THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

July 26, 2022

Konterra Associates, LLC.
14401 Sweitzer Lane, Suite 200
Laurel, MD 20707

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-21033
Metropolitan East At Konterra Town Center

Dear Applicant:

This is to advise you that, on **July 21, 2022,** 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, the Planning Board's decision will become final 30 calendar days after the date of this final notice 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), 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: *N. Andrew Bishop*
Reviewer

Attachment: PGCPB Resolution No. **2022-80**

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

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PGCPB No. 2022-80 File No. DSP-21033

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 Town Activity Center Zone and designated as part of the zone's Core area (TAC-C); and

WHEREAS, pursuant to Section 27-1703(b) of the Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; 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 June 30, 2022, regarding Detailed Site Plan DSP-21033 for Metropolitan East at Konterra Town Center, the Planning Board finds:

1. **Request:** The subject application is a detailed site plan (DSP) for 219 single-family attached (townhouses) dwelling units, including two architectural models, in Konterra Town Center.

2. **Development Data Summary:**

	EXISTING	**APPROVED**
Zone	TAC-C (Prior M-X-T)	TAC-C (Prior M-X-T)
Use	Vacant	Residential
Gross Acreage	18.39	18.39
Existing 100-Year Floodplain	0.24	0.24
Net Tract Acreage	18.15	18.15
Total Lots	0	219
Total Parcels/Outparcels	1	6

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

Base Density Allowed:	0.40 FAR
Residential Bonus Incentive:	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.02 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 Conceptual Site Plan CSP-07003 which includes 488 acres. Therefore, the proposed FAR in this DSP needs to include the proposed development and any other previously approved development within the CSP area. The Planning Board estimates this to be approximately 0.02 for this application, but the DSP does not include a table listing the allowed and proposed FAR. Therefore, the general notes, as conditioned herein, should be updated to show the allowed and proposed FAR, relative to the entire CSP area.

Parking Requirements*	**APPROVED**
Total Residential Parking Spaces	**511**
166 Two-Car Garage Dwelling Units	332
53 One-Car Garage Dwelling Units	53
On-Street Parallel Spaces	126

Note: *Section 27-574 of the prior Zoning Ordinance states that the number of parking spaces required for developments in the Mixed Use–Transportation Oriented Zone is to be calculated by the applicant and submitted for Prince George's County Planning Board approval, at the time of DSP. This application provided a shared parking analysis and it has been found acceptable, as discussed in Finding 7(e) below.

3. **Location:** The larger Konterra Town Center site is located on the east side of I-95/495 (Capital Beltway), south and west of Konterra Drive, and north of MD 200 (Inter-County Connector), in Planning Area 60, Council District 1. The site included in this DSP includes development outside of the downtown core area of Konterra Town Center (formerly known as Konterra Town Center East) on Parcel 4.

4. **Surrounding Uses:** The overall Konterra Town Center site is bounded to the north and east by the right-of-way (ROW) of Konterra Drive; west by the ROW for I-95; and south by the ROW of MD 200. The specific area of this DSP is directly east of the downtown core area of Konterra Town Center and Konterra Boulevard. The site includes two development pods on both sides of Fashion Place. The site is bounded on the west by Konterra Boulevard; south, north, and east by property in the Town Activity Center – Core (TAC-C) Zone within the fringe area of Konterra Town Center. A ROW containing PEPCO utilities, the master-planned stream valley trail, and environmental features abut the site to the north and east.

5. **Previous Approvals:** The subject site is located in the eastern portion of a larger site, which has been reclaimed and was the previous site of a sand and gravel mining operation. Zoning Map Amendment A-9482 rezoned the site from the Rural Residential (R-R) Zone to the Mixed Use-Transportation Oriented (M-X-T) Zone in 1984 (Zoning Ordinance No. 56-1984). The 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (Subregion 1 Master Plan and SMA) retained the property in the M-X-T Zone and envisioned the Konterra development.

   Conceptual Site Plan CSP-07003 was approved on June 12, 2008 (PGCPB No. Resolution 08-95), for the entire 488-acre Konterra Town Center East and included a mix of commercial retail, and residential uses.

   Preliminary Plan of Subdivision (PPS) 4-07108 and VP-07108 was approved on July 24, 2008 (PGCPB Resolution No. 08-116), for the entire Konterra Town Center East property, including a variance from the minimum lot size.

   A previous special purpose Detailed Site Plan, DSP-08011, was approved in 2009 for the 132-acre downtown core area of Konterra Town Center. That approval included the character criteria for the downtown core area and supporting infrastructure, such as stormwater management ponds and roads for the overall development. The downtown core area will include a mix of 2,161 multifamily dwelling units; approximately 2.2 million square feet of commercial, entertainment, and office uses; and 300 hotel rooms. Development of this area has yet to be completed and will be the subject of separate applications. The subject application is not within the downtown core area, and is the first DSP to be filed for property outside of the downtown core area of Konterra Town Center East.

   The site also has an approved Stormwater Management Concept Plan, 19046-2007-01, which is valid through January 23, 2023.

6. **Design Features:** The subject application is located southeast of the area described as the downtown core area of Konterra Town Center and requests approval of 219 townhouse dwelling units, including 7 architectural models and recreation facilities. The layout and lotting pattern proposed with this DSP is consistent with prior approvals for the overall Konterra Town Center East, which is envisioned as a distinct mixed-use center that will provide regional destinations for living, working, shopping, and entertainment, and is designed using the best urban design practices. The layout is proposing a neo-traditional grid pattern, with central open spaces, and is organized around a series of alleys and private streets. The layout creates a vibrant, compact, walkable neighborhood that is consistent with the CSP and vision for this area.

   Recreational Facilities
   The PPS requirement for mandatory parkland dedication is being met through land that was previously dedicated to The Maryland National-Capital Park and Planning Commission (M-NCPPC), east of the subject property. Private recreational facilities are proposed in this DSP on proposed homeowners association (HOA) Parcels B and D. These include pedestrian paths, a zip line, playground, open play spaces, sitting areas, a pavilion, site furniture, and trash

receptacles. A 10-foot-wide asphalt trail is proposed on Parcels B and D, connecting the development to the master-planned stream valley trail. The Planning Board requires that a crosswalk be provided where this trail intersects Fashion Place, to allow for a safe pedestrian crossing. In addition to the crosswalk, other pedestrian safety measures are required, such as signage or an alternate paving pattern to alert pedestrians and motorists of the pedestrian crossing. Conditions are included herein, requiring that these improvements be provided at this location.

Due to the size of the community and the development of a mixed-use town center, the Planning Board requires that the applicant provide residents with an outdoor space for their pets. At a minimum, the installation of waste bags and trash cans should be provided along the stream valley trail. Conditions related to the timing for construction of recreational facilities have been included herein.

Architecture
The subject application requests approval of three single-family attached architectural models by Caruso Homes, as follows:

Model	**Base Square Footage**
Boulevard and Park–16-foot-wide, rear-load, tandem two-car garage	1,366
Boulevard and Park–20-foot-wide, rear-load, two-car garage-Option 1	2,069
Boulevard and Park–20-foot-wide, rear-load, two-car garage-Option 2	1,949
Boulevard and Park–22-foot-wide, rear-load, two-car garage-end unit	2,354
Boulevard and Park–22-foot-wide, rear-load, two-car garage-end unit-alt bay window	2,534
Edge–20-foot-wide, rear-load, two-car garage	1,977
Edge–22-foot-wide, rear-load, two-car garage	2,191

The proposed house types range in size from a base finished square footage of 1,366 to 2,534. The units feature a gabled roof line; high-quality detailing, such as a horizontal brick courses outlining the windows; standing seam metal roofs; and covered entries. The proposed front façades offer finishes, including cementitious siding, brick, cement board, dormers, and covered porches. Rear decks and rooftop patios are shown as standard on each unit, except those units which include a rear yard and detached garage. Architectural features, such as bay windows and dormers, are offered as options to provide a variety of features and styles.

Identification of highly visible lots is included with this application, with additional details and treatment for those units visible from the public roadways and multiuse trail. Highly visible side elevations include full brick on the first and second levels, in combination with a minimum of

three architectural features, creating a balanced fenestration. Conditions related to the treatment of architecture and highly visible units are included herein.

Lighting
The photometric plan submitted with this application proposes a decorative light-emitting diode (LED) fixture on a 25-foot-high pole on the private streets. The photometric plan demonstrates that there is adequate lighting for pedestrians and vehicles within the private rights-of-way, with minimum spillover at property lines. However, details of the pole have not been provided, and illumination levels in the alleys are not shown. Therefore, conditions have been included herein, requiring the applicant to provide details of the pole for the streetlights on-site and demonstrate that lighting levels are sufficient in the alleys.

Signage
Eight freestanding entrance signs and two freestanding piers are located on-site. The 5-foot-wide freestanding entrance signs are brick columns, which are located at the entrances to the public roads and are approximately 6 feet tall. The signs include a metal cap with downward facing LED lighting to illuminate the name of the development. The piers are designed in a similar fashion and are located on the north and south sides of Fashion Place, at its intersection with Konterra Boulevard East. The 5-foot-wide piers are 11 feet tall and include a logo and the name of the development. The sign is acceptable; however, the Planning Board requires that attractive year-round landscaping be proposed at the base of the signs and the piers to provide seasonal interest, and a condition requiring this has been included herein.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

   a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs permitted uses in the M-X-T Zone. Single-family attached dwelling units, within the maximum number and type of dwelling units approved with the CSP, are permitted. In regard to Section 27-547(d), which governs the required mix of uses, the overall Konterra Town Center development (including the subject site) was approved for a mix of uses including retail, office, hotel, and residential uses.

   b. Section 27-548 of the 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

The applicant uses the optional method of development for the project by proposing a residential component of more than 20 units, as part of the overall development. This increases the permitted floor area ratio (FAR) by 1.0 above the base of 0.40. Therefore, an FAR of 1.4 is permitted for the overall development. The proposed FAR is approximately 0.02 for this development, below the allowed 1.4 for the entire area of the CSP.

(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. A condition requiring development standards for fences, decks, and sheds be added to the DSP has been included herein.

(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 11.

(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 approximately 0.02, 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.

The development lots have frontage on, and direct access to, public streets, except as approved in PPS 4-07108.

(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 proposed townhouses meet these requirements for 20- and 24-foot-wide units, a minimum 1,250-square-foot gross living space, all garages are on the rear of the townhouses, and no more than 20 percent of the sticks contain 8 units. A condition is included herein, requiring a tracking chart be added to the DSP, to ensure that 60 percent of the full-front façades are constructed of brick, stone, or stucco, in accordance with this requirement.

The DSP does not meet the minimum required lot size of 1,200 square feet; however, a variance (VP-07108) was approved with PPS 4-07108 to allow for lot sizes as small as 630 square feet. The DSP is in conformance with this previous variance approval, as discussed in Finding 10 below.

The DSP does not meet the required minimum building width of 18 feet, as some 16-foot-wide units are proposed. The applicant has requested a variance to allow a 2-foot reduction in the minimum building width, as discussed in Finding 7f below.

(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 subject project does not involve development of multifamily buildings. Therefore, this requirement is not applicable to this DSP.

(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).

A-9482 rezoned the site from the R-R Zone to the M-X-T Zone in 1984. The Subregion 1 Master Plan and SMA retained the property in the M-X-T Zone and envisioned the Konterra development. Therefore, this section does not apply to the subject DSP.

c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the 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. 08-95). The proposed development of townhomes and the associated site improvements do 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 in 1984 through A-9482. Therefore, this required finding does not apply.

(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 proposed layout with this application generally orients units toward the existing and proposed street pattern, achieving an outward orientation that will be integrated with the adjacent future development through the use of connecting streets and pedestrian systems, as reflected on the site plan.

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

The surrounding proposed uses include a mix of commercial, residential, and open space. The proposed development is consistent with the previous approvals on the property and with the future mixed-use town center.

(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 subject DSP includes amenities for the residents and creates a cohesive development. The site layout, arrangement, and mix of uses are consistent with CSP-07003, and create a mixed-use development with high-quality attached dwellings and adequate recreational amenities.

(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 development proposed with this DSP will be completed in one phase and will be integrated into the overall development.

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

A comprehensive internal sidewalk network is proposed for the development, with sidewalks located on both sides of the roadways, and is consistent with the layout of prior applications. A master plan trail is proposed and provides connections to the north and south of the development. At the time of CSP, it was found that the trail limits and alignment were acceptable and fulfill the master plan recommendations for trails in the area.

(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 applicant is proposing amenities throughout the site and has paid attention to the quality and human-scale of these facilities, which include site furniture, trash receptacles, and seating areas.

(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 4-07108 was approved by the Planning Board on July 24, 2008, when a finding of adequacy was made for the proposed development. This application is consistent with that approval, and the road improvements that determined adequacy at that time have been constructed and will serve this first phase of 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 of the Zoning Ordinance, as cross-referenced in Section 27-283. 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 single-family attached dwellings employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.

e. In accordance with Section 27-574 of the Zoning Ordinance, 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).

Section 27-574(b)(3) states, "The total number of parking spaces required for all uses proposed in the M-X-T Zone and in a Metro Planned Community shall be the greatest number of spaces in any one hour for the combined total of all uses proposed." While the overall site is a mixed-use project, no retail or other nonresidential component has been proposed with this application. Furthermore, the parking proposed with this application will not offset any future parking demands within the overall development and solely supports the 219 townhouses in this development proposal.

The applicant is proposing a total of 511 parking spaces for the subject application, which includes a combination of on-site and on-street parking. A townhouse development consisting of 219 lots in a traditional zone would require 447 parking spaces, equal to 2.04 spaces per unit, per the requirements of Section 27-568 of the Zoning Ordinance.

However, Section 27-574 allows the applicant to develop a methodology, specific to the proposed development, for developing parking requirements in the M-X-T Zone.

The applicant has submitted a parking analysis to determine the parking rate for the proposed development, which solely supports the townhouse development. The parking spaces provided are all within garages or parallel spots along private interior roadways. The parking schedule indicates that 166 of the 219 units will have a two-car garage, providing a total of 332 spaces. The remaining 53 units will have a one-car garage, providing 53 spaces. An additional 126 spaces will be provided as parallel spaces along roads. This totals 511 parking spaces specific to the 219 townhouse units. The Planning Board finds the parking provision to be suitable for the proposed use within the M-X-T Zone and in accordance with Section 27-574.

f. **Variance:** Section 27-548(h) requires, among other things, that the minimum width of any continuous group of townhouses located in the M-X-T Zone be 18 feet. The applicant has requested to reduce the minimum building width from 18 feet to 16 feet for 54 of the 219 units. Pursuant to Section 27-230(a) of the prior Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

(1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);

The property is physically unique and unusual in a manner different from the nature of surrounding properties, with respect to extraordinary conditions peculiar to the specific property. The southern and eastern portions of the site contain environmentally sensitive features, such as streams, wetlands, and a floodplain. Additional extraordinary conditions peculiar to the property include the location of existing public utilities, specifically on the northern portion of the property, which includes a Potomac Electric Power Company (PEPCO) right-of-way. The site is also surrounded by major roadways MD 200 and I-95, and the alignments of those freeways limit access to half of the site. The Planning Board, therefore, finds that this criterion is met.

(2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;

The applicant's justification did not adequately address whether the particular uniqueness and peculiarity of the specific property causes the requirement for 18-foot-wide buildings to impact disproportionately upon the property, such that

strict application of the requirement will result in peculiar and unusual practical difficulties to the owner of the property. Rather, in the statement of justification dated June 15, 2022, the applicant focuses their analysis on language in the master plan and General Plan, stating that the master plan, Plan 2035, and prior approvals encourage the creation of an urban environment and a diverse housing product on this property that appeals to multiple social and income groups. They state that utilizing an 18-foot-wide building, as required by the Zoning Ordinance, would invalidate the master plan and prior approvals for the property. However, it should be noted that the DSP proposes 16-, 20,- and 22-foot-wide units. The requirement to provide a minimum 18-foot-wide unit, instead of 16-foot, would still provide a diverse housing product.

A variance to the minimum lot size was granted with PPS 4-07108 (PGCPB Resolution No. 08-116). However, even though the applicant requested a variance to the building width with the PPS, the Planning Board did not consider it and found that it should be analyzed at the time of DSP when architecture and full site details were known. The Planning Board also noted in the PPS that there may be a reduction in the number of dwelling units with the DSP when the variance for building width was considered, if it was requested. It should also be noted that the required findings for a variance in Section 27-230 have changed since the variance for lot size was approved with PPS 4-07108.

Ultimately, the Planning Board finds that the applicant's justification is not sufficient and does not demonstrate the particular uniqueness of this property, which causes the building width requirement to result in a practical difficulty to the owner of this property. The Planning Board, therefore, finds that this criterion is not met.

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

The applicant indicated that disallowing the variance for the 54 units to be 16 feet wide, instead of 18 feet, is not consistent with the Planning Board's findings for the PPS and circumstances specific to the subject property. They state that the variance is requested for 54 units, or 25 percent, and allows diversity in product as envisioned by the master plan. The Planning Board finds that the applicant's justification is not sufficient as it does not demonstrate how the reduction in the required building width to 16 feet is the minimum reasonably necessary to overcome the extraordinary physical conditions on the property. The Planning Board, therefore, finds that this criterion is not met.

(4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and

The variance to Section 27-548(h) can be granted without substantial impairment to the intent, purpose, and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property. The applicant indicates that the modification to the townhouse regulations for development within Konterra has been previously found by the Planning Board to specifically "... support and assist in the implementation of the specific recommendation for the Konterra East Town Center and will not impair the integrity of the General Plan or Master Plan." The Planning Board finds that the Plan Prince George's 2035 Approved General Plan describes Konterra Town Center as one of five town centers that provide an anchor for the larger area. The Subregion 1 Master Plan and SMA envisions a mix of commercial and residential uses on the subject property. The reduction of the width of 54 units to 16 feet would not substantially impair the intent of the general plan or Master Plan because the uses and density proposed are not inconsistent with those plans. The Planning Board, therefore, finds that this criterion is met.

(5) Such variance will not substantially impair the use and enjoyment of adjacent properties.

The variance to Section 27-548(h) will not substantially impair the use and enjoyment of adjacent properties. The site is bound by roadways and utilities. The reduction of the width of 54 townhouses has no bearing on how adjacent properties could be developed and would not interfere with how adjacent property or nearby property owners could use their properties. The Planning Board, therefore, finds that this criterion is met.

(6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

The practical difficulty is not self-inflicted by the owner of the property. The applicant has not developed the site, and the request for a variance to Section 27-548(h) is not an after-the-fact request to correct an otherwise avoidable zoning violation. The location of environmental constraints, utilities, and freeways that limit access to the site were not created by the applicant. The Planning Board, therefore, finds that this criterion is met.

Conformance with all of the criteria is needed for the Planning Board to approve a variance. The Planning Board was unable to find that the applicant's request met the requirements of Criteria 2 and 3 and disapproves the variance to allow 16-foot-wide units. A condition is included herein requiring the building widths to be increased to a minimum 18-feet wide, along with revisions to relative site features and architecture, which may result in a decrease in the number of units in this DSP.

8. **Conceptual Site Plan CSP-07003:** The Planning Board approved CSP-07003 with 14 conditions. The conditions that are applicable to the review of this DSP warrant discussion, as follows:

4. At the time of detailed site plan approval, the review shall address the following major areas of concern:

b. The facility type, quantity, location and materials of the on-site recreational facilities. The recreational facilities shall be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.

Specific on-site recreational facilities are included with this DSP. Details of the recreational facilities have been included and are acceptable, in accordance with this condition. The proposed facilities will be located on property that is to be owned and maintained by an HOA and be available for all dwellings in the development. Conditions requiring the timing for construction of these facilities have been included herein.

c. Parking in the downtown core area includes both structured and surface facilities. A comprehensive parking study shall be provided to demonstrate that the proposed parking for various mixed-uses will be sufficient for the intended uses.

The development proposed by this application is not within the downtown core area. A comprehensive parking study has been provided, in accordance with the requirements of Section 27-574, and is discussed in detail in Finding 7. The study has been reviewed by the Transportation Planning Section and has been found to be sufficient. The plan indicates that a total of 447 parking spaces is required, and shows that 511 parking spaces have been provided and is sufficient for the intended use.

d. The elevation design of the row house product. The row house elevations shall be of high quality and of various visual treatments. The side and rear elevations of those high visible units shall also be treated in terms of design materials comparable with the front elevations.

This DSP includes single-family attached dwelling units and narrow row house products. The design of these units is acceptable and provides high-quality detailing, such as a horizontal brick courses to outline windows, standing seam metal roofs, covered entries, and roof top decks. The front façades offer finishes and features including cementitious siding, brick, cement board, bay windows, metal railings, and dormers. Architectural elevations are provided for highly visible side elevations that are treated comparable to the front elevations.

10. Total development within the subject property shall be limited to uses which generate no more than 5,542 AM and 8,306 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.

The Transportation Planning Section concludes that the DSP falls within the overall cap, under this initial requirement. The subject application is the first DSP outside of the downtown core area.

9. **Preliminary Plan of Subdivision 4-07108 and VP-07108:** PPS 4-07108 was approved by the Planning Board on Thursday, July 24, 2008, with 30 conditions (PGCPB Resolution No. 08-116). The conditions of approval, relevant to the review of this DSP, are as follows:

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

Type II Tree Conservation Plan TCPII-065-08-03 was submitted with the DSP application and is approved, subject to conditions that are included herein.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 19046-2007-00 and any subsequent revisions.

An approved Stormwater Management (SWM) Concept Letter (19046-2007-01) was submitted with the DSP. The SWM concept was approved on January 30, 2020 and expires on January 23, 2023. The applicant also submitted a SWM concept plan which was not stamped as approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). In an email dated June 22, 2022 (Giles to Bishop), DPIE indicated that they do not always restamp the concept plan each time they issue a concept approval letter. The stormwater concept has been approved and is still valid.

4. At the time of the first final plat, other than right of way for infrastructure, the applicant, the applicant's heirs, successors and/or assignees shall convey to the M-NCPPC 41± acres of open space located on the west side of I-95 in the northeast quadrant of the intersection of the proposed Intercounty Connector (ICC) and Old Gunpowder Road (as shown on DPR's Exhibit A). The land to be conveyed shall be subject to the following conditions:

At this time, the approximately 41 acres of open space required by this condition have not yet been conveyed to M-NCPPC. This conveyance will be required before the development shown on this DSP can be platted. Conditions 4a to 4j are not relevant to the review of this DSP. This conveyance of parkland will meet the mandatory parkland dedication requirement of the prior Subdivision Regulations for this project.

5. The applicant, the applicant's heirs, successors and/or assignees shall provide on-site private recreational facilities as determined appropriate at the time of review of the detailed site plans (for the portion of the property including residential component). The recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.

The DSP includes private on-site recreational facilities, including a "central park" in each of the two blocks, as well as a playground, picnic area, and two open play areas. The estimated total value of the recreation facilities is $234,000. The private recreational facilities proposed are appropriate for the development and comply with the standards outlined in the *Park and Recreation Facilities Guidelines.*

7. Development of the site shall conform to CSP-07003, or as subsequently revised.

The use, density, and configuration proposed in this application is consistent with the previously approved CSP.

11. Prior to the approval of a detailed site plan or final plat, which includes land currently encumbered by "WSSC waterline easement by condemnation to be abandoned and reconstructed" or for areas located in the new alignment, the applicant shall provide evidence of the reconstruction agreement, or WSSC consent.

The DSP includes land encumbered by this Washington Suburban Sanitary Commission (WSSC) water line easement in the northeast corner of the northern block, within the stream buffer area. The applicant submitted as-built plans, prepared by WSSC, showing that the utility lines within the easement have been abandoned and a recorded release of right-of-way deed confirming that the easement has been abandoned. These plans and deed serve as evidence that WSSC has agreed to reconstruct the utility lines, fulfilling this condition.

In addition, it is noted that the abandoned easement was initially shown as having 0.48 acres of woodland clearing in the floodplain (Area C) and 0.05 acres of woodland clearing outside the floodplain (Area H). An additional 0.59 acres of reforestation (Area No. 2) was proposed in this area, per TCPII/085/19. The current application shows no woodland preservation or reforestation in this area on Sheet 30 of TCPII/065/08-03. The Planning Board requires that reforestation and preservation be within this abandoned right-of-way, instead of showing additional preservation off-site, since on-site preservation and reforestation is prioritized over off-site mitigation under current regulations.

13. In conformance with the adopted and approved Subregion I Master Plan and consistent with the 2007 planning workshops for Subregion I, the applicant, the applicant's heirs, successors, and/or assignees shall provide the following:

a. Provide an asphalt stream valley trail along the eastern edge of Konterra Town Center East as shown on the conceptual trail plan.

The DSP includes an asphalt stream valley trail on the east side of the subject site, in conformance with this condition.

b. Where the stream valley trail is within homeowners association property, it shall be within a public use trail easement.

Within the limits of this DSP, the stream valley trail is on HOA property and is shown within a public use trail easement, accordingly. A condition is included, herein, requiring that the public use trail easement be recorded, prior to approval of the final plat.

c. Where the stream valley trail is within a road right-of-way, it shall be a minimum of eight feet wide, separated from the curb by a landscaped strip, and constructed in lieu of a standard sidewalk for that portion of the roadway, unless otherwise modified by DPW&T.

The stream valley trail is not located within a road right-of-way within the limits of this DSP.

d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of DSP.

The DSP does not include crosswalks at the blocks' entrances from Fashion Place and at the stream valley trail's intersection with Fashion Place. The Planning Board requires that the applicant provide a mid-block crossing analysis to the Prince George's County Department of Public Works and Transportation (DPW&T) for the location where Fashion Place intersects with the stream valley trail, to determine if a crosswalk is feasible.

e. Provide a cross section for the roads accessing the townhouse units as part of the detailed site plan submittal. This cross section shall include standard sidewalks along both sides.

The required cross sections are shown on the DSP, including 5-foot-wide sidewalks on either side of the roadways, and are acceptable.

f. Designated bike lanes shall be striped and marked in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities.*

The DSP shows existing bike lanes along Fashion Place and proposed bike lanes along Konterra Boulevard East, north of the traffic circle. The Transportation Planning Section found the application to be in conformance with this condition.

g. The public use easement(s) shall include the streetscape for roadways that are to remain publicly accessible, per Exhibit 3.

The exhibit referenced by this condition is no longer available. However, the findings related to this condition on page 34 of the PPS resolution may be addressed. The findings state a concern that, if the project's roadways are not accepted by DPW&T, the project's sidewalk and bicycle facilities may not be accessible to the public, as part of the wider countywide trail network. However, Fashion Place and Konterra Boulevard East have been accepted for public dedication and connect to Konterra Drive. The bicycle and pedestrian facilities on, and accessible from, these two roadways connect to the bicycle and pedestrian facilities on Konterra Drive and from there to the rest of the County's trail network. The findings also state a concern that major roads in the subdivision, constructed within a public use easement, should also have the streetscape included within the easement, in order to ensure the streetscape remains an open and publicly accessible segment of the pedestrian network. However, no roads on this site are proposed to be within a public use easement, either on the PPS or on the DSP.

h. Additional necessary public use easements for the public trails (indicated in red on the conceptual trail plan) will be identified at the time of detailed site plan.

The DSP does not propose any public trails, apart from the stream valley trail which is already proposed to be placed in a public use easement.

14. At least 35 days prior to a Planning Board hearing of the DSP, the NRI and the TCPI associated with the CSP and the TCPI associated with the preliminary plan shall be revised and signed. They shall show the entirety of the subject property and a clear delineation of the SHA right-of-way based on submitted documentation of the acreage. This land will be shown as "previously dedicated land" and the plans shall be signed at least 35 days prior to a Planning Board hearing of the DSP.

This condition was not addressed at the time of DSP-08011 (PGCPB Resolution No. 09-33), which included the following finding:

> "Due to the limited nature of this DSP, the environmental issues such as those included in the above two conditions will be addressed at review and approval of the applicable permit plans or site- or project-specific DSPs, whichever comes first. To date, the NRI has received signature approval. However, the CSP and TCPI have not been certified. A condition has been imposed by the Planning Board to require the applicant to obtain certification approval of CSP-07003 and signature approval of Preliminary Plan of Subdivision 4-07108 prior to certification of this DSP."

Subsequently, this site was partially graded with grading permits for the construction of Fashion Place and Konterra Boulevard East, under stand-alone TCPII/065/08-02. The TCPII correctly showed the previously dedicated Maryland State Highway Administration (SHA) right-of-way deducted from the gross tract area under the "previously dedicated land" section of the TCPII worksheet. However, the TCPI was never updated, as required by this condition.

A Natural Resources Inventory Equivalency Letter (NRI-050-07-02) was issued for the purposes of the current DSP application, since the proposed limits of disturbance do not exceed the previously approved limits of disturbance. Since this DSP is not associated with a new PPS, the Planning Board does not deem it necessary to update the TCPI, at this time. The TCPI will be required to be updated, in accordance with current design standards, at the time of any subsequent PPS applications.

15. Prior to acceptance of the DSP, the Type I tree conservation plan shall be revised as follows and receive signature approval:

TCP1-05-08-01 received signature approval in May 2009, following review by the Environmental Planning Section.

17. Prior to signature approval of the preliminary plan and Type I tree conservation plan, the Department of Public Works and Transportation must approve the street design. Any significant change to the street design that results in additional impacts to the expanded buffers will require a new preliminary plan.

The changes to the street design proposed with this DSP will not result in any impacts to the expanded buffers, beyond those approved with the PPS and TCP1-05-08-01. The impacts shown on TCP2-065-08-03, accompanying this DSP, are consistent with the impacts shown on prior approved plans.

18. At least 35 days prior to any hearing on the DSP, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers. In order to achieve this requirement, lots may be lost.

The proposed trail alignment does not result in any impacts to the regulated buffers, beyond those approved with the PPS and TCP1-05-08-01. The impacts shown on the TCPII, accompanying this DSP, are consistent with the impacts shown on prior approved plans.

23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. 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.

24. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase IA, IB, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 5,965 AM peak hour trip cap and the 8,963 PM peak hour trip cap, unless a future revision to the preliminary plan of subdivision is processed.

The applicant submitted a traffic impact study dated January 5, 2022, which is intended to fulfill this condition. The Transportation Planning Section noted that the approved trip cap established in the PPS considers the development of 4,500 total residential dwelling units and 5.9 million square feet of retail, office, hotel, and public use. The DSP is consistent with the land use and development program for the residential dwelling units approved in the PPS and, therefore, is within the peak-hour trip cap approved in PPS 4-07108 and is in conformance with Conditions 23 and 24.

The traffic impact study included new trips associated with the development within the limits of the DSP application and also considered 262 multifamily units that will be developed in a subsequent phase. The traffic impact study indicates that the intersection of Greencastle Road/Old Gunpowder Road does not meet the adequacy requirements for an unsignalized intersection, and will require a signal to meet the acceptable level of service (LOS) in the area, per the Transportation Review Guidelines – Part 1. Given that the traffic study considers the impact of traffic that is not within the limits of this DSP application, the Planning Board included a condition of approval requiring that the applicant revise the study to remove the trips associated with the multifamily dwelling units and only evaluate the impacts generated by the phased development of this DSP application for 219 townhouse units. In addition, the Planning Board requires that, if the signal is still warranted at the Greencastle Road/Old Gunpowder Road intersection with the phased development of this DSP, the applicant shall submit a signal warrant analysis to the appropriate operating agency and provide the signal and all necessary improvements, in accordance with the standards of the operating agency, prior to the first building permit.

26. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way shown on the subject plan:

b. The right-of-way for C-101, shown on this plan as Fashion Place, within a 100-foot right-of-way east of Perimeter Drive East and within a 54-foot right-of-way between Perimeter Drive East and Perimeter Drive West.

Fashion Place has been previously dedicated (with Plat Book MMB 239 page 44) where it abuts the subject site. The plat specifies that Fashion Place has a variable width right-of-way; however, the road has a minimum right-of-way width of 100 feet where it abuts the site. The dedications required by Conditions 26a and 26c do not abut this site.

30. Pursuant to the approval of VP-07108 the following minimum lot sizes are required for townhouse lots:

- **A maximum of 36 percent of the lot sizes shall be between 1,000 and 1,799 square feet.**
- **A maximum of 46 percent of the lot sizes shall be between 850 and 999 square feet.**
- **A maximum of 10 percent of the lot sizes shall be between 630 and 849 square feet.**

The Applicant may submit, with any DSP that proposes townhouses, any new variance applicable to design standards, including a new variance for lot size.

The DSP includes a tracking chart for the reduced-size lots approved with variance application VP-07108, which shows that the DSP will comply with the above maximum percentages. However, according to Section 27-548(h), the minimum size for a townhouse lot in the M-X-T Zone is no longer 1,800 square feet (as it was at the time of PPS approval), but rather 1,200 square feet. Lots between 1,200 square feet and 1,799 square feet in size, therefore, no longer require a variance. The tracking chart should be edited to show the percentage of lots, that will be between 1,000 square feet and 1,199 square feet, as well as between 1,200 square feet and 1,799 square feet, and include a note stating that, pursuant to Section 27-548(h), lots greater than 1,200 square feet in size do not require a variance. The revised chart should demonstrate that the number of lots between 1,000 square feet and 1,199 square feet does not exceed 36 percent of the 760 total lots approved with the PPS.

Pursuant to this condition and to findings on pages 15 and 16 of the PPS resolution, the applicant submitted a new variance request with this DSP, to allow some lots to be less than 18 feet wide. This is discussed in Finding 7 above.

10. **Detailed Site Plan DSP-08011:** DSP-08011 was approved by the Planning Board on March 19, 2009 (PGCPB Resolution No. 09-33) for infrastructure, including roads and stormwater ponds, on the overall property and the creation of the development character for the downtown core area of Konterra Town Center East. It was approved with modifications by the District Council on July 21, 2009. One of the ten conditions is applicable to this proposed amendment, but the others remain in full force and effect. Condition 5 of that approval is discussed, as follows:

5a. At the time of detailed site plan for the portion of the site including the stream valley trail, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers.

This DSP includes portions of the stream valley trail. The alignment shown does not create impacts to the regulated buffers, in conformance with this requirement.

11. **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 the requirements of Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. The landscape schedules have been provided and are in conformance with the applicable requirements.

12. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This site is grandfathered from the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual because the application is associated with approved PPS 4-07108 and TCPI/05/08-01, that were approved in 2008, prior to these regulations.

This DSP application covers only a portion (18.39 acres) of a larger (414.95 acres) TCPII area. The previously approved and implemented TCPII/065/08-02 was split into four phases (three for proposed development and one for undeveloped land). A fourth phase is currently pending review with this DSP application (labeled as Phase 5). Another phase is shown on this TCPII, labeled as Phase 4, that must be removed because it is for a stand-alone TCPII that has not yet been officially accepted for review and cannot be reviewed with this DSP application. All references to this stand-alone Phase 4 on the TCPII must be removed from the plan and worksheets.

In staying consistent with the previous TCPII approval, the proposed TCPII revision includes an overall phased TCP worksheet on the coversheet, as well as separate stand-alone TCP worksheets for each phase on Sheet 52 of the TCPII. According to the worksheets, the current DSP application (labeled as Phase 5) has a gross tract area of 18.39 acres, with 0.24 acre of floodplain. The net tract area for this phase is 18.15 acres. There is 0.71 acre of existing woodland and 0.15 acre of existing woodlands within the floodplain associated with this phase. The woodland conservation threshold for this phase is 2.72 acres, and the afforestation threshold is 2.01 acres. A total of 0.06 acre of woodland clearing in the floodplain and 0.52 acre of woodland clearing are proposed outside of the floodplain. Both of these areas of clearing were previously approved under both TCPI/05/08-01 and TCPII/065/08-02. The woodland conservation required for this phase is 3.30 acres. This requirement is proposed to be met with 0.19 acre of on-site woodland preservation and 3.11 acres of off-site woodland conservation on another property.

As previously discussed, an additional 0.59 acre of reforestation (Area No. 2) was proposed in the area of the abandoned WSSC easement, per TCPII/085/19; however, the current application shows no woodland preservation or reforestation in this area on Sheet 30 of TCPII/065/08-03. In addition, there appears to be a shading error associated with Woodland Preservation No. 10 (0.01 acre of woodland preservation) on this same sheet. The shading for this woodland preservation is shown across a much larger area within both the PEPCO utility rights-of-way, as well as across the associated easement to trim and remove trees. No woodland preservation or afforestation/reforestation is permitted within this area. The TCPII must be adjusted accordingly.

It is worth noting that the amount of fee-in-lieu being provided has been reduced considerably, since the last TCPII was approved. Since fee-in-lieu is no longer allowed to be collected after October 1, 2019, the remaining unpaid fee-in-lieu has been changed to off-site mitigation on the plan. The applicant has accounted for all previously paid fee-in-lieu to DPIE correctly, as shown below the phased TCPII worksheet.

The TCPII plan requires minor technical revisions, to be in conformance with the applicable WCO, Environmental Planning Section policies, the Environmental Technical Manual, and applicable conditions of approval, prior to certification of the DSP and TCPII, as conditioned herein.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, Tree Canopy Coverage Ordinance of the Prince George's County Code, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned TAC-C (formally M-X-T) are required to provide a minimum of 10 percent of the gross tract area in TCC. The acreage included in this DSP is 18.39 acres, resulting in a TCC requirement of 1.83 acres or 79,932 square feet. The subject application provides the required schedule, demonstrating conformance to this requirement.

14. **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. **Historic Preservation**—In a memorandum dated May 11, 2022 (Berger, Stabler, and Smith to Bishop), it was noted that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not required. The Planning Board approves DSP-21033, without any conditions related to historic preservation.

b. **Community Planning**—In a memorandum dated May 16, 2022 (Green to Bishop), it was noted that, pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application.

c. **Transportation Planning**—In a memorandum dated June 3, 2022 (Ryan to Bishop), the Planning Board evaluated this application and all findings are included in this resolution. A review of the on-site circulation, related to vehicular and pedestrian transportation, was found acceptable and determined to meet the findings for transportation purposes, as conditioned herein.

d. **Subdivision**—In a memorandum dated June 1, 2022 (Diaz-Campbell to Bishop), the subdivision-related comments were provided and an evaluation of the application is incorporated into Finding 9. The Planning Board finds the DSP in conformance with 4-07108 and is acceptable, as conditioned. Technical revisions to the plans and general notes are included in this resolution.

e. **Environmental Planning**—In a memorandum dated June 6, 2022 (Juba to Bishop), the environmental comments are summarized below, and the Planning Board approves the DSP and TCPII, subject to conditions included in this resolution.

Natural Resources Inventory/Existing Conditions Plan: The site has an approved Natural Resources Inventory Equivalency Letter (NRI-050-07-02). This letter was issued, as this DSP application is associated with a previously approved and implemented TCPII/085/08/02, and because the proposed work will not result in any significant changes to the limits of disturbance of the previously approved TCPII, nor create additional impacts to any regulated environmental features (REF).

Specimen Trees: There are no specimen trees that have been identified within the proposed limits of disturbance of this DSP that are proposed for removal.

Preservation of Regulated Environmental Features/Primary Management Area: The Planning Board previously approved impacts to REF on this site under PPS 4-07108 and TCPI/05/08-01, and with DSP-08001 and TCPII/065/08. Subsequent stand-alone revisions to the TCPII were approved. The current limits of disturbance for the current DSP application are in conformance with the most recent set of approved revised TCPII plans.

No additional REF will be impacted by the proposed development, and the Planning Board finds that the REF have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(5).

Soils: The predominant soils found to occur, according to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Udorthents, reclaimed gravel pits (0-5 percent slopes); and Zekiah and Issue soils, frequently flooded.

Unsafe soils containing Marlboro clay and Christiana complexes are not mapped within the limits of this DSP application; however, the project site is mapped as reclaimed gravel pits. DPIE noted that a geotechnical report will be required to verify whether or not the pits were backfilled properly with suitable materials, at the time of structural review.

No additional information regarding soils is needed at this time. The County may require a soils report, in conformance with CB-94-2004, during future phases of development and/or at the time of permit.

Stormwater Management: An approved SWM Concept Letter (19046-2007-01) was submitted with this application; however, the associated approved plans were not submitted, as required.

At the time of SDRC, a copy of the approved SWM concept plan was requested. The applicant stated that the unstamped stormwater concept plan is the plan of record with DPIE and that, due to the history of the site and the active nature, the site has been grandfathered, and thus it would be difficult for DPIE to re-approve the plan.

The unapproved plan submitted with this application covers a larger area than this DSP application, and shows the use of five SWM ponds being used for SWM. An email dated June 22, 2022 (Giles to Bishop), indicated that DPIE does not always restamp the concept plan each time they issue a concept approval letter. The Planning Board notes that the stormwater concept plan submitted with this application is approved and is still valid.

f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated June 2, 2022 (Quattrocchi and Holley to Bishop), DPR provided comments related to the on-site recreational facilities and the proposed trail network, and determined that the applicant meets the minimum threshold for on-site recreational facilities.

g. **Prince George's County Fire/EMS Department**—In an email dated May 12, 2022 (Reilly to Bishop), the Fire/EMS Department provided an evaluation of the application and required that all lots shall be served by a 22-foot-wide fire access road and that each dwelling is within 150 feet of the fire access road. A condition requiring this is included herein.

h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 2, 2022 (Giles to Bishop), DPIE offered comments on the subject application. In a separate email dated June 22, 2022 (Giles to Bishop), DPIE indicated that they do not always restamp the concept plan each time they issue a concept approval letter. DPIE's comments have been forwarded to the applicant and will be addressed during their separate permitting process.

i. **Prince George's County Police Department**—At the time of the writing of this resolution, the Police Department did not offer comments on the subject application.

j. **Prince George's County Health Department**—In a memorandum dated May 25, 2022 (Adepoju to Bishop), the Health Department noted that a desktop health impact assessment review has been completed for this application and that they do not have any recommendations or comments at this time.

k. **Maryland State Highway Administration (SHA)**—In an email dated June 3, 2022 (Woodroffe to Bishop), SHA noted that they have no comments.

l. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated May 13, 2022 (Watkins to Kosack), WSSC provided comments regarding the water, sewer, and associated easement conditions. These have been shared with the applicant and will be addressed at the time of permitting.

m. **City of Laurel**—In a letter dated May 17, 2022 (Love to The Prince George's County Planning Board), the City of Laurel indicated that they reviewed the subject application and they are not in opposition to the project, but would like their letter to be a part of the record. This has been provided to the applicant and the applicant is working to resolve any concerns with the City of Laurel.

15. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

16. As required by Section 27-285(b)(4), 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).

Based on the level of design information available and the limits of disturbance shown on the TCPII plan, no additional impacts to the REF are proposed with this application. Therefore, the REF have been preserved and/or restored, to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to prior 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 II Tree Conservation Plan TCPII-065-08-03 and DISAPPROVED a Variance to allow 16-foot-wide townhouse buildings, and further APPROVED Detailed Site Plan DSP-21033 for the above-described land, subject to the following conditions:

1. Prior to certification, the applicant shall revise the detailed site plan (DSP), as follows, or provide the specified documentation:

    a. Label the six parcels as Parcels P through U.

    b. Label the two blocks using any two of the following four designations: Block O, Block P, Block Q, and/or Block R.

    c. Label the 219 lots as Lots 1 to 114 in the northern block and Lots 1 to 104 in the southern block.

    d. Revise the "Percentage of Reduced Sized Lots-VP-07108" table to include separate lines for lots which are between 1,000 square feet and 1,199 square feet in size and lots which are between 1,200 square feet and 1,799 square feet in size. On the table, show the percentage of lots (out of the 760 total approved with Preliminary Plan of Subdivision 4-07108) which are between 1,000 square feet and 1,199 square feet in size. Include a note beneath the table stating that, pursuant to Section 27-548(h) of prior Prince George's County Zoning Ordinance, lots at least 1,200 square feet in size do not require a variance.

    e. Revise the "Development Accumulation Table" to show the development approved with Detailed Site Plan DSP-08011, rather than only the development from that plan so far constructed. Revise the table to include the six parcels proposed with this DSP and the non-townhouse lots approved with Preliminary Plan of Subdivision 4-07108 and DSP-08011.

    f. Show the location of the existing Washington Suburban Sanitary Commission easement crossing the northeast corner of the northern block.

    g. Highly visible side elevations shall include a minimum of three standard features, in addition to a minimum of the first and second floor finished in brick, stone, or masonry.

    h. Include a tracking chart on the DSP for the 60 percent full-front façades of brick, stone, or stucco.

    i. Include development standards on the plan for fences, decks, and sheds.

    j. Add site plan notes and revise the architecture, if necessary, as follows:

        - "No two townhouse units located next to, or across the street from, each other may have identical front elevations."

        - "All townhouse side elevations shall include a minimum of two standard features. Every highly visible townhouse side elevation shall include full brick, stone, stucco, or other masonry treatment on the first and second floor, combined with at least three windows, doors, or other substantial architectural features."

- "A minimum of three townhouse dwelling units in any horizontal, continuous, attached group shall have a roof feature containing either a cross gable or dormer window(s)."

- "All townhouse building groups shall include a minimum of 60 percent of the combined front elevations finished in brick, stone, or other masonry."

k. Demonstrate that all lots are served by a 22-foot-wide fire access road and includes a personnel door on each dwelling, within 150 feet of the fire access road.

l. Revise the traffic impact study to remove the trips generated by the multifamily units, and only evaluate the impacts generated by the phased development of this DSP for 219 townhouse units.

m. Update the plans to display the bicycle lane and associated cross section along the subject property's full frontage of Konterra Boulevard East.

n. Submit a mid-block crossing analysis to the Prince George's County Department of Public Works and Transportation for the location where Fashion Place intersects with the stream valley trail, to determine if a mid-block crosswalk to provide a continuous pedestrian connection is feasible. If the crosswalk is deemed feasible, the applicant shall be required to construct the mid-block crossing. prior to the first building permit. If the crosswalk is deemed not feasible and the analysis does not support a crosswalk at this location, the current configuration will remain, subject to modification by the operating agency.

o. Provide details of the pole for the proposed streetlights and revise the photometric plan to demonstrate sufficient lighting levels in the alleys.

p. Provide attractive year-round landscaping at the base of the piers and entrance signs.

q. Provide pet waste stations along proposed trails within this DSP.

r. Install signage at the intersection of the stream valley trail and Fashion Place, to alert pedestrians and motorists to the pedestrian crossing, subject to approval of the operating agency.

s. Provide a general note showing the proposed and allowed floor area ratio, relative to all approved development within the total area of Conceptual Site Plan CSP-07003.

t. Revise all 16-foot-wide buildings to be a minimum of 18 feet wide. Revise all lot lines, architecture, and site features accordingly, subject to the approval of the Urban Design Section, as designee of the Planning Board. This revision may result in the decrease in the number of units in this DSP.

2. Prior to certification of this detailed site plan, the Type II tree conservation plan (TCPII) shall be revised, as follows:

   a. If the stand-alone TCPII for Phase 4 is not approved prior to this TCPII, then remove all references to Phase 4 on the TCPII, and make the following changes:

      (1) Remove the associated stand-alone worksheet for Phase 4.

      (2) Update the TCPII approval blocks, accordingly, referencing the -03 revision.

      (3) Make Phase 5, Phase 4 once the above changes have been made.

      (4) Update the overall TCP worksheet, accordingly.

   b. Add, sign, and date the Property Owner's Awareness Certificate on the coversheet of the TCPII.

   c. Remove all labels associated with the abandoned Washington Suburban Sanitary Commission (WSSC) rights-of-way.

      (1) Add reforestation and woodland preservation, as appropriate, within the area of the abandoned WSSC rights-of-way. At a minimum, replace the reforestation that was previously shown on Sheet 30.

      (2) Remove all labels associated with the abandoned WSSC rights-of-way from the TCPII.

   d. Update all TCPII worksheets using the current worksheet templates. Indicate that this project is subject to the 1991 regulations, instead of the 1989 regulations.

   e. Revise the acreage of all charts on the coversheet, to be consistent with acreage of all labels on the TCPII.

3. At the time of final plat, the applicant shall submit:

   a. A request for a variation from Section 24-128(b)(12) of the prior Prince George's County Subdivision Regulations. If the variation is not approved, a detailed site plan amendment and revised final plat will be required, showing a 10-foot-wide public utility easement along at least one side of all private rights-of-way.

   b. A request for a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations. If the variation is not approved, a detailed site plan amendment and revised final plat will be required, showing that all lots served by alleys will have frontage on a public right-of-way.

4. Prior to approval of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for the stream valley trail, to the Development Review Division of the Prince George's County Planning Department, for approval. The easement agreement shall contain the rights of the Maryland-National Capital Park and Planning Commission, be recorded in the Prince George's County Land Records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved detailed site plan.

5. Prior to approval of the first building permit, the applicant shall submit a traffic signal warrant analysis, to the appropriate operating agency, for the intersection of Greencastle Road and Old Gunpowder Road, if the applicant's updated traffic impact study indicates that a signal is warranted at the intersection. If the signal is warranted, the applicant shall install the traffic signal within the timeline and the standards determined by the appropriate operating agency.

6. The proposed private recreational facilities shall be constructed and inspected by the Maryland-National Capital Park and Planning Commission, in accordance with the following schedule:

    a. Construct the central park and play area on Parcel B of the North Block, prior to approval of the 55th townhouse building permit.

    b. Construct the playground area with zipline and play structures on Parcel B of the North Block, prior to approval of the 110th townhouse building permit.

    c. Construct the central park, play area, and seating areas on Parcel D in the South Block, prior to approval of the 125th townhouse building permit.

    d. Construct the picnic area, including pavilion and tables, on Parcel D of the South Block, prior to approval of the 175th townhouse building permit.

    e. Construct the 10-foot-wide asphalt stream valley trail on Parcel B, prior to approval of the 100th townhouse building permit.

    f. Construct the 10-foot-wide asphalt stream valley trail on Parcel D, prior to approval of the 200th townhouse building permit.

    It is occasionally necessary to adjust the precise timing of the construction of recreational facilities, as more details concerning grading and construction become available. Phasing of the recreational facilities may be adjusted by written permission of the Prince George's County Planning Board, or its designee, under certain circumstances, such as the need to modify construction sequence due to engineering necessity. An increase in the number of permits allowed to be released, prior to construction of any given facility, shall not exceed 10 percent over the number originally approved by the Planning Board.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, June 30, 2022, in Upper Marlboro, Maryland.

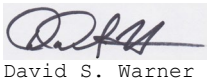
Adopted by the Prince George's County Planning Board this 21st day of July 2022.

Peter A. Shapiro
Chairman

By Jessica Jones
Planning Board Administrator

PAS:JJ:NAB:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 13, 2022