



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

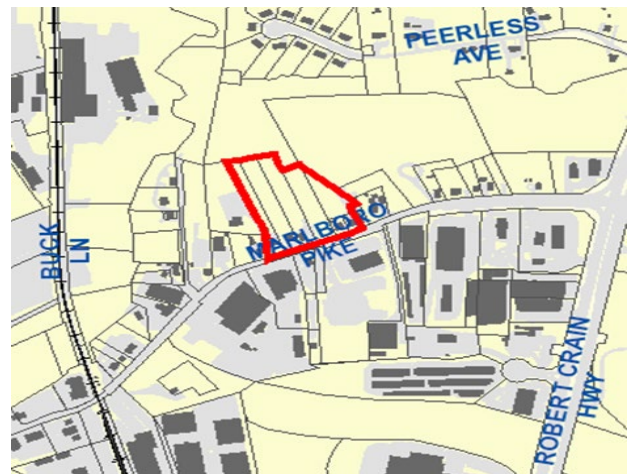
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Conceptual Site Plan Upper Marlboro Gateway

CSP-21003

REQUEST	STAFF RECOMMENDATION
Development of 153 multifamily dwelling units and 31,678 square feet of commercial/retail space.	With the conditions recommended herein: <ul style="list-style-type: none"> •Approval of Conceptual Site Plan CSP-21003 •Approval of Type 1 Tree Conservation Plan TCP1-015-2022

Location: On the north side of MD 725 (Marlboro Pike), approximately 1,200 feet west of US 301 (Robert Crain Highway).	
Gross Acreage:	4.68
Zone:	RMF-48
Prior Zone:	M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	153
Gross Floor Area:	N/A
Planning Area:	79
Council District:	06
Municipality:	N/A
Applicant/Address: Charles P. Johnson & Associates, Inc. 1751 Elton Road, Suite 300 Silver Spring, MD 20903	
Staff Reviewer: Tierre Butler Phone Number: 301-952-2458 Email: Tierre.Butler@ppd.mncppc.org	



Planning Board Date:	10/27/2022
Planning Board Action Limit:	11/03/2022
Staff Report Date:	10/11/2022
Date Accepted:	07/25/2022
Informational Mailing:	11/02/2021
Acceptance Mailing:	07/21/2022
Sign Posting Deadline:	08/28/2022

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

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-21003
Type 1 Tree Conservation Plan TCP1-015-2022
Upper Marlboro Gateway

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION CRITERIA

The property is within the Residential, Multifamily-48 (RMF-48) Zone, formerly the Mixed Use-Transportation Oriented (M-X-T) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903(c) of the Zoning Ordinance, which allows a conceptual site plan application to be reviewed under the prior Zoning Ordinance. This conceptual site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines;
- b. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- c. The requirements of other site-related regulations; and
- d. Referral comments.

FINDINGS

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

1. **Request:** The subject application proposes a conceptual site plan (CSP) for development of 153 multifamily dwelling units and 31,678 square feet of commercial/retail space.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	M-X-T	M-X-T
Use(s)	Residential/Vacant	Multifamily/Residential/ Commercial/Retail/Office
Gross Acreage	4.68	4.68
Total Gross Floor Area	5,793 sq. ft. Residential	31,678 sq. ft. Commercial/Retail/Residential
Total Multifamily Dwelling Units	-	153

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

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.25 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.4–1.4 FAR

Note: *The maximum density allowed, in accordance with Section 27-545(b)(4) of the prior Prince George’s County Zoning Ordinance, Optional method of development, for providing 20 or more residential units.

3. **Location:** The subject property is located on the north side of MD 725 (Marlboro Pike), 1,200 feet west of US 301 (Robert Crain Highway), in Planning Area 79 and Council District 6.
4. **Surrounding Uses:** The subject site is located in the north quadrant of the intersection of MD 725 and US 301. The subject site is bounded to the north by vacant property in the Mixed Use-Transportation Oriented (M-X-T) Zone; to the east by single-family residential properties zoned M-X-T; to the west by single-family residential and commercial properties zoned M-X-T; and to the south by commercial, retail, and business properties in the Light Industrial (I-1) Zone.
5. **Previous Approvals:** The subject property was rezoned to the M-X-T Zone as part of Change Number 4 of the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA).
6. **Design Features:** The application proposes the development of 153 multifamily dwelling units and 31,678 square feet of commercial/retail space within multiple parcels and four buildings. The site currently contains five single-family residential dwellings along the entrance of MD 725 that are proposed to remain. The site will contain a total of four new buildings that will be accessed from MD 725 through a 24-foot-wide private road. Each of the four buildings will consist of commercial and retail uses on the ground floor, and residential uses above. The site will have a monument sign at the entrance and a roundabout along the private road. A parking lot containing 20 parking spaces and 2 bike racks will be located between Buildings G and F. There will be stormwater management (SWM) facilities and a recreation area on-site.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the prior Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547, Uses permitted, of the prior Zoning Ordinance, which governs uses in all mixed-use zones, as follows:
- (1) The proposed multifamily residential, commercial/retail, and office uses are permitted in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, development of this property would be limited to the numbers and types, as proposed in this CSP, that cannot exceed 153 multifamily dwelling units.
- (2) Section 27-547(d) of the prior Zoning Ordinance 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.**
- This CSP proposes three types of uses, as required, including residential, commercial/retail, and office uses. These proposed uses, in the amount shown, satisfy the mixed-use requirement of Section 27-547(d).
- b. Section 27-548 of the prior Zoning Ordinance, M-X-T Zone regulations, establishes additional standards for development in this zone. The 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**

A floor area ratio (FAR) range of 0.4–1.4 is proposed in this CSP. However, this project can be developed up to the maximum allowed (1.40 FAR), in accordance with Section 27-545(b)(4), which allows an additional FAR of 1.0 on top of the base 0.4 FAR to be permitted where 20 or more dwelling units are proposed. In this CSP, a total of 153 dwelling units are proposed and the proposed FAR is in conformance.

- (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 applicant proposes a mix of uses to include residential, commercial, and retail on the M-X-T-zoned property in multiple buildings, on more than one parcel, as permitted.

- (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 since this application is for a CSP. Subsequent detailed site plan (DSP) approvals will provide regulations for development on this property.

- (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 use.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (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 and interior incompatible land uses at the time of DSP.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure**

devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

The FAR for the proposed CSP is 1.25. This will be refined further at the time of DSP, relative to the final proposed gross floor area of the buildings, in conformance with this requirement.

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

There are no private structures within the air space above, or in the ground below public rights-of-way, as part of this project.

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

The proposed development is accessed from the public streets of MD 725 and US 301. At the time of preliminary plan of subdivision (PPS), appropriate frontage and vehicular access for all lots and parcels will be properly addressed.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling**

units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject CSP proposes no townhouses.

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

The height limit will be further evaluated with the DSP for the proposed multifamily buildings.

- (j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning**

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

The subject property was placed in the M-X-T Zone through the Subregion 6 SMA, that was approved after October 1, 2006. However, no specific design guidelines were approved with the master plan for this property.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the prior Zoning Ordinance, which requires additional findings for the Prince George's County Planning Board to approve a CSP in the M-X-T Zone, as follows:

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

The proposed development is in conformance with the purposes of the M-X-T Zone. The purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections and to enhance the economic status of Prince George's County. The proposed development, consisting of residential, office, and retail uses will provide increased economic activity proximate to the intersection of MD 725 and US 301. It also allows for the reduction of the number and distance of automobile trips by constructing residential and nonresidential uses near each other. This CSP, in general, promotes the purposes of the M-X-T Zone and contributes to the orderly implementation of the 2014 *Plan Prince George's 2035 Approved General Plan*. The proposed development is in conformance with the purpose of the M-X-T Zone.

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

The subject site was rezoned to the M-X-T Zone through the sectional map amendment of the Subregion 6 Master Plan, which does not specifically provide design guidelines for the subject property; however, the CSP seeks to address the applicable policies and strategies of the master plan. The

proposed development is also consistent with the previously approved CSP-19001, for the adjoining Marlboro Gateway properties.

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

The proposed development will be oriented outward. Multifamily residential and commercial buildings will be oriented toward the site's frontage along MD 725. Staff believes that active streets should be achieved by locating the commercial/retail uses close to MD 725, and by providing active storefronts at ground level in the Phase I development envelope, to allow synergy among different commercial/retail uses. How buildings relate to the street and other urban design considerations must be addressed at the time of DSP, to ensure continued conformance with this requirement.

This CSP proposes a mixed-use development that will improve and rejuvenate a currently vacant site. The site will be accessible from Marlboro Pike. There are existing adjacent M-X-T-zoned developments and there is no facility warranting a pedestrian connection to adjacent developments, at this time. Pedestrian connections will be installed at a future time should there be development of adjacent sites. All proposed buildings are outwardly oriented and facing MD 725 or the proposed road entering the site.

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

The proposed development will implement the vision of the Subregion 6 Master Plan and SMA and will revitalize the vacant site that is a gateway along the corridor leading into Upper Marlboro. The proposed development is compatible with existing development with the area and the appropriate buffering will be provided in accordance with the Landscape Manual.

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

This development proposes a sustainable and quality site with mixed-use buildings, pedestrian access, and spacing to avoid high density development. A mix of uses is envisioned along MD 725 to create a gateway to the seat of Prince George's County, attracting both local residents and visitors. This mixed-use development will provide convenient shopping and residences within a walkable area. The specifics of the arrangement and design of the buildings will be further examined 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 proposed development will not be phased.

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

This requirement will be evaluated in detail at the time of PPS and DSP. The illustrative plan submitted with the CSP shows sidewalks adjacent to roadways, connecting to each part of the development.

- (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 above finding is not applicable because the subject application is a CSP. The design of pedestrian and public spaces will be reviewed at the time of DSP.

- (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, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, 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.**

A traffic impact study has been submitted as part of this CSP. The proposed development provides adequate transportation facilities.

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

wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).

The above finding is not applicable because the subject application is a CSP. This requirement will be evaluated at the time of DSP for this project.

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

The above finding is not applicable because the subject development only contains 4.68 acres.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The proposed development concept provides a mix of uses that front on roadways. The CSP notes that architecture for the development will provide a variety of architectural elements to convey the individuality of units, while providing for a cohesive design. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed at the time of DSP.

Specifically, the CSP anticipates and aims to achieve the following design options:

- The parking lot has been designed to provide safe and efficient vehicular and pedestrian circulation within the site;
- Parking spaces have been designed to be located near the use that it serves;
- Parking aisles have been oriented and designed to minimize the number of parking lanes crossed by pedestrians;
- Plant materials will be added to the parking lot for the commercial use to avoid large expanses of pavement;
- The loading space(s) will be located to avoid conflicts with vehicles or pedestrians;
- The loading area will be clearly marked and separated from parking areas;
- Light fixtures will be designed to enhance the site's design character by using full cut-off light fixtures throughout the development;
- Luminosity and location of exterior fixtures will enhance user safety and minimize vehicular/pedestrian conflicts;
- Lighting will be designed to enhance building entrances and pedestrian pathways;

- The pattern of light pooling will be directed to the site to ensure that no excessive lighting spills over to the adjacent properties;
- The site landscaping will comply with all requirements of the Landscape Manual, and native species will be used throughout the development.
- Public amenities including outdoor seating, bike racks, benches, etc. will be proposed; and
- Building architecture and materials will be high-quality and visually interesting.

In addition, all buildings will be designed to provide a modern, clean, and strong presence along road frontages. The proposed site and streetscape amenities in this project will contribute to an attractive, coordinated development. The CSP envisions attractive site fixtures that will be made from durable, high-quality materials and will enhance the site for future residents and patrons. Conformance with site design guidelines will be further reviewed at the time of DSP, when all required information is provided.

- e. In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required for development.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 tree conservation plan (TCP1-015-2022) was submitted with the CSP application.

Based on the TCP1 submitted with this application, the site is 4.68 acres, contains 1.01 acres of woodland in the net tract area and 0.67-acre of wooded floodplain, and has a woodland conservation threshold of 0.67-acre (15 percent). The woodland conservation worksheet proposes the removal of 1.45 acres of woodland, 0.94-acre in the net tract area and 0.51-acre in the floodplain area, for a woodland conservation requirement of 1.50 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 0.40-acre of afforestation/reforestation on-site, and 1.10 acres of off-site woodland conservation credits. The forest stand delineation has identified nine specimen trees on-site. This application proposes the removal of six specimen trees. The TCP1 is in conformance with the WCO.

9. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information which can only be provided at the time of DSP. The discussion provided below is for information only.

- a. **2010 Prince George’s County Landscape Manual**—This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.
- b. **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 zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 4.68 acres in size and the required TCC is 0.468 acre. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

10. Referral Comments: The subject application was referred to the concerned agencies and divisions. The referral comments are adopted herein by reference and main points are summarized, as follows:

- a. **Historic Preservation**—In a memorandum dated July 27, 2022 (Stabler and Smith to Butler), the Historic Preservation Section concluded that a Phase I archeology survey is recommended because the subject property was once part of the Compton Bassett and Woodland plantation. This plantation was established on the Patuxent River by the Hill family in 1699 and remained in the family until the Compton Bassett Historic Site (79-063-10) was purchased by the Maryland-National Capital Park and Planning Commission in 2010.
- b. **Community Planning**—In a memorandum dated September 14, 2022 (White to Butler), the Community Planning Section stated that, pursuant to Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated September 30, 2022 (Smith to Butler), the Transportation Planning Section determined that the plan is acceptable. Conditions have been included herein.
- d. **Subdivision**—In a memorandum dated September 23, 2022 (Kaur to Butler), the Subdivision Section determined the development is conformance with the subdivision approvals for the subject property and Subtitle 24.
- e. **Environmental Planning**—In a memorandum dated September 29, 2022 (Rea to Butler), the Environmental Planning Section determined the development is acceptable, with conditions relating to the TCP1.
- f. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated August 26, 2022 (Giles to Butler), DPIE stated their normal requirements for a project like this. The requirements included new sidewalks along the road frontages, private roads to be 22 feet in width, and conformance with the Prince George’s County Department of Public

Works and Transportation’s utility policy, SWM facilities, and drainage system specifications and standards. The site layout and impervious area are consistent with site development concept plan.

- g. **Prince George’s County Health Department**—In a memorandum dated August 11, 2022 (Adepoju to Butler), the Health Department provided several comments on this proposal. Those comments have been transmitted to the applicant, who is aware of the health-related requirements. Comments on creating a high-quality pedestrian environment have been reflected in the conditions, requiring the applicant to create an active street frontage along MD 725 at the time of DSP. Other comments such as an increase of impervious surface, fine particulate air pollution, and noise related to traffic will be further evaluated at the time of PPS and DSP, when detailed information on the site will be available.
- 11. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, if approved with the conditions below, the CSP represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- 12. Section 27-276(b)(4) of the prior Zoning Ordinance, for approval of a CSP, requires that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Prince George’s County Subdivision Regulations. The subject property contains no regulated environmental features. Therefore, this finding can be made with the proposed development.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-21003 and Type 1 Tree Conservation Plan TCP1-015-2022, for Upper Marlboro Gateway, subject to the following conditions:

- 1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
 - a. Show the extent and limits of the ultimate right-of-way along the subject property’s frontage of MD 725 (Marlboro Pike).
 - b. Add the standard Subtitle 25 variance note under the specimen tree table or woodland conservation worksheet, identifying with specificity the variance decision consistent with the decision of the Prince George’s County Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-21003 for the removal of the following specimen trees: 4, 5, 6, 7, 8 and 12.”
 - c. Have the plans signed and dated by the qualified professional who prepared them.

2. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved.
3. At the time of future development applications for this site, the applicant shall submit an approved stormwater management concept plan and approval letter.
4. At the time of preliminary plan of subdivision for this site, the applicant shall submit a geotechnical report for review and approval to determine the presence of Marlboro clay and determine the slope stability factor.
5. At the time of preliminary plan of subdivision review, the applicant proposes a fee-in-lieu to fulfill the dedication of parkland requirement.
6. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to acceptance of a preliminary plan of subdivision (PPS), the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit a signal warrant analysis for the site access driveway and the MD 725 (Marlboro Pike) intersection, if the traffic impact study submitted with the PPS application shows that a traffic signal is needed to offset traffic impacts at this intersection.
 - b. Submit an operational and queuing analysis using the Highway Capacity Manual methodology for the proposed site access driveway and MD 725 (Marlboro Pike) intersection.
8. Prior to acceptance of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit a parking analysis to determine the parking rate for the proposed development, which examines both the residential and commercial/retail uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.
 - b. Submit a bicycle and pedestrian plan which displays the details, location, and extent of the following facilities:
 1. A marked bicycle lane along the subject property's frontage of MD 725 (Marlboro Pike).
 2. An interconnected network of on-site pedestrian and bicycle facilities.

UPPER MARLBORO GATEWAY PROPERTY

Conceptual Site Plan

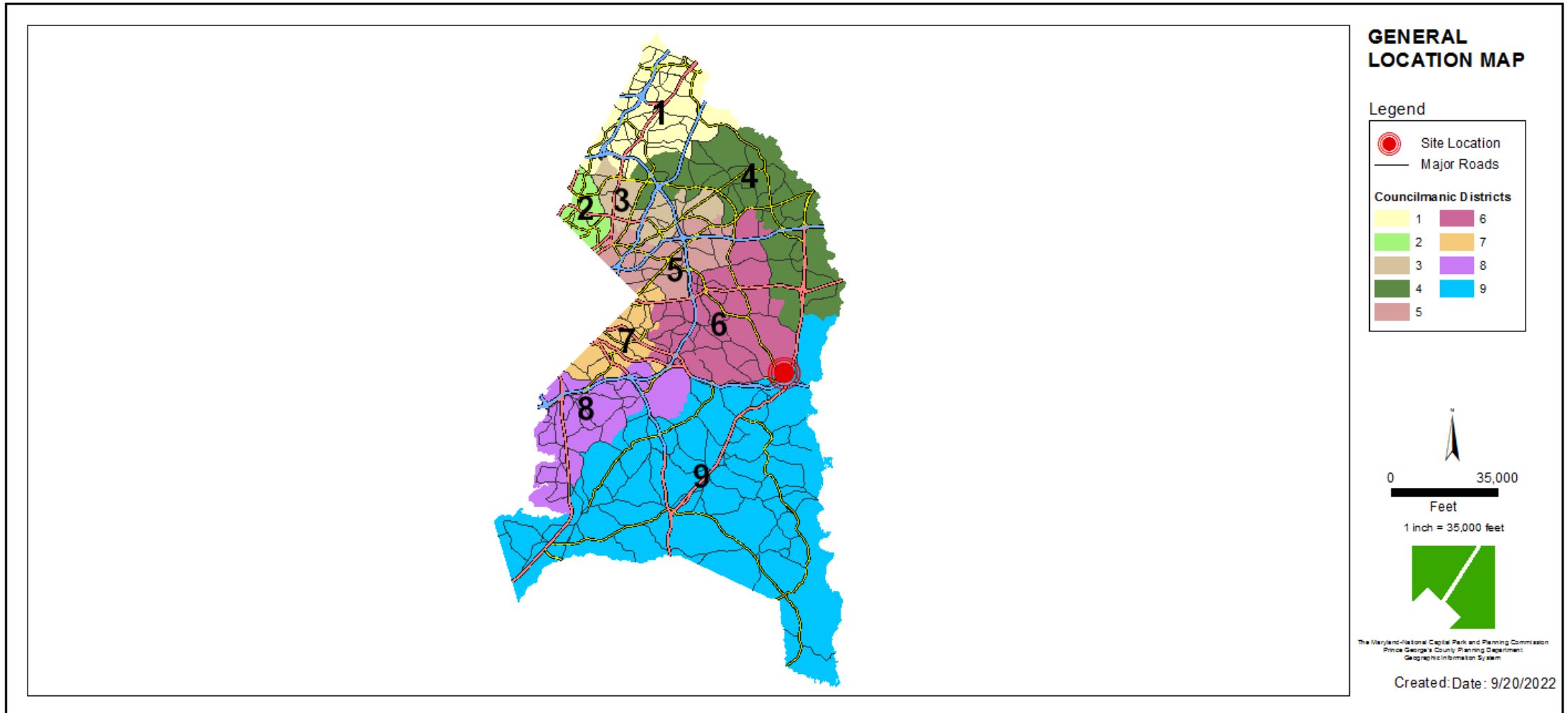
Staff Recommendation: APPROVAL with conditions



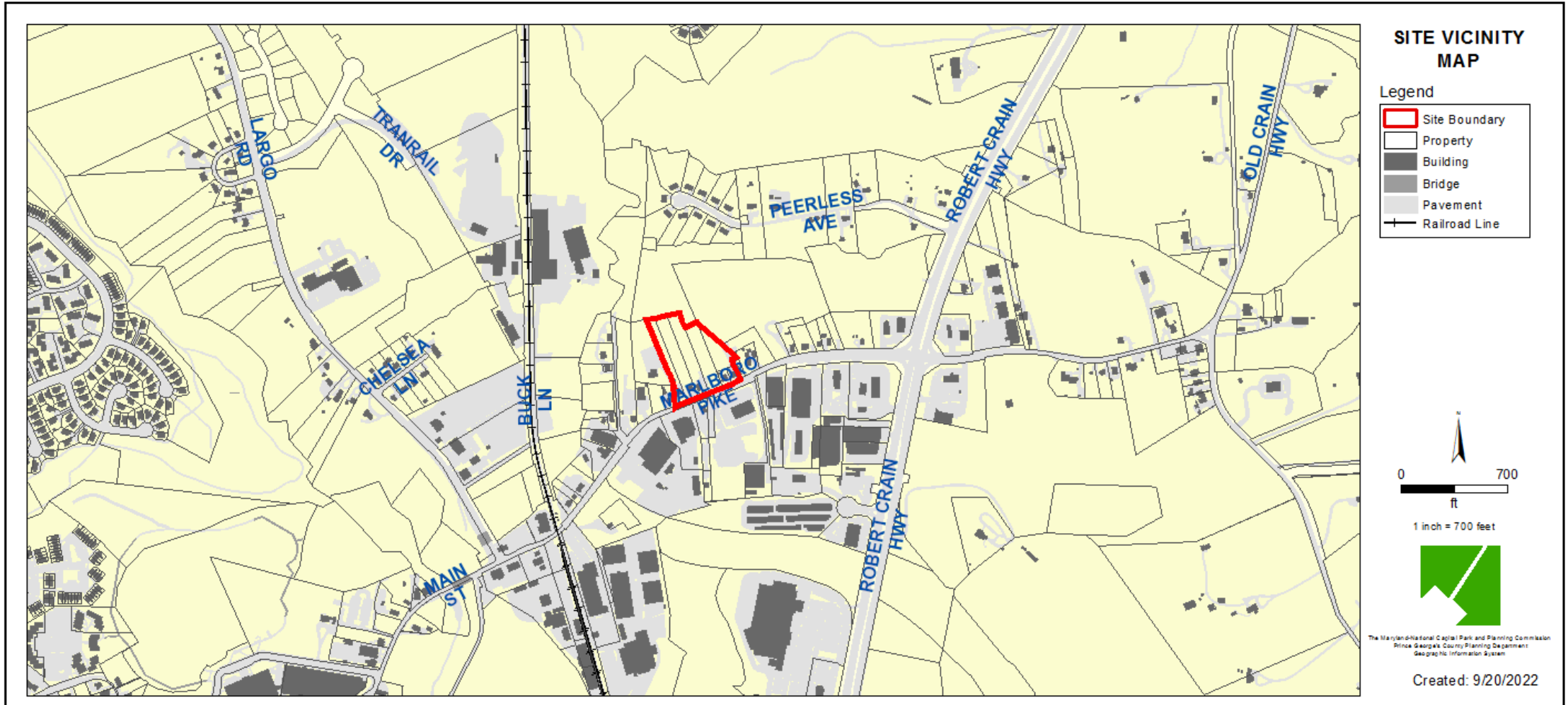
GENERAL LOCATION MAP

Council District: 06

Planning Area: 79



SITE VICINITY MAP

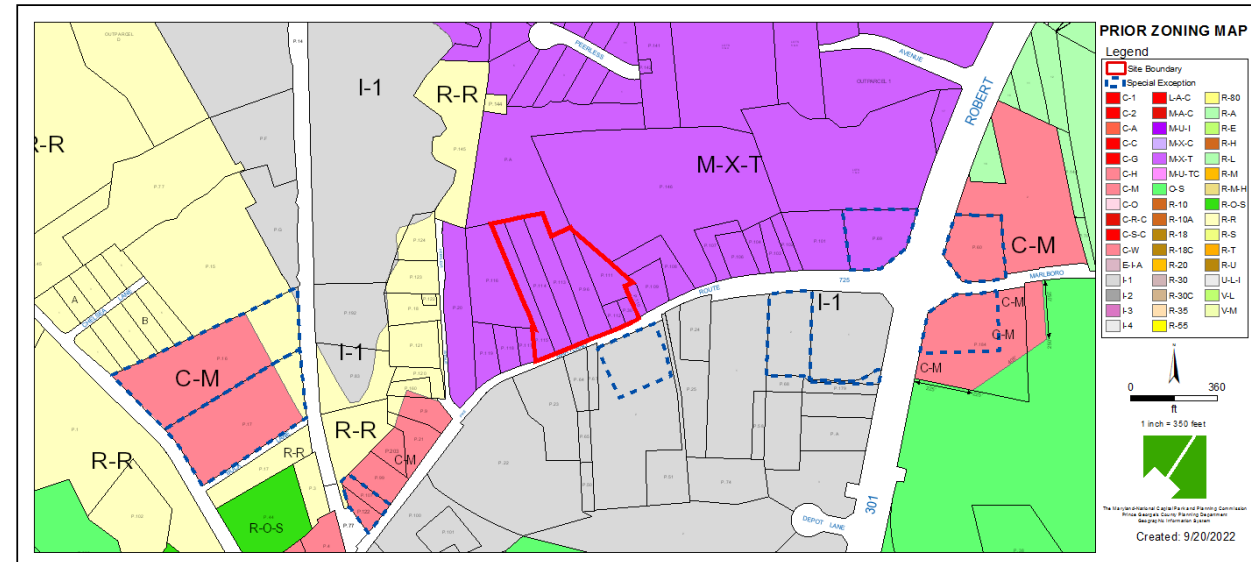
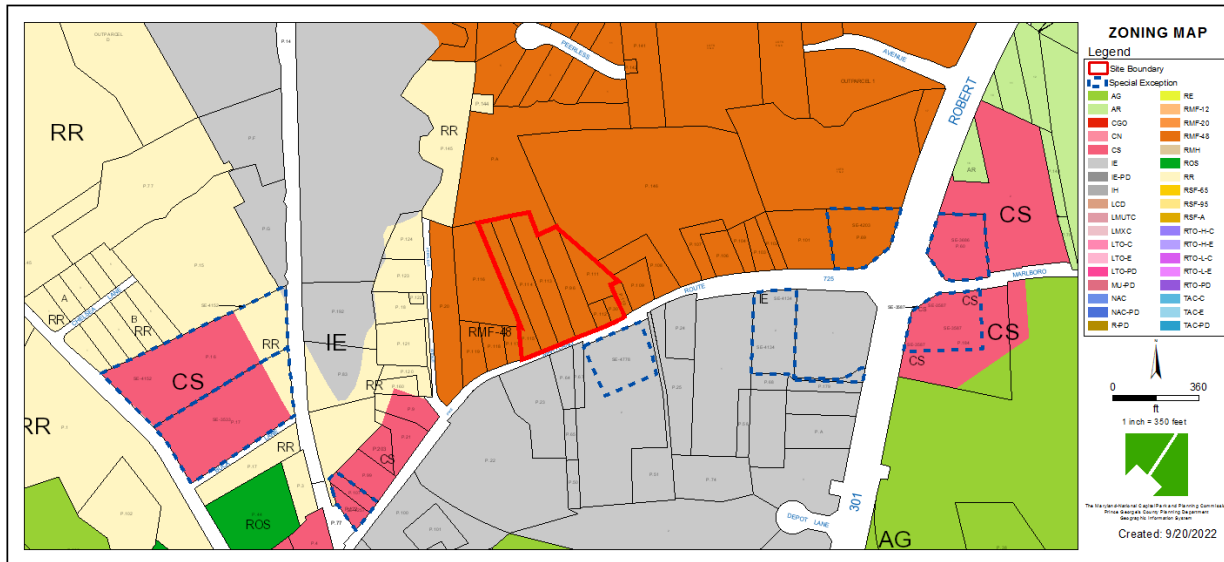


ZONING MAP (CURRENT & PRIOR)

Property Zone: RMF-48

CURRENT ZONING MAP

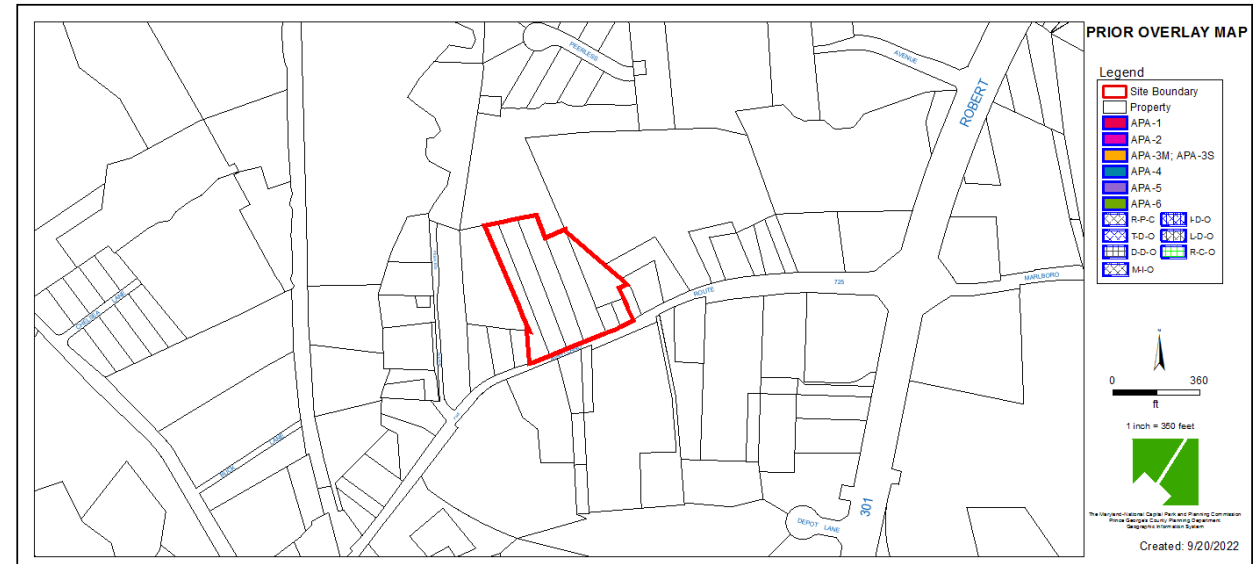
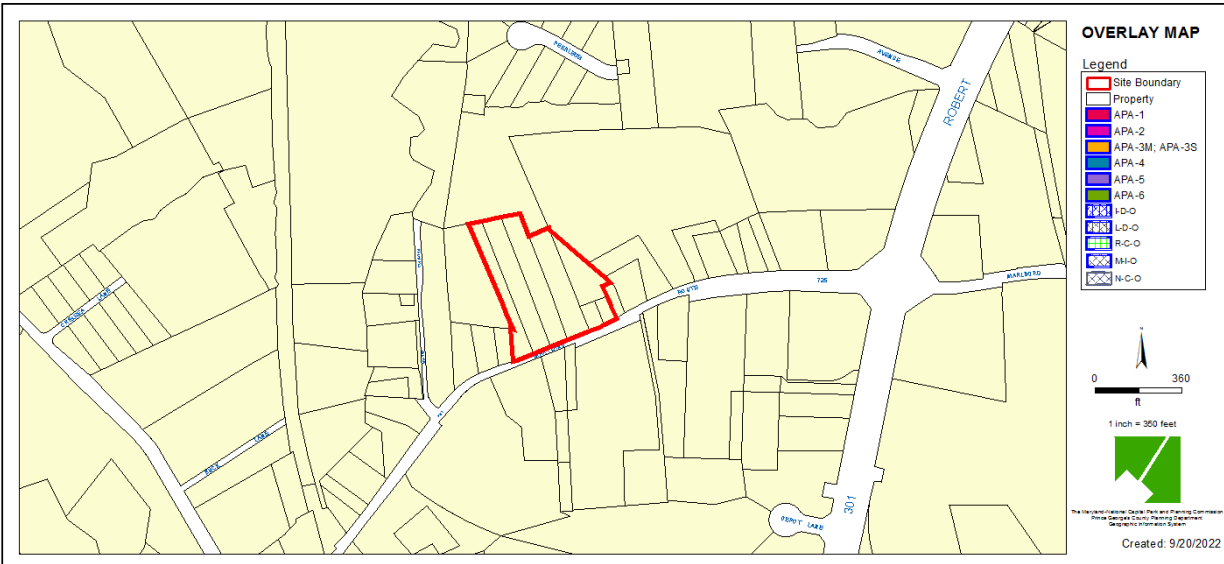
PRIOR ZONING MAP



OVERLAY MAP

CURRENT OVERLAY MAP

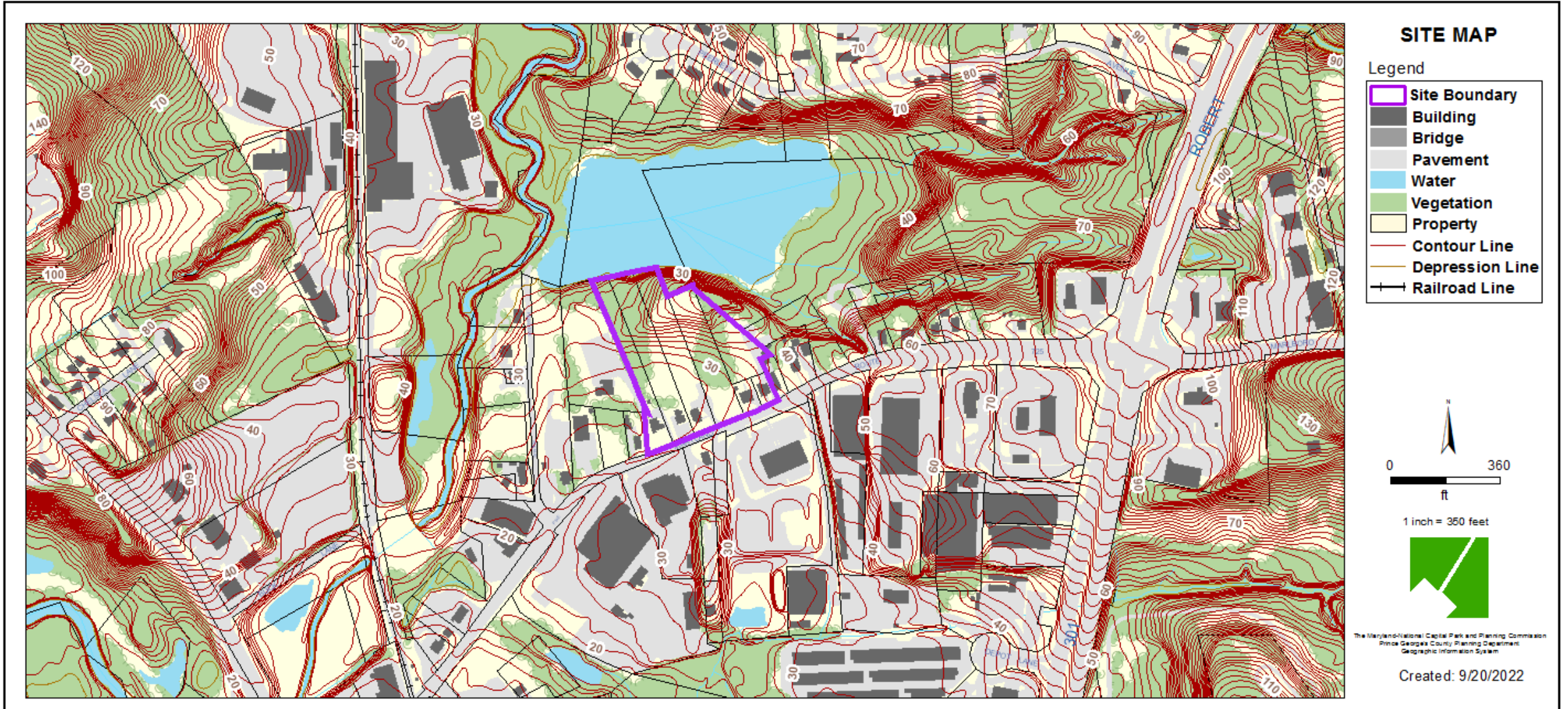
PRIOR OVERLAY MAP



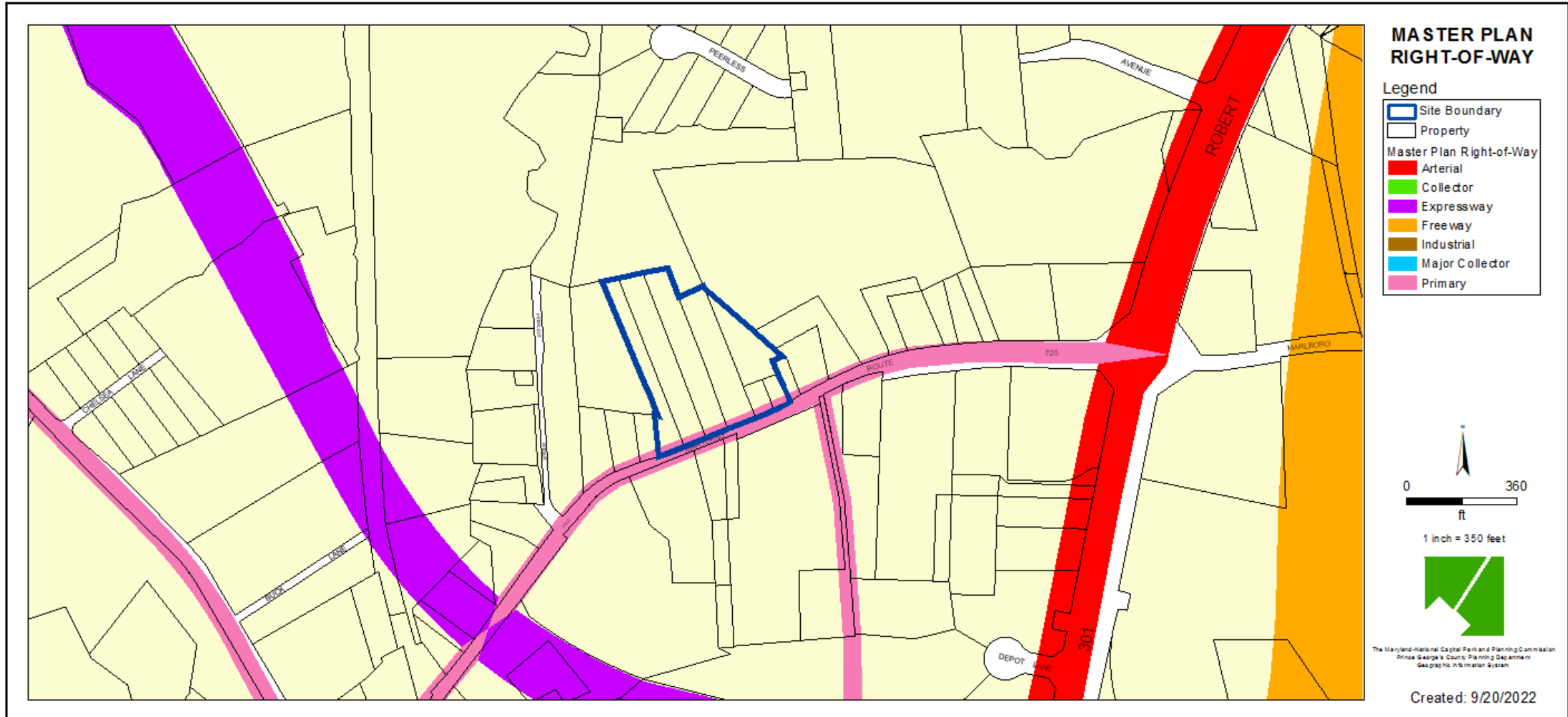
AERIAL MAP



SITE MAP



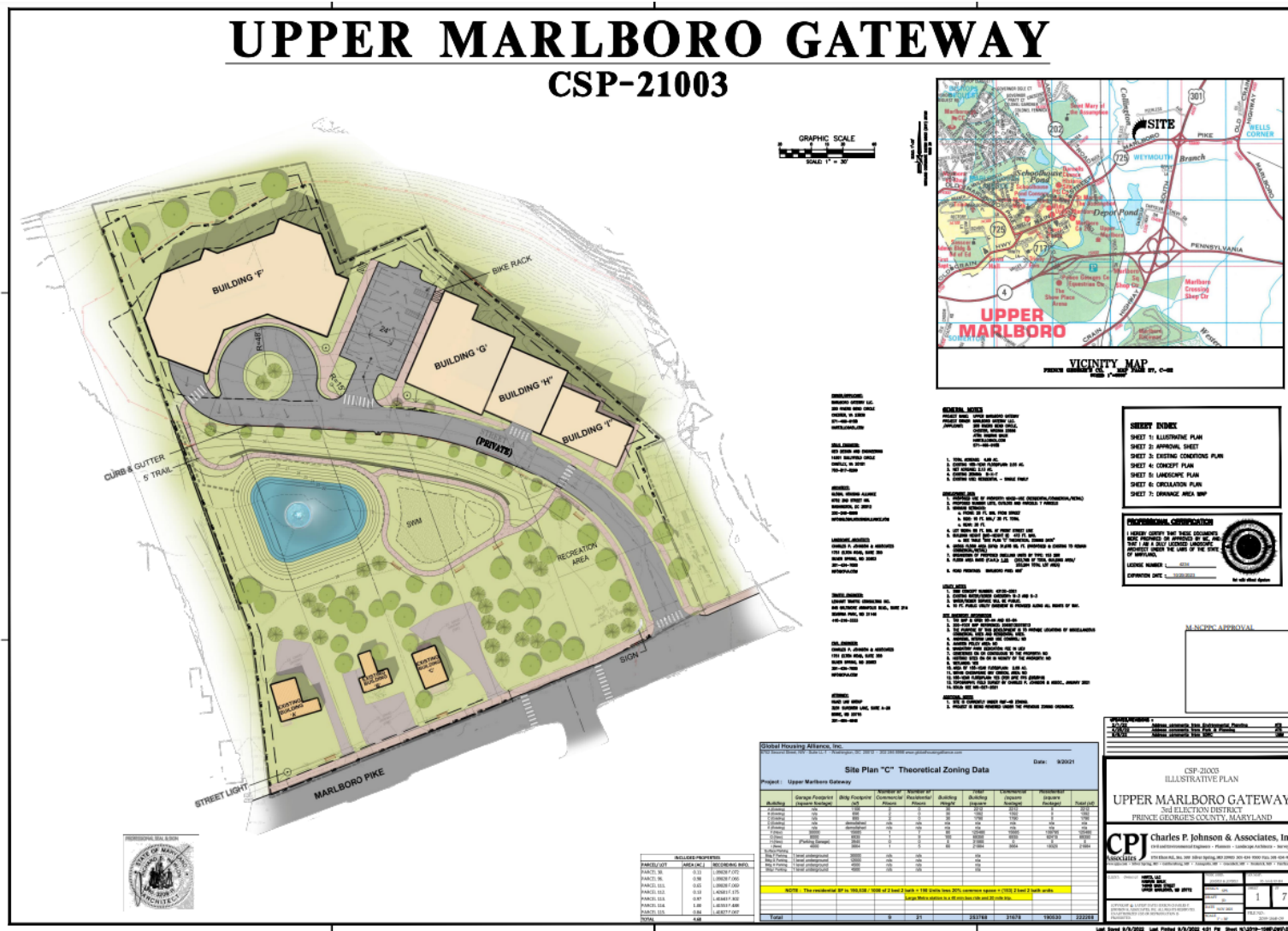
MASTER PLAN RIGHT-OF-WAY MAP



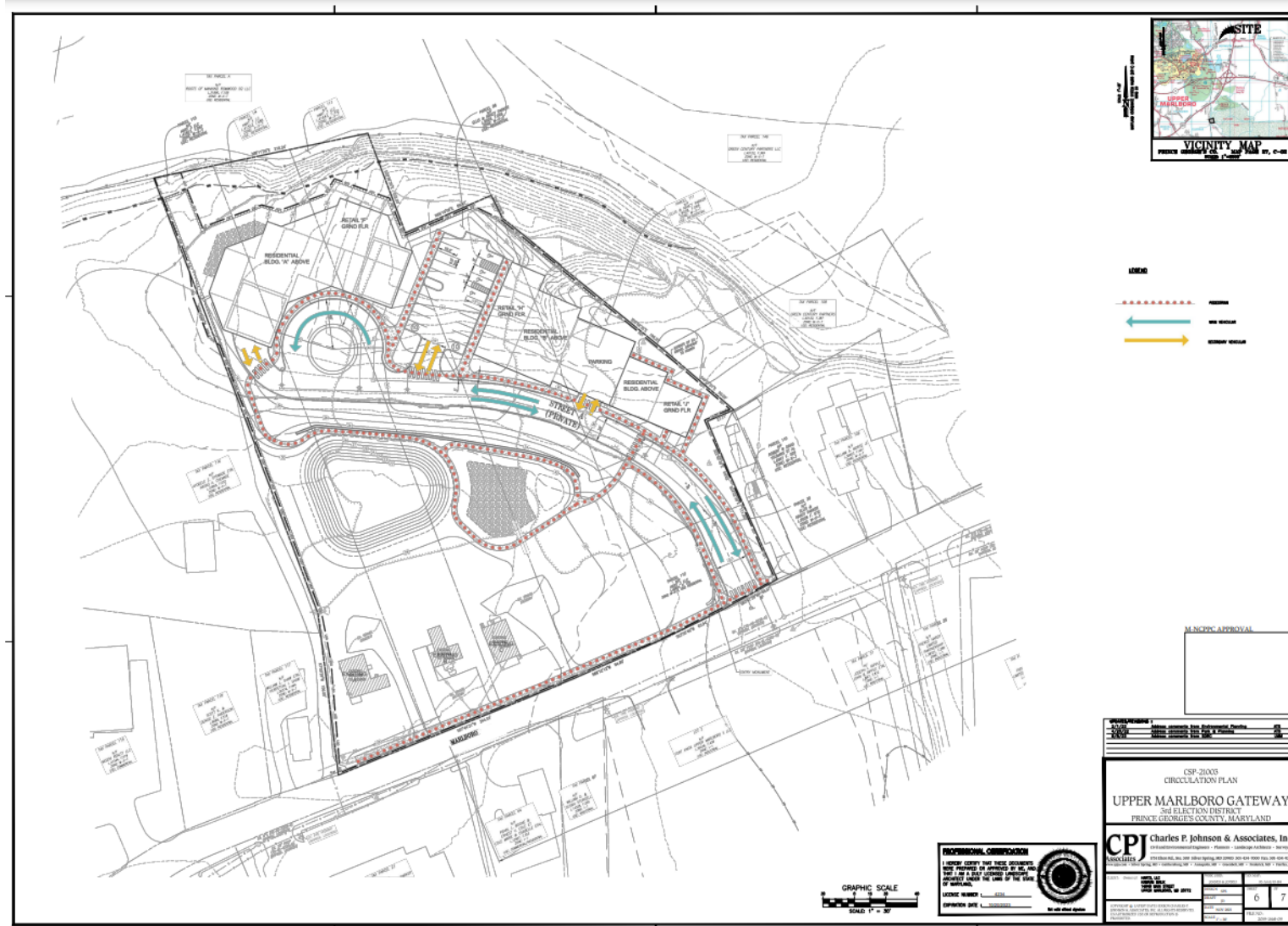
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



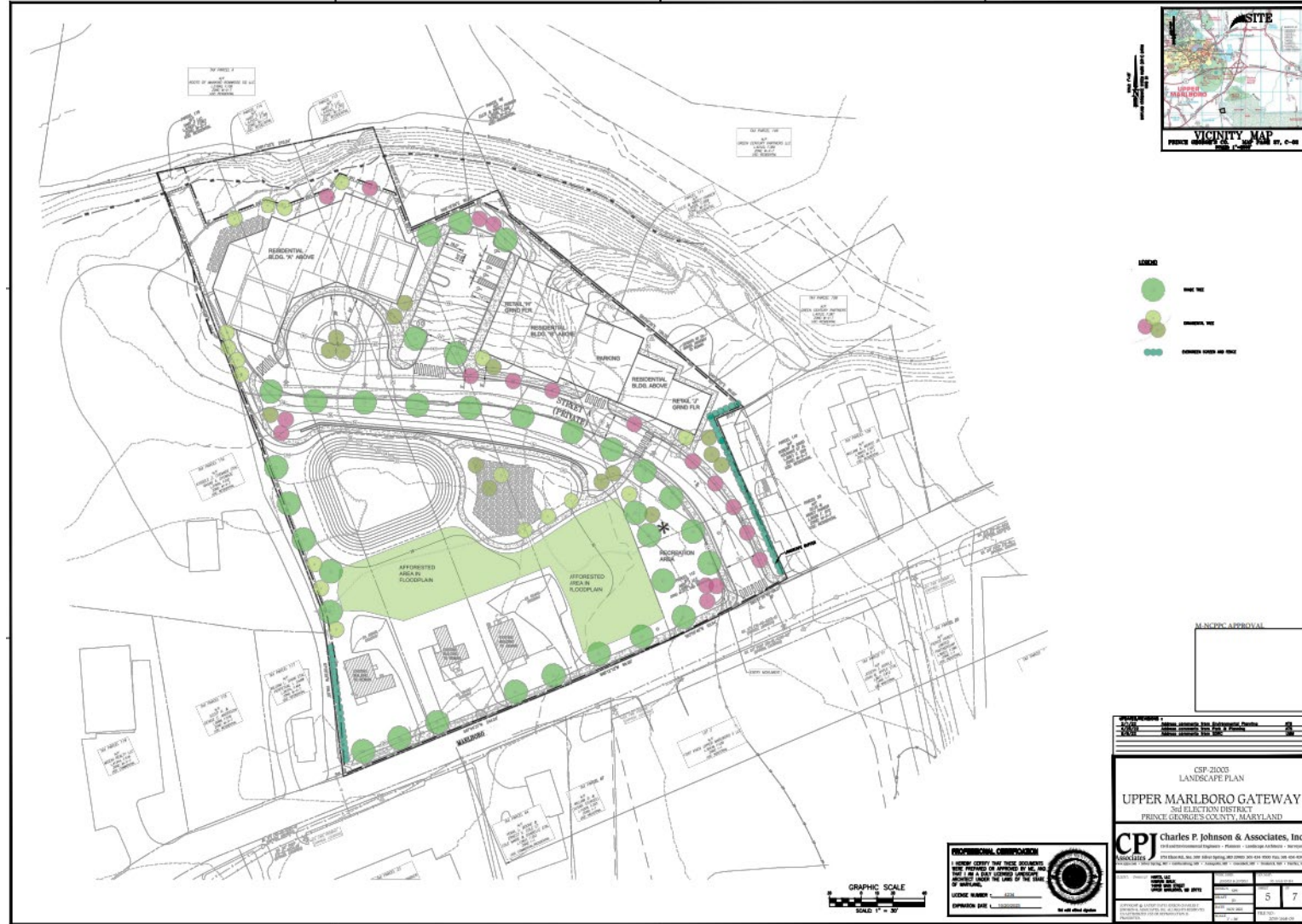
CONCEPTUAL SITE PLAN



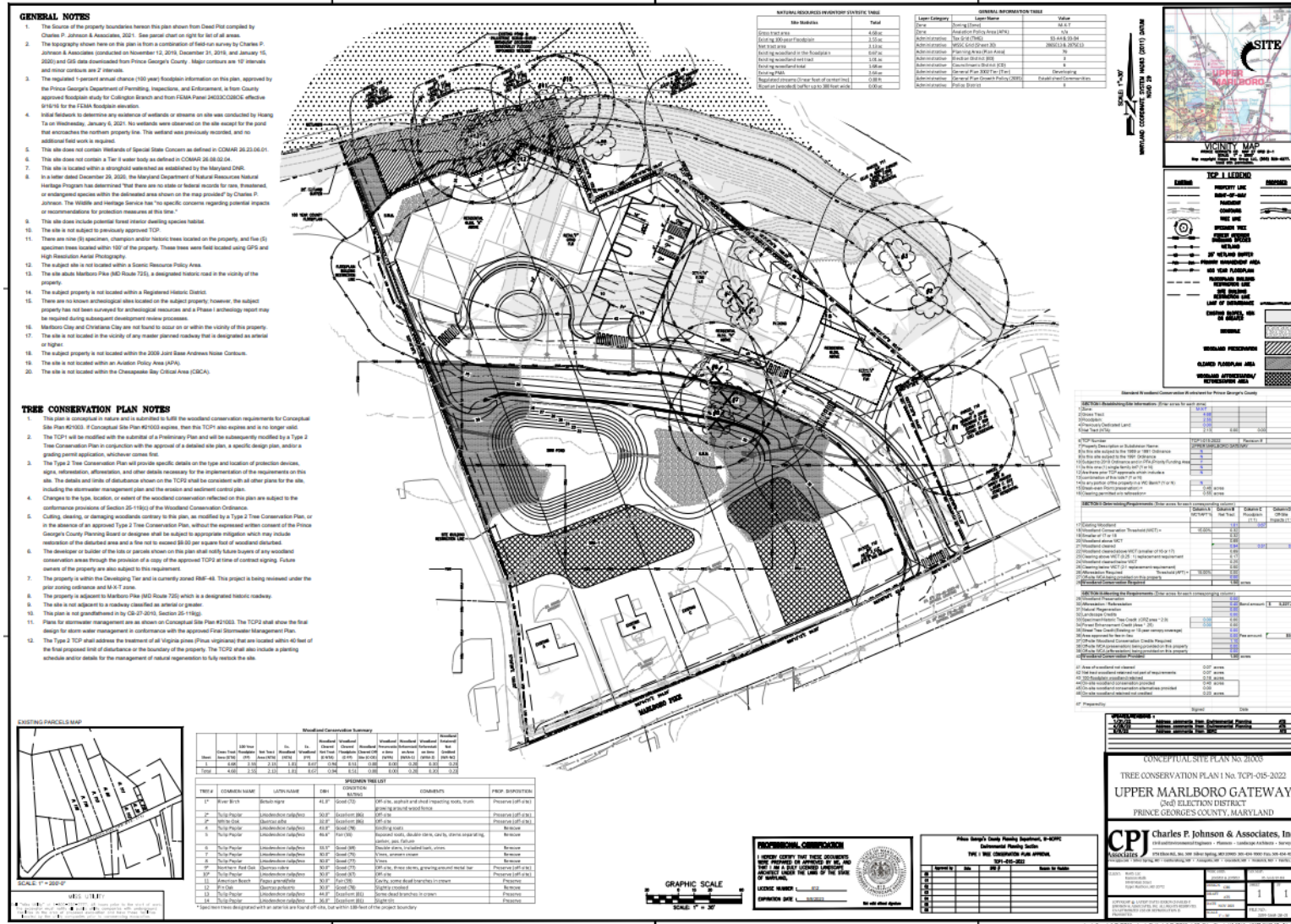
CIRCULATION PLAN



LANDSCAPE PLAN



TYPE I TREE CONSERVATION PLAN



STAFF RECOMMENDATION

APPROVAL with Conditions

- Conditions

Minor Issues:

- Technical comments

Applicant Required Mailings:

- Informational Mailing 11/2/2021
- Acceptance Mailing 7/21/2022

AMENDED STATEMENT OF JUSTIFICATION

CSP-21003 Upper Marlboro Gateway

15242-15304 Marlboro Pike, Upper Marlboro, MD

Applicant/Owner: Nancy Parker
Ellis Parker
2165 Ibis Isle Road
Palm Beach, FL 33480

Hart3, LLC
200 River Bend Circle
Chester, VA 23836

Attorney/Agent: Abdullah Hijazi, Esquire
Hijazi Law Group, LLC
3231 Superior Lane, Suite A-26
Bowie, MD 20715
Ph: 301-464-4646

Civil Engineer/: Charles P. Johnson & Associates, Inc.
Land Planner 1751 Elton Road, Suite 300
Silver Spring, MD 20903
Ph: 301-434-7000

1. Request:

The conceptual site plan (CSP-21003) request is to develop mixed use multifamily/residential, commercial/office and retail community located at 15306 Marlboro Pike in Upper Marlboro. The site at issue adjoins the Marlboro Gateway site approved under CSP-19001 for a similar mixed use development.

2. Development Data Summary:

	<u>EXISTING</u>	<u>PROPOSED</u>
Zone	M-X-T	M-X-T
Use	Residential/Vacant Land	Multifamily/Residential Commercial/Retail/Office
Acreage	4.68±	4.68±
Dwelling Units	5	153 Multifamily/Residential
Parcels	7	7
Square Footage/GFA	5,793 Residential	31,678 Commercial/Retail/Residential
Floor Area Ratio	0.0286	1.250

3. Location:

The subject site is located at 15242-15304 Marlboro Pike, Upper Marlboro.

4. Surrounding Uses:

North: Vacant Land Zoned M-X-T

East: Single Family Residential and Vacant Land Zoned M-X-T

West: Single Family Residential, Commercial Automotive and Land Zoned M-X-T

South: Commercial Retail, Automotive Based Business and General Commercial Business Zoned I-1.

5. Design Features:

The request is to approve a mixed-use community consisting residential, commercial, retail and/or office space totaling approximately 285 multifamily/residential units, and 32,450 square feet of retail/commercial.

6. Master Plan/SMA:

The property is located within the 2013 Approved Subregion 6 Master Plan and SMA.

7. Prince George's County Zoning Ordinance:

Section 27-276. Planning Board procedures.

(b) Required findings.

- (1) The Planning Board may approve a Conceptual Site Plan if it finds that the Plan represents 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. If it cannot make this finding, the Planning Board may disapprove the plan.**

Comment: Based on the points and reasons provided herein, in addition to the evidence filed in conjunction with this application, the applicant proffers that the CSP represents the 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 the intended uses.

- (2) **The Planning Board may approve a Conceptual Site Plan for a Mixed-Use Planned Community in the E-I-A r M-X-T Zone if it finds that the property and the Plan satisfy all criteria for the M-X-T Zone approval in Part 3, Division 2; the Plan and proposed development meet the proposes and applicable requirements of the M-X-T Zone; the Plan meets all requirements stated in the definition of the use; and the Plan shows a reasonable alternative for satisfying, in a high-quality, well-integrated mixed-use community, all applicable site design guidelines.**

Comment: Not applicable. Upper Marlboro Gateway is not a Mixed-Use Planned Community as defined in Section 27-107.01(a)(151.1) of the Zoning Ordinance.

- (3) **The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meets the purpose and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code.**

Comment: Not applicable. Upper Marlboro Gateway is not a Regional Urban Community as that term is defined in Section 27-107.01(a)(197.1) of the Zoning Ordinance.

- (4) **The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

Comment: CSP-21003 includes a Tree Conservation Plan - Type 1 and proposes to fulfill its woodland conservation requirements with on-site preservation outside of the floodplain of existing woodland.

Section 27-546. Site Plans.

- (d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

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

Comment: The development is in conformance with the purposes of the M-X-T Zone as stated in Section 27-542 as follows:

The District Council has previously determined that the development conceptually proposed in CSP-21003 will be in conformance with the requirements of Part 10, Division 2 of the Zoning Ordinance because the District Council has approved the subject property as part of Change Number 4 of the Sectional Map Amendment in the 2013 Approved Subregion 6 Master Plan. With the approval of this Sectional Map Amendment, the District Council rezoned the subject property to the M-X-T Zone for the purpose of implementing the recommendations of the Master Plan encouraging a mixed use development of this property. Therefore, CSP-21003 is in conformance with the purposes of the purposes of the M-X-T Zone as stated in Section 27-542.

(2) For property 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;

Comment: The subject property was part of Change Number 4 of the Sectional Map Amendment in the 2013 Approved Subregion 6 Master Plan. The Master Plan does not specifically provide design guidelines for the subject property, however CSP-21003 seeks to address applicable policies and strategies of the Master Plan and is also consistent with the previously approved CSP-19001 for the adjoining Marlboro Gateway properties.

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

Comment: CSP-21003 proposes commercial retail with multifamily buildings with ground floor retail that will improve and rejuvenate a currently vacant site. The site will be accessible from Marlboro Pike from at least two entry points. An existing building will be removed to create a second entry point to ease ingress and egress from the site. The site is harmonized with existing adjacent M-X-T developments through using shrubbery as there practically is no facility warranting a pedestrian connection to adjacent developments at this time. Pedestrian connections can be installed at a future time should there be development of adjacent sites. All proposed buildings are outwardly oriented and facing Marlboro Pike or the proposed road entering the site.

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

Comment: The proposed development will implement the vision of the approved 2013 Subregion 6 Master Plan and Sectional Map Amendment. The proposed mixed uses will revitalize the vacant site that is a gateway along the corridor leading into Upper Marlboro. The subject property is also just north of the existing retail stores including a Dollar General and south of the mixed use development approved under CSP-19001. Finally, appropriate buffering

in accordance with the Prince George's County Landscape Manual is being provided and reviewed further with the detailed site plan.

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

Comment: This application is predicated upon sustainable and quality development with mixed use buildings, pedestrian access, and spacing to avoid high density development. A mix of uses is envisioned along Marlboro Pike to create a gateway to the seat of Prince George's County, attracting both local and passerby customers and residents. Further, this mixed use development will provide convenient shopping and residences in a walkable setting near the seat of the County. The specifics of the arrangement and design of the buildings will be further examined at the time of the Detailed Site Plan.

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

Comment: This is not a staged development.

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

Comment: Sidewalks connect all buildings with each other in the proposed development, creating a convenient and walkable mixed use residential area with readily accessible shopping. Further, the sidewalks are connected to Marlboro Pike. The specifics of the arrangement and design of the buildings and pedestrian system will be further examined at the time of the Detailed Site Plan.

- (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**

Comment: At the time of the DSP, it is expected that the areas of the development that will be used for pedestrian activities or as gathering places for human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting.

- (9) On the Conceptual Site Plan for the 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, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, 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.

Comments: As part of CSP-21003, the applicant has filed a Traffic Impact Study (“TIS”) prepared by Lenhart Traffic Consulting. The applicant, by reference, incorporates and adopts the findings and conclusion of the TIS herein.

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

Comment: At the time of Detailed Site Plan this comment will be addressed.

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

Comment: Not applicable, the subject property only contains 4.68 acres.

Section 27-274 Design Guidelines.

Generally, Section 27-274 provides design guidelines regarding parking, loading, circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture. It is worth noting that every sub-part of Section 27-274(a) uses the word “should” when describing each of the guidelines. While the design guidelines are not mandatory, applicant proposes conforming with the guidelines as much as practical for best practices and to promote the purposes of the zone. The Planning Board is authorized to approve a conceptual site plan so long as the plan promotes the development in accordance with the principles for the orderly, planned, efficient, and economic development contained in the Sector

Plan, and explains the relationship among proposed and existing uses, illustrates approximate locations where buildings and other proposed improvements may be placed, and generally describes recreational facilities, building, architecture, and street furniture to be used on the final plan. Ultimately, a future detailed site plan will be filed that will show additional details.

Generally, the applicant and its consultants have designed the site in conformance with said guidelines but builder input may provide additional details or modifications at a later stage in this process. As contemplated in Section 27-272, said detail and specificity at the time of the conceptual site plan is not required. Generally, the applicant seeks to satisfy the following design guidelines to the fullest practical extent:

- The parking lots have been designed to provide safe and efficient vehicular and pedestrian circulation within the site;
- Parking spaces have been designed to be near the use that they each serve;
- Parking aisles have been oriented and designed to minimize the number of parking lanes crossed by pedestrians;
- Plant materials will be added to the parking lot for the commercial use to avoid large expanses of pavement;
- The loading space will be located to avoid conflicts with vehicles or pedestrians;
- The loading area will be clearly marked and separated from parking areas;
- Light fixtures will be designed to enhance the site's design character;
- Luminosity and location of exterior fixtures will enhance user safety and minimize vehicular/pedestrian conflicts;
- Lighting will be designed to enhance building entrances and pedestrian pathways;
- The pattern of light pooling will be directed to the site;
- The site complies with the Landscape Manual or seeks Alternative Compliance for any requirements that cannot be met by proposing landscaping that will be equal or better than what would be required;
- Public amenities including outdoor seating, bike racks, benches, etc. will be proposed; and
- Building architecture and materials will be high quality and visually interesting.

(1) General.

(A) The Plan should promote the purposes of the [Detailed] Site Plan.

Comments: The purposes of the Detailed Site Plan are found in Sections 27-281(b) and (c).

Section 27-281. Purpose of Detailed Site Plans.

(b) General purposes.

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

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
- (B) To help fulfill the purposes of the zone in which the land is located;**
- (C) To provide for development in accordance with the site design guidelines established in this division; and**
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

- (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**
- (B) To show specific grading, planting, sediment control, tree preservation and storm water management features proposed for the site;**
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**
- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

Comments: This Conceptual Site Plan will promote the proposes found in Section 27-281. Specifically, this plan helps to fulfill the purposes of the M-X-T Zone in which the subject property is located. A mixed use development consisting of a mix of residential units and commercial/retail/office use(s) are permitted in the M-X-T Zone. The site plan gives an illustration as to the approximate location and delineation of all proposed buildings, parking, streets, green areas, and other similar physical features and land uses proposed for the site. In addition to the purposes set forth in Section 27-281, Section 27-274 requires the Applicant to demonstrate the following:

(2) Parking, loading, and circulation

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

Comments: CSP-21003 proposes surface parking for residents, visitors, and patrons of the commercial and mixed use residential/commercial buildings in a layout that is efficient, safe, conveniently located, and minimizes conflict with any pedestrians. Pedestrian pathways flow around and do not conflict with the parking spaces. At the time of the detailed site plan, applicant, pursuant to Section 27-583, will provide a parking matrix/study to determine the appropriate number of parking spaces based on the actual uses proposed.

(3) Lighting

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.**

Comments: This Conceptual Site Plan anticipates activities taking place in the evening and will provide adequate lighting levels for safe vehicular and pedestrian movements. The site lighting will provide the new residents and future patrons of the commercial components with a bright, safe atmosphere while not causing glare or light bleeding into adjoining properties, as the applicant would anticipate using full cut-off light fixtures. Some examples of light fixtures that could be used for this site are:



(4) Views.

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

Comments: This Conceptual Site Plan complies with the design guidelines outlined in subpart (4). This plan is designed to preserve, create or emphasize views from the public roads and the adjoining property. All buildings will be designed to provide a modern, clean and strong presence along road frontages.

(5) Green Area

(A) On site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.

Comments: Given the nature of this mixed use development, CSP-21003 is filed with the overall vision for mixed-use development with generalized layout. As specific tenants are selected, they will provide details of the commercial/retail/residential with the detailed site plan.

(6) Site and streetscape amenities

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.

Comments: The Conceptual Site Plan and Landscape Plan submitted with this application comply with the design guidelines outlined in subpart (6). The proposed site and streetscape amenities will contribute to an attractive, coordinated development. That is, the site fixtures will be durable high quality material and will be attractive, which will enhance the site for the future residents and patrons. Some examples of site and streetscape amenities that could be used for this development are:



(7) Grading

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.

Comments: This Conceptual Site Plan complies with the design guidelines outlined in sub-part (7). All grading and landscaping will help to soften the overall appearance of the improvements once constructed. The proposed development will address the needs and expectations of the modern consumer. To the fullest extent practical, all grading will be designed to minimize disruption to existing topography.

(8) Service Areas

(A) Service areas should be accessible, but unobtrusive.

Comments: Service areas, like loading areas to service the commercial portions of the development, will be conveniently located next to the commercial buildings, but screened from view to the maximum extent possible. Where possible, service areas serving multiple buildings will be designed so that the number of service areas can be limited.

(9) Public Spaces

(A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.

Comments: The overall buildings and attention to scale for this project, which is mixed use, will help create pedestrian and public areas that will be convenient to the residents and patrons. There is an artificial lake area designed to enhance this development. Some examples of public space systems that could be used are:



(10) Architecture

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

Comments: Architectural plans are not required at the time of conceptual site plan and none have been prepared with this application because a builder has not yet been identified. Nevertheless, CSP-21003 complies with the design guidelines outlined in subpart (10). At the time of Detailed Site Plan, the applicant will endeavor to ensure that all architecture for the residential and commercial buildings will provide a high quality of building materials and provide a variety of architectural elements. Further, although it is dependent upon the ultimate builder for this project, where possible, the applicant will endeavor to provide sustainable construction techniques, improve energy efficiency, and resource conservation. It will be the goal of this community, where possible, to reduce material waste and improve energy efficiency while at the same time creating enhanced value and savings for the future residents. Some examples of potential commercial architecture are:



- (11) **Townhouses and Three-Story Dwellings**
- (A) **Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the visibility of the trees after the development of the site.**
 - (B) **Groups of townhomes should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.**
 - (C) **Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational activities.**
 - (D) **To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.**
 - (E) **To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay-windows, shutters, or trim.**
 - (F) **Attention should be given to the aesthetic appearance of the offsets of buildings.**

Comments: Not applicable. CSP-21003 does not propose townhouses.

Section 27-548. M-X-T Zone.

- (a) **Maximum floor area ratio (FAR):**
 - (1) **Without the use of the optional method of development — 0.40 FAR; and**
 - (2) **With the use of the optional method of development — 8.00 FAR.**

Comments: The optional method of development is being used. Pursuant to Zoning Code Sections 27-545(a)(1) and 27-545(b)(4), the applicant is entitled to an increase of the gross floor area by one (1) GFA from the base of 0.4 to 1.4 given that the applicant is proposing over twenty (20) residential dwelling units. The proposed FAR is 1.25 (253,768 SF Total Building Area / 203,294 Total Site Area) and is therefore in compliance with the allowed 1.4 FAR.

(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.

Comments: The applicant is proposing a mix of residential, commercial, and retail uses across several parcels and buildings.

(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.

Comments: At the time of Detailed Site Plan, the dimensions for the location, coverage, and height of all improvements will be shown.

(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.

Comments: Landscaping, screening, and buffering of the proposed development are provided pursuant to the provisions of the Landscape Manual and will be further detailed at the Detailed Site Plan stage.

(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.

Comments: The Floor area ratio shown in this application does not include areas in the buildings or structures devoted to vehicular parking and parking access, and the floor area ratio is applied to the entire property which is the subject of this Conceptual Site Plan.

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

Comments: All proposed streets are private, therefore no private structures are proposed within the air space above, or in the ground below, a public right 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.

Comments: This requirement will be addressed at the time of the submittal and review of the preliminary plan of subdivision as the site will be resubdivided.

(h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined

as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

Comments: There are no townhouses proposed at this time.

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

Comments: The applicant is proposing a Mixed-use Planned Community in the M-X-T zone, therefore the restrictions of this section do not apply.

(j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.

Comments: The Subregion 6 Master Plan and Sectional Map Amendment was approved on July 24, 2013 but does not indicate that a “comprehensive land use planning study was conducted by

Technical Staff prior to [its] initiation.” Further, the Subregion 6 Master Plan and Sectional Map Amendment presents general design guidelines instead of any specific development standards. Regardless, the applicant will aim to implement any applicable design guidelines from the Master Plan and Sectional Map Amendment to the extent practical.

8. Private recreational facilities.

The applicant intends to provide on-site private recreational facilities. Details will be provided at the time of Preliminary Plan of Subdivision and Detailed Site Plan.

9. Conclusion.

Based on the foregoing, as well as all of the development plans filed in conjunction with this application, the applicant respectfully requests the approval of CSP-21003.

Respectfully submitted,



Abdullah Hijazi, Esq.
Hijazi Law Group, LLC
3231 Superior Lane, Suite A-26
Bowie, MD 20715
Tel: (301) 464-4646
Fax: (301) 464-4188
Email: ahijazi@hijazilaw.com



Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

301-952-3680

July 27, 2022

MEMORANDUM

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

VIA: Tom Gross, Acting Supervisor, Historic Preservation Section, Countywide Planning Division *TWG*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division *AGC*

SUBJECT: **CSP-21003; Upper Marlboro Gateway Property**

Background

The subject property comprises 4.68 acres and is located on the north side of Marlboro Pike, 1,200 feet west of Route 301 (Robert Crain Highway). The subject property is zoned RMF-48 and located within the 2013 *Approved Subregion 6 Master Plan* area. The subject application proposes a mixed-use development with approximately 153 multifamily dwelling units and 31,678 square feet of commercial/retail.

The 2013 *Approved Subregion 6 Master Plan* includes goals and policies related to historic preservation (pages 161-174). However, these are not specific to the subject site.

Findings

1. The subject property currently contains five single-family residences, situated on the north side of MD 725 15242-15304 Marlboro Pike. Two of those residence have been documented on Maryland Historical Trust Determination of Eligibility forms; 15304 Marlboro Pike (PG: 79-103) and 15302 Marlboro Pike (PG: 79-102). All structures should be documented on full Maryland Inventory of Historic Properties forms. The subject property does not contain, and is not adjacent to any designated Prince George's County Historic Sites or resources.

The subject property was once part of the Compton Bassett or Woodland plantation, owned by William Hill, in the early 19th century. William Hill died at age 40 in 1823. After his death, his land holdings were divided among his children. His son, Clement Hill's portion of the Woodland estate contained the area within the subject property. After the Civil War, Clement Hill sold several small lots of land along what is now known as Old Marlboro Pike (MD 725) to African American families who had formerly been enslaved on nearby plantations. Clement Hill was active in the agricultural circles of Prince George's County and was one of the

stockholders for the formation of the Maryland Agricultural College (now the University of Maryland).

2. A Phase I archeology survey is recommended on the subject property. The subject property was once part of the Compton Bassett or Woodland plantation. This plantation was established on the Patuxent River by the Hill family in 1699 and remained in the family until the Compton Bassett Historic Site (79-063-10) was purchased by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in 2010. The subject property was in the eastern part of the Woodland plantation and was under the ownership of Clement Hill from the mid to late 19th century. Clement Hill began to divide his estate in the 1870's and sold many lots within the subject property to African American families freed from nearby plantations. Archeological investigations could shed light on the transition from slavery to freedom for the families who settled on this property.

Conclusions

1. A Phase I archeology survey should be conducted on the subject property. A draft Phase I report should be submitted with the preliminary plan application.
2. The applicant proposes to demolish all the existing structures on the subject property. Therefore, prior to the demolition of these structures, each of the buildings should be thoroughly documented on a Maryland Inventory of Historic Properties form. These 20th century houses were part of an African American community that settled in the area shortly after the Civil War. Background historic research should attempt to establish which families built and occupied these structures. Historic background research should attempt to establish who constructed the residences and their relationship, if any, to formerly enslaved people from nearby plantations.
3. At the time of detailed site plan (DSP), the applicant should submit a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the M-NCPPC staff archeologists.

Recommended Conditions

Historic Preservation Section staff recommends approval of CSP-21003 Upper Marlboro Gateway, with the following conditions.

1. Prior to approval of the associated preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
2. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area. Prior to Planning Board approval of a DSP, the applicant shall provide a plan for:

- i. Evaluating the resource at the Phase II level, or
 - ii. Avoiding and preserving the resource in place.
3. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.
4. Depending upon the significance of the findings (at the Phase I, II, or III level), the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of a DSP, and shall be subject to approval by the staff archeologists. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the final building permit for the development.
5. Prior to the approval of a grading permit, the applicant shall document each of the buildings on the subject property on individual Maryland Inventory of Historic Properties forms. Background historic research should attempt to establish which families built and occupied these structures. Historic background research should attempt to establish who constructed the residences and their relationship, if any, to formerly enslaved people from nearby plantations.

September 14, 2022

MEMORANDUM

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

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

FROM: Samuel L. White, Jr., Planner II, Neighborhood Revitalization Section, Community Planning Division ^{sw}

SUBJECT: CSP-21003, Upper Marlboro Gateway Property

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Conceptual Site Plan outside of an overlay zone.

Location: The site is located on the north side of MD 725 (Marlboro Pike), 1,200 feet west of the US 301 (Crain Highway)

Size: 4.68 acres

Existing Uses: Residential and Vacant

Proposal: The applicant proposes to construct a mixed-use development with 153 multifamily dwelling units, 31,678 square feet of commercial/retail space.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located within the Established Communities policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low-to -medium density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met. (Page 20)

Master Plan: The 2013 *Approved Subregion 6 Master Plan* recommends mixed-use future land use on the subject property.

Policy: Promote high-quality development and redevelopment around the Town of Upper Marlboro at the intersection of US 301 and MD 725 (page 205)

- Strategy 4: Achieve consistency design and setbacks for public and private improvements along MD 725 (Old Marlboro Pike).
- Strategy 5: Develop a comprehensive streetscape program for MD 725 (Old Marlboro Pike) which would include:
 - Installing curbs along MD 725 (Old Marlboro Pike) to create a safety barrier, define parcel entrances, and generally define the roadway corridor.
 - Screening surface parking with hedges, walls, or fences.
 - Installing ornament street lighting.
 - Burying overhead utilities.
 - Creating a street tree planting buffer zone adjacent to the back of the curb.

Planning Area: PA 79

Community: Upper Marlboro & Vicinity

Aviation/MIOZ: This property is not located in an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2013 Approved Subregion 6 Sectional Map Amendment rezoned the subject property into the M-X-T (Mixed Use Transportation Oriented). On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from M-X-T (Mixed Use Transportation Oriented) to RMF-48 (Residential, Multifamily-48) zone effective April 1, 2022.

MASTER PLAN CONFORMANCE ISSUES:

There are no master plan issues.

cc: Long-range Agenda Notebook
Frederick Stachura, J.D., Supervisor, Neighborhood Revitalization Section, Community Planning Division

September 23, 2022

MEMORANDUM

TO: Tierre Butler, Senior Planner, Urban Design Section
VIA: Mridula Gupta, Planner III, Subdivision Section *MG*
FROM: Jaspuneet Kaur, Planner II, Subdivision Section *JK*
SUBJECT: CSP-21003; Upper Marlboro Gateway Property

The subject site considered in this Conceptual Site Plan CSP-21003 is an approximately 4.68-acre property located in Tax Map 93 in Grids A4 and B4. The subject property consists of Parcels 30, 96, 111, 112, 113, 114, and 115. Parcel 30 is described in the Prince George's County Land Records in Liber 9028 folio 72; Parcel 96 is described in Liber 9028 folio 66; Parcel 111 is described in Liber 9028 folio 69, Parcel 112 is described in Liber 42601 folio 175; Parcel 113 is described in Liber 41643 folio 302; Parcel 114 is described in Liber 41553 folio 488; and Parcel 115 is described in Liber 41827 folio 67.

The property is zoned Residential, Multifamily-48 (RMF-48) under the current Zoning Ordinance and Mixed Use Transportation Oriented (M-X-T) pursuant to the prior Zoning Ordinance. This CSP application is being reviewed pursuant to the prior M-X-T zoning of the subject property, and pursuant to the prior Zoning Ordinance and Subdivision Regulations as allowed in accordance with Section 27-1900 of the Zoning Ordinance. The property is also subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*.

The applicant proposes a mixed-use development consisting of multifamily residential and commercial uses, including approximately 153 multifamily dwelling units and 31,678 square feet of retail and office space. There are no prior preliminary plan of subdivision (PPS) approvals for the subject property. The proposed development will require a PPS in accordance with Section 24-107 of the prior Subdivision Regulations. A CSP must be approved prior to approval of a PPS for the subject site. The property is currently improved with five dwellings, three of which will be retained and converted to commercial use. The other two structures will be razed. The three structures that are being retained, currently have direct access to Marlboro Pike, which is a designated historic road. These access points are proposed to remain, and a new internal private street is proposed from Marlboro Pike to provide access to the proposed commercial and residential development.

There are no prior plats of subdivision recorded for this property. A final plat of subdivision is required following approval of a PPS before permits may be approved for the subject property.

Plan Comments

1. The CSP proposes seven development parcels and one private road for illustrative purposes, however, the lotting pattern is not depicted on the CSP. The configuration of any proposed parcels will be determined at the time of PPS review. The CSP depicts the approximate location for commercial and residential development, layout of buildings, vehicular and pedestrian circulation, and conceptual location of recreational facilities.
2. The CSP identifies a location for proposed on-site recreational facilities for the residential use. This area is proposed close to Marlboro Road, and not situated central to the proposed residential buildings. Proposed recreational facilities should be located close to, and readily accessible to the end users of these facilities. Adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be determined at the time of PPS review.
3. The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets internal to the development will also be determined at the time of the PPS. The location of public utility easements required along all public and private streets will be determined with the PPS.
4. A portion of the property is located within the 100-year floodplain and disturbance is proposed within the floodplain. The applicant submitted a copy of the floodplain waiver approved by DPIE, which should also be submitted with the PPS application.

Recommended Conditions

None.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. A preliminary plan of subdivision and final plat will be required. There are no other subdivision issues at this time.

Countywide Planning Division
Environmental Planning Section

301-952-3650

September 29, 2022

MEMORANDUM

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

VIA: Tom Burke, Supervisor, Environmental Planning Section, CWPD *TB*

FROM: Mary Rea, Planner II, Environmental Planning Section, CWPD *MAR*

SUBJECT: **Upper Marlboro Gateway; CSP-21003 and TCP1-015-2022**

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan (CSP-21003) and a Type 1 Tree Conservation Plan (TCP1-015-2022) received on July 25, 2022. Verbal and written comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on August 5, 2022. Revised information was received on September 14, 2022. The EPS recommends approval of CSP-21003 and TCP1-015-2022, based on the conditions listed at the end of this memorandum.

BACKGROUND

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

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-027-2021	N/A	Staff	Approved	4/2/2021	N/A
CSP-21003	TCP1-015-2022	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

The applicant is requesting approval of a CSP (CSP-21003) and a Type 1 Tree Conservation Plan (TCP1-015-2022) for the construction of a mixed-use development consisting of multifamily residential units and commercial/retail space.

GRANDFATHERING

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27, because the application is for a new CSP.

SITE DESCRIPTION

The subject application area is 4.68 acres and is located on the north side of Marlboro Pike in Upper Marlboro. The current zoning for the site is Residential, Multifamily-48 (RMF-48); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Mixed Use-Transportation Oriented (M-X-T) Zone. The project area is comprised of seven parcels: Parcel 30 (Tax ID 0202994), Parcel 96 (Tax ID 0204065), Parcel 111 (Tax ID 0202986), Parcel 112 (Tax ID 0203000), Parcel 113 (Tax ID 0229526), Parcel 114 (Tax ID 0244038), and Parcel 115 (Tax ID

0244046). A review of the available information indicates that regulated environmental features (REF), such as 100-year floodplain and wetlands with associated buffers, are present on-site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP) and used on PGAtlas, there are rare, threatened, or endangered (RTE) species found to occur on or near this property. During the NRI review process, a December 29, 2020 letter was submitted from the Maryland Department of Natural Resources (DNR) Wildlife and Heritage Service. This DNR letter states that there are no known RTE species found to occur on or near this property. This site is in the Collington Branch sub-watershed that flows into the Western Branch watershed, located within the Patuxent River basin. The site has frontage on Marlboro Pike (MD Route 725), which is identified as a Primary Collector Roadway and as a historic roadway. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the *Countywide Green Infrastructure Plan* and the *Approved Prince George's County Resource Conservation Plan* (May 2017), almost the entire project area, except for several small areas along Marlboro Pike, is identified as either Regulated or Evaluation Areas.

ENVIRONMENTAL REVIEW

Natural Resource Inventory

A Natural Resource Inventory (NRI-027-2021) was approved on April 2, 2021, and is provided with this application. The site contains 100-year floodplain, wetlands, and their associated buffers, which comprise the primary management area (PMA). The on-site floodplain area is associated with Collington Branch to the west. There are nine specimen trees scattered throughout the property. The TCP1 and the CSP show all the required information correctly in conformance with the NRI. No additional information is required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-015-2022) was submitted with the CSP application.

Based on the TCP1 submitted with this application, the site is 4.68 acres, contains 1.01 acres of woodland in the net tract, 0.67-acre of wooded floodplain and has a woodland conservation threshold of 0.67-acre (15 percent). The Woodland Conservation Worksheet proposes the removal of 1.45 acres of woodland, 0.94-acre in the net tract area, and 0.51-acre in the floodplain area, for a woodland conservation requirement of 1.50 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 0.40-acre of afforestation/reforestation on-site, and 1.10 acres of off-site woodland conservation credits. The forest stand delineation (FSD) has identified nine specimen trees on-site. This application proposes the removal of six specimen trees.

The TCP1 plan is in conformance with the WCO.

Specimen Trees

Tree conservation plans are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). 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 (ETM) for guidance on each species' ability to tolerate root zone disturbances.)

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

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 Division 2 of Subtitle 25 (the WCO), provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a statement of justification (SOJ) stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 variance application and a SOJ in support of a variance, dated August 11, 2022, were submitted.

The approved NRI identifies a total of 14 specimen trees; 5 trees are considered off-site, with 9 on-site. The following analysis is the review of the request to remove six specimen trees located on-site.

The SOJ requests the removal of six of the existing nine specimen trees located on-site. Specifically, the applicant seeks to remove specimen trees ST-4, 5, 6, 7, 8, and 12. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the buildings and associated infrastructure.

SPECIMEN TREE SCHEDULE SUMMARY FOR SIX TREES PROPOSED FOR REMOVAL ON TCP1-015-2022

SPECIMEN TREE #	COMMON NAME	DBH (inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION
4	Tulip Poplar	43	Good	Remove
5	Tulip Poplar	46.6	Fair	Remove
6	Tulip Poplar	33.5	Good	Remove
7	Tulip Poplar	30	Good	Remove
8	Tulip Poplar	30	Good	Remove
12	Pin Oak	30	Good	Remove

Staff supports the removal of the six specimen trees requested by the applicant, based on the findings below.

(A) Special conditions peculiar to the property have caused the unwarranted hardship

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain specimen trees ST-4, 5, 6, 7, 8, and 12. Five of the trees are in good condition, and one is in fair condition. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 4.68 acres and contains 2.55 acres of 100-year floodplain, and wetland and associated buffer, which limits the developable areas of the site. These existing conditions are peculiar to the property.

The proposed use, mixed-use development, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without additional variances. Requiring the applicant to retain the six specimen trees on the site would further limit the area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone (CRZ), would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied other applicants. If other properties containing REF and specimen trees were encountered in a similar condition and location on a site, the same considerations would be provided during the review of the required variance application. This is not a special privilege that would be denied other applicants.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the six specimen trees is proposed for the grading required to achieve optimal potential for this mixed-use development. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size under natural conditions, and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. The project is subject to stormwater management (SWM) regulations, as implemented locally by the Department of Permitting, Inspections and Enforcement (DPIE). The project is subject to environmental site design (ESD) to the maximum extent practicable (MEP). Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District (PGSCD). Stormwater management, erosion, and sediment control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state standards. State standards are set to ensure that no degradation occurs. The removal of six specimen trees will not directly affect water quality.

CONCLUSION

The required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees ST-4, 5, 6, 7, 8, and 12. Staff recommends that the Planning Board approve the requested variance for the removal of six specimen trees for the construction of a new mixed-use development, associated grading, and SWM.

Regulated Environmental Features

There is PMA comprised of REF which includes 100-year floodplain, steep slopes, and wetlands with their associated buffers. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the REF in a natural state to the fullest extent possible. The development proposes impacts to the PMA. A letter of justification (LOJ) with exhibits was submitted by the applicant on July 25, 2022, for review with the CSP.

Section 24-130(b)(5) of the Subdivision Ordinance states "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REF. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The CSP proposes impacts to the PMA. The three proposed impacts are for the construction of a stormdrain outfall, to tie proposed grades to existing grades, install swm facilities, install road

improvements, and to demolish an existing building. The proposed on-site impacts total approximately 1.66 acres.

Analysis of Impacts

Impact 1 – Stormdrain Outfall

This 0.03-acre impact located in the northwestern portion of the site is for a stormdrain outfall. This impact cannot be avoided because it is required by other provisions of the County and state codes.

Impact 2 – Grading

This 0.01-acre impact in the northern portion of the site is for tying the proposed grades to the existing grades. The proposed PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure.

Impact 3 – Impacts to the 100-year floodplain

Impacts to the 100-year floodplain will total 1.63 acres. The impacts are for the construction of SWM facilities, stormdrain piping, and the construction of a pond required for compensatory storage for 100-year control, and associated grading and clearing. This impact also includes the removal of one of the existing four buildings that is currently in the 100-year floodplain. Proposed frontage improvements along Marlboro Pike will also impact the floodplain. The Director of DPIE on January 21, 2021, granted a floodplain waiver allowing for the proposed work. The proposed PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure.

Soils

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey, are Adelphia-Holmdel complex, Collington-Wist complex, Collington-Wist-Urban land complex, Marr-Dodon complex, and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay has been identified in a portion of the eastern project area. A geotechnical report, prepared by GeoDesign & Engineering, Inc., dated August 3, 2021, was provided with this application. The report, which was prepared for the SWM facilities, indicated that no problematic soils or highly plastic soils were found in the soil borings. However, additional geotechnical information shall be required for future development applications.

Stormwater Management

An unapproved SWM Concept plan was submitted with the subject application. Currently, the SWM Concept plan is under review by DPIE, and the concept number is 43132-2021. Proposed SWM features include one micro-bioretenion facility, a submerged gravel wetland, and a detention pond. Submittal of an approved SWM concept plan and approval letter showing the proposed buildings, interior roads, and surface parking will be required with future development applications.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The EPS recommends approval of Conceptual Site Plan CSP-21003 and TCP1-015-2022, subject to the following conditions:

Recommended Findings:

1. The required findings of Section 25-119(d) have been adequately addressed for the removal of six on-site specimen trees (ST-4, 5, 6, 7, 8, and 12).
2. Based on the level of design information available at the present time, the regulated environmental features (REF) on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the conditions recommended in this memorandum. The proposed impacts are to construct a stormdrain outfall, to tie proposed grades to existing grades, install SWM facilities, install road improvements, and to demolish an existing building.

Recommended Conditions:

1. Prior to signature approval of the CSP, the TCP1 shall be revised as follows:
 - a. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-21003 for the removal of the following specimen trees: 4, 5, 6, 7, 8 and 12.”
 - b. Have the plans signed and dated by the qualified professional who prepared them.
2. Prior to the issuance of permits for this subdivision, a TCP2 shall be approved.
3. At the time of future development applications for this site, the applicant shall submit an approved stormwater management (SWM) concept plan and approval letter.
4. At the time of preliminary plan of subdivision for this site, the applicant shall submit a Geotechnical Report for review and approval to determine the presence of Marlboro clay and determine the slope stability factor.
5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

MEMORANDUM

August 26, 2022

TO: Tierre Butler, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE *Mary Giles*

Re: Upper Marlboro Gateway Property
Conceptual Site Plan, CSP-21003

CR: Marlboro Pike

In response to the Conceptual Site Plan, CSP-21003, referral for the development of residential and commercial mixed-use developments and their associated infrastructure at the above referenced site, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is in Upper Marlboro, MD, located approximately 800-ft east of the intersection of Marlboro Pike and Peerless Avenue.
- **Marlboro Pike** is an existing State-maintained roadway to the south of the subject property with variable right-of-way width. The applicant shall coordinate right-of-way dedications and construct roadway/frontage improvements as required in accordance with the Maryland State Highway Administration (MSHA) as determined necessary.
- There are no County roads impacted under this development. DPIE defers all roadway and right-of-way comments to MSHA.
- The 2018 Water and Sewer Plan designates the identified parcels comprising the Upper Marlboro Gateway Property in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, approved for development on the public sewer system.
- Water and sewer lines in Marlboro Pike abut all parcels except for Parcel 111, that does not front on Marlboro Pike. Water and sewer line extensions or an onsite system may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Compliance with the Department of Public Works and Transportation (DPW&T) utility policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with "DPW&T Policy and Specifications for Utility Installation and Maintenance Permits" is required.
- The internal subdivision streets' centerline radii are to be designed and constructed in accordance with DPW&T's Table I-2 design criteria.
- Private roads to be at least 22' wide, bonded and permitted in accordance with applicable County codes, standards and specifications.
- Maintenance of private streets is not the responsibility of Prince George's County.
- Cul-de-sacs and roadways are required to allow, at a minimum, turning movement for a standard WB-40 vehicle and a standard-length fire truck. When considering turning movement, it is assumed that parking is provided on the outside edge of the radius of the cul-de-sac.
- The Site Plan filed under M-NCPPC Case No. CSP-21003 must be consistent with the Site Development Concept Plan filed under Case No. 43132-2021-0 (under review and not yet approved by DPIE).
- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance with the standards and specifications set forth by DPIE and DPW&T. Approval of all facilities are required prior to permit issuance.
- All easements are to be approved by DPIE and recorded prior to technical approval.
- A maintenance agreement is to be approved by DPIE and recorded prior to technical approval.
- The proposed development will require a site development permit approved by DPIE.
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for all proposed roadways and Marlboro clay is required.
- The proposed project must obtain an approved floodplain delineation in accordance with DPIE's requirements. All buildings shall be built with lowest floor elevation elevated to the flood protection elevation above the 100 year floodplain.
- A floodplain easement is to be dedicated on the record plat prior to issuance of any permit.

- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - a) Final site layout, exact impervious area locations are shown on plans.
 - b) Exact acreage of impervious areas has not been provided.
 - c) Proposed grading is shown on plans.
 - d) Stormwater volume computations have not been provided.
 - e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.
 - f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
 - g) A narrative in accordance with the code has not been provided.
 - h) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.636.2060.

MA:TJ:AG:DSM

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Ted Jeong, P.E., Engineer, S/RPRD, DPIE
Hart3 LLC Ellis Parker and Nancy Parker, c/o Kamram Malik, 200 Rivers Bend
Circle, Chester, VA 23836
Hijazi Law Group LLC, 3231 Superior Lane, Suite A-26, Bowie, MD 20715



Division of Environmental Health/Disease Control

Date: August 11, 2022

To: Terre Butler, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: CSP-21003 UPPER MARLBORO GATEWAY PROPERTY

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the conceptual site plan submission for the Upper Marlboro Gateway property located at 15306 Marlboro Pike and has the following any comments/recommendations:

1. Health Department permit records indicate there is one existing carry-out/convenience store food facilities and no markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. ***The applicant should consider setting aside commercial retail space for a food facility that provides healthy food options.***
2. The applicant will have to apply for a raze permit to remove any existing buildings. The raze permit can be obtained by the Dept. of Permit Inspection and Enforcement (DPIE) through their permit application website at <https://dpiepermits.princegeorgescountymd.gov> .
3. Providing a pedestrian system will provide connectivity to the neighboring communities and retail as well as promote the increase to positive health outcomes through walking.
4. During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
5. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



Division of Environmental Health/Disease Control

construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



Environmental Engineering/Policy Program
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9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

Additional Back-up

For

CSP-21003

Upper Marlboro Gateway

Property

Hijazi Law Group, LLC

3231 Superior Lane
Suite A-26
Bowie, MD 20715
Tel: (301) 464-4646
Fax: (301) 464-4188
www.hijazilaw.com

Abdullah Hijazi[^]
Martin Zhou^{*^}
Linda Ham*
Gregory Carroll[^]
Legend:
^{*}MD [^]DC

October 25, 2022

Via Email to Tierre.Butler@ppd.mncppc.org and DRDapplications@ppd.mncppc.org
Chairman Peter Shapiro
Prince George's County Panning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Upper Marlboro Gateway – CSP-21003
Amendment to Conditions of Approval
Letter of Support from Town of Upper Marlboro

Dear Mr. Shapiro,

I am submitting the following two items for inclusion in the record for CSP-21003 for the Upper Marlboro Gateway development:

1. Applicant's requested amendments to the Conditions of Approval, and
2. A Letter of Support from the Town of Upper Marlboro.

I have coordinated the requested amendments to the proposed conditions with staff, and it is my understanding that staff is generally in agreement with the proposed amendments.

Sincerely,

/s/

Abdullah H. Hijazi, Esq.

Enclosures:
Exhibits 1 & 2

Exhibit 1 to Applicant's October 25, 2022 Letter to Chairman Shapiro

Amendment to Proposed Conditions of Approval

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
 - a. Show the extent and limits of the ultimate right-of-way along the subject property's frontage of MD 725 (Marlboro Pike).
 - b. Add the standard Subtitle 25 variance note under the specimen tree table or woodland conservation worksheet, identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-21003 for the removal of the following specimen trees: 4, 5, 6, 7, 8 and 12."
 - c. Have the plans signed and dated by the qualified professional who prepared them.
2. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved.
3. At the time of future development applications for this site, the applicant shall submit an approved stormwater management concept plan and approval letter.
4. At the time of preliminary plan of subdivision for this site, the applicant shall submit a geotechnical report for review and approval to determine the presence of Marlboro clay and determine the slope stability factor.
5. At the time of preliminary plan of subdivision review, the applicant proposes a fee-in-lieu and/or recreational facilities to fulfill the dedication of parkland requirement.
6. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to acceptance of a preliminary plan of subdivision (PPS), the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit a signal warrant analysis for the site access driveway and the MD 725

(Marlboro Pike) intersection, if the traffic impact study submitted with the PPS application shows that a traffic signal is needed to offset traffic impacts at this intersection.

- b. Submit an operational and queuing analysis using the Highway Capacity Manual methodology for the proposed site access driveway and MD 725 (Marlboro Pike) intersection.
8. Prior to acceptance of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Submit a parking analysis to determine the parking rate for the proposed development, which examines both the residential and commercial/retail uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.
 - b. Submit a bicycle and pedestrian plan which displays the details, location, and extent of the following facilities:
 1. A marked bicycle lane along the subject property's frontage of MD 725 ~~(Marlboro Pike)~~(unless modified by SHA with written correspondence).
 2. An interconnected network of on-site pedestrian and bicycle facilities.

Exhibit 2 to Applicant's October 25, 2022 Letter to Chairman Shapiro

Letter of Support from Town of Upper Marlboro (See Next Page)



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

Janice Duckett
Treasurer

Karen Lott
Commissioner

Sarah Franklin
President

Thomas Hanchett
Commissioner

Charles Colbert
Commissioner

Thursday October 13th, 2022

Prince George's County Planning Department
14741 Governor Oden Bowie Drive,
Upper Marlboro, MD 20772

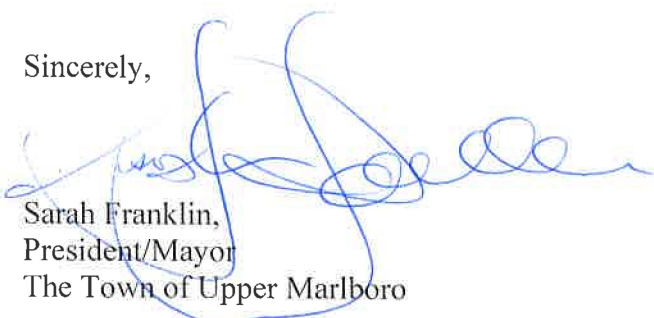
RE: Town of Upper Marlboro Comments CSP-21003 Upper Marlboro Gateway

To Whom It May Concern,

This letter is to convey the general support of the Board of Town Commissioners for the Town of Upper Marlboro for the Upper Marlboro Gateway development project located currently just outside Town limits along Marlboro Pike. This area will be brought into the Town's corporate limits in the near future via annexation, as the property owner has signed annexation consent documents. We hope that this development, and other developments happening in the area will help revitalize this commercial corridor of the Upper Marlboro area.

Please feel free to reach out to our Town Administrator Kyle Snyder at ksnyder@UpperMarlboroMD.gov or at 301-627-6905.

Sincerely,


Sarah Franklin,
President/Mayor
The Town of Upper Marlboro


Countywide Planning Division
Transportation Planning Section


301-952-3680

September 30, 2022

MEMORANDUM

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

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division


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

SUBJECT: CSP-21003 – Upper Marlboro Gateway

Proposal:

The subject Conceptual Site Plan (CSP) application proposes 153 multifamily dwelling units and 31,687 square feet of commercial/retail uses on approximately 4.68 acres of land. The site is located along the north side of Marlboro Pike (MD-725) approximately 1,150 feet west of its intersection with Crain Highway (MD-301) and is located within the Mixed-Use Transportation Oriented (M-X-T) zoning district. The Transportation Planning Section's review of the CSP application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

There are no prior conditions of approval on the subject property.

Master Plan Compliance

Master Plan Roads

The subject property fronts Marlboro Pike (MD-725) along the south side of the proposed development. The *2009 Countywide Master Plan of Transportation (MPOT)* and the *2013 Approved Subregion 6 Master Plan and Sectional Map Amendment* recommends this portion of Marlboro Pike as a 2-4 lane facility within 70 feet of right-of-way.

Comment: The applicant has noted that right-of-way dedication as a primary road will be addressed at the Preliminary Plan of Subdivision (PPS) stage of development. Staff finds this acceptable, but requests the applicant update the CSP to show the extent and limits of the ultimate right-of-way along the subject property's frontage of Marlboro Pike.

Master Plan Pedestrian and Bike Facilities

This development case is subject to *2009 Approved Countywide Master Plan of Transportation (MPOT)*, which recommends the following facilities:

Planned Side Path: Marlboro Pike

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

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

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

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

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

This portion of Marlboro Pike that fronts the subject property also falls within the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* which makes similar recommendations.

Comment: The applicant has noted that bicycle facilities along Marlboro Pike will be addressed at the Preliminary Plan of Subdivision (PPS) and Detailed Site Plan (DSP) stage of development. Staff finds this acceptable and recommends as a condition of approval that the applicant show a marked bicycle lane along the subject property's frontage of Marlboro Pike at the time of DSP. This bicycle facility will help establish a consistent network of multimodal travel and will provide a continuous connection with the marked bicycle lane approved with PPS 4-21010, which falls directly east of the subject property. In addition, to facilitate the MPOT goal of an internal active transportation network, staff recommends that the site is served by an interconnected network of bicycle and pedestrian facilities onsite. The exact location and details of all pedestrian and bicycle facilities shall be provided at the time of DSP.

Transportation Planning Review

Analysis of Traffic Impacts

The applicant has submitted a full traffic impact analysis (TIS) at the request of staff. This study is used as the basis for a determination of transportation adequacy for developments located in the M-X-T zoning district in conformance to Section 27-546(d)(9) as stated below:

Section 27-546(d)(9) discusses anticipated transportation adequacy for a CSP for property placed in the M-X-T Zone by a Sectional Map Amendment and is copied below:

(d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

(7) 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, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections:

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

Trip Generation

The applicant's trip generation summary considers 285 apartment units and 32,450 square feet of retail space. The table below summarizes trip generation in each peak hour that will be used in reviewing traffic and developing a trip cap for the site:

Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Apartments (Garden and Mid-Rise)	285	Units	30	118	148	111	60	171
Retail	32,450	Square-Feet	104	64	168	113	123	236
	-40% Pass-by		-42	-26	-67	-45	-49	-94
	Primary Retail Trips		62	38	101	68	74	142
Total Proposed Trips			92	156	249	179	134	313
Total New Trips (Trip Cap)					249			313

The traffic generated by the proposed CSP would impact the following intersections, and links in the transportation system:

- MD 202 & MD 725 (signalized)
- MD 725 & Site Access Driveway (unsignalized)
- US 301 & MD 725(signalized)

Existing Traffic

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 202 & MD 725	578	918	A
MD 725 & Site Access / Driveway				
Tier 1 – HCM Delay Test				
Eastbound Approach	n/a	n/a		
Westbound Approach	0.3	0.8	A	A
Northbound Approach	13.7	39.7	B	E
Southbound Approach	n/a	n/a		
US 301 & MD 725	983	1,473	A	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Total Traffic

The following critical intersections identified above, when analyzed with total future traffic as developed using the “Transportation Review Guidelines, Part 1” (Guidelines) including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 202 & MD 725	665	1,047	A
MD 725 & Site Access / Driveway				
Tier 1 – HCM Delay Test				
Eastbound Approach	1.9	4.4	A	A
Westbound Approach	0.4	1.1	A	A
Northbound Approach	24.8	> 200	C	F
Southbound Left	132.2	> 200 Veh	F	F
Tier 2 – Minor Street Volume	> 100 Veh	> 100 Veh		
Tier 3 – CLV Test	784	1,479	A	E
US 301 & MD 725	1,104	1,617	B	F
(With CIP Improvements)	914	1,310	A	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The submitted TIS includes documentation which displays that a portion of US 301 (from MD 214 to MD 725) falls within a study area for a Capital Improvement Program (CIP) to improve traffic operations along the US 301 Corridor. Specifically, one additional northbound through lane along US 301 and one additional southbound through along US 301 lane are to be constructed with developer funding in order to provide satisfactory levels of service during peak travel periods at intersections along US 301.

The TIS indicates that signalized intersections operate acceptably with the inclusion of the US 301 CIP improvements as detailed above. As such, the applicant has proposed that at the time of PPS, an additional TIS will be submitted which will proffer a pro-rata payment into the CIP be provided, which would assist in satisfying adequate public facilities requirements. Staff finds this to be acceptable.

Additionally, the TIS notes that the site access intersection does not pass the three-step for unsignalized intersections. As such, staff recommends a condition of approval that as part of the acceptance of the preliminary plan of subdivision application the applicant shall submit a full traffic signal warrant analysis for the site access and MD 725 to determine if a signal is deemed warranted.

In addition, given the high volume of traffic that will process through a single point of access along MD 725, staff is concerned that the proposed design may result in queuing that will exceed current

capacity and create conflicts that will impede operations along Marlboro Pike. As a condition of approval, staff recommends that as part of the acceptance of the preliminary plan of subdivision application the applicant provides an operational and queueing analysis for the site access and MD 725 intersection to assess the extent of queuing at this location and to evaluate if the single access point is sufficient to support the development.

Based on the findings and conclusions of the TIS, the Transportation Planning Section concludes that existing transportation facilities, when improved with improvements provided in the county CIP, along with some additional improvements and analyses provided by the applicant, are sufficient to support the proposed development and meets the requirements of Section 27-546(d)(9).

Zoning Ordinance Compliance

Section 27-546(b)(7) and Section 27-546(d)(6-7) discuss transportation and circulation requirements in the M-X-T Zone and are copied below:

(b) In addition to the information required by Part 3, Division 9, for Conceptual Site Plans, the following information shall be included on Plans in the M-X-T Zone:

(7) The physical and functional relationship of the project uses and components.

(d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

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

Comment: The applicant proposes a single point of vehicle access along Marlboro Pike which will allow for full turning movements to/from the site. An internal driveway provides access to the four proposed buildings on site. The applicant's submission displays a sidewalk along the entirety of the north side of the internal driveway, providing a pedestrian connection to all buildings on site. An additional sidewalk is provided along the south side of the internal driveway, which diverts from the driveway and runs west-southwest, providing a pedestrian path around the stormwater management pond. Crosswalks are provided at all locations where sidewalk facilities run into a drive aisle, including along the frontage of Marlboro Pike. As previously mentioned, additional analysis is required with subsequent applications to evaluate the operations and feasibility of the proposed single point of access. Staff finds the conceptual circulation to be sufficient and meets the required findings per section 27-546 of the Ordinance which examines "physical and functional relationship of the project uses and components" within the M-X-T Zone.

Section 27-574(a) and Section 27-574(b)(1-3) discuss parking requirements in the M-X-T Zone and are copied below:

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

(b) The number of off-street parking spaces required for development in the M-X-T Zone and in a Metro Planned Community shall be calculated using the following procedures:

- (1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to be known as the peak parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80%) of the peak demand, eighty percent (80%) of the peak parking demand spaces are being occupied).
- (2) For each hour of the day the number of parking spaces to be occupied by each use shall be calculated. These numbers are known as the hourly fluctuation pattern. For each use, at least one (1) hour shall represent the peak parking demand, and the remaining hours will represent a percentage of the peak. There may be more than one (1) hour at the peak level.
- (3) The total number of parking spaces required for all uses proposed in the M-X-T Zone and in a Metro Planned Community shall be the greatest number of spaces in any one (1) hour for the combined total of all uses proposed, based on the calculations in paragraphs (1) and (2), above. This total is known as the base requirement. The maximum parking allowable for non-residential uses is 115% of the base requirement for M-X-T properties. Parking spaces within a parking structure shall not be counted in the calculation of the maximum number of parking spaces.

Comment: Section 27-574 of the Ordinance allows applicant to develop a criterion, specific to the proposed development, for developing parking standards in the M-X-T zoning district. Staff recommends a condition of approval that prior to acceptance of a DSP, the applicant shall submit a parking analysis to determine the parking rate for the proposed development, which examines both the residential and commercial/retail uses in accordance with Section 27-574 of the prior Ordinance.

Conclusion:

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:

1. Prior to certification of the conceptual site plan, the applicant, and the applicant's heirs, successors, and/or assigns shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of Marlboro Pike
2. Prior to the acceptance of a preliminary plan of subdivision, the applicant, and the applicant's heirs, successors, and/or assigns shall:
 - a. Submit a signal warrant analysis for the site access driveway and Marlboro Pike intersection, if the traffic impact study submitted with the preliminary plan application shows that a traffic signal is needed offset traffic impacts at this intersection.

- b. Submit an operational and queuing analysis using the Highway Capacity Manual (HCM) methodology for the proposed site access driveway and Marlboro Pike intersection
- 3. Prior to the acceptance of a detailed site plan, the applicant, and the applicant's heirs, successors, and/or assigns shall:
 - a. Submit a parking analysis to determine the parking rate for the proposed development, which examines both the residential and commercial/retail uses in accordance with Section 27-574 of the prior Ordinance
 - b. Submit a bicycle and pedestrian plan which displays the details, location and extent of the following facilities:
 - a. a marked bicycle lane along the subject property's frontage of MD-725.
 - b. an interconnected network of onsite pedestrian and bicycle facilities