



The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

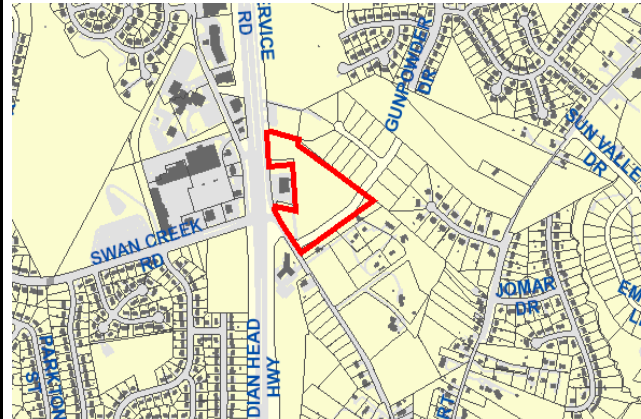
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Detailed Site Plan Livingston of Fort Washington

## DSP-20030

REQUEST	STAFF RECOMMENDATION
Construction of a 78,812-square-foot integrated shopping center.	With the conditions recommended herein: <ul style="list-style-type: none"> <li>•Approval of Detailed Site Plan DSP-20030</li> <li>•Approval of Type II Tree Conservation Plan TCP11-054-03-01</li> </ul>

<b>Location:</b> At the northeast corner of Livingston Road, at its intersection with MD 210.	
Gross Acreage:	12.27
Zone:	CGO
Zone Prior:	C-S-C
Reviewed per Zoning Ordinance:	Section 27-1704 (b)
Dwelling Units:	N/A
Gross Floor Area:	76,521 sq. ft.
Planning Area:	80
Council District:	08
Municipality:	N/A
<b>Applicant/Address:</b> Livingston of Fort Washington, LLC 2450 Riva Road Annapolis, MD 21401	
<b>Staff Reviewer:</b> Tierre Butler <b>Phone Number:</b> 301-780-2458 <b>Email:</b> <a href="mailto:Tierre.Butler@ppd.mncppc.org">Tierre.Butler@ppd.mncppc.org</a>	



Planning Board Date:	12/15/2022
Planning Board Action Limit:	12/16/2022
Staff Report Date:	11/29/2022
Date Accepted:	10/13/2022
Informational Mailing:	05/16/2020
Acceptance Mailing:	10/07/2022
Sign Posting Deadline:	11/15/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-20030  
Type II Tree Conservation Plan TCPII-054-03-01  
Livingston of Fort Washington

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this report.

**EVALUATION CRITERIA**

The property is within the Commercial, General and Office (CGO) Zone. This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1704 (b) of the Zoning Ordinance, which allows for an approved project to continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved. The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for the Commercial Shopping Center (C-S-C) Zone;
- b. The requirements of Preliminary Plan of Subdivision 4-07050;
- c. The requirements of the *2010 Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- f. Referral comments.

**FINDINGS**

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

- Request:** This detailed site plan (DSP) requests construction of a 78,812-square-foot integrated shopping center.

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	CGO(Prior C-S-C)	CGO (Prior C-S-C)
Use(s)	Vacant	Retail/Office
Total Gross Acreage	12.27	12.27
Total Gross Floor Area (GFA)		78,812 sq. ft.

**Parking Spaces**

	<b>NUMBER OF SPACES REQUIRED</b>	<b>NUMBER OF SPACES PROVIDED</b>
Total	271	298

**Loading Spaces**

	<b>Required</b>	<b>Provided</b>
Total	3	3

- Location:** The subject site is located at the northeast corner of Livingston Road, at its intersection with MD 210, in Planning Area 80 and Council District 08. The site is zoned Commercial, General and Office (CGO) and was previously zoned Commercial Shopping Center (C-S-C).
- Surrounding Uses:** The site is surrounded by single-family vacant lots zoned Residential Estate (RE), to the north and east. Located across MD 210 is other CGO-zoned property and the Olde Fort Village Shopping Center.
- Previous Approvals:** The subject property is 12.28 acres in area and is located on Tax Map 132 in Grid B2. It consists of one deed parcel known as Parcel 151, recorded in Prince George’s County Land Records in Liber 20797 at folio 529. The property is zoned CGO; however, this DSP was submitted for review under the prior Prince George’s County Zoning Ordinance. The property is the subject of Preliminary Plan of Subdivision (PPS) 4-07050, which was approved by the Prince George’s County Planning Board on December 6, 2007, and the resolution of approval was adopted on January 3, 2008 (PGCPB Resolution No. 07-233). The PPS approved five parcels for development of 80,000 square feet of commercial, retail, and bank use. There are no final plats for the property recorded at this time. Final plats for the property should be accepted, prior to expiration of the PPS, which is December 31, 2022.

6. **Design Features:** The application proposes a 78,812-square-foot integrated shopping center consisting of three buildings. There will be a two-story building with 32,206 square feet of retail space and 32,206 square feet of office space above located on Parcel A. There will be a one-story 7,800-square-foot building for retail use located on Parcel B, and a 6,600-square-foot building for retail use located on Parcel C. The site will be accessed from Gunpowder Drive. There will be a total of 298 surface parking spaces, to include 7 handicap-accessible spaces. The site will contain three 36-foot by 50-foot loading spaces. The building architecture will be constructed of high-quality building material and will include a combination of stone veneer, stucco banding, architectural trim, seam metal, and fiberglass roofs. A 5-foot-tall, 6-foot-wide entry monument sign is proposed with painted stucco, black coated aluminum frame, black metal lettering, and stone veneer at the base. Building-mounted signage is also being proposed as storefront signage for future tenants. The site lighting will utilize full cut-off fixtures to limit light spill-over into adjacent properties.

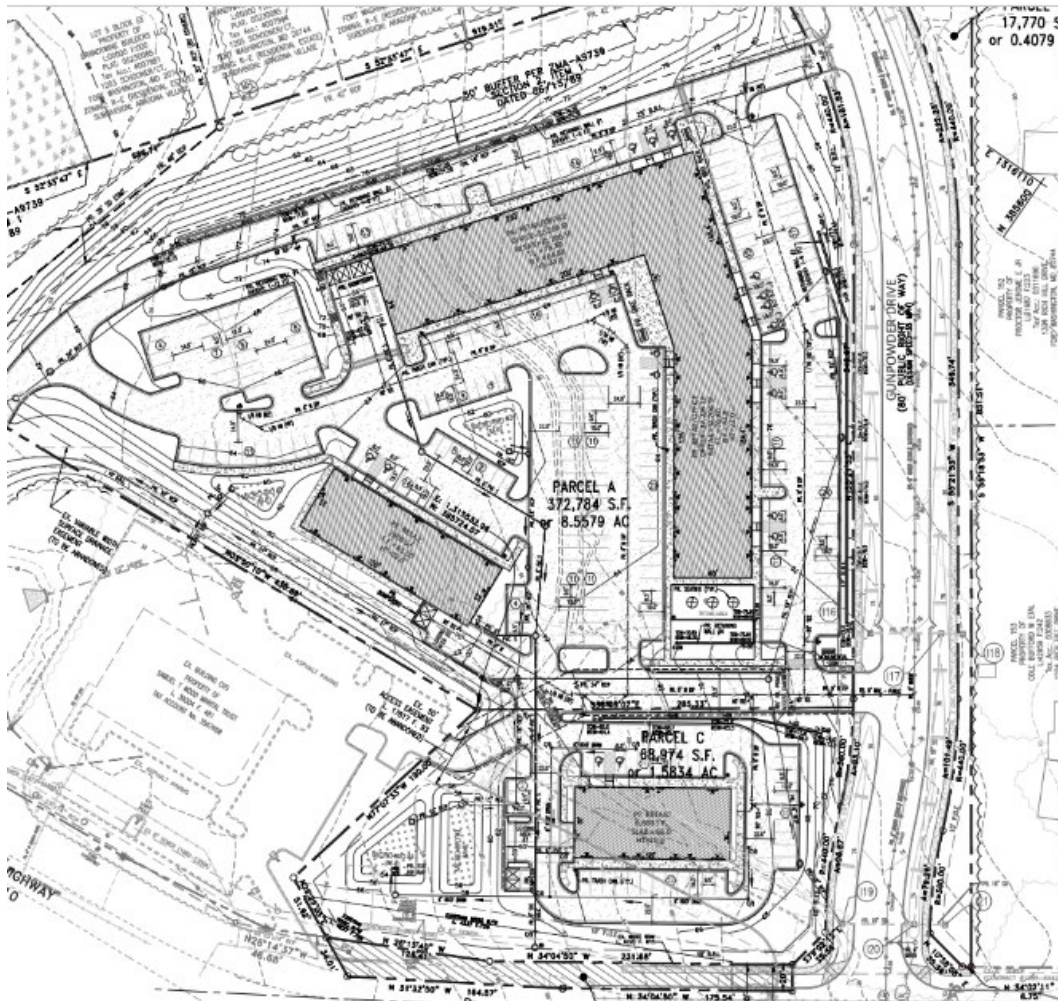


Figure 1: Site Plan



**FRONT - 'GUNPOWDER DRIVE'**



**EAST SIDE**



**WEST END**



**NORTH END**

Figure 2: Architecture Elevations

**COMPLIANCE WITH EVALUATION CRITERIA**

7. **Prince George’s County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-S-C Zone of the prior Zoning Ordinance. The 2006 *Approved Master Plan and Sectional Map Amendment (SMA) for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) recommends commercial land use for the subject property within the C-S-C Zone. This application proposes a commercial use, which is consistent with the master plan and SMA.

a. Conformance with Section 27-281 for the purpose of detailed site plans.

**(b) General purposes.**

**(1) The general purposes of Detailed Site Plans are:**

**A. To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**

The proposed development conforms to the *Approved Plan Prince George's 2035 General Plan* (Plan 2035) and the approved Henson Creek-South Potomac Master Plan and SMA. This site proposes a commercial use that is consistent with the General Plan.

**B. To help fulfill the purposes of the zone in which the land is located;**

The subject property is located in the C-S-C Zone. The purposes of the C-S-C Zone are found in Section 27-454, C-S-C Zone (Commercial Shopping Center), of the prior Zoning Ordinance, which states:

**(a) Purposes.**

**(1) The purposes of the C-S-C Zone are:**

- (A) To provide locations for predominantly retail commercial shopping facilities;**
- (B) To provide locations for compatible institutional, recreational, and service uses;**
- (C) To exclude uses incompatible with general retail shopping centers and institutions; and**
- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.**

The proposed integrated shopping center has been reviewed and is in conformance with the purposes of the zone, as described below.

**C. To provide for development in accordance with the site design guidelines established in this Division;**

The proposed development is designed in accordance with the site design guidelines in this Division, as described below.

**Section 27-283. - Site design guidelines.**

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**

The proposed development has been designed to conform to the requirements of the design guidelines outlined in Section 27-274, as described below.

- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**

The proposed development is consistent with the character and purpose of the C-S-C Zone, as described below.

- (c) These guidelines may be modified in accordance with Section 27-286.**

This development has been designed in conformance with the guidelines and no modifications have been requested.

- b. Conformance with the requirements of Section 27-454 of the Zoning Ordinance, as permitted uses in the C-S-C Zone.

- (A) To provide locations for predominantly retail commercial shopping facilities;**

The development proposed is for an integrated shopping center and the primary use will be for retail commercial use, which satisfies this requirement.

- (B) To provide locations for compatible institutional, recreational, and service uses;**

The development proposes a shopping center for commercial use. Institutional and recreational services uses are not proposed, and this requirement does not apply.

- (C) To exclude uses incompatible with general retail shopping centers and institutions; and**

This development only proposed retail and commercial uses. All incompatible uses have been excluded.

- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.**

This development is located in the C-S-C Zone, which has taken the place of prior zones C-1, C-2, and C-C. This application is being reviewed under the prior Zoning Ordinance, which allows it to be reviewed under the prior C-S-C Zone.



This development proposes office and retail use within an integrated shopping center, which is a use permitted by-right, and the project will be in conformance with all of the above requirements for permitted uses in the zone.

c. Conformance with the applicable design guidelines, as referenced in Sections 27-283 and 27-274 of the Zoning Ordinance.

- Parking, loading, and circulation
- Lighting
- Views
- Green area
- Site and streetscape amenities
- Grading
- Service areas
- Public spaces
- Architecture

The proposed project meets the setbacks and height requirements of the zone and is consistent with the characteristics of the surrounding area. The proposed development has safe and efficient vehicular and pedestrian circulation and exceeds the amount of required parking spaces. The site proposes landscaping and buffering that will minimize the visual impact to surface parking and adjacent residential zoned properties. There is adequate lighting being proposed and the buildings will be constructed with high-quality building materials, including a combination of stone veneer, stucco banding, architectural trim, seam metal, and fiberglass roofs. There are easily accessible public spaces provided to enhance the commercial development. Service areas are not visible from public views. Slopes visible on the site will appear natural with the proposed site layout. Streetscape and site amenities enhance the use and enjoyment of the development. As such, the proposed development will conform with the applicable design guidelines.

8. **Preliminary Plan of Subdivision 4-07050:** On December 6, 2007, the Planning Board approved PPS 4-07050, with 18 conditions (PGCPB Resolution No. 07-233). The relevant conditions are discussed, as follows:

3. **Development of the site shall be in conformance with the Stormwater Management Concept Plan, 12498-2007-00, and any subsequent revisions.**

A copy of the stormwater management concept plan and letter, approved on August 26, 2019, was submitted with the subject DSP.

5. **The following note shall be placed on the final plat of subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/127/90-01, or as modified by the Type II 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 and Tree Preservation 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.”**

This requirement will be further reviewed at the time of final plat.

- 6. Prior to final plat, the applicant, his heirs, successors, and or assignees, shall have a detailed site plan approved in accordance with Part 3, Division 9 of the Prince George’s County Zoning Ordinance. The detailed site plan shall be reviewed by both the Planning Board, and the District Council in accordance with Condition 2 of Zoning Map Amendment A-9739-C.**

This application has been submitted, in order to meet this condition. Following approval of the DSP by the Planning Board, it should be reviewed by the District Council, in accordance with Condition 2 of Zoning Map Amendment A-9739-C.

- 12. Total development within the subject property shall be limited to 80,000 square feet of retail space, or equivalent development which generates no more than 56 AM peak hour and 384 PM peak hour new vehicle trips, in consideration of pass-by rates for retail centers. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This development proposal includes 32,206 square feet of office space and 46,606 square feet of retail space, totaling 78,812 square feet of development. The Transportation Planning Section has reviewed the subject project and determined that this proposed development is within the trip cap established with the PPS. It was determined that the subject application would be reviewed as an integrated shopping center, and pass-by rates would be considered. It was also determined that the site did not exceed the trip cap, as established in the PPS.

- 14. Livingston Road and Gunpowder Drive: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county’s capital program, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

- c. At the time of detailed site plan submission, the applicant, his heirs, successors, and or assignees shall submit an acceptable traffic signal warrant study to DPW&T for signalization at the intersection of Livingston Road and Gunpowder Drive. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If a signal, or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the appropriate agency, prior to the release of any building permits within**

**the subject property and install it within a timeframe directed by that agency.**

The Transportation Planning Section has reviewed the subject project and determined that the signalized intersection of Livingston Road is not warranted.

- 15. At the time of final plat approval, the applicant shall dedicate right-of-way along existing Livingston Road of 40 feet from centerline.**

The submitted DSP shows right-of-way dedication of 40 feet from the centerline, along Livingston Road.

- 16. Prior to final plat approval, the applicant, his heirs, successors, and or assigns shall prepare a plat of reservation and shall place in reservation Parcels D and E, as right-of-way for the proposed MD 210 and Livingston Road/East Swan Creek Road interchange, as recommended in the Henson Creek-South Potomac Master Plan, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:**

- a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.**
- b. At the end of the reservation period, if the reservation has not been renewed, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.**
- c. With the exception of the applicant's stormwater management facility, as per the approved stormwater management concept plan, during the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.**
- d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.**

- e. **If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner. Parcel D is shown incorporated into proposed Parcels A and C in the DSP for development, and Parcel E has been incorporated into Parcel B.**

The Community Planning Section has reviewed the subject project and determined that the Henson Creek-South Potomac Master Plan recommends commercial land use on the subject property. The property is shown on the Land Use Map to be affected by the Maryland State Highway Administration (SHA) interchange concept design, that needs further verification on its status.

- 17. **Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

The development proposed with this DSP is consistent with the land uses evaluated with the PPS, which does not include residential development. Conformance with this condition has been demonstrated.

- 9. **2010 Prince George's County Landscape Manual:** The application is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*. The landscape plan provided with the subject DSP contains the required schedules, demonstrating conformance to these requirements. The PPS required a 50-foot-wide buffer line along the entire perimeter of Parcel A.

- 10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of existing woodland. A Type II Tree Conservation Plan (TCP II-054- 03-01) was submitted with the current application.

Based on the submitted TCPII, the application area was previously cleared for the original phase of the project for the existing CVS development. The original TCPII showed 0.69 acre and the proposed development will clear 9.02 acres of woodland in the net tract area and 0.45 acre within the wooded floodplain. The original phase provided 0.41 acre of natural regeneration and the current phase proposes to preserve 0.75 acre and reforest 0.40 acre, to meet the woodland conservation requirement of 5.38 acres. Technical revisions are required to the TCPII, which are included as conditions in this technical staff report.

- 11. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule, demonstrating conformance to these requirements through new plantings on the subject property. The percentage required should be included in the Tree Canopy Coverage schedule on the plan. A condition has been included in this technical staff

report requiring the applicant to add the percentage of TCC to the Tree Canopy Coverage schedule on the plans.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
  - a. **Subdivision Review**—In a memorandum dated November 14, 2022 (Vatandoost to Butler), the Subdivision Section noted that the DSP has been found to be in substantial conformance with the approved PPS. Staff also stated that there are no final plats for the property recorded at this time and final plats for the property should be accepted, prior to expiration of the PPS, which is December 31, 2022. Technical corrections are included in this technical staff report as conditions.
  - b. **Transportation Planning**—In a memorandum dated November 21, 2022 (Patrick to Butler), the Transportation Planning Section determined that this plan is acceptable, with conditions that are included herein.
  - c. **Environmental Planning**—In a memorandum dated November 14, 2022 (Schneider to Butler), the Environmental Planning Section stated the subject property has been preserved, to the fullest extent possible, and there are no new regulated environmental features as part of this application.
  - d. **Historic Preservation**—In an email dated November 14, 2022 (Stabler to Butler), it was noted that the subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
  - e. **Permit Review**—In a memorandum dated November 14, 2022 (Jacobs to Butler), it was noted that the plan was acceptable.
  - f. **Community Planning**—In a memorandum dated November 10, 2022 (Umeozulu to Bishop), it was noted the Henson Creek-South Potomac Master Plan recommends commercial land use on the subject property. The property is shown on the Land Use Map to be affected by the SHA interchange concept design, that needs further verification on its status.
13. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is, as follows:

**The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

Based on the level of design information submitted with this application, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible. No impacts to regulated environmental features are proposed with this DSP.

## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20030 and Type II Tree Conservation Plan TCPII-054-03-01 for Livingston of Fort Washington, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Show and label the 10-foot-wide public utility easement along the entire frontage of Parcel A with MD 210, in conformance with Preliminary Plan of Subdivision 4-07050.
  - b. Provide striped crosswalks along the internal site entrances along Gunpowder Drive.
  - c. Provide a striped crosswalk along Gunpowder Drive at Livingston Road.
  - d. Provide bicycle racks at both proposed retail pad sites.
  - e. Revise the site plan coversheet and the landscape plan coversheet to be consistent and reflect the correct use, parking calculations, and square footage.
  - f. Revise the Tree Canopy Coverage Schedule to include the acreage and the percentage required.
2. Prior to signature approval of the detailed site plan, the Type II tree conservation plan shall be revised to correct the sheet numbering.
  - a. Revise all TCP numbers to "II," instead of "2."
  - b. On the revised plans, add a note in the revision block and update signatures.

# LIVINGSTON OF FORT WASHINGTON

Detailed Site Plan

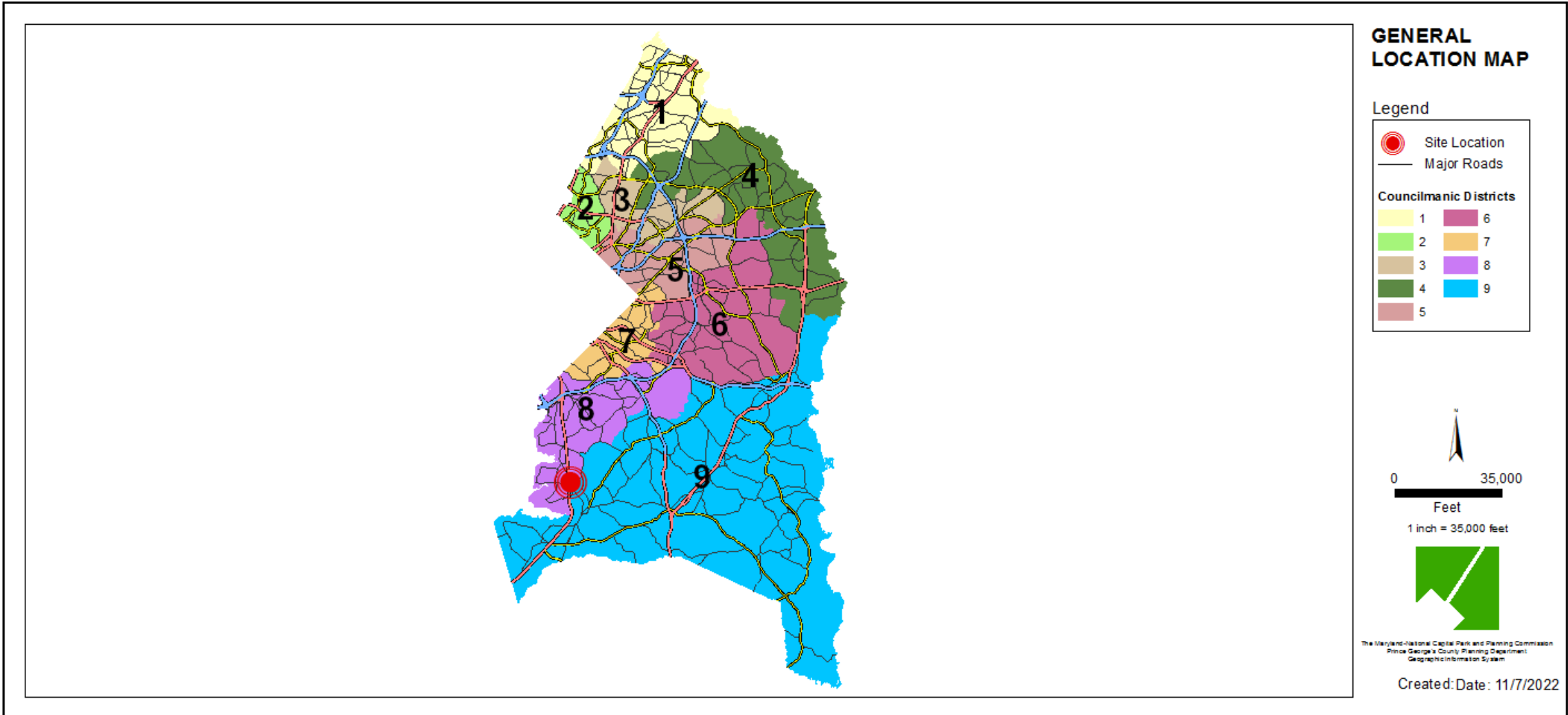
Staff Recommendation: APPROVAL with conditions



# GENERAL LOCATION MAP

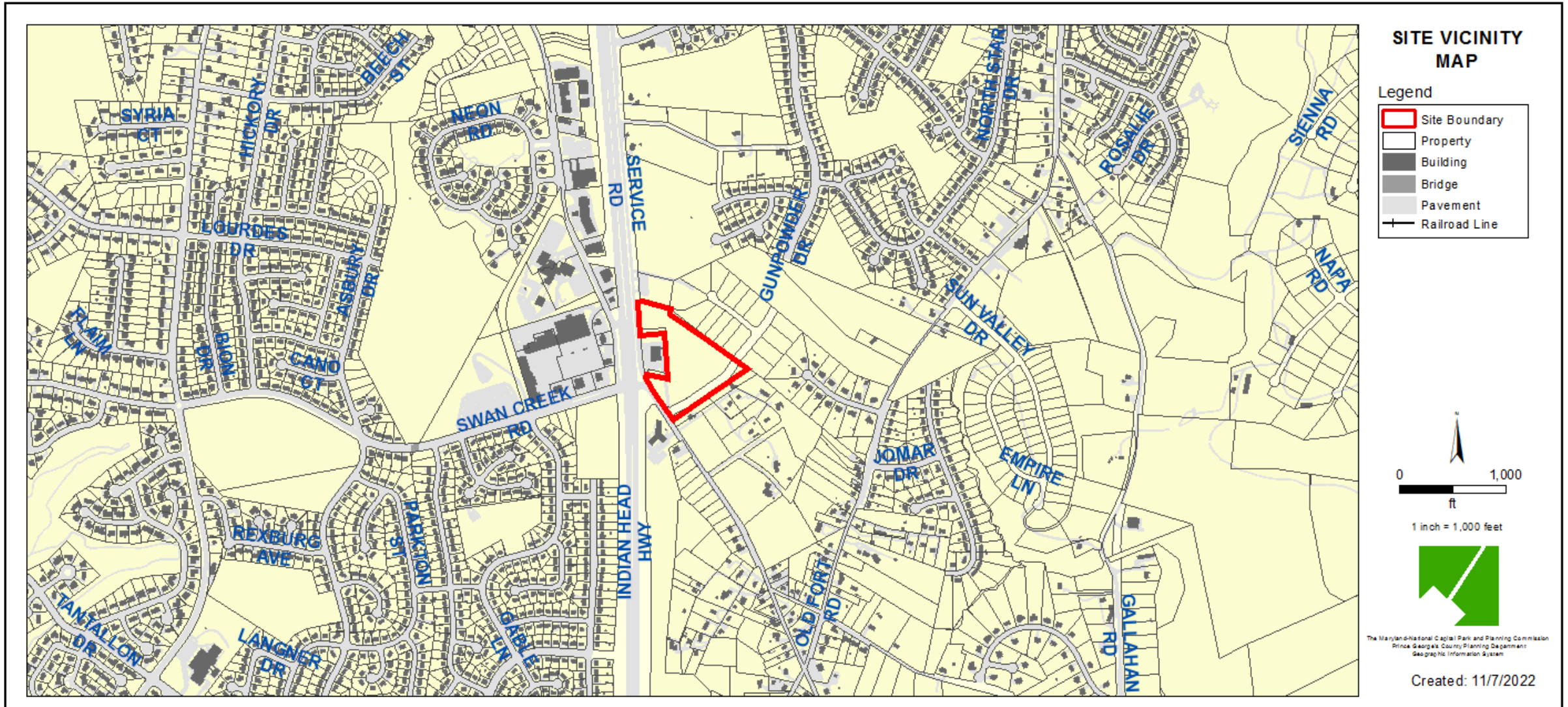
Council District: 08

Planning Area: 80





# SITE VICINITY MAP



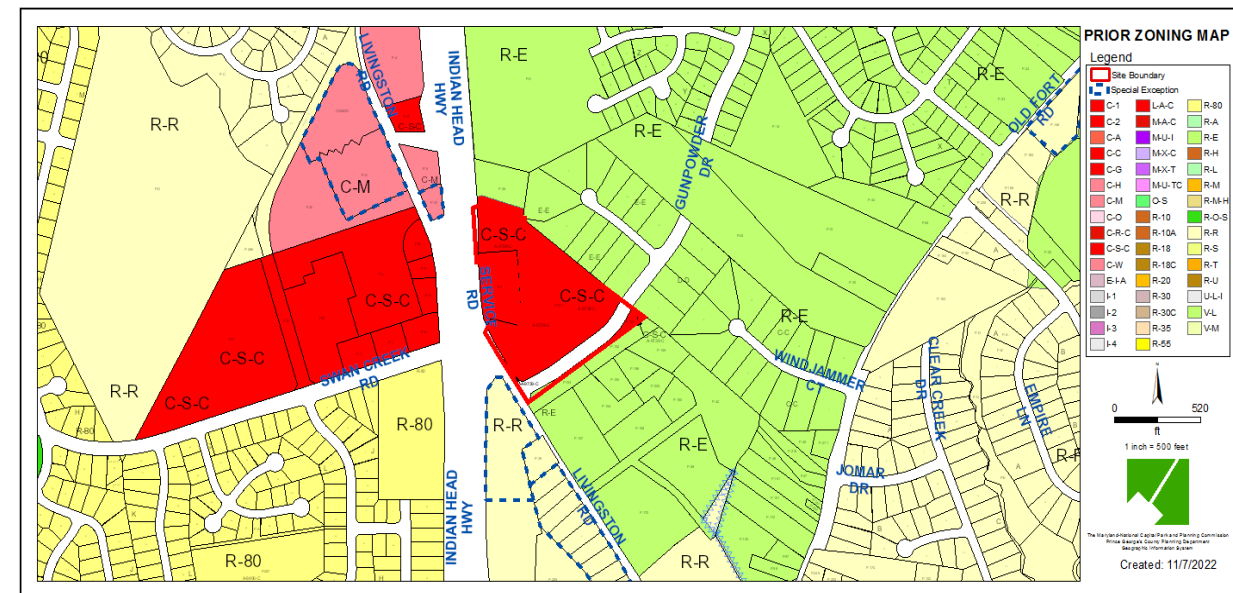
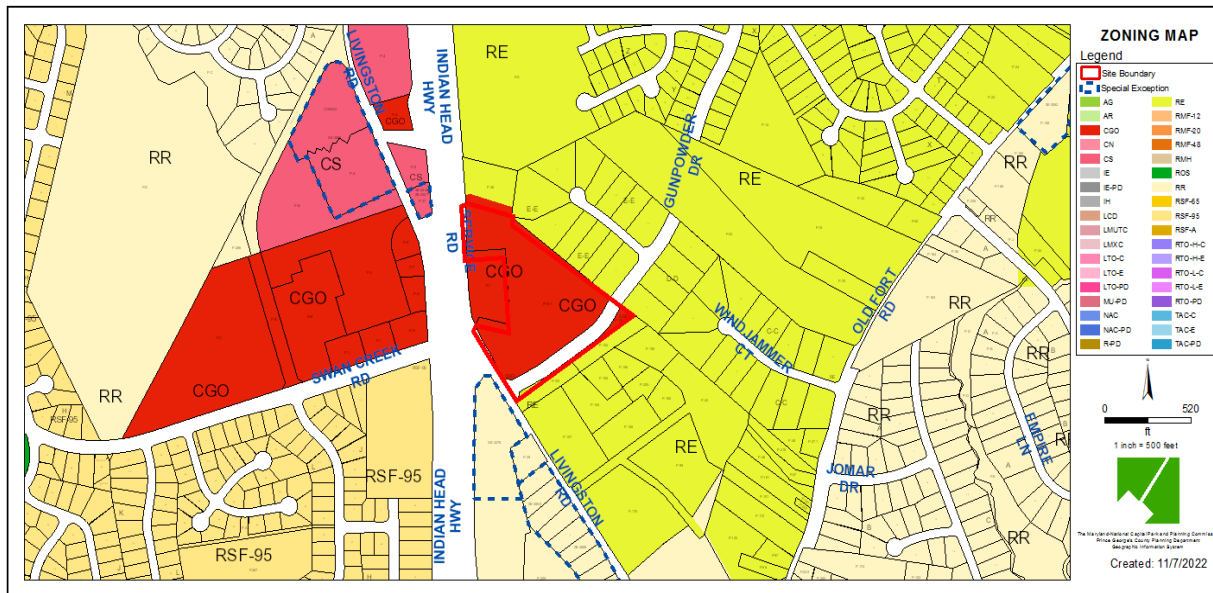
# ZONING MAP (CURRENT & PRIOR)

Property Zone: CGO

Prior Zone: C-S-C

CURRENT ZONING MAP

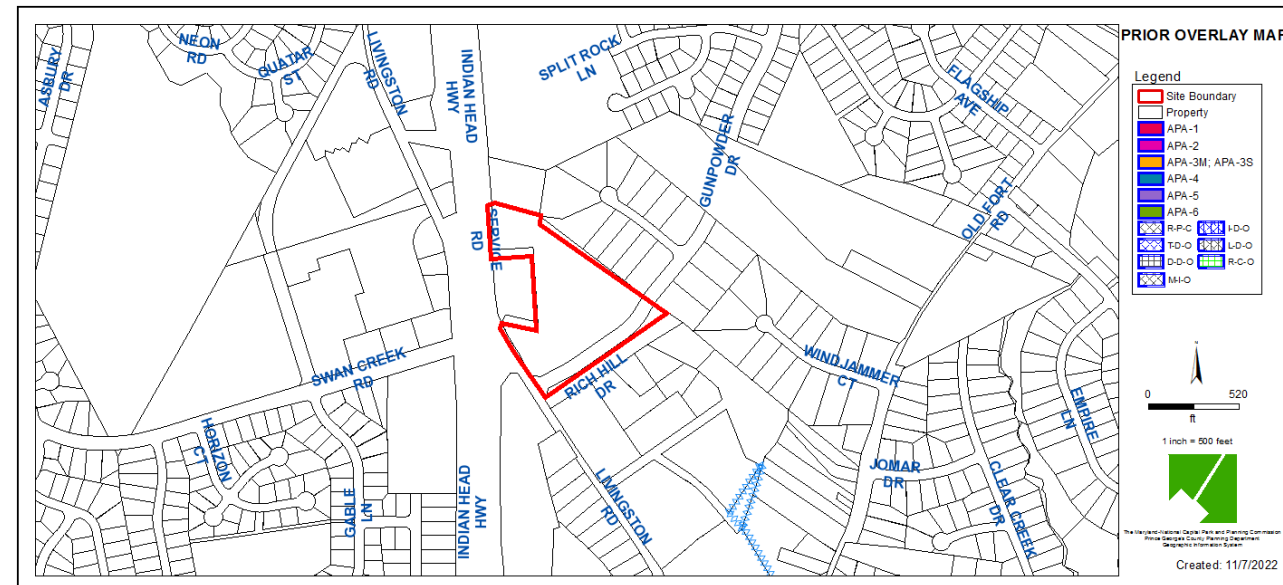
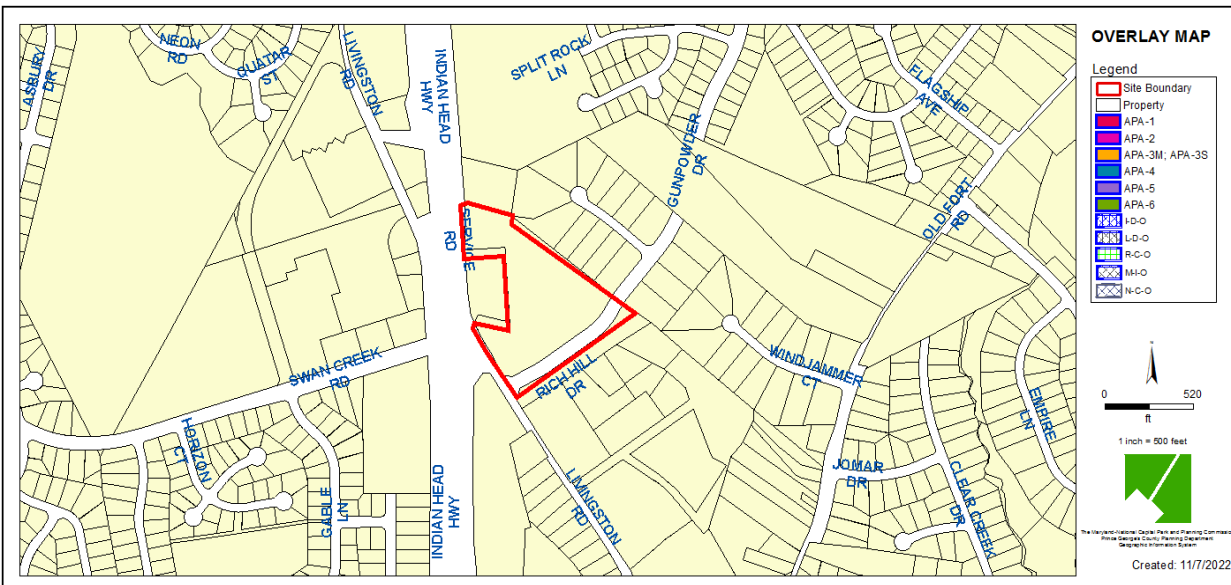
PRIOR ZONING MAP



# OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

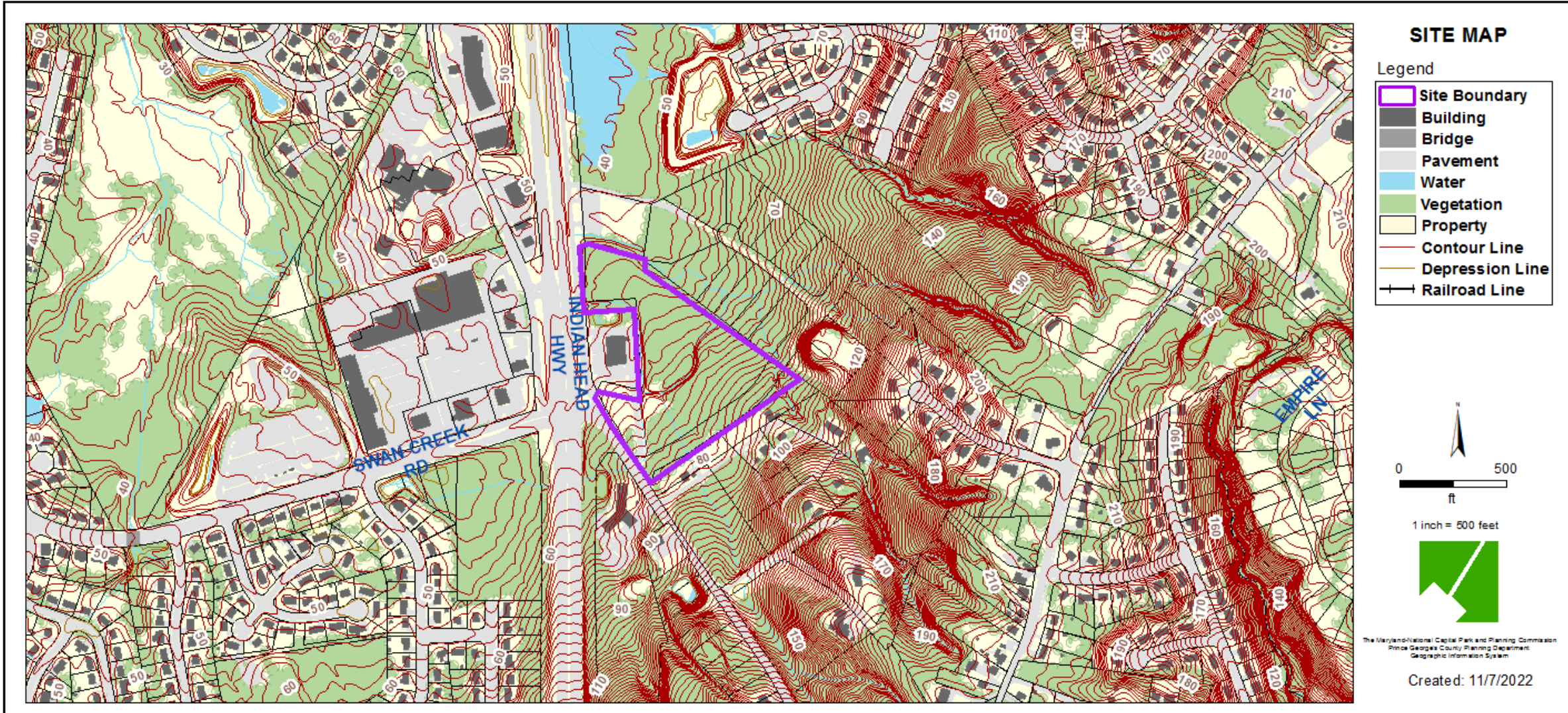
PRIOR OVERLAY MAP



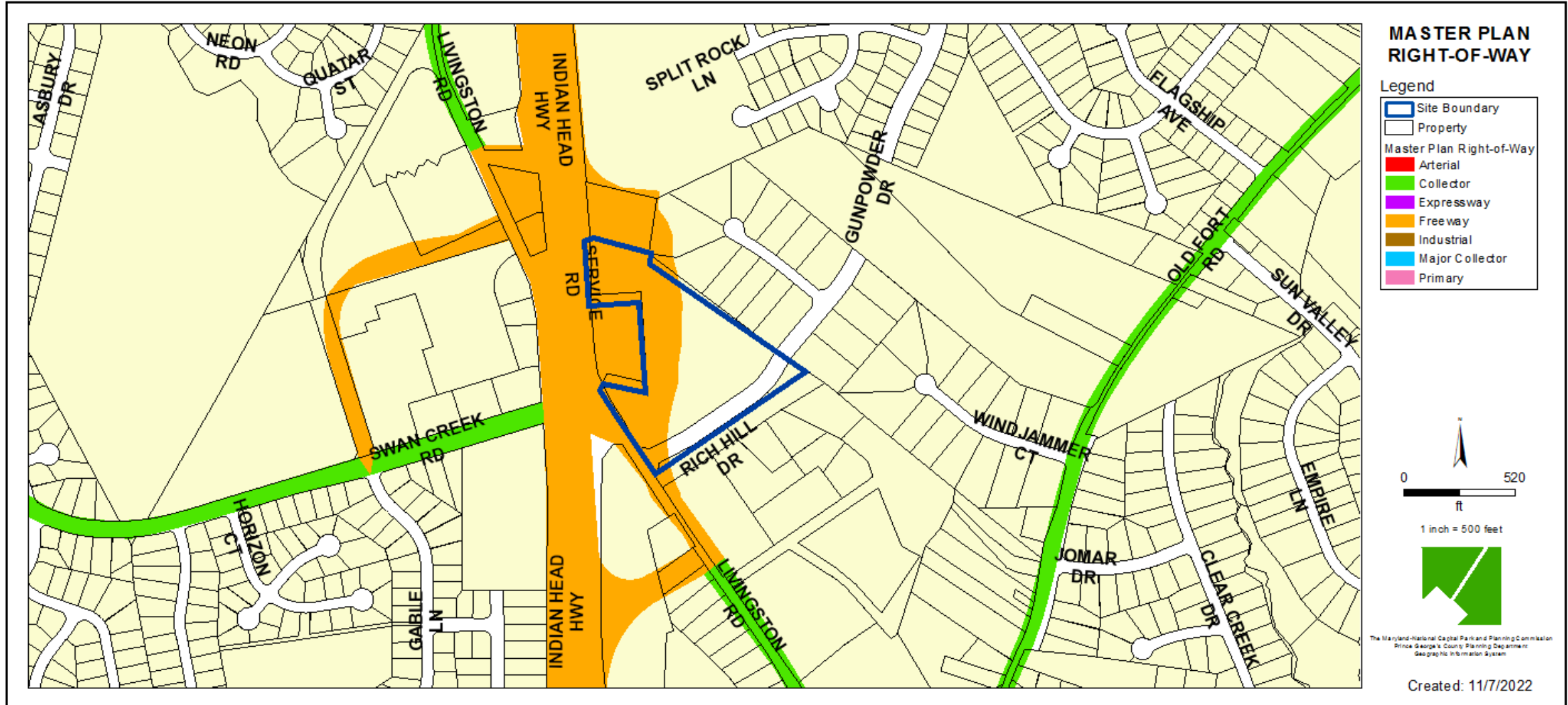
# AERIAL MAP



# SITE MAP



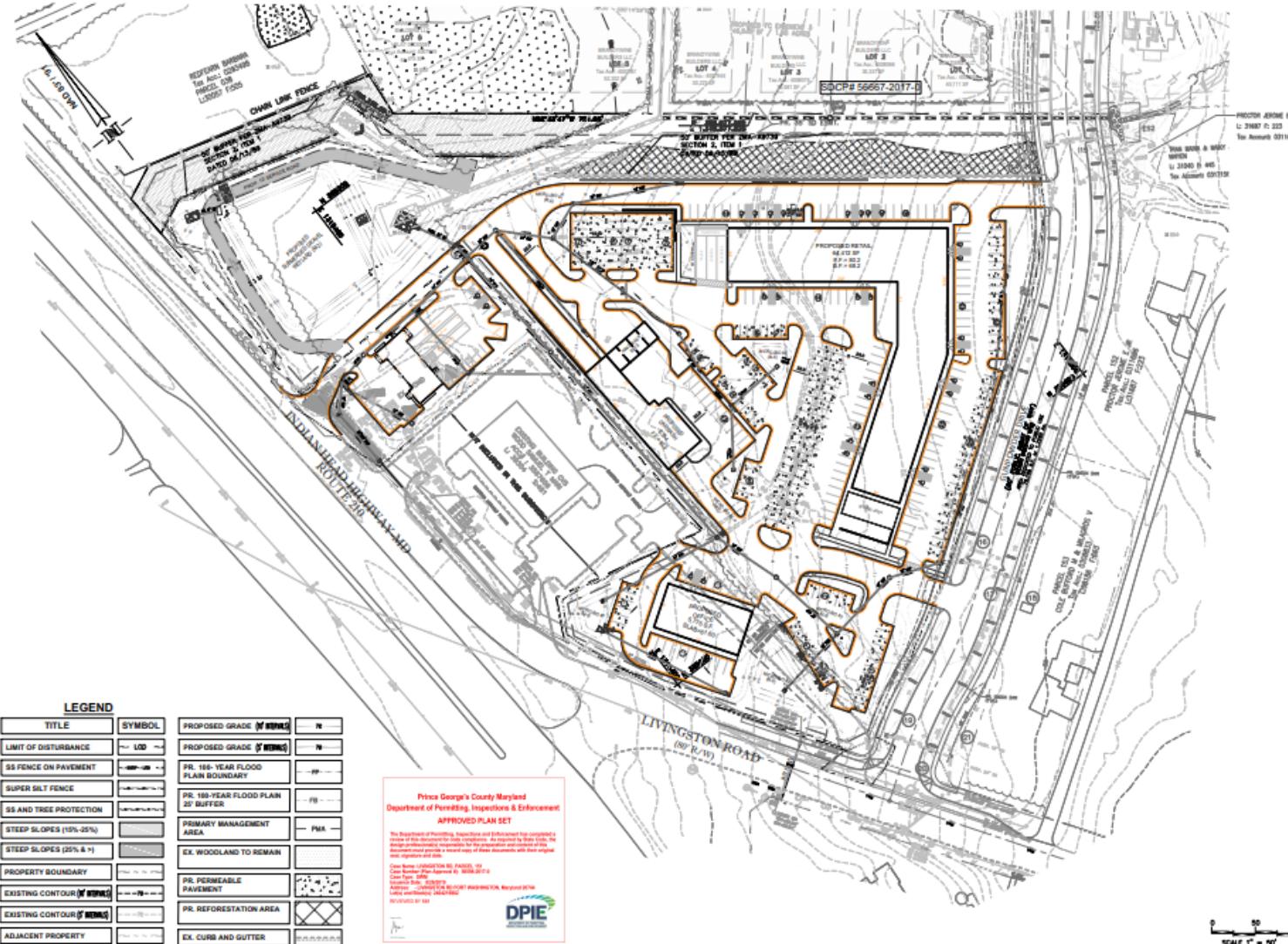
# MASTER PLAN RIGHT-OF-WAY MAP



## BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



# DETAILED SITE PLAN



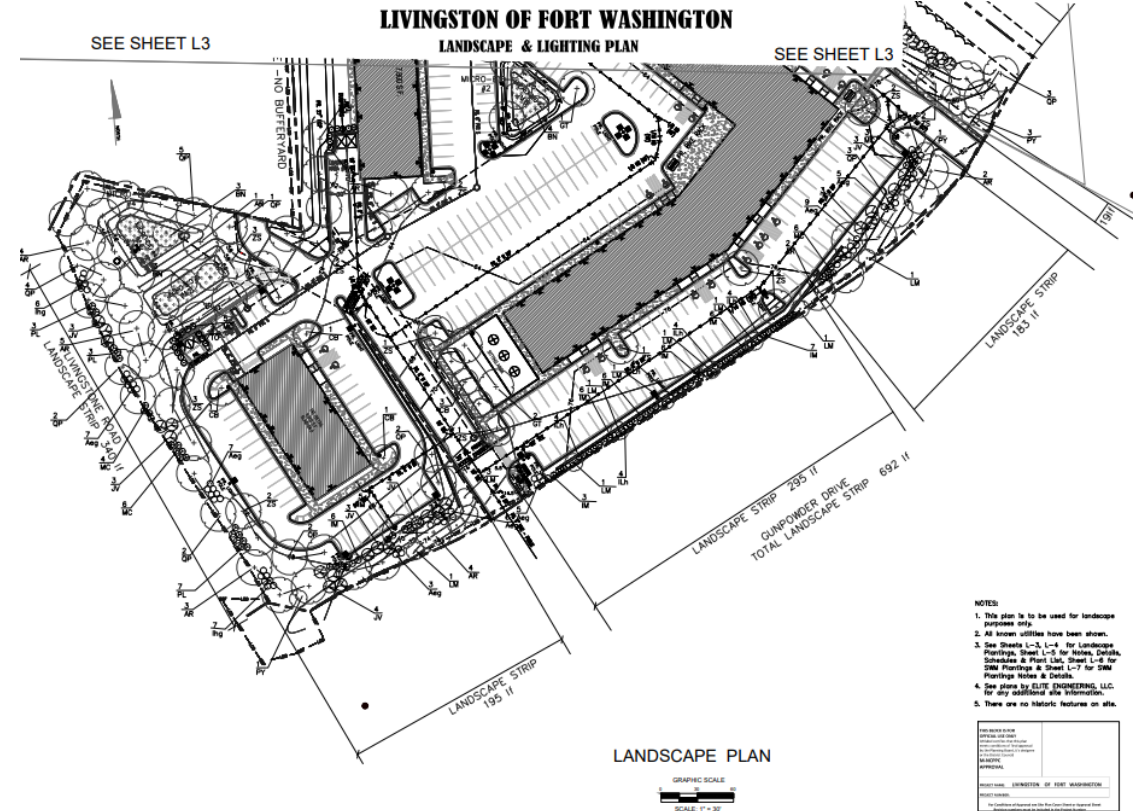
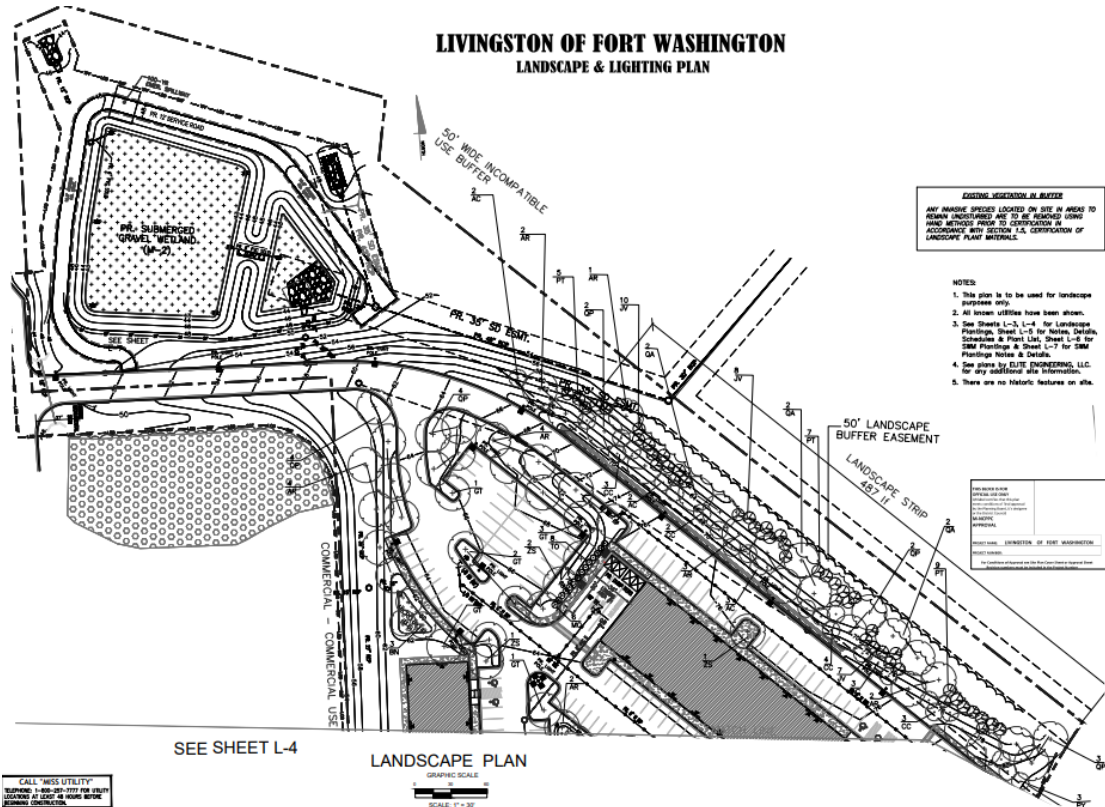
LEGEND		TITLE	SYMBOL	TITLE	SYMBOL
LIMIT OF DISTURBANCE	LOD	PROPOSED GRADE (OF REMAINS)	PR	PROPOSED GRADE (OF REMAINS)	PR
SS FENCE ON PAVEMENT		PR. 100-YEAR FLOOD PLAIN BOUNDARY	FP	PR. 100-YEAR FLOOD PLAIN 20' BUFFER	FB
SUPER SILT FENCE		PRIMARY MANAGEMENT AREA	PMA	EX. WOODLAND TO REMAIN	
SS AND TREE PROTECTION		PR. PERMEABLE PAVEMENT		PR. REFORESTATION AREA	
STEEP SLOPES (10% - 25%)		EXISTING CONTOUR (OF REMAINS)		EX. CURB AND GUTTER	
STEEP SLOPES (25% & +)		PROPERTY BOUNDARY			
EXISTING CONTOUR (OF REMAINS)					
EXISTING CONTOUR (OF REMAINS)					
ADJACENT PROPERTY					

Prince George's County Maryland  
 Department of Permitting, Inspections & Enforcement  
**APPROVED PLAN SET**  
 The Department of Permitting, Inspections and Enforcement has reviewed this plan set for compliance with applicable laws, regulations, and standards. This approval does not constitute a warranty of any kind and does not constitute an endorsement of any product or service. For more information, please contact the Department of Permitting, Inspections and Enforcement at 4444 Livingston Road, Prince George's County, MD 21111. For more information, please contact the Department of Permitting, Inspections and Enforcement at 4444 Livingston Road, Prince George's County, MD 21111. For more information, please contact the Department of Permitting, Inspections and Enforcement at 4444 Livingston Road, Prince George's County, MD 21111.

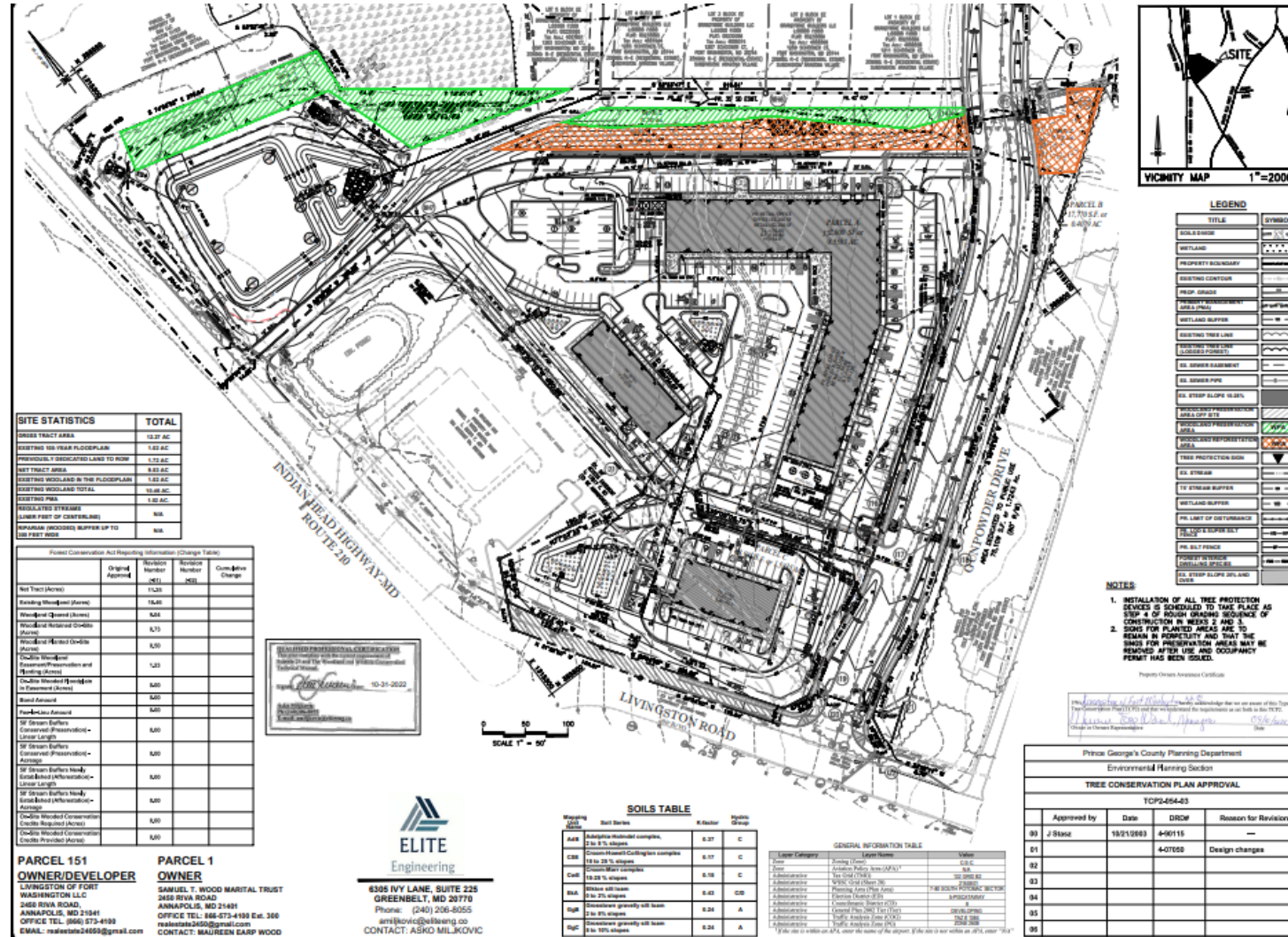




# LANDSCAPE PLAN



# TYPE II TREE CONSERVATION PLAN



# EXTERIOR ARCHITECTURE ELEVATIONS

**EARP & ASSOCIATES REALTY INC.**  
**ARCHITECTURE COLLABORATIVE**  
 DETAILS AND DIMENSIONS SHOWN ON THESE FLOOR PLANS AND ELEVATIONS ARE APPROXIMATE AND SUBJECT TO CHANGE. ILLUSTRATIONS ARE ARTIST CONCEPTS AND MAY VARY IN DETAIL FROM FLOOR PLAN AND SPECIFICATIONS.

**'LIVINGSTON OF FORT WASHINGTON'**  
**PARCEL 'C'**

**EAST SIDE 'ELEVATION'**  
 SYNTHETIC WHITE VENTED GABLE w/ SYNTHETIC WHITE TRIM  
 COMMERCIAL SPACE  
 RETAIL STORE FRONT  
 STACKED STONE VENEER  
 BLACK ANODIZED COATED ALUMINUM FRAMED DOOR w/ TEMPERED GLASS  
 BLACK ANODIZED COATED ALUMINUM FRAMED STOREFRONT w/ ANNEALED GLASS

**SOUTH SIDE 'ELEVATION'**  
 MID POINT OF ROOF  
 TOP OF PARAPET  
 COMMERCIAL SPACE  
 METAL SEAM ROOF  
 20'-0" +/-  
 23'-3" +/-

**NORTH SIDE 'ELEVATION'**  
 SYNTHETIC WHITE TRIM BOARD  
 PAINTED STUCCO or FIBER CEMENT STUCCO PANELS  
 RETAIL STORE FRONT

**WEST SIDE 'ELEVATION'**  
 SYNTHETIC WHITE TRIM BOARD  
 PAINTED STUCCO or FIBER CEMENT STUCCO PANELS  
 METAL SEAM ROOF  
 BLACK ANODIZED COATED ALUMINUM SERVICE DOOR

**EARP & ASSOCIATES REALTY INC.**  
 Architecture Collaborative, Inc.  
 8334 Main Street  
 Bethesda, MD 20814  
 www.earpandco.com  
 Tel.: (301) 465-7500 Fax: (301) 465-0803

**EARP & ASSOCIATES REALTY INC.**  
 LIVINGSTON OF FORT WASHINGTON  
 PARCEL 'C'

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SYNOPSIS: FULL PERMITS REQUIRED  
 05-2022: UPDATED PANEL 'C' ENTITY INCLUDES  
 04-2022: DALLERS HEIGHTS & UPDATED PERMITS  
 04-2022: MANUAL CALL OUTS & SIGN ON

SHEET #

# EXTERIOR ELEVATIONS

**FRONT - 'GUNPOWDER DRIVE' ELEVATION**

- CONCRETE STAIRS & LANDING (w/ SAFETY RAIL PER CODE)
- PAINTED STUCCO or FIBER CEMENT STUCCO PANELS
- STACKED STONE VENEER
- BLACK ANODIZED COATED ALUMINUM FRAMED STOREFRONT w/ ANNEALED GLASS
- SYNTHETIC WHITE TRIM BOARD
- STORE FRONT SIGNAGE
- MID POINT OF ROOF
- 19'-3" +/-

**WEST END ELEVATION**

- METAL SEAM ROOF

**NORTH END ELEVATION**

- 20 YEAR FIBER GLASS SHINGLES CHARCOAL GREY
- TOP OF RIDGE
- MID POINT OF ROOF
- 29'-1" +/-
- 34'-0" +/-
- COLUMNS WRAPPED IN SYNTHETIC WHITE TRIM

**EAST SIDE ELEVATION**

- TOP OF RIDGE
- 22'-0" +/-
- STACKED STONE VENEER
- STORE FRONT SIGNAGE
- BLACK ANODIZED COATED ALUMINUM FRAMED DOOR w/ TEMPERED GLASS
- CONCRETE SIDEWALK
- BLACK ANODIZED COATED ALUMINUM FRAMED STOREFRONT w/ ANNEALED GLASS
- CONCRETE STAIRS & LANDING (w/ SAFETY RAIL PER CODE)
- SYNTHETIC WHITE TRIM BOARD

**ARCHITECTURE COLLABORATIVE**  
 'LIVINGSTON OF FORT WASHINGTON' PARCEL 'A-1'

**EARP & ASSOCIATES REALTY INC.**

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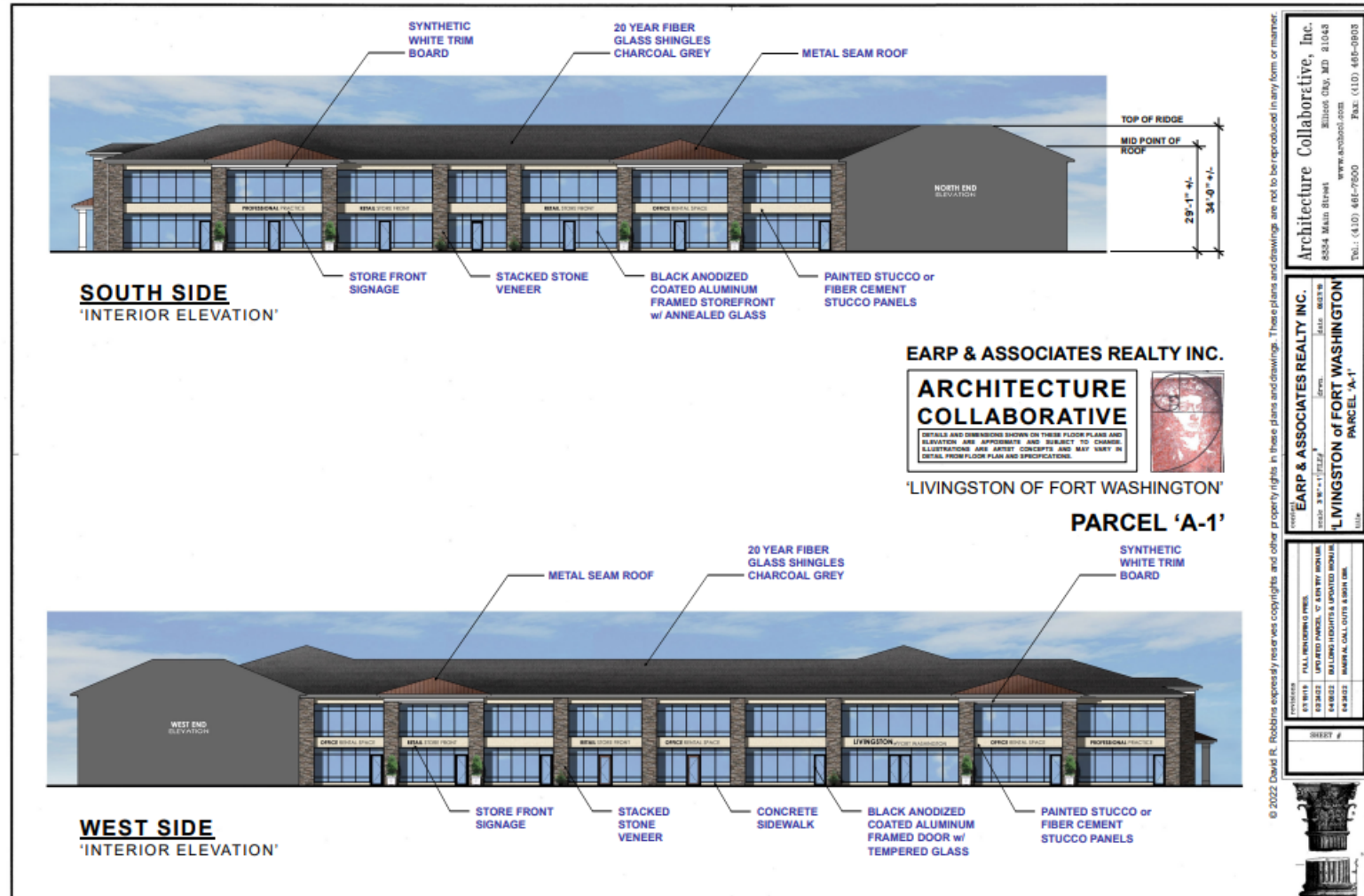
**LIVINGSTON OF FORT WASHINGTON**  
 PARCEL 'A-1'

**REVISIONS**

01/11/21	FULL REVISIONS
03/02/21	REVISED PARCEL 'A' AREA BY MOULDER
04/02/21	CALLING HEIGHTS & UPDATED MATERIALS
04/02/21	MATERIAL CALL OUTS & SIGNING

DATE: #

# EXTERIOR ELEVATIONS



# EXTERIOR ELEVATIONS

**EARP & ASSOCIATES REALTY INC.**  
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 DETAILS AND DIMENSIONS SHOWN ON THESE FLOOR PLANS AND ELEVATIONS ARE APPROXIMATE AND SUBJECT TO CHANGE. ILLUSTRATIONS ARE ARTIST CONCEPTS AND MAY VARY IN DETAIL FROM FLOOR PLAN AND SPECIFICATIONS.

'LIVINGSTON OF FORT WASHINGTON'  
**PARCEL 'A-2'**

**SOUTH SIDE 'ELEVATION'**  
 SYNTHETIC WHITE VENTED LOUVERS

**NORTH SIDE 'ELEVATION'**  
 METAL SEAM ROOF

**EAST SIDE 'ELEVATION'**  
 WHITE ALUMINUM AWNING ROOF WITH CABLE BRACING  
 STORE FRONT SIGNAGE  
 STACKED STONE VENEER  
 BLACK ANODIZED COATED ALUMINUM FRAMED DOOR w/ TEMPERED GLASS  
 CONCRETE SIDEWALK  
 BLACK ANODIZED COATED ALUMINUM FRAMED STOREFRONT w/ ANNEALED GLASS

**WEST SIDE 'ELEVATION'**  
 CONCRETE STAIRS & LANDING (w/ SAFETY RAIL PER CODE)  
 STACKED STONE VENEER w/ SILL  
 PAINTED STUCCO or FIBER CEMENT STUCCO PANELS  
 BLACK ANODIZED COATED ALUMINUM SERVICE DOOR

MID POINT OF ROOF  
 TOP OF PARAPET  
 22'-0" +/-  
 25'-1" +/-

**EARP & ASSOCIATES REALTY INC.**  
 PROJECT: LIVINGSTON OF FORT WASHINGTON  
 PARCEL 'A-2'

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# STAFF RECOMMENDATION

## **APPROVAL** with conditions

- DSP- Conditions
- TCPII-Conditions

## **Minor Issues:**

- Technical Corrections

## **Applicant Required Mailings:**

- Informational Mailing 5/16/20
- Acceptance Mailing 10/7/20

LAW OFFICES  
**SHIPLEY & HORNE, P.A.**

**Russell W. Shipley**  
**Arthur J. Horne, Jr.\***  
**Dennis Whitley, III\***  
**Robert J. Antonetti, Jr.**

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www.shpa.com

**Bradley S. Farrar**  
**L. Paul Jackson, II\***  
\*Also admitted in the District of Columbia

June 14, 2022  
*Revised: October 28, 2022*

**VIA HAND DELIVERY**

Ms. Tierre Butler  
Prince George's County Planning Department  
Development Review Division  
14701 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

**RE: Detailed Site Plan (DSP-20030)**  
**Livingston of Fort Washington**

Dear Ms. Butler,

On behalf of our client, Livingston of Fort Washington, LLC ("Applicant"), Arthur J. Horne, Jr., and Shipley and Horne, P.A., hereby submit this Statement of Justification in support of a proposed Detailed Site Plan (DSP) for the above captioned subject property. The Applicant is requesting the approval of a Detailed Site Plan (DSP-20030) to allow for the construction of an integrated retail, office space commercial center on the subject property. The Livingston of Fort Washington shopping center development is permitted on the subject property consistent with the December 6, 2007, Planning Board 4-07050 (PGCPB No. 07-233) Preliminary Plan of Subdivision approval. The Application is submitted pursuant to Zoning Ordinance Section 27-281 (Purpose of Detailed Site Plans), and 27-285 (Planning Board procedures) Prince George's County Code.

**I. Election to Utilize the C-S-P Zoning Procedures (Section 27-1704 (b)):**

On April 1, 2022, the approved Countywide Sectional Map Amendment ("CMA") and the updated Prince George's County Zoning Ordinance ("New Zoning Ordinance") became effective and rezoned the property to the newly created CGO Zone. Notwithstanding, the Applicant elects to amend DSP-19023 utilizing the applicable provisions of the prior zoning ordinance pursuant to Section 27-1704(b), which states in the pertinent part:

**Section 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance**

- (b) *Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process*



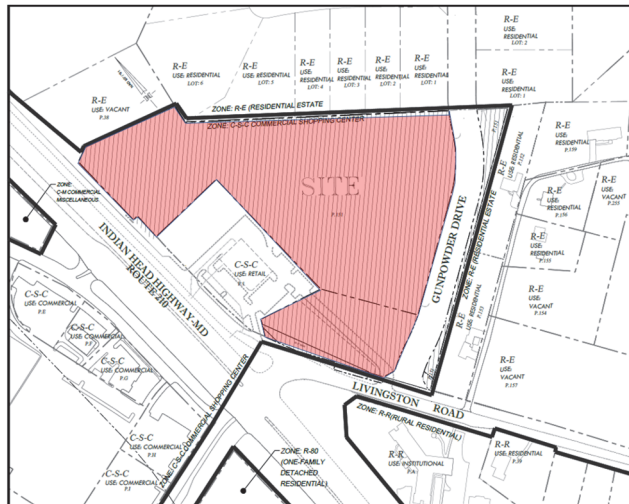
***(including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.***

The Preliminary Plan of Subdivision (PPS), 4-07050, and Type I Tree Conservation Plan (TCPI/127/90-01) was approved by the Prince George’s County Planning Board on December 6, 2007, and the resolution of approval was adopted on January 3, 2008 (PGCPB Resolution No. 07-233). The PPS was approved for five parcels and is valid through December 31, 2021, due to prior legislative extensions of the validity period. The Planning Board approved a one-year (1) extension to the PPS on January 13, 2022. Since these underlying approvals are currently valid, the Applicant can proceed with applications utilizing the provisions of the zoning ordinance that existed prior to April 1, 2022, per Section 27-1704(b) of the New Zoning Ordinance. The Applicant hereby elects to pursue an amendment of DSP-20030 using the provisions of the former zoning ordinance.

- Prior to final plat, the applicant, his heirs, successors, and or assignees, shall have a detailed site plan approved in accordance with Part 3, Division 9 of the Prince George’s County Zoning Ordinance. The detailed site plan shall be reviewed by both the Planning Board, and the District Council in accordance with Condition 2 of Zoning Map Amendment A-9739-C.***

**II. Nature of Request and Description of Subject Property:**

The Applicant is requesting the approval of a Detailed Site Plan (DSP-20030) to allow for the construction of an integrated retail, office space commercial center on the subject property. The property is currently undeveloped except for a paved access road from Livingston Road to the adjacent 11,094 square foot CVS pharmacy (i.e., constructed in 2003) and site. The Applicant is proposing to construct a 78,812 total square foot integrated shopping center in three (3) building that will contain 46,606 first floor square feet of retail space, and 32,206 square feet of second floor office space.



**ZONING AND USE MAP OF ADJACENT PROPERTIES**

***Exhibit (not to scale)***

**III. Neighborhood and Surrounding Uses:**

The property is located at the northeast corner of Livingston Road at its intersection with Indian Head Highway (MD 210), and is surrounded by the following uses:

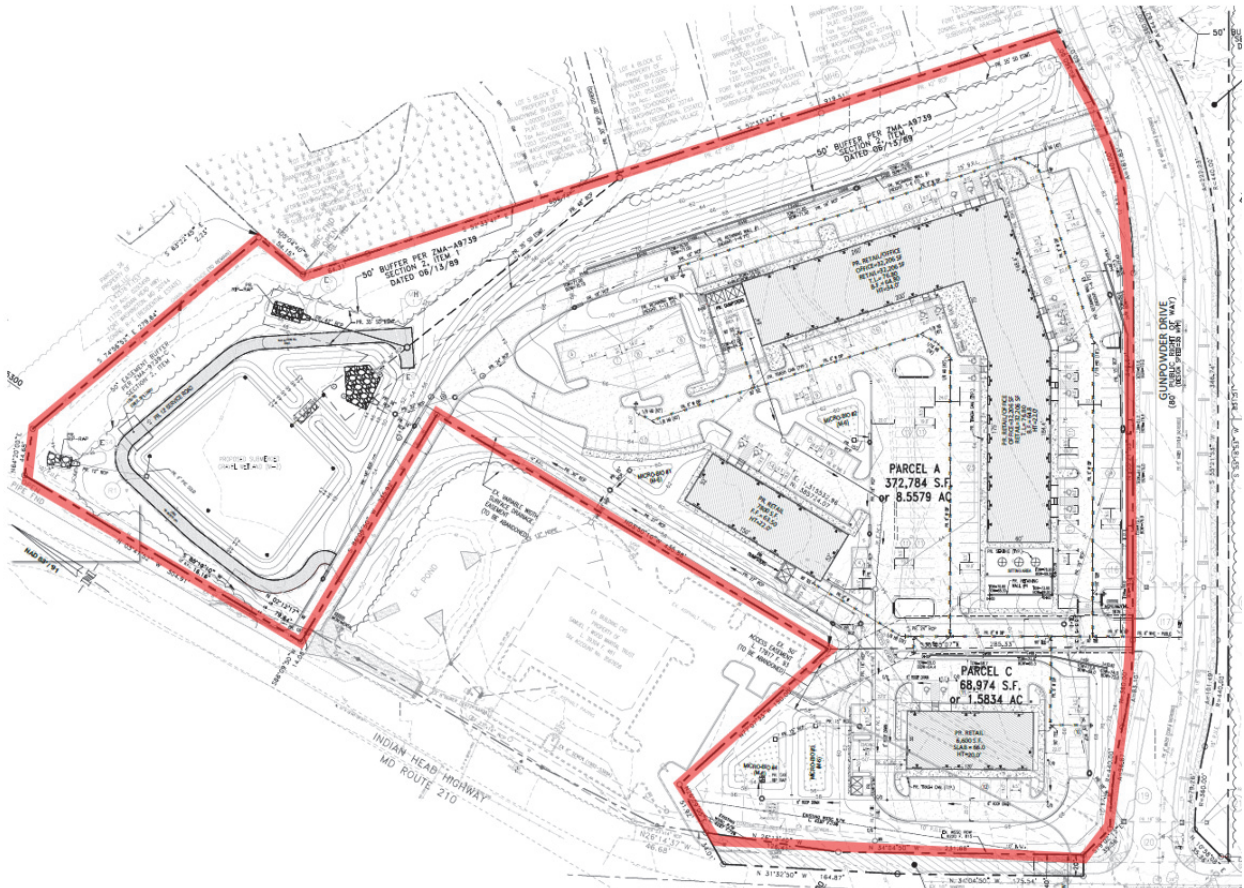
North and East – Vacant wooded single-family lots in the R-E Zone.

South – Unimproved Gunpowder Drive right-of-way.

West – Livingston Road at its signalized intersection with Indian Head Highway (MD 210). On the opposite side of Indian Head Highway is the approximately 143,600 square-foot Olde Fort Village Shopping Center.

**IV. Development Data Summary:**

The Applicant is proposing an Integrated Shopping Center that is permitted by right in the C-S-C Commercial Shopping Center Zone.



**Site Plan** (not to scale)

June 14, 2022

Revised: November 23, 2022

DSP-20030

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1. Zoning: C-S-C Commercial Shopping Center Zone.
2. Tax Map: 132 Grid: B2 Parcel: 151
3. Zoning Map: 215 SE 01 and 215 SE 02
4. Fire: Oxon Hill #4 5.5
5. Prior approvals: Preliminary Plan 4-07050
6. Total Acreage: 12.27-Acres
7. Net developable area outside PMA: 12.27 Acres
8. Acreage of Environmental Regulated Features: 0 acres.
9. Tax Account: 0412007
10. Owner/Deed Ref: Livingston of Fort Washington, LLC  
Liber: 20792 Folio: 529
11. Existing use: Vacant.
12. Proposed use of property: Integrated Shopping Center
13. The site is subject to the following setbacks:
  - From Street: 25'
  - Side setback: 8' min. 17' total
  - Rear setback: 20'
14. Proposed: Integrated Shopping Center
  - Office = 32,206 SF
  
  - Retail = 32,206 SF (Parcel A)  
7,800 SF (Parcel B)  
6,600 SF (Parcel C)
  - Total Retail = 46,606 SF
  - Total = 78,812 SF**
15. No existing wetlands on site
16. Stormwater Management Concept number and approval date: 56598-2017-0, Approved on 08/26/2019
17. Water/Sewer Category Designation Existing: W-4/S-4  
Proposed: W-3/S-3
18. Is the site within an Aviation Policy Area: No
19. Mandatory Park Dedication Requirement: N/A
20. Cemeteries on or contiguous to the property: No
21. Historic site on or in the vicinity of the property: No
22. Is the site within the Chesapeake Bay Critical Area: No
23. The Site is Not within 100 year Floodplain Area (Map: 24033C330E)
24. The site is Not located in Tier II Watershed
25. Parking Requirements: 252 spaces

<u>Use</u>	<u>Rate</u>	
Office Requirement (32,206 SF)	4 space / 1000 SF for 1 <sup>st</sup> 2,000 SF = 1 space / 400 SF over 2,000 SF =	8 76
	Total =	84
Retail Requirement (40,006 SF)	4 space / 1000 SF 40,006 / 1000 x 4.0 =	160
Other Use Requirement (6,600 SF)	4 space / 1000 SF 6,600 / 1000 x 4.0 =	27

Of the total 271 required spaces, at least 2/3 or 181 spaces shall be non-compact. A total of seven (7) handicapped parking spaces are required, of which at least two (2) shall be van accessible.

26. Parking Provided: 298 total parking spaces have been provided.

Standard (9.5' x 19'):	261
Compact: (8' x 16.5' min):	18
Standard Handicap: (8' x 19' w/5' wide access aisle)	0
Handicap Van Accessible: (8' x 19' w/8' wide access aisle)	19
Total	298

27. Loading Requirements: 3 spaces

a. Required Loading Spaces: 3 spaces

<u>Use</u>	<u>Rate</u>	<u>Spaces Required</u>
Integrated Shopping Center (78,812 sf. GLA)	3 space <100,000 s.f. GLA + 1 space per 100,000 sf >100,000 sf. GLA	= 3 <u>= 0</u>

28. Loading Spaces Provided: 3 (three) 36' x 50' loading spaces provided.

## V. Relationship to County Plans and Policies:

### General Plan:

The subject Application is in conformance with the recommendations of the *Plan Prince George's 2035 Approved General Plan* (Prince George's 2035 General Plan), and the approved 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Under this Plan, the vision is for "context-sensitive infill and low-to-medium density residential communities, distinct commercial centers and employment areas that are increasingly transit serviceable. development. This application proposes a commercial center and employment area that is consistent with the General Plan.

**2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area:**

The subject property is located in Planning Area 80 in Subregion 7 in the South Potomac Community, and is within the limits of the *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The master plan recommends a commercial land use for the subject property within the C-S-C Commercial Shopping Center Zone. This application proposes a commercial land use which is consistent with the land use recommendation within the 2006 Henson Creek-South Potomac Master Plan and SMA.

**Approved Countywide Green Infrastructure Plan:**

According to the Environmental Planning Section, there are no rare, threatened, or endangered species found on or adjacent to this site. The entire site is located within the Evaluation Area of the *2017 Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan).

**Stormwater Management:**

The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that onsite stormwater management is required. A stormwater management concept plan (No. 56598-2017-00) has been submitted and approved by the Department of Permitting, Inspections, and Enforcement.

**Woodland Conservation Ordinance:**

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

Based on the submitted TCP1, the overall site contains a total of 10.32 acres of net tract woodlands and 1.02 acres of wooded floodplain. The plan proposes to clear 8.61 acres of net tract woodlands, 0.45 acres of wooded floodplain, 0.0 acres of off-site woodlands.

**Environmental Review:**

Per the NRI-137-06 approved on December 15, 2006, there are no streams, wetlands or 100-year floodplain on the property. A simplified forest stand delineation (FSD) showing four sample areas, one forest stand, and no specimen trees has been reviewed and was found to meet the requirements of the Woodland Conservation and Tree Preservation Ordinance. A revised NRI-137-06-01 was approved on June 15, 2020. No further action regarding sensitive environmental features is required.

This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because it has previously approved tree conservation plans. Type II Tree Conservation Plan TCPII/054/03 was approved as part of a grading permit for the property. Revised Type I Tree Conservation Plan TCPI/127/90-01 was submitted with this application.

**2009 Master Plan of Transportation:**

The Transportation Planning Section reviewed the prior 4-07050 preliminary plan of subdivision application for the Livingston of Fort Washington Property. The Transportation Planning Division staff reviewed the Applicant’s proposed commercial subdivision consisting of five parcels and proposes the development of approximately 80,000 square feet of retail space. Due to the uses proposed, the Transportation Planning Section requested that a traffic study be done. The resulting study was referred to the Department of Public Works and Transportation (DPW&T), and the Maryland State Highway Administration (SHA), and comments have been received from both agencies. Therefore, the findings and recommendations outlined in the 4-07050 (PGCPB No. 07-233) Planning Board resolution of approval are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

**Parks and Recreation:**

In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, this Application is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.

**Schools:**

The Historic Preservation and Public Facilities Planning Section have concluded that the review of this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003 and CR-23-2003 is not necessary because the development is for a commercial use.

**Fire and Rescue:**

The Historic Preservation and Public Facilities Planning Section have reviewed the preliminary plan application for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01 (e)(1)(B)-(E) of the Subdivision Ordinance.

The existing engine service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 1.79 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 1.79 minutes, which is within the 7.25-minute travel time guideline.

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The existing ladder truck service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road, has a service travel time of 6.65 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the Adopted and Approved Public Safety Master Plan, 1990 and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

### **Police Facilities:**

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the latest population estimate is 825,520. Using the guideline of 141 square feet per 1,000 residents, 116,398 square feet of space for police is needed. The current amount of space, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District IV, Oxon Hill.

## **VI. Relationship to Requirements in the Zoning Ordinance:**

### **Section 27-281 - Purposes of Detailed Site Plans:**

#### **(b) General DSP Purposes:**

#### **(1) The general purposes of Detailed Site Plans are:**

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**

**Response:** The subject Application is in conformance with the recommendations of the *Plan Prince George's 2035 Approved General Plan* (Prince George's 2035 General Plan), and the approved 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Under this Plan, the vision is for "context-sensitive infill and low-to-medium density residential communities, distinct commercial centers and employment areas that are increasingly transit serviceable. development. This application proposes a commercial center and employment area that is consistent with the general plan.

- (B) To help fulfill the purposes of the zone in which the land is located;**

The purposes of the R-R Zone are found in Section 27-428 and include the following:

**Section 27-454. C-S-C Zone (Commercial Shopping Center)**

**(a) Purposes.**

**(1) The purposes of C-S-C Zone are:**

- (A) To provide locations for predominantly retail commercial shopping facilities;**
- (B) To provide locations for compatible institutional, recreational, and service uses;**
- (C) To exclude uses incompatible with general retail shopping centers and institutions; and**
- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.**

**Response:** The proposed approximately 80,000 square foot integrated 2-story shopping center building conforms with the purposes of the C-S-C Zone.

**Section 27-281(b) - Purposes of Detailed Site Plans - Continued:**

- (C) To provide for development in accordance with the site design guidelines established in this Division; and**

**Response:** The proposed development is designed in accordance with site design guidelines in this Division. The “general” site design guidelines are found in Section 27-283 and require the following:

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**
- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**
- (c) These guidelines may be modified in accordance with Section 27-286.**

**Response:** The subject DSP-20030 site plan has been developed in accordance with the site plan design guidelines contained in Section 27-274 that pertain to the following relevant design elements:



**Section 27-274 – Design Guidelines**

**(1) General**

**(A) The Plan should promote the purposes of the Conceptual Site Plan.**

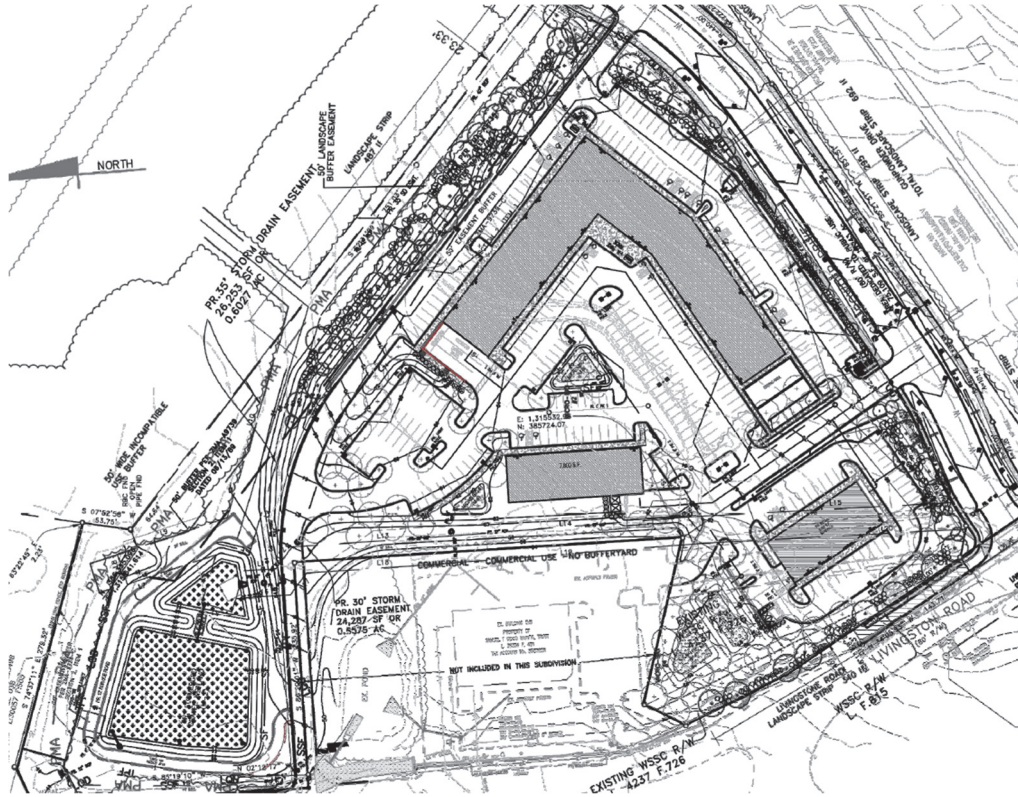
**Response:** This finding does not apply to the subject application. There is no underlying conceptual design plan associated with the subject property.

**(2) Parking, loading, and circulation.**

**(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:**

- (i) Parking lots should generally be provided to the rear or sides of structures;**
- (ii) Parking spaces should be located as near as possible to the uses they serve;**
- (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;**
- (iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and**
- (v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.**

**Response:** The proposed parking compound is designed so that all loading requirements for the storage facility can be fully met onsite without creating the need for a departure. All parking and loading space sizes and driveway aisles have been designed in accordance with Part 11 of the Zoning Ordinance.



**Landscape Plan** (not to scale)

Furthermore, the Applicant understands the importance of minimizing the visual impact of surface parking, and has taken every measure practicable to create a strong landscape buffer for the nearby residentially zoned properties. The 50-foot wide buffer designed in compliance with this standard is outlined with a red cloud in the below **Exhibit**.



**Exhibit** (not to scale)

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**(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:**

- (i) Loading docks should be oriented toward service roads and away from major streets or public view; and**
- (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.**

**Response:** The submitted landscape plan demonstrates compliance with the above two design standards.

**(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:**

- (i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;**
- (ii) Entrance drives should provide adequate space for queuing;**
- (iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;**
- (iv) Parking areas should be designed to discourage their use as through-access drives;**
- (v) Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;**
- (vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;**
- (vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;**
- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;**
- (ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;**
- (x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and**
- (xi) Barrier-free pathways to accommodate the handicapped should be provided.**

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**Response:** The limits of the parking compound and onsite circulation driveway aisle widths and parking spaces sizes have been fully designed in accordance with the requirements of Part 11 of the Zoning Ordinance and will provide safe, efficient onsite circulation for both pedestrians and drivers. All crosswalks along pedestrian sidewalks routes are prominently identified/marked and ADA compliant to accommodate access into the buildings for the physically handicapped.

**(3) Lighting.**

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:**
  - (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;**
  - (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;**
  - (iii) The pattern of light pooling should be directed on-site;**
  - (iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;**
  - (v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and**
  - (vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.**

**Response:** The lighting proposed in this DSP meets all of the above requirements. All prominent onsite elements, such as the main entrance to the building, will be consistently lit throughout the appropriate portions of the day LED light fixtures. The site also utilized full cut-off optics to limit light spill-over into adjacent properties. Details are provided within the DSP-20030 Landscape and Lighting plan set submitted with the Application herein.

**(4) Views.**

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

**Response:** There are no onsite or adjacent public scenic view areas or incompatible uses associated with the submitted DSP-20030 property's development.

**(5) Green area.**

**(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:**

- (i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;**
- (ii) Green area should link major site destinations such as buildings and parking areas;**
- (iii) Green area should be well-defined and appropriately scaled to meet its intended use;**
- (iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;**
- (v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;**
- (vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and**
- (vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.**

**Response:** The subject application has also been designed to meet all applicable requirements of the *Landscape Manual* and Tree Canopy Coverage Ordinance. The below Tree Canopy Coverage Schedule for the DSP-20030 confirms that the proposed development has a Tree Canopy Requirement of 0.98 acres, and will satisfy this requirement by providing 0.98 acres of tree canopy.

Tree Canopy Coverage Schedule for Sec. 25-128			
LINGSTONE OF FORT WASHINGTON	TCP2#:	DRD Case #:	Area (acres)
Site Calculations:	Zone 1:		
	Zone 2:		
	Zone 3:		
	Zone 4:		
	Total Acres:		0.00
Total Acres (gross acres)	% of TCC required	TCC Required (Acres)	TCC Required in (SF)
A. TOTAL ON-SITE WC PROVIDED (acres) =		acres	0.98
B. TOTAL AREA EXISTING TREES (non-WC acres) =		acres	0
C. TOTAL SQUARE FOOTAGE IN LANDSCAPE TREES =			39,360
D. TOTAL TREE CANOPY COVERAGE PROVIDED =			39361
E. TOTAL SQUARE FOOTAGE REQUIRED =			0
			Requirement Satisfied

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**(6) Site and streetscape amenities.**

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:**
- (i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;**
  - (ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;**
  - (iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;**
  - (iv) Amenities should be functional and should be constructed of durable, low maintenance materials;**
  - (v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;**
  - (vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and**
  - (vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.**

**Response:** The submittal demonstrates an interconnected pedestrian system that is convenient and designed to encourage pedestrian activity and connect to amenities within the development. Adequate attention has been paid to human scale, high-quality urban design, and other amenities, such as the types of paving materials, landscaping, street furniture, signage, and pedestrian-scale lighting of the public areas.

**(7) Grading.**

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:**
- (i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;**

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- (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;
- (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;
- (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and
- (v) Drainage devices should be located and designed so as to minimize the view from public areas.

**Response:** All grading will conform to the above regulations and the approved Stormwater Management Concept number and approval date: 56598-2017-0, Approved on August 26, 2019.

**(8) Service areas.**

- (A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:
  - (i) Service areas should be located away from primary roads, when possible;
  - (ii) Service areas should be located conveniently to all buildings served;
  - (iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and
  - (iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

**Response:** The submitted landscape plan demonstrates that loading spaces are visually screened from Livingston Road, Indian Head Highway (MD 210), and the vacant residential lots located north of the subject property.

**(9) Public spaces.**

- (A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:
  - (i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;
  - (ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;

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- (iii) **Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;**
- (iv) **Public spaces should be readily accessible to potential users; and**
- (v) **Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.**

**Response:** The subject site's development plan complies with the above guidelines.

**(10) Architecture.**

- (A) **When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**
- (B) **The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) **These guidelines may be modified in accordance with Section 27-277.**

**Response:** The architectural elevations submitted with the subject application demonstrate that the materials and building signage proposed for the building is to be constructed of high-quality materials to create variations in facades to break up the overall building massing. Materials used include Stacked Stone Veneer, Stucco Architectural banding, architectural trim, combination of standing seam metal and architectural grade fiberglass roofs.

**Section 27-281(c) – Specific Purposes of Detailed Site Plans:**

**(c) Specific Purposes.**

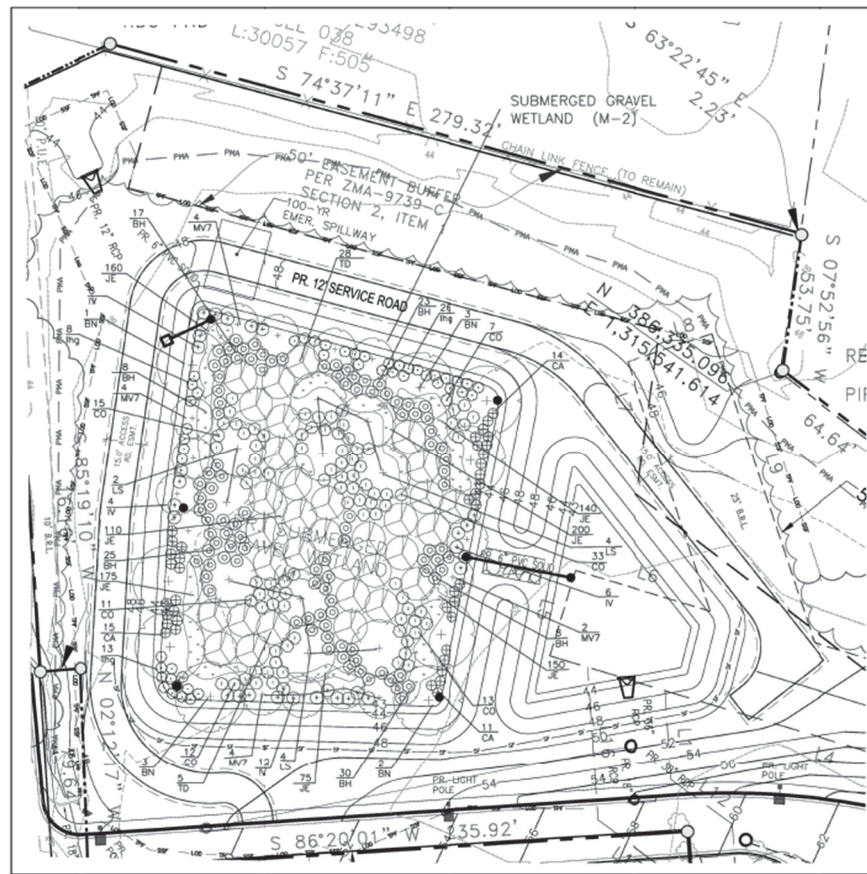
- (1) **The specific purposes of Detailed Site Plans are:**
  - (A) **To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**

**Response:** The architectural elevations submitted with the subject application demonstrate that the materials and building signage proposed for the building is to be constructed of high-quality materials to create variations in facades to break up the overall building massing. Materials used include Stone Veneer, Architectural banding, a combination of standing seam metal, and architectural grade fiberglass roofs.



**(B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;**

**RESPONSE:** The attached plan sheets, General Notes, Plan Legends, and attached sediment control and stormwater management approval plans promote this Purpose. The plan sheets show the location of all environmental features and proposed mitigation measures. The landscaped areas are in accordance with the Landscape Manual, and the green areas are designed in accordance with the above guidelines to provide well-defined outdoor passive recreation spaces, screening of unpleasant views, shaded areas, and stormwater bioretention. The diverse pallet of native plants with minimal lawn provides for increased ecosystem function, limited maintenance requirements, and reduced chemical/petroleum inputs. The below screen clip showing the stormwater management feature rain garden feature designed to be planted native plan varieties demonstrates compliance with this condition (see **Exhibit**).



SUBMERGED GRAVEL WETLAND M-2

*Exhibit (not to scale)*

**(C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**

- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

**RESPONSE:** The above two standards do not apply to the proposed C-S-C Zoned integrated shopping center use.

**F. Section 27-285. - Planning Board procedures**

**(b) Required Findings**

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.**

**Response:** This Application is in harmony with the site design guidelines in Section 27-274.

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

**Response:** A conceptual site plan was not required for this project.

- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

**Response:** The Applicant is not proposing an infrastructure-only DSP. Therefore, the above finding is not applicable to the Application.

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

**Response:** A review of the site's environmental features was conducted for the Preliminary Plan of Subdivision 4-07050 case that was heard and approved at a public hearing before the Prince George's County M-NCPPC Planning Board on December 6, 2007.

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Based on the level of design information available at the present time, there are no onsite regulated environmental features on the subject property.

## VII. Previous Approvals:

**Preliminary Plan of Subdivision 4-07050:** Pursuant to the provisions of Subtitle 24, on December 6, 2007, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCPI/127/90-01, and APPROVED Preliminary Plan of Subdivision 4-07050, including a Variation from Section 24-122(b)(1)(G), for Proposed Parcels A through E with the following conditions: *highlighted in italic bold*.

1. *Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:*
  - a. *Provide the height for all proposed buildings on the TCPI.*

**Response:** The Applicant acknowledges this condition. However, based on measurements conducted on the M-NCPPC PGAtlas GIS website, the JLUS Interim Land Use Controls area neither impacts nor applies to the subject property.

- b. *Provide a deed reference for the 50-foot wide, private access easement currently serving Parcel 1 (CVS Pharmacy).*

**Response:** Acknowledged.

- c. *Continue the 50-foot buffer required by A-9739-C along the eastern corner of the property (east side of Gunpowder Drive where reforestation is proposed).*

**Response:** The Applicant acknowledges this condition by including a densely planted 50-foot landscape buffer designed in compliance with the Landscape Manual. The buffer designed in compliance with this condition is outlined with a red cloud in the below **Exhibit**.



Exhibit (not to scale)

2. ***Prior to the issuance of permits, a Type II tree conservation plan shall be approved.***

**Response:** The Applicant acknowledges this condition. The Type II Tree Conservation Plan TCPII/054/03 was approved as part of a grading permit for the property. Revised Type I Tree Conservation Plan TCPI/127/90-01 was submitted with this Application.

3. ***Development of this site shall be in conformance with the Stormwater Management Concept Plan 12498-2007-00 and any subsequent revisions.***

**Response:** The Applicant acknowledges and the submitted DSP-20030 development plan is designed in compliance with the Stormwater Management Concept Plan.

4. ***Prior to signature of the preliminary plan, the Type I TCP shall be revised to:***

- a. ***Provide the height for all proposed buildings on the TCPI.***
- b. ***Remove the symbol for the proposed tree line and include a symbol for the proposed limit of disturbance.***
- c. ***Add a symbol for the existing tree line.***
- d. ***Ensure that the proposed limit of disturbance is adequate for the installation of the stormwater management pond and all required stormdrains.***
- e. ***Provide all woodland conservation off-site.***

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- f. Revise the worksheet as needed.*
- g. Have the revised plan signed and dated by the qualified professional who prepared the plan.*

**Response:** The Applicant acknowledges and will comply with the above conditions 4. a.- g. prior to signature approval of the final plat of subdivision.

- 5. The following note shall be placed on the final plat of subdivision:*

*“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/127/90-01, or as modified by the Type II 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 and Tree Preservation 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.”*

**Response:** The Applicant acknowledges and will comply with this instant condition prior to signature approval of the final plat of subdivision.

- 6. Prior to final plat, the applicant, his heirs, successors, and or assignees, shall have a detailed site plan approved in accordance with Part 3, Division 9 of the Prince George’s County Zoning Ordinance. The detailed site plan shall be reviewed by both the Planning Board, and the District Council in accordance with Condition 2 of Zoning Map Amendment A-9739-C.*

**Response:** The Applicant acknowledges and submits this DSP-20030 Application herein in compliance with this condition.

- 7. Prior to signature approval of the preliminary plan of subdivision the applicant shall submit two copies of the stormwater management concept plan, signed by DPW&T, and two copies of the approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI. The plan shall conform to the layout shown on the preliminary plan and be consistent with the grading shown on the TCPI.*

**Response:** The Applicant acknowledges and will comply with this instant condition prior to signature approval of the final plat of subdivision.

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8. *Prior to the issuance of building permits, the applicant, his heirs, successors and or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Livingston Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.*

**Response:** The Applicant acknowledges this condition.

9. *The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of the Indian Head Highway Service Lane unless modified by the State Highway Administration at the time of issuance of street construction permits.*

**Response:** The Applicant acknowledges and will develop the site in accordance with this condition.

10. *The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of Livingston Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.*

**Response:** The Applicant acknowledges and will develop the site in accordance with this condition.

11. *The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of Gunpowder Drive unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.*

**Response:** The Applicant acknowledges and will develop the site in accordance with this condition.

12. *Total development within the subject property shall be limited to 80,000 square feet of retail space, or equivalent development which generates no more than 56 AM peak hour and 384 PM peak hour new vehicle trips, in consideration of pass-by rates for retail centers. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.*

**Response:** The Applicant acknowledges and will develop the site in accordance with this condition.

13. *MD 210 and Livingston Road/East Swan Creek Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:*

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- a. *On the eastbound East Swan Creek Road approach, widen the approach to provide four lanes, with an exclusive left-turn lane, a shared left-turn/through lane, and exclusive through and right-turn lanes.*
- b. *On the westbound Livingston Road approach, widen the approach to provide three lanes, with an exclusive left-turn lane, a shared left-turn/through lane, and an exclusive right- turn lane.*

**Response:** The Applicant acknowledges and will develop the site in accordance with this condition.

14. *Livingston Road and Gunpowder Drive: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:*

- a. *Provision of a southbound left-turn lane along the Livingston Road approach.*
- b. *Provision of two approach lanes along the Gunpowder Drive approach.*
- c. *At the time of detailed site plan submission, the applicant, his heirs, successors, and or assignees shall submit an acceptable traffic signal warrant study to DPW&T for signalization at the intersection of Livingston Road and Gunpowder Drive. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If a signal, or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the appropriate agency, prior to the release of any building permits within the subject property, and install it within a timeframe directed by that agency.*

**Response:** The Applicant acknowledges and will comply with the above conditions of approval.

15. *At the time of final plat approval, the applicant shall dedicate right-of-way along existing Livingston Road of 40 feet from centerline.*

**Response:** The Applicant acknowledges this instant.

16. *Prior to final plat approval, the applicant, his heirs, successors, and or assigns shall prepare a plat of reservation and shall place in reservation Parcels D and E, as right-of-way for the proposed MD 210 and Livingston Road/East Swan Creek Road interchange, as recommended in the Henson Creek-South Potomac Master Plan, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:*

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- a. *The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.*
- b. *At the end of the reservation period, if the reservation has not been renewed, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the land owners.*
- c. *With the exception of the applicant's stormwater management facility, as per the approved stormwater management concept plan, during the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.*
- d. *All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.*
- e. *If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.*

**Response:** On or around July 10, 2015, the Applicant's attorney at that time discussed the role that the SHA Reservation has played in preventing the development of parcels with Whitney Chellis, Supervisor, Subdivision Section, which included a review of Sections 24-139, 24-140, and 24-141 of the County Code. Following a recommendation from Ms. Chellis, Applicant submitted a written request to the Department's Principal and Senior Counsel to obtain a formal legal opinion, in the form of an e-mail addressed to both Ms. Debra Borden, Principal Counsel, and Mr. Matthew Mills, Senior Counsel, with a copy to you and Mr. Alan Hirsch, Division Chief, Development Review Division. The conclusion of Applicant's efforts with the Department's Principal and Senior Counsel is that Ms. Chellis confirmed that she agreed that the reservation of Parcels D and E, as right-of-way for the proposed MD 210 and Livingston Road/East Swan Creek Road interchange has expired, and therefore, no longer has any force or effect on 4-07050/PGCPB No. 07-233 (see attached correspondence).



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Despite M-NCPPC's concurrence, SHA did not immediately concur, nor address the Applicant's request and reached out continually to SHA for SHA's decision. The Applicant had experienced extensive delays in obtaining a Right-of-Way (ROW) dedication determination for the subject property's Indian Highway (MD Rte. 210) frontage. Finally, the SHA has issued a favorable determination late this past Summer 2021 that SHA is not requesting any further ROW dedication (see attached letter). As such, the Planning Board approved a one-year (1) extension to the PPS on January 13, 2022.

**17. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

**Response:** The DSP-20030 application and development plan does not include a residential element.

**18. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

**Response:** The proposed structure is to be fully-sprinkled by the National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

### **VIII. Conclusion:**

In light of the analysis and findings presented above, the Applicant respectfully requests approval of the Detailed Site Plan DSP-20030 for the proposed construction of an integrated retail, office space commercial center on the subject property

The Applicant submits that this request complies with the Preliminary Plan of Subdivision 4-07050 findings of fact and related conditions of approval for the adopted by the Planning Board. The Livingston of Fort Washington commercial center development is consistent with the purposes of the C-S-C Zone and is consistent with the various recommendations of the Plan Prince George's 2035 General Plan and the goals of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, where applicable. In addition, the proposed Detailed Site Plan application is in accordance with the applicable regulations and procedures found in the Subtitles 24 and 27 of the Prince George's County Code.

Please call me if additional information is required.

Sincerely,



Arthur J. Horne, Jr.

AJH/fms

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cc: Maureen Wood  
Asko Miljkovic


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November 10, 2022

## MEMORANDUM

**TO:** Tierre Butler, Planner II, Urban Design Section, Development Review Division

**VIA:** David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division 

**FROM:** Chidy Umeozulu, Planner IV, Neighborhood Revitalization Section, Community Planning Division 

**SUBJECT: DSP-20030 – Livingston of Fort Washington**

## FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

## BACKGROUND

**Application Type:** Detailed Site Plan for property located outside of an overlay zone.

**Location:** Northeast quadrant of the intersection of Indian Head Highway (MD-210) and Livingston Road

**Size:** 12.28 acres

**Existing Uses:** Wooded

**Proposal:** Construction of an integrated shopping center with a 79,298 square foot 2-story building with retail and office spaces and a 5,775 square foot 1-story building with office spaces

## GENERAL PLAN, MASTER PLAN, AND SMA

**General Plan:** This application is in the Established Communities. The vision for the Established Communities is context sensitive infill and low- to medium-density development.

**Master Plan:** The 2006 Approved Henson Creek-South Potomac Master Plan recommends Commercial land use on the subject property.

**Planning Area:** 80

**Community:** South Potomac

**Aviation/MIOZ:** This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

**SMA/Zoning:** On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from C-S-C (Commercial Shopping Center) Zone to the CGO (Commercial, General and Office) Zone effective April 1, 2022.

### **ADDITIONAL INFORMATION**

The Henson Creek-South Potomac Master Plan recommends Commercial land use on the subject property. However, part of the property is shown on the Land Use Map to be affected by the State Highway Administration (SHA) interchange concept design that needs further verification on its status.

c: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division

November 14, 2022

**MEMORANDUM**

**TO:** Tierre Butler, Planner II, Urban Design Section, DRD

**VIA:** Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *MM*

**FROM:** Chuck Schneider, Planner III, Environmental Planning Section, CWPD CS

**SUBJECT:** **LIVINGSTON AT FORT WASHINGTON; DSP-20030 and TCPII-054-03-01**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan DSP-20030 and a Type II Tree Conservation Plan (TCPII-054-03-01) accepted on October 7, 2022. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on October 28, 2022. Revised information was received on November 14, 2022. The EPS recommends approval of DSP-20030 and TCPII-054-03-01, subject to the findings and conditions listed at the end of this memorandum.

**BACKGROUND**

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-03052	TCPI-127-90	Planning Board	Approved	9/4/2003	03-180
N/A	TCPII-054-03	EPS Staff	Approved	10/21/2003	N/A
NRI-137-06-01	N/A	EPS Staff	Approved	6/15/2020	N/A
4-07050	TCPI-127-90-01	Planning Board	Approved	1/13/2022	07-233
DSP-20030	TCPII-054-03-01	Planning Board	Pending	Pending	Pending

**PROPOSED ACTIVITY**

The applicant is requesting approval of a DSP to construct an integrated shopping center for retail and office space.

The current zoning for the site is Commercial, General and Office (CGO); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Commercial Shopping Center (C-S-C) zone.

**GRANDFATHERING**

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27, because the application has a recently approved preliminary plan of subdivision (PPS).

## **SITE DESCRIPTION**

The subject application is a combination of two parcels (1 and 151) located at the northeast corner of MD 210 and Livingston Road in Fort Washington. The application area is 14.43 acres and bounded to the north by wooded lots, to the east by wooded lots, to the south by Livingston Road and a residential lot, and to the west by MD 210. There are streams, wetlands, associated buffer, and 100-year floodplain within the application area. The site is within the Broad Creek watershed and drains into the Potomac River. A substantial portion of the site has been cleared under an approved grading permit in conformance with the previously approved TCPII. Livingston Road is a designated historic road and identified as a master planned freeway roadway. Nearby MD 210 is designated as a freeway and is a source of traffic-generated noise. The development associated with this DSP is not a noise generator. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or near this property. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. The approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's Resource Conservation Plan* shows the site contains both Regulated and Evaluation Areas.

## **PREVIOUSLY APPROVED CONDITIONS**

The following text addresses previously approved environmental conditions to be considered with this application.

### **Preliminary Plan of Subdivision 4-03052**

Preliminary Plan of Subdivision 4-03052 was approved by the Planning Board on September 4, 2003. The following environmental conditions of approval found in PGCPB No. 03-180 were addressed prior to signature approval.

1. a. **The Type I Tree Conservation Plan shall be revised to:**
  - (1) **Replace TCP Note 1 with:**  
"This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-03052. The TCPI will be modified by a Type II Tree Conservation Plan in conjunction with the approval of a Detailed Site Plan, a Specific Design Plan, and/or a grading permit application."
  - (2) **Replace TCP Note 2 with:**  
"Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I Tree Conservation Plan by the Prince George's County Planning Board."
  - (3) **Show the existing topography for the area of the TCP.**
  - (4) **Show a proposed limit of disturbance for all planned development.**
  - (5) **Revise the woodland conservation areas as needed.**
  - (6) **Revise the worksheet as needed.**
  - (7) **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

This condition was met at the time of TCPI certification.

**2. The following note shall be placed on the Final Plat of Subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/127/90), or as modified by the Type II 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/Tree Preservation Policy.”**

The condition shall be met at the time of final plat.

**3. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits.**

Stand-alone TCPII-054-03 was approved for the permitting and construction of the existing on-site CVS building and stormwater management (SWM) pond.

**Preliminary Plan of Subdivision 4-07050**

Preliminary Plan of Subdivision 4-07050 was approved by the Planning Board on January 13, 2022. The following environmental conditions of approval found in PGCPB No. 07-233 were addressed prior to signature approval.

**2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.**

The subject DSP-20030 and TCPII-054-03-01 will be approved for all future permits for the proposed application area.

**3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 12498-2007-00 and any subsequent revisions.**

The subject application has been reviewed with the current approved SWM Concept Plan (#56598-2017) and is in conformance with the approved design.

**4. Prior to signature of the preliminary plan, the Type I TCP shall be revised to:**

- a. **Correct the preliminary plan number in TCP notes 1 and 6.**
- b. **Remove the symbol for the proposed tree line and include a symbol for the proposed limit of disturbance.**
- c. **Add a symbol for the existing tree line.**
- d. **Ensure that the proposed limit of disturbance is adequate for the installation of the stormwater management pond and all required stormdrains.**
- e. **Provide all woodland conservation off-site.**

- f. **Revise the worksheet as needed.**
- g. **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

This condition was met at the time of TCPI certification.

**5. The following note shall be placed on the final plat of subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/127/90-01, or as modified by the Type II 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 and Tree Preservation 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.”**

The condition shall be met at the time of final plat.

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory**

A Natural Resource Inventory (NRI-137-06-01) plan, approved on June 15, 2020, was provided with this application. The TCP2 and the DSP show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of existing woodland. A TCPII (TCPII-054-03-01) was submitted with the current application.

Based on the submitted TCPII, the application area was previously cleared for the original phase of the project for the existing CVS development. The original TCPII showed 0.69 acres and the proposed development will clear 9.02 acres of woodland in the net tract area and 0.45 acres within the wooded floodplain. The original phase provided 0.41 acres of natural regeneration and the current phase proposes to preserve 0.75 acres, and reforest 0.40 acres to meet the woodland conservation requirement of 5.38 acres.

Technical revisions are required to the TCPII which are included in the conditions listed at the end of the memorandum.



### **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 Technical Manual.”

The application area contains no specimen trees.

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

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: “The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features (REF) have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

Impacts to the REF 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 SWM 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 REF. 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, SWM 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 on-site PMA impacts were previously approved by the Planning Board with PPS 4-03052. No new PMA impacts are proposed with this application.

### **Soils**

The soils found to occur on this site, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), are Adelphia-Holmdel complex, Croom-Howell-Collington complex, Croom-Marr complex, Elkton silt loam, and Grosstown gravelly silt loam soils. Marlboro clays or Christiana complexes are not identified on or in the vicinity of this property.

According to AGAtlas.com, Marlboro Clay is mapped near the site. Hillis-Carnes Engineering Associates submitted a soils report dated October 4, 2018, titled Geotechnical Engineering Study, Livingston Site, Fort Washington, Maryland. This report was reviewed by a M-NCPPC geotechnical reviewer. Based on the submitted geotechnical study, fifteen (15) soil borings at depths between 5 feet and 12 feet have been performed, and no Marlboro Clay has been encountered within the depths of the borings. However, deeper borings and additional geotechnical analysis may be required by DPIE at the time of grading and/or building permit reviews if deemed necessary.

### **Stormwater Management**

The site has an approved SWM concept plan (#56598-2017) that was submitted with the subject application. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code. This application proposes submerged gravel wetland, permeable pavement, and six micro-bioretenion facilities. A SWM fee-in-lieu of on-site attenuation/quality control measures is not required. No further action regarding SWM is required with this DSP review.

### **SUMMARY OF RECOMMENDED FINDINGS**

The Environmental Planning Section recommends approval of DSP-20030 and TCPII-054-03-01, subject to the following findings and conditions:

#### **Recommended Findings:**

1. No specimen trees are proposed for removal with this application.
2. The regulated environmental features (REF) on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCPII. All REF impacts were previously approved with 4-03052, and no new REF impacts are part of this application.

#### **Recommended Conditions:**

1. Prior to certification of the detailed site plan, the TCPII shall be revised as follows:
  - a. Revise all TCP numbers to "II" instead of "2".
  - b. On the revised plans, add a note in the revision block and update signatures.

November 14, 2022

**MEMORANDUM**

TO: Tierre Butler, Planner II, Urban Design Section

FROM: Alice Jacobs, Planning Technician III, Permit Review Section 

SUBJECT: DSP-20030 – Livingston of Fort Washington

1. Is there any building signage proposed for the buildings shown on the detailed site plan? If so, it needs to be part of the approval.
2. The site plan cover sheet and the landscape plan coversheet do not match. They differ in proposed uses, parking calculations required and provided, and square footages proposed with this application.
3. The Tree Canopy Coverage Schedule is missing information.
4. The Permit Review Section offers no additional comments on this development application.

November 14, 2022

**MEMORANDUM**

**TO:** Tierre Butler, Planner II, Urban Design Section  
**VIA:** Mridula Gupta, Planner III, Subdivision Section *MG*  
**FROM:** Mahsa Vatandoost, Planner II, Subdivision Section *MV*  
**SUBJECT:** DSP-20030; Livingston of Fort Washington

The subject property is 12.28 acres in area, and is located on Tax Map 132 in Grid B2. It consists of one deed parcel known as Parcel 151, recorded in the Prince George's County Land Records in Liber 20797 at folio 529. The property is zoned Commercial, General and Office (CGO); however, this detailed site plan (DSP) was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed pursuant to the prior Commercial Shopping Center (C-S-C) zoning of the subject property and pursuant to the prior Zoning Ordinance and Subdivision Regulations.

This application proposes three parcels (Parcels A, B, and C) for the construction of a 78,812 square foot integrated retail and office space commercial center. The property is currently undeveloped except for the paved access road from Livingston Road to an adjacent property, known as Parcel 1, to the west.

The property is the subject of Preliminary Plan of Subdivision (PPS) 4-07050 which was approved by the Prince George's Planning Board on December 6, 2007, and the resolution of approval was adopted on January 3, 2008 (PGCPB Resolution No. 07-233). The PPS approved five parcels for the development of 80,000 square feet of commercial, retail, and bank use.

There are no final plats for the property recorded at this time. Final plats for the property should be accepted prior to the expiration of the PPS, which is December 31, 2022.

PPS 4-07050 was approved with 18 conditions, of which the conditions relevant to the review of this DSP are listed below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

**3. Development of the site shall be in conformance with the Stormwater Management Concept Plan, 12498-2007-00, and any subsequent revisions.**

A copy of an approved Stormwater Management (SWM) Concept Plan and letter were submitted with the subject DSP. The proposed layout of buildings on DSP does not match

the approved SWM concept plan. The Environmental Planning Section should further evaluate the SWM Concept Plan and the subject DSP for consistency.

**5. The following note shall be placed on the final plat of subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/127/90-01, or as modified by the Type II 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 and Tree Preservation 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.”**

This requirement will be further reviewed at the time of the final plat.

**6. Prior to final plat, the applicant, his heirs, successors, and or assignees, shall have a detailed site plan approved in accordance with Part 3, Division 9 of the Prince George’s County Zoning Ordinance. The detailed site plan shall be reviewed by both the Planning Board, and the District Council in accordance with Condition 2 of Zoning Map Amendment A-9739-C.**

This application has been submitted in order to meet this condition. Following the approval of the DSP by the Planning Board, it should be reviewed by the District Council in accordance with Condition 2 of the Zoning Map Amendment A-9739-C. The Urban Design Section should determine conformance with this condition.

**12. Total development within the subject property shall be limited to 80,000 square feet of retail space, or equivalent development which generates no more than 56 AM peak hour and 384 PM peak hour new vehicle trips, in consideration of pass-by rates for retail centers. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This development proposal includes 32,206 square feet of office space and 46,606 square feet of retail space, totaling 78,812 square feet of development. The Transportation Planning Section should evaluate whether the proposal is within the trip cap established with the PPS.

**14. Livingston Road and Gunpowder Drive: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county’s capital program, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

**c. At the time of detailed site plan submission, the applicant, his heirs, successors, and or assignees shall submit an acceptable traffic signal warrant**

**study to DPW&T for signalization at the intersection of Livingston Road and Gunpowder Drive. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If a signal, or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the appropriate agency, prior to the release of any building permits within the subject property, and install it within a timeframe directed by that agency.**

The Transportation Planning Section should determine whether this condition is met.

- 15. At the time of final plat approval, the applicant shall dedicate right-of-way along existing Livingston Road of 40 feet from centerline.**

The submitted DSP shows right-of-way dedication along Livingston Road of 40 feet from the centerline.

- 16. Prior to final plat approval, the applicant, his heirs, successors, and or assigns shall prepare a plat of reservation and shall place in reservation Parcels D and E, as right-of-way for the proposed MD 210 and Livingston Road/East Swan Creek Road interchange, as recommended in the *Henson Creek-South Potomac Master Plan*, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:**

- a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.**
- b. At the end of the reservation period, if the reservation has not been renewed, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.**
- c. With the exception of the applicant's stormwater management facility, as per the approved stormwater management concept plan, during the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.**
- d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.**

- e. **If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.**

Parcel D- is shown incorporated into proposed Parcels A and C in the DSP for development, and Parcel E has been incorporated into Parcel B. The Transportation Planning Section should review the DSP and determine if Condition 16 is met.

**17. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

The development proposed with this DSP is consistent with the land uses evaluated with the PPS, which does not include residential development. Conformance with this condition has been demonstrated.

**Additional Comments:**

1. The DSP proposes a 10-foot-wide public utility easement (PUE) along a portion of the subject property's frontage on MD 210. However, the PUE is not shown along the entire frontage of Parcel A. In addition, the DSP does not show the required PUE adjacent to Parcel C's property line along MD 210 in conformance with the PPS. The PUE is shown parallel to an existing WSSC right-of-way, which is located adjacent to MD 210. The applicant will be required to file a variation request to Section 24-122(a) of the prior Subdivision Regulations with the final plat for approval of non-standard location of a PUE.
2. PPS 4-07050 has a validity date of December 31, 2022, after which the plan will expire. The final plat for the property should be accepted prior to the expiration date of the PPS following approval of this subject DSP.
3. Zoning Map Amendment A-9739-C, which rezoned the subject property from the R-E Zone to the C-S-C Zone, was approved with three conditions. Condition 1 required that a 50-foot-wide buffer to be maintained, in perpetuity, along adjacent R-E zoned property, and that all setbacks and other design criteria begin at the internal edge of the 50-foot-wide buffer, and shall be calculated exclusive of this 50-foot-wide buffer. This 50-foot-wide buffer is shown on the DSP per Condition 1 of A-9739-C and per approved PPS along most of the property line. The buffer line is, however, missing from the northern-most portion of the site (near the proposed stormwater management facility). The 50-foot-wide bufferline should be continued along the entire perimeter of the property as shown on the approved PPS.

**Recommended Conditions:**

1. Prior to signature approval of the detailed site plan, the following corrections shall be made to the plans:
  - a. Show and label the 10-foot-wide public utility easement along the entire frontage of Parcel A with MD 210 in conformance with preliminary plan of subdivision 4-07050.

- b. Extend the 50-foot-wide bufferline along the entire perimeter of Parcel A in conformance with the preliminary plan of subdivision.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.




November 21, 2022

**MEMORANDUM**

**TO:** Tierre Butler, Urban Design Section, Development Review Division

**FROM:** *BAP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

**VIA:**  William Capers III., PTP, Transportation Planning Section, Countywide Planning Division

**SUBJECT:** **DSP-20030: Livingston of Fort Washington**

**Proposal:**

The subject application proposes the construction of a 78,812 square-foot integrated shopping center with a 64,412 square-foot 2-story building with retail and office spaces and two 1-story retail buildings that total 14,400 square feet. The subject property comprises 12.28 acres and is in the northwest quadrant of the intersection of Livingston Road and MD-210. The current zoning for the site is Commercial, General and Office (CGO) however, the applicant has elected to have the application reviewed under the prior zoning ordinance for the Commercial Shopping Center (C-S-C) zone. The transportation planning review of the referenced DSP application was evaluated under Section 27 of the prior Zoning Ordinance.

**Prior Conditions of Approval:**

**Preliminary Plan of Subdivision 4-07050**

10. The applicant, his heirs, successors, and or assignees shall provide standard sidewalks along the property's entire street frontage of Livingston Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
11. The applicant, his heirs, successors, and or assignees shall provide standard sidewalks along both sides of Gunpowder Drive unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

**Comment:** Sidewalks are proposed along both sides of Gunpowder Drive and the site's frontage on Livingston Road. Staff recommends that striped crosswalks be provided at the two access points along Gunpowder Road and the site entrance of Livingston Road and Gunpowder Drive.

12. Total development within the subject property shall be limited to 80,000 square feet of retail space or equivalent development which generates no more than 56 AM peak hour and 384 PM peak hour new vehicle trips, in consideration of pass-by

rates for retail centers. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

**Comment:** In order to make a determination on conformance with the trip cap established with condition 12 of 4-07050 staff evaluated the site based on the uses proposed with this application. As directed by the Transportation Review Guidelines and Institute of Transportation Engineer (ITE) Trip Generation manual this application was evaluated with office and retail uses and trip generation was calculated for each separate use as stated in the ITE handbook. The table below summarizes the trips calculated for the site.

Table 1- DSP-20030 Livingston of Fort Washington									
Land Use	Quantity	Unit	AM			PM			
			In	Out	Total	In	Out	Total	
Office <sup>1</sup>	32,206	SF	<b>58</b>	<b>6</b>	<b>64</b>	<b>11</b>	<b>48</b>	<b>59</b>	
Retail <sup>2</sup>	46,606	SF	102	63	165	295	181	476	
<i>less pass by for retail<sup>3</sup></i>	60%		-61	-38	-99	-177	-109	-286	
<b>Total Retail</b>			<b>41</b>	<b>25</b>	<b>66</b>	<b>118</b>	<b>72</b>	<b>190</b>	
Total New Trips for DSP-20030 <sup>4</sup>			<b>99</b>	<b>31</b>	<b>130</b>	<b>129</b>	<b>120</b>	<b>249</b>	
<b>Trip Cap-PPS 4-07050</b>									
Retail	80,000	SF	<b>85</b>	<b>55</b>	<b>140</b>	<b>480</b>	<b>480</b>	<b>960</b>	
<i>less pass by for retail<sup>3</sup></i>	60%		-51	-33	-84	-288	-288	-576	
<b>Total Trip Cap 4-07050</b>			<b>34</b>	<b>22</b>	<b>56</b>	<b>192</b>	<b>192</b>	<b>384</b>	

1. Calculated using County Rates

2. Calculated using ITE 11th edition rates for Shopping Plaza-No Supermarket (821)

3. Pass-by rates assumptions for retail uses based on PPS resolution

4. Total combined trips for Office and Retail

As determined in PPS 4-07050 a pass-by rate of 60% was applied to the retail portion of the site however, the office is not eligible for a pass-by rate as the trips generated from an office building should be evaluated as new trips to the network. Given the uses proposed it was determined that the site would exceed the trip cap largely due to the square footage of the office proposed.

Trip generation rates for the retail proposed were calculated using the ITE 11<sup>th</sup> Edition Trip Generation Manual under Land Use Code 821 for a shopping plaza with a square footage of 40,000-150,000 square feet. Land Use Code 821 or shopping plaza is defined as an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. The

definition goes further and states that a shopping plaza typically contains more than retail merchandising facilities. Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants.

While office space is identified in the definition of a shopping plaza this is typically recognized as an accessory used for retail tenants and not intended for two different tenants. This accessory office use should represent a very small percentage of the total gross floor area (GFA) however, this application is proposing roughly 40% of the total GFA as office use which is the primary reason the trip cap was exceeded.

As stated in the PPS the site was approved for 80,000 square feet of retail space or equivalent development. The applicant submitted a trip generation memo indicating the application should be evaluated as an integrated shopping center and that the pass-by rate should be considered as part of the trip generation calculation as seen below.

**Trip Generation Totals**

		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Shopping Plaza between 40-150 ksf (ITE-821, No Supermarket, ksf)	80,000 sq.ft.	86	52	138	203	212	415
Pass-by Trips for Shopping Center (60% AM & PM Peak Hour per 2002 Prince George's County Guidelines)		-52	-31	-83	-122	-127	-249
<b>Total Primary (Offsite) Trips:</b>		<b>34</b>	<b>21</b>	<b>55</b>	<b>81</b>	<b>85</b>	<b>166</b>

Trip Cap from Resolution 07-233 (PPS 4-07050):      AM Trip Cap = 56      PM Trip Cap = 384

As mentioned above, the applicant reiterated that the current application was being filed as an integrated shopping center and provided justification referencing the ITE Trip Generation Manual. The ITE manual states that if the development includes more than one land use, each component should be identified and classified, however, it goes further and calls out several exceptions. One of these exceptions is for a shopping center (Land Use Code 820) that may contain a retail, restaurant, and office components. In this case, a shopping center would be treated as a single land use because the ITE manual data was collected for entire shopping centers, not for individual land uses.

ITE does not make available the specifics of these data points for each of the sites where the data was collected. There is no data available for the percentage of GFA designated as office space based on the total GFA for the development, however, the intent is that these office components would be an accessory used for the retail space. Based on the description for a shopping center that may contain an office component the industry recognizes this as a very small percentage of the total site.

However, after staff reviewed the site plan and the overall layout of the site it was determined that the subject application would be reviewed as an integrated shopping center and pass-by rates would be considered. With that consideration, it was determined that the site did not exceed the trip cap as established in the PPS. Staff accepts the position of the applicant based on an assessment of similar site layouts that have received the same consideration as this particular land use. Because of this staff believes that the application for an integrated shopping center does not exceed the trip cap.

16. Prior to final plat approval, the applicant, his heirs, successors, and or assigns shall prepare a plat of reservation and shall place in reservation Parcels D and E, as right-of-way for the proposed MD 210 and Livingston Road/East Swan Creek Road interchange, as recommended in the *Henson Creek-South Potomac Master Plan*, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
  - a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
  - b. At the end of the reservation period, if the reservation has not been renewed, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods (not less than one year) if agreeable to the land owners.
  - c. except for the applicant's stormwater management facility, as per the approved stormwater management concept plan, during the reservation period, no building or structure, other than validly approved utilities, roads, and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
  - d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
  - e. If, before the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.

**Comment:** Condition 16 addresses the right-of-way identified for a planned interchange at MD 201 and Livingston Road. Section 24-139 (c) of the subdivision regulations states that a reservation shall be established concurrently with the approval of the preliminary plan. The condition also determined that a reservation plat should be prepared prior to the final plat approval, however, the applicant did not pursue final plat approval based on the impacts of the reservation area and its impact to the site. Although a final plat was not recorded, the applicant submitted a letter from Maryland State Highway Administration (SHA) indicating that SHA had no plans to acquire the right-of-way that was meant to be placed into the reservation. Based on the timing of the

preliminary plan approval and a letter from the operating agency indicating they have no intention of pursuing an interchange at this location, staff finds that condition 16 of 4-07050 has been satisfied.

**Master Plan Compliance:**

**Master Plan Right of Way**

The site is adjacent to Livingston Road, which is shown as a master plan collector facility as identified in 2009 *Approved Countywide Master Plan of Transportation*. The plan shows a future dedication of 40 feet from the centerline along Livingston Road. Staff is not seeking any additional right-of-way as part of this application.

**Master Plan Pedestrian and Bicycle Facilities**

There are no master planned bicycle and pedestrian facilities that impact the subject site. However, as previously mentioned, sidewalks are provided along both sides of Gunpowder Road and sidewalks are present along Livingston Road consistent with conditions 10 and 11 of the PPS which staff finds acceptable. Staff recommends that bicycle parking be provided at a location near the entrance of each of the stand-alone retail buildings.

**Zoning Ordinance Compliance**

Section 27-283 provides guidance for detailed site plans. The section references the following design guidelines described in Section 27-274(a):

(2) Parking, loading, and circulation

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:
  - (ii) Parking spaces should be located as near as possible to the uses they serve;
  - (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:
  - (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;
  - (ix) Pedestrian and vehicular routes should generally be separate and marked.

**Comment:** The subject application proposes two access points to the site via Gunpowder Road and MD 210. Surface parking is provided throughout the site near the entrance to the proposed buildings. Sidewalks are provided along the buildings adjacent to the proposed surface parking lots. The internal vehicle circulation and sidewalk connections allow for adequate pedestrian and vehicular movements on site.

**Transportation Planning Review:**

The applicant is requesting approval from the subject DSP to construct an integrated shopping center for retail and office space. After the analysis of trip generation for the site, staff finds that the current application satisfies the applicable conditions as outlined in PPS 4-07050. Access is provided from Gunpowder Road and MD 210 and multiple drive aisles within the site promote acceptable vehicular circulation to the proposed buildings. While sidewalks and ADA ramps are proposed staff recommends that striped crosswalks be provided at all drive aisles to facilitate safe pedestrian movement within the site.

The applicant is proposing a total of 298 parking spaces and three loading spaces which exceeds the required 278 parking spaces and is acceptable to staff. Bicycle parking is proposed at the retail/office building however, there is no bicycle parking proposed at the stand-alone retail buildings. Staff recommends that bicycle racks be provided at the main entrance to these buildings as a condition of approval.

In consideration of the scope of this application, the transportation staff can make a finding that the subject property is in general conformance with previously approved development applications and Section 27 of the prior zoning ordinance if the following condition is met:

Prior to the certification of the DSP, the applicant and the applicant's heir shall:

1. Provide striped crosswalks along the internal site entrances along Gunpowder Drive.
2. Provide a striped crosswalk along Gunpowder Drive at Livingston Road.
3. Provide bicycle racks at both proposed retail pad sites.

# **Additional Back-up**

**For**

## **DSP-20030 Livingston Of Fort Washington**

Yvonne Myers  
2712 Cedar Drive  
Riva, Maryland 21140

December 7, 2022

Mr. Peter A. Shapiro, Chairman  
Prince George's County Planning Board  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

[pgcpb@mncppc.org](mailto:pgcpb@mncppc.org)

Re: Livingston of Ft. Washington  
11906 Livingston Rd  
DSP-20030

Dear Chairman Shapiro:

I am writing this letter as a partner of the Livingston of Ft. Washington LLC., to request for your support in approving DSP-20030 on December 15, 2022. When DSP-20030 is approved we are also asking for Plat Approval by December 31, 2022 or an extension for final approval.

The LLC has worked diligently through the developmental process of this property. We have received approvals for a regional storm water management pond which is located on this property to service multiuse users. We have also received approvals from Transpiration Planning, Environmental Planning, Historic Preservation, Permit Review and Community Planning.

I am providing a copy of the DSP-20030 request that will be presented to the Planning Board on December 15, 2022. Thank you in advance for your support in approving and allowing for an extension of the detailed site plan for the project if needed.

Sincerely,

Yvonne Myers  
Partner

enclosuer





The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

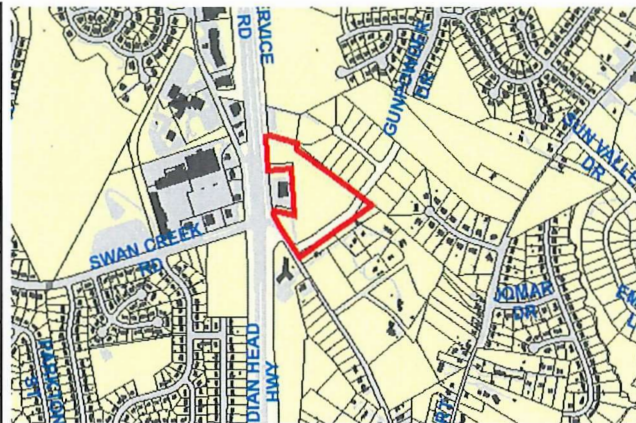
Note: Staff reports can be accessed at <http://mncppc.igam2.com/Citizens/Default.aspx>

# Detailed Site Plan Livingston of Fort Washington

## DSP-20030

REQUEST	STAFF RECOMMENDATION
Construction of a 78,812-square-foot integrated shopping center.	With the conditions recommended herein: <ul style="list-style-type: none"> <li>•Approval of Detailed Site Plan DSP-20030</li> <li>•Approval of Type II Tree Conservation Plan TCPH-054-03-01</li> </ul>

<b>Location:</b> At the northeast corner of Livingston Road, at its intersection with MD 210.	
Gross Acreage:	12.27
Zone:	CGO
Zone Prior:	C-S-C
Reviewed per Zoning Ordinance:	Section 27-1704 (b)
Dwelling Units:	N/A
Gross Floor Area:	76,521 sq. ft.
Planning Area:	80
Council District:	08
Municipality:	N/A
<b>Applicant/Address:</b> Livingston of Fort Washington, LLC 2450 Riva Road Annapolis, MD 21401	
<b>Staff Reviewer:</b> Tierre Butler <b>Phone Number:</b> 301-780-2458 <b>Email:</b> <a href="mailto:Tierre.Butler@ppd.mncppc.org">Tierre.Butler@ppd.mncppc.org</a>	



Planning Board Date:	12/15/2022
Planning Board Action Limit:	12/16/2022
Staff Report Date:	11/29/2022
Date Accepted:	10/13/2022
Informational Mailing:	05/16/2020
Acceptance Mailing:	10/07/2022
Sign Posting Deadline:	11/15/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

[http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-20030  
Type II Tree Conservation Plan TCPII-054-03-01  
Livingston of Fort Washington

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this report.

**EVALUATION CRITERIA**

The property is within the Commercial, General and Office (CGO) Zone. This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1704 (b) of the Zoning Ordinance, which allows for an approved project to continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved. The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for the Commercial Shopping Center (C-S-C) Zone;
- b. The requirements of Preliminary Plan of Subdivision 4-07050;
- c. The requirements of the *2010 Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- f. Referral comments.

**FINDINGS**

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

- Request:** This detailed site plan (DSP) requests construction of a 78,812-square-foot integrated shopping center.
- Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	CGO(Prior C-S-C)	CGO (Prior C-S-C)
Use(s)	Vacant	Retail/Office
Total Gross Acreage	12.27	12.27
Total Gross Floor Area (GFA)		78,812 sq. ft.

**Parking Spaces**

	<b>NUMBER OF SPACES REQUIRED</b>	<b>NUMBER OF SPACES PROVIDED</b>
Total	271	298

**Loading Spaces**

	<b>Required</b>	<b>Provided</b>
Total	3	3

- Location:** The subject site is located at the northeast corner of Livingston Road, at its intersection with MD 210, in Planning Area 80 and Council District 08. The site is zoned Commercial, General and Office (CGO) and was previously zoned Commercial Shopping Center (C-S-C).
- Surrounding Uses:** The site is surrounded by single-family vacant lots zoned Residential Estate (RE), to the north and east. Located across MD 210 is other CGO-zoned property and the Olde Fort Village Shopping Center.
- Previous Approvals:** The subject property is 12.28 acres in area and is located on Tax Map 132 in Grid B2. It consists of one deed parcel known as Parcel 151, recorded in Prince George’s County Land Records in Liber 20797 at folio 529. The property is zoned CGO; however, this DSP was submitted for review under the prior Prince George’s County Zoning Ordinance. The property is the subject of Preliminary Plan of Subdivision (PPS) 4-07050, which was approved by the Prince George’s County Planning Board on December 6, 2007, and the resolution of approval was adopted on January 3, 2008 (PGCPB Resolution No. 07-233). The PPS approved five parcels for development of 80,000 square feet of commercial, retail, and bank use. There are no final plats for the property recorded at this time. Final plats for the property should be accepted, prior to expiration of the PPS, which is December 31, 2022.

6. **Design Features:** The application proposes a 78,812-square-foot integrated shopping center consisting of three buildings. There will be a two-story building with 32,206 square feet of retail space and 32,206 square feet of office space above located on Parcel A. There will be a one-story 7,800-square-foot building for retail use located on Parcel B, and a 6,600-square-foot building for retail use located on Parcel C. The site will be accessed from Gunpowder Drive. There will be a total of 298 surface parking spaces, to include 7 handicap-accessible spaces. The site will contain three 36-foot by 50-foot loading spaces. The building architecture will be constructed of high-quality building material and will include a combination of stone veneer, stucco banding, architectural trim, seam metal, and fiberglass roofs. A 5-foot-tall, 6-foot-wide entry monument sign is proposed with painted stucco, black coated aluminum frame, black metal lettering, and stone veneer at the base. Building-mounted signage is also being proposed as storefront signage for future tenants. The site lighting will utilize full cut-off fixtures to limit light spill-over into adjacent properties.

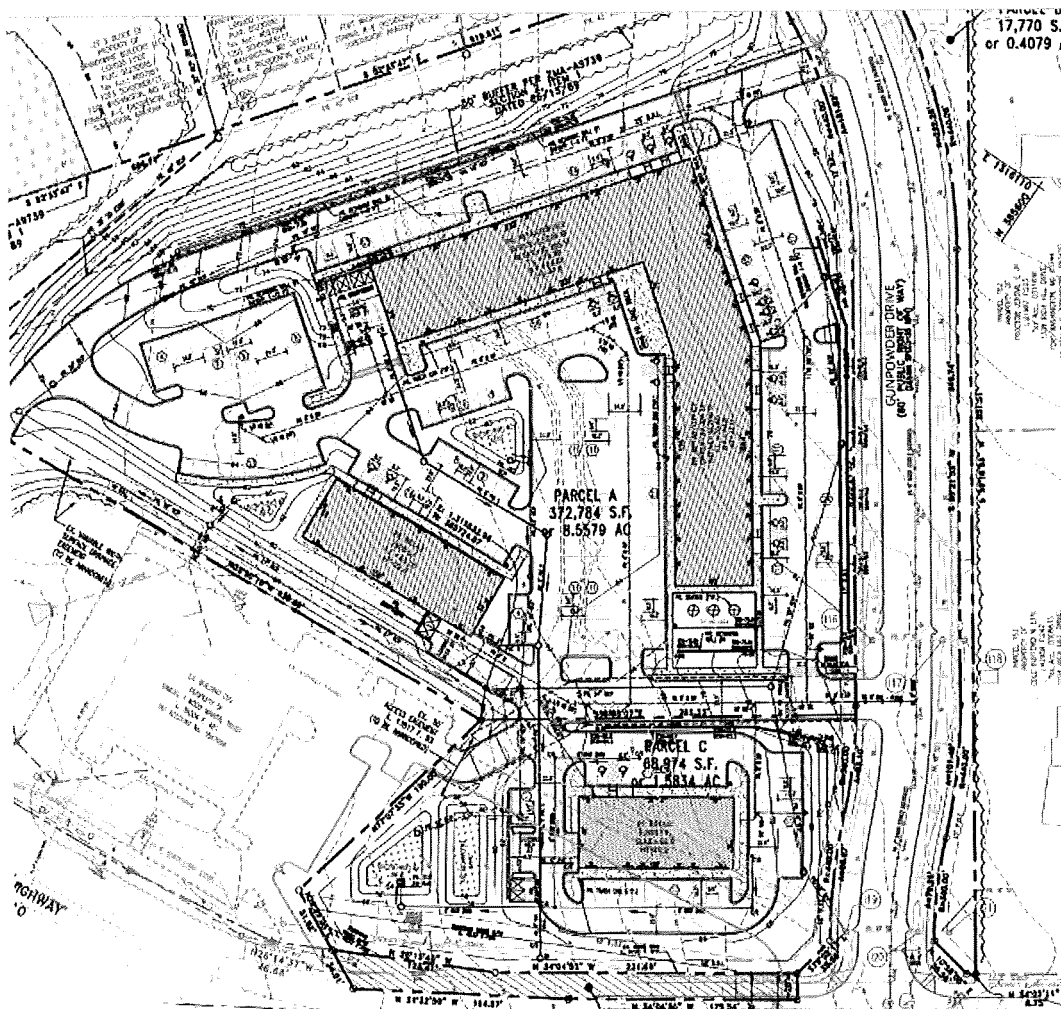


Figure 1: Site Plan

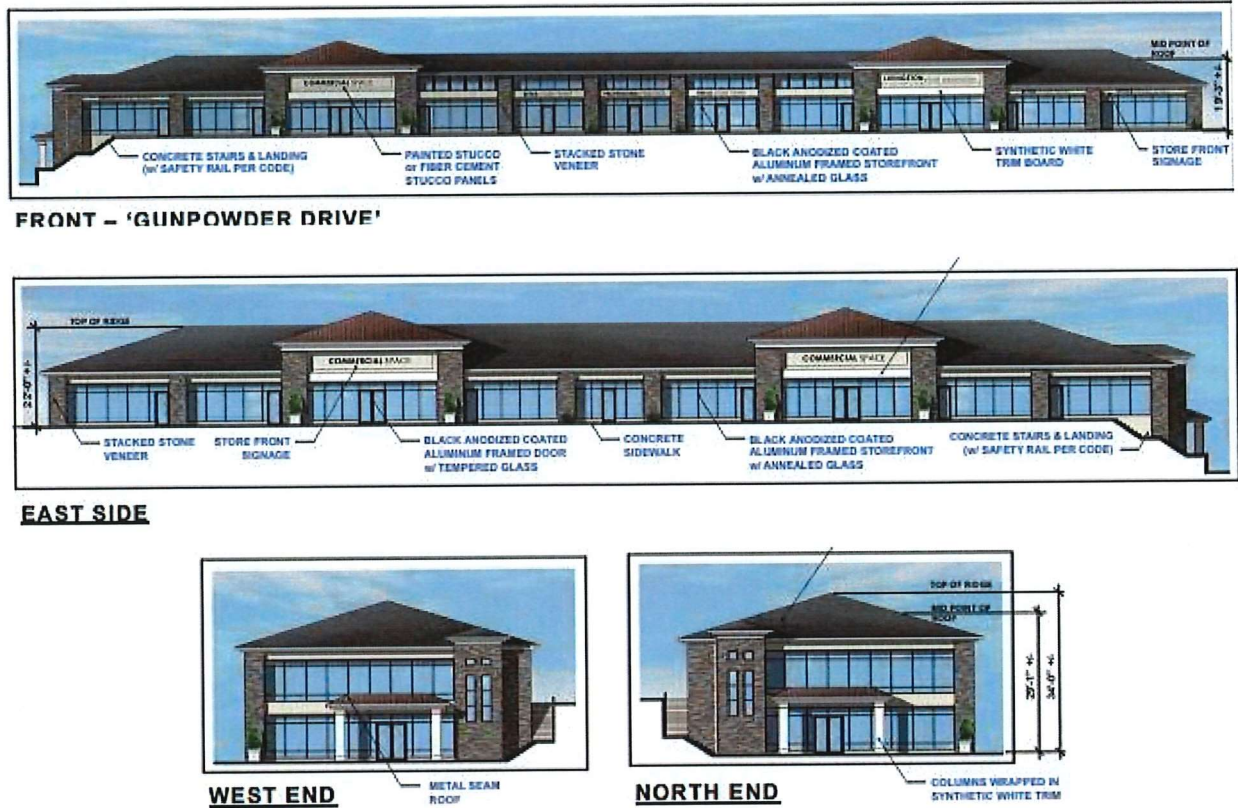


Figure 2: Architecture Elevations

**COMPLIANCE WITH EVALUATION CRITERIA**

7. **Prince George’s County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-S-C Zone of the prior Zoning Ordinance. The 2006 *Approved Master Plan and Sectional Map Amendment (SMA) for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) recommends commercial land use for the subject property within the C-S-C Zone. This application proposes a commercial use, which is consistent with the master plan and SMA.

a. Conformance with Section 27-281 for the purpose of detailed site plans.

(b) **General purposes.**

(1) **The general purposes of Detailed Site Plans are:**

A. **To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**

The proposed development conforms to the *Approved Plan Prince George's 2035 General Plan* (Plan 2035) and the approved Henson Creek-South Potomac Master Plan and SMA. This site proposes a commercial use that is consistent with the General Plan.

**B. To help fulfill the purposes of the zone in which the land is located;**

The subject property is located in the C-S-C Zone. The purposes of the C-S-C Zone are found in Section 27-454, C-S-C Zone (Commercial Shopping Center), of the prior Zoning Ordinance, which states:

**(a) Purposes.**

**(1) The purposes of the C-S-C Zone are:**

- (A) To provide locations for predominantly retail commercial shopping facilities;**
- (B) To provide locations for compatible institutional, recreational, and service uses;**
- (C) To exclude uses incompatible with general retail shopping centers and institutions; and**
- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.**

The proposed integrated shopping center has been reviewed and is in conformance with the purposes of the zone, as described below.

**C. To provide for development in accordance with the site design guidelines established in this Division;**

The proposed development is designed in accordance with the site design guidelines in this Division, as described below.

**Section 27-283. - Site design guidelines.**

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**

The proposed development has been designed to conform to the requirements of the design guidelines outlined in Section 27-274, as described below.

- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**

The proposed development is consistent with the character and purpose of the C-S-C Zone, as described below.

- (c) These guidelines may be modified in accordance with Section 27-286.**

This development has been designed in conformance with the guidelines and no modifications have been requested.

- b. Conformance with the requirements of Section 27-454 of the Zoning Ordinance, as permitted uses in the C-S-C Zone.

- (A) To provide locations for predominantly retail commercial shopping facilities;**

The development proposed is for an integrated shopping center and the primary use will be for retail commercial use, which satisfies this requirement.

- (B) To provide locations for compatible institutional, recreational, and service uses;**

The development proposes a shopping center for commercial use. Institutional and recreational services uses are not proposed, and this requirement does not apply.

- (C) To exclude uses incompatible with general retail shopping centers and institutions; and**

This development only proposed retail and commercial uses. All incompatible uses have been excluded.

- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.**

This development is located in the C-S-C Zone, which has taken the place of prior zones C-1, C-2, and C-C. This application is being reviewed under the prior Zoning Ordinance, which allows it to be reviewed under the prior C-S-C Zone.



This development proposes office and retail use within an integrated shopping center, which is a use permitted by-right, and the project will be in conformance with all of the above requirements for permitted uses in the zone.

c. Conformance with the applicable design guidelines, as referenced in Sections 27-283 and 27-274 of the Zoning Ordinance.

- Parking, loading, and circulation
- Lighting
- Views
- Green area
- Site and streetscape amenities
- Grading
- Service areas
- Public spaces
- Architecture

The proposed project meets the setbacks and height requirements of the zone and is consistent with the characteristics of the surrounding area. The proposed development has safe and efficient vehicular and pedestrian circulation and exceeds the amount of required parking spaces. The site proposes landscaping and buffering that will minimize the visual impact to surface parking and adjacent residential zoned properties. There is adequate lighting being proposed and the buildings will be constructed with high-quality building materials, including a combination of stone veneer, stucco banding, architectural trim, seam metal, and fiberglass roofs. There are easily accessible public spaces provided to enhance the commercial development. Service areas are not visible from public views. Slopes visible on the site will appear natural with the proposed site layout. Streetscape and site amenities enhance the use and enjoyment of the development. As such, the proposed development will conform with the applicable design guidelines.

8. **Preliminary Plan of Subdivision 4-07050: On December 6, 2007, the Planning Board approved PPS 4-07050, with 18 conditions (PGCPB Resolution No. 07-233). The relevant conditions are discussed, as follows:**

3. **Development of the site shall be in conformance with the Stormwater Management Concept Plan, 12498-2007-00, and any subsequent revisions.**

A copy of the stormwater management concept plan and letter, approved on August 26, 2019, was submitted with the subject DSP.

5. **The following note shall be placed on the final plat of subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/127/90-01, or as modified by the Type II 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 and Tree Preservation 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."**

This requirement will be further reviewed at the time of final plat.

- 6. Prior to final plat, the applicant, his heirs, successors, and or assignees, shall have a detailed site plan approved in accordance with Part 3, Division 9 of the Prince George's County Zoning Ordinance. The detailed site plan shall be reviewed by both the Planning Board, and the District Council in accordance with Condition 2 of Zoning Map Amendment A-9739-C.**

This application has been submitted, in order to meet this condition. Following approval of the DSP by the Planning Board, it should be reviewed by the District Council, in accordance with Condition 2 of Zoning Map Amendment A-9739-C.

- 12. Total development within the subject property shall be limited to 80,000 square feet of retail space, or equivalent development which generates no more than 56 AM peak hour and 384 PM peak hour new vehicle trips, in consideration of pass-by rates for retail centers. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This development proposal includes 32,206 square feet of office space and 46,606 square feet of retail space, totaling 78,812 square feet of development. The Transportation Planning Section has reviewed the subject project and determined that this proposed development is within the trip cap established with the PPS. It was determined that the subject application would be reviewed as an integrated shopping center, and pass-by rates would be considered. It was also determined that the site did not exceed the trip cap, as established in the PPS.

- 14. Livingston Road and Gunpowder Drive: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

- c. At the time of detailed site plan submission, the applicant, his heirs, successors, and or assignees shall submit an acceptable traffic signal warrant study to DPW&T for signalization at the intersection of Livingston Road and Gunpowder Drive. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If a signal, or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the appropriate agency, prior to the release of any building permits within**

**the subject property and install it within a timeframe directed by that agency.**

The Transportation Planning Section has reviewed the subject project and determined that the signalized intersection of Livingston Road is not warranted.

- 15. At the time of final plat approval, the applicant shall dedicate right-of-way along existing Livingston Road of 40 feet from centerline.**

The submitted DSP shows right-of-way dedication of 40 feet from the centerline, along Livingston Road.

- 16. Prior to final plat approval, the applicant, his heirs, successors, and or assigns shall prepare a plat of reservation and shall place in reservation Parcels D and E, as right-of-way for the proposed MD 210 and Livingston Road/East Swan Creek Road interchange, as recommended in the Henson Creek-South Potomac Master Plan, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:**

- a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.**
- b. At the end of the reservation period, if the reservation has not been renewed, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.**
- c. With the exception of the applicant's stormwater management facility, as per the approved stormwater management concept plan, during the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.**
- d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.**

- e. **If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner. Parcel D is shown incorporated into proposed Parcels A and C in the DSP for development, and Parcel E has been incorporated into Parcel B.**

The Community Planning Section has reviewed the subject project and determined that the Henson Creek-South Potomac Master Plan recommends commercial land use on the subject property. The property is shown on the Land Use Map to be affected by the Maryland State Highway Administration (SHA) interchange concept design, that needs further verification on its status.

- 17. **Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

The development proposed with this DSP is consistent with the land uses evaluated with the PPS, which does not include residential development. Conformance with this condition has been demonstrated.

- 9. **2010 Prince George's County Landscape Manual:** The application is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*. The landscape plan provided with the subject DSP contains the required schedules, demonstrating conformance to these requirements. The PPS required a 50-foot-wide buffer line along the entire perimeter of Parcel A.

- 10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of existing woodland. A Type II Tree Conservation Plan (TCP II-054- 03-01) was submitted with the current application.

Based on the submitted TCP II, the application area was previously cleared for the original phase of the project for the existing CVS development. The original TCP II showed 0.69 acre and the proposed development will clear 9.02 acres of woodland in the net tract area and 0.45 acre within the wooded floodplain. The original phase provided 0.41 acre of natural regeneration and the current phase proposes to preserve 0.75 acre and reforest 0.40 acre, to meet the woodland conservation requirement of 5.38 acres. Technical revisions are required to the TCP II, which are included as conditions in this technical staff report.

- 11. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule, demonstrating conformance to these requirements through new plantings on the subject property. The percentage required should be included in the Tree Canopy Coverage schedule on the plan. A condition has been included in this technical staff

report requiring the applicant to add the percentage of TCC to the Tree Canopy Coverage schedule on the plans.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
- a. **Subdivision Review**—In a memorandum dated November 14, 2022 (Vatandoost to Butler), the Subdivision Section noted that the DSP has been found to be in substantial conformance with the approved PPS. Staff also stated that there are no final plats for the property recorded at this time and final plats for the property should be accepted, prior to expiration of the PPS, which is December 31, 2022. Technical corrections are included in this technical staff report as conditions.
  - b. **Transportation Planning**—In a memorandum dated November 21, 2022 (Patrick to Butler), the Transportation Planning Section determined that this plan is acceptable, with conditions that are included herein.
  - c. **Environmental Planning**—In a memorandum dated November 14, 2022 (Schneider to Butler), the Environmental Planning Section stated the subject property has been preserved, to the fullest extent possible, and there are no new regulated environmental features as part of this application.
  - d. **Historic Preservation**—In an email dated November 14, 2022 (Stabler to Butler), it was noted that the subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.
  - e. **Permit Review**—In a memorandum dated November 14, 2022 (Jacobs to Butler), it was noted that the plan was acceptable.
  - f. **Community Planning**—In a memorandum dated November 10, 2022 (Umeozulu to Bishop), it was noted the Henson Creek-South Potomac Master Plan recommends commercial land use on the subject property. The property is shown on the Land Use Map to be affected by the SHA interchange concept design, that needs further verification on its status.
13. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is, as follows:

**The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

Based on the level of design information submitted with this application, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible. No impacts to regulated environmental features are proposed with this DSP.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20030 and Type II Tree Conservation Plan TCPII-054-03-01 for Livingston of Fort Washington, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Show and label the 10-foot-wide public utility easement along the entire frontage of Parcel A with MD 210, in conformance with Preliminary Plan of Subdivision 4-07050.
  - b. Provide striped crosswalks along the internal site entrances along Gunpowder Drive.
  - c. Provide a striped crosswalk along Gunpowder Drive at Livingston Road.
  - d. Provide bicycle racks at both proposed retail pad sites.
  - e. Revise the site plan coversheet and the landscape plan coversheet to be consistent and reflect the correct use, parking calculations, and square footage.
  - f. Revise the Tree Canopy Coverage Schedule to include the acreage and the percentage required.
2. Prior to signature approval of the detailed site plan, the Type II tree conservation plan shall be revised to correct the sheet numbering.
  - a. Revise all TCP numbers to "II," instead of "2."
  - b. On the revised plans, add a note in the revision block and update signatures.