

March 21, 2023

MBID of Delaware, LLC
5 Powell Lane
Collingswood, NJ 08108



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-22019
Marlboro Gateway

Dear Applicant:

This is to advise you that, on **March 16, 2023**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290 of the Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**March 21, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Mridula Gupta Digitally signed by Mridula Gupta
Date: 2023.03.20 10:10:18 -04'00'
Reviewer

Attachment: PGCPB Resolution No. 2023-20

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Residential, Multifamily-48 Zone (RMF-48); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, projects which received development or permit approval prior to the effective date of the current ordinance may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it was approved; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on February 23, 2023, regarding Detailed Site Plan DSP-22019 Marlboro Gateway, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) shows construction of three multifamily residential buildings with a total of 150 dwelling units. Of these, 90 are proposed as age-restricted dwelling units. There are four existing single-family detached dwelling units and their accessory structures on the property, which will be razed.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	RMF-48 (Prior M-X-T)	RMF-48 (Prior M-X-T)
Use(s)	Single-family Residential; Vacant	Multifamily Residential
Gross Tract Acreage	19.76	19.76
Total Parcels	6	5
Total Lots	3	0
Total Gross Floor Area	0	188,502 sq. ft.
Residential	3,228*	188,502 sq. ft.
Nonresidential	0	0
Total Dwelling Units		150
Parcel 1, Building 2	-	36
Parcel 2, Building 1	4 (to be razed)	90
Parcel 3**	-	-
Parcel 4**	-	-
Parcel 5, Building 3	-	24

Notes: *The total gross floor area of the four single-family detached dwelling units on the property is approximately 3,228 square feet, based upon available tax records.

**Parcels 3 and 4 are proposed for future commercial use, to be approved under a future DSP.

Overall Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	0.37-1.13 FAR
Total FAR Proposed:	0.22 FAR*

Note: *Pursuant to Section 27-548(e) of the prior Prince George’s County Zoning Ordinance, the proposed floor area ratio (FAR) shall be calculated based on the entire property, as approved with the conceptual site plan (CSP). CSP-19001, which includes a net area of 12.85 acres, permitted a total FAR of 0.37–1.13. The proposed FAR on the coversheet of the DSP is listed as 0.22 in one table, and as 0.37 in another table. The total gross floor area of all three multifamily buildings is not provided on the DSP, and should be provided to support the proposed FAR. Additional information provided by the applicant reveals that the total gross floor area of the buildings is as follows:

Building	Gross Floor Area
Building 1	111,115 sq. ft.
Building 2	48,165 sq. ft.
Building 3	29,222 sq. ft.
Total	188,502 sq. ft.

Therefore, the proposed FAR calculates to 0.34, which is below the 0.37–1.13 FAR permitted. The correct FAR shall be reflected on the DSP, prior to its signature approval.

Other Development Data

Parking Requirement*

Use	Requirement	Provided
Multifamily Residential**		
90 Age-restricted Units (0.66 per dwelling unit)	60	56
13 One-bedroom Units (2.0 per dwelling unit)	26	107
29 Two-bedroom Units (2.0 per dwelling unit + 0.5 per bedroom in excess of 1 per unit)	73	
18 Three-bedroom Units (2.0 per dwelling unit + 0.5 per bedroom in excess of 1 per unit)	54	
Total Parking Required	213	
Total Parking Provided		163*
Standard parking spaces 9.5' x 19'		112
Compact parking spaces 8' x 16.5'		39 (up to 1/3 of total spaces)
Handicapped parking spaces	9	12
Van-Accessible	2	4
Bicycle Parking	-	38

Notes: *Section 27-574 of the prior Zoning Ordinance states that the number of parking spaces required for developments in the Mixed Use-Transportation Oriented (M-X-T) Zone is to be calculated by the applicant and submitted to the Prince George’s County Planning Board for approval, at the time of DSP. This application provided a shared parking analysis, which also includes a parking schedule based upon minimum requirements, per Section 27-568(a)(5)(A) of the prior Zoning Ordinance. The DSP proposes 163 parking

spaces in accordance with this shared parking analysis. An analysis of the applicant's proposed parking schedule is provided in Finding 13b.

**The Parking Requirement Table on the coversheet lists 90 one-bedroom units; 36 two-bedroom units; and 24 three-bedroom units. The table shall be corrected to list the correct number of different types of dwelling units.

Loading Spaces (per Section 27-582(a) of the prior Zoning Ordinance)

	Required	Provided
Multifamily Residential	1	1
Total	1	1

3. **Location:** The subject site is located on the north side of MD 725 (Marlboro Pike), approximately 400 feet west of its intersection with US 301 (Robert Crain Highway). The site is located on Tax Map 93 in Grids A-4 and B-4 and is within Planning Area 79. The property consists of seven acreage parcels known as Parcels 102, 103, 104, 106, 107, 108, and 146, as well as part of three lots known as Lots 1 and 2 and Lot 17 (previously recorded in Plat Book LIB A on page 123), which are recorded in Liber 40122 folio 396 of the Prince George's County Land Records. The 19.76-acre property is in the Residential, Multifamily-48 (RMF-48) Zone. The site is improved with four single-family detached dwellings and their accessory structures, which are to be razed.
4. **Surrounding Uses:** North of the project site are the approved Townes at Peerless mixed-use project (Preliminary Plan of Subdivision (PPS) 4-18004) and existing single-family detached homes. Like the subject property, these properties to the north are in the RMF-48 Zone (formerly in the M-X-T Zone). The site is bound to the east by US 301, with a single-family detached home and an industrial use beyond, in the Agricultural-Residential and the Commercial, Service Zones, respectively (formerly in the Residential-Agricultural and Commercial Miscellaneous Zones). The site is bound to the south by MD 725, with various commercial uses in the Industrial, Employment Zone (formerly in the Light Industrial Zone) beyond. Southeast of the site, between the site boundary and the intersection of US 301 and MD 725, are a single-family detached dwelling, a food or beverage store, and a gas station all in the RMF-48 Zone (formerly in the M-X-T Zone). To the west of the site are single-family detached homes and a pond, which are also in the RMF-48 Zone (formerly in the M-X-T Zone), and part of the pond extends onto the subject site.
5. **Previous Approvals:** The site is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan). The subject property was rezoned to the M-X-T Zone as part of Change Number 4 of the sectional map amendment of the master plan (Prince George's County Council Resolution CR-83-2013).

The site is subject to CSP-19001 (PGCPB Resolution No. 2020-128), which was approved by the Planning Board on July 23, 2020. The Prince George's County District Council elected not to review the CSP. The CSP covers 20.98 acres and approved 100–265 multifamily dwelling units, 1,200–75,000 square feet of commercial gross floor area, and 5,000–30,000 square feet of office gross floor area.

Subsequent to the CSP, PPS 4-21010 was approved by the Planning Board on July 7, 2022 (PGCPB Resolution No. 2022-83). This PPS approved 5 parcels for development of 150 multifamily dwelling units and 10,000 square feet of commercial development. The development in the PPS falls within the approved ranges and utilizes 19.76 acres of the 20.98 acres included in the CSP. Parcel 101, an existing acreage parcel between the site and the intersection of US 301 and MD 725, was included in the CSP, but was not included in the PPS. Of the five parcels, Parcels 1, 2, and 5 were approved for residential multifamily development, while Parcels 3 and 4 were approved for commercial development. The PPS identified the commercial development as consisting of two 5,000-square-foot fast food restaurants (eating or drinking establishments), each with their own drive-through; however, the commercial development is not included in this DSP. Parcels 3 and 4 will be the subject of a future DSP, at which time the commercial use may change since the end users have not yet been identified for the commercial parcels.

6. **Design Features:**

The application approves three multifamily buildings for a total of 150 dwelling units. Building 1 has 90 age-restricted units, Building 2 has 36 dwelling units, and Building 3 has 24 dwelling units. All the apartments in Building 1 will be income-restricted and reserved for individuals and families with various income levels up to 80 percent of the Area Median Income (AMI) in the Washington Metropolitan Area. Of the 60 dwelling units proposed in Buildings 2 and 3, nine will be market rate, and the remaining 51 will be reserved for income-restricted individuals and families with various income levels up to 80 percent of the AMI in the Washington Metropolitan Area.

Building 1 will be five stories high and approximately 59 feet in height, with a below-grade parking level for residents that is accessible via the northern side of the building. Building 2 is three to four stories high, and Building 3 is three stories and approximately 37 feet in height. However, the Lot Requirements Table on the DSP coversheet lists the maximum building height to be 35 feet. This should be corrected prior to signature approval of the DSP.

The buildings are located on three individual parcels, on the most developable portion of the property, while minimizing disturbance to the existing environmental features. Building 1 is a T-shaped building oriented towards MD 725 and is located approximately 33 feet from the public right-of-way. Buildings 2 and 3 are located behind Building 1 and oriented to allow for provision of a common access driveway to MD 725. Several surface parking lots are designed in close proximity to the buildings, and a structured parking area is proposed on the lower floor of Building 1. The site design shows pedestrian connections from the public right-of-way to each of the buildings, parking lots, and recreational amenities. Future vehicular and pedestrian

connections are indicated for Phase 2 of the development, which will consist of commercial/retail uses and be located closer to US 301.

The site plan shows three retaining walls located near Buildings 1 and 2 to accommodate the steep topography of the site. These walls vary from 2 to 19.6 feet in height and are proposed to be constructed of modular concrete blocks. However, the detail for these retaining walls does not specify the color of the concrete blocks. A condition has been included herein, requiring that the color of the retaining wall blocks match the color of the masonry brick used in the buildings.

Architecture

The multifamily buildings will be developed with a common architectural style that is visually distinct from existing commercial developments in the area, but compatible to other residential uses. The architecture approved for the multifamily buildings employs brick, fiber cement panels, and synthetic PVC siding of coordinating colors with a variety of architectural features such as Juliet balconies, canopies, projections, and contrasting trim. The first floor of all three buildings is finished with masonry brick in a textured, warm tan color to provide interest at the pedestrian level. The window and door sills and the top of first floor are accentuated with a soldier course of brick. The upper floors are finished with a dark, olive-green siding. Projections are provided at regularly spaced intervals, faced with light-colored fiber cement panels, and help break up the horizontal mass of the building. While Buildings 2 and 3 are provided with regular and Juliet balconies, these were not proposed for Building 1 due to safety concerns for the age-restricted units.

Recreational Facilities

Recreational facilities for the project are provided on-site and include a large and small playground, a sitting area with benches, and an accessible swing. Details have also been provided for fitness centers within the buildings; however, the fitness centers are not listed on the DSP coversheet as part of the required recreational amenities. It is noted that one of the buildings is proposed for senior living, thus adequate facilities shall be provided to suit the variety of ages and interests proposed with this development. Since 60 percent of the dwelling units are proposed to be for the elderly, recreational amenities should be provided commensurate with the number of these units. The architectural floor plans included for Building 1 show several other recreational amenities provided for seniors, including a community room, a game/meeting room, a library, and a craft room. Along with the fitness room, these are desirable and appropriate recreational amenities for seniors and should be included in the recreational facilities provided.

The play area is proposed to be approximately 2,500 square feet in area, with two sets of pre-manufactured play equipment structures. Based upon the information provided on the manufacturer's website, one of the play structures is designed for children in the 2–5 years age group, and the other is designed for pre-teen children in the 5–12 years age group. The two play structures are also physically separated to provide an adequate safety zone. Both these play structures are Americans with Disabilities Act (ADA) compliant. In addition, the play area also includes an accessible swing. However, the detail of the equipment is low-quality and lacks clarity. The detail shall be revised to provide an improved image quality. The 1983 *Park and Recreation Facilities Guidelines* states that the minimum area required for a tot lot is

2,400 square feet, and for a pre-teen lot is 5,000 square feet (page 42). This development, however, proposes only 150 dwelling units, of which 90 will be age-restricted. Therefore, the area and equipment proposed for the play area is appropriate for the number of toddlers and pre-teens projected for this development.

The detailed plan of the tot lot depicts engineered wood fiber as the surfacing of the play area. However, the cost estimate provided on the coversheet lists rubber surfacing. Rubber surfacing is safer, more durable, and more desirable than engineered wood fiber surfacing. Therefore, the details shall be revised to specify rubber surfacing for the play area, prior to signature approval of the DSP.

The DSP also includes details for trash receptacles. The site plan, however, does not indicate the location(s) where these trash receptacles will be provided. At a minimum, trash receptacles should be provided near the picnic tables and the play area, and along the pedestrian paths close to building entrances.

The DSP proposes two seating areas for passive recreation. A small seating area, approximately 220 square feet in area, is proposed between Building 1 and MD 725. This seating area is accessible via a pedestrian path from both Building 1 and the public sidewalk fronting MD 725. Dense planting of evergreen and shade trees is proposed to shelter this seating area from the public street. However, this area is subject to nuisance noise levels due to proximity to MD 725 and should be removed. A second, larger seating area of approximately 930 square feet is proposed near the play area. This seating area provides seating benches and picnic tables. The surface of this seating area is proposed to be permeable pavement for which a detail has been provided in the DSP. The permeable pavement appears to be constructed of open pavers, which could be of concern for not being ADA-compliant. A note shall be added to the detail of permeable pavement, stating that the surface will be ADA-compliant. The site plan should also be revised to provide a detail for the proposed picnic tables.

Along with revisions to the required recreational facilities, appropriate timing for construction should also be specified on the DSP coversheet. The trigger for construction of all recreational facilities is listed as prior to the use and occupancy permit for the second multifamily building. The applicant has stated that all three multifamily buildings will be constructed simultaneously, and the construction will not be phased. Therefore, all recreational facilities provided internal to the buildings shall be constructed and inspected for completeness prior to issuance of the final certificate of occupancy for each of the respective buildings in which they are located. For the outdoor seating area and play area, which mostly serve Buildings 2 and 3, they shall be constructed and inspected prior to issuance of the final certificate of occupancy for Building 2 or Building 3, whichever comes first.

Lighting

The photometric plan submitted with this application proposes contemporary light-emitting diode (LED) fixtures on a 25-foot-high pole, and silver-colored wall-mounted LED fixtures, which provide adequate lighting levels on the driveways, pedestrian paths, and parking areas. Details of the proposed lighting fixtures and photometrics are provided on the DSP. The details which

include product data sheets, however, do not correspond to the luminaire type listed in the schedule on the photometric plan. In addition, the product data sheet for the 25-foot-high pole, including color selection, is missing. Correct product data sheets should be provided for the proposed luminaires, and the part number highlighted clearly.

Signage

The applicant proposes one entrance sign near the access driveway to MD 725, in addition to directional and parking signs. The entrance sign is 41-inches-high and 109-inches-wide and is an internally-lit aluminum cabinet, with red and black acrylic lettering against a tan background. A 24-inch by 36-inch interpretive sign was required by a condition of approval of the PPS and provides a brief history of the Sugar Hill Community that was established in the area after the Civil War. This sign is proposed to be located near a seating area close to MD 725, but should be relocated closer to the proposed play area and the larger seating area proposed central to the community, so that the maximum number of residents have the opportunity to read it. The sign should also be adequately illuminated at night. The provided signs are appropriate in size, type, and design, given the location and the use to be served.

Loading and Trash Facilities

One loading space is provided on the site for the multifamily buildings. The loading space is located central to the development and accessible from the shared driveway and meets the required number of spaces. Trash facilities are provided at each of the multifamily buildings. While these are located outdoors for Buildings 2 and 3, the trash facility will be located internal to Building 1. The loading space and the trash facilities are appropriately screened from the public rights-of-way by the buildings, wall enclosures, and landscaping.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the prior Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547 of the prior Zoning Ordinance, which governs permitted uses in the M-X-T Zone. The application proposes three multifamily buildings for a total of 150 dwelling units. Building 1 proposes 90 age-restricted units; Building 2 proposes 36 dwelling units; and Building 3 proposes 24 dwelling units. Multifamily residential dwelling units are permitted in the M-X-T Zone. Section 27-547(d) of the prior Zoning Ordinance requires at least two out of the following three categories of uses be present in every development in the M-X-T Zone:
 - (1) Retail businesses;
 - (2) Office, research, or industrial uses;
 - (3) Dwellings, hotel, or motel.

The overall Marlboro Gateway development, which includes the subject site, is approved for a mix of uses including office, commercial/retail, and residential, thus conforming to Section 27-547(d).

- b. Section 27-548 of the prior Zoning Ordinance, M-X-T Zone regulations, establishes additional standards for development in this zone. The DSP's conformance with the applicable provisions is discussed, as follows:

(a) Maximum floor area ratio (FAR):

- (1) Without the use of the optional method of development—0.40 FAR**
(2) With the use of the optional method of development—8.0 FAR

CSP-19001 uses the optional method of development for the project by proposing a residential component of more than 20 units as part of the overall Marlboro Gateway development. This increases the permitted FAR by 1.0 above the base of 0.40. Therefore, 1.40 FAR is permitted for the overall development. The proposed FAR for this development is 0.34; and therefore, is below the allowed 1.40 FAR for the entire area of the CSP, and below the range of 0.37-1.13 FAR approved with the CSP. The commercial portion of the overall development is not yet proposed and will be the subject of a future DSP. This standard will be evaluated again with this future DSP.

(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

The overall development proposes multiple uses in more than one building and on more than one lot, as allowed.

(c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

The site plans indicate the location, coverage, and height of all improvements, in accordance with this regulation.

(d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening are required to satisfy the purposes of the M-X-T Zone. The landscape requirements are discussed in detail in Finding 10.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the proposed development for the area of the CSP is 0.34, which is calculated, in accordance with this requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, the ground below, or in public rights-of-way as part of this project. Therefore, this requirement is inapplicable to the subject DSP.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

All development parcels have frontage on and direct access to public streets, or as determined in PPS 4-21010. The subject property fronts MD 725 (Marlboro Pike) to the south and US 301 (Robert Crain Highway) to the east. All vehicular access to the site is provided along MD 725. Additional right-of-way dedication is provided along MD 725. Also, an access easement, in accordance with Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, was approved with PPS 4-21010 due to the site layout preventing each parcel from having frontage on and direct vehicle access to a public street. Further discussion of access to the development parcels is provided in Finding 13b.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or**

stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council

may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject project does not involve the development of townhouses. Therefore, this requirement is not applicable to this DSP.

- (i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

The maximum height of the three proposed multifamily buildings is approximately 59 feet, which is less than the maximum allowed height of 110 feet. Therefore, this requirement is met.

- (j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

The subject property was placed in the M-X-T Zone through the sectional map amendment of the master plan approved after October 1, 2006. However, no specific design guidelines were approved with the master plan for this property. As discussed below, the master plan has a specific vision for this property that is consistent with the development proposed in this DSP.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the prior Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows:

(1) The proposed development is in conformance with the purposes and other provisions of this Division:

Conformance to the purposes of the M-X-T Zone was found with the CSP approval and is adopted herein by reference (PGCPB Resolution No. 2020-128). The approved development of multifamily uses does not change that previous finding. The subject application is consistent with the prior approvals and promotes the creation of a walkable, mixed-use development.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The subject site was rezoned to the M-X-T Zone through the sectional map amendment of the master plan, which does not specifically provide design guidelines for the subject property; however, the master plan identified the subject site within a mixed-use area and a gateway to the Town of Upper Marlboro. Further discussion regarding the vision for this property in the master plan is provided in Finding 13e.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The environmental features have greatly impacted the overall layout and configuration of the subject property. Nevertheless, the applicant proposes to construct the age-restricted building as close as possible to MD 725, while shielding its surface parking from view in the hope of creating an attractive and desirable streetscape.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

The proposed residential units are compatible with the existing commercial retail and residential uses in the area. Many of the residential uses are older and dilapidated. These new and modern apartments will serve as a catalyst for additional redevelopment of older residential uses to the west along MD 725.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The DSP includes amenities for the residents and creates a cohesive development. The site layout and configuration of the proposed residential development is consistent with CSP-19001 and reflects a cohesive development to the maximum extent practicable given the environmental constraints imposed on the development. Public amenity space and recreational areas are convenient to each building, and parking areas are close to the buildings. The development in this DSP has been designed in anticipation of additional uses and structures that will be developed in future phases of the project.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The residential development approved with this DSP will be completed in one phase and integrated into the overall development which consists of two phases. Each phase will be a self-sufficient entity, while allowing for seamless integration. The development in this DSP has been designed in anticipation of additional uses and structures that will be developed in the next phase of the project.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

A comprehensive internal sidewalk network is provided for the development, which includes sufficient crossing opportunities for pedestrians, and connects the proposed residential buildings with each other and with MD 725.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The DSP provides amenities throughout the site, with attention to the quality and human-scale of these facilities which include site furniture, trash receptacles, and seating.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of**

construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The subject application is a DSP. Therefore, this required finding does not apply.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

The governing PPS 4-21010 was approved by the Planning Board on July 7, 2022, at which time a finding of adequacy was made for the proposed development.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

A mixed-use planned community is not proposed. Therefore, this DSP is not subject to this requirement.

- d. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274, and as cross-referenced in Section 27-283 of the prior Zoning Ordinance. For example, the subject development provides amenities that are functional and constructed of durable, low-maintenance materials; vehicular and pedestrian access is provided to the site from the public right-of-way; and the architecture proposed for the multifamily buildings employs brick, fiber cement panels, and synthetic PVC siding of coordinating colors with a variety of architectural features such as Juliet balconies, canopies, projections, and contrasting trim.
- e. In accordance with Section 27-574, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board

approval, at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b) of the prior Zoning Ordinance.

The methodology in Section 27-574(b) requires that parking be computed for each use in the M-X-T Zone. This application provided a shared parking analysis for each type of dwelling unit, and the parking provided on-site is sufficient for the proposed development because it surpasses the number of parking spaces required, pursuant to the shared parking analysis.

8. **Conceptual Site Plan CSP-19001:** CSP-19001 was approved by the Planning Board on July 23, 2020. The conditions of CSP 19001, relevant to the subject DSP, are as follows:
 1. **Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:**
 - d. **Show conceptual pedestrian access arrows crossing MD 725 (Marlboro Pike) at the conceptual entrance of the proposed development, and between all pods on the site and adjacent properties along MD 725 (Marlboro Pike), subject to the final locations and design at the time of DSP and subject to applicable permitting agency approval.**
 - e. **Provide conceptual pedestrian access along both sides of the internal driveways and roads, and between the buildings and the parking lots on the subject site.**

The DSP displays a pedestrian crosswalk along MD 725, adjacent to the site access driveway. The DSP indicates that the crosswalk is subject to the approval and permitting of the operating agency, and additional analysis is needed to determine if a mid-block crosswalk at this location is warranted. However, as a condition of approval, at the time of building permit, the applicant shall provide a letter from the operating agency indicating if a mid-block cross walk is warranted, will be permitted, and if there are financial assurances for construction. If the mid-block crosswalk is not warranted by the operating agency, then the applicant shall instead provide written correspondence with this information at the time of permit.

Pedestrian access has been provided within the site, between all driveways, buildings, and parking lots. In addition, the applicant provided pedestrian access to the easternmost bounds of the subject site, to facilitate inter-parcel connection with the future phase of the development and in keeping with the requirements provided in Condition 1.d. The applicant's plans accurately display this pedestrian connection, in accordance with the referenced condition of approval. This will ensure that the pedestrian connections are built with this phase of development and will facilitate a future connection when the second phase of this project is built.

3. At the time of detailed site plan, the applicant shall:

- a. Submit a list of sustainable site and green building techniques that will be used in this development.**

The applicant submitted a list of sustainable site and green building techniques proposed to be used in this development. The list includes techniques to conserve energy, protect water quality, and promote a healthy landscape and a healthy and safe lifestyle. All three proposed buildings will meet the American Society of Heating, Refrigerating and Air-Conditioning Engineers standards for lighting, and meet energy efficiency standards for low-rise residential, including appliances, water heaters, and air conditioners. Buildings 2 and 3 are also proposed to have tankless water heating systems. All buildings will meet or exceed Leadership in Energy and Environmental Design (LEED) Silver certification.

- b. Consider providing commercial/retail, office uses, and/or other public-oriented functions at the street level fronting MD 725 (Marlboro Pike) to activate the street.**

In the statement of justification, the applicant stated that consideration was given to providing commercial/retail, office uses, and/or other public-oriented functions at the street level fronting MD 725, but for a myriad of factors, this option was not feasible. First, the available area for nonresidential/public-oriented functions to be located at street level fronting MD 725 is greatly diminished due to existing environmental features. Furthermore, the CSP includes the abutting Parcel 101 within its boundaries, but this parcel was later excluded from the PPS and the subject DSP. Removing Parcel 101 from the development resulted in losing approximately 200 feet of frontage onto MD 725. The applicant also stated that the residential component is necessary to be developed prior to commercial development, in order to generate demand and capital for future commercial users. Finally, residential uses are more appropriately located fronting onto MD 725 than US 301, given the anticipated level of noise that is generated from US 301. Thus, when these factors were considered holistically, it is most appropriate for residential uses to front along MD 725, in the limited space that is available. Nevertheless, the applicant proposes frontage improvements along MD 725, such as a sidewalk and street trees to activate the street.

- 4. Prior to the approval of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

US 301 @ MD 725 intersection

- a. **Provide three through lanes, a double left-turn lane, and a right-turn lane, at the northbound approach.**
- b. **Provide four through lanes, a left-turn lane, and a right-turn lane, at the southbound approach.**
- c. **Provide two through lanes, a right turn, and a left-turn lane, at the westbound approach.**
- d. **Provide two left-turn lanes, a shared left-through lane, and a right-turn lane, at the eastbound approach.**

The above referenced condition of approval was not modified with the PPS. The condition remains and will be addressed at the time of building permit.

9. **Preliminary Plan of Subdivision 4-21010:** On July 7, 2022, the Planning Board approved PPS 4-21010 with 29 conditions (PGCPB Resolution No. 2022-83). The relevant conditions are discussed, as follows:

2. **A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.**

The proposed development conforms to PPS 4-21010.

3. **Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 2715-2020-00, and any subsequent revisions.**

The subject DSP is in conformance with the approved Stormwater Management (SWM) Concept Plan revision, 2715-2020-01.

4. **Prior to approval, the final plat of subdivision shall include:**

- a. **The granting of public utility easements along the public rights-of-way.**

Public utility easements are shown along all public rights-of-way on the DSP. Conformance to this condition will be further reviewed prior to approval of the final plat.

- b. **The delineation of the access easement approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, with locations as shown on the approved detailed site plan.**

The access easement is delineated on the DSP and will be required to be delineated on the final plat, pursuant to this condition.

- c. Labels showing denial of access to MD 725 (Marlboro Pike) and US 301 (Robert Crain Highway), except at the single approved driveway access location on each street.**

The DSP includes the singular access along MD 725. The US 301 access is not proposed at this time, as this DSP does not include development for that area; however, an easement for the singular access to US 301 is shown. Conformance to this condition will be further reviewed prior to approval of the final plat.

- d. Dedication of 35 feet of public right-of-way from the centerline of MD 725 (Marlboro Pike), as shown on the approved preliminary plan of subdivision.**

The DSP shows an additional 15 feet of right-of-way dedication from the existing property boundary. However, the centerline of MD 725 and dimensions from the centerline should be provided on the DSP, to ensure that the dedication is 35 feet from the centerline. Conformance to this condition will be further reviewed prior to approval of the final plat.

- 5. Prior to approval of a raze permit for any of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures shall be thoroughly documented on a Maryland Inventory of Historic Properties form.**

This condition is still outstanding. Prior to the demolition of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures should be thoroughly documented on Maryland Inventory of Historic Properties forms.

- 6. Because of the significance of the archaeological findings at the Phase I level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of detailed site plan and shall be subject to approval by the staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to issuance of the final building permit for the development.**

The location and wording of the signage is provided by the applicant on Sheet 19 of the DSP. The proposed interpretive signage provides a brief history of the Sugar Hill Community that was established in the area after the Civil War, and its location is at a seating area near a sidewalk that leads into the proposed development. A portion of the community was comprised of people who were formerly enslaved on nearby plantations. The applicant should continue to work with Historic Preservation staff on the exact wording of the signage prior to its installation.

7. **In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees, shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**
8. **The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall be determined at the time of DSP.**

Proposed recreational facilities include a large and small playground, a sitting area with benches, and an accessible swing. Details have also been provided for fitness centers within the buildings, however, the fitness centers are not listed on the DSP coversheet as part of the required recreational amenities. It is noted that one of the buildings is proposed for senior living, thus adequate facilities shall be provided to suit the variety of ages and interests proposed with this development. Along with revisions to the required recreational facilities, appropriate timing for construction should also be specified on the DSP coversheet.

11. **The detailed site plan shall show the position of the driveways and private access easements approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, which serve the development.**

The DSP delineates the final position of the driveways for the multifamily development and private access easement, pursuant to Section 24-128(b)(9), from MD 725 to US 301. However, Parcels 3 and 4, which were approved for commercial uses, are not yet proposed for development. The driveway configuration for Parcels 3 and 4 will need to be shown on a future DSP application and may result in adjustments to the access easement within the site.

13. **Total development within the subject property shall be limited to uses which generate no more than 249 AM peak hour trips and 212 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The applicant submitted a trip generation memorandum as part of the DSP application, to demonstrate conformance to the approved trip cap. It should be noted that Condition 13 of PPS 4-21010 established transportation adequacy with a proposed development of 150 multifamily dwelling units and 10,000 square feet of commercial use. The subject application only considers the residential component of the PPS, specifically the 150 multifamily dwelling units. The subject DSP is within the trip cap established with 4-21010.

14. **Prior to issuance of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$361.50 (in 1999 dollars) per dwelling unit for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.**

The above referenced condition of approval remains and will be addressed at the time of building permit. Cost escalation and specific per unit fees are discussed in greater detail with Condition 16 below.

15. **Prior to issuance of any commercial building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$29.52 per square foot of gross floor area for nonresidential uses (in 1999 dollars), up to a maximum total fee of \$295,155.39 (in 1999 dollars) for the overall commercial development. The fee is for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. This cost will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.**

As discussed above, the subject application only considers residential uses. When the commercial portion is proposed, the above referenced condition of approval will remain and will be addressed in further detail with Phase 2 of the development.

16. **If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each detailed site plan.**

As part of the DSP application, the applicant provided a traffic impact study which contains a cost breakdown of the applicant's contributions to the Capital Improvement Program (CIP) along US 301. A pro-rata CIP fee of \$367.51 per dwelling unit is proposed for Phase 1 to support the costs of CIP improvements. The applicant shall provide a total of \$55,126.50 for the phased development of the subject DSP. These costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of issuance of each permit. All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by DPIE or the Prince George's County Department of Public Works and Transportation.

17. **Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a signal warrant analysis for the site access and MD 725 (Marlboro Pike) intersection. If the signal is deemed warranted**

and approved, a signal shall be provided in accordance with the Maryland State Highway Administration standards.

- a. If the development is phased, the applicant shall provide a phasing plan (with adequate justification), as part of future detailed site plans, to show the phasing of the aforementioned transportation improvement relative to the development of the site. The phasing plan shall also show, in support of the determination of whether the signal is warranted, when each access point to the site will be provided. A determination shall be made at the time detailed site plan as to when the access points will be provided and when the signal improvement shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.**

The traffic impact study includes an analysis to demonstrate the phasing of transportation improvements to the phased development for the subject DSP which includes level of service results for intersections that will be impacted by the proposed development. The traffic impact study considered the same study area that was scoped and accepted as part of the PPS approval. Specific to the site access and MD 725 intersection, the applicant has demonstrated that Phase 1 of the development will result in a Highway Capacity Manual (HCM) delay (during the PM peak period) of 0.7 seconds on the eastbound approach and 40.8 seconds on the southbound approach. For unsignalized intersections such as this, an intersection is deemed adequate if the HCM delay is less than 50 seconds for all movements. The traffic impact study concludes that the phased development of the subject DSP will not trigger the need for a traffic signal at the site access/MD 725 intersection and, therefore, a signal is not required with the subject application.

The traffic impact study showed that the signal will be needed and warranted when the remaining portion is developed with the commercial density. At the time of Phase 2, the applicant will be required to submit a signal warrant analysis prior to the first building permit, as set forth in Condition 17.

- 18. Prior to the acceptance of the detailed site plan, the applicant shall provide an analysis to demonstrate that the proposed access driveway connection along MD 725 (Marlboro Pike) conforms to the Maryland State Highway Administration (SHA) access management standards. The exact details of the access connection and its conformance to SHA access management standards will be evaluated at the time of detailed site plan.**

The applicant's statement of justification contains a note regarding Condition 18 that reads "The required analysis has been provided as part of this application package." However, the applicant has not demonstrated that the access driveway conforms to Maryland State Highway Administration (SHA) standards. In addition, the proposed access will impede operations along MD 725, which will block adjacent driveways and create conflicts with vehicles. The site access impacts are discussed in greater detail below, within Finding 13, but conformance to the state access management standards

may eliminate the operational impacts. As such, the subject DSP does not meet the requirements of Condition 18. However, MD 725 is an SHA road, and SHA is the ultimate operating agency and final arbiter of how their roads function and where they permit access. SHA provided correspondence, in support of the proposed access. As a result, the correspondence from SHA fulfills the condition.

19. Prior to the approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency. The details of the following facilities shall be provided as part of the detailed site plan:

- a. The applicant shall provide a shared-use path with a minimum width of 11 feet and 2 feet of clear space on either side of the pathway, consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities* along MD 725/Marlboro Pike abutting the subject property, per the 2009 *Approved Countywide Master Plan of Transportation*.**

The DSP does not display the shared-use path along MD 725/Marlboro Pike abutting the subject property. The DSP shows a 5-foot-wide sidewalk and includes a note indicating that the shared-use path is subject to the operating agency approval. The operating agency provided correspondence granting a modification to the reduction of the shared-use path along the subject property's frontage.

- b. The applicant shall provide marked bike lanes along MD 725/Marlboro Pike consistent with the 2009 *Approved Countywide Master Plan of Transportation*.**

The marked bike lanes are delineated on the DSP.

- c. The applicant shall provide either a sidewalk or a shared-use path along US 301 (Robert Crain Highway) abutting the subject site.**

A sidewalk or shared-use path is not delineated on this DSP as the parcels fronting on US 301 are not proposed to be developed with this DSP. These facilities should be shown on future DSP applications.

- d. The applicant shall provide marked bike lane signage and pavement marking within the US 301 (Robert Crain Highway) shoulder abutting the subject project, as well as a R4-11/Bicycles May Use Full Lane sign on the portion of southbound US 301 after the shoulder ends.**

Marked bike lane signage and pavement markings are not delineated on this DSP as development of the parcels fronting on US 301 are not proposed with this DSP. These facilities should be shown on future DSP applications.

These improvements may be modified by the operating agency with written correspondence.

- 20. The applicant shall provide short-term bicycle parking facilities at the proposed retail and commercial uses and long-term bicycle parking facilities for the multifamily housing units consistent with the 2012 *AASHTO Guidelines for the Development of Bicycle Facilities*. These facilities shall be shown on the detailed site plan prior to its acceptance.**

Short-term bicycle parking facilities are not delineated on this DSP as commercial development is not proposed with this DSP. These facilities should be shown on future DSP applications. The DSP only displays outdoor short-term bicycle parking and does not display long-term bicycle parking at the multifamily housing units, as required by Condition 20. Prior to certification of the DSP, the applicant shall update the DSP to display long-term bicycle parking at each multifamily building in accordance with Condition 20.

- 22. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-011-2020-01). The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-2020-011) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. 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 condition will be met at the time of final plat review.

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

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

This condition will be met prior to permit approval, and the note shall be added to the plat.

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

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

This condition will be met at the time of final plat review.

- 25. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be met at the time of the first permit.

- 26. Prior to the acceptance of the detailed site plan, the revised stormwater management concept plan shall be approved and included in the acceptance package.**

A revised and approved SWM Concept Plan, 2715-2020-01, was submitted with this application.

- 28. Prior to acceptance of a detailed site plan for the residential development, the applicant shall submit a noise study either demonstrating all outdoor recreation areas will not be exposed to noise levels above 65 dBA Ldn or recommending noise mitigation measures to reduce noise levels to below 65 dBA Ldn. The noise study shall also recommend noise mitigation measures to reduce interior noise levels to below 45 dBA Ldn for all residential buildings exposed to noise levels above 65 dBA Ldn.**

A noise study was submitted by the applicant dated November 22, 2022. According to the noise study, mitigation in the form of a 7-foot-tall wood wall around the 2,220-square-foot play area is needed. The windows and doors for the multifamily buildings are also recommended for upgrade in order to mitigate noise. The unmitigated and mitigated noise contours should be shown on the DSP and the recommended mitigation demonstrated on the site plan and architectural elevations.

10. **2010 Prince George’s County Landscape Manual:** Per Section 27-548, landscaping, screening, and buffering for the property is subject to the provisions of the Landscape Manual. Specifically, this application is subject to 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 Landscape Manual. The landscape plans provided with the subject DSP contain the required schedules demonstrating conformance to these requirements.

The adjoining property (Parcel 101) located south of the subject site is improved with a single-family detached residential dwelling. In accordance with Section 4.7(c)(2) of the Landscape Manual, a Type “B” landscape buffer is required along the adjoining residential use. The landscape schedule for this bufferyard, however, lists this adjacent property as “vacant,” since there is a raze permit pending for the existing dwelling. If a developing property with a residential use is adjoining vacant property zoned residential, 50 percent of the bufferyard is required to be provided on the developing property per Section 4.7(c)(5)(C). However, the adjoining Parcel 101 does not meet the definition of a vacant property, and a raze permit for the structure on the property has not yet been approved. Therefore, a condition has been included herein, for the DSP to provide the required Section 4.7 landscape buffer along the adjoining Parcel 101 property line prior to signature approval, or submit a request for alternative compliance in accordance with Section 1.3 of the Landscape Manual.

A food or beverage store and a gas station are located to the southeast of the subject property, which are considered a high impact use category in Section 4.7. The schedule for this bufferyard correctly identifies the Type “D” landscape buffer required along this property line. However, the total number of plant units required in the buffer strip are calculated on the basis of 120 plant units per 100 linear feet of the property line, instead of 160 plant units per 100 linear feet of the property line. It is required that Section 4.7 be revised to provide the correct number of plant units.

11. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the environmental regulations contained in prior Subtitles 24 and 27 and current Subtitle 25 that came into effect on September 1, 2010 because the project is subject to PPS 4-21010. Further discussion regarding the project’s conformance to the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance is provided in Finding 13c.
12. **Prince George’s County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George’s County 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. Properties zoned

M-X-T are required to provide a minimum of 10 percent of the gross tract area in TCC. The development acreage included in this application is shown as 19.76 acres, resulting in a TCC requirement of 1.98 acres, or 86,095 square feet. The subject DSP does not provide the required schedule to demonstrate conformance to these requirements. Conformance to the TCC requirements will need to be demonstrated prior to signature approval of the DSP.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and summarized, as follows:

- a. **Subdivision Section**—In a memorandum dated January 24, 2023 (Heath to Gupta), it was noted that the DSP has been found to be in conformance with the approved PPS, with conditions included herein, based upon comments below:
 - (1) The CSP-19001 applicable to this site included an additional parcel (Parcel 101) to the east of the access driveway from MD 725, which was not included in the PPS or this DSP. However, the CSP anticipated Parcel 101 would share the consolidated access to MD 725 and easement as part of the subject site. Therefore, in accordance with the CSP, the access easement shall include and delineate the future access for abutting Parcel 101, which will reduce the need for additional future access directly to MD 725 not anticipated with the CSP.
- b. **Transportation Planning**—In a memorandum dated January 19, 2023 (Ryan to Gupta), the following comments were provided:

Master Plan Compliance

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

Master Plan Roads

The subject property has frontage along MD 725 (P-608), along the southern bounds of the site. Per the MPOT and the master plan, the portion of MD 725 that fronts the subject property is designated as a primary roadway within 70 feet of right-of-way. The applicant is proposing dedication of 8,636 square feet (0.20 acre) along the subject property's frontage of MD 725. The dedicated portion contains the entirety of the sidewalk proposed along the frontage of MD 725. However, as previously mentioned, the DSP shows an additional 15 feet of right-of-way dedication from the existing property boundary that provides a total of 35 feet from centerline, consistent with the master plan recommendation.

The subject property also has frontage on US 301 (A-61), along the eastern bounds of the site. Per the MPOT and the master plan, the portion of US 301 that fronts the subject property is designated as a freeway with a variable width right-of-way. As mentioned, the limits of the subject DSP do not impact the master plan facility along US 301 and was not

evaluated as part of this application, but will be considered with future phases of development.

Master Plan Pedestrian and Bike Facilities

This development case is subject to the MPOT which recommends the following facilities:

- **Side Path: MD 725 (Marlboro Pike)**

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

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

As previously mentioned, the DSP does not display the sidepath along MD 725 (Marlboro Pike) and will need to be modified to be consistent with master plan recommendations, prior to the certification of the DSP. However, the DSP shows a dedicated bike lane along the subject property and shows the site improved with a series of connected pedestrian facilities, both consistent with the master plan recommended policies.

Transportation Planning Review

Zoning Ordinance Compliance

Section 27-283 of the prior Zoning Ordinance provides guidance for DSPs.

The applicant was asked to provide additional analysis to assess the proposed site access and its conformance with Section 27-274(a)(2)(C)(i–ii) of the prior Zoning Ordinance, which states that “(i) *The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic...*” and “(ii) *Entrance drives should provide*

adequate space for queuing.” In addition, Section 27-546(d)(4) of the prior Zoning Ordinance provides additional guidance for site plans in the M-X-T Zone and requires that “*proposed development is compatible with existing and proposed development in the vicinity.*”

A queuing analysis was required to assess the proposed site access for conformance with the above requirements and to demonstrate that no additional roadway improvements along MD 725 would be needed to support the development. The applicant submitted a queuing analysis which considered the intersection of the site access point and MD 725 using the 95th percentile queuing as a metric to measure the vehicular calculated queue length at this location. The analysis determined that along the eastbound approach of MD 725, the site inbound trips will generate a queue of 105 feet during the PM peak period which will exceed the available storage and block the adjacent driveway to the south of the site. Based on the applicant’s analysis, the site’s proposed access connection will impede operations along MD 725 by severely diminishing the existing operations of the roadway, by creating excessive delays, prohibiting access to an existing parcel, and creating possible vehicle conflicts.

In a meeting with the applicant on January 27, 2023, the applicant acknowledged that the proposed site would create queues that will exceed the available storage and indicated that an exclusive left-turn lane to the site will mitigate this impact. However, the applicant proposed converting the existing exclusive left-turn lane on the northside of MD 725, that provides access to the adjacent McDonald’s property to the west, into a two-way left-turn lane to facilitate this improvement. While an exclusive left-turn is needed to eliminate the site-generated queues by removing left-turn movements to the site from the general traffic, the conversion of an existing turn lane to another property is not suitable and a two-way left-turn lane will create additional conflicts and greater operational impediments along MD 725. The existing westbound left-turn lane was provided specifically to offset queuing generated by the McDonald’s restaurant to the south of the site, which is still operable and produces a large volume of trips during the peak period. In addition, a shared left-turn lane is not a viable solution in providing a left-turn improvement that provides sufficient storage to accommodate the anticipated queues (in this case a minimum of 105 feet), and is not shared with opposite directional left-turn movements that will create merging head-on conflicts and delays when the available storage is not available to accommodate opposing left turns on either side of the roadway.

For the reasons detailed above, the applicant has not demonstrated that safe and efficient access to the site along MD 725 can be achieved without disrupting the existing roadway network, which in turn creates likely vehicular conflict. Absent of sufficient improvements, the site access is not acceptable. However, MD 725 is an SHA road, and SHA is the ultimate operating agency and final arbiter on how their roads function and where they permit access. SHA provided correspondence on the two-way left-turn lane, in support of the applicant’s proposed access and the two-way left-turn lane.

The applicant's submission displays a 5-foot-wide sidewalk along the subject property's frontage of MD 725. An additional sidewalk is provided between Building 1 and the sidewalk along the site's frontage. A sidewalk is also provided along both sides of the internal access roads as well as between the proposed buildings and the parking areas. Sidewalks have also been extended east of Building 3 to the bounds of the subject site, thereby anticipating pedestrian movement to Phase 2 of the development. In addition, a series of crosswalks are also provided at locations where on-site sidewalks intersect with entrances to the parking areas or where sidewalks are otherwise interrupted. These on-site crosswalks help provide safe pedestrian movement throughout the site. The applicant shall update the plans to provide long-term bicycle parking at each multifamily building.

Section 27-574(a) of the prior Zoning Ordinance discusses parking requirements in the M-X-T Zone and is copied below:

The number of parking spaces required in the M-X-T Zone and in a Metro Planned Community are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval.

The applicant submitted a parking analysis detailing on-site parking. A total of 163 parking spaces, for the 150 multifamily dwelling units, are proposed with this DSP. The parking analysis does not consider the future commercial portion of the site. A standard development with 90 age-restricted senior housing units and 60 standard multifamily dwelling units would require a minimum of 213 parking spaces, per the requirements of Section 27-568 of the prior Zoning Ordinance. Section 27-574 allows applicants to develop a criterion, specific to the proposed development, for developing parking standards in the M-X-T Zone.

The applicant has submitted a parking analysis to determine the parking rate for the proposed development. Section 27-574(b) of the prior Zoning Ordinance states, "The number of off-street parking spaces required for development in the M-X-T Zone and in a Metro Planned Community shall be calculated using the following procedures:

(1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to be known as the peak parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80 percent) of the peak demand, eighty percent (80 percent) of the peak parking demand spaces are being occupied)."

The applicant's parking analysis also makes use of the Institute of Traffic Engineers (ITE) Parking Generation Manual (5th Edition), which provides empirical data for other similar land uses. Both multifamily and senior adult housing were examined to formulate this study.

ITE guidance on peak parking demand for multifamily housing within general urban/suburban sites calculates an average peak parking demand of 1.31 spaces per unit. This would compute to a peak parking demand of 79 spaces for the 60 multifamily dwelling units. The applicant proposes 1.78 spaces per unit, or 107 total spaces for the multifamily units. ITE also provides peak parking projections based on the number of bedrooms. The 60 multifamily dwelling units have a total of 125 bedrooms. When examining for the number of bedrooms, ITE peak parking demand equates to 0.75 spaces per bedroom. In relation to the applicant's proposal, the 125 bedrooms would require a peak parking demand of 94 spaces, which would be well contained within the applicant's proposal of 107 spaces for the 60 multifamily units.

ITE also provides guidance on senior adult housing and calculates an average peak parking demand of 0.61 spaces per unit. This would compute to a peak parking demand of 55 spaces for the 90 senior adult housing units. The applicant proposes 0.62 spaces per unit, or 56 spaces for the senior adult housing units.

Based on this evaluation, the peak parking demand would require 94 spaces for the multifamily units and 55 spaces for the senior adult housing units, which equals 149 spaces. The applicant is proposing 163 total spaces. Further, proposed parking will not offset any future parking demands for the commercial portion and solely supports the uses associated with the subject application. As such, the applicant's proposal of 163 parking spaces is suitable for the proposed development within the M-X-T Zone.

Conclusion

As stated above in the Zoning Ordinance Compliance section, the subject application does not conform to Section 27-274(a)(2)(C)(i–ii) and Section 27-546(d)(4) in providing access that is safe, minimizing conflicts with off-site traffic, providing adequate space for site generated queues, and being compatible with the surrounding network. The referenced DSP was not found acceptable and additional analysis is required to demonstrate improvements or site modifications that offset site impacts to MD 725. Therefore, the following condition was recommended:

1. Prior to the approval of the detailed site plan, the applicant and the applicant's heirs, successors and/or assignees shall provide an operational analysis that provides improvements or site modifications that will offset the site impacts of MD 725 (Marlboro Pike) and conform to Section 27-274(a)(2)(C)(i–ii) and Section 27-546(d)(4) of the prior Zoning Ordinance. In addition, the operational analysis shall demonstrate that the proposed access driveway along MD 725 conforms to Maryland State Highway Administration (SHA) access management standards.

On February 2, 2023, an email from SHA (Woodroffe to Gupta and Capers), incorporated herein by reference, was received which provided SHA's comments on Condition 19 of the PPS resolution and their review of the applicant's traffic impact study. In the email, SHA offered the following comments:

- SHA supports the provision of a 5-foot-wide sidewalk along the property's frontage.
- SHA supports the provision of a 4-foot shoulder to be used as a bike lane, but not marked or signed, as SHA's Bike Policy states that on-street bike facilities are only signed when they are more than 2,500 feet long. In addition, a bike lane does not currently exist to the east or west of the site.
- SHA recommends that the need for sidewalk or sidepath along US 301 should be evaluated, if/when the two parcels along US 301 develop, as this is when access to US 301 would be pursued, and it is recommended that the US 301 improvements be constructed in conjunction with the access to US 301, to avoid any potential conflicts and ensure the US 301 frontage improvements are provided in a holistic and comprehensive manner.
- SHA recommends that the need for bike lanes and markings along US 301 should be evaluated, if/when the two parcels along US 301 develop, as this is when access to US 301 would be pursued, and it is recommended that the US 301 improvements be constructed in conjunction with the access to US 301, to avoid any potential conflicts and ensure the US 301 frontage improvements are provided in a holistic and comprehensive manner.
- Traffic Study/Access Design/Queuing:
 - SHA has reviewed and approved the traffic impact study associated with this DSP.
 - The applicant has proposed extension of the "Two-Way Left-Turn Lane" from its current terminus (just east of the site) westerly through the site access and terminating at the McDonald's driveway. SHA concurs with the applicant's queuing analysis that there will be adequate storage to accommodate the 95th percentile queues. The Federal Highway Administration's discussion on two-way left-turn lanes states that "A two-way left-turn lane is provided to remove left-turning vehicles from the through lanes and store those vehicles in the median area until an acceptable gap in opposing traffic is available." The proposed plan provides the ability to accommodate those left-turning vehicles as they await gaps in opposing traffic.

- The applicant has submitted access permit plans for review.
- Based on the plans and studies reviewed to date, SHA is comfortable with the design as proposed, and will continue to work with the applicant on the plan review and permitting process.

The information provided in SHA’s email was reviewed and the Planning Board does not agree that a two-way left-turn lane is a practical solution to offset queuing. However, SHA is the ultimate operating agency and final arbiter of how their roads function and where they permit access. The email from SHA, however, conveyed SHA’s stance that the proposed access will be permitted and that the proposed improvements to MD 725 are a viable solution. Therefore, the correspondence from SHA is found to fulfill the above condition.

- c. **Environmental Planning**—In a memorandum dated January 23, 2023 (Rea to Gupta), it was determined that the development is acceptable, with conditions relating to the Type 2 tree conservation plan (TCP2).

The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
NRI-093-2018	N/A	Staff	Approved	8/3/2018	N/A
CSP-19001	TCP1-011-2020	Planning Board	Approved	7/23/2020	2020-128
4-21010	TCP1-011-2020-01	Planning Board	Approved	7/7/2022	2022-83
DSP-22019	TCP2-046-2022	Planning Board	Approved	2/23/2023	2023-20

Proposed Activity

The applicant requested approval of a DSP and TCP2-046-2022 for construction of a mixed-use development consisting of multifamily residential units and commercial/retail space. The TCP2 shows four proposed structures (residential and commercial), infrastructure (road layout, surface level parking, water and sewer lines, and outfall locations), woodland conservation areas, specimen trees, and proposed clearing.

The current zoning for the site is Residential, Multifamily–48 (RMF 48); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the M-X-T Zone.

Grandfathering

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27 and current Subtitle 25 that came into effect on September 1, 2010, because the project is subject to PPS 4-21010.

Environmental Review

Natural Resources Inventory/Existing Conditions Plan

A natural resource inventory (NRI-093-2018) was approved on August 3, 2018 and was provided with this application. The site contains a 100-year floodplain, a stream, wetlands, and their associated buffers, which comprise the primary management area. A long stream system is located in a large valley formation in the southern portion of the site. This stream has been shown as ephemeral on the NRI and TCP2, and therefore, is not considered a regulated environmental feature. The on-site floodplain area is associated with Collington Branch to the west. There are 49 specimen trees scattered throughout the site. The approved NRI also includes Parcel 101, which is not part of the PPS. The TCP2 and the DSP show all the required information correctly, in conformance with the NRI and TCP1.

Woodland Conservation

This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Environmental Technical Manual because the application is subject to a new PPS. TCP2-046-2022 was submitted for review which covers the area of this DSP.

Based on the TCP2 submitted with this application, the site's gross area is 19.76 acres, and contains 10.95 acres of woodland in the net tract and 3.68 acres of wooded floodplain, resulting in a woodland conservation threshold of 1.74 acres (15 percent). The woodland conservation worksheet proposes the removal of 6.31 acres in the net tract area for a woodland conservation requirement of 3.32 acres. According to the worksheet, the requirement is proposed to be met with 3.49 acres of woodland preservation and 0.05 acre of reforestation on-site. The forest stand delineation has identified 49 specimen trees on-site and 1 specimen tree on the adjacent Parcel 101. This application includes the removal of 17 specimen trees.

Technical revisions to the TCP2 are required and are included as conditions of approval in this resolution.

Specimen Trees

Section 25-122(b)(1)(G) of the County Code 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 (ETM)."

A total of 49 on-site specimen trees were identified on the approved NRI. At the time of PPS 4-21010 review, a variance for the removal of 17 trees was approved by the Planning Board. The Planning Board made the finding for approval of the removal of Specimen Trees 6–9, 16–20, 33, 42–44, and 46–49. No additional trees are requested for removal with this DSP.

Soils

The predominant soils found to occur on-site according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex, Collington-Wist-Urban land complex, Marr-Dodon complex, Udorthents-Urban land complex, and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay has been identified throughout the eastern half of the project area.

Marlboro Clay is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. A geotechnical report is required for the subject property to evaluate the areas of the site that are unsuitable for development without mitigation.

A geotechnical report dated October 20, 2021, and revised on March 18, 2022, was submitted with this application. This document was reviewed and was found to meet the County's requirements for the proposed development. Based on the information in the report, the 1.5 factor of safety line was added to the TCP2 and verified to be correct.

Stormwater Management (SWM)

An approved SWM concept letter and plan (2715-2020-01) was submitted with this application. The SWM concept plan shows the use of nine micro-bioretention facilities and two underground storage facilities to meet the current requirements of environmental site design to the maximum extent practicable. No further information is required regarding SWM with this application.

- d. **Historic Preservation**—In a memorandum dated January 23, 2023 (Stabler, Chisholm, and Smith to Gupta), the following comments were provided:

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the subject property was high. The subject property was once part of the Compton Bassett or Woodland plantation. This plantation was established on the Patuxent River by the Hill family, in 1699, and remained in the family until the Compton Bassett Historic Site (79-063-10) was purchased by M-NCPPC in 2010. A Phase I archeology survey was conducted, and the report was completed in June 2020. No further archeological investigations were requested by the Historic Preservation Section.

The subject property also contains four single-family residences situated on the north side of MD 725. The applicant proposes to raze all the existing structures on the subject property. Some of the land on which these 20th century houses were built was part of an African American community that settled in the area shortly after the Civil War. Background historic research should attempt to establish which families built and occupied these structures.

- e. **Community Planning**—In a memorandum dated January 23, 2023 (Bishop to Gupta), the following comments were provided:

This application is in the Established Communities Growth Policy Area of the 2014 *Plan Prince George's 2035 Approved General Plan*. The vision for the Established Communities is context-sensitive infill and low- to medium-density development.

The master plan recommends a mix of uses on the subject property.

The master plan makes the following recommendations for the subject property and envisions MD 725 west of US 301 as a primary access road into the Town of Upper Marlboro, the county seat, and as such, has a high degree of visibility.

The plan states, “In the short term, improvements to the site and corridor design would significantly upgrade the appearance of the corridor, improve gateway image to the county seat, and help prime the area for future investment. One of the most effective methods to improve a corridor is to develop a corridor aesthetic that softens adjacent land uses, defines the corridor, and directs/keeps views within the defined travel corridor. creating an attractive gateway that leads into the town of Upper Marlboro” (page 199).

The following strategies to achieve this gateway and redevelop the MD 725 (Marlboro Pike) Corridor are identified in the master plan (pages 205–206):

MD 725 Corridor

1. **Develop an implementation program that includes development requirements and necessary road improvements for the MD 725 corridor from US 301 to the Town of Upper Marlboro. This plan should include:**
 - **Incorporation of street trees and planting zones into design elements.**
 - **Develop a pedestrian safe zone with sidewalks and crosswalks.**
 - **Minimize parcel access points and consolidate curb cuts.**
 - **Focus efforts to improving signage: remove abandoned signs, consolidate signs when possible.**

3. **Promote signage and landscape improvements to “gateway” intersections: US 301/MD 725 and MD 202/MD 725.**
4. **Achieve consistent design and setbacks for public and private improvements along MD 725.**
5. **Develop a comprehensive streetscape program for MD 725 which would include:**
 - **Installing curbs along MD 725 to create a safety barrier, define parcel entrances, and generally define the roadway corridor.**
 - **Screening surface parking with hedges, walls, or fences.**
 - **Installing ornamental street lighting.**
 - **Burying overhead utilities.**
 - **Creating a street tree planting buffer zone adjacent to the back of the curb.**

Green Building/Energy Efficiency

The master plan recommends the use of green building techniques (page 79). The applicant should use green building techniques to the extent practical and is encouraged to use design practices that reduce resource and energy consumption.

The master plan recommends the use of full cut-off optics light fixtures to limit light pollution into residential, rural, and environmentally sensitive areas (page 80). This design standard should be applied to lighting on-site.

Aviation/Military Installation Overlay (MIO) Zone

This application is not located within the Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning

The master plan retained the subject property in the M-X-T Zone. On November 29, 2021, the District Council approved Prince George’s County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from M-X-T to the RMF-48 Zone effective April 1, 2022.

- f. **Town of Upper Marlboro**—The Town of Upper Marlboro did not offer written comments on this application. The Mayor of the Town was, however, present at the Planning Board hearing to offer comments. The Mayor expressed the Town’s support for senior and affordable housing, but expressed concerns regarding the services required for the proposed development, as well as walkability at the site, especially along MD 725.

The Mayor also discussed past efforts to annex the site into the municipal limits, which would allow the Town to provide public safety services to the development and work with SHA to improve the pedestrian network in the area. In summary, the Mayor stated that the Town does not support the DSP, due to concerns regarding adequate public services and pedestrian safety.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—In an email dated December 21, 2022 (Holley to Gupta), no comments were provided.
 - h. **Special Projects**—The Special Projects Section did not offer comments on this application.
 - i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on this application.
 - j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer comments on the subject application.
 - k. **Prince George's County Soil Conservation District (PGSCD)**—PGSCD did not offer comments on the subject application.
 - l. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
 - m. **Prince George's County Health Department**—In a letter dated December 15, 2022 (Adepoju to Gupta), comments on the subject application were provided which were addressed by the applicant in the DSP, as appropriate.
 - n. **Maryland State Highway Administration (SHA)**—In an email dated February 2, 2023 (Woodroffe to Gupta and Capers), comments on the subject application were provided, and are further discussed in Finding 13b.
 - o. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer comments on the subject application.
 - p. **Utilities**—This DSP was referred to Verizon, the Potomac Electric Power Company, Comcast, AT&T, and Washington Gas. None of these utility companies offered comments on the subject application.
14. Based on the foregoing, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP represents a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

15. As required by 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:

(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).

In a memorandum dated January 23, 2023 (Rea to Gupta), it was noted that impacts to regulated environmental features on this DSP are consistent with those previously approved by the Planning Board with PPS 4-21010, and that the regulated environmental features on the subject property were preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the current TCP2.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-046-2022, and further APPROVED Detailed Site Plan DSP-22019 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the detailed site plan (DSP), the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Show the centerline of MD 725(Marlboro Pike) and provide the dimensions from the centerline to the proposed property line, demonstrating that 35 feet from the centerline of MD 725 is dedicated for right-of-way.
 - b. Show the unmitigated and mitigated 65 dBA Ldn noise contours and demonstrate that the recommended mitigation with details is provided on the site plan and architectural elevations.
 - c. Revise the delineation of the proposed access easement to provide future access to abutting Parcel 101.
 - d. Revise the common access driveway from MD 725 (Marlboro Pike) to show a future on-site vehicle and pedestrian access to Parcel 101.
 - e. Revise the DSP to provide streetscape improvements along MD 725 (Marlboro Pike). Improvements shall be consistent with the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* recommendations and are subject to approval of the operating agency. Improvements may include landscaping, decorative fencing, human-scale decorative lighting, or signage to create an attractive gateway and sense of place as you arrive in the Town of Upper Marlboro.

- f. Revise the DSP to demonstrate conformance to the requirements of the Prince George's County Tree Canopy Coverage Ordinance, per Section 25-128 of the Prince George's County Code.
- g. Update the site plan to display long-term bicycle parking for four to six bicycles at each multifamily building, in accordance with Condition 20 of Preliminary Plan of Subdivision 4-21010.
- h. Remove the Preliminary Plan of Subdivision 4-21010 approval images from the approval sheet.
- i. Revise the floor area ratio table and the lot requirements table on the coversheet to show the correct floor area ratio proposed. in the floor area ratio table, list the gross floor area proposed in each individual building and the total gross floor area proposed in all buildings.
- j. Revise the proposed maximum building height listed in the lot requirements table on the DSP coversheet.
- k. Revise the parking requirement table on the coversheet to list the correct number of different types of dwelling units (one-bedroom, two-bedroom, and three-bedroom).
- l. Address Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, for the property line abutting Parcel 101, or obtain an alternative compliance approval from the requirements.
- m. Revise the schedule for Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, for adjoining commercial property to the southeast, to provide 160 plant units per 100 linear feet of property line.
- n. Relocate the interpretive sign close to the proposed play area and provide adequate illumination for the sign.
- o. Provide correct product data sheets for the proposed luminaires, with the part number highlighted clearly. Provide a product data sheet for the 25-foot-high lighting poles, including color selection.
- p. Add a note to the retaining wall detail, stating that the color of the retaining wall blocks shall match the color of the masonry brick used in the buildings.
- q. Remove the seating area located between Building 1 and MD 725 (Marlboro Pike).
- r. Revise the proposed recreational amenity list located on the coversheet to remove the seating area located between Building 1 and MD 725 (Marlboro Pike), add a fitness room for Buildings 2 and 3, and add the fitness room and community room in Building 1.

Update the total value of the proposed on-site recreational facilities. Revise the trigger for construction for all recreational facilities provided internal to the buildings, prior to issuance of the final certificate of occupancy for each of the respective buildings in which they are located. For the outdoor seating area and the play area, revise the trigger for construction prior to issuance of the final certificate of occupancy for Building 2 or Building 3, whichever comes first.

- s. Revise the detail of the accessible swing to provide a high-resolution image to improve clarity.
 - t. Revise the detail of the play area to specify rubber surfacing for the play area instead of engineered wood fiber.
 - u. Indicate the location(s) where these trash receptacles will be provided. The trash receptacles should be provided near the picnic tables and the play area, and along the pedestrian paths close to building entrances.
 - v. Add a note to the detail of permeable pavement used for the seating area, stating that the surface will be Americans with Disabilities Act-compliant.
 - w. Provide a detail of the proposed picnic tables.
 - x. Provide pet waste collection stations.
2. Prior to approval of the final plat, as part of the access easement agreement required in accordance with Condition 12 of Preliminary Plan of Subdivision 4-21010, the easement shall include right of access for the abutting property currently known as Parcel 101.
3. Prior to certification of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
- a. Have the owner sign the Owner's Awareness Certificate on the plan.
 - b. The qualified professional must sign and date their certification on the TCP2.
4. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

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

folio _____. Revisions to this Type 2 tree conservation plan may require a revision to the recorded easement.”

5. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams, waters of the United States, or 100-year floodplain, the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
6. Prior to approval of the first building permit, the applicant and the applicant’s heirs, successors and/or assignees shall:
 - a. Demonstrate that any road improvement to offset the site’s access impact to MD 725 (Marlboro Pike), as approved by the Maryland State Highway Administration, has (a) full financial assurances, (b) been permitted for construction through the applicable operating agency’s access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency.
 - b. Demonstrate that a mid-block crosswalk is warranted, will be permitted, and have financial assurances for construction. If the mid-block crosswalk is not warranted by the operating agency, then the applicant shall instead provide written correspondence with this information at the time of permit.
 - c. Provide a fee of \$55,126.50 to the Prince George’s County’s Capital Improvement Program for improvements along US 301 (Robert Crain Highway), for the phased development approved with Detailed Site Plan DSP-22019. This fee shall be paid to Prince George’s County (or its designee) and will be adjusted based on an inflation cost index factor, to be determined by the Prince George’s County Department of Permitting, Inspections and Enforcement, at the time of issuance of building permit.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, February 23, 2023, in Upper Marlboro, Maryland.

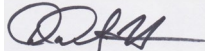
Adopted by the Prince George's County Planning Board this 16th day of March 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 9, 2023