

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on May 22, 2014 regarding Conceptual Site Plan CSP-13008 for Tidler/Wardlaw Property, the Planning Board finds:

1. **Request:** The subject application proposes to develop the subject property with a mixed-use development, including 314 multifamily dwelling units and 8,000 square feet of commercial office space, in a single multi-story building.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Single-Family Detached	Multifamily Residential and Commercial Office
Acreage	7.08	7.08
Total Dwelling Units	3	314
Commercial Office Square Footage	0	8,000
Residential Square Footage	0	360,445

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted	1.40 FAR
Total FAR Approved	1.19 FAR

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Powder Mill Road (MD 212) and Old Gunpowder Road, in Planning Area 61 and Council District 1, within the Developing Tier.
4. **Surrounding Uses:** The site is bounded to the north by the public right-of-way of Montgomery Road with a storage facility for the Prince George's County Department of Public Works and Transportation in the Rural Residential (R-R) Zone beyond; to the west by the public right-of-way of Montgomery Road with an office park in the Commercial Office (C-O) Zone beyond; to the

south by vacant Lot 1 in the Mixed Use–Transportation Oriented (M-X-T) Zone with the public right-of-way of Powder Mill Road (MD 212) beyond; and to the east by the public right-of-way of Old Gunpowder Road with a church and agricultural properties in the R-R Zone beyond.

5. **Previous Approvals:** The subject property is a combination of multiple parcels and lots, including Parcels 26, 18, 20, and 111 and Lot 2, that roughly form a triangular shape. 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) rezoned the subject properties from the R-R and R-80 (One-Family Detached Residential) Zones to the M-X-T Zone. The site also has an approved Stormwater Management Concept Plan, 13074-2013-00, which is valid until July 3, 2016.
6. **Design Features:** The conceptual site plan (CSP) proposes a mixed-use residential and commercial office development in a single five-story building with 314 multifamily dwelling units and 8,000 square feet of office space. The site is surrounded by public rights-of-way to the west, north, and east, and an access drive to each adjacent roadway is shown on the submitted CSP. The large roughly square building is located in the northern portion of the site and completely surrounds a recreation courtyard and a five-story parking garage. Small surface parking lots are shown at the northern end of the building, accessed off of Montgomery Road, and at the southern end of the building, adjacent to the commercial office area, with access off of Old Gunpowder Road. The narrow southern end of the site is to remain undisturbed, allowing for the preservation of some specimen trees. Stormwater management is provided along the western and eastern edges of the building in bioretention areas and bioswales.

The subject CSP does not include specific standards for the building architecture, which will dominate the design of the site. Therefore, a condition has been included in this approval regarding architectural design issues that should be addressed at the time of detailed site plan (DSP) in order to ensure that the overall plan meets the requirements and regulations of the M-X-T Zone.

The CSP application includes a list of proposed private recreational facilities on-site to include a 7,300-square-foot clubhouse, including a fitness center and game rooms, in the northeastern corner of the building, and an outdoor swimming pool and lawn games area. As discussed in Finding 11(g) below, the Department of Parks and Recreation recommends that private on-site recreational facilities are appropriate for this development given the configuration of the property and existing facilities in the immediate vicinity. However, the issue of mandatory dedication of parkland will be finally determined and approved with the required preliminary plan of subdivision. The list of private recreational facilities provided on the CSP should be viewed as the minimum number and type of private facilities required. At the time of DSP, it may need to be expanded to ensure that the overall development is capable of sustaining an independent high-quality environment. Full details and timing of construction should be provided with the DSP for any proposed private recreational facilities on-site.

7. **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 uses in mixed-use zones.

- (1) All types of office and research and residential uses are permitted in the M-X-T Zone. The submitted CSP proposes commercial office space and residential development.
- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:

(d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

The submitted CSP proposes 8,000 square feet of commercial office space and 314 residential units, which meets the requirements of Section 27-547(d).

b. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The CSP'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 has proposed to use the optional method of development. Under the optional method of development, greater densities can be granted in increments up to a maximum floor area ratio (FAR) of 8.0 for each of the uses, improvements, and amenities. The uses, improvements, and amenities proposed in this CSP include:

- Residential—This will potentially increase the FAR by 1.0 if more than 20 dwelling units are provided with the application. This CSP includes a maximum total of 314 dwelling units and is eligible for this bonus.

The CSP proposes the use of the optional method of development and has a FAR above 0.40. The proposed FAR is as follows:

Uses	Square footage
Residential	360,445
Commercial	8,000
Total	368,445
Net Site Area: 7.08 Acres	308,512
FAR	1.19

The development will need to use optional methods of development, such as the proposed residential units, to achieve the FAR proposed, which is above 0.40. Further details on the exact FAR allowed and proposed will be provided at the time of DSP, which is required for all uses and improvements in the M-X-T Zone.

- (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 CSP proposes only one building on one lot.

- (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.**

This requirement is not applicable to this CSP.

- (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 subject development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development's specific compliance with the requirements of the Landscape Manual will be reviewed at the time of DSP review.

- (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.**

This requirement will be reviewed for compliance at the time of DSP when detailed building designs are provided; however, the CSP complies with this requirement. The proposed parking garage is not counted in the calculation of the FAR.

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

This requirement will be reviewed for compliance at the time of DSP; however, the CSP does not show any private structures above or below public rights-of-way.

- (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.**

This requirement will be reviewed at the time of DSP once access and lotting patterns are evaluated and approved with the required preliminary plan. However, the subject property has frontage on Old Gunpowder Road and Montgomery Road, which are both public streets, and the CSP proposes direct vehicular access to both streets.

- (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, or a Mixed-Use Planned Community.**

The submitted CSP notes that the building height shall not exceed 110 feet, but this will be enforced at the time of DSP when final architectural elevations are submitted.

- c. The subject application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires findings in addition to the findings required for the Prince George's County Planning Board to approve a CSP as follows:

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

The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The property is located at the intersection of Powder Mill Road (MD 212), a master-planned arterial roadway, and Old Gunpowder Road, a master-planned major collector, and less than one-half mile from the intersection of MD 212 and Interstate I-95, a master-planned freeway. This location makes development of this site desirable for employment and living opportunities.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The proposed development offers a compact, mixed-use, walkable community with a mix of residential, employment, and recreational uses.

At the public hearing, the applicant's expert provided the following testimony regarding this requirement and the Planning Board accepted it into the record. However, Community Planning staff was not present to comment on this discussion or the subject application's conformance with *Plan Prince George's 2035* (2035 General Plan). The subject property falls within the "Established Communities" section of the Growth Policy Map adopted with the 2035 General Plan.

"The application conforms with both the recently enacted *Plan Prince George's 2035* and the Subregion 1 Master Plan. The 2035 General Plan (page 11) describes themes of *Envision Prince George's* which informed the plan's vision, policies and recommendations:

'Supply a variety of high quality housing options-ranging in price, density and type.'

'Preserve and celebrate our cultural and historic resources and foster community character.'

'Promote healthy lifestyles by ensuring access to healthy foods, health services, and a network of trails, parks, and recreational opportunities.'

'Providing incentives for green construction practices at the building and neighborhood scale.'

'Proactively enhancing and restoring our ecosystems and planning for climate change.'

The subject application supports all these goals by offering a high-quality multifamily housing option with green construction practices, which will incorporate a white roof and current stormwater management techniques that foster a cleaner environment. The site design incorporates a trail network to promote a healthy lifestyle and, additionally, will preserve information regarding the three existing homes on the site.

The 2035 General Plan also discusses the major initiatives of the 'Smart and Sustainable Growth Act of 2009' (page 26). The project complies with many of these initiatives including:

'Infrastructure: Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient and environmentally sustainable manner.'

'Housing: A range of housing densities, types and sizes provides residential options for citizens of all ages and incomes.'

As previously discussed, the proposed multifamily project will provide residential options for young professionals in Prince George's County, with close proximity to existing infrastructure, including immediate access to I-95, the most heavily traveled north/south artery in the United States. Direct access to public water and sewer exists. Also, current stormwater management techniques will be environmentally friendly.

Most importantly the 2035 General Plan discusses the 'Challenges and Opportunities' for the county moving forward (page 74). The first point of emphasis is entitled 'Housing Stock Does Not Meet Anticipated Housing Preferences' and is relevant to the subject application.

'Simply put we are facing a looming deficit in multifamily housing, particularly in walkable and mixed-use, transit-accessible locations. ...demand for this housing type is projected to reach 61 percent by 2030. The county's pipeline-defined as development that has been approved but has not yet been built-will further compound this housing gap. Only 11 percent of housing units in the pipeline were multifamily... If we do not

pursue change the magnitude of this pipeline will ensure that past development trends and policies will continue to shape Prince George's County for decades, undermining its economic competitiveness in the region and its ability to accommodate the needs of its changing population.'

The 2035 General Plan recognizes the value and importance of multifamily projects for the desired long term growth of Prince George's County.

As noted above, the subject property was rezoned to the M-X-T Zone as part of the Sectional Map Amendment for Subregion 1, which was approved pursuant to the adoption of CR-58-2010 on June 23, 2010, by the District Council. That action demonstrates that the District Council made a determination that development of the property in the M-X-T Zone would be in conformance with the recommendations of the Master Plan and that said development could occur in an orderly, planned, efficient and economical manner."

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The subject site is a largely undeveloped property and is located adjacent to, and in the vicinity of, existing major roadways. Developing a mixed-use residential and commercial development on the site will maximize the public and private development potential inherent in this location.

- (4) To promote the effective and optimum use of transit and other major transportation systems;**

The location of the site in the vicinity of existing freeways and major roadways means the proposed development will promote the effective and optimum use of these facilities.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The vast majority of the development proposal is residential. As a residential development, there will be activity and a steady presence of people beyond regular

business hours. The additional office space will encourage a more active environment during the midday hours.

(6) To encourage diverse land uses which blend together harmoniously;

The overall development proposal includes 314 residential units and 8,000 square feet of office space along with private amenities. This represents a mix of uses which should operate harmoniously.

(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The functional relationships of the individual uses are established with the subject CSP, and will be further reviewed at the time of DSP. The visual character and identity of the project will be a function of the architecture of the buildings, entrance features, and landscape plantings, which will be under close examination at the time of DSP review. The building should be designed with high-quality detailing and varied architectural elements to ensure visual interest. The architecture, street furniture, landscape treatment, signage, and other elements should be coordinated to give the development and the property a distinctive visual character.

(8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;

A number of factors help to make this design an efficient multipurpose plan. The number of proposed residential units in one multifamily building allows for economies-of-scale in the construction process and for the municipal services required to serve the residents. The mixture of uses proposed near a major existing intersection will create an efficient use of this current sparsely developed property.

(9) To permit a flexible response to the market; and

The proposed combination of uses will create a desirable community in the northern part of the county, along I-95, where multifamily dwelling units are in demand. The CSP is in general conformance with this purpose of the M-X-T Zone.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

As approved with conditions and DSP review, the applicant will be allowed freedom in architectural design to provide a unique and attractive product for the area.

- (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 2010 through the Subregion 1 Master Plan and SMA. This master plan does not contain a specific design concept for the subject property, nor corresponding design guidelines and standards for evaluating conformance with a design concept. It was noted that the zoning changes specific to the subject property within the SMA (pages 166 and 167) contains language regarding recommendations for development. This language was the subject of testimony and discussion before the Planning Board at the public hearing. The Planning Board found the language to be ambiguous and difficult to determine if it applies to the subject site, as it appears to relate to property which was zoned C-O. The subject site was never zoned C-O, was rezoned from R-R and R-80 to M-X-T at the time of adoption of the SMA, and was not to be the subject of a “future rezoning to M-X-T Zone” as stated in the language. Furthermore, counsel for the Planning Board indicated concurrence with the position of the applicant as set forth in its letter to the Planning Board dated May 22, 2014, which dealt with the specific language in the zoning changes in the SMA. Counsel for the Board advised that the purported requirements concerning minimum acreage, targeting development for office and technology uses and limiting the amount and density of retail and residential uses, even if intended to apply to the subject property, amount to de facto amendments to the regulations of the M-X-T Zone, as presently contained in the Zoning Ordinance, and illegal conditional zoning. Counsel for the Board also advised such conditions would be in conflict with the comprehensive nature and purpose of sectional map amendments as specified in the Zoning Ordinance.

- (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 commercial portion of the building will be visible from the adjacent major intersection of Old Gunpowder Road and Powder Mill Road (MD 212) and located close to the existing office park to the west. The existing surrounding roadways serve as a barrier for physical integration of the proposed development with the existing adjacent development. However, these obstacles can be overcome through architectural and site design, such as grading and landscaping, which will be reviewed in full detail at the time of DSP to ensure it provides visual integration to the degree possible between the proposed development and the existing adjacent development.

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

The subject site is generally surrounded by public roadways, with the more major roads located to the west and south of the site. Accordingly, the proposed office area is located at the southern end of the proposed building, closest to the major intersection. The residential square footage is concentrated at the northern end of the site, closest to the adjacent minor roads and nearby agricultural uses to the north and east. The applicant's expert gave land planning testimony at the public hearing indicating that the arrangement of uses on the subject site, the use of a parking garage situated such that it is surrounded by the building, and the extensive landscaping being proposed along the edges of the site would also promote compatibility within the community. The multifamily residential uses and office use will also provide a transitional development from the commercial office park located to the southwest. The Planning Board found that the subject development is being planned and designed for maximum compatibility with the existing and proposed development in the vicinity.

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

The amenities and design proposed in the residential portion of the building should create a largely self-sustaining environment of quality and stability. The design and vision for the integration of the commercial and multifamily parts of the building need additional refinement in order to create a cohesive development. Therefore, various conditions have been included in this approval concerning the site and building design to be reviewed further at the time of DSP.

(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 subject development will not be phased; therefore, this requirement is not applicable.

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

The CSP proposes sidewalks connecting from the subject development to the existing sidewalks along the adjacent roadways. Additional sidewalks on-site connect parking and recreational areas, resulting in a convenient and comprehensively designed pedestrian system.

- (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 subject application is a CSP.

- (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.**

This requirement is applicable to this CSP as it was placed in the M-X-T Zone by a sectional map amendment. A detailed discussion of transportation issues is provided in Finding 11(d) below, resulting in a conclusion that the transportation facilities will be adequate to carry anticipated traffic for the proposed development as required if the application is approved with a condition that has been included in this approval.

- (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 approved by the applicant.**

This requirement is not applicable to this CSP.

- (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 548.**

The subject site contains 7.08 acres and is, therefore, not subject to this requirement.

- d. If approved with conditions, the CSP will be in conformance with the applicable CSP site design guidelines contained in Section 27-274. The following discussion is offered:
- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. The subject CSP is in general conformance with this requirement. The illustrative site plan shows that, in general, surface parking is not proposed between the building and the public rights-of-way. This should be maintained at the time of DSP.
 - (2) In accordance with Section 27-274(a)(2)(B), loading areas should be visually unobtrusive. Loading areas are not indicated on the CSP or the provided illustrative site plan. At the time of DSP, attention should be given to the design of loading areas so that they are visually unobtrusive as viewed from public spaces and the public right-of-way.
 - (3) In accordance with Section 27-274(a)(6)(i), Site and streetscape amenities, coordination of the design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture will be required. A comprehensive review of streetscape amenities will occur at the time of DSP.
 - (4) A comprehensive public space system should be provided to enhance the commercial and multifamily areas in accordance with Section 27-274(a)(9), Public spaces. These public spaces should incorporate high-quality design details and be integrated into the site design by a well-designed pedestrian system. An attractive mix of design features including focal points, seating areas, specialty landscaping, and specialty paving materials should be demonstrated at the time of DSP.
- 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 approval. Detailed information regarding the methodology and procedures to be used in determining the parking requirement is outlined in Section 27-574(b). The CSP is not required to include detailed parking rate information. At the time of DSP review, adequate parking will be required for the proposal.

8. **2010 Prince George’s County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the Landscape Manual, which will be reviewed at the time of DSP.
- a. **Section 4.1, Residential Requirements**—Requires a certain number of plants be provided for residential dwellings depending on their size and type. The subject development will be evaluated for conformance to Section 4.1 at the time of DSP review when a final site design is submitted.
 - b. **Section 4.2, Requirements for Landscape Strips along Streets**—Requires a landscaped strip be provided for all nonresidential uses and parking lots abutting all public and private streets, which may occur within the development depending on the final site design. Conformance to these requirements will be evaluated at the time of DSP review.
 - c. **Section 4.3, Parking Lot Requirements**—Specifies that proposed parking lots larger than 7,000 square feet provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The parking compounds will be evaluated for conformance to Section 4.3 at the time of DSP review.
 - d. **Section 4.4, Screening Requirements**—Requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets, which will occur within the subject development. Conformance to these requirements will be evaluated at the time of DSP review.
 - e. **Section 4.6, Buffering Development from Streets**—Requires buffering within any yard of a multifamily development oriented toward a public street of a certain classification. Old Gunpowder Road is a master-planned major collector roadway and will require buffering under this section. Specific conformance to Section 4.6 for the residential building will be evaluated at the time of DSP review. However, the submitted CSP shows a minimum 50-foot-wide buffer between the proposed building and the right-of-way of Old Gunpowder Road, as would be required by this section.
 - f. **Section 4.7, Buffering Incompatible Uses**—This section would be applicable to the subject property. However, the property does not border any other property, except to the south, where the adjoining property is vacant and zoned M-X-T. More specific information regarding bufferyard requirements along property lines adjoining other uses will be evaluated at the time of DSP review.

- g. **Section 4.9, Sustainable Landscaping Requirements**—Requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices. Conformance to these requirements will be evaluated at the time of DSP review when there is a final site and landscape design.
9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the project is required to have a new preliminary plan and a significant portion of the site has had no previously approved tree conservation plan.

This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because a Type II Tree Conservation Plan (TCPII/077/02-01) was previously approved on a portion of the property (PT Lot 2, Parcel B). A Type I Tree Conservation Plan (TCP1-002-14) was submitted with the CSP application.

The TCP1 as submitted proposes one multi-story mixed-use building on-site. The primary use of this building is for 314 multifamily units, with 8,000 square feet of secondary office use.

The woodland conservation threshold for this 7.08 acre property is 15 percent of the net tract area or 1.06 acres. The total woodland conservation requirement based on the amount of clearing shown on the plan is 2.23 acres. The woodland conservation requirement is proposed to be satisfied with a combination of reforestation/afforestation and fee-in-lieu; however, required revisions to the plan and the worksheet are necessary that may affect the woodland conservation requirement.

The previously approved TCPII for the southern portion of the site will result in a slight increase of the overall requirement of the proposed TCP1. That TCPII was approved and issued permits, which required approximately 0.36 acre of reforestation on PT Lot 2, Parcel B, as part of the existing road improvements; however, it appears that that requirement was never fulfilled by on-site plantings.

Since woodland conservation requirements run with the land and do not expire once permits have been issued and, because PT Lot 2, Parcel B, is now part of the subject application, the reforestation requirement associated with the previous TPCII approval and the right-of-way improvements must be fulfilled as part this application. The TCP1 will need to be revised to show how the 0.36 acre requirement will be provided.

Furthermore, a sewer line connection is being proposed to run through the area where the reforestation area was approved on TCPII/077/02-01. This reforestation area is not reflected on the TCP1 worksheet, and the worksheet does not demonstrate how it will be met. The worksheet should be revised to show the 0.36 acre requirement and how it will be provided.

The TCP1 worksheet proposes 0.96 acre of reforestation, which is separate from the 0.36 acre requirement; however, no reforestation areas are shown on the plan or in the legend. Revise the TCP1 to show the location of the proposed 0.96 acre of reforestation, or remove it from the worksheet as reforestation.

A fee-in-lieu of 1.27 acres is proposed to meet the remaining requirement. It also should be noted that the use of fee-in-lieu is only allowed for a requirement of less than one acre after all other options have been exhausted on-site. Because the fee-in-lieu acreage for the current proposal is greater than one acre, the use of fee-in-lieu is not supported. Fee-in-lieu may be used to meet the remaining requirement, only after all revisions have been made to the TCP1 and the remaining requirement is less than one acre.

The worksheet on the TCP1 shows a fee-in-lieu based on a rate of \$0.30 per square foot. The current rate of fee-in-lieu for properties located within the priority funding area is \$0.90 per square foot. The TCP1 should be revised to use the most current worksheet in accordance with the current regulations, which uses the current fee-in-lieu rate.

The TCP1 plan set includes an existing conditions plan sheet, which is separate from the TCP1 sheet that shows the proposed development. The TCP1 is required to show all of the existing and proposed features together on the same plan sheet. The TCP1 should be revised to show all of the existing and proposed features together, including but not limited to:

- a. All existing specimen trees with their associated critical root zones, indicating whether or not they are proposed to remain or be removed.
- b. All proposed structures associated with the design of this project, including but not limited to, the building envelope, water/sewer structures, stormwater management structures, and proposed parking and paving areas.
- c. The existing tree-line.
- d. The vicinity map with an outline of the subject property drawn to scale added to it.

A proposed circular unidentified structure is shown on the TCP1 along the northeastern section of PT Lot 2, Parcel B, near Old Gunpowder Road. The structure appears to be proposed as a brick paved area. In order to maximize open green space on the overall site, this structure should be removed or relocated.

Specimen Trees

Effective October 1, 2009, the Maryland Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

Type 1 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, Section 25-122(b)(1)(G), which includes the preservation of specimen trees. Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met, and the request is not less stringent than the requirements of the applicable provisions of the Annotated Code of Maryland and accompanying regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance Application for the subject application and a statement of justification in support of a variance for the removal of 13 specimen trees were stamped as received by the Environmental Planning Section on February 25, 2014.

The variance application indicated 13 specimen trees located on-site and the natural resources inventory (NRI) identifies ten on-site. Upon review of the variance with the NRI, there are a total of 12 specimen trees on-site. The specimen tree table on the TCP1 and variance both propose the removal of 11 trees on-site; however, because one of these trees did not meet the criteria of a specimen tree, only ten trees are proposed to be removed. The variance must be revised to remove the tree (ST-13) that was determined not to be a specimen tree.

The plans show that the proposed building and its associated grading envelope are located on Parcel 26 with a small portion of the residential and commercial sections of the building extending marginally into the southern section of Parcel 18. Bioretention areas occupy the remainder of Parcel 26 and the northern section of Parcel 18. A sewer house connection is proposed through Parcels 18 and PT Lot 2, Parcel B.

The statement of justification submitted with the Subtitle 25 Variance Application gives the rationale for each tree's removal; however, a condition analysis of each tree was not provided. A condition analysis is required before a full review of the variance request can be done. Additionally, the TCP1 does not show the location of all of the specimen trees in relation to the proposed development. This information is needed to verify how much of the critical root zone will be impacted for each tree and what the specific impact is for each tree.

Due to the incomplete variance request and the technical revisions needed on the plans, the Planning Board did not approve the variance at this time because a full review cannot be completed based on the information submitted. Therefore, a condition has been included in this approval requiring this to be addressed at the time of preliminary plan or DSP.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 7.08 acres in size, resulting in a TCC requirement of 0.71 acre or 30,840 square feet. Compliance with this requirement will be evaluated at the time of DSP; however, the submitted CSP provides a schedule showing that the applicant intends to comply with this requirement through the preservation of existing trees and proposed landscaping on-site.

11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:
 - a. **Historic Preservation**—The subject application has no impact on historic sites or resources.

 - b. **Archeological Review**—A Phase I archeological survey is not recommended on the above-referenced 7.08-acre property. A majority of the subject property has been impacted by the construction of three houses in the mid-twentieth century, the expansion of Old Gunpowder and Powder Mill roads to the east and the construction of Montgomery Road to the north and west. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.

There are three houses within the subject property. Two of the houses were recorded on Maryland Inventory of Historic Properties (MIHP) forms in 1998. The Walker and Julia Black property (Historic Site 60-020), located at 11810 Old Gunpowder Road, is a one-and-a-half story, four-bay, cross-gable, frame cottage with Tudor Revival influences and was built about 1940. Between 1870 and 1940, the vernacular cottage style was typically built for Americans of modest means. They are characterized by simple ornamentation and mass-produced components, such as door frames, moldings, sash and window units, and porch decoration. The MIHP form recommended that the building is not eligible for listing in the National Register of Historic Places, but it was never evaluated by the Maryland Historical Trust. The applicant should submit current representative interior and exterior photos and floor plans to the Historic Preservation Section to update and complete the MIHP form.

According to tax assessment records, the house at 11806 Old Gunpowder Road was built in 1957. Because it is more than 50 years old, development on the property should be documented through the completion of a MIHP Inventory Form and a MIHP Inventory number should be assigned.

The Wardlaw House (Historic Site 60-025), located at 11800 Old Gunpowder Road, received a MIHP number, but an associated Inventory form was never completed. A MIHP form, including a chain of title, interior and exterior photos, and representative floor plans should be completed for the property.

The original documentation and supplemental MIHP information for all three properties should be submitted to the Historic Preservation Section for review and ultimate submittal to the Maryland Historical Trust.

Prior to issuance of a grading permit for CSP-13008, the applicant shall submit the following documentation prepared by a qualified historic preservation consultant:

- (1) Current representative exterior and interior photographs and floor plans for the Walker and Julia Black property, 11810 Old Gunpowder Road, Beltsville (MIHP 60-020), according to Maryland Historical Trust documentation standards;
- (2) A completed Maryland Inventory of Historic Properties (MIHP) form for the house at 11806 Old Gunpowder Road, Beltsville (a MIHP Inventory number to be assigned), according to Maryland Historical Trust documentation standards;
- (3) A completed Maryland Inventory of Historic Properties form for the house at 11800 Old Gunpowder Road, Beltsville (MIHP 60-025), according to Maryland Historical Trust documentation standards.

The archeological conditions from the memorandum have been included in this approval with some minor adjustments to timing.

- c. **Community Planning**—This application is consistent with the 2002 *Approved Prince George's County General Plan* Development Pattern policies for the Developing Tier. This application conforms with the mixed-use commercial land use recommendations of the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1* (Subregion 1 Master Plan and SMA). The subject properties are not located in a Joint Base Andrews Interim Land Use Control impact area.

A number of master plan policies and strategies addressing green design, neighborhood-serving commercial space, and streetscape improvements are relevant to the development of this site and are listed below.

ENVIRONMENTAL INFRASTRUCTURE

POLICY 2: Restore and enhance water quality in the areas that have been degraded and preserve water quality in areas not degraded.

Strategies

- **Reduce the area of impervious surfaces during redevelopment projects.**
- **Use Low-Impact Development (LID) stormwater management techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, bioretention with appropriate soil mixtures, green streets, cisterns, rain barrels, grass swales, and stream restoration to the fullest extent possible during the development review process.**

POLICY 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

Strategies

- **Require the use of green building techniques in designated centers and corridors, and strongly encourage it in all office, retail, multi-family, and industrial buildings in the Subregion. Require the use of “white roofs” on office, retail, multi-family, and industrial buildings in the Subregion.**
- **Encourage the use of alternative energy sources such as solar, wind and hydrogen power.**

ECONOMIC DEVELOPMENT

POLICY 5: Expand and enhance opportunities for a quality business and employment environment.

Strategy

- **Provide smaller, alternative office products (office condos, low-rise spaces) for new neighborhood-serving businesses and small professional firms outside the Konterra Town Center.**

MAJOR POLICIES AND STRATEGIES

POLICY: Repair and maintain roads.

Strategy

- **Install streetscape improvements to include paved, pedestrian paths and safety features, lighting where needed,**

**trees/landscaping, and curbs along Powder Mill Road from
Gunpowder Road to US 1, Montgomery Road, Sellman Road,
and US 1.**

Currently, there are no pedestrian crosswalks crossing Montgomery Road at Old Gunpowder Road and at the entrance to the Corridor Office Park, and the Board encourages the applicant to consider how this may impact the safety of the development's tenants.

Any references to "affordable" housing should be removed from the justification letter and supporting documents as the applicant has confirmed the dwelling units will be market rate.

The Subregion 1 Master Plan and SMA rezoned the subject properties from the R-R and R-80 Zones to the M-X-T Zone. Each of the zoning changes was accompanied by a discussion which sets forth guidance relevant to two properties—zoned C-O and adjoining the subject properties—and to "properties to be zoned M-X-T." Upon consulting with legal counsel, the provisions set forth in the discussions have been determined to be inapplicable.

The issues of green design, neighborhood-serving commercial space, and streetscape improvements will be addressed at the time of DSP when detailed building and site design is available. Therefore, conditions have been included in this approval requiring these to be addressed.

d. **Transportation Planning—**

Traffic Study Comments

The Planning Board found in general agreement with the findings and conclusions of the traffic study. The traffic study was also reviewed by the Maryland State Highway Administration (SHA), as well as the Prince George's County Department of Public Works and Transportation (DPW&T). In an April 22, 2014 letter (Issayans to Masog), DPW&T stated the following:

- The existing northbound evening (PM) peak hour traffic volumes at Montgomery Road and Old Gunpowder Road gained 98 vehicles from Powder Mill Road (MD 212) at Old Gunpowder Road. The existing southbound morning (AM) peak hour traffic volumes at MD 212 and Old Gunpowder Road lost 17 vehicles from Montgomery Road and Old Gunpowder Road. The existing traffic volumes between the two study intersections should be balanced prior to performing all capacity and operational analysis.

This discrepancy would not have affected the final level-of-service in relation to the adequacy threshold. However, these changes will be addressed at the time of the preliminary plan phase of the development.

- The two percent growth rate used for only two movements at the intersection of MD 212 and Old Gunpowder Road should be incorporated at all studied intersections for all movements.

The Planning Board did not agree with this comment, but traffic impacts will be analyzed further at the time of preliminary plan.

- Queuing analysis should be conducted at MD 212 and Old Gunpowder Road to determine the queue length on southbound Old Gunpowder Road and the impact on the proposed access on Old Gunpowder Road.

While a queuing analysis is not necessary for an adequacy finding, it can be useful from an operational perspective in determining the location of an access point. This evaluation will be done at the next phase of the development.

Plan Comments

The property is located in an area where the development policies are governed by the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1* (Subregion 1 Master Plan and SMA). One of the recommendations from the master plan was the upgrade of Old Gunpowder Road to a major collector road (MC-101). The eastern side of the property fronts on this road; however, no additional right-of-way will be required.

The site plan proposes three access points, including a right-in/right-out along Old Gunpowder Road. On-site circulation will be further examined at the time of PPS.

Transportation Findings

- (1) The application analyzed is a CSP for a development consisting of 314 (garden) apartment dwelling units and 8,000 square feet of commercial office space. Based on trip rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines), this development will be adding 179 (45 in; 134 out) AM peak hour trips and 203 (125 in; 78 out) PM peak hour trips.
- (2) The traffic generated by the proposed plan would impact the following intersections:
 - MD 212 and Old Gunpowder Road
 - Old Gunpowder Road and Montgomery Road
 - Site Access 1 and Montgomery Road

- Site Access 2 and Montgomery Road
 - Site Access 3 and Old Gunpowder Road
- (3) The application is supported by a traffic study dated July 12, 2013 provided by the applicant and referred to SHA. The findings outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the Guidelines.
- (4) The subject property is located within the Developing Tier as defined in the 2002 *Approved Prince George's County General Plan*. As such, the subject property is evaluated according to the following standards:
- (a) **Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;**
 - (b) **Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.**
- (5) The following intersections identified in (2) above, when analyzed with the total future traffic as developed using the Guidelines, were found to be operating at or better than the policy service level defined in (4) above:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV/Delay)	PM (LOS/CLV/Delay)
MD 212 and Old Gunpowder Road	A/930	B/1126
Old Gunpowder Road and Montgomery Road *	48.9 seconds	39.9 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines.		

- (6) The traffic study identified three background developments whose impact would affect some or all of the study intersections. A second analysis was done to

evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV/Delay)	PM (LOS/CLV/Delay)
MD 212 and Old Gunpowder Road	A/988	C/1174
Old Gunpowder Road and Montgomery Road *	55.0 seconds	45.0 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines.		

- (7) Using the trip rates from the Guidelines, the study has indicated that the proposed development will be adding 179 (45 in; 134 out) AM peak hour trips and 203 (125 in; 78 out) PM peak hour trips. A third analysis depicting total traffic conditions was done yielding the following results:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV/Delay)	PM (LOS/CLV/Delay)
MD 212 and Old Gunpowder Road	B/1054	C/1215
Old Gunpowder Road and Montgomery Road *	114.7 seconds	101.9 seconds
Site Access 1 and Montgomery Road *	9.0 seconds	9.0 seconds
Site Access 2 and Montgomery Road *	8.7 seconds	8.8 seconds
Site Access 3 and Old Gunpowder Road *	11.2 seconds	14.7 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines.		

Based on the results shown above, the traffic study concluded that the study intersections will operate at acceptable levels of service adequately if the proposed development is approved. However, the intersection of Old Gunpowder Road and Montgomery Road will operate with a delay in excess of 50 seconds per car. Typically, when an unsignalized intersection is projected to operate with delays in excess of 50 seconds per car, a determination of the approach volume of at least one minor street approach must be evaluated. The Montgomery Road leg of this intersection is the minor approach of this three-legged intersection. This minor approach volume is not projected to exceed 100 peak trips. Pursuant to the Guidelines, this intersection is deemed to operate acceptably. The Planning Board also considered testimony from the applicant's transportation engineer, who prepared the traffic study, and who was qualified as an expert in the field of

transportation planning and engineering. This witness testified that the scope of the traffic study was approved by the Transportation Division prior to the study being prepared and that all background developments required by staff, as well as an annual growth rate through 2019, were included. The witness also testified that contrary to other lay testimony, the development project would not generate 600 trips of 600 cars during the AM and PM peak hours. The witness reiterated the findings in his report and conclusion that all intersections in the scoped and approved study area would continue to operate at acceptable levels, and that the proposed subject application would have no adverse impacts from a transportation perspective.

Transportation Conclusions

Based on the preceding findings, the Planning Board found that the plan conforms to the required findings for approval of the CSP from the standpoint of transportation, if the application is approved with the following condition:

- (1) Total development within the subject property shall be limited to uses which generate no more than 179 (45 in; 134 out) AM peak hour trips and 203 (125 in; 78 out) PM peak hour trips in consideration of the approved trip 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 condition has been included in this approval.

- e. **Subdivision Review**—The subject site is known as Parcels 20, 26, 111, and 18 and Lot 2, located on Tax Map 12 in Grid E-1, in the M-X-T Zone, and is 7.08 acres. Parcels 20, 26, 111, and 18 are deed parcels and have never been the subject of a preliminary plan of subdivision. Lot 2 was recorded in Plat Book WWW 37-55 on April 13, 1960. The current configuration of the subject property was the result of a conveyance of land for Montgomery Road to SHA, recorded in SRC Plats 55957, 56075, and 55957, which was exempt from filing a preliminary plan pursuant to Section 24-107(c)(5) of the Subdivision Regulations. The site is currently improved with three single-family dwelling units.

The applicant has submitted a Conceptual Site Plan, CSP-13008, for a mixed-use development of 314 multifamily units and 8,000 square feet of commercial office space. The CSP shows the outline of the proposed development on one parcel and proposes three vehicular access drives; two driveways on Montgomery Road and one onto Gunpowder Road. A preliminary plan is required pursuant to Sections 24-107 and 24-111 of the Subdivision Regulations for the development of more than 5,000 square feet of gross floor area. A more detailed review of the site layout and circulation will occur at the time of preliminary plan review.

- f. **Trails**—The Planning Board reviewed this proposal for conformance with prior approvals and the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1* (area

master plan) and the 2009 *Approved Countywide Master Plan of Transportation* (functional master plan).

The applicant's proposed development utilizes existing frontage improvements along Montgomery Road and Old Gunpowder Road. These roads have been improved by SHA and the Department of Public Works and Transportation (DPW&T).

The area master plan recommends that sidewalks and trails be constructed throughout the planning area to create a safe, affordable, multimodal transportation system. The sidewalks along the subject property frontages of Montgomery Road and Old Gunpowder Road appear to be adequate for the proposed use; however, the functional master plan recommends that the Old Gunpowder Road Park trail/shared use path be extended along the subject property frontage. The applicant proposes lead-in walkways from the existing sidewalk infrastructure onto the site at several locations along both road frontages, which appear to be adequate. It is recommended that the applicant determine the feasibility, in conjunction with DPIE, of widening or removing the existing sidewalk along the subject property's frontage of Old Gunpowder Road and replace it with a park trail/shared use path, a minimum of eight feet in width.

Trail Access

Several county and state projects have been implemented in the area. North of the subject site is the Little Paint Branch Park, Gunpowder Road Park, and the Cross Creek Connector Trail. The Gunpowder Road trail continues north to the Intercounty Connector (ICC) Trail and further north to the Fairland Regional Park. Access to the trail will be adequate from the subject site because the applicant proposes lead-in walkways from the existing infrastructure onto the site at several locations.

Bicycle lanes exist on Powder Mill (MD 212) and Ammendale Roads to provide east-west connectivity from the subject site to employment areas, schools and parks. Bicycle lanes may be provided by SHA or DPW&T in the future along the area roads.

Bicycle Parking

When the area master plan was approved, several amendments were added to the approval by the Prince George's County District Council. One of the Council amendments recommends that bicycle parking should be convenient to the entrances to all businesses, multifamily dwellings, and quasi-public buildings (Council Resolution CR-58-2010, Amendment 21). Bicycle parking areas should be located near the main entrance to the building, or the parking structure, and have direct access to the street. It is recommended that the applicant provide bicycle parking close to the entrance to the office, within the parking garage, and close to the clubhouse. The area master plan does not provide guidance on the number of bicycle parking spaces that should be provided by developers. Bicycling is becoming increasingly popular in the planning area and the region. Buildings may provide bicycle parking cages in creative ways within the building, parking structure, or near the main exterior entrances.

The sidewalk and bicycle parking details will be reviewed at the time of DSP. Conditions related to the sequencing of the construction of internal sidewalks will be evaluated by technical staff when permits are issued.

Conclusion

Based on the preceding analysis, the Planning Board found that the proposal would not conflict with the recommendations of the area master plan or the functional MPOT if the following conditions were approved:

- (1) Determine the feasibility and appropriateness of widening or removing the existing sidewalk along the subject property frontage of Old Gunpowder Road and constructing an asphalt park trail/shared use path, a minimum of eight feet in width by DPW&T.
- (2) Provide bicycle parking spaces close to the entrance to the office, within the parking garage, and close to the clubhouse. Bicycle parking should be anchored in a concrete base.

The trail conditions have been included in this approval.

- g. **Department of Parks and Recreation (DPR)**—In a memorandum dated April 21, 2014, DPR provided the following summarized comments:

The subject property is located in the northwest quadrant of the intersection of Powder Mill Road (MD 212) and Old Gunpowder Road and is comprised of 7.08 total acres of land in the M-X-T Zone. The development proposal for the property includes 314 multifamily units, 8,000 square feet of office, and structured parking. The plans indicate that there will be a 7,300-square-foot clubhouse area within the building. The subject property does not abut any property owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), but is in the vicinity of Beltsville North Park (one-half mile to the east) and the Little Paint Branch Stream Valley Park (to the south). The Little Paint Branch Trail runs along the eastern side of Old Gunpowder Road and a trail connector runs along the south side of Ammendale Road.

As per Section 24-134 of the Subdivision Regulations, at the time of preliminary plan, mandatory dedication of parkland will be required. Based on the density proposed by applicant, 15 percent of the land (approximately 1.06 acres) would be required to meet the requirements for mandatory parkland dedication.

The applicant proposes to provide private on-site recreational facilities for the residents. As per Section 24-135(b) Subdivision Regulations, private recreational facilities may be provided to meet the provisions of the mandatory dedication requirements. DPR finds that, given the configuration and shape of the property and the existing facilities in the

immediate vicinity, private on-site recreational facilities are appropriate for this development.

DPR requests that the applicant consider an additional mix of outdoor recreational facilities along with the provision of the clubhouse. DPR staff believes that the clubhouse activities are geared to adults and are of the opinion that some play equipment for tots and younger children could be incorporated into the green and open areas as the project moves into the next phases of design. The closest playground is at Beltsville North Park, which is approximately one-half mile east on Ammendale Road. Secondly, with the Little Paint Branch Trail on the eastern side of Old Gunpowder Road (directly across the road), the applicant should consider strong pedestrian connections to allow for the residents to use the trail.

The listing and design of the private on-site recreational facilities will be subject to final review at the time of preliminary plan and DSP applications.

Recommendations

The Park Planning and Development Division of DPR recommends to the Planning Board that approval of the subject CSP should be subject to the following conditions:

- (1) At the time of preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
- (2) Private on-site recreational facilities shall be reviewed by the Development Review Division (M-NCPPC) at the time of preliminary plan and detailed site plan.
- (3) The developer and the developer's heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to ensure retention and future maintenance of the proposed recreational facilities.

The recommended conditions have been included in this approval with some minor modifications.

- h. **Environmental Planning**—The Planning Board reviewed an analysis of the application's conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO) incorporated into Finding 9 above, along with the following summarized comments:

- (1) An approved Natural Resources Inventory, NRI-025-13, which was approved on February 27, 2013, was submitted with the application. There are no regulated environmental features on-site. The forest stand delineation report indicates the

presence of one forest stand totaling 1.48 acres. The stand is described as an early- to mid-successional upland hardwood forest.

The report concludes that the site contains 13 specimen trees; however, the NRI only shows the location of ten specimen trees. Sheet 2 of the Type 1 tree conservation plan (TCP1) lists and shows 13 specimen trees, three of which are less than 30 inches in diameter at breast height. One of those three, ST-13, does not meet the minimum criteria as a specimen tree and should be removed from the list. Therefore, it appears that there are a total of 12 specimen trees on the site; however, the discrepancies between the report and the plans must be resolved so that a full review can be completed.

- (2) No non-tidal wetlands, streams, or 100-year floodplain are found to occur on this property. This site is not associated with any features or buffers that would comprise a primary management area. This project is in conformance with Section 27 -273(e)(15) of the Zoning Ordinance. No further action is needed as it relates to this CSP.
- (3) The site is in close proximity to Powder Mill Road (MD 212), a master planned arterial roadway. The site is also located approximately 1,000 feet east of I-95, which is a master-planned freeway. Both rights-of-way generate enough traffic to produce noise levels above 65 dBA Ldn. The Subdivision Regulations require that residential lots developed adjacent to an existing or planned right-of-way with a classification of arterial or higher, be platted with a minimum lot depth of 150 feet, and a freeway or higher be platted with a minimum lot depth of 300 feet. The site is proposing a single multifamily building. No noise contours for either rights-of-way were shown on the plans.

Powder Mill Road (MD 212)—Based on the Environmental Planning Section noise model, the 65 dBA Ldn noise contour is located approximately 168 feet from the centerline of MD 212. The 65 dBA Ldn noise contour generated by the noise model must be shown on the preliminary plan. Based on that evaluation, noise will not impact any portion of the proposed residential sections of the building, nor will any outdoor activity areas be affected.

Interstate I-95—Using the Environmental Planning Section noise model and applying an average daily traffic (ADT) count at build-out of 190,000, as indicated on the SHA traffic volume map, and a posted traffic speed of 65 MPH, the unmitigated 65 dBA Ldn noise contour is located approximately 1,255 feet from the centerline of the northbound lanes of I-95. Based on that evaluation, it appears that the western limit of the proposed building is located just outside of the 65dBA Ldn contour. If the building is actually located outside of the contour, noise attenuation to mitigate interior noise levels may not be required.

- (4) No scenic or historic roads are mapped on or adjacent to this site. No further action is needed as it relates to this CSP review.
- (5) The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Chillum Silt Loam, Sassafras Sandy Loam, Sassafras-Urban Land Complex, and Sassafras and Croom soils. According to available information, Marlboro clays and Christiana complexes are not mapped on-site.

This information is provided for the applicant's benefit. The county may require a soils report, in conformance with County Council Bill CB-94-2004, during the building permit review process. No further action is needed as it relates to this CSP review.

- (6) An approved Stormwater Management Concept and Plan (13074-2013-00) were submitted with the application for this site. The approval letter was issued on June 26, 2013 and is subject to the following conditions:
 - (a) Site development permit required including ultimate right-of-way frontage improvements, including storm drainage, street trees and street lighting.
 - (b) Required Water Quality Controls: Micro-biorententions, bioswale, pervious paving.
 - (c) The existing pond riser is to be retrofitted.

The submitted concept plan and letter show the approval of twelve micro-biorentention facilities, one micro-bioswale, and five areas using porous pavement for infiltration purposes. Overflows from all of the environmental site design facilities will be collected by a closed stormdrain system and discharged into an existing inlet on the northwestern section of the site on Montgomery Road before discharging into an existing pond adjacent to the site on Montgomery Road.

All structures and connections appear to be shown on the TCP1; however, both the stormwater management concept and the TCP1 do not show a stormdrain connection for the micro-biorentention area labeled as "SWM #10."

- (7) Prior to grading of the site, the county requires approval of an erosion and sediment control plan. The tree conservation plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control concept plan must

be submitted at time of the preliminary plan application, so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.

The environmental conditions have been included in this approval.

- i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department, in a memorandum dated March 14, 2014, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 22, 2014, DPIE included standard responses on issues such as frontage improvements, storm drainage systems, and utilities in order to be in accordance with the requirements of DPIE. Additionally, they indicated that the proposed CSP is consistent with approved Stormwater Management Concept Plan 13074-2013.
- k. **Prince George's County Police Department**—In a memorandum dated March 11, 2014, the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
- l. **Prince George's County Health Department**—In a memorandum dated April 11, 2014, the Health Department provided the following comments:
 - (1) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the goals of public health in improving quality of life. The developer should consider setting aside space for a community garden.

This issue should be considered at the time of DSP when a more detailed development pattern is established.

- (2) Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications, adaptations, or mitigation as necessary to minimize the potential adverse health impacts of noise on susceptible populations.

No noise study was submitted with the subject application. Noise issues are discussed further in Finding 11(h) above. The future preliminary plan and DSP will have to address noise issues as more detailed site design is determined.

- (3) Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification.

This issue will have to be further reviewed at the time of DSP when a detailed design of the building will be determined.

- (4) Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities and commercial areas.

This issue will be further reviewed at the time of DSP when a detailed design of the pedestrian facilities will be determined.

- (5) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. It is recommended that light levels at residential property lines should not exceed 0.05 foot-candles.

This issue will have to be further reviewed at the time of DSP when lighting details and photometrics are available. Therefore, a condition has been included in this approval requiring this to be addressed.

- (6) Recent case studies demonstrate the value of stakeholder input in enhancing positive outcomes of health impact assessment review. The developer should identify and actively engage project stakeholders during the development review process.

The applicant is encouraged to engage project stakeholders during the future development review processes.

- m. **Maryland State Highway Administration (SHA)**—In a memorandum dated May 7, 2014, the SHA indicated that they reviewed the Traffic Impact Study Report (TIS) for the subject application and provided a list of corrections necessary for the report. The applicant will need to address these issues and submit copies of the revised report to SHA at the time of PPS. At the public hearing, the applicant's traffic engineer testified that he had prepared a response to the SHA comments, which was accepted into the record and disputed most of their comments. The Transportation Division engineer who reviewed the subject application, as well as the applicant's traffic study, also reviewed the SHA

comment letter and advised the Planning Board that he agreed with the applicant's traffic engineer's analysis of the SHA comments.

- n. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated March 14, 2014, WSSC indicated that they had no comment as the applicant did not pay the applicable review fee. WSSC will have another opportunity to review the subject development at the time of DSP when more specific utility information will be available.
 - o. **Verizon**—In an e-mail dated March 11, 2014, Verizon indicated that the subject application will need to provide a ten-foot-wide public utility easement parallel, contiguous, and adjacent to all public and private road and alley rights-of-way, free and clear of all obstructions, at no greater than a 4:1 slope, and that touches every lot in the subdivision. This issue will be reviewed in depth at the time of preliminary plan.
 - p. **Baltimore Gas and Electric (BG&E)**—BG&E did not provide comments on the subject application.
12. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the conceptual site plan 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.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:

- (4) **The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

There are no regulated environmental features on-site. Therefore, it can be said that the CSP demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

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 the Type 1 Tree Conservation Plan (TCP1-002-14), and further APPROVED Conceptual Site Plan CSP-13008 for the above-described land, subject to the following conditions:

- 1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:

- a. The natural resources inventory, the forest stand delineation report, the CSP, and the Type 1 tree conservation plan shall be revised to show the correct quantity and location of all on-site specimen trees.
 - b. The CSP and Type 1 tree conservation plan shall be revised to show the 65 dBA Ldn contour for both Powder Mill Road (MD 212) and Interstate I-95, based on either the Environmental Planning Section noise model results or noise model results submitted to Urban Design staff by an independent licensed acoustical engineer retained by the applicant. All future plans shall show these noise contours.
2. Prior to certification of the conceptual site plan (CSP), the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Revise the TCP1 to show the most current worksheet in accordance with the current woodland conservation requirements, which uses the current fee-in-lieu rate.
 - b. Revise Section II of the TCP1 worksheet to show the required 0.36 acre of woodland conservation from Type II Tree Conservation Plan TCPII/077/02-01 under “off-site WCA being provided on this property” and conceptually demonstrate in Section III of the worksheet how the 0.36 acre requirement will be met.
 - c. Provide a note under the worksheet that states “The 0.36 acre of off-site reforestation is a requirement from TCPII/077/02-01 for a portion of the Wardlaw property which is now part of this application. The final determination of how the 0.36 acre will be provided shall be addressed at the time of detailed site plan.”
 - d. Revise the TCP1 to show the proposed 0.96 acre of reforestation, as off-site woodland conservation.
 - e. If, after all revisions have been made and all on-site options have been exhausted, the remaining requirement is less than one acre, it may be met with fee-in-lieu.
 - f. Remove the existing conditions plan from the TCP1 plan set and revise the TCP1 to show all of the existing and proposed features together on one plan sheet in accordance with the Environmental Technical Manual, including but not limited to:
 - (1) A vicinity map with an outline of the subject property drawn to scale on it.
 - (2) All specimen trees, with their associated critical root zones, indicating whether or not they are to remain or be removed.
 - (3) All of the proposed structures associated with the design of this project including, but not limited to, the building envelope, water/sewer structures, stormwater management structures, and proposed parking and paving areas.

- g. Add the existing tree line to the TCP1 plan.
 - h. Remove or relocate the proposed circular structure located on Parcels 2 and 18.
 - i. Revise the worksheet as necessary.
 - j. Have the qualified professional who prepared the plans sign and date it.
3. At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:
- a. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
 - b. The application package shall contain an approved stormwater concept plan revised to show the location of the stormdrain connection for micro-bioretening area "SWM #10," shown consistently on all plans in the package.
 - c. The application package shall contain a copy of the erosion and sediment control concept plan.
 - d. Provide a traffic signal warrant study for the intersection of Montgomery Road and Old Gunpowder Road.
 - e. Final determination for the proposed right-in/right-out access to Old Gunpowder Road.
4. At the time of detailed site plan (DSP), the following design issues shall be addressed:
- a. The applicant shall use full cut-off light fixtures to prevent light trespass, and direct the pattern of light pooling on-site.
 - b. The applicant shall consider setting aside space for a community garden.
 - c. The applicant shall consider the use of low-impact development stormwater management techniques and green building techniques, including a "white roof."
 - d. The applicant shall install streetscape improvements to include paved pedestrian paths and safety features, lighting where needed, trees/landscaping, and curbs along the property's frontage on Powder Mill Road (MD 212), unless modified by the Maryland State Highway Administration.

- e. The applicant, in conjunction with the Department of Public Works and Transportation, will determine the feasibility and appropriateness of widening or removing the existing sidewalk along the subject property frontage of Old Gunpowder Road and constructing an asphalt park trail/shared use path, a minimum of eight feet in width.
 - f. Provide bicycle parking spaces close to the exterior entrance to the office, within the parking garage, and close to the exterior entrance to the clubhouse. Bicycle parking shall be anchored in a concrete base.
 - g. Provide an open space system on-site, with defined high-quality designed spaces to accommodate various activities for both residential and commercial users. Site amenities such as decorative paving, seating, and planters shall be fully delineated on the DSP.
 - h. Streetscape details, crosswalks, lighting, curb ramps, driveway crossings, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
 - i. Well-articulated architectural façades, including appropriate massing, quality building materials, varying roof lines, balanced fenestration, and pedestrian-scaled detailing, shall be included for all buildings with the DSP.
 - j. A cohesive relationship shall be created between the office and residential components of the building by using similar architectural, signage, landscape, and paving elements throughout the development.
 - k. The location and number of visitor parking spaces for the multifamily residential units.
 - l. The Type 2 tree conservation plan (TCP2) shall demonstrate how the 0.36 acre of woodland conservation required by Type II Tree Conservation Plan TCPII-077-02-01 shall be met.
5. At the time of detailed site plan (DSP), the private on-site recreational facilities shall be reviewed. The following issues shall be addressed:
- a. The applicant shall provide a final list of proposed private recreational facilities and their cost estimates. The facilities listed on the conceptual site plan shall be viewed as the minimum number and type of facilities required. This list shall be expanded as necessary to ensure that the overall development is capable of sustaining an independent high-quality environment.
 - b. The minimum size of the proposed private recreational facilities and the timing of their construction shall be determined.

- c. The developer and the developer's heirs, successors, and/or assignees shall satisfy the Prince George's County Planning Board that there are adequate provisions to ensure retention and future maintenance of the proposed recreational facilities.
6. Prior to issuance of a grading permit for the property which is the subject of Conceptual Site Plan CSP-13008, the applicant shall submit the following documentation, prepared by a qualified historic preservation consultant:
 - a. Current representative exterior and interior photographs and floor plans for the Walker and Julia Black property, 11810 Old Gunpowder Road, Beltsville (MIHP 60-020), according to Maryland Historical Trust documentation standards;
 - b. A completed Maryland Inventory of Historic Properties (MIHP) form for the house at 11806 Old Gunpowder Road, Beltsville (a MIHP Inventory number to be assigned), according to Maryland Historical Trust documentation standards;
 - c. A completed Maryland Inventory of Historic Properties form for the house at 11800 Old Gunpowder Road, Beltsville (MIHP 60-025), according to Maryland Historical Trust documentation standards.
7. The total development within the subject property shall be limited to uses which generate no more than 179 (45 in; 134 out) AM peak hour trips and 203 (125 in; 78 out) PM peak hour trips in consideration of the approved trip 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.
8. Prior to acceptance of the preliminary plan or detailed site plan application, whichever includes a specimen tree variance request, that application package shall include a condition analysis of all of the trees proposed to be removed, in accordance with methods presented in the Guide for Plant Appraisal, published by the International Society of Arboriculture. The condition analysis shall be used to review the variance request. The submitted Type 1 or Type 2 tree conservation plans (TCP1 or TCP2) shall show all existing and proposed features together on the plan sheets, including all specimen trees and their associated critical root zone.

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 Hewlett voting in favor of the motion, and with Commissioners Shoaff and Washington absent at its regular meeting held on Thursday, May 22, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of June 2014.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj