to and from the site.

In addition, the sector plan includes the following related policies (pages 56–61):

**Policy 3: Enhance and provide pedestrian-friendly amenities throughout the corridor that assists in transforming the corridor into a safe and comfortable environment.**

The sector plan encourages development that prioritizes pedestrian-friendly multimodal movement. The PPS displays existing sidewalks along the property's frontage of Penn Crossing Drive and the PPS includes convenient sidewalk connections and shared road (sharrows) pavement markings on-site.

To provide pedestrian-friendly amenities, the PPS includes the installation of a bicycle lane along Penn Crossing Drive, between MD 4 and Marlboro Pike. The bike lane will enhance and visually unify the corridor by providing connection to adjacent bicycle facilities along Marlboro Pike. The bike-pedestrian exhibit also includes dedicated space for bicycle parking, to accommodate 54 long-term and 16 short-term spaces.

However, the site is adjacent to the Penn Place 2 development, which also includes bicycle infrastructure along the frontage. With approval from the operating agency, the applicant will be required to provide bicycle lane frontage improvements in coordination with the Penn Place 2 development, so that they are consistent along Penn Crossing Drive.

In addition, the installation of shared lane markings along the driveway access to Penn Station Shopping Center is required. Further, all sidewalks shall be a minimum of 5 feet in width and provide all associated crosswalks and ADA-compliant curb ramps across both site access points and throughout the site, as well as short- and long-term bicycle parking throughout the site. The required and included facilities will enhance the pedestrian streetscape and improve the visibility of pedestrian crossings along this segment of Penn Crossing Drive.

#### **Site Access and On-site Circulation**

The PPS shows two access points, one full movement access along Penn Crossing Drive and one access along an existing driveway. Vehicular circulation is contained to the rear parking lot. The vehicular access and circulation for the proposed development is sufficient.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the PPS, meet the findings required of Subtitles 24 and 27, and conform to the sector plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The sector plan includes the following goals for the provision of public facilities (pages 79–86):

- **Improve and maintain public facilities throughout the Marlboro Pike sector plan area, and ensure that they are modern, attractive and well located to serve existing communities and future development.**
- **Ensure that public schools are well-maintained in order to adequately service surrounding communities and future development.**

- **Encourage library patronage within the sector plan area.**
- **Marlboro Pike is a safe and inviting atmosphere for community residents.**
- **Ensure that the Marlboro Pike sector plan area is adequately equipped with the appropriate infrastructure.**

The project will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2023-003, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

The subject property is located in Planning Area 75A, known as Suitland-District Heights and Vicinity. The 2024–2029 Fiscal Year Approved Capital Improvement Program (CIP) budget identifies two new construction projects proposed for this planning area:

- **Homeless Shelter at 603 Addison Road South (13.31.0003)**
- **Regional Health and Human Services Center at 8800 Hampton Mall Drive (23.70.0001).**

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations 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 PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid preliminary plan approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

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

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROWs. The subject property has frontage on Penn Crossing Drive and the PPS correctly shows the required PUE along the entire frontage of the site.

12. **Historic**—The sector plan contains goals and policies related to historic preservation (pages 45 through 48). However, these are not specific to the subject site. 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. A Phase I archeology survey is not required. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
CSP-87128	N/A	Planning Board	Approved	3/24/1988	88-126
CSP-87128-01	N/A	Planning Board	Approved	12/12/1991	91-451
NRI-132-2021	N/A	Staff	Approved	10/6/2021	N/A
CSP-87128-02	TCP1-017-2022	Planning Board	Approved	4/6/2023	2023-42
4-23003	TCP1-017-2022-01	Planning Board	Approved	10/17/2024	2024-096

#### **Grandfathering**

The project is subject to the environmental regulations and woodland conservation requirements contained in Subtitle 25 and prior Subtitles 24 and 27 because the application is for a new PPS.

#### **Prince George’s Plan 2035**

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map and in the Established Communities of the General Plan Growth Policy map, as designated by Plan 2035. The site is shown on the General Plan Generalized Future Land Use map in Plan 2035 as mixed-use. According to the 2017 *Countywide Green Infrastructure Plan* (GI Plan) the site contains evaluation areas.

#### **Site Description**

This site is located east of the MD 4 and Penn Crossing Drive intersection, within the Oxon Creek watershed that flows into the middle Potomac River. The site is bounded to the north by Penn Crossing Drive and to the south by an existing shopping center that has frontage on MD 4. A review of the available information indicates that no streams or wetlands occur on the property. Steep slopes occur on the property along the site edges. There is no potential forest interior dwelling species (FIDS) habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property.

### **ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS**

#### **Sector Plan**

The sector plan contains environmentally related policies and strategies that are applicable to the subject PPS. The specific language from the sector plan is shown in **bold** and the plain text provides comments on plan conformance.

**Policy: Preserve, protect, enhance, or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the Marlboro Pike sector plan (page 74)**

***Strategies:***

- **Through the development review process, limit development in the Evaluation Areas and Network Gaps in order to preserve the integrity of the green infrastructure network.**
- **Avoid, minimize, and mitigate environmental impacts associated with new development in the corridor.**
- **Minimize impervious surfaces by reducing parking lot sizes and using on-street parking.**

This site is located in a developed area with zoning for mixed-use transportation-oriented development. This PPS addresses the second and partially addresses the third bulleted strategies above. As depicted on the TCP1, there are no regulated environmental features (REF) or specimen trees on this site. Evaluation area is located on-site, and although there are network gaps shown on the GI Plan, these gaps are not associated with any REF. On-site preservation is provided within the evaluation area. To allow for new development, clearing of woodland is shown; however, on-site preservation is provided with a connection to the adjacent Penn Place 2 development.

Although a development layout is provided on the companion TCP1, these details are not a part of the PPS and are conceptual only. With subsequent development applications, the applicant shall explore alternative site layouts which increase woodland conservation on-site. Based on the TCP1, the site will be almost fully impacted with impervious surfaces as the parking for the multifamily units is not proposed as structured parking and, as a result, requires an expansive parking area. Opportunities to minimize impervious surfaces and increase on-site woodland conservation should be explored as part of the detailed site plan review. This could include removing extraneous drive aisles not adjacent to required parking, requesting a departure from the number of required parking spaces, utilizing structured parking, or proposing on-street parking.

**Policy: Preserve and expand the green infrastructure network and promote community connectivity with the environment (page 74).**

The PPS does not meet this policy. On-site woodland conservation is limited to undevelopable property edges, does not meet the design requirements of Section 25-122(b)(1)(J) that all woodland conservation areas shall be a minimum of 50 feet in width, and does not provide a continuation for woodland conservation areas approved with the adjoining PPS 4-22049 to the northeast. A recreational facility is proposed on-site. The TCP1 shows this facility adjacent to



the woodland conservation area. With subsequent development applications, the applicant shall explore alternative site layouts to increase woodland conservation on-site. Appropriate conditions of approval are included to ensure conformance of the PPS to this policy.

**Policy: Increase the vegetated cover throughout the sector plan area (page 74).**

***Strategies:***

- **Require canopy trees and landscaping in all new development and redevelopment projects.**
- **Increase vegetation in existing properties with landscape enhancements.**

This development proposal results in an overall decrease in vegetated cover in the sector plan area. While woodland would be cleared with any proposed development, the proposed multifamily use requires large parking areas for residents and visitors. This limits the greenspace to the edges of the site where development is not practical. Although a development layout is provided on the companion TCP1, these details are not a part of the PPS and are conceptual only. The location and specifications of the plantings for the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements will be evaluated at the time of DSP review. With subsequent development applications, the applicant shall explore alternative site layouts to increase woodland conservation on-site.

Conformance to tree canopy coverage (TCC) and Landscape Manual requirements, along with increased woodland conservation, will bring this development closer to meeting this policy.

**Policy: Ensure that future development and redevelopment along the corridor incorporates innovative and sustainable solutions to stormwater management and utilizes the most current water quality standards (page 74).**

***Strategies:***

- **Upgrade existing stormwater management facilities within the sector plan area to meet the Maryland Department of the Environment's (MDE) most recent standards.**
- **When designing stormwater management for new development or redevelopment sites, include additional treatment for drainage from existing neighboring developments that do not meet current stormwater management standards.**
- **Restore natural drainage patterns to preserve watershed hydrology and wetland functions during the land development process.**

- **Build stormwater management facilities to address any untreated areas offsite that are included within the drainage area of a development site.**

The site has not been previously developed, but there is an existing SWM facility in the southwest corner of the site. The development proposal shows additional micro-bioretenion devices and a connection to the existing stormwater facility. The above strategies are a part of DPIE's technical review of the SWM plan.

A condition is included requiring conformance to this policy.

**Policy: Utilize best management practices and environmentally sensitive design techniques throughout the study area (page 75).**

*Strategies:*

- **Decrease impervious surfaces to reduce volumes of runoff in stormwater management facilities and to accommodate smaller size structures in lieu of larger single treatment areas.**
- **Incorporate infiltration devices, rain barrels, pervious paving, green roof technologies, and recycling of stormwater for irrigation where feasible. Figures V-3a, b, and c, alongside, illustrate examples of stormwater management best practices.**
- **Include rain gardens, or bioretention facilities, in site development projects as a part of the landscaping.**

An approved SWM concept plan was submitted with this PPS. Based on the approved SWM concept plan, the applicant proposes to provide 13 micro-bioretenion facilities and a connection to the existing stormwater facility to the west. Although a development layout is provided on the companion TCP1, these details are not a part of the PPS and are conceptual only. Based on the TCP1, the site will be almost fully impacted with impervious surfaces as the parking for the multifamily units is not proposed as structured parking and, as a result, requires an expansive parking area. Appropriate conditions of approval are included to ensure conformance of the PPS to this sector plan policy.

**2017 Green Infrastructure Plan**

The GI Plan was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the GI Plan, this site contains regulated and evaluation areas.

The following policies and strategies are applicable to the subject PPS. The text in **bold** is the text from the GI Plan and the plain text provides comments on plan conformance.

**Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

***Strategies***

**1.1 Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**

- a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

Most of the subject property is within designated evaluation areas, with regulated areas along the western portion of the site where the existing stormwater feature is located. Based on the approved NRI-132-2021, the property features no REF or specimen trees. The property is within the Oxon Run Branch of the Middle Potomac River watershed and is not within a Tier II catchment area.

Tree preservation is shown along the northeastern edge of the site, which does not meet the design requirements of Section 25-122(b)(1)(J) that all woodland conservation areas shall be a minimum of 50 feet in width. Although a development layout is provided on the companion TCP1, these details are not a part of the PPS and are conceptual only.

With subsequent development applications, the applicant shall explore alternative site layouts to increase woodland conservation on-site. Appropriate conditions of approval are included to ensure conformance of the PPS to this policy.

Stormwater management was reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District.

- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

Sensitive species habitat was not identified on this site and the property is not in a special conservation area.

- Policy 2: Support implementation of the 2017 GI Plan throughout the planning process.**

*Strategies*

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping, and/or street trees.**

This site is located between MD 4 and Marlboro Pike, in a primarily developed area. Residential development is located to the immediate north, with commercial development to the south. While this site is mapped within regulated and evaluation areas, a survey of the site indicates that the site now contains no regulated areas within the GI Plan. As this site is not contiguous to any other tracts of woodland, no network gaps are identified.

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

No REF such as wetlands are located on this site.

- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

Off-site mitigation for woodland conservation is reviewed at time of grading permit. Section 25-122(a)(6) of the County Code provides guidance for the off-site mitigation locations. The considerations for off-site locations are as follows: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County.

The development proposed includes fully developing the site and providing some woodland conservation on-site. TCP1-017-2022-01 was provided with this PPS, and it shows that the required woodland conservation requirement is met through on-site woodland preservation, afforestation, and off-site credits. With subsequent development applications, the applicant shall explore alternative site layouts to increase woodland conservation on-site, to address the environmental policies and strategies of the sector plan on pages 69 through 75.

**Policy 3:        Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

*Strategies*

**3.3        Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a.        Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

This PPS is for the development of a single parcel and does not involve new roads, bridges, or trails. No fragmentation of REF by transportation systems is included with this PPS.

- b.        Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No new trails are included with this PPS.

**Policy 4:        Provide the necessary tools for implementation of the 2017 GI Plan.**

*Strategies*

**4.2        Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements prior to the certification of the subsequent DSP and associated Type 2 tree conservation plan (TCP2). The site does not contain primary management areas (PMA) and will not require a conservation easement.

This property is not associated with a special conservation area or other lands containing sensitive features.

**Policy 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

*Strategies*

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The site does not contain REF and will not require associated conservation easements. This property is not associated with a special conservation area or other lands containing sensitive features. Stormwater management was reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District.

**Policy 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

*General Strategies for Increasing Forest and Tree Canopy Coverage*

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

This site is fully wooded. This PPS provides on-site preservation, afforestation, and off-site credits. The use of fee-in-lieu is not included. Redesign of the woodland conservation to meet the 50-foot-wide design requirements of Section 25-122(b)(1)(J), and reduction in the amount of impervious surfaces, will result in conformance with Policy 7. Appropriate conditions of approval have been included to achieve this conformance.

- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

The PPS retains a portion of the existing woodland and provides the remainder of woodland conservation requirements in off-site credits. Afforestation/ reforestation is included with this PPS, and only native species shall be selected for planting.

Retention of existing woodlands and planting of native species on-site is required by both the Prince George's County Environmental Technical Manual (ETM) and the Landscape Manual, with both counting toward the TCC requirement for the development.

Locations and specifications of the plantings for TCC requirements will be evaluated at the time of DSP review.

### *Forest Canopy Strategies*

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

The subject PPS includes clearing of woodland with a woodland conservation threshold of 15 percent or 1.13 acres. The woodland conservation requirement is to be met with 0.19 acre of on-site preservation, 0.41 acre of on-site afforestation, and 2.09 acres of off-site credits. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest edges. The reforestation is located adjacent to the on-site woodland to be retained. However, the current woodland conservation does not meet the design requirements of Section 25-122(b)(1)(J). In order to meet these requirements, the on-site conservation areas shall be expanded to meet the width requirements of Section 25-122(b)(1)(J). The use of shade trees as a treatment for new forest edges will be evaluated with the DSP and TCP2.

- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**

This site does not contain the potential for forest interior dwelling species and is not in a sensitive species project review area. With the condition for the woodland conservation to meet the design requirements of Subtitle 25, the resulting woodland conservation will be designed to be connected and to minimize fragmentation.

### *Tree Canopy Strategies*

- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The planting of native species on-site is required by both the ETM and the Landscape Manual and can count toward the TCC requirement for the development. TCC will be evaluated with the DSP. Woodland conservation is located on the southern portion of site. Green space is encouraged to serve multiple ecological functions.

## **ENVIRONMENTAL REVIEW**

### **Existing Conditions/Natural Resources Inventory**

An approved Natural Resources Inventory (NRI-132-2021) was submitted with the PPS. The site contains no REF such as steep slopes, streams, or wetlands. The site also contains no specimen trees. No additional information regarding the NRI is required.

### **Woodland Conservation**

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

This project is subject to the WCO and the ETM. TCP1-017-2022-01 was submitted with the subject PPS and requires minor revisions to be found in conformance with the WCO.

The TCP1 tabulates a total of 5.82 acres of woodlands and no wooded floodplain. The site has a woodland conservation threshold of 15 percent, or 1.13 acres. The TCP1 shows clearing of 5.08 acres of woodland, resulting in a total woodland conservation requirement of 2.69 acres. The woodland conservation requirement is to be met with 0.19 acre of on-site preservation, 0.41 acre of on-site reforestation, and 2.09 acres of off-site credits. It should be noted that the approved NRI indicates there are 5.27 acres of on-site woodlands within Forest Stand A, while the TCP1 indicates there are 5.82 acres of existing woodland. The forest stand delineation (FSD) submitted with the NRI also shows 5.82 acres of woodlands. The TCP1 shall be revised to correctly identify the total woodland that is to be cleared with this PPS and correctly identify the locations of all woodlands on-site. Prior to signature approval of the PPS, the NRI and the PPS shall be consistent with the total existing woodlands.

Although this site has been part of several entitlement reviews, future applications should continue to look for opportunities to provide additional areas of on-site preservation and reforestation. This area of the County is generally underserved in terms of green spaces, and providing additional green space on-site promotes the goals of the sector plan and the GI Plan.

The woodland conservation area is placed at the edges of the site where development is not practical. Given that this development is proposing connections to the adjacent Penn Place 2 development, the area for woodland conservation is limited to only the areas around the amenity space. In addition, there is a 10-foot-wide public utility easement which runs along the property street frontage that has not been separated from the woodland conservation area and cannot contain easements, which will need to be maintained as cleared. Based on the current site layout, this easement further reduces the on-site preservation area, increases clearing, and results in a reduction of the width to the point that the woodland conservation areas do not meet the design



requirements of Section 25-122(b)(1)(J) such as the 50-foot width requirement. The applicant shall revise the woodland conservation on the TCP1 to meet the design requirements of Section 25-122(b)(1)(J), which provides the opportunity to expand the woodland preservation areas on-site. Technical corrections are required to the TCP1 and are included herein as conditions.

#### **Specimen Trees**

The approved NRI-132-2021 identifies no specimen trees on site; thus, no specimen trees are approved for removal.

#### **Regulated Environmental Features (REF)**

The approved NRI-132-2021 identifies no PMA or REF on-site such as streams or wetlands. No impacts are approved with this PPS.

#### **Soils**

The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey include Beltsville-Urban land complexes and Udorthents-Urban land complex. According to available mapping information, unsafe soils containing Marlboro clay or Christiana clay do not occur on this property.

14. **Urban Design**—The subject PPS evaluates the development of 168 multifamily dwelling units and 767 square feet of commercial use on a single parcel. Per Section 27-546(a) of the prior Zoning Ordinance, a DSP will be required for the proposed development, prior to permit approval.

The regulations and requirements of the prior Zoning Ordinance (applicable to this development within the M-X-T Zone), applicable sections of the Landscape Manual, and requirements of the Tree Canopy Coverage Ordinance of the County Code will be evaluated at the time of DSP review.

The southwest corner of the subject property lies at the intersection of Penn Crossing Drive and MD 4, with a small portion of the development having near-frontage on MD 4, which is classified as a freeway. Per Section 24-121(4) of the prior Zoning Ordinance, residential lots adjacent to existing or planned roadways of freeway or higher classification shall be platted with a minimum depth of 300 feet. Adequate protection and screening from traffic nuisances shall also be provided. The PPS demonstrates conformance with the minimum lot depth requirement, and the applicant has further provided a noise analysis with exhibits showing the 65 dBA/Leq (daytime) and 55 dBA/Leq (nighttime) unmitigated and mitigated noise contours. The study shows the site will be partially impacted by noise exceeding these noise levels. The analysis further concludes that standard building construction materials will provide noise reduction to maintain interior noise levels below 45 dBA Ldn and that the future buildings will shield noise from outdoor activity areas. The PPS does not include the final design and location of buildings, which will be determined at the time of the DSP. Accordingly, a Phase II noise analysis shall be provided with the DSP to ensure that acceptable noise levels are maintained for outdoor activity areas and the interior of dwellings. The unmitigated contours shall be shown on the PPS, prior to signature approval.

Condition 2a of CSP-87128-02 (PGCPB Resolution No. 2023-42, adopted on April 27, 2023) is applicable to the review of this PPS and required the applicant to explore the possibility of placing the amenity area in a more central location within the proposed community at the time of PPS. Pages 12–14 of the applicant’s SOJ contends that the current location of the amenity area shown on the PPS is central to the community. The SOJ further notes that both Penn Place 1 (this PPS) and Penn Place 2 (PPS 4-22049, approved by the Planning Board on July 25, 2024) have the same owner under separate LLCs, and both developments are intended to be marketed as a single development consisting of two phases, Penn Place 1 and Penn Place 2, making the current amenity area shown central to the combined community. The applicant further provided an exhibit titled “Illustrative Site/Landscape Plan,” which depicts this graphically. Compliance with this condition will be further assessed during the DSP review process when more details are available.

15. **Citizen Feedback**—The Planning Department has not received any written correspondence from members of the community regarding this project.
16. **Referral to Municipalities**—The subject property is located within 1.0 mile of the municipal boundaries of the City of District Heights and the Town of Capitol Heights. The PPS was referred to these municipalities for review and comment on June 12, 2024. The Planning Department had not received any comments from the municipalities.
17. **Planning Board Hearing**—At the September 26, 2024 Planning Board hearing, staff presented the PPS to the Planning Board. In their presentation, the applicant’s representative (Mr. Haller) discussed the site, its zoning, its prior development history, and the applicant’s plans to develop the subject property comprehensively with the adjoining Penn Place 2 development. Mr. Haller also requested that the Board approve a revision to Condition 8e related to provision of sidewalks for the proposed development; which the Planning Board approved. No citizens registered to speak during the hearing.

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.

\* \* \* \* \*

PGCPB No. 2024-096


File No. 4-23003

Page 27

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 Doerner, with Commissioners Washington, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, September 26, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of October 2024.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:JB:tr

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel