



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

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

Detailed Site Plan

DSP-21033

Metropolitan East at Konterra Town Center

REQUEST	STAFF RECOMMENDATION
Approval of 219 single-family attached (townhouses) dwelling units, including 2 architectural models	With the Conditions Recommended herein: <ul style="list-style-type: none"> • Approval of Detailed Site Plan DSP-21033 • Approval of Type II Tree Conservation Plan TCPII-065-08-03 • Disapproval of variance to Section 27-548(h)

Location: In the northeast and southeast quadrants of the intersection of Konterra Boulevard East and Fashion Place.	
Gross Acreage:	18.39
Zone:	TAC-C
Zone Prior:	M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	219
Gross Floor Area:	N/A
Planning Area:	60
Council District:	01
Municipality:	N/A
Applicant/Address: Konterra Associates, LLC. 14401 Sweitzer Lane, Suite 200 Laurel, MD 20707	
Staff Reviewer: Andrew Bishop Phone Number: 301-952-4897 Email: Andrew.Bishop@ppd.mncppc.org	



Planning Board Date:	06/30/2022
Planning Board Action Limit:	07/05/2022
Staff Report Date:	06/16/2022
Date Accepted:	04/25/2022
Informational Mailing:	11/29/2021
Acceptance Mailing:	04/11/2022
Sign Posting Deadline:	05/31/2022

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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MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-21033
Type II Tree Conservation Plan TCPII-065-08-03
Metropolitan East at Konterra Town Center

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

EVALUATION

The property is within the Core area of the Town Activity Center Zone (TAC-C). This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) of the Zoning Ordinance. The detailed site plan was, therefore, reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines of the prior Prince George's County Zoning Ordinance;
- b. The requirements of Conceptual Site Plan CSP-07003;
- c. The requirements of Preliminary Plan of Subdivision 4-07108 and VP-07108;
- d. The requirements of Detailed Site Plan DSP-08011;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;
- f. The requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance;
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance, and;
- h. Referral comments.

FINDINGS

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

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

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

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

Base Density Allowed:	0.40 FAR
Residential Bonus Incentive:	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.02 FAR*

Note: *Pursuant to Section 27-548(e) of the prior Prince George’s County Zoning Ordinance, the proposed floor area ratio (FAR) shall be calculated based on the entire property, as approved with Conceptual Site Plan CSP-07003 which includes 488 acres. Therefore, the proposed FAR in this DSP needs to include the proposed development and any other previously approved development within the CSP area. Staff estimates this to be approximately 0.02 for this application, but the DSP does not include a table listing the allowed and proposed FAR. Therefore, the general notes, as conditioned herein, should be updated to show the allowed and proposed FAR, relative to the entire CSP area.

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

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

3. **Location:** The larger Konterra Town Center site is located on the east side of I-95/495 (Capital Beltway), south and west of Konterra Drive, and north of MD 200 (Inter-County Connector), in Planning Area 60, Council District 1. The site included in this DSP includes development outside of the downtown core area of Konterra Town Center (formerly known as Konterra Town Center East) on Parcel 4.
4. **Surrounding Uses:** The overall Konterra Town Center site is bounded to the north and east by the right-of-way (ROW) of Konterra Drive; west by the ROW for I-95; and south by the ROW of MD 200. The specific area of this DSP is directly east of the downtown core area of Konterra Town Center and Konterra Boulevard. The site includes two development pods on both sides of Fashion Place. The site is bounded on the west by Konterra Boulevard; south, north, and east by property in the Town Activity Center – Core (TAC-C) Zone within the fringe area of Konterra Town Center. A ROW containing PEPCO utilities, the master-planned stream valley trail, and environmental features abut the site to the north and east.
5. **Previous Approvals:** The subject site is located in the eastern portion of a larger site, which has been reclaimed and was the previous site of a sand and gravel mining operation. Zoning Map Amendment A-9482 rezoned the site from the Rural Residential (R-R) Zone to the Mixed Use–Transportation Oriented (M-X-T) Zone in 1984 (Zoning Ordinance No. 56-1984). The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)* (Subregion 1 Master Plan and SMA) retained the property in the M-X-T Zone and envisioned the Konterra development.

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

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

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

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

6. **Design Features:** The subject application is located southeast of the area described as the downtown core area of Konterra Town Center and requests approval of 219 townhouse dwelling units, including 7 architectural models and recreation facilities. The layout and lotting pattern proposed with this DSP is consistent with prior approvals for the overall

Konterra Town Center East, which is envisioned as a distinct mixed-use center that will provide regional destinations for living, working, shopping, and entertainment, and is designed using the best urban design practices. The layout is proposing a neo-traditional grid pattern, with central open spaces, and is organized around a series of alleys and private streets. The layout creates a vibrant, compact, walkable neighborhood that is consistent with the CSP and vision for this area.



Figure 1: Overall Site Plan

Recreational Facilities

The PPS requirement for mandatory parkland dedication is being met through land that was previously dedicated to The Maryland National-Capital Park and Planning Commission (M-NCPPC), east of the subject property. Private recreational facilities are proposed in this DSP on proposed homeowners association (HOA) Parcels B and D. These include pedestrian paths, a zip line, playground, open play spaces, sitting areas, a pavilion, site furniture, and trash receptacles. A 10-foot-wide asphalt trail is proposed on Parcels B and D, connecting the development to the master-planned stream valley trail. Staff recommends that a crosswalk be provided where this trail intersects Fashion Place, to allow for a safe pedestrian crossing. In addition to the crosswalk, other pedestrian safety measures are recommended, such as signage or an alternate paving pattern to alert pedestrians and motorists of the pedestrian crossing. Conditions are included herein, requiring that these improvements be provided at this location.

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



Figure 2: Site Plan

Architecture

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

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

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

Identification of highly visible lots is included with this application, with additional details and treatment for those units visible from the public roadways and multiuse trail. Highly visible side elevations include full brick on the first and second levels, in combination with a minimum of three architectural features, creating a balanced fenestration. Conditions related to the treatment of architecture and highly visible units are included herein.



Figure 3: Architectural Elevations

Lighting

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

Signage

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

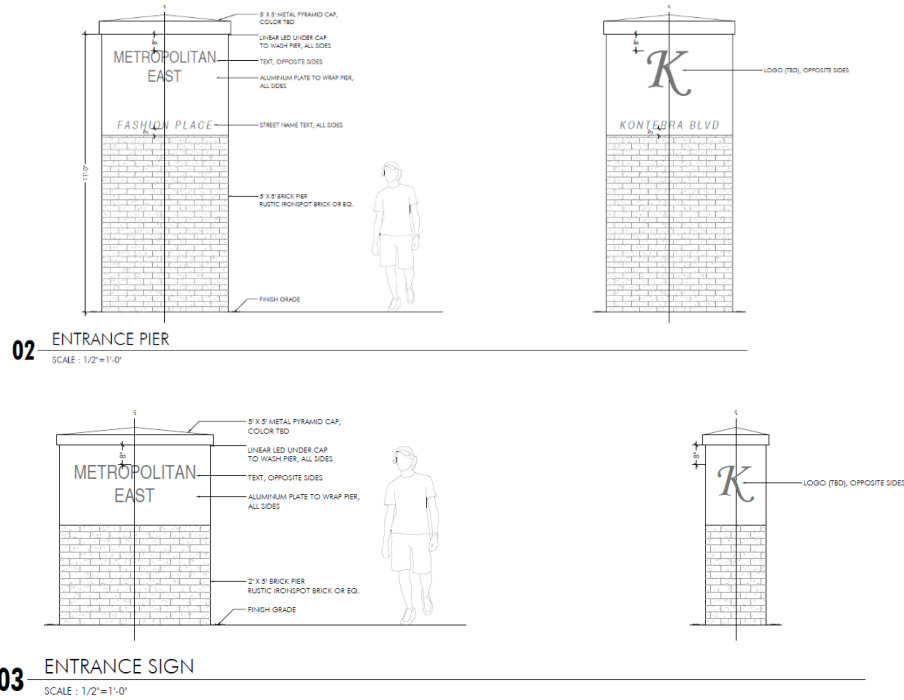


Figure 4: Signage

COMPLIANCE WITH EVALUATION CRITERIA

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

- a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs permitted uses in the M-X-T Zone. Single-family attached dwelling units, within the maximum number and type of dwelling units approved with the CSP, are permitted. In regard to Section 27-547(d), which governs the required mix of uses, the overall Konterra Town Center development (including the subject site) was approved for a mix of uses including retail, office, hotel, and residential uses.
- b. Section 27-548 of the Zoning Ordinance, M-X-T Zone regulations establishes additional standards for development in this zone. The DSP’s conformance with the applicable provisions is discussed, as follows:

(a) Maximum floor area ratio (FAR):

**(1) Without the use of the optional method of development—
0.40 FAR**

(2) With the use of the optional method of development—8.0 FAR

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

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

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

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

The site plans indicate the location, coverage, and height of all improvements, in accordance with this regulation. A condition requiring development standards for fences, decks, and sheds be added to the DSP has been included herein.

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

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening are required to satisfy the purposes of the M-X-T Zone. The landscape requirements are discussed in detail in Finding 11.

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

The FAR for the proposed development for the area of the CSP is approximately 0.02, which is calculated in accordance with this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conformance to the purposes of the M-X-T Zone was found with the CSP approval and is adopted herein by reference (PGCPB Resolution No. 08-95). The proposed development of townhomes and the associated site improvements do not change that previous finding. The subject application is consistent with the prior approvals and promotes the creation of a walkable, mixed-use development.

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

The subject site was rezoned to the M-X-T Zone in 1984 through A-9482. Therefore, this required finding does not apply.

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

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

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

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

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

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

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

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

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

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

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people,**

adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and

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

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

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

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

The governing PPS 4-07108 was approved by the Planning Board on July 24, 2008, at which time a finding of adequacy was made for the proposed development. This application is consistent with that approval, and the road improvements that determined adequacy at that time have been constructed and will serve this first phase of development.

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

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

- d. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283. For example, the subject development provides amenities that are functional and constructed of durable, low-maintenance materials; vehicular and pedestrian access is provided to the site from the public right-of-way; and the architecture proposed for the single-family attached dwellings employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.
- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b).

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

The applicant is proposing a total of 511 parking spaces for the subject application, which includes a combination of on-site and on-street parking. A townhouse development consisting of 219 lots in a traditional zone would require 447 parking spaces, equal to 2.04 spaces per unit, per the requirements of Section 27-568 of the Zoning Ordinance. However, Section 27-574 allows the applicant to develop a methodology, specific to the proposed development, for developing parking requirements in the M-X-T Zone.

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

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

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

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

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

The applicant's justification did not adequately address whether the particular uniqueness and peculiarity of the specific property causes the requirement for 18-foot-wide buildings to impact disproportionately upon the property, such that strict application of the requirement will result in peculiar and unusual practical difficulties to the owner of the property. Rather, in the statement of justification dated June 15, 2022, the applicant focuses their analysis on language in the master plan and General Plan, stating that the master plan, Plan 2035, and prior approvals encourage the creation of an urban environment and a diverse housing product on this property that appeals to multiple social and income groups. They state that utilizing an 18-foot-wide building, as required by the Zoning Ordinance, would invalidate the master plan and prior approvals for the property. However, it should be noted that the DSP proposes 16-, 20-, and 22-foot-wide units. The requirement to provide a minimum 18-foot-wide unit, instead of 16-foot, would still provide a diverse housing product.

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

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

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

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

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

The variance to Section 27-548(h) can be granted without substantial impairment to the intent, purpose, and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property. The applicant indicates that the modification to the townhouse regulations for development within Konterra has been previously found by the Planning Board to specifically "... support and assist in the implementation of the specific recommendation for the Konterra East Town Center and will not impair the integrity of the General Plan or Master Plan." Staff finds that *The Plan Prince George's 2035 Approved General Plan* describes Konterra Town Center as one of five town centers that provide an anchor for the larger area. The *2010 Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)* (Master Plan) envisions a mix of commercial and residential uses on the subject property. The reduction of the width of 54 units to 16 feet would not substantially impair the intent of the general plan or Master Plan because the uses and density proposed are not inconsistent with those plans. Staff, therefore, finds that this criterion is met.

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

The variance to Section 27-548(h) will not substantially impair the use and enjoyment of adjacent properties. The site is bound by roadways and utilities. The reduction of the width of 54 townhouses has no bearing on how adjacent properties could be developed and would not interfere with how

adjacent property or nearby property owners could use their properties. Staff, therefore, finds that this criterion is met.

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

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

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

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

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

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

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

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

The development proposed by this application is not within the downtown core area. A comprehensive parking study has been provided, in accordance with the requirements of Section 27-574, and is discussed in detail in Finding 7. The study has been reviewed by the Transportation Planning

Section and has been found to be sufficient. The plan indicates that a total of 447 parking spaces is required, and shows that 511 parking spaces have been provided and is sufficient for the intended use.

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

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

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

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

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

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

Type II Tree Conservation Plan TCPII-065-08-03 was submitted with the DSP application and is recommended for approval, as conditioned herein.

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

An approved Stormwater Management (SWM) Concept Letter (19046-2007-01) was submitted with the DSP. The SWM concept was approved on January 30, 2020 and expires on January 23, 2023. The applicant also submitted a SWM concept plan which was not stamped as approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), but was stated by the applicant to be the plan of record with DPIE. A copy of a signed and certified SWM concept from DPIE will be required, prior to certification of the DSP, as conditioned herein.

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

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

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

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

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

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

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

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

In addition, it is noted that the abandoned easement was initially shown as having 0.48 acres of woodland clearing in the floodplain (Area C) and 0.05 acres of

woodland clearing outside the floodplain (Area H). An additional 0.59 acres of reforestation (Area No. 2) was proposed in this area, per TCPII/085/19. The current application shows no woodland preservation or reforestation in this area on Sheet 30 of TCPII/065/08-03. Staff recommends showing reforestation and preservation within this abandoned right-of-way, instead of showing additional preservation off-site, since on-site preservation and reforestation is prioritized over off-site mitigation under current regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Due to the limited nature of this DSP, the environmental issues such as those included in the above two conditions will be addressed at review and approval of the applicable permit plans or site- or project-specific DSPs, whichever comes first. To date, the NRI has received signature approval.

However, the CSP and TCPI have not been certified. A condition has been imposed by the Planning Board to require the applicant to obtain certification approval of CSP-07003 and signature approval of Preliminary Plan of Subdivision 4-07108 prior to certification of this DSP.”

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

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

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

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

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

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

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

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

- 23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a**

new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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

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

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

- 26. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way shown on the subject plan:**
- b. The right-of-way for C-101, shown on this plan as Fashion Place, within a 100-foot right-of-way east of Perimeter Drive East and within a 54-foot right-of-way between Perimeter Drive East and Perimeter Drive West.**

Fashion Place has been previously dedicated (with Plat Book MMB 239 page 44) where it abuts the subject site. The plat specifies that Fashion Place has a variable width right-of-way; however, the road has a minimum

right-of-way width of 100 feet where it abuts the site. The dedications required by Conditions 26a and 26c do not abut this site.

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

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

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

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

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

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

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

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

11. **2010 Prince George's County Landscape Manual:** Per Section 27-548, landscaping, screening, and buffering for the property is subject to the provisions of the Landscape Manual. Specifically, this application is subject to the requirements of Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. The landscape schedules have been provided and are in conformance with the applicable requirements.
12. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This site is grandfathered from the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual because the application is associated with approved PPS 4-07108 and TCPI/05/08-01, that were approved in 2008, prior to these regulations.

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

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

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

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

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

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, Tree Canopy Coverage Ordinance of the Prince George's County Code, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned TAC-C (formally M-X-T) are required to provide a minimum of 10 percent of the gross tract area in TCC. The acreage included in this DSP is 18.39 acres, resulting in a TCC requirement of 1.83 acres or 79,932 square feet. The subject application provides the required schedule, demonstrating conformance to this requirement.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference and summarized, as follows:
 - a. **Historic Preservation**—In a memorandum dated May 11, 2022 (Berger, Stabler, and Smith to Bishop), it was noted that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation Section staff recommends approval of DSP-21033, without conditions.
 - b. **Community Planning**—In a memorandum dated May 16, 2022 (Green to Bishop), the Community Planning Division indicated that, pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application.
 - c. **Transportation Planning**—In a memorandum dated June 3, 2022 (Ryan to Bishop), the Transportation Planning Section provided an evaluation of the application that is incorporated into the findings of this report. A review of the on-site circulation, related to vehicular and pedestrian transportation, was found acceptable and determined to meet the findings for transportation purposes, as conditioned herein.
 - d. **Subdivision**—In a memorandum dated June 1, 2022 (Diaz-Campbell to Bishop), the Subdivision Section provided an evaluation of the application, that is incorporated into Finding 9, and finds the DSP in conformance with 4-07108 and acceptable, as conditioned. Technical revisions to the plans and general notes are included in the

Recommendation section of this report.

- e. **Environmental Planning**—In a memorandum dated June 6, 2022 (Juba to Bishop), the Environmental Planning Section provided findings on this application, summarized below, and recommend approval of the DSP and TCPII, subject to conditions included in the Recommendation section of this report.

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

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

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

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

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

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

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

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

At the time of SDRC, a copy of the approved SWM concept plan was requested. The applicant stated that the unstamped stormwater concept plan is the plan of record with DPIE and that, due to the history of the site and the active nature, the site has

been grandfathered, and thus it would be difficult for DPIE to re-approve the plan.

The unapproved plan submitted with this application covers a larger area than this DSP application, and shows the use of five SWM ponds being used for SWM. A copy of a signed and certified SWM concept from DPIE will be required, prior to certification of the DSP.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated June 2, 2022 (Quattrocchi and Holley to Bishop), DPR provided comments related to the on-site recreational facilities and the proposed trail network, and determined that the applicant meets the minimum threshold for on-site recreational facilities.
 - g. **Prince George’s County Fire/EMS Department**—In an email dated May 12, 2022 (Reilly to Bishop), the Fire/EMS Department provided an evaluation of the application and required that all lots shall be served by a 22-foot-wide fire access road and that each dwelling is within 150 feet of the fire access road. A condition requiring this is included herein.
 - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 2, 2022 (Giles to Bishop), DPIE offered comments on the subject application, which have been forwarded to the applicant and will be addressed during the permitting process.
 - i. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
 - j. **Prince George’s County Health Department**—In a memorandum dated May 25, 2022 (Adepoju to Bishop), the Health Department noted that a desktop health impact assessment review has been completed for this application and that they do not have any recommendations or comments at this time.
 - k. **Maryland State Highway Administration (SHA)**—In an email dated June 3, 2022 (Woodroffe to Bishop), SHA noted that they have no comments.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated May 13, 2022 (Watkins to Kosack), WSSC provided comments regarding the water, sewer, and associated easement conditions. These have been shared with the applicant and will be addressed at the time of permitting.
 - m. **City of Laurel**—In a letter dated May 17, 2022 (Love to The Prince George’s County Planning Board), the City of Laurel indicated that they reviewed the subject application and they are not in opposition to the project, but would like their letter to be a part of the record. This has been provided to the applicant and the applicant is working to resolve any concerns with the City of Laurel.
15. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs

and without detracting substantially from the utility of the proposed development for its intended use.

16. As required by Section 27-285(b)(4), which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

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

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

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-21033 and Type II Tree Conservation Plan TCPII-065-08-03, for Metropolitan East at Konterra Town Center, and DISAPPROVE the variance to allow 16-foot-wide townhouse buildings subject to the following conditions:

1. Prior to certification, the applicant shall revise the detailed site plan (DSP), as follows, or provide the specified documentation:
 - a. Label the six parcels as Parcels P through U.
 - b. Label the two blocks using any two of the following four designations: Block O, Block P, Block Q, and/or Block R.
 - c. Label the 219 lots as Lots 1 to 114 in the northern block and Lots 1 to 104 in the southern block.
 - d. Revise the “Percentage of Reduced Sized Lots-VP-07108” table to include separate lines for lots which are between 1,000 square feet and 1,199 square feet in size and lots which are between 1,200 square feet and 1,799 square feet in size. On the table, show the percentage of lots (out of the 760 total approved with Preliminary Plan of Subdivision 4-07108) which are between 1,000 square feet and 1,199 square feet in size. Include a note beneath the table stating that, pursuant to Section 27-548(h) of prior Prince George’s County Zoning Ordinance, lots at least 1,200 square feet in size do not require a variance.
 - e. Revise the “Development Accumulation Table” to show the development approved with Detailed Site Plan DSP-08011, rather than only the development from that plan so far constructed. Revise the table to include the six parcels proposed with this DSP and the non-townhouse lots approved with Preliminary Plan of Subdivision 4-07108 and DSP-08011.

- f. Show three points of access from the northern block, in order to allow the land immediately north of the Detailed Site Plan DSP-21033 site to develop in the manner shown on approved Preliminary Plan of Subdivision 4-07108.
- g. Show the location of the existing Washington Suburban Sanitary Commission easement crossing the northeast corner of the northern block.
- h. Highly visible side elevations shall include a minimum of three standard features, in addition to a minimum of the first and second floor finished in brick, stone, or masonry.
- i. Include a tracking chart on the DSP for the 60 percent full-front façades of brick, stone, or stucco.
- j. Include development standards on the plan for fences, decks, and sheds.
- k. Add site plan notes and revise the architecture, if necessary, as follows:
 - “No two townhouse units located next to, or across the street from, each other may have identical front elevations.”
 - “All townhouse side elevations shall include a minimum of two standard features. Every highly visible townhouse side elevation shall include full brick, stone, stucco, or other masonry treatment on the first and second floor, combined with at least three windows, doors, or other substantial architectural features.”
 - “A minimum of three townhouse dwelling units in any horizontal, continuous, attached group shall have a roof feature containing either a cross gable or dormer window(s).”
 - “All townhouse building groups shall include a minimum of 60 percent of the combined front elevations finished in brick, stone, or other masonry.”
- l. Demonstrate that all lots are served by a 22-foot-wide fire access road and includes a personnel door on each dwelling, within 150 feet of the fire access road.
- m. Revise the traffic impact study to remove the trips generated by the multifamily units, and only evaluate the impacts generated by the phased development of this DSP for 219 townhouse units.
- n. Update the plans to display the bicycle lane and associated cross section along the subject property’s full frontage of Konterra Boulevard East.
- o. Submit a mid-block crossing analysis to the Prince George’s County Department of Public Works and Transportation for the location where Fashion Place intersects with the stream valley trail, to determine if a mid-block crosswalk to provide a continuous pedestrian connection is feasible. If the crosswalk is deemed feasible, the applicant shall be required to construct the mid-block crossing prior to the first building permit. If the crosswalk is deemed not feasible and the analysis does not

support a crosswalk at this location, the current configuration will remain, subject to modification by the operating agency.

- p. Provide details of the pole for the proposed streetlights and revise the photometric plan to demonstrate sufficient lighting levels in the alleys.
 - q. Provide attractive year-round landscaping at the base of the piers and entrance signs.
 - r. Provide pet waste stations along proposed trails within this DSP.
 - s. Install signage at the intersection of the stream valley trail and Fashion Place, to alert pedestrians and motorists to the pedestrian crossing, subject to approval of the operating agency.
 - t. Submit a copy of the official signed and sealed stormwater management plan associated with the revised Stormwater Concept Letter (19046-2007-01).
 - u. Provide a general note showing the proposed and allowed floor area ratio, relative to all approved development within the total area of Conceptual Site Plan CSP-07003.
 - v. Revise all 16-foot-wide buildings to be a minimum of 18 feet wide. Revise all lot lines, architecture, and site features accordingly, subject to the approval of the Urban Design Section, as designee of the Planning Board. This revision may result in the decrease in the number of units in this DSP.
2. Prior to certification of the detailed site plan, the Type II tree conservation plan shall be revised, as follows:
- a. Remove all references to Phase 4 on the TCPII, and make the following changes:
 - (1) Remove the associated stand-alone worksheet for Phase 4.
 - (2) Update the TCPII approval blocks, accordingly, referencing the -03 revision.
 - (3) Make Phase 5, Phase 4 once the above changes have been made.
 - (4) Update the overall TCP worksheet, accordingly.
 - b. Add, sign, and date the Property Owner's Awareness Certificate on the coversheet of the TCPII.
 - c. Remove all labels associated with the abandoned Washington Suburban Sanitary Commission (WSSC) rights-of-way.
 - (1) Add reforestation and woodland preservation, as appropriate, within the area of the abandoned WSSC rights-of-way. At a minimum, replace the reforestation that was previously shown on Sheet 30.

- (2) Remove all labels associated with the abandoned WSSC rights-of-way from the TCPII.
 - d. Update all TCPII worksheets using the current worksheet templates. Indicate that this project is subject to the 1991 regulations, instead of the 1989 regulations.
 - e. Revise the acreage of all charts on the coversheet, to be consistent with acreage of all labels on the TCPII.
3. At the time of final plat, the applicant shall submit:
- a. A request for a variation from Section 24-128(b)(12) of the prior Prince George's County Subdivision Regulations. If the variation is not approved, a detailed site plan amendment and revised final plat will be required, showing a 10-foot-wide public utility easement along at least one side of all private rights-of-way.
 - b. A request for a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations. If the variation is not approved, a detailed site plan amendment and revised final plat will be required, showing that all lots served by alleys will have frontage on a public right-of-way.
4. Prior to approval of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for the stream valley trail, to the Development Review Division of the Prince George's County Planning Department, for approval. The easement agreement shall contain the rights of the Maryland-National Capital Park and Planning Commission, be recorded in the Prince George's County Land Records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved detailed site plan.
5. Prior to approval of the first building permit, the applicant shall submit a traffic signal warrant analysis, to the appropriate operating agency, for the intersection of Greencastle Road and Old Gunpowder Road, if the applicant's updated traffic impact study indicates that a signal is warranted at the intersection. If the signal is warranted, the applicant shall install the traffic signal within the timeline and the standards determined by the appropriate operating agency.
6. The proposed private recreational facilities shall be constructed and inspected by the Maryland-National Capital Park and Planning Commission, in accordance with the following schedule:
- a. Construct the central park and play area on Parcel B of the North Block, prior to approval of the 55th townhouse building permit.
 - b. Construct the playground area with zipline and play structures on Parcel B of the North Block, prior to approval of the 110th townhouse building permit.
 - c. Construct the central park, play area, and seating areas on Parcel D in the South Block, prior to approval of the 125th townhouse building permit.

- d. Construct the picnic area, including pavilion and tables, on Parcel D of the South Block, prior to approval of the 175th townhouse building permit.
- e. Construct the 10-foot-wide asphalt stream valley trail on Parcel B, prior to approval of the 100th townhouse building permit.
- f. Construct the 10-foot-wide asphalt stream valley trail on Parcel D, prior to approval of the 200th townhouse building permit.

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

METROPOLITAN EAST AT KONTERRA TOWN CENTER

Detailed Site Plan

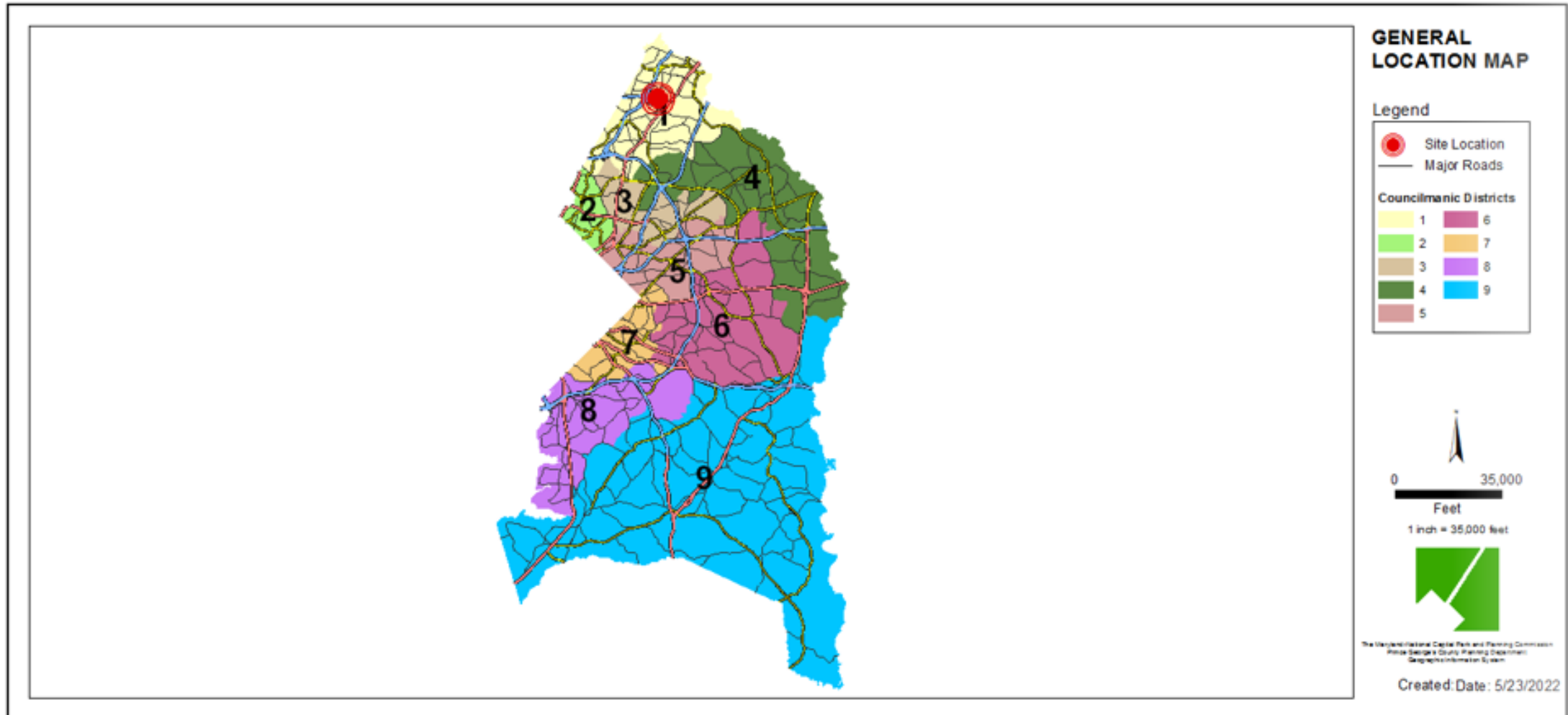
Staff Recommendation: APPROVAL with conditions



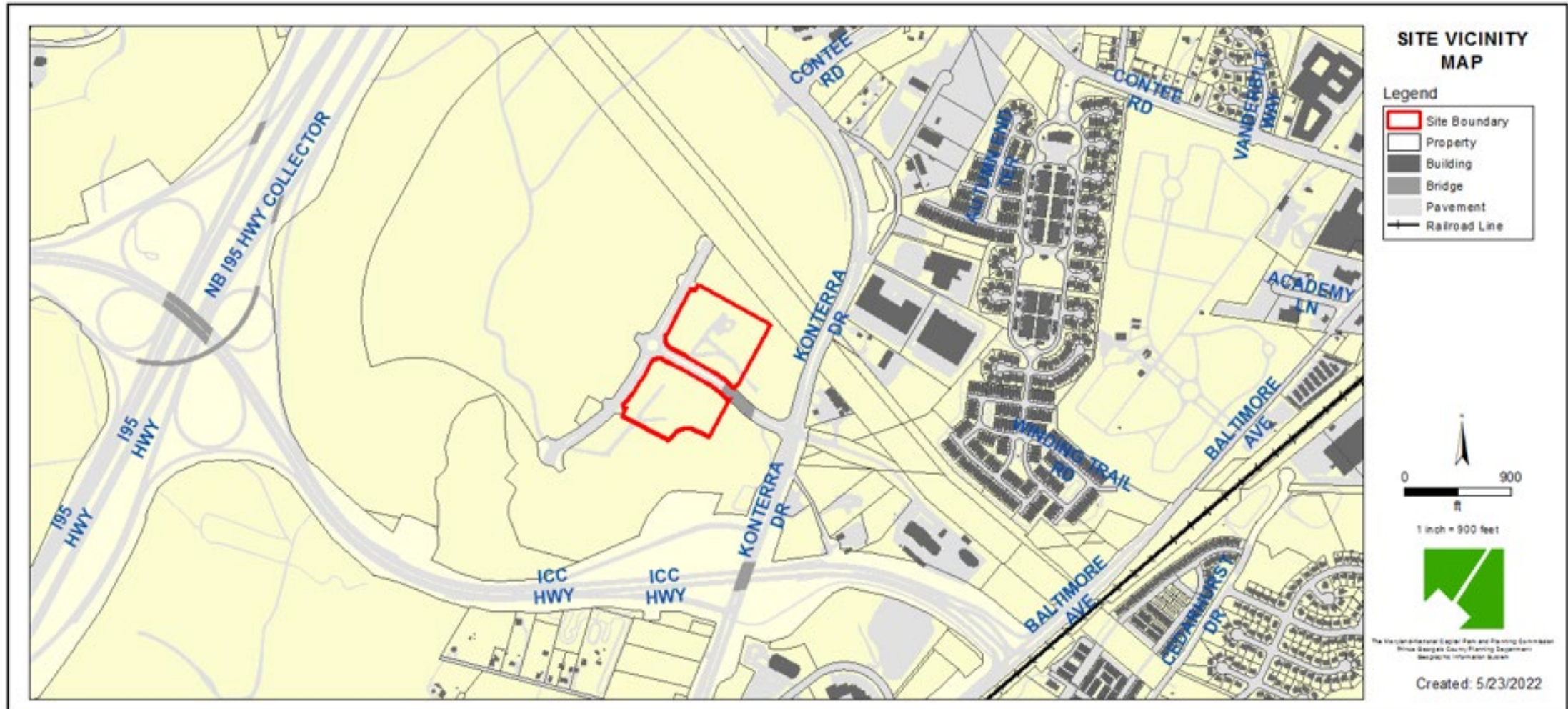
GENERAL LOCATION MAP

Council District: 01

Planning Area: 60



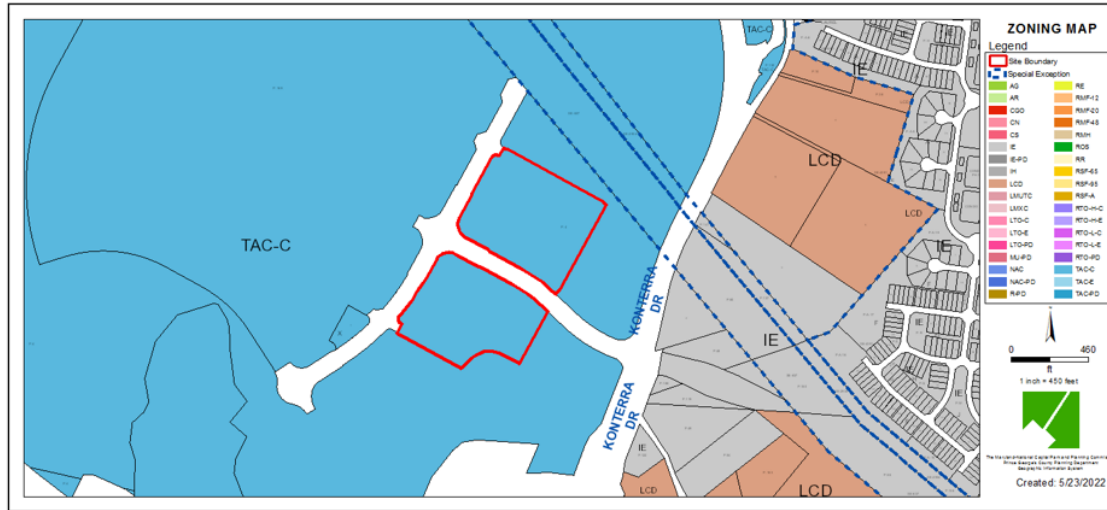
SITE VICINITY MAP



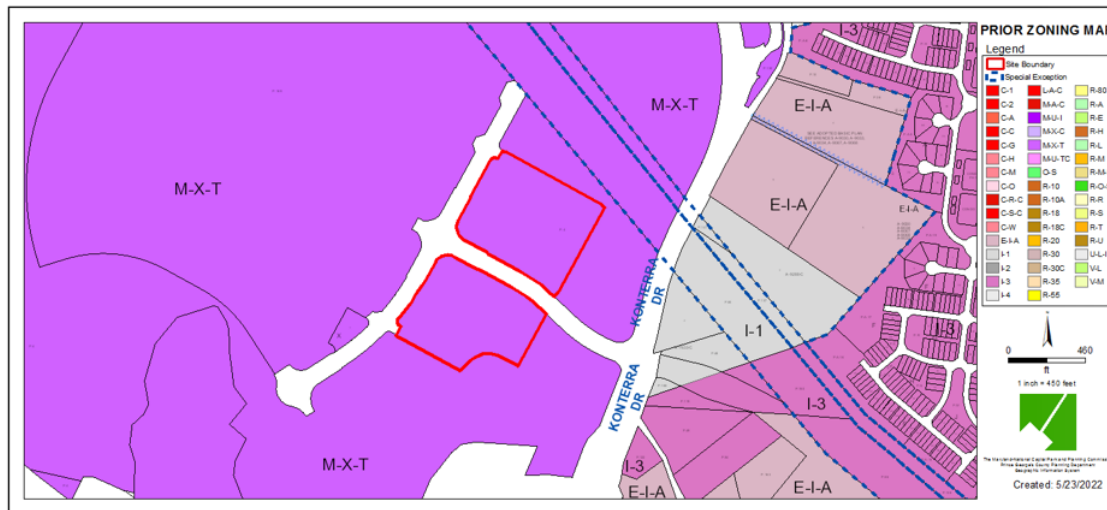
NEW & PRIOR ZONING MAP

Property Zone: TAC-C

Prior Zone: M-X-T

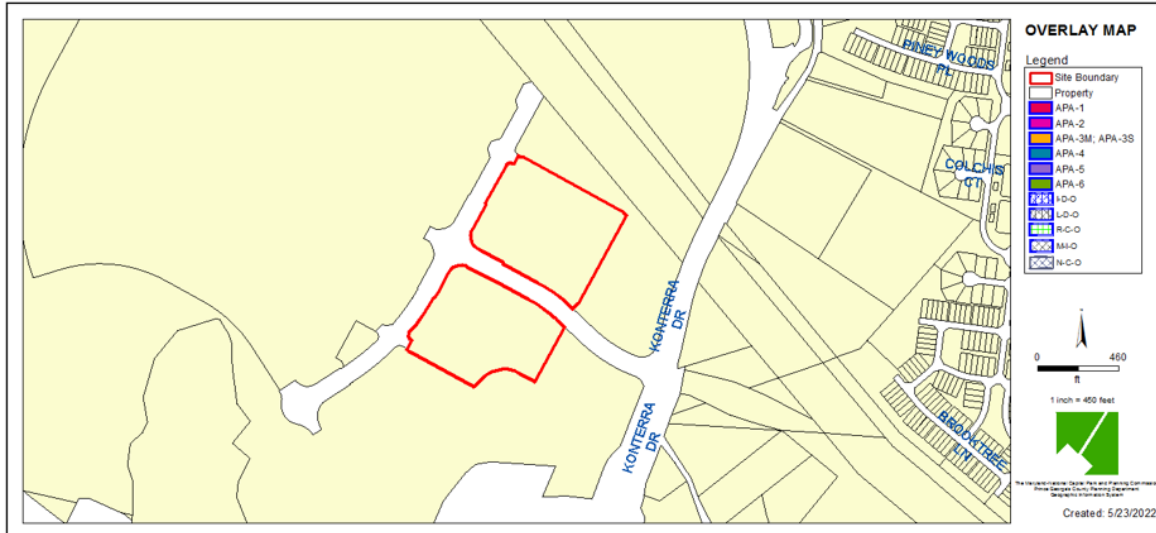


NEW ZONING MAP

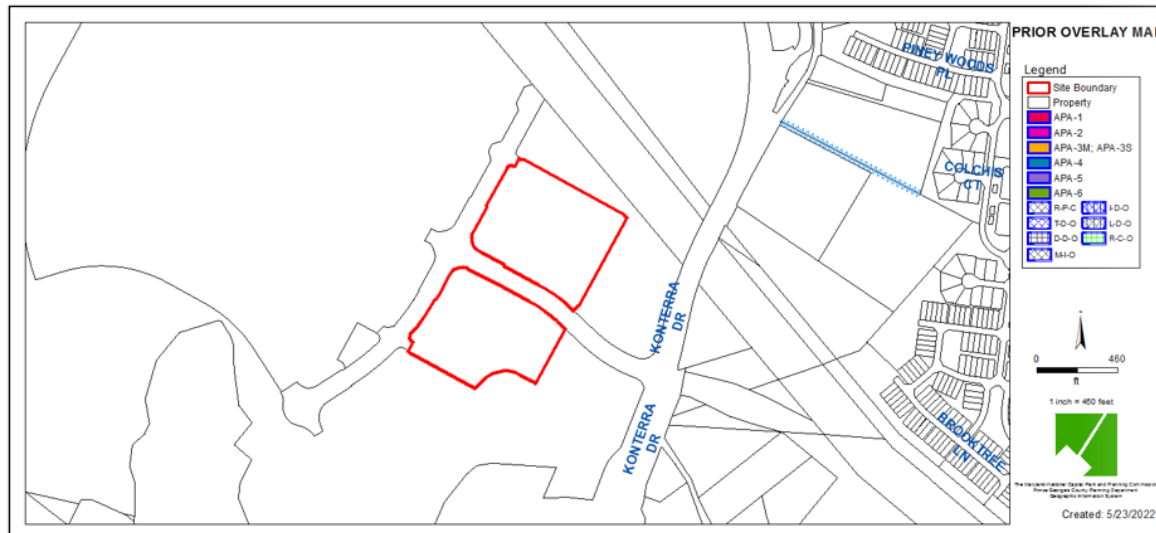


PRIOR ZONING MAP

NEW & PRIOR OVERLAY MAP



NEW OVERLAY MAP

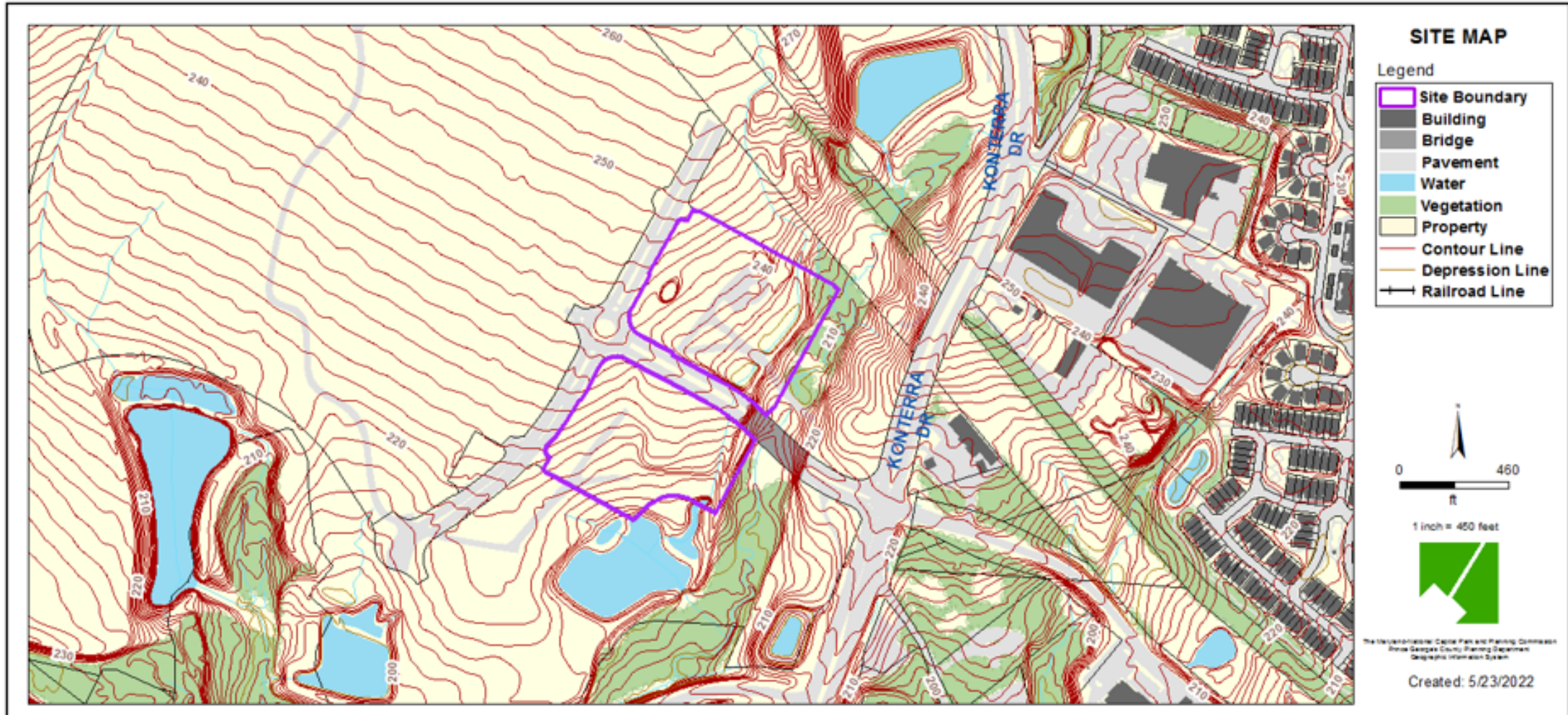


PRIOR OVERLAY MAP

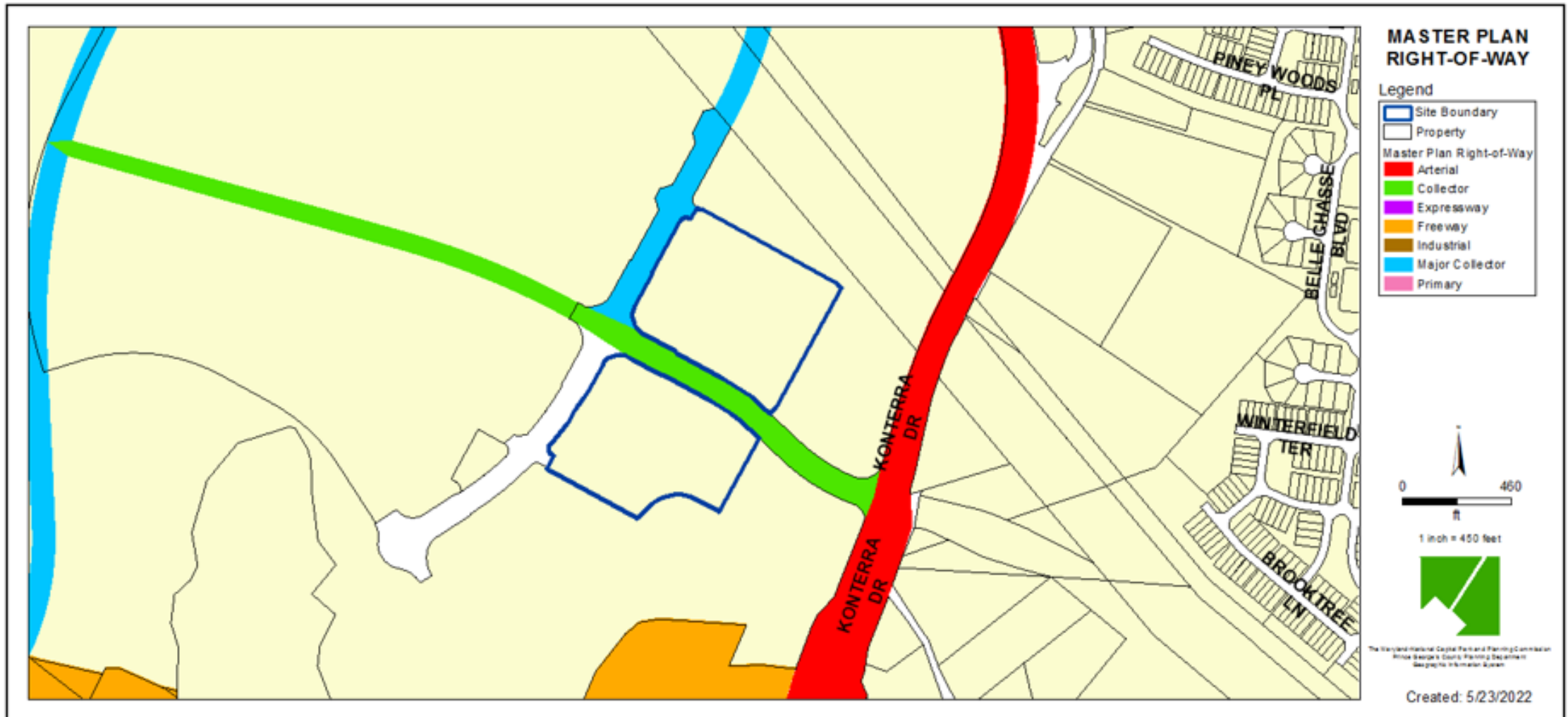
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW



DETAILED SITE PLAN COMPARISON



DETAILED SITE PLAN RENDERING



HIGH VISIBILITY LOTS



FIRE COVERAGE EXHIBIT



FIRE ACCESS EXHIBIT



FRONT ELEVATIONS - BOULEVARD



SIDE ELEVATIONS - BOULEVARD



REAR ELEVATIONS - BOULEVARD



FRONT ELEVATIONS - PARK



SIDE ELEVATIONS - PARK



REAR ELEVATIONS - PARK



FRONT ELEVATIONS - EDGE



HIGH-VISIBILITY SIDE ELEVATIONS - EDGE



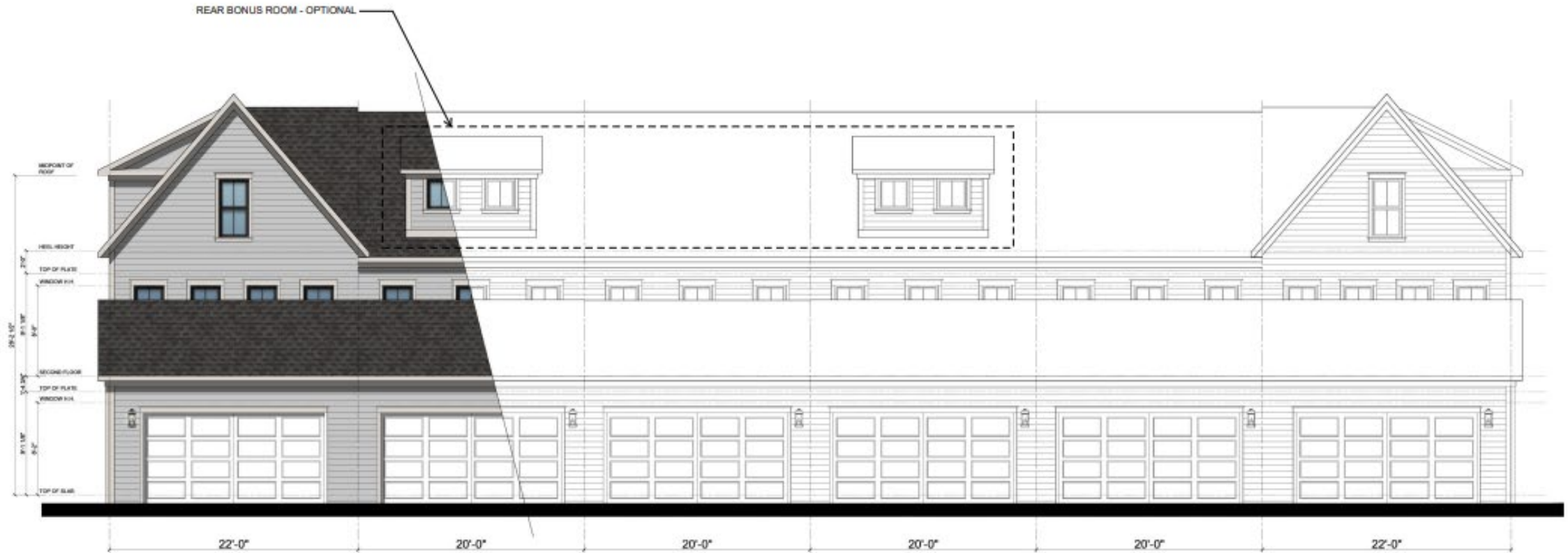
STANDARD SIDE ELEVATIONS - EDGE



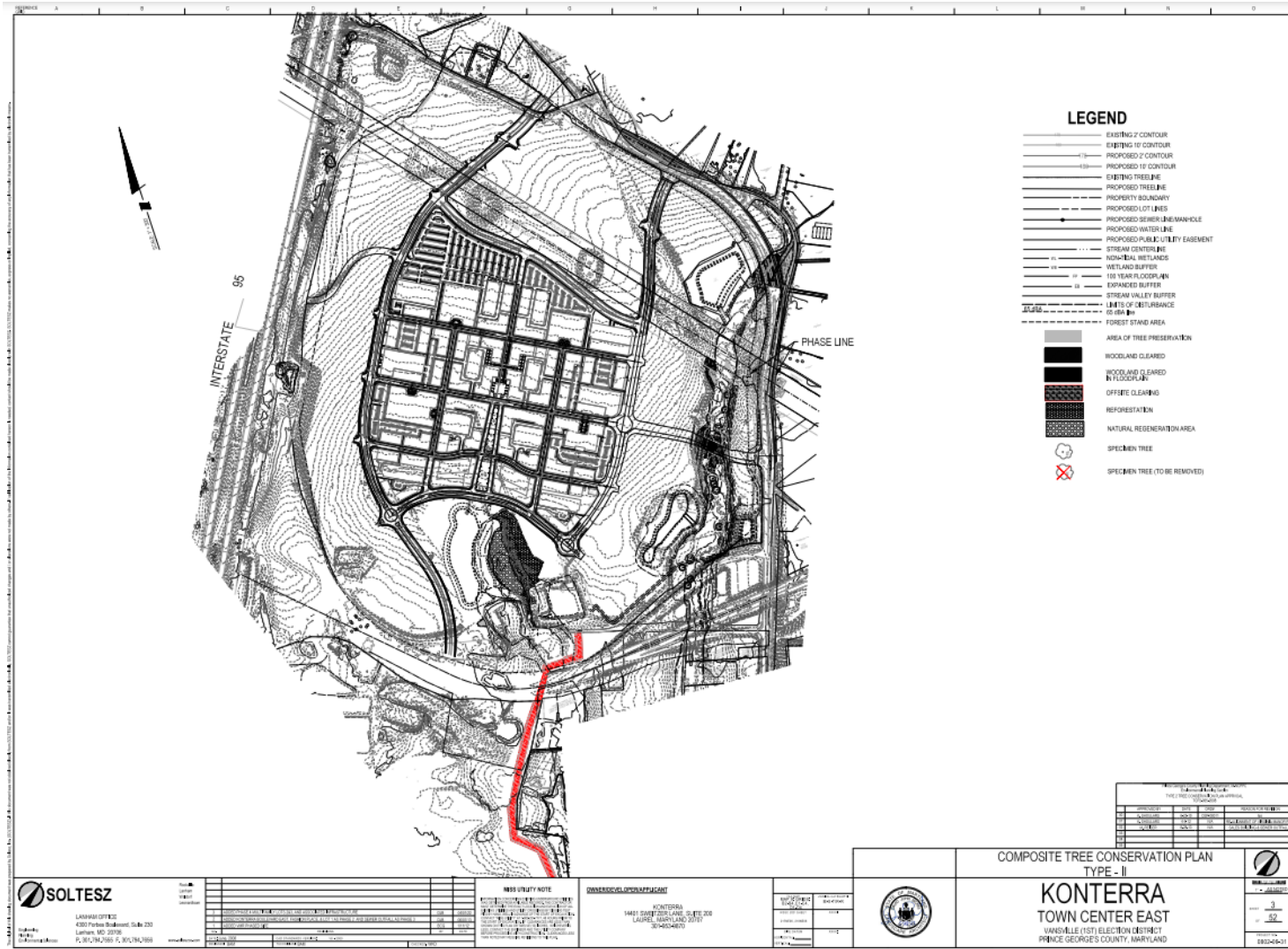
REAR ELEVATIONS W/O GARAGE - EDGE



REAR ELEVATIONS WITH GARAGE - EDGE



TYPE II TREE CONSERVATION PLAN



STAFF RECOMMENDATION

- **APPROVAL** with conditions
- **APPROVAL** with conditions
- **DISAPPROVAL**

Detailed Site Plan DSP 21033
Type II Tree Conservation Plan TCPII-065-08-03
Variance to Section 27-548(h)

Issues:

- Technical Issues

Applicant Community Engagement:

- Informational Mailing 11/29/2021
- Acceptance Mailing 4/11/2022

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RECEIVED
WWW.PGCPB.COM
301-952-4966
gco

July 8, 2008

July 9, 2008
Loiede an So G.

1325 G Street Associates, L.P.
14504 Greenview Drive, Suite 210
Laurel, Maryland 20708

Re: Notification of Planning Board Action on
Conceptual Site Plan – CSP-07003
Konterra Town Center East

Dear Applicant:

This is to advise you that on **July 3, 2008** the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **July 8, 2008** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,
Arie Stouten, Chief
Development Review Division

By: _____
Reviewer

c: Redis C. Floyd, Clerk to the County Council
Persons of Record

PGCPB No. 08-95



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-3796

PGCPB No. 08-95

File No. CSP-07003

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on June 12, 2008, regarding Conceptual Site Plan CSP-07003 for Konterra Town Center East, the Planning Board finds:

1. **Request:** The subject conceptual site plan (CSP) application is for approval of a mixed-use town center development consisting of 4,500 dwelling units and 5.9 million square feet of a mixture of commercial, retail, office and hotel uses in the M-X-T zone.

2. **Development Data Summary:**

Zone(s) Use(s)	EXISTING	PROPOSED
	M-X-T Vacant	M-X-T Residential, Commercial, Office, Entertainment, Retail and Hotel
Acreage	488	488
Of which Downtown area	-	132
Environs area	-	356
Total Residential Dwelling Units	-	4,500
Of which Multifamily residential units	-	3,740
Single family dwellings	-	760
Total Gross Floor Area (Sq. Ft.)	-	5,900,000
Of which Office	-	3,800,000
Retail/Commercial	-	1,500,000
Hotel (600 rooms)	-	500,000
Public use	-	100,000

3. **Location:** The subject site is located on the east side of I-95, south of Van Dusen Road, north of Muirkirk Road and west of Virginia Manor Road, in Planning Area 60, Council District 1.

4. **Surrounding Uses:** The subject site is the high density core of a larger land holding of approximately 2,200 acres, which straddles both sides of I-95. The site is bounded to the north by the right-of-way (ROW) of Van Dusen Road; to the west by the ROW of I-95; to the east by the ROW of Virginia Manor Road and to the south by the proposed extension of the Intercounty Connector (ICC). Further to the north across Van Dusen Road are properties in the R-R (Rural Residential), R-O-S (Residential Open Space), and I-1 (Light Industrial) Zones; to the west across I-95 is another portion of the Konterra development in the C-R-C (Commercial Regional Center)

Zone; and across Virginia Manor Road, to the east are properties in the E-I-A (Employment and Institutional Area), I-1 and I-3 (Planned Industrial/Employment Park) Zones; and to the south across the proposed extension of the Intercounty Connector are properties in the R-R (Rural Residential) Zone. To the south of the R-R zoned properties is the ROW of Muirkirk Road. A combined 80-foot-wide utility easement of the Potomac Electric Power Company (PEPCO) and Baltimore Gas and Electric Company (BGE) bisects the subject site. The portion of site north of the easement is the smaller part where only residential use is located; the southern portion is the larger part where the mixed-use town center is located. In addition, a 100-foot-wide Washington Suburban Sanitary Commission (WSSC) water main easement traverses the subject site frontage area where the combined utility easement exits the site to the east, toward the existing junction of Van Dusen Road and Virginia Manor Road to the north.

5. **Previous Approvals:** The subject site was the location of a sand and gravel mining operation in the past several decades. In 1984, a Zoning Map Amendment, A-9482, that rezoned the subject site from the R-R Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone was approved (Zoning Ordinance No. 56-1984). Zoning Map Amendment A-9482 contained a larger property of approximately 1,457.7 acres. However, only approximately 488 acres of the larger property was rezoned to the M-X-T Zone. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62* retained the property in the M-X-T Zone and envisioned the Konterra development, which includes the subject site and a 253-acre parcel, as a regional mall, with office, retail and residential uses west of I-95 and with the town center on the east side of I-95. The 2002 Approved General Plan identified the Konterra development as a possible future regional center and designated Konterra in the Developing Tier. Since 1990, the reclamation process to restore the site's natural environmental features has been progressing. Konterra is one of the eleven Central Business Area Designations in the County in accordance with CR-71-2007, which is a resolution designating certain areas within Prince George's County as Central Business Areas in compliance with Executive Order 12072. Currently the site is generally graded and ready for development. The site also has an approved Stormwater Management Concept Plan No. 19046-2007-00.
6. **Design Features:** Konterra Town Center East will be developed as a distinct and identifiable place in the region. The Town Center is envisioned as a mixed-use center containing a variety of office types, residential, hotel, civic, retail and commercial components with various supporting and accessory uses that will be important regional destinations for living, working, shopping and entertainment. The 488-acre site has been designed in accordance with prevailing urban design best practices. The entire site has been divided into a 132-acre downtown area and a 356-acre environs area. The downtown area is the dense core of the Konterra Town Center and is made up of a mixture of various uses. The environs area that surrounds the downtown is planned for offices, residential and open space. The major vehicular accesses to the site consist of three access points off Van Dusen Road to the north, one access point off Virginia Manor Road to the east, one access point off the proposed Intercounty Connector extension to the south, and a limited access through a proposed overpass over I-95 to the west to connect Town Center East with the rest of the Konterra Project to the west.

Visions and Goals—Konterra Town Center East will serve as the commercial, residential, cultural, and recreational focal point of Subregion I as acknowledged by previously approved plans and County policies. It will enhance the image of the County as a good place to live, work, play, visit, and shop. This will be achieved through encouraging a diversity of land uses, housing, and employment opportunities, assuring high-quality development to create a vibrant quality of life within the Town Center, its surrounding neighborhoods, and the County at large. Redefining the physical elements that foster a sense of community as well as reexamining the optimum relationship between the individual, the built and natural environments are integral parts of the Konterra Town Center East conceptual site plan. The following key criteria create a flexible and coherent plan that will effectively guide orderly growth in Konterra. Specifically, this CSP is to achieve sufficient density to sustain a fully realized town center program; to establish a distinctive “Sense of Place;” to design for optimum visibility and accessibility; to restore the natural features of the site; to create a vibrant 24-hour sustainable environment; and to create a high-quality pedestrian and bicycle-oriented environment.

Street Pattern—A modified grid street pattern has been proposed for the entire Konterra Town Center East. Two major perimeter roadways in a south-north orientation separate the downtown core area from the rest of the environs area. A combined BGE and PEPCO utility easement defines the north boundary of the downtown core; a stormwater management pond, 100-year floodplain and associated wetland delineate its southern boundary. A central square is the focus of a V-shape green space opening toward the floodplain to the south. The entire Town Center is designed around the central square and the V-shape park. Two street blocks are laid out symmetrically on both sides of the V-shape park. The distance between the streets is 350–600 feet and the distance from the central square to the two perimeter roadways is about 1,200 feet, which is within the normal recommended maximum walking distance of a quarter mile. The block size gradually increases away from the center. More rectangular blocks are used in the environs area where office and residential uses are predominant. Seven street types have been proposed in this CSP as follows:

Street Type	Width of Right-of-Way (Feet)
	100
Boulevard	(4 lanes with landscaped median and bike lane on both sides)
Main Street	76 (2 lanes with on-street parking and bike lane on both sides)
Connector Street A	70 (4 lanes with on-street parking on both sides)
Connector Street B	54 (2 lanes with bike lane on both sides)
Connector Street C	60 (2 lanes with bike lane on both sides)
Connector Street D	44 (2 lanes)
Connector Street E	54 (2 lanes with landscaped median not continued)
Central Street	125-195
(both sides of the V-shape park)	(4 lanes with parking on both sides, landscaped median park)

The streets shown in this CSP include both public and private streets. The specific street type and the technical details of the street cross sections will be decided at the time of preliminary plan of subdivision and detailed site plan review. All public streets are to be built in accordance with the

standards of the Department of Public Works and Transportation (DPW&T). The street pattern of the downtown area is designed based on New Urbanism principles and urban design best practices. Street networks incorporating pedestrian pathways are appropriate to the proposed development and will be flexible for future growth.

Public Open Space—The public open space proposed with this CSP within the downtown core area consists of a town square, central street promenade, various pocket parks and small plazas, and seating/picnic areas. The open space network is interspersed in the street grid and is interconnected by sidewalks and passageways. Within the public open spaces, amenities such as water fountains, art works, kiosks, tree and planter areas, seasonal planter pots, tables with umbrellas (with movable chairs), benches and seat walls, bike racks, litter receptacles and special pavers will be provided. A major green open space can be found within less than 600 feet of any location in the downtown core area. In addition to the green open space, landscaped strips along sidewalks, landscaped medians in various streets, and landscaped islands within the surface parking areas will provide additional tree canopy coverage. A total of approximately 26 acres of green open space will be provided. A minimum of approximately 30 percent coverage of a combination of green open space and tree canopy will be achieved within the downtown area. About four acres of the green open space will be major parks. In addition, a stream valley trail system will be provided along the stream located along the eastern boundary that will provide a pedestrian link to other regional destinations. The details of the proposed green open space and the stream valley trail will be reviewed at the time of detailed site plan review.

Design and Architectural Standards—Design policies and architectural standards have been proposed for the downtown core area. The design policies cover the design of primary activity centers, the pattern of streets and buildings, land use transitions, housing, placement of commercial activity, public space and pedestrian and multi-modal design, arterial streets as edges, civic and quasi-public space and facilities, and a potential stop of the regional transit system. Preliminary bulk restrictions have been proposed for different uses and their combinations including office over retail, residential over retail/commercial, retail, office, flex office/research and development, multifamily with structured parking, multifamily and townhouse residential uses. Architectural standards provide specific design principles for different typologies of the commercial buildings. Standards are provided for façades, plane articulation, awnings and other overhead features for the store front, placement of parking, location of main entrance, visual character, site frontage improvement, etc. The design and architectural standards for the downtown core area meet the CSP purposes and requirements for describing, generally, the architectural form of buildings to be used on the final plan. However, in order to ensure a high quality development, more detailed and additional bulk regulations, architectural standards and other design standards that focus on the urban design character and the urban form of the public realms will be necessary and will be reviewed at the time of detailed site plan.

Parking—A comprehensive parking plan has also been proposed with this CSP. The parking plan includes a complete parking ratio list for different uses, shared parking, parking space dimensions, on-and off-street parking, surface parking lot and parking garage design guidelines, etc. The CSP also provides an estimate of the number of parking spaces that are needed based upon the Urban

Land Institute shared parking calculation formula and Institute of Transportation Engineers' parking generation criteria. Approximately 10,768 parking spaces are recommended for the downtown area and approximately 11,011 parking spaces are recommended for the environs area. Both figures represent "maximum weekday hourly demand;" however, given the nature of this review, staff recommends that the technical aspects of the parking requirements be reviewed at the time of detailed site plan. This review has focused only on the location of parking facilities. Ten surface parking lots have been provided with this CSP within the downtown core area. In addition, on-street parking will also be provided on the major streets. The inclusion of parallel parking along grid streets is satisfactorily used to create the main street character of the urban core/downtown. Additional surface parking lots are also shown in the environs area of this project. Parking garages are provided within the first tier blocks on both sides of the central green. A condition has been proposed to require a parking study at the time of detailed site plan review to demonstrate that the proposed parking arrangements, including the number of parking spaces, geometry and forms of parking are sufficient to serve the proposed mix of uses in the 132-acre downtown core area. The parking for other areas in Konterra Town Center East will be reviewed for sufficiency at the time of each detailed site plan.

Signage—A sign program has been included with this application with the intent to establish a coordinated exterior signage appearance that contributes to the quality of Konterra Town Center East. The sign program also sets up design guidelines and parameters for all sign types encompassing durable materials, careful attention to size, quantity, strategic locations, proper illumination and messaging. The sign program covers 22 sign types that will be utilized in the development. The sign program is comprehensive and meets the requirements for a conceptual site plan. Detailed dimensions and sign face area for each type of sign will be reviewed at the time of detailed site plan review. Staff has concerns with one sign type, which is a primary project identification sign that will be installed on the rooftops of certain important buildings. This auto-oriented type of sign is not normally found in this county, and is somewhat reminiscent of prohibited billboards. In addition, the sign program explicitly prohibits 16 sign types, which is complementary to the prohibited sign list in Part 12 of the Zoning Ordinance.

Lighting Standards—The CSP contains lighting guidelines that provide design objectives, criteria, recommended lighting levels and design principles for lighting fixtures for the exterior lighting for public spaces throughout the entire development. The lighting guidelines cover streetscape lighting along private perimeters, collector and local streets, community entrances, internal streets, residential streets, promenades, town squares, monuments and on-grade parking lots; pedestrian lighting for community parks, neighborhood parks and paseos; landscape lighting to feature trees, site amenities, and site paths; and architectural lighting for retail, restaurant, office and hotel building facades, parking structures and certain residential buildings. The lighting standards will contribute to the high quality of Konterra Town Center East and are acceptable. Details on each type of lighting fixture will be reviewed at the time of detailed site plan.

Infrastructure—The basic facilities and installations needed for the proper functioning of the proposed town are fundamental elements of the CSP. According to the public facility chapter of the CSP, the needed infrastructure elements have been categorized as those provided on-site and those provided off the immediate site of the subject CSP that also provide service to the larger area. The CSP identifies the library and post office as uses that are amenities to the proposed mixed-use development and venues where future residents and employees interact on a regular basis. Libraries and post offices can either be integrated into buildings with other uses or be freestanding sites. As build-out occurs over time, facilities such as fire stations and police stations should be provided within the site, at the perimeter of the site or near the site.

Art Works—Art works are an indispensable part of a complete urban environment. The CSP does not provide any information regarding public art works, especially in the downtown core area of the proposal. A condition has been proposed to require that the applicant provide a chapter to outline basic guidelines regarding the distribution and installation of the type of the public art works to be employed in the proposed Konterra Town Center East.

Green Building Techniques—The proposed conceptual site plan involves the development of a large-scale town center. The sustainability of the development will be one of the critical issues in the subsequent review and approval. In order to facilitate future review of this issue, certain guidelines and parameters should be established through the review of this CSP. The applicant should provide a separate chapter on green building techniques to outline a technical framework for a sustainable development.

Phasing—A very conceptual phasing plan is also included in this CSP. According to the phasing plan, the 132-acre downtown will be developed in two phases. Phase I contains 590 multifamily residential units, 1,191,200 square feet of department store retail and 110,000 square feet of office use. Phase II includes 1,240 multifamily residential units, 200,000 square feet of retail/commercial, and 584,750 square feet of office use. The environs area will be developed in one phase and contains 1,910 multifamily residential units, 760 townhouse units, a 600-room hotel, 108,800 square feet of retail/commercial, 3,105,250 square feet of office and 100,000 square feet of public uses. Since the development of the Konterra Town Center East is completely market-driven, this proposed phasing plan does not represent a reliable, binding guide for the progression of the development. A more detailed phasing plan will be reviewed and approved at the time of detailed site plan review.

7. **Recreational Facilities:** An on-site recreational facility package including quantity, facility type, and location is usually evaluated at the time of conceptual site plan. However, given the size and scale of the proposed development included in this CSP, it is difficult to carry out the normal evaluation for the development due to many variables. The development included in this application may change somewhat over time in response to market forces; however, recreational needs will vary if the mixture of uses changes. In accordance with the current Park and Recreation Facilities Guidelines, a development of 760 single-family dwelling units, and 3,740 multifamily dwelling units, for a total of 4,500 units, in Planning Area 60 requires approximately \$4.5 million worth of recreational facilities to serve this development. The CSP shows locations of two

community centers in the north and east portion of the site where the residential pods are located. In the southernmost section of the site, two buildings are also designated for public uses. In addition, a central park which is a linear open space in the middle of the downtown core encompassing a town square and other outdoor rest areas has been proposed as a component of the recreational facility package. A complete evaluation for the design, location and adequacy of the on-site private recreational facilities will be carried out at the time of detailed site plan review.

COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The proposed Konterra Town Center East contains a diversity of land uses including residential, retail/commercial, office, hotel, entertainment, civic uses and open spaces that will create a vibrant quality of life. The mixture of various uses will allow future residents to live, work, shop and find entertainment venues in the town center within reasonable walking distances. The uses and their mixtures are permitted in the M-X-T Zone. The subject application is in conformance with the requirements of Section 27-546 (d) of the Zoning Ordinance, which requires additional findings in addition to the findings required for the Planning Board to approve a conceptual site plan as follows:

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

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

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

Comment: The subject site was formerly a sand and gravel mining site that is located at the intersection of the Intercounty Connector and I-95. The proposal is for mixed-use development of a 488-acre town center that will provide a vibrant life style for future residents because the CSP contains various uses and different kinds of housing options. The conceptual site plan proposes 4,500 dwelling units and 5.9 million square feet of various uses that are essential to a vital urban town center. The CSP proposal implements many New Urbanism principles and best urban design practices to promote the orderly development of the subject site. Given its scale, quality and the wide range of uses, Konterra Town Center East will enhance the economic status of Prince George's County and provide desirable employment and living opportunities for citizens of the County.

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

Comment: The subject site was previously zoned for industrial use and has been mined extensively for sand and gravel in the past several decades. The 1990 Subregion I Master Plan and Sectional Map Amendment rezoned the site to the M-X-T (Mixed Use Transportation Oriented) Zone. Since 1990, the reclamation process to restore and enhance its natural environment has progressed. By planning an urban town center on the site, this proposal will conserve and enhance the value of the land. The development of this town center will maximize the public and private development potential inherent in the location of this zone.

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

Comment: The proposed Konterra Town Center East is located between the metropolitan areas of Baltimore and Washington, D.C. and is accessible to major regional highways and the MARC commuter train system. The proposed town center is at the intersection of the ICC and I-95. Because of the nature of the development, various forms of transportation including pedestrian, bicycle, automobiles, and mass transit are necessary to support the planned town center. The site is designed in an urban grid street pattern. Sidewalks, bike lanes and trails have been proposed with the CSP. Additional transportation improvements are envisioned in the latter stages of development. These improvements may include bus connections, transit stops from the MARC station at Muirkirk Road and US 1, and a potential Metro station within the office complex in the environs of Konterra Town Center East. The success of the proposed development hinges on the effective use of various transportation systems.

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

Comment: The CSP shows a large scale development which has a mixture of uses that may encourage a 24-hour environment in the ultimate development of the project. The various residential units will generate activity on the site from 6:00–9:00 a.m. and 3:00–10:00 p.m. The office tenants are anticipated to operate on regular 9:00 a.m.–5:00 p.m. business hours. The retail component is expected to generate activity all day, including anticipated service retail uses open from 7 a.m.–10:00 p.m. In addition, entertainment uses such a movie theater or hospitality establishment (commercial hotel) will contribute to a vibrant urban living environment that will facilitate and encourage a 24-hour environment. A 600-room hotel has been proposed only in the environs area. Since a hotel is a critical

element in creating a dynamic urban environment, staff recommends an additional hotel use be provided in the downtown core area of Konterra Town Center East. A condition has been proposed in the recommendation section of this report to require the applicant to include the hotel use in the downtown core area.

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

Comment: The proposed CSP contains a variety of uses that are critical for a town center. Especially in the downtown core area, most of the proposed uses such as retail, commercial and office will be in one building and in a vertical mixed-use format. The uses in the environs area will be in a horizontal mixed-use format. Detailed design guidelines have been proposed for the downtown area that will create a visually harmonious development. In the environs, appropriate design techniques such as landscaped buffers and berms will be utilized to separate residential uses from other uses. In addition, signage, light standards and design guidelines are also proposed with this CSP in order to achieve a harmonious development.

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

Comment: To create a unique identity and distinctive visual character has been a central goal of this CSP. The CSP follows the best urban design practices with a compact street network. The design focuses on a linear central green open space that radiates from the geographical center of the downtown core area, the "Town Square," toward the preserved natural open space (a combination of water features and wooded areas) in the southern-most section of the site. Civic and other public uses are laid out around the town square. Additional commercial/retail uses are also arranged around the entire central green area. Visually, the town square will also be the focus of the downtown core area.

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

Comment: Development of a project of this size would promote optimum land planning, which would permit the use of economies of scale and a flexible response to the market. The proposal for Konterra locates different uses in close proximity in order to form symbiotic relationships and dependencies among the uses. This creates a whole that is greater than the sum of its parts. The design strategy encompasses a scope beyond individual areas or buildings. Uses within the town center fit within the fabric of the whole. Achieving a sustainable quality of urbanity with diversity of population and activities requires an initial critical mass. This is done by establishing the "urban core/downtown" early and letting it grow over time by addition of its adjacent "environs" areas. Civic and cultural facilities are included to create a balance with the other retail, employment and residential uses. The mixed-use approach creates a harmonious mix

within the M-X-T Zone, substantially more than could be achieved through the construction of this variety of uses as single purpose projects.

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

Comment: The scope of the project and its multiple uses will allow Konterra the flexibility to be responsive to market forces in a variety of sectors. Konterra represents a well-integrated set of complementary uses, which together create a unified sense of place. Phasing development in a realistic and orderly way that establishes the design quality and character of the Town Center at its beginning will provide a framework that will build market demand and credibility necessary to fulfill the Town Center's ultimate vision. This foundation will provide appropriate flexibility to respond to the changing needs of the public and private market sectors, while establishing an attractive, harmonious physical framework for development. The mixed-use and multi-phase development with diverse products, as shown in the conceptual site plan for Konterra, will permit a flexible response to the market. The CSP is in general conformance with this purpose of the M-X-T Zone.

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

Comment: The applicant proposes preliminary bulk restrictions with an intent to provide a framework for the detailed design standards that will focus on the urban character and the forms of the public realms at the time of detailed site plan review. Staff agrees with this design-oriented approach and believes that the detailed design standards, which will be prescribed for locations based on the approved street network, will allow freedom of architectural design that will achieve uniqueness for Konterra Town Center and greatly contribute toward the excellence envisioned in the General Plan for Centers.

(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;

Comment: The subject site was rezoned to the M-X-T Zone in 1984 through Zoning Map Amendment A-9482. The 1990 Subregion I Master Plan and Sectional Map Amendment retained the property in the M-X-T Zone. This requirement is not applicable to this CSP.

(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;

Comment: Konterra Town Center East has been designed to be both oriented outward toward surrounding land uses and major transportation arteries and infrastructure being put in place, and to have an inward orientation toward its downtown core area. A viable town center not only depends on an efficient regional transportation system, but also hinges on its internal synergies that are usually arranged around its center. The proposed town center is physically tied to the regional transportation system. The internal center is achieved through the grid pattern of street development and architectural treatment of building elevations. The downtown core area requires that flexibility be inherent in the approach to its development. The outward orientation of the environs area is clearly coordinated with access, exposure and frontage on I-95, the ICC and other major transportation facilities in the area. Along the eastern boundary of the property, the verticality of the uses decreases, which is more compatible with the minimal existing development and zoning. This diversity of outward orientation along the environs and from the core can be a catalyst for not only the proposed Konterra Town Center, but for adjacent properties that will feed off the synergy it creates.

There are presently view corridors into the site from I-95. This occurs near the power lines and northbound along I-95 toward the Town Center. There are few other sites along I-95 that provide windows to allow views into the site. Construction has commenced on the Intercounty Connector which will traverse the southern end of Konterra Town Center and subsequently provide, at locations along its route midway between I-95 and Virginia Manor Road, excellent views into the Town Center. It will be important to the sustainability of the proposed development to maintain these view corridors.

As the development program matures within Konterra Town Center East, higher vertical uses are proposed with visibility from the highways. Although little existing development is proximate to the site, this proposed concept is consistent with the character established across I-95, slightly northeast of the property, but will provide high quality frontage along I-95. Travelers along all nearby roads will get clear views of the evolving skyline of the Konterra Town Center, rising in the middle and along I-95 and scaling down to the north, east, and south to meet the surrounding uses along those roads. From the upper floors of higher buildings there will be dramatic views toward Washington, Baltimore, and the surrounding countryside.

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

Comment: Land uses immediately adjacent to the Konterra Town Center site include light industrial and office uses to the east and southeast, residential, research and development, and light industrial uses to the south, southwest, and northeast. The Konterra downtown area is being planned and designed for complete compatibility with the environs area, including vehicular access, pedestrian circulation, and complementary high quality architectural design. The Konterra Town Center development would be compatible with these uses and those likely to be developed over time in the proximate

areas. The downtown core will serve as the focal point for the Konterra Town Center and proximate properties.

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

Comment: The Konterra Town Center is envisioned as a new town and is expected to evolve into the center of the northern part of the County. The development is designed as a complete new town with a mix of various uses that will allow future residents to live, work and entertain without traveling elsewhere. The design of the downtown core area incorporates a mix and integration of uses including hotel, retail, dining, anchor department stores, theater, residential, parking and office uses in an urban pedestrian-friendly grid pattern in order to provide complete urban living. The information provided on design principles and standards, the proposed architectural elements, quality and mix of materials demonstrated in the CSP text, illustrative plan and renderings ensure sustainable quality and reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. Areas are planned with a cohesive structure and this will create, initially and over time, an interesting 24-hour environment in which to live, work, shop and entertain in a harmonious community.

- (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: As discussed previously, the Konterra Town Center development will be developed in three phases, which is a very conceptual phasing plan and needs to be further defined at the time of detailed site plan review. According to the phasing plan, the downtown core area will be developed in two phases, with the initial phase including approximately 85 percent of planned retail space (1.4 million square feet). These uses will serve as the catalyst or critical mass for the opening of the project along with 110,000 square feet of office and about 600 residential dwelling units. Phase II of the urban core/downtown will include additional residential, retail and office. The environs could develop concurrently or separately and will be much more market-driven. The placement of parking and access throughout the environs will make these uses self-sufficient and allow effective integration as a result of the pedestrian and vehicular connections to the core and other areas of prior development. The mixed-use nature of the town center development will make the development a self-sufficient entity to allow effective integration of subsequent phases.

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

Comment: As noted in Finding 6 above, this CSP proposes a complete pedestrian circulation plan consisting of sidewalks along all the internal streets within the downtown core area and a trail system which provides connections to and from the urban downtown areas to the environs, transportation facilities, regional parks, amenities, open spaces, etc. The pedestrian system is convenient and is comprehensively designed to connect major destinations within the development and create a pedestrian-friendly environment.

- (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: The subject application is a conceptual site plan.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

Comment: The CSP is subject to this requirement because the property was retained in the M-X-T Zone by the 1990 Subregion 1 Master Plan and Zoning Map Amendment. The review by the Transportation Planning Section (Masog to Zhang, April 24, 2008) indicates that the application conforms to the above required finding for approval from the standpoint of transportation pending certain improvements recommended by the Transportation Planning Section. Those recommendations have been included at the end of this report.

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

Comment: This requirement is not applicable to this conceptual site plan.

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

Comment: The subject site contains approximately 488 acres of land and includes a combination of residential, office, commercial, retail, hotel and other civic uses such as a post office. Even though the application meets almost all requirements in Section 27-544(d), the applicant has elected not to be approved in accordance with the provisions set forth for a Mixed-use Planned Community.

- b. Section 27-548. M-X-T Zone regulations establish additional standards for the development in this zone. The CSP's conformance with the applicable provisions is discussed as follows:

(a) **Maximum floor area ratio (FAR):**

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

Comment: The applicant has proposed to use the optional method of development in Konterra Town Center East. Under the optional method of development, greater densities can be granted, in increments of up to a maximum floor area ratio of eight, for each of the uses, improvements, and amenities. The uses, improvements and amenities proposed in this CSP include:

- **Open/arcades**—Open air arcades along the perimeter of the building designed for pedestrian use may be utilized when architecturally appropriate.
- **Theatres**—The theatre provided will contain a minimum of 150 seats and is integral to the design of the downtown area. This will allow an increase of four gross square feet for every square foot of the theater provided.
- **Outdoor Plaza**—Outdoor plazas of different sizes and types have been provided in the downtown and environs areas. They will potentially add eight square feet for every one square foot of plaza area provided.
- **Enclosed Pedestrian Space**—This element will be utilized as and when appropriate. In general, these spaces will be more appropriate in the downtown area. Additional amenities will be made available including lights and outdoor furniture.

- Residential—This will potentially increase FAR by one if more than 20 dwelling units are provided with the application. This CSP includes a total of 4,500 dwelling units and is eligible for this bonus.

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

Uses	Square footage
Office	3,800,000 SF
Hotel	500,000 SF, 600 Rooms
Public Building Space	100,000 SF
Retail	1,500,000
Residential	1,748,000 SF
Single-Family	760 DUs
Multifamily	4,488,000 SF, 3,740 DUs
Total	12,136,000 SF
Site: 488 Acres	21,257,280 SF
FAR	0.57

The proposed FAR in this CSP is much lower than the allowable FAR as a result of the provision of additional amenities as discussed above. In order to achieve a “sense of an urban place,” critical mass should be presented to generate enough activities and should have a FAR around 1. For example, the Reston Town Center (similar in scope to this Town Center acreage) will reach a FAR of 0.9 at its build-out. The buildings in the downtown core area should have a minimum two stories. The buildings in certain landmark areas should ideally have a minimum height of six stories. The applicant anticipates significant quantities of existing land will be removed from development over time and be used for regional transportation improvements. This will result in a higher FAR, albeit, within the range noted above.

- (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.**

Comment: The CSP complies with this requirement.

- (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.

Comment: This requirement is not applicable to this conceptual site plan.

- (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.**

Comment: The subject development is subject to the requirements of the *Landscape Manual*. The site's compliance with the requirements of the *Landscape Manual* will be reviewed at the time of detailed site plan review.

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

Comment: The CSP complies with this requirement.

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

Comment: This requirement will be reviewed for compliance at time of detailed site plan.

- (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.**

Comment: The site's compliance with this requirement will be reviewed at the time of preliminary plan of subdivision.

- (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 eight hundred (1,800) 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 six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) 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 six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) 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, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) 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 are preferred to 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.

Comment: According to the information provided by the applicant, Konterra Town Center, especially the 132-acre downtown core area, has been envisioned as an urban pedestrian-friendly environment of various integrated mixed uses. The single-family residential units are proposed to be smaller than the required lot size in the M-X-T Zone. Specifically, the application includes single-family attached lots that are around 1,100 square feet. In addition, the applicant also includes the row house concept in the application. The row house dwelling type is essentially a townhouse stick, but has a minimum of 12 dwelling units, but no more than 15 units in a row to emulate traditional urban row house neighborhoods. The Urban Design Section believes that a complete urban environment should have various housing options to meet the housing needs of every social sector and to create dynamic urban neighborhoods. Staff supports smaller lot sizes contingent upon approval of a variance from this requirement at the appropriate stage of development review.

The Urban Design Section also does not oppose, in concept, the row house dwelling type proposed with this CSP. However, staff has concerns about the possibility of a long and monotonous streetscape that row houses may create if they are not carefully designed. In order to provide a variety of streetscapes and avoid visually monotony, no more than 50 percent of single-family attached units should be in the row house format. The elevation design of the row house product should be carefully reviewed at the time of DSP.

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

Comments: The preliminary bulk regulations contained in the CSP do not show any building height that is higher than 110 feet.

- (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).

Comment: The subject site was rezoned to the M-X-T Zone in 1984 through Zoning Map Amendment A-9482. The 1990 Subregion I Master Plan and Sectional Map Amendment retained the property in the M-X-T Zone that predates 2006.

9. **Landscape Manual:** The proposed development for the first phase of the residential component of Konterra Town Center East is subject to Section 4.1 Residential Requirements, 4.2 Commercial and Industrial Landscape Strip, Section 4.3 Parking Lot Requirements; Section 4.6 Buffering Residential Development from Streets and Section 4.7 Buffering Incompatible Uses of the *Landscape Manual*. Compliance with the Landscape Manual will be reviewed at the time of detailed site plan. As conformance with Section 4.7 can be difficult or impossible to achieve in a vertical or intense horizontal mixed-use environment, staff recommends that the Planning Board find it appropriate, as it has in numerous M-X-T developments in the past, to review future DSPs for strict conformance with Section 4.7 only along the perimeter of the M-X-T zoned area.
10. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance, because the gross tract area is in excess of 40,000 square feet, and there are more than 10,000 square feet of existing woodland on the subject site.
 - a. A Natural Resources Inventory (NRI/050/08) was submitted for this application, and was found to address the requirements for approval. However, the signed NRI is not consistent with the submitted Type I Tree Conservation Plan TCPI/05/08 and CSP regarding the existing woodland area and floodplain buffer. The NRI, TCPI and CSP should be revised to be consistent with each other.
 - b. A Type I Tree Conservation Plan (TCPI/05/08) was submitted and reviewed by the Environmental Planning Section and was found to conform to the requirements of the Woodland Conservation Ordinance subject to certain conditions.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In a memorandum dated May 21, 2008, the Community Planning North Division noted that the application is consistent with the 2002 Prince George's County Approved General Plan Development Pattern Policies for the Center in the Developing Tier and is in conformance with the land use recommendations in the 1990 Approved Master Plan for Subregion I. The Community Planning North Division provides additional comments that summarize the development recommendations of various plans as follows:

1990 Approved Master Plan for Subregion I

- The plan recommends that Konterra Town Center contain a mixture of housing types from high-rise multifamily to single-family detached dwelling units. The plan further states, “The number of residential units to be constructed is determined by the transportation holding capacity of the Subregion. In addition, there should be an increased emphasis on single-family detached homes in the Town Center than was originally conceived in the conceptual development plan submitted with the M-X-T rezoning application.” (Page 131)
- A hypothetical Conceptual Design Plan was created for this plan which contained 12,500 employees and 1,400 dwelling units. The plan states, “...the transportation system will not be able to accommodate the traffic generated without the benefit of extensive Transportation System Management (TSM) measure. In order not to aggravate this problem, it will be necessary to limit development to a maximum of 12,500 employees and 1,400 dwelling units.” (Page 133)

2002 Prince George’s County Approved General Plan

The 2002 General Plan sets the County’s development policies.

- The General Plan identifies Konterra Town Center as a Possible Future Town Center with the following definition (page 47):

“Regional Centers are location for regionally marketed commercial and retail centers, office and employment areas, some higher education facilities, and possibly a sports and recreation complex primarily serving Prince George’s County. High-density residential development may be an option at these Centers if the needed public facilities and services, particularly schools and transit, can be provided. Regional Centers should be served by rail or bus mass transit systems.” Policy 3 in the Centers and Corridors section identifies a strategy that encourages the placement of new libraries, schools, police substations, recreation centers, and urban parks within centers.” (p.53)

Staff Comment: Page 97 of the application, which identifies strategies for addressing schools, and fire and police stations, states that public facilities such as schools, and fire and police stations should be located outside the M-X-T Zoned area to allow them to serve the growth potential and need of the surrounding communities as well as the Town Center. However, the opportunity to construct a grade school within Konterra Town Center should remain an option as the Planning Department works on developing a policy aimed at creating a variety of urban school models for use in Centers and Corridors as well as in other land-constrained areas of Prince George’s County. In addition, the opportunity to place a police substation should remain an option as Konterra Town Center develops.

2007 Adopted Master Plan and Endorsed Sectional Map Amendment for Subregion I

This master plan reiterates the 2002 General Plan policies, strategies, and recommendations for Regional Centers.

- Page I, Plan Highlights, Development Pattern Element, 3rd bullet:

"....and promote mixed-use development in the center and corridor with a strong emphasis on transit-oriented and pedestrian-friendly design in the Developing Tier."

Konterra is the only designated "center" in the Subregion I area by the General Plan.
- Page 9, Development Pattern Elements, Introduction, 1st paragraph:

"... The General Plan places Subregion I within two growth policy tiers, the Developing Tier and Rural Tier and designates one possible future regional center (Konterra Town Center) and one corridor (US 1) within the Subregion I area."
- Page 13, Centers and Corridors (Konterra Town Center and US 1/Baltimore Avenue Corridor), General Plan Guidance:

"Subregion I consists of one designated possible future regional center at Konterra... The Konterra Town Center is identified by the General Plan as a possible future location for regionally marketed commercial and retail centers, residential communities, office and employment areas, some higher educational facilities and possibly sports and recreational facilities primarily serving Prince George's County..."

The community planner concludes that this CSP conforms with the 1990 Approved Master Plan for Subregion I as updated by the 2002 General Plan and to be redefined by the 2007 Adopted Subregion I Master Plan subject to final approval by the District Council.

- b. In a memorandum dated December 27, 2007, the Subdivision Section staff noted that the property has not been the subject of a record plat and development of this site will require a preliminary plan of subdivision. Staff also stated that the site is located in water and sewer service category 5. A water and sewer service category of 4 or better is required prior to approval of the preliminary plan of subdivision.

Comment: The applicant has submitted a preliminary plan of subdivision which is currently pending with the Subdivision Section. The applicant has also been fully informed that a water and sewer service category of 4 or better is required in order to obtain approval of the preliminary plan of subdivision.

- c. The Transportation Planning Section in a memorandum dated April 24, 2008, provided a complete review of the Service Level Standards applicable to this application, and the traffic impact of the two phases proposed by the applicant. Specifically, the subject application 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: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The initial traffic study submittal indicated that the subject property is a regional center, and would be subject to the LOS E standard in accordance with the stated policy in the General Plan for Prince George's County for regional centers within the Developing Tier. Given that the site is not currently a designated regional center (it is identified as a "possible future" regional center on Map 2 of the General Plan), a revised submittal demonstrated the LOS D standard appropriate for the Developing Tier.

The Transportation Planning Section further evaluates the traffic impacts of each proposed phase of the subject application by using the above level of service standards as follows:

Under Phase I, the site is proposed for development with 3,458 multifamily residences, 600 hotel rooms, 1,407,400 square feet of retail space, and 1,203,950 square feet of office space. Once again, the traffic study departs from the guidelines by using trip rates in the Institute of Transportation Engineers' (ITE) Trip Generation Manual instead of the recognized and locally-measured trip rates published in the guidelines. The guidelines indicate that the rates in the guidelines "should be used in all traffic studies, except where it can be demonstrated by acceptable field data that a more appropriate rate is applicable." While the ITE Manual is provided as a source in the guidelines, it should be used "for any uses not cited in the guidelines." The justification provided in the traffic study for using different trip rates is not truly a justification, but more of a citation of a handful of mixed-use developments which may or may not be similar to this site with no data and considerable discussion of internal trip capture.

The trip generation for Phase I, maintaining the residential and hotel trip levels shown in the traffic study, is summarized in the table below:

Trip Generation – Phase I	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	149	730	879	736	363	1099
Hotel Trips	230	147	377	188	166	354
Less Internal Trip Capture	-39	-42	-81	-242	-155	-397
Net Residential and Hotel Trips	340	835	1175	682	374	1056
Office Trips	1208	165	1373	243	1184	1427
Less Internal Trip Capture	-9	-12	-21	-56	-52	-108
Net Office Trips	1199	153	1352	187	1132	1319
Retail Trips	467	298	765	1721	1865	3586
Less Internal Trip Capture	-51	-45	-96	-189	-280	-469
Less External Pass-By	-33	-20	-53	-276	-285	-561
Net Retail Trips	383	233	616	1256	1300	2556
Net New Trips – Phase I	1922	1221	3143	2125	2806	4931

Under Phase II, the site is proposed for development with 4,500 townhouse and multifamily residences, 600 hotel rooms, 1,500,000 square feet of retail space, and 3,800,000 square feet of office space. In consideration of the analyses for internal trip capture shown in the traffic study, along with the trip rate discussions presented under Phase I, the following table has been prepared. The trip generation for Phase II (build out of the site), maintaining the residential and hotel trip levels shown in the traffic study, is summarized in the table below:

Trip Generation – Phase II	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	204	994	1198	997	491	1488
Hotel Trips	230	147	377	188	166	354
Less Internal Trip Capture	-45	-44	-89	-257	-162	-419
Net Residential and Hotel Trips	389	1097	1486	928	495	1423
Office Trips	3030	413	3443	737	3598	4335
Less Internal Trip Capture	-9	-18	-27	-58	-60	-118
Net Office Trips	3021	395	3416	679	3538	4217
Retail Trips	485	310	795	1795	1945	3740
Less Internal Trip Capture	-54	-46	-100	-198	-291	-489
Less External Pass-By	-34	-21	-55	-287	-298	-585
Net Retail Trips	397	243	640	1310	1356	2666
Net New Trips – Phase II Build out	3807	1735	5542	2917	5389	8306

The Transportation Planning Section determined that the CSP conforms to the required findings for approval of the conceptual site plan from the standpoint of transportation and recommends approval of this CSP subject to five conditions that have been incorporated into the recommendation section of this report.

In a separate memorandum from the Transportation Planning Section dated June 4, 2008, on review for master plan trail compliance, the Trails Planner identified issues that need further evaluation. Specifically, staff is concerned about trail connections along the stream valley corridor on the eastern edge of Konterra East, the ownership of the proposed roadway network that will have a huge impact on the pedestrian circulation, pedestrian safety, amenities and accessibility.

Comment: The information needed to evaluate the above issues identified by the trails planner will not be available until the detailed site plan stage. A condition regarding cross sections for the roadways in the townhouse section has been included in the recommendation section of this report.

- d. The Environmental Planning Section (EPS), in a memorandum dated May 21, 2008, indicated that the plans as submitted have been found to address the environmental constraints for the site and the requirements of the *Prince George's County Woodland Conservation and Tree Preservation Ordinance*. The Environmental Planning Section provides a comprehensive review of the approval history and the application's conformance with the County's Green Infrastructure Plan and applicable conditions of previous approval. EPS staff recommends approval of this application subject to nine conditions that have been incorporated in the recommendation section of this report
- e. The Department of Parks and Recreation (DPR) in a memorandum dated April 29, 2008, provided a summary of the goals and objectives of the Approved 1990 Subregion I Master Plan regarding parks and recreational facilities. DPR concludes that approximately 175 acres of additional local and 234 acres of additional regional parkland will be needed to serve the population anticipated in the subject CSP by applying the current formula for calculating parkland. However, DPR believes that the proposed development is different from traditional suburban development, on which the current parkland formula is based, and encourages alternative methods of parkland acquisition and facilities development. DPR concludes that a combination of on-site private recreational facilities, as proposed in the CSP, and off-site dedication of approximately 41 acres of parkland across the street from the existing Fairland Regional Park will benefit the residents of northern Prince George's County and future residents of Konterra Town Center East. DPR further states that future development of the remaining Konterra property will be subject to additional parkland dedication and/or recreational facilities requirements. DPR recommends approval of this CSP subject to three conditions that have been included in the recommendation section of this report.

- f. The Department of Public Works and Transportation (DPW&T) in a memorandum dated January 25, 2008, provided comments on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. Specifically, DPW&T identified road improvements as follows:

“The proposed interior road system is a mix of County and privately maintained roadways. The County-maintained roadways are to be in accordance with DPW&T standards. The radii of the interior connectors and main streets are to be a minimum of 500 feet. The interior of the roadways must be constructed to ensure that the project is transit ready. Transit services must be accessible within ¼ mile of any developed portion of the project.

“Contee Road is to be extended approximately 900 feet to the west of its termination to the newly proposed Kenilworth Avenue Extended and reconstruction of the existing section of Contee Road east to US 1 is to be built per Master Plan ultimate. A combination of approximately 750 feet of newly constructed road and reconstruction of existing Contee Road is to be built per County urban collector roadway standards from Contee Road connecting it to Van Dusen Road. Approximately 1,400 feet of new roadway is to be built per County urban collector roadway standards from approximately 450 feet west of the westernmost I-95 ramp at the new Contee Road interchange to the proposed relocated Old Gunpowder Road intersection.

“Existing Old Gunpowder Road is to be improved to Master Plan ultimate from the new roadway intersection south to the proposed ICC bridge. Existing Old Gunpowder Road is to be realigned and built per Master Plan ultimate for approximately 1,000 feet north of the proposed new intersection.”

Those issues will be reviewed and enforced at the time of issuance of access permits by DPW&T.

- g. The Maryland State Highway Administration (SHA) had not responded to the conceptual site plan referral request at the time the staff report was written.
- h. The Historic Preservation and Public Facilities Planning Section in a memorandum dated February 6, 2008, stated that the CSP proposal has no effect on archeological or historic resources.
- i. The Special Projects Section, Countywide Planning Division in a memorandum dated April 18, 2008 noted that:

“Fire and Rescue Service- Commercial

“The existing fire engine service at Laurel Fire Station, Company 10 located at 7411 Cherry Lane has a service travel time of 3.22 minutes, which is within the 3.25-minutes travel time guideline.

“The existing paramedic service at Laurel Rescue Squad, Company 49 located at 14910 Bowie Road has a service travel time of 5.95 minutes, which is within the 7.25-minutes travel time guideline.

“The existing ladder truck service at Laurel Fire Station, Company 10 located at 7411 Cherry Lane has a service travel time of 3.22 minutes, which is beyond the 4.25-minutes travel time guideline.

“Fire and Rescue Service-Residential

“The County Fire/EMS Department provides a countywide response time map that visually displays an areas compliance with the 7-minute response time requirement for residential areas. The subject property is within the response time requirement.

“Police Facilities

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

“School Facilities

“The pupil yield rates used in this analysis are those used in Montgomery County, Maryland for similar types of developments. The Konterra housing types are significantly different than any types of existing housing in Prince George’s County. The density and unit type proposed are similar to urban style housing in Montgomery County, therefore their pupil rates were used in the analysis.

“County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for

inflation and the current amounts are \$7,870 and \$13,493 to be a paid at the time of issuance of each building permit.

“The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.”

The Special Projects Section concludes that the existing or programmed public facilities are adequate to serve the proposed conceptual site plan. However, the data above are presented for informational purposes only, as there is no finding of adequacy for public facilities other than roads required in connection with the subject conceptual site plan.

- j. This CSP was also referred to the city of Laurel due to Konterra’s close proximity to the city. In a memorandum dated October 19, 2007, the city did not provide any specific comments citing limited time for review as the reason. However, the Mayor and City Council support the transportation improvements associated with this project.
12. As required by Section 27-276 (b), the subject conceptual site plan satisfies all criteria for M-X-T Zone approval in Part 3, Division 2; the conceptual site plan and proposed development meet the purposes and applicable requirements of the M-X-T Zone; the conceptual site plan meets all requirements stated in the definition of the use; and 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/05/08), and further APPROVED Conceptual Site Plan CSP-07003 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this conceptual site plan, the applicant shall:
 - a. Provide an additional hotel use in the downtown core area or relocate the proposed hotel into the downtown core.
 - b. Revise the Type I Tree Conservation Plan as follows:
 - (1) Revise the TCPI as necessary so that both the NRI and the TCPI reflect the same acreage of existing woodland and woodland within the floodplain.
 - (2) Revise the worksheet to meet the woodland conservation requirement through the use of on-site and off-site conservation and remove the use of fee-in-lieu.
 - (3) Add reforestation within the 100-foot RTE buffer and add the following note to the plans: “The TCPII shall provide two interpretive signs along the edge of the

reforestation area to gain public interest and awareness of reforestation efforts and RTE habitat.” The display of the signs shall be subject to SHA and/or DPW&T approval.

- (4) Remove soils from the plan.
- (5) Show the existing tree line clearly on the plan.
- (6) Remove woodland preservation from the ICC right-of-way and update the worksheet accordingly.
- (7) Provide a note on the plan that states who will be constructing the portions of the ICC that are on the subject property. If the applicant is constructing the roadways, the woodland shall be shown as cleared. If the applicant is not constructing the roadways, the woodland shall be shown as retained not part of requirements. The woodland in the right-of-way shall not be shown as woodland conservation. The worksheet shall be adjusted accordingly.
- (8) Provide hatching and labels to indicate areas of clearing, areas of woodland retained not part of requirements, and reforestation.
- (9) Provide a summary table on the cover sheet of the TCP and tables on each sheet, similar to the preservation area table currently shown on the plan, and provide acreages of areas to be cleared, areas of woodland to be retained not part of requirements, and reforestation.
- (10) Provide a note below the specimen tree table indicating how the specimen trees were located.
- (11) Add the following note: “Off-site woodland conservation shall be provided within the Anacostia watershed to the fullest extent possible. The applicant shall show due diligence in seeking locations in the watershed. Only after all options have been exhausted can off-site mitigation outside the watershed be used. The use of fee-in-lieu to meet the requirements will only be considered during future reviews if the funds are targeted for specific mitigation projects.”
- (12) Include in the worksheet all woodland clearing for off-site impacts.
- (13) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- (14) Add the following note to the plan:
“ At least 45% of the residential units shall be for-sale units.”

- c. Eliminate all impacts on the TCPI that are not associated with road crossings, stormwater outfalls and utility connections.
 - d. Show the unmitigated 65 dBA Ldn, based on the Phase I noise study prepared by VHB, Inc., and the remainder of the noise study shall be submitted to the record (a description of the assumptions used in the study and the background traffic counts used in the modeling).
 - e. Provide a chapter to outline basic guidelines regarding the distribution and installation of public art works in the Konterra Town Center development.
 - f. Provide a chapter to outline basic guidelines regarding green building techniques and elaborate on how to achieve a sustainable town center development.
 - g. Provide a cross section for the roads accessing the townhouse units.
 - h. Provide a conceptual location of the stream valley trail on the site plan. The exact location of the stream valley trail will be decided at time of detailed site plan review for the site that contains the stream valley.
2. Prior to certificate approval of the CSP and prior to submittal of the first DSP, the applicant shall:
 - a. Revise the NRI as necessary so that both the NRI and the TCPI reflect the same acreage of existing woodland. Revise the NRI as necessary to reflect any changes to the floodplain based on an approved floodplain study.
 - b. Revise the CSP and TCPI to reflect the expanded buffer shown on the NRI
 3. Prior to acceptance of the first detailed site plan, the applicant shall:
 - a. Submit a detailed stream corridor assessment that documents the current conditions of the streams located on-site and downstream to the point where the main channel crosses Ammendale Road. The stream corridor assessment shall be conducted using the Maryland Department of Natural Resources' protocol. In addition, the Anacostia River Basin Stormwater Retrofit Inventory and the Anacostia Watershed Restoration Action Strategy shall be evaluated by the applicant for potential mitigation sites for both stream restoration and woodland conservation and this analysis shall be included in the submittal. The assessment shall then be submitted to M-NCPPC staff, so that it can be deemed complete, prior to the development of recommendations for mitigation.
 - b. Submit a recommendation for stream restoration methods and their locations based on the complete assessment. The methods shall include, but not be limited to natural re-establishment of stream buffers and stabilization of the channel using natural methods wherever possible. Prior to the final preparation and submission of the stream restoration plan, the applicant shall coordinate a meeting with the Department of Public Works and

Transportation and M-NCPPC to discuss the integration of the stream restoration efforts with the stormwater management facilities proposed. The areas of stream restoration shall be evaluated separately for consideration as woodland conservation areas, both on-site and off-site. Reflect the recommendations that result from the above analysis on subsequent detailed site plan design submittals. The recommendations and/or options implemented shall not exceed the extent of any required mitigation.

- c. The initial submittal package for the first DSP shall contain an illustrative plan that shows how the stormwater management ponds will be designed as amenities. The ponds shall be established outside of the existing regulated buffers, except for the outfall structures and associated grading, and the regulated buffers shall be re-established. The illustrative plans shall be reflected on the Detailed Site Plan and the associated landscape plan.
4. At the time of detailed site plan approval, the review shall address the following major areas of concern:
- a. The design of the downtown core area of approximately 132 acres shall be characterized by a cohesive network of buildings and urban spaces creating a pedestrian-oriented walkable community convenient to public transportation, automobile and other transit modes. This area shall encompass a grid of streets and blocks, with a predominantly vertically integrated mix of uses. Retail, residential, office, dining and hospitality shall be included in the detailed site plan for the first phase. The required design submittal elements of Section 27-282, inclusive of architecture, buildings, structures, heights, signage, lighting, setbacks, streets, footprints, recreational areas and/or facilities, open space, landscaping, entrance and/or gateway features, exterior amenities, sightlines, parking, paths, walkways, intersections, etc. shall be provided by illustrative depictions and written standards in a manner sufficiently definitive and flexible to ensure the desired design character required by the approved CSP will be implemented.

The first DSP shall include detailed design standards that will regulate the urban design character and the urban form of the public realms throughout the entire downtown area. The design standards shall be location-specific based on the approved street network in order to achieve high quality development as envisioned by the CSP. The design standards shall cover all physical aspects of the future built downtown core area such as, but not limited to, streetscape, open space/plazas, architecture (height, elevations, setback, materials, fenestration and articulation), retail storefronts, street corner conditions, building and parking/loading relationships, green building technology, signage, lighting, structured parking, and accent paving. The approved design standards shall establish design and review parameters that will serve as the basis for review of all subsequent plans.

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

- c. Parking in the downtown core area includes both structured and surface facilities. A comprehensive parking study shall be provided to demonstrate that the proposed parking for various mixed-uses will be sufficient for the intended uses.
 - d. The elevation design of the row house product. The row house elevations shall be of high quality and of various visual treatments. The side and rear elevations of those high visible units shall also be treated in terms of design materials comparable with the front elevations.
 - e. The design and the layout of the central park and the streetscape around it. Detailed layout and design information of the central park and the surrounding streetscape shall be provided with the first DSP that covers the downtown core area. A specific chapter shall be included in the design guidelines that establish design parameters for review and approval of the architecture surrounding the central park, including, but not limited to, design, materials, color, street furniture, signage, lighting, shadow and wind analysis, detailed planting schedule and hardscape.
5. The initial submittal package for the first DSP shall contain information regarding any reclamation work performed prior to May 2007, in a format similar the CNA, Inc. letter, to fully document the presence of fill materials on-site. A full soils report shall also be submitted that addresses the soil structure, characteristics and foundation stability. The study shall, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. The existing borings and test pits in fill areas shall be deep enough to reach undisturbed ground.
6. The applicant shall dedicate approximately 41 acres of parkland to the Maryland-National Capital Park and Planning Commission, that is located on the west side of I-95 and north of the proposed Intercounty Connector (ICC), as shown on the Exhibit A attached to DPR's memorandum. The conveyance of 41 acres of open space to MNCP&PC is an amount of land premised on the proposal of 4500 dwelling units in Konterra Town Center East. Subject to Planning Board approval, the Applicant may count some portion of the dedicated parkland toward satisfying the parkland dedication requirements for Konterra Town Center West residential development or other residential development (up to a total of 4500 dwelling units) on proximate land owned by the Applicant, if this number of dwelling units is not constructed as part of Konterra Town Center East.
7. Land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed along with a metes and bounds description of the property to be conveyed to the M-NCPPC (signed by the WSSC Assessment Supervisor) shall be submitted to the DPR for review and approval along with the final plat of subdivision of any portion of CSP-07003, including the residential component. Upon approval by the DPR, the deed shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

- b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the DPR. If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, the M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
 - i. No stormwater management facilities, tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
8. Prior to the issuance of any building permits within the subject property, the following road improvements shall either Option 1 (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency or Option 2; the improvement shall be fully funded for construction in the applicable CTP or CIP:

- a. US 1 and Contee Road: Add one additional through lane westbound along Contee Road. Modify signals, signage, and pavement markings as needed.
 - b. US 1 and Muirkirk Meadows Drive: Add a second left-turn lane along eastbound Muirkirk Meadows Drive. Modify signals, signage, and pavement markings as needed.
 - c. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1. Modify signals, signage, and pavement markings as needed.
 - d. Van Dusen Road and Contee Road: Add a second left-turn lane along westbound Contee Road. Add an exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed.
 - e. Old Gunpowder Road and Greencastle Road: Add a left-turn lane along northbound Old Gunpowder Road. Install signalization if warranted, with warrants to be determined by the submittal of a traffic signal warrant study, prior to the approval of the initial detailed site plan for infrastructure.
 - f. I-95 and Contee Road: Construct the I-95/Contee Road interchange with the general design consistent with the SHA-approved alternative and with lane use consistent with the lane use shown on Exhibit 12A of the January 2008 traffic study.
 - g. Contee Road Extended (also referred to as Kenilworth Ave West): Construct the extension of Contee Road from the I-95/Contee Road interchange to Old Gunpowder Road. Provide signalization and lane usage consistent with the traffic study, with final alignment of the Contee Road Extended/Old Gunpowder Road intersection to be determined by DPW&T at the time of the initial detailed site plan for infrastructure.
 - h. Kenilworth Avenue Extended "East" shall be constructed beginning at the terminus of the Contee Interchange and ending at the second project entrance into Konterra Town Center East (Perimeter Drive East). This will form a roadway connection of Virginia Manor Road to the I-95/Contee Road interchange is to be constructed on-site as a part of Phase I, with approval of the design of this link to be made by DPW&T at the time of the initial detailed site plan for infrastructure. This roadway shall be constructed within the dedicated right-of-way for the A-56 and the A-6 facilities.
9. Prior to the issuance of any building permits for uses generating more than 3,143 AM and 4,931 PM peak hour trips within the subject property, defined within this condition as Phase II, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. MD 198 and Bond Mill Road/Old Gunpowder Road: Restripe the southbound Bond Mill Road approach to provide exclusive left-turn, through, and right-turn lanes. Modify signals, signage, and pavement markings as needed.
- b. MD 198 and Sweitzer Lane: Restripe the northbound Sweitzer Lane approach to provide exclusive left-turn and right-turn lanes, and a shared through/left-turn lane. Modify signals, signage, and pavement markings as needed.
- c. US 1 and Ritz Way: Add a third eastbound left-turn lane along Ritz Way, with provision for three receiving lanes along northbound US 1. Modify signals, signage, and pavement markings as needed. This improvement will not be required if a Regional Center designation is approved for Konterra Town Center via the Subregion I Master Plan.
- d. Van Dusen Road and Contee Road: Provide an exclusive left-turn lane and a shared through/left-turn lane along westbound Contee Road. Add a second exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed. This improvement will not be required if a Regional Center designation is approved for Konterra Town Center via the Subregion I Master Plan.
- e. MD 198 and Van Dusen Road: Add a second left-turn lane along westbound MD 198, with provision for two receiving lanes along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road south of Route 198, for a length to be determined based on traffic geometrics and sufficient stacking requirements as determined by the responsible permitting agency. Modify signals, signage, and pavement markings as needed.
- f. Van Dusen Road and Cherry Lane: Add a second left-turn lane along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road, with provision for two receiving lanes along northbound Van Dusen Road north of the intersection south of Route 198, for a length to be determined based on traffic geometrics and sufficient stacking requirements as determined by the responsible permitting agency. Modify signals, signage, and pavement markings as needed.
- g. The overpass connection over I-95 between Konterra East and Konterra West shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II. This improvement is not required until after a Preliminary Plan of Subdivision is approved for Konterra Town Center West. This improvement may be eliminated from Konterra Town Center East if warranted with an updated traffic study. The necessary right of way however will be dedicated on the Konterra Town Center East property.
- h. The overpass connection over the ICC between Konterra East and properties to the south, with an eventual connection to MD 212 at Ammendale Road, shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan

for infrastructure within Phase II. This improvement may be eliminated from Konterra Town Center East if warranted with an updated traffic study. The necessary right of way however will be dedicated on the Konterra Town Center East property

- i. The construction of MD 201 Extended along Virginia Manor Road and connecting to the I-95/Contee Road interchange shall be constructed on-site as a four-lane divided facility as a part of Phase II, with approval of the conceptual design of this link to be made by DPW&T and/or SHA (whichever agency is responsible) at the time of the initial detailed site plan for infrastructure within Phase II. At that time, the design of turning lanes in to and out of the site for each site access shall be completed and approved.
10. Total development within the subject property shall be limited to uses which generate no more than 5,542 AM and 8,306 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.
 11. Prior to signature approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance shall have approval of DPW&T or be approved for private maintenance.
 12. The conceptual site plan document shall be modified to indicate right of way dedication for the that the following street sections, shown on the plan with a "Connector Street C" (2 lane) standard, be modified to the "Boulevard" (4 lane) standard as described in Section 6.6 The standard should be modified to allow for slopes approaching the limited access roadways, and eliminate the landscaped median and landscape strips on overpasses.
 - a. The street extending from the western property line over I-95 to its first intersection with a "Boulevard" type street within the plan.
 - b. The street extending from the southern property line over the ICC to its first intersection with a "Boulevard" type street within the plan.
 13. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, the SHA, the DPW&T and conveyed to the applicant, and provided any such change maintains the levels of adequate transportation facilities approved herein.
 14. A traffic phasing analysis will be submitted and reviewed during the processing of the Detailed Site Plan for each phase. This traffic phasing analysis will define the improvements required for phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed 5,541 AM Peak trip cap and the 8,306 PM Peak trip cap, unless a future revision to the Conceptual Site Plan and Preliminary Plan of Subdivision are processed.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark and Vaughns voting in favor of the motion, and with Commissioner Parker absent at its regular meeting held on Thursday, June 12, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of July 2008.

Oscar S. Rodriguez
Executive Director



By Frances J. Guertin
Planning Board Administrator

OSR:FJG:HZ:bjs

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 6/23/08

R E S O L U T I O N

WHEREAS, 1325 G Street Associates, LLP is the owner of a 402.58-acre parcel of land known as Parcels 130 and 4, located on Tax Map 9, in Grid B-2, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on March 13, 2008, 1325 G Street Associates, LLP filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 980 lots (4,500 DUs) and 67 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07108 for Konterra Town Center East was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 24, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 24, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/05/08-01), and APPROVED Variance Application No. VP-07108, and further APPROVED Preliminary Plan of Subdivision 4-07108, Konterra Town Center East, including Variations from Sections 24-130 and 24-121(a)(3) for Lots 1-980 and 67 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Include that part of Parcel 4 zoned R-R, to the south of the ICC right-of-way, and label it as an outparcel.
 - b. Revise general note 6.a. to reflect 760 attached dwelling units, as approved with CSP-07003.
 - c. Revise general note 7 to reflect the maximum of 5.9 million square feet of a mixture of commercial, retail, office and hotel uses, consistent with the approved CSP.
 - d. Revise the general notes to include a statement that this site is being developed under the M-X-T optional design.

- e. Revise the development data to reflect the standards approved and proposed, and what variances are required.
 - f. Revise general note 14 to reflect that mandatory dedication is being fulfilled by the conveyance of 41 acres (38 required) of off-site dedication.
 - g. Provide the existing parcel designations.
 - h. Provide a list of parcels and to whom they are to be conveyed.
 - i. Provide the accurate zoning break down and acreage.
 - j. Label to whom each parcel is to be dedicated.
 - k. Revise the zoning line to accurately reflect the R-R Zone, south of the ICC ROW.
 - l. Label the rights-of-way consistent with the master plan.
 - m. Reflect the Planning Board's decision regarding variations to Section 24-121(a)(3) for direct access onto A-56, and 24-121(a)(4), and variance to lot size.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
 3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 19046-2007-00 and any subsequent revisions.
 4. At the time of the first final plat, other than right of way for infrastructure, the applicant, the applicant's heirs, successors and/or assignees shall convey to the M-NCPPC 41± acres of open space located on the west side of I-95 in the northeast quadrant of the intersection of the proposed Intercounty Connector (ICC) and Old Gunpowder Road (as shown on DPR's Exhibit A). The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed along with a metes and bounds description of the property to be conveyed to the M-NCPPC (signed by the WSSC Assessment Supervisor) shall be submitted to DPR for their review and approval along with the final plat of the subdivision of any portion of the CSP-07003, including the residential component. Upon approval by DPR, the deed shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

- c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of DPR. If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to DPR within two weeks, prior to applying for grading permits.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that the land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
- i. No stormwater management facilities, tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- j. The 41 acres is to be conveyed "as is" in its present condition, except that the above ground waste matter and materials of any kind and materials shall be removed as per Condition-5 f & g of the CSP-07003. The M-NCPPC shall grant a temporary easement for use and maintenance of the existing road on the dedicated parkland which transverses the dedicated parkland to an existing batch plant on the applicant's property. The temporary easement shall terminate at such time as M-NCPPC is prepared to construct recreational facilities on the parkland or needs exclusive use of this area of the property. The M-NCPPC shall provide 60 days notice of their intent to use the property to the applicant at which time the applicant shall discontinue use of the road and remove the road surface

materials and any materials associated with the batch plant.

5. The applicant, the applicant's heirs, successors and/or assignees shall provide on-site private recreational facilities as determined appropriate at the time of review of the detailed site plans (for the portion of the property including residential component). The recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
6. Prior to signature approval of the preliminary plan of subdivision, any roadway sections that are not consistent with the County Road Ordinance shall have approval of DPW&T or be approved for private maintenance.
7. Development of the site shall conform to CSP-07003, or as subsequently revised.
8. Prior to the approval of building permits, the applicant, the applicant's heirs, successors and/or assignees shall convey to the applicable homeowners association (HOA) or property owners/management association open space land as approved on the detailed site plan. Land to be conveyed to the HOA shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits for dwelling units shown on the DSP..
 - b. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved as part of the approved DSP.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
9. The applicant, the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats other than right of way for infrastructure. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
10. The applicant, the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits for dwelling units shown on the DSP which included the applicable recreational facilities.
11. Prior to the approval of a detailed site plan or final plat, which includes land currently encumbered by "WSSC waterline easement by condemnation to be abandoned and reconstructed" or for areas located in the new alignment, the applicant shall provide evidence of the re construction agreement, or WSSC consent.
12. Prior to the approval of the first detailed site plan, the applicant should demonstrate the satisfaction of the Health Department regarding issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site.
13. In conformance with the adopted and approved Subregion I Master Plan and consistent with the 2007 planning workshops for Subregion I, the applicant, the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Provide an asphalt stream valley trail along the eastern edge of Konterra Town Center East as shown on the conceptual trail plan.
 - b. Where the stream valley trail is within homeowners association property, it shall be within a public use trail easement.
 - c. Where the stream valley trail is within a road right-of-way, it shall be a minimum of eight feet wide, separated from the curb by a landscaped strip, and constructed in lieu of a standard sidewalk for that portion of the roadway, unless otherwise modified by DPW&T.
 - d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of DSP.

- e. Provide a cross section for the roads accessing the townhouse units as part of the detailed site plan submittal. This cross section shall include standard sidewalks along both sides.
 - f. Designated bike lanes shall be striped and marked in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.
 - g. The public use easement(s) shall include the streetscape for roadways that are to remain publicly accessible, per Exhibit 3.
 - h. Additional necessary public use easements for the public trails (indicated in red on the conceptual trail plan) will be identified at the time of detailed site plan.
14. At least 35 days prior to a Planning Board hearing of the DSP, the NRI and the TCPI associated with the CSP and the TCPI associated with the preliminary plan shall be revised and signed. They shall show the entirety of the subject property and a clear delineation of the SHA right-of-way based on submitted documentation of the acreage. This land will be shown as “previously dedicated land” and the plans shall be signed at least 35 days prior to a Planning Board hearing of the DSP.
15. Prior to acceptance of the DSP, the Type I tree conservation plan shall be revised as follows and receive signature approval:
- a. Revise the TCPI as necessary so that both the NRI and the TCPI reflect the legal boundaries of the site.
 - b. Revise the plans to show conceptual grading of the site for the features shown, not for the mass grading of the site. Include the proposed grading for all variation requests.
 - c. Revise the worksheet to be a split-zoned worksheet with columns to reflect the phases (the M-X-T portion is Phase I and the R-R portion is Phase II).
 - d. Revise the worksheet to show the SHA land dedication as “previously dedicated land.”
 - e. Correct all calculation errors on the plans and the worksheet.
 - f. Revise the noise contour on the plan and in the legend to reflect the “65 dBA Ldn unmitigated noise contour.”
 - g. Revise the symbols and line weights on the plans so that they are reproducible in black and white.
 - h. Revise the plans as needed to address other issues contained in the technical staff report and the resulting resolution.

- i. Revise the plans as needed to address all technical issues for conformance with the Woodland Conservation and Tree Preservation Ordinance.
 - j. Have the revised plan signed and dated by the qualified professional who prepared the plan.
16. Prior to the issuance of any permits which impact jurisdictional 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.
17. Prior to signature approval of the preliminary plan and Type I tree conservation plan, the Department of Public Works and Transportation must approve the street design. Any significant change to the street design that results in additional impacts to the expanded buffers will require a new preliminary plan.
18. At least 35 days prior to any hearing on the DSP, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers. In order to achieve this requirement, lots may be lost.
19. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect the proposed grading and pond outfall alterations as shown on the approved stormwater management concept plan, or provide a revised stormwater concept approval that does not show impacts.
20. Prior to the approval of a building permit for the hotel, certification by a professional engineer with competency in acoustical analysis shall be submitted to M-NCPPC as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less from I-95.
21. Prior to the issuance of any building permits within the subject property, the following road improvements shall either; Option 1, (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency; or Option 2, the improvement shall be fully funded for construction in the applicable CTP or CIP:
 - a. US 1 and Contee Road: Add one additional through lane westbound along Contee Road. Modify signals, signage, and pavement markings as needed.
 - b. US 1 and Muirkirk Meadows Drive: Add a second left-turn lane along eastbound Muirkirk Meadows Drive. Modify signals, signage, and pavement markings as needed.
 - c. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1. Modify signals, signage, and pavement markings as needed.

- d. Van Dusen Road and Contee Road: Add a second left-turn lane along westbound Contee Road. Add an exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed.
 - e. Old Gunpowder Road and Greencastle Road: Add a left-turn lane along northbound Old Gunpowder Road. Install signalization if warranted, with warrants to be determined by the submittal of a traffic signal warrant study, prior to the approval of the initial detailed site plan for infrastructure.
 - f. I-95 and Contee Road: Construct the I-95/Contee Road interchange with the general design consistent with the SHA-approved alternative and with lane use consistent with the lane use shown on Exhibit 12A of the January 2008 traffic study
 - g. Contee Road Extended (also referred to as Kenilworth Avenue West): Construct the extension of Contee Road from the I-95/Contee Road interchange to Old Gunpowder Road. Provide signalization and lane usage consistent with the traffic study, with final alignment of the Contee Road Extended/Old Gunpowder Road intersection to be determined by DPW&T at the time of the initial detailed site plan for infrastructure.
 - h. Kenilworth Avenue Extended “East” shall be constructed beginning at the terminus of the Contee interchange and ending at the second project entrance into Konterra Town Center East (Perimeter Drive East). This will form a roadway connection of Virginia Manor Road to the I-95/Contee Road interchange to be constructed on-site as a part of Phase I, with approval of the design of this link to be made by DPW&T at the time of the initial detailed site plan for infrastructure. This roadway shall be constructed within the dedicated right-of-way for the A-56 and the A-6 facilities.
22. Prior to the issuance of any building permits for uses generating more than 3,314 AM and 5,331 PM peak hour trips within the subject property, defined within this condition as Phase II, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. MD 198 and Bond Mill Road/Old Gunpowder Road: Restripe the southbound Bond Mill Road approach to provide exclusive left-turn, through, and right-turn lanes. Modify signals, signage, and pavement markings as needed.
 - b. MD 198 and Sweitzer Lane: Restripe the northbound Sweitzer Lane approach to provide exclusive left-turn and right-turn lanes, and a shared through/left-turn lane. Modify signals, signage, and pavement markings as needed.

- c. US 1 and Ritz Way: Add a third eastbound left-turn lane along Ritz Way, with provision for three receiving lanes along northbound US 1. Modify signals, signage, and pavement markings as needed. This improvement will not be required if a Regional Center designation is approved for Konterra Town Center via the Subregion I Master Plan.
 - d. Van Dusen Road and Contee Road: Provide an exclusive left-turn lane and a shared through/left-turn lane along westbound Contee Road. Add a second exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed. This improvement will not be required if a Regional Center designation is approved for Konterra Town Center via the Subregion I Master Plan.
 - e. MD 198 and Van Dusen Road: Add a second left-turn lane along westbound MD 198, with provision for two receiving lanes along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road. Modify signals, signage, and pavement markings as needed.
 - f. Van Dusen Road and Cherry Lane: Add a second left-turn lane along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road, with provision for two receiving lanes along northbound Van Dusen Road, north of the intersection. Modify signals, signage, and pavement markings as needed.
 - g. The overpass connection over I-95 between Konterra East and Konterra West shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II. This improvement is not required until after a preliminary plan of subdivision is approved for Konterra Town Center West. This improvement may be eliminated from Konterra Town Center East if warranted with an updated traffic study. The necessary right-of-way, however, will be dedicated within the Konterra Town Center East property.
 - h. The overpass connection over the ICC between Konterra East and properties to the south, with an eventual connection to MD 212 at Ammendale Road, shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II. This improvement may be eliminated from Konterra Town Center East if warranted with an updated traffic study. The necessary right-of-way, however, will be dedicated within the Konterra Town Center East property.
 - i. The construction of MD 201 Extended along Virginia Manor Road and connecting to the I-95/Contee Road interchange shall be constructed on-site as a four-lane divided facility as a part of Phase II, with approval of the design of this link to be made by DPW&T and/or SHA (whichever agency is responsible) at the time of the initial detailed site plan for infrastructure within Phase II. At that time, the design of turning lanes into and out of the site for each site access shall be completed and approved.
23. Total development within the subject property shall be limited to uses which generate no more

- than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
24. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 5,965 AM peak hour trip cap and the 8,963 PM peak hour trip cap, unless a future revision to the preliminary plan of subdivision is processed.
 25. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, the SHA, the DPW&T and concurred by the applicant, and provided any such technical or engineering change maintains the levels of adequate transportation facilities approved herein. Any modification of transportation improvements may not be inconsistent with the Planning Board findings and conditions.
 26. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way shown on the subject plan:
 - a. The right-of-way for A-3 and C-102, shown on this plan as Perimeter Drive West, within a 100-foot (or greater) right-of-way.
 - b. The right-of-way for C-101, shown on this plan as Fashion Place, within a 100-foot right-of-way east of Perimeter Drive East and within a 54-foot right-of-way between Perimeter Drive East and Perimeter Drive West.
 - c. The right-of-way for A-56, shown on this plan as Kenilworth Avenue Extended, within a 150-foot right-of-way.
 27. The plan shall be modified to demonstrate the following:
 - a. Dedication providing for four travel lanes along proposed Street B unless modified by a subsequent Master Plan.
 - b. Two easements (one north of Fashion Place and one south of the same) serving Lots 43–47 of Block N and Lots 1–6 of Block S created pursuant to Section 24-128(b)(9) to connect each lot group to Fashion Place and A-56.
 28. Prior to signature approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance shall have approval of

DPW&T or be approved for private maintenance.

29. Prior to the approval of building permits the applicant, the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

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

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

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

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING M-X-T/R-R	PROPOSED M-X-T/R-R
Use(s)	Vacant	5.9 million square feet of Retail/Office/Hotel/ Public and Residential Uses
Acreage		402.58 (M-X-T 401.77 acres) (R-R .81 acre)
Lots	0	980
Parcels	2	67
Dwelling Units:		4,500 Total
Attached	0	760
Multifamily		3,740
Public Safety Mitigation Fee		No

3. **Urban Design**—The preliminary plan is in conformance with the approved CSP in terms of the general location of uses, street and lotting patterns, and other associated improvements. The development of the site is subject to the requirements of the *Landscape Manual* which will be determined at the time of detailed site plan review.

According to Part 10, Mixed Use Zones of the Zoning Ordinance, development in the M-X-T Zone can be achieved by employing an optional method. The applicant should clearly indicate on the plan that the optional development method is proposed as indicated to staff. The M-X-T Zone regulations require certain percentages of retail, residential and office/employment uses and the number of townhouse units cannot be more than 20 percent of the total residential dwelling units. The preliminary plan is consistent with the land use requirements of the M-X-T Zone, and approved CSP.

The preliminary plan provides cross sections for most of the proposed roadways. However, additional information should be provided regarding the specifications of the private streets in the attached dwelling unit residential pods. The streets should not be narrower than 22 feet and should be able to accommodate the turn of emergency vehicles. The cross section of the private internal residential streets should be approved at the time of the detailed site plan. The M-X-T regulations require sidewalks to be provided on both sides of all public and private streets and parking lots, and will be incorporated into the private street section.

CSP-07003 shows Parcels AA and AB as residential multifamily dwellings. The preliminary plan, which is a more detailed development plan than the conceptual site plan, now shows the

same parcels as a part of the townhouse development pods. Through the review of the preliminary plan, staff recommended revisions to the plan to increase the land area associated with the townhouses in order to increase the ability to provide additional parking and increase on-site circulation specifically surrounding the internal streets for the townhouses. In order to accommodate this, the applicant has revised the preliminary plan and relocated the multifamily dwelling units, shown along the southern alignment of relocated Kenilworth Avenue, to the multifamily parcels. The applicant intends to increase the multifamily buildings vertically if necessary, and has increased the land area associated with the townhouse lots. Therefore, the land bays associated with residential development have not changed; only the land area associated with the types of dwelling units. This modification is not inconsistent with the approved CSP.

Lot Depth Variation to Section 24-121(a)(4)—The Subdivision Regulations require that residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty feet. Adequate protection and screening from traffic nuisances are required to be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

The applicant filed a variation on June 19, 2008, for a reduction in the required lot depth for townhouse lots along the southern property line adjacent to the ICC, which is identified as an arterial facility (A-44) in the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*. Staff has evaluated the lots to ensure adequate distances exist from the dwelling units to the travel lanes. A minimum lot depth of 150 feet is required by the Subdivision Regulations in this case.

Based on the following findings, the Planning Board approves a variation to Section 24-121(a)(4) of the Subdivision Regulations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) is as follows (**in bold**):

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property with the densities envisioned by the 1990

Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62.

(1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;

The property has the extraordinary situation of bordering not only on the ICC, which has an arterial road classification, but also an access ramp onto that roadway.

It is important to note the unique orientation of the roadway within the ICC right-of-way with respect to the residential areas within 150 feet of the right-of-way. There are no lots proposed within 150 feet of the nearest travel lane. Lots 42–50, Block W (9 lots) do not meet the minimum lot depth of 150 feet from the ultimate right-of-way of the ICC. However, the land between the travel lanes and the subject property are to provide for a single lane access ramp from Virginia Manor Road. The access ramp itself does not provide the volume of traffic associated with an arterial roadway and therefore, the nuisances associated with a roadway with an arterial classification or higher do not affect these nine lots.

Additionally, a portion of the ICC right-of-way is labeled “Rare Threatened or Endangered Species Area” (RTE area), and is not intended for development of the ICC roadway. Rather, this area is considered a Priority One save area, containing wetlands, streams, hydric soils and habitat for a threatened or endangered species. This area has been included in the right-of-way as a means to ensure protection and preservation of this important habitat. Therefore, no ‘traffic nuisances’ as mentioned in Section 24-121(a)(4) impact the residential lots within 150 feet of that section of right of way.

In this case, traffic noise is not a concern. The results of the noise analysis demonstrate that no townhouse lot is within the 65 dBA Ldn noise impact line caused by the projected traffic volumes of the ICC and the associated access ramp. Earthen berms, plant materials and possibly fencing may still be employed to reduce the visual impact of traffic, which will be determined at the time of detailed site plan.

(2) The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

This plan is in accordance with the *Prince George’s County Approved General Plan*. Konterra Town Center East will serve as the Regional Center called for in the General Plan. These lots are unique in that they are located within 150 feet of an arterial roadway, but are not impacted by the 65 dBA Ldn usually associated with a roadway of this classification. Section 24-121(a)(4) is established generally to protect outside activity areas that are normally impacted by the 65 dBA Ldn noise contour within 150 feet of an arterial road. In this particular case, they are not impacted due to the ramp location associated with the ICC, which buffers the lots from direct impact from

the main travel lanes.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

The approval of this lot depth reduction for nine lots will not violate any other applicable law, ordinance or regulation because there are no other applicable law or ordinance that deals with this issue.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The ICC dedication has resulted in a property configuration unique to the surrounding properties. The ICC alignment results in a difficult land bay to achieve highest and best use. Therefore, the loss of land due to a SHA taking could result in a hardship to the owner by reducing the number of lots on land that is appropriate for the development of townhouse units.

4. **Variance (VP-07108) to Section 27-258**—By letter dated July 2, 2008 (Dunn to Chellis), the applicant has requested a variance to Section 27-258 of the Zoning Ordinance. Specifically, Section 27-548(h) requires that townhouse lots conform to the following regulations as applicable to the review of the preliminary plan of subdivision:

- (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 eight hundred (1,800) square feet** in size, 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, and the **end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet,**

The applicant's request for a variance from Section 27-548 was specific to the following:

- “1. The minimum size fee simple lot is 630 square feet.
2. That up to 15 units in a row (as approved under CSP for this project) may be built in a group.
3. That units are allowed to be a minimum of 16' wide.
4. That the living space of a single unit can be 1,000 square feet.”

In part, the preliminary plan is the evaluation of the adequacy of the capacity needed to support the development based on the density. The lot size is a function of the preliminary plan of subdivision. Therefore, with this preliminary plan, the variance as it relates to the required lot size only will be evaluated. The variances required for the number of dwelling units in a row, the width and living space requirements will be reviewed with the detailed site plan, if necessary, when the product type of the dwelling units can be evaluated as it relates to these requirements. With the architecture, the Planning Board will be able to fully evaluate the context for the variation requests for the number of dwelling units in a row, the width and living space of the townhouse units. The number of dwelling units in a row will be evaluated with the architecture, to determine the visual impact and appropriate siting. The width of the lot sizes, as it relates to the required living space, will be evaluated with the product type proposed by the applicant with the detailed site plan. The decision by the Planning Board and District Council as it relates to the necessary variances remaining will be reflected on the approved DSP(s) and therefore reflected on the final record plats. The lot widths and number of dwelling units in a row can be modified with the DSP at the discretion of the Planning Board without substantively affecting the adequacy findings of the preliminary plan.

A vision of the Konterra Mixed-Use Development is to provide a variety of housing stock for a variety of income groups and the elderly (1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*, pg 130). Because the applicant is proposing two types of dwelling units, multifamily and townhouses, as approved by the Conceptual Site Plan CSP-07003, the ability to serve a diversity of income groups is limited. By providing a variety of lot and dwelling unit sizes within the townhouse component of the development, the applicant creates a significantly greater ability to serve different income groups within the same housing type. To accomplish this Master Plan concept goal, a variety of lot and dwelling unit sizes will be necessary.

It is anticipated that minor modifications to the layout will occur through the review of the detailed site plan. However, in no case can the number of dwelling units be increased over that approved by the preliminary plan. In fact, a reduction in the number of dwelling units may occur as the Planning Board considers variances for the number of dwelling units in a row, the lot width and living space variances that may be required with the review of the detailed site plan(s).

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of a variance request (**in bold**). The applicant requested a variance to allow lots of 650 square feet. Staff supports the variance for townhouse lot size based on the following findings:

A. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.

This specific property is identified in 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62* by name and retained the property in the M-X-T Zone. The Master Plan envisioned the Konterra development as a unique center which would

provide a variety of dwelling unit types, which would serve a variety of income groups. In order for the applicant to fulfill the Master Plan recommendations a variation of the strict application of the zoning ordinance is necessary. The lot size standard required by Section 27-548(h) for townhouses does not allow for a variety of lot sizes suitable for an urban town center and did not envision the master plan recommendations specific to this site to provide a variety of housing for different income groups. The vision for the residential component of the Konterra Town Center is one where an urban lifestyle can be supported and where allowances for a different product exist. By providing a uniform lot size the applicant is unable to provide the variety called for in the Master Plan which is specific to this property, and places the owner in an extraordinary situation which could result in an undue hardship upon the owner

B. The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.

The inability of the owner to develop the property in conformance to the master plan, as a result of the strict application of the Zoning Ordinance, results in an undue hardship. Practically, the applicant can therefore not develop townhouses consistent with an urban town center to provide a variety of housing for different income groups. The vision for the residential component of the Konterra Town Center is one where an urban lifestyle can be supported.

C. The variance will not substantially impair the integrity of the General Plan or Master Plan.

The variance will support and assist in the implementation of the specific recommendation for the Konterra East Town Center and will not impair the integrity of the General Plan or Master Plan.

The minimum lot size should be reduced to provide a variety of housing types. The minimum lot width should be 16 feet, and . In addition, any lots proposed which are smaller than 1,000 square feet or narrower than 18 feet should be carefully evaluated at the time of detailed site plan to ensure a balance of housing stock for different income groups.

The applicant is proposing 730 of 760 townhouse lots below the minimum lot size of 1,800 square feet. The applicant proposes 274 lots between 1,000 and 1,800 square feet; 346 lots between 850 and 1,000 square feet; and 110 lots between 630 and 850 square feet.

The Planning Board approves a variance from the minimum lot size of 1,800 square feet based on the following sliding scale:

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

At the Planning Board hearing on July 24, 2008 the Planning Board agreed with the applicant that to ensure a variety of townhouse units that lot sizes as small as 630 square feet may be appropriate. However, the Planning Board advised that applicant and the applicant proffered that lots between 849 and 650 square feet may not be permitted. The lots between 849 and 650 square feet may be combined with abutting lots to bring the minimum lot size to 850 square feet if determined appropriate by the Planning Board at the time of review of the DSP. The Planning Board noted that the smallest lots approved in the County are 850 square feet. However, in this urban environment alternatives may be appropriate, and should be evaluated with the house types that will be reviewed with the DSP.

5. **Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision, 4-07108, and the Type I Tree Conservation Plan, TCPI/05/08-01, stamped as received by the Environmental Planning Section on June 23, 2008, and variation exhibits submitted via e-mail on July 10, 2008.

Background

The Environmental Planning Section previously reviewed zoning case A-9484 which was approved to establish the current M-X-T zoning. No environmental conditions were stipulated as part of the rezoning. The site has an approved Conceptual Site Plan, CSP-07003, and Tree Conservation Plan, TCPI/05/08.

The subject property is covered under a surface mining permit (Permit No. 89-SP-0310-B), issued by the Maryland Department of the Environment, Water Management Administration, effective May 30, 1989, which expires May 30, 2009. The mining permit was issued prior to the implementation of the Woodland Conservation and Tree Preservation Ordinance in 1989; therefore, no tree conservation plan was associated with the mining permit. A grading permit was also not required for the mining, so enforcement of erosion and sediment controls on the site is the responsibility of the Maryland Department of the Environment. Currently, the mining operation is in the reclamation phase.

Site Description

The site was originally a 488-acre property, zoned M-X-T and R-R, which is now comprised of 401.77 acres of M-X-T zoned land, 0.81 acre of R-R zoned land, and an 85.42-acre dedication of land to the SHA for the ICC right-of-way. A review of the available information indicates that streams, wetlands and 100-year floodplain are found to occur on this property. The site drains into Indian Creek, within the Potomac River basin. Steep and severe slopes are found on-site. The site has been mined and the previously existing soils, prior to mining, consisted of soils in the Beltsville, Bibb, Croom, Gravel and Borrow Pits, Iuka, Leonardtown, Matapeake, Rumford, Sassafras, and Sunnyside classifications. Due to the extensive mining that has occurred on the property and with the exception of the areas within the 100-year floodplain that were not disturbed during mining operations, the soils now consist primarily of “Gravel and Borrow Pits”

along with fill material from reclamation.

According to available information, Marlboro clay is not found to occur in the vicinity of this property. Noise is a major concern on this site. Interstate 95, classified as a freeway, and Van Dusen and Virginia Manor Roads, classified as arterial roads, are existing traffic-related noise generators. A portion of the site is located within the right-of-way for the proposed Intercounty Connector (ICC), identified as A-44, and is an arterial road. An undeveloped master planned road identified as A-3 is being developed as a collector facility through this site, as shown on the preliminary plan and TCPI, but would not generate enough traffic to warrant evaluation for noise impacts. Another undeveloped master planned road, also shown as proposed on the preliminary plan and TCPI, identified as C-101, is classified as a collector road and would not generate enough traffic to warrant evaluation for noise impacts. There are no designated scenic and historic roads adjacent to this property.

Based on available information from the Maryland Department of Natural Resources, Wildlife and Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur in the vicinity of this property; however, the site does have wetland area with an RTE buffer that was delineated during the environmental study for the ICC. According to the *Approved Countywide Green Infrastructure Plan*, all three network features (Regulated Areas, Evaluation Areas and Network Gaps) are present on-site. This property is located in the Subregion I Planning Area, and the Developing Tier in the adopted General Plan.

Environmental Issues Addressed in the Subregion I Master Plan

The current Subregion I Master Plan and Sectional Map Amendment, adopted in 1990, contains no specific environmentally-related guidelines pertaining to the subject site. The Master Plan predates current ordinances and regulations that will be reviewed with this application.

Prior to the mining of the site, it contained an extensive network of "Natural Reserve" areas as defined in the master plan; however, several of those areas were impacted by past mining operations and no longer exist. The existing regulated features on the site are within the Countywide Green Infrastructure Plan and the entire site is subject to the Woodland Conservation Ordinance, which will ensure that the development of the site conforms to the environmental issues associated with the master plan as detailed site plans are reviewed.

Conformance with the Green Infrastructure Plan

The implementation section of the Countywide Green Infrastructure Plan contains policies and strategies and recommendations for carrying out each policy. The following policies have been determined to be applicable to the current project. The text in **BOLD** is the text from the *Approved Countywide Green Infrastructure Plan* and the plain text provides comments on plan conformance.

Policy 2—Preserve, protect and enhance surface and ground water features and

restore lost ecological functions.

Regulated and Evaluation Areas of the designated network exist on-site. Several of the ecological functions that existed prior to the mining of the site have been lost because areas were graded and the natural drainage of the site was altered. It would not be possible, given the current landscape, to fully restore the lost ecological functions; however, the streams that receive stormwater from the site are in need of stabilization and restoration. The mitigation efforts for this site should focus on stream stabilization and restoration.

A Stream Corridor Assessment was submitted and evaluated.

Strategy 2.1—Help address compliance with total maximum daily load (TMDL) caps established by the state under the Federal Clean Water Act for water bodies in the county where water quality standards have not been met.

Strategy 2.2—Establish and/or maintain adequate buffers to protect and/or restore water quality.

These strategies should be addressed as part of the current land development proposal, however, data does not exist at the present time regarding where restoration is most needed. A comprehensive stream corridor assessment is needed to evaluate the condition of the existing on-site and downstream water courses. The evaluation needs to be completed, so that commitments for restoration can be evaluated as an integral part of the stormwater management system proposed. Appropriate conditions are in place as part of this preliminary plan in furtherance of this policy.

Existing information should also be evaluated to determine if other locations, beyond the downstream portion of Indian Creek, are potential restoration sites. The applicant submitted a letter dated February 5, 2008, stamped as received February 11, 2008, that outlines information from a study done by the Council of Governments in 1989. Because this data is 20 years old, and may not be accurate to date, additional investigation of the sites shown is needed. In addition, the Anacostia River has had a Watershed Restoration Action Strategy completed for the entire watershed. The study may contain valuable information regarding potential restoration sites.

A condition of the CSP requires that a detailed stream corridor assessment and the associated recommendation be submitted prior to the acceptance of the detailed site plan, as discussed further.

Policy 5—Recognize the green infrastructure network as a valuable component of the County's Livable Communities Initiative.

Strategy 5.1—View protection and restoration of the County's green infrastructure network as a necessity and an amenity.

- a. **When making policy and land use decisions, elevate the importance of preserving, protecting, enhancing and restoring the green infrastructure network at the same level of concern as providing an interconnected network for transportation and/or public utilities.**

The plan proposes several stormwater management ponds, some of which are re-configurations of existing sediment and erosion control ponds. Because this site is very large, and has few opportunities for restoration of the lost green infrastructure, the re-configured ponds should be designed as amenities and the environmental buffers they encroach upon should be restored. The addition of the stream restoration efforts noted will enhance the restoration of the green infrastructure network on-site and down stream.

Condition 3c of the approved CSP requires that the initial submittal package for the DSP contain an illustrative plan that shows how the stormwater management plans will be designed as amenities.

Zoning Case A-9484

The Environmental Planning Section previously reviewed zoning case A-9484 which was approved to establish the current M-X-T zoning. No environmental conditions were stipulated as part of the re-zoning.

Conformance with CSP-07003

The following conditions were approved by the Planning Board with the CSP. The text in **BOLD** is the text from the conditions and the plain text provides comments on plan conformance.

1. **Prior to certificate approval of this conceptual site plan, the applicant shall:**
 - b. **Revise the Type I Tree Conservation Plan as follows:**
 - (1) **Revise the TCPI as necessary so that both the NRI and the TCPI reflect the same acreage of existing woodland and woodland within the floodplain.**
 - (2) **Revise the worksheet to meet the woodland conservation requirement through the use of on-site and off-site conservation and remove the use of fee-in-lieu.**
 - (3) **Add reforestation within the 100-foot RTE buffer and add the following note to the plans: "The TCPII shall provide two interpretive signs along the edge of the reforestation area to gain public interest and awareness of reforestation efforts and RTE habitat."**

- (4) **Remove soils from the plan.**
- (5) **Show the existing tree line clearly on the plan.**
- (6) **Remove woodland preservation from the ICC right-of-way and update the worksheet accordingly.**
- (7) **Provide a note on the plan that states who will be constructing the portions of the ICC that are on the subject property. If the applicant is constructing the roadways, the woodland shall be shown as cleared. If the applicant is not constructing the roadways, the woodland shall be shown as retained not part of requirements. The woodland in the right-of-way shall not be shown as woodland conservation. The worksheet shall be adjusted accordingly.**
- (8) **Provide hatching and labels to indicate areas of clearing, areas of woodland retained not part of requirements, and reforestation.**
- (9) **Provide a summary table on the cover sheet of the TCP and tables on each sheet, similar to the preservation area table currently shown on the plan, and provide acreages of areas to be cleared, areas of woodland to be retained not part of requirements, and reforestation.**
- (10) **Provide a note below the specimen tree table indicating how the specimen trees were located.**
- (11) **Add the following note: “Off-site woodland conservation shall be provided within the Anacostia watershed to the fullest extent possible. The applicant shall show due diligence in seeking locations in the watershed. Only after all options have been exhausted can off-site mitigation outside the watershed be used. The use of fee-in-lieu to meet the requirements will only be considered during future reviews if the funds are targeted for specific mitigation projects.”**
- (12) **Include in the worksheet all woodland clearing for off-site impacts.**
- (13) **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

Comment: The revised TCPI for the CSP has not been submitted to date. Some of these conditions are addressed on the TCPI currently under review with the preliminary plan application; however, the TCPI with the preliminary plan must address certain other issues as

well as those contained in these conditions, and be in conformance with the TCPI for the CSP, which hasn't been completed yet. This condition cannot be considered addressed until the CSP TCPI has been signed. The submitted NRI, the TCPI with the CSP, and the TCPI with the preliminary plan do not address the entirety of the subject property and will need to be revised as conditioned with this approval.

- c. **Eliminate all impacts on the TCPI that are not associated with road crossings, stormwater outfalls and utility connections.**

Comment: The variation request exhibits submitted July 10, 2008, show only the types of impacts described above. The proposed layout and design shown conceptually on the TCPI, with the preliminary plan, show configurations that will make it difficult if not impossible to avoid unnecessary impacts to the stream buffers.

- d. **Show the unmitigated 65 dBA Ldn, based on the Phase I noise study prepared by VHB, Inc., and the remainder of the noise study shall be submitted to the record (a description of the assumptions used in the study and the background traffic counts used in the modeling).**

Comment: A 65 dBA Ldn line is shown on the TCPI submitted with the preliminary plan, but it is not labeled as an "unmitigated contour" and should be.

2. **Prior to certificate approval of the CSP and prior to submittal of the first DSP, the applicant shall:**

- a. **Revise the NRI as necessary so that both the NRI and the TCPI reflect the same acreage of existing woodland. Revise the NRI as necessary to reflect any changes to the floodplain based on an approved floodplain study.**
- b. **Revise the CSP and TCPI to reflect the expanded buffer shown on the NRI**

Comment: The NRI and TCPI do not show the entirety of the subject property, and as such do not reflect the correct calculations. This issue is addressed below.

3. **Prior to acceptance of the first detailed site plan, the applicant shall:**

- a. **Submit a detailed stream corridor assessment that documents the current conditions of the streams located on-site and downstream to the point where the main channel crosses Ammendale Road. The stream corridor assessment shall be conducted using the Maryland Department of Natural Resources' protocol. In addition, the Anacostia River Basin Stormwater Retrofit Inventory and the Anacostia Watershed Restoration Action Strategy shall be evaluated by the applicant for potential mitigation sites for both stream restoration and woodland conservation and this analysis shall be included in**

the submittal.

- b. Submit a recommendation for stream restoration methods and their locations based on the complete assessment. The methods shall include, but not be limited to, natural re-establishment of stream buffers and stabilization of the channel using natural methods wherever possible. Prior to the final preparation and submission of the stream restoration plan, the applicant shall coordinate a meeting with the Department of Public Works and Transportation and M-NCPPC to discuss the integration of the stream restoration efforts with the stormwater management facilities proposed. The areas of stream restoration shall be evaluated separately for consideration as woodland conservation areas, both on-site and off-site. Reflect the recommendations that result from the above analysis on subsequent detailed site plan design submittals.**

Comment: The stream corridor assessment (SCA) was stamped as received on June 13, 2008. It contains two quotes of note: “The on-site drainage [of the Konterra site] is 41.50% of Ammendale Branch.” “In general the stream conditions show signs of long term instability due to land use changes and encroachment of several decades.”

The assessment contains photographs and the locations where the photographs were taken, with reference points and a map. The photos taken do not contain a person with the identification number, per the Department of Natural Resources (DNR) protocol.

- 5. The initial submittal package for the first DSP shall contain information regarding any reclamation work performed prior to May 2007, in a format similar the CNA, Inc. letter, to fully document the presence of fill materials on-site. A full soils report shall also be submitted that addresses the soil structure, characteristics and foundation stability. The study shall, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. The existing borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

Comment: This issue should be addressed prior to the approval of the DSP. Some additional information has been submitted, but it does not address the condition above with regard to the boring locations and related information.

Environmental Review

The site has a signed Natural Resources Inventory (NRI/050/08) and is currently under review for an -01 revision. The NRI does not include the entire property and will be revised.

According to the current NRI, that does not include the entire site, the remainder of the site contains a total of 12.36 acres of woodland on the gross tract, and 8.42 acres of woodland within

the 100-year floodplain. All of the forest stands have a value of “good” or “priority” because the woodland that remains is primarily within the remaining regulated areas. The site has a total of 15 specimen trees.

The existing site features appear to be shown correctly on the TCPI and preliminary plan except for the land area that was not previously included; however, documentation must be provided to validate the acreage of the land transfer to the State Highway Administration (SHA) prior to signature approval of the NRI, TCPI and preliminary plan.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it has a TCPI associated with the CSP. A Type I Tree Conservation Plan (TCPI/05/08-01) was submitted and reviewed with the preliminary plan. The comments regarding this plan are provided below.

As noted above, the exact calculations for the preliminary plan TCPI cannot be provided because the R-R portion of the site is missing and the exact acreage of the SHA right-of-way has not been shown on the plans. An exhibit was provided late in the review period that was not reflected on the plans under review.

The majority of the proposed woodland conservation is appropriately located in environmentally sensitive areas and the reforestation is shown in areas of rare, threatened or endangered species habitats. As additional opportunities for on-site conservation are determined, additional conservation should be sought on-site. The requirements that cannot be met on-site are proposed to be met with off-site mitigation. Some reforestation may also be necessary in and around some of the stream restoration sites both on-site and off-site. All of the areas contained within the stream restoration areas proposed are eligible for reforestation credits, even if the entire area is not planted with trees.

Because the site contains both M-X-T and R-R zoned land, a split-zoned worksheet that is also a phased worksheet is needed. The split-zoned worksheet will allow for the proper calculations of the requirements and the columns showing the phases will allow each portion of the site to meet its own requirements and be considered separately in the future. The worksheet must reflect the accurate depiction of the land areas subject to the application, show the SHA land dedication as “previously dedicated land,” and account for all proposed clearing correctly. All the calculation errors must be resolved. For example, the cover sheet states that the clearing in the floodplain is 1.73 acres and the worksheet states 5.45 acres, and the variation request states that the amount of floodplain on the site is 16.87 acres, but the worksheet states that it is 9.71 acres in size.

The plans, as submitted, were provided in color as a courtesy to the reviewers; however, the plans should use symbols and line weights that make the information clear when reproduced in black and white. The TCPI should be revised to be legible in black and white.

Variations to Section 24-130 Expanded Buffer Impacts

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113 at the time of preliminary plan. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

In a letter dated June 17, 2008 and received June 23, 2008, the applicant provided exhibits for proposed areas of impact to the regulated areas as summarized in the table below:

Impact Number	Impact Type	Comments
1	22,127 square feet for road realignment	Supported
2	40,282 square feet for road realignment/ water and sewer access	Supported
3	50,642 square feet for road crossing/ water access	Supported
4	10,279 square feet for sewer access	Supported
5	18,907 square feet off-site sewer connection	Supported
6-8	58,859 square feet for ICC construction	N/A see below
9	Other—SWM outfall reconfigurations	Supported
10	Other—Unknown amount of disturbance for trail and roadway construction	Not supported

Impacts 6–8: At the time that the initial variation requests were submitted, the land area that is now considered part of the SHA right-of-way was part of the subject property and it was not clear who would be completing the work in this area. This is why the applicant was requested to include these impacts in the variation request. Because the area of the right-of-way is no longer part of the subject property, **the variation requests are not applicable**. SHA will need to provide mitigation for those impacts with the permits for that construction.

Impact 9: The letter also indicates that no alteration of the pond outfalls or embankment, currently within the expanded buffer, is planned for the four existing ponds; however, the approved stormwater management concept plan indicates that grading and alterations to the outfalls will be necessary. This apparent discrepancy needs to be addressed prior to signature approval of the preliminary plan by either revising the stormwater management concept approval, to remove grading and structures from the expanded buffer, or by showing the necessary expanded buffer impacts on the plans. **This impact is supported** with review.

Impact 10: The trails plan proposes a trail along the edge of the townhouse units, between the proposed road and the stream buffer. This trail design has not been shown on the TCPI, and in fact, the TCPI shows that there is insufficient land area to place the trail in this location without encroaching on the regulated area. The TCPI also does not show the conceptual grading for the ultimate construction. It appears to only show the mass grading of the site. This potential future **impact is not supported** because it can be avoided with a different lot layout and roadway design.

Impacts 1–5 and Impact 9 are supported; Impacts 6–8 are not required and Impact 10 is not supported. Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. These required findings are evaluated for the supported variations.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property in conformance with adequate stormwater or public utility connections.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The road crossings and realignments, as well as the water and sewer crossings, are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Access to the site is limited to the northern and the eastern property boundaries because direct access to I-95, to the west, and the ICC, to the south, is prohibited. Since the expanded buffer runs the entirety of the eastern property boundary, crossings are necessary; otherwise all traffic entering and leaving the site would be restricted to the north side of the property. Public utilities and public access points have been appropriately combined to minimize impacts.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of public streets and water and sewer lines are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the**

owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

The expanded stream buffers run the entirety of the eastern property boundary. Without the required public streets, water lines and sewer lines, the property could not be properly developed in accordance with the M-X-T zoning.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

6. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for Centers in the Developing Tier and conforms to the “Town Center” land use recommendations in the 1990 Approved Master Plan for Subregion I.

GENERAL PLAN, MASTER PLAN AND SMA

2002 General Plan: This application is located in the Konterra (possible future) regional center in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

Master Plan: The property is located within the 1990 Master Plan for Subregion I in Planning Area 60 in the northwestern area. The master plan land use recommendation is for town center.

Planning Comments:

The following are recommendations from the 1990 Approved Master Plan for Subregion I, the 2002 *Prince George’s County Approved General Plan*, and the 2007 Adopted Master Plan and Endorsed Sectional Map Amendment for Subregion I. While the 2007 Adopted Master Plan for Subregion I has not yet been approved by the District Council, it reflects the Planning Board’s recommendations.

1990 Approved Master Plan for Subregion I

The plan recommends that Konterra Town Center contain a mixture of housing types from high-rise multifamily to single-family detached dwelling units. The plan further states, “The number of residential units to be constructed is determined by the transportation holding capacity of the Subregion. In addition, there should be an increased emphasis on single-family detached homes in the Town Center than was originally conceived in the conceptual development plan submitted with the M-X-T rezoning application” (Page 131).

A hypothetical conceptual design plan was created for this plan which contained 12,500 employees and 1,400 dwelling units. The plan states, “...the transportation system will not be able to accommodate the traffic generated without the benefit of extensive Transportation System Management (TSM) measure. In order not to aggravate this problem, it will be necessary to limit development to a maximum of 12,500 employees and 1,400 dwelling units” (Page 133).

The 1990 Master Plan for Subregion I designates the property in the Mixed-Use Town Center land use category. The sectional map amendment retains the existing M-X-T Zone on the subject property.

2002 Prince George’s County Approved General Plan

The 2002 General Plan sets the County’s development policies. The General Plan identifies Konterra Town Center as a possible future town center with the following definition (page 46):

“Regional Centers are locations for regionally marketed commercial and retail centers, office and employment areas, some higher education facilities, and possibly a sports and recreation complex primarily serving Prince George’s County. High-density residential development may be an option at these Centers if the needed public facilities and services, particularly schools and transit, can be provided. Regional Centers should be served by rail or bus mass transit systems.”

Policy 3 in the Centers and Corridors section identifies a strategy that encourages the placement of new libraries, schools, police substations, recreation centers, and urban parks within centers (p.53).

Page 97 of the application identifies strategies for addressing schools, fire and police stations stating, “Public facilities such as schools, and fire and police stations should be located outside the M-X-T Zoned area to allow them to serve the growth potential and need of the surrounding communities as well as the Town Center.”

The opportunity to construct a grade school within Konterra Town Center should be remain an option as the Planning Department works on developing a policy aimed at creating a variety of urban school models for use in centers and corridors as well as in other land-constrained areas of Prince George’s County.

2007 Adopted Master Plan and Endorsed Sectional Map Amendment for Subregion I

This master plan reiterates the 2002 General Plan policies, strategies, and recommendations for Regional Centers.

Page I, Plan Highlights, Development Pattern Element, 3rd bullet:

"...and promote mixed-use development in the center and corridor with a strong emphasis on transit-oriented and pedestrian-friendly design in the Developing Tier."

Konterra is the only designated "center" in the Subregion I area by the General Plan.

Page 9, Development Pattern Elements, Introduction, 1st paragraph:

"...The General Plan places Subregion I within two growth policy tiers, the Developing Tier and Rural Tier and designates one possible future regional center (Konterra Town Center) and one corridor (US 1) within the Subregion I area."

Page 13, Centers and Corridors (Konterra Town Center and US 1/Baltimore Avenue Corridor), General Plan Guidance:

"Subregion I consist of one designated possible future regional center at Konterra... The Konterra Town Center is identified by the General Plan as a possible future location for regionally marketed commercial and retail centers, residential communities, office and employment areas, some higher educational facilities and possibly sports and recreational facilities primarily serving Prince George's County..."

The preliminary plan of subdivision is consistent with the land use plan approved by the ~~CSP-07003~~, and is consistent with the policies, strategies, and recommendations for Regional Centers and the land use recommendation of the 1990 Approved Master Plan for Subregion I as updated by the 2002 General Plan and to be refined by the 2007 Adopted Subregion I Master Plan (subject to District Council approval).

- 7. Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the preliminary plan of subdivision application for conformance with the conditions of the approved Conceptual Site Plan, CSP-07003. DPR review considered the recommendations of the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*, the Land Preservation and Recreational Program for Prince George's County, current zoning and subdivision regulations, and existing conditions in the vicinity of the proposed development.

Konterra Town Center East will include 4,500 residential dwelling units. Using current occupancy statistics for single-family attached and multifamily dwelling units will result in a population of

11,700 additional residents in the community.

The 1990 Subregion I Master Plan also provides recommendations for parkland acquisition in Planning Area 60 as follows:

Community Parks:

40-acre Community Park in the Van Dusen Road area, west of I-95.

13-acre addition to Fairland Regional Park on its northern boundary.

25 acres in the general area east of I-95, north of the proposed Intercounty Connector and west of Virginia Manor Road.

Regional Parks:

25-acre addition to Fairland Regional Park located on its northern boundary.

The Department of Parks and Recreation (DPR) has evaluated parks and recreational needs and programs in Subregion I communities and found that these communities do not meet the standards of 15 acres of neighborhood/community parks per 1,000 persons nor the 20 acres of stream valley, regional parkland standards per 1,000 persons. Subregion I will need additional parkland to meet the standards in 2020 based on the projected population of the Subregion. As the area's population grows, the M-NCPPC should be ready for future demands on the parks system to provide high quality recreation facilities and programs. It is recognized that there is a need for more ball fields to meet the needs of boys' and girls' clubs, organized youth leagues, and informal pick-up games. By applying the above standards, DPR concludes that 175 acres of additional local and 234 acres of additional regional parkland will be needed to serve the anticipated population of the Konterra Town Center development.

Subdivision Ordinance, Section-24-134, Mandatory Dedication of Parkland requires that in all residential subdivisions, the Planning Board require the dedication and conveyance to the M-NCPPC of suitable and adequate land for active or passive recreation. DPR has evaluated the Preliminary Plan 4-07108 application for conformance with the Subdivision Regulations and found that approximately 253 acres of the 488-acre site includes a residential component and will be subject to the requirement for the mandatory dedication of parkland. Calculation for the mandatory dedication requirement indicates that 38 acres of open space (suitable and adequate land for active or passive recreation) should be required.

DPR staff met with the applicant and developed a package of off-site parkland dedication and on-site private recreational facilities which includes the following:

- Private recreational facilities: Two private community centers within the residential pods of the planned community, outdoor plazas, enclosed pedestrian space, movie theaters within downtown area, public building parcel (for the future public facilities), open space parcels with SWM pond/lakes and environmentally sensitive areas and a network of

pedestrian sidewalks and trails will be provided. These facilities will create an urban environment and provide passive and active recreation facilities for the residents and guests of the Town Center. However, this urban environment will not provide needed space for ball fields and programmed sport activities.

- 41 acres of open space will be dedicated to the M-NCPPC. This property is located on the west side of I-95 in the northeast quadrant of the intersection of the proposed Intercounty Connector (ICC) and Old Gunpowder Road. It is located on the east side of Old Gunpowder Road across the street from the southern portion of Fairland Regional Park.

DPR believes that the addition of 41 acres of developable land to the park system will greatly improve the recreation opportunities provided to the citizens of northern Prince George's County. The need for parkland in this area had been identified in the master plan since the adoption of the 1990 Subregion I plan. For a period of 18 years the need could not be addressed. This application provides an opportunity to address these parkland needs and the needs created by this new development. Through a combination of mandatory dedication (41 acres of off-site dedication), and the applicant providing on-site private recreational facilities, the development addresses parkland needs.

DPR conceptually analyzed the site and determined that this 41-acre parcel can accommodate four ball fields, a picnic area, a playground, and a 250-space parking lot. DPR believes that approximately ten acres of this parcel can accommodate an elementary school in the future if deemed necessary at the time of the new Subregion I Master Plan approval. DPR also agreed to consider the exchange of ten acres with the Board of Education (BOE) to facilitate the construction of an elementary school when BOE budgets funds in their Capital Improvement Program (CIP) for the construction of an elementary school at that location.

In summary, the combination of private and public recreational facilities, parkland dedication as shown on DPR Exhibit A, and provisions of private recreational facilities will satisfy the recreational needs of Konterra Town Center East and the community.

The fulfillment of required mandatory dedication of parkland (Section 24-134) of the Subdivision Regulations is being fulfilled with the off-site dedication of a minimum of 38 acres. The additional two acres, above that required, and the private on-site recreational facilities are required by the approval of the CSP, but not required for the fulfillment of mandatory dedication of parkland.

The CSP-07003 approval (PGCPB Resolution No. 08-95) Condition 6 is as follows:

- “6. The applicant shall dedicate approximately 41 acres of parkland to the Maryland-National Capital Park and Planning Commission, that is located on the west side of I-95 and north of the proposed Intercounty Connector (ICC), as shown on the Exhibit A attached to DPR’s memorandum. The conveyance of 41 acres of open space to M-NCPPC is an amount of land premised on the proposal of 4,500 dwelling units in Konterra Town Center East. Subject to Planning Board approval, the applicant may count some portion of the dedicated parkland toward satisfying the parkland dedication requirements for Konterra Town Center West residential development or other residential development (up to a total of 4,500 dwelling units) on proximate land owned by the applicant, if this number of dwelling units is not constructed as part of Konterra Town Center East.”

This condition requires the conveyance of 41 acres of off-site parkland, but also includes language that appears to create a “banking” of parkland for other future developments that may be unrelated to the Konterra development. While the condition does indicate that the banking is subject to the Planning Board approval, the banking of dedicated parkland for the fulfillment of the mandatory dedication of parkland for future developments is not currently authorized by the Subdivision Regulations. Condition 6 does not specifically refer to banking for fulfillment of Section 24-134, however it is important to note that there is currently no framework or authority for that to occur if that is the intent. The amount of land to be dedicated is based on the allowable density of the property. While staff is not opposed to this concept, which is similar to the transfer of development rights, the Subdivision Regulations (Subtitle 24) would need to be amended to allow parkland dedication required for adequacy for one subdivision (Section 24-134) to be utilized for another. Essentially, to allow for any excess capacity associated with one development to be transferred to another for the fulfillment of adequacy.

8. **Trails**—The preliminary plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the Master Plan Trails.

Pedestrian accommodations and transit-oriented development are a priority for the site, as noted in the Preliminary Subregion I Master Plan and the subject application. The planning charrette held for the Konterra development stressed the importance of creating a town center environment with pedestrian-friendly streetscapes, bicycle accommodations, and numerous internal connections.

The subject application proposes an extensive network of facilities for bicyclists and pedestrians, including bicycle and pedestrian-compatible roadways. All roads include standard or wide sidewalks along both sides and major roads include designated bike lanes. The provision of designated bike lanes will encourage the use of bicycles as an alternative mode of transportation for some trips within the town center, and is in conformance with the 1999 American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities. The grid street pattern used for much of the site provides many linkages and routes for pedestrians and cyclists and is generally more compatible for non-motorized modes because it disperses the vehicular traffic along more routes.

The road cross sections proposed by the applicant are appropriate but subject to the approval of the Department of Public Works and Transportation. Standard or wide sidewalks are proposed along both sides of all internal roads. Many cross sections have enhanced streetscapes with wide sidewalks and designated bike lanes. The cross sections with enhanced facilities include the main street, which has 15-foot-wide sidewalks and designated bike lanes. Center Street South includes 7-foot-wide sidewalks. The Boulevard, as well as Connector Streets A, B, and C include bike lanes in addition to standard sidewalks. The bike lanes are in conformance with AASHTO guidelines and will greatly increase the amount of striped bike lanes in Prince George's County.

It should be noted that the Adopted and Approved Subregion I Master Plan (1990) does not recommend a master plan trail along the subject site's portion of Kenilworth Avenue Extended (A-56). However, consideration should be given to the provision of facilities for bicyclists and pedestrians at the time of road design and that consideration be given to include a recommendation for a master plan trail/bikeway along A-56 in the updated Subregion I Master Plan. Also, the planned trail along the ICC project ends at Virginia Manor Road and does not impact the subject application.

- **Stream Valley Trail:** The Planning Board continues to support the provision of stream valley or park trails along the internal stream valley or greenway corridors. A trail connection is proposed along the stream valley corridor on the eastern edge of Konterra East. The Preliminary Subregion I Master Plan recommended, "Supplement the sidewalk network by utilizing stream valleys and other greenway corridors as trails and pedestrian walkways" (Preliminary Master Plan, page 48). This issue was also discussed at the time of the April 4, 2008 subdivision review committee meeting. This trail will serve not only recreational needs, but also provide pedestrian access through the townhouse portion of the development. The alignment shown by the applicant on the conceptual trail plan is appropriate. This alignment utilizes the road right-of-way for the crossing of PEPCO. Where the stream valley is implemented along a road right-of-way, the trail shall be constructed at a minimum of eight-feet wide and separated from the curb by a grass planting strip. This trail will be constructed in lieu of a standard sidewalk on that side of the road for the distance it is within the road right-of-way.
- **Public versus Private Roadways:** The Planning Board is concerned that if the roadways are not accepted by DPW&T as part of the public road network, that the extensive sidewalk and bicycle facilities will not be accessible to the public as part of the larger, countywide trail network. This issue should be explored in more detail. As much of the pedestrian and trail network as possible should be open and accessible to the public. Exhibit 3 indicates that the major roads within the subdivision will be constructed within a public use easement (PUE). The streetscape may be included within this PUE. This will ensure that the wide streetscape will remain an open and publicly accessible segment of the pedestrian network.
- **Pedestrian Safety:** Pedestrian safety features will be an important component of the

street network. Curb bump-outs, decorative crosswalks, raised crosswalks, pedestrian safety features, pedestrian refuges, and pedestrian amenities should be considered at the time of detailed site plan.

- **Road Cross Section Serving the Townhouses:** Pedestrian access should be provided from the townhouse portions of the site to the rest of the development. No road cross section is included for the roads serving the townhouse units. Sidewalks or internal paths should be provided.
- **Public Trails:** The submitted conceptual trail plan indicates a network of public trails, but indicates that these may not always be in the public right-of-way. At the time of detailed site plan, it will be necessary to determine if any of these trails need to be within a public-use trail easement. Currently, the conceptual trail plan does indicate that the major roads within the town center will be within public use easements.

The Planning Board supports the road cross sections shown on the submitted circulation plan, pending approval by the Department of Public Works and Transportation. Standard or wide sidewalks are included along all roadways and designated bike lanes are provided throughout the town center. However, the applicant should work with DPW&T to make as many of the planned roadways part of the public road network as possible.

9. **Transportation**—The property is located generally between I-95, existing Van Dusen Road, existing Virginia Manor Road, and the planned Intercounty Connector facility.

The applicant prepared a traffic impact study dated August 2007. This was followed by a study dated January 2008, an addendum dated March 2008, and another study dated June 2008. All items were prepared in general conformance with the methodologies in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” Given the overall size and impact area of the development, a slightly different methodology was undertaken so that the results would be consistent with other recent regional traffic studies done in the area. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff.

Growth Policy – Service Level Standards

The subject property is located within the Developing Tier, as defined in the *Prince George’s County 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: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies

need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The initial traffic study submittal indicated that the subject property is a regional center, and would be subject to the LOS E standard in accordance with the stated policy in the General Plan for regional centers within the Developing Tier. Given that the site is not currently a designated regional center (it is identified as a “possible future” regional center on Map 2 of the General Plan), a revised submittal demonstrated the LOS D standard appropriate for the Developing Tier.

Analysis of Traffic Impacts

The traffic impact study prepared and submitted on behalf of the applicant analyzed 16 intersections in the vicinity of the subject property. Existing conditions in the vicinity of the subject property are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Old Gunpowder Road and Briggs Chaney Road	869	915	A
Old Gunpowder Road and Greencastle Road	43.9*	267*	--	--
MD 198 and Old Gunpowder Road	1,393	1,118	D	B
MD 198 and Sweitzer Lane	885	1,199	A	C
MD 198 and Van Dusen Road	1,540	1,559	E	E
Van Dusen Road and Cherry Lane	1,271	1,254	C	C
US 1 and Contee Road	1,135	1,153	B	C
US 1 and Muirkirk Meadows Drive	1,123	968	B	A
US 1 and Ritz Way	1,123	825	B	A
New Contee Road and Old Gunpowder Road	future			
New Contee Road and Sweitzer/I-95 SB Ramps	future			
New Contee Road and I-95 NB Ramps	future			
New Contee Road and Van Dusen Road	future			
Virginia Manor Road and New Contee Road	future			
Virginia Manor Road and Site Access—North	future			
Virginia Manor Road and Site Access—South	future			

*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.

At this point, the traffic study takes a significant departure from the standard methodology of conducting traffic impact studies as described in the guidelines. Most traffic impact studies include a review of background, or approved development within the study area and assume growth rates for through traffic on the critical roadway facilities. In this circumstance, the traffic study uses 2010 and 2030 forecasts of turning movements provided by the State Highway Administration (SHA). These turning movement volumes were prepared for the Intercounty Connector (ICC) study of the preferred Corridor 1 (master plan alignment) for the ICC. This is the alignment which ultimately received final environmental approval, and is currently under final design for construction by the Maryland Transportation Authority.

Transmittal of the turning movements was accompanied by a letter noting that the forecasts for the ICC were based on Round 6.3, while the current forecasts, at the time of transmittal, was Round 7.0. The letter indicated that all volumes should be used with caution as background for the traffic study. It is noted that the turning movement volumes were adjusted generally upward to better reflect the actual counts and to better reflect land use changes occurring within the study

area.

While individual approved developments are not explicitly added into this type of approach, the 2010 and the 2030 forecasts are reflective both of actual development activity and of larger historical growth trends triggered by economic forces occurring within the Washington region. In most cases, one factor or the other will govern, but these forecasts have the benefit of having regional approval, and they are deemed appropriate for use in a number of planning applications. The use of these assignments affords full consideration of growth outside of Prince George’s County, and their use also provides a more appropriate consideration of a number of new transportation facilities within the study area. Without these assignments, findings regarding these new and unbuilt facilities would be reduced to a “guess-timate” of their impact on current traffic rather than information that has been subjected to rigorous internal and public review.

It is noted that, in reviewing the traffic study, SHA offered no comments challenging the study methodology. Given this fact along with the information noted above, it is determined that the background development scenario presented in the submitted traffic study presents a reasonable assessment not inconsistent with the guidelines for the future years 2010 and 2030.

Background traffic for the year 2010 situation is summarized below:

BACKGROUND TRAFFIC CONDITIONS — YEAR 2010				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Old Gunpowder Road and Briggs Chaney Road	870	1,090	A	B
Old Gunpowder Road and Greencastle Road	not given	not given	--	--
MD 198 and Old Gunpowder Road	839	1,119	A	B
MD 198 and Sweitzer Lane	721	1,026	A	B
MD 198 and Van Dusen Road	934	1,188	A	C
Van Dusen Road and Cherry Lane	1,075	1,250	B	C
US 1 and Contee Road	1,411	1,320	D	D
US 1 and Muirkirk Meadows Drive	1,263	1,578	C	E
US 1 and Ritz Way	1,836	2,249	F	F
New Contee Road and Old Gunpowder Road	610	938	A	A
New Contee Road and Sweitzer/I-95 SB Ramps	756	715	A	A
New Contee Road and I-95 NB Ramps	430	552	A	A
New Contee Road and Van Dusen Road	future			
Virginia Manor Road and New Contee Road	future			
Virginia Manor Road and Site Access—North	future			
Virginia Manor Road and Site Access—South	future			

*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 50.0seconds 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.

Under Phase I, the site is proposed for development with 3,458 multifamily residences, 600 hotel rooms, 1,407,400 square feet of retail space, and 1,203,950 square feet of office space. Once again, the traffic study departs from the guidelines by using trip rates in the Institute of Transportation Engineers’ (ITE) Trip Generation Manual instead of the recognized and locally-measured trip rates published in the guidelines. The guidelines indicate that the rates in the guidelines “should be used in all traffic studies, except where it can be demonstrated by acceptable field data that a more appropriate rate is applicable.” While the ITE manual is provided as a source in the guidelines, it should be used “for any uses not cited in the Guidelines.” The justification provided in the traffic study for using different trip rates is not truly a justification, but more of a citation of a handful of mixed-use developments which may or may not be similar to this site with no data and considerable discussion of internal trip capture. The justification is not compelling. With regard to trip generation for the four uses proposed, the following is determined:

- The initial study used trip rates for all residence types that were about 18 percent less than the Planning Board’s published rates for high-rise apartments. Given that the actual unit types will likely be townhouses, stacked townhouses, and low- to mid-rise flats, the conceptual site plan found that this departure from the Planning Board’s own procedures was simply not justifiable with the information given. The final revision of the traffic study utilizes conventional residential rates per the guidelines, and that study will be used to make the finding for this application.
- The initial study used trip rates per hotel room that were about 15 percent less than the Planning Board’s published rates for hotel. The conceptual site plan found that this departure from the Board’s procedures was not justifiable given that the “hospitality” use was shown over a large portion of the conceptual site plan. The final revision of the traffic study utilizes conventional hotel rates per the guidelines, and that study will be used to make the finding for this application.
- The trip rates per 1,000 square feet of office are nearly 40 percent less than the Planning Board’s published rates for general office. The rates used in the traffic study will be deemed acceptable for three reasons. First, it is essential for this site to attain higher levels of employment density in order for it to function as a regional center, which may, in turn, help to justify higher residential densities (and lower overall residential trip rates) within the context of a large mixed-use center. Second, the argument made in the traffic study that a larger aggregation of office space results in a lower per-unit trip rate is a good one, and is widely substantiated by published data. Third, rates of trip making can

be better regulated at large employment sites, either through passive means such as the use of parking garages and control of parking supply, or through more direct means such as the establishment of a transportation demand management district. The office trip generation method is accepted given that the office uses are substantially concentrated within a walkable area.

- The trip rates per 1,000 square feet of retail are similar to the Planning Board’s published rates for retail when an allowance for pass-by travel is considered. The rates used in the traffic study will be deemed acceptable for this reason. Furthermore, the argument made in the traffic study that a larger aggregation of retail space results in a lower per-unit trip rate is a good one, and is widely substantiated by published data.

The analyses for internal trip capture shown in the traffic study are done with detail and reasonable assumptions. The written information in the traffic study substantiates the methodology used, and the results make sense. For these reasons, the internal trip capture rates shown in the traffic study are deemed to be acceptable. The trip generation for Phase I, maintaining the residential and hotel trip levels shown in the traffic study, is summarized in the table below:

Trip Generation — Phase I	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	207	830	1,037	899	484	1,383
Hotel Trips	210	180	390	270	210	480
Less Internal Trip Capture	-39	-42	-81	-247	-155	-402
Net Residential and Hotel Trips	378	968	1,346	922	539	1,461
Office Trips	1,208	165	1,373	243	1,184	1,427
Less Internal Trip Capture	-9	-12	-21	-56	-57	-113
Net Office Trips	1,199	153	1,352	187	1,127	1,314
Retail Trips	467	298	765	1,721	1,865	3,586
Less Internal Trip Capture	-51	-45	-96	-189	-280	-469
Less External Pass-By	-33	-20	-53	-276	-285	-561
Net Retail Trips	383	233	616	1,256	1,300	2,556
Net New Trips — Phase I	1,960	1,354	3,314	2,365	2,966	5,331

Total traffic for Phase I of the subject site is summarized below. This table assumes completion of the ICC from US 1 westward, two new interchanges along I-95 (at the ICC and at Contee Road Extended), and a new roadway facility linking Virginia Manor Road to the I-95/Contee Road interchange. It assumes no connection over I-95 between Konterra East and Konterra West to serve Phase I:

TOTAL TRAFFIC CONDITIONS — PHASE I				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Old Gunpowder Road and Briggs Chaney Road	892	1117	A
Old Gunpowder Road and Greencastle Road	140*	923*	--	--
MD 198 and Old Gunpowder Road	899	1224	A	C
MD 198 and Sweitzer Lane	770	1166	A	C
MD 198 and Van Dusen Road	964	1322	A	D
Van Dusen Road and Cherry Lane	1122	1301	B	D
US 1 and Contee Road	1526	1467	E	E
US 1 and Muirkirk Meadows Drive	1366	1738	D	F
US 1 and Ritz Way	1886	2341	F	F
New Contee Road and Old Gunpowder Road	617	1002	A	B
New Contee Road and Sweitzer/I-95 SB Ramps	910	928	A	A
New Contee Road and I-95 NB Ramps	694	786	A	A
New Contee Road and Van Dusen Road	1001	1481	B	E
Virginia Manor Road and New Contee Road	1024	1321	B	D
Virginia Manor Road and Site Access — North	future			
Virginia Manor Road and Site Access — South	1115	1496	B	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.				

Traffic Impacts for 2010—The traffic analysis makes the following determinations and recommendations for 2010:

1. US 1 and Contee Road: Add one additional through lane westbound along Contee Road to achieve LOS C in the AM peak hour and LOS D in the PM peak hour.
2. Intercounty Connector: This facility is assumed to be constructed by the Maryland Transportation Authority. The roadway has full construction funding shown in the State Consolidated Transportation Program, and the assumptions in the traffic study are consistent with the final design.
3. US 1 and Muirkirk Meadows Drive: Add a second left-turn lane along eastbound Muirkirk Meadows Drive to achieve LOS C in the AM peak hour and LOS D in the PM peak hour.

4. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1 to achieve LOS B in the AM peak hour and LOS E in the PM peak hour.
5. Van Dusen Road and Contee Road: Add a second left-turn lane along westbound Contee Road. Add an exclusive left-turn lane along northbound Van Dusen Road. These improvements would achieve LOS B in the AM peak hour and LOS E in the PM peak hour.
6. Old Gunpowder Road and Greencastle Road: Add a left-turn lane along northbound Old Gunpowder Road. Install signalization if warranted. These improvements would achieve LOS B in the AM peak hour and LOS B in the PM peak hour.
7. I-95 and Contee Road: Construct the I-95/Contee Road interchange with the design consistent with the approved alternative and consistent with the lane use shown on Exhibit 12A of the January 2008 traffic study.
8. Contee Road Extended: Construct the extension of Contee Road from the I-95/Contee Road interchange to Old Gunpowder Road. Provide signalization and lane usage consistent with the traffic study, and with final alignment of the Contee Road Extended/Old Gunpowder Road intersection to be determined by DPW&T at the time of the initial detailed site plan for infrastructure.
9. It is further noted that a roadway connection of Virginia Manor Road to the I-95/Contee Road interchange is to be constructed on-site as a part of Phase I, with approval of the design of this link to be made by DPW&T at the time of the initial detailed site plan for infrastructure.

It should be noted that Phase II, as previously discussed, is based on 2030 forecasts of turning movements provided by SHA. These turning movement volumes were prepared for the ICC of the preferred Corridor 1 (master plan alignment) for the ICC. This is the alignment which ultimately received final environmental approval, and is currently under final design for construction by the Maryland Transportation Authority. The 2030 background situation includes the forecasted turning movements plus the assignment for the first phase of the subject property. Background traffic for the year 2030 situation is summarized below:

BACKGROUND TRAFFIC CONDITIONS — YEAR 2030				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Old Gunpowder Road and Briggs Chaney Road	947	961	A
Old Gunpowder Road and Greencastle Road	not given	not given	--	--
MD 198 and Old Gunpowder Road	943	1,364	A	D
MD 198 and Sweitzer Lane	1,007	1,285	B	C
MD 198 and Van Dusen Road	1,356	1,695	D	F
Van Dusen Road and Cherry Lane	1,445	1,784	D	F
US 1 and Contee Road	1,637	1,610	F	F
US 1 and Muirkirk Meadows Drive	1,139	1,591	B	E
US 1 and Ritz Way	1,823	2,290	F	F
New Contee Road and Old Gunpowder Road	801	1,260	A	C
New Contee Road and Sweitzer/I-95 SB Ramps	1,008	914	B	A
New Contee Road and I-95 NB Ramps	590	764	A	A
New Contee Road and Van Dusen Road	future			
Virginia Manor Road and New Contee Road	future			
Virginia Manor Road and Site Access—North	future			
Virginia Manor Road and Site Access—South	future			
*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.				

Under Phase II, the site is proposed for development with 4,500 townhouse and multifamily residences, 600 hotel rooms, 1,500,000 square feet of retail space, and 3,800,000 square feet of office space. In consideration of the analyses for internal trip capture shown in the traffic study, along with the trip rate discussions presented under Phase I, the following table has been prepared. The trip generation for Phase II (build-out of the site), maintaining the residential and hotel trip levels shown in the traffic study, is summarized in the table below:

Trip Generation — Phase II	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	295	1,313	1,608	1,278	655	1,933
Hotel Trips	210	180	390	270	210	480
Less Internal Trip Capture	-45	-44	-89	-264	-162	-426
Net Residential and Hotel Trips	460	1,449	1,909	1,384	703	2,087
Office Trips	3,030	413	3,443	737	3,598	4,335
Less Internal Trip Capture	-9	-18	-27	-58	-67	-125
Net Office Trips	3,021	395	3,416	679	3,531	4,210
Retail Trips	485	310	795	1,795	1,945	3,740
Less Internal Trip Capture	-54	-46	-100	-198	-291	-489
Less External Pass-By	-34	-21	-55	-287	-298	-585
Net Retail Trips	397	243	640	1,310	1,356	2,666
Net New Trips — Phase II Build-out	3,878	2,087	5,965	3,373	5,590	8,963

Total traffic for Phase II (build-out) of the subject site is summarized below. This table assumes completion of the ICC from US 1 westward, two new interchanges along I-95 (at the ICC and at Contee Road Extended), and a new roadway facility linking Virginia Manor Road to the I-95/Contee Road interchange:

TOTAL TRAFFIC CONDITIONS — BUILD-OUT OF TOWN CENTER EAST				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Old Gunpowder Road and Briggs Chaney Road	947	994	A
Old Gunpowder Road and Greencastle Road	324*	781*	--	--
MD 198 and Old Gunpowder Road	1,047	1,504	B	E
MD 198 and Sweitzer Lane	1,138	1,558	B	E
MD 198 and Van Dusen Road	1,473	1,864	E	F
Van Dusen Road and Cherry Lane	1,527	1,992	E	F
US 1 and Contee Road	1,803	1,731	F	F
US 1 and Muirkirk Meadows Drive	1,251	1,724	C	F
US 1 and Ritz Way	1,865	2,389	F	F
New Contee Road and Old Gunpowder Road	873	1,364	A	D
New Contee Road and Sweitzer/I-95 SB Ramps	1,172	1,201	C	C
New Contee Road and I-95 NB Ramps	873	1,106	A	B
New Contee Road and Van Dusen Road	799	1,370	A	D
Virginia Manor Road and New Contee Road	1,000	1,312	B	D
Virginia Manor Road and Site Access — North	648	536	A	A
Virginia Manor Road and Site Access — South	970	1,337	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.				

Traffic Impacts for 2030 (build-out)—The traffic analysis makes the following determinations and recommendations for 2030, beyond those that are required for 2010:

1. MD 198 and Bond Mill Road/Old Gunpowder Road: Restripe the southbound Bond Mill Road approach to provide exclusive left-turn, through, and right-turn lanes to achieve LOS B in the AM peak hour and LOS D in the PM peak hour.
2. MD 198 and Sweitzer Lane: Restripe the northbound Sweitzer Lane approach to provide exclusive left-turn and right-turn lanes, and a shared through/left-turn lane to achieve LOS A in the AM peak hour and LOS D in the PM peak hour.
3. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1. Add a third eastbound left-turn lane along Ritz Way, with provision for three receiving lanes

along northbound US 1. These improvements would achieve LOS B in the AM peak hour and LOS D in the PM peak hour.

4. Van Dusen Road and Contee Road: Provide an exclusive left-turn lane and a shared through/left-turn lane along westbound Contee Road. Add a second exclusive left-turn lane along northbound Van Dusen Road. These improvements would achieve LOS B in the AM peak hour and LOS C in the PM peak hour.
5. MD 198 and Van Dusen Road: Add a second left-turn lane along westbound MD 198, with provision for two receiving lanes along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road. These improvements would achieve LOS D in the AM peak hour and LOS D in the PM peak hour.
6. Van Dusen Road and Cherry Lane: Add a second left-turn lane along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road, with provision for two receiving lanes along northbound Van Dusen Road, north of the intersection. These improvements would achieve LOS D in the AM peak hour and LOS D in the PM peak hour.
7. It is noted that the overpass connection over I-95 between Konterra East and Konterra West shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II.
8. The overpass connection over the ICC between Konterra East and properties to the south, with an eventual connection to MD 212 at Ammendale Road, shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II.
9. It is further noted that the construction of MD 201 Extended along Virginia Manor Road and connecting to the I-95/Contee Road interchange is to be constructed on-site as a four-lane divided facility as a part of Phase II, with approval of the design of this link to be made by DPW&T and/or SHA (whichever agency is responsible) at the time of the initial detailed site plan for infrastructure within Phase II. At that time, the design of turning lanes into and out of the site for each site access shall be completed and approved.

The initial traffic study was referred to the County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA) for comment. The comments from each agency are attached. Neither agency provided comments that require specific discussion within these findings. DPW&T indicated that any designs for intersections along County roadways would require the use of the Synchro analysis; this can be done at the time that designs are done. There was no discernible difference between the September 2007 and the January 2008 study; nonetheless, the January 2008 study was submitted as the traffic study of record and should be the primary reference for this application. The March 2008 addendum was submitted solely to demonstrate conformance with a LOS D standard.

Plan Comments

At this time, the 1990 Subregion I Master Plan is the document by which conformity with the transportation plan is to be determined. The current conceptual site plan was prepared based on a roadway concept for the area that was developed during 2006 and 2007 as a part of the update to the Subregion I Master Plan. At this time, that updated plan stands without approval, and elements of the updated plan will be reworked, re-released, and reheard at a later date. As a means of demonstrating general conformity between the 1990 plan and the currently proposed roadway network, the following table has been prepared:

Road Designation on 1990 Plan	Facility Type 1990	Facility Type Draft Master Plan	Description on Preliminary Plan	OK
F-1 (I-95)	8+ lane Freeway	8+ lane Freeway	I-95	Ü
A-44 (ICC)	6 lane access controlled Arterial	6 lane Freeway	ICC	Ü
A-6 (Contee Road, east of site)	6 lane Arterial	6 lane Arterial	Contee Road Extended	Ü
A-6 (Contee Road, west of site)	6 lane Arterial	6 lane Arterial	MD 201 Extended	Ü
A-56 (MD 201 Ext., north of site)	4-6 lane Arterial	4 lane Major Collector	Van Dusen Road	Ü
A-56 (MD 201 Ext., south of site)	4-6 lane Arterial	6 lane Arterial	MD 201 Extended	Ü
A-3 over I-95	4-6 lane Arterial	4 lane Major Collector	Primary	Ü
A-3 over ICC	4-6 lane Arterial	4 lane Major Collector	Major Collector	Ü
C-102	4 lane Collector	4 lane Major Collector	Van Dusen Road Extended and Contee Road Extended	Ü
C-101	4 lane Collector	4 lane Major Collector	Konterra East, east access	Ü

The rights-of-way for I-95 (F-1), the Intercounty Connector (A-44), and the proposed

interchanges between I-95 and the A-6 and A-44 facilities have reached the stage of an approved design by SHA and/or the Maryland Department of Transportation (MDOT). While these rights-of-way might not conform to the 1990 Subregion I Master Plan, the approved designs govern the right-of-way needs. It is determined that these rights-of-way are consistent with agency-approved designs, and are acceptable. It is the understanding among staff that the state has initiated a right-of-way acquisition procedure that is informally known as “quick take”; that procedure involves petitioning the court for the right to take ownership of the required future right-of-way with the ultimate price settlement to occur at a future date. Given that the court has allowed the process to move forward, it is determined that needed rights-of-way along A-44 and I-95, along with the needed right-of-way for the I-95/A-6 interchange, are in the process of acquisition and there is no need for a further recommendation regarding right-of-way dedication or reservation by this plan.

The A-3 facility as shown on the Subregion I Master Plan is not reflected on the plan. As noted in the table above, other roadways replicate its approximate routing through the site. The conceptual site plan found that a four-lane roadway along these roadways would be appropriate. The main issue with the current plan is that Street B, which continues the function of A-3 by connecting Konterra East and the future Konterra West over I-95, is shown as a primary roadway. That is, the roadway is shown on this plan as two lanes. It is recommended that the plan be revised to demonstrate a 100-foot right-of-way along Street B within the subject property, with dedication at the time of final plat.

The alignments for A-6, A-56, C-101 and C-102, as shown on the Subregion I Master Plan, are somewhat different from the alignments shown on this preliminary plan. At the time of conceptual site plan review, it was found that the alignments for these facilities were functionally consistent with the current master plan. All of these facilities should be dedicated consistent with the alignments shown at the time of final plat.

The MD 201 Extended facility, located along the northern and eastern sides of the subject site, is proposed to be constructed by the applicant as a four-lane divided facility. Nonetheless, the master plan allows sufficient right-of-way to allow for the ultimate construction of a six-lane divided facility. Although a four-lane facility is deemed to be acceptable for the purpose of serving traffic in the year 2030, the build-out of all vacant zoned land within the Subregion I area necessitates planning for the ultimate six-lane facility.

Variation from Section 24-121(a)(3)—The applicant is requesting a variation from Section 24-121(a)(3) for access to the A-56 facility. Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The plan indicates nine lots with frontage and direct access along A-56, and the variation, if approved, would allow up to nine driveways within a short distance along that roadway. Planning

Board approval of such a variation requires that four separate findings be made (the fifth finding does not apply to the subject site, which is in the M-X-T zone).

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. However, strict compliance with the requirements of Section 24-121(a)(3) do not result in practical difficulties to the applicant and could create safety issues with nine lots having direct access onto an arterial facility in such close proximity.

A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.

Direct access to A-56 will be approved by SHA or DPW&T as the permitting authority regarding driveways onto A-56. Both agencies are generally charged with ensuring safe access to roadways.

B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.

The landbays that are the subject of this variation are unique in that they are exceptionally elongated and narrow as compared to the surrounding land bays. To the west is an environmental feature that will be placed in a conservation easement and to the east is the alignment of A-56.

Staff recommends that only one point of access should exist for each pod of development and that an access easement (24-128)(b)(a) be utilized to serve the entire pod, serving as a collective driveway for the parcels.

C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

There are no existing ordinances or laws that would preclude the granting of this variation.

- D. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

Because of the exceptionally narrow and elongated configuration of these landbays, and the location abutting the expanded buffer there is extremely limited opportunity to serve these landbays. The area of land to the north of C-101 is roughly 4 acres and the area of land south of C-101 is roughly 5 acres. These are large landbays that can support a large amount of development based on the M-X-T zoning of the property. To provide adequate on-site circulation limited access onto A-56 is appropriate. Additional access may be provided onto C-101 as a collector facility for which direct access is not limited by the Subdivision Regulations.

In summary, the variation from Section 24-121(a)(3) allowing up to nine driveways within a 1,000-foot segment of the A-56 facility is not supportable. **The Planning Board approves two access points onto A-56 only;** An access easement pursuant to Section 24-128(b)(9) to connect each lot group to Fashion Place and A-56, is authorized to the potentially hazardous and unsafe conditions.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

10. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	4,500 DU	4,500 DU	4,500 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1,080	270	540
Actual Enrollment	5,980	1,557	4,191
Completion Enrollment	214.08	56	112
Cumulative Enrollment	304.32	76.20	152.16
Total Enrollment	7,578.40	1,959.20	4,995.16
State Rated Capacity	5,876	1,759	4,123
Percent Capacity	128.97%	111.38%	121.15%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

11. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

Residential

1. Special Projects staff has determined that this preliminary plan is within the required 7-minute response time for the first due fire station, Laurel Fire Station, Company No. 10, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.

2. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels.
3. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Fire and Rescue Service—Commercial

The existing fire engine service at Laurel Fire Station, Company No. 10, located at 7411 Cherry Lane has a service travel time of **3.22** minutes, which is **within** the **3.25**-minutes travel time guideline.

The existing paramedic service at Laurel Rescue Squad, Company No. 49, located at 14910 Bowie Road has a service travel time of **5.95** minutes, which is **within** the **7.25**-minutes travel time guideline.

The existing ladder truck service at Laurel Fire Station, Company No. 10, located at 7411 Cherry Lane has a service travel time of **3.22** minutes, which is **within** the **4.25**-minutes travel time guideline

12. **Police Facilities**—The subject property is located in Police District IV.

Residential

The standard response time for priority calls is ten minutes and 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 13, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date March 13, 2008	2/07 - 2/08	8 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met April 22, 2008. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24 -122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

Commercial

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police which is station space per capita: 141 square feet per 1,000 residents.

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

13. **Health Department**—The Environmental Engineering Program section of the Health Department is currently working with the applicant to address issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site. At the writing of this staff report, a final referral has not been filed by the Health Department. Prior to the approval of the first detailed site plan, the applicant shall demonstrate the satisfaction of the Health Department regarding this issue.
14. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that stormwater management is required. A Stormwater Management Concept Plan, No. 19046-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The stormwater management concept approval letter was submitted with the original application; however, a copy of the stormwater management concept plan was not. The approval letter outlines conditions of approval including a required floodplain study and that the applicant should continue to work with DPW&T to investigate and analyze flooding issues along US 1. An approved floodplain study is necessary to establish buffers and woodland conservation areas.

A copy of a stormwater management concept plan was stamped as received on June 23, 2008, but the plan is not an approved plan so it is not clear if this is the plan that is to accompany the concept approval letter. As noted above, there are discrepancies between the stormwater concept plan and the TCPI. Staff will ensure that the stream restoration work be coordinated with the stormwater management facilities.

15. **Historic**—A Phase I archeological survey is not recommended on the property. This plan proposes mixed used residential, retail, office, and hotel uses on 990 lots and 47 parcels. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This property was extensively mined for sand and gravel and there is very little of the property that has not been impacted by mining, grading or other earth disturbance.

Several archeological surveys related to the widening of I-95, the routing of the Intercounty Connector, and a planning study for the US 1 and MD 201 corridor have been conducted around

the boundaries of the subject property. One historic archeological site, 18PR652, was identified in the northeastern portion of the subject property in 2002. This site represents the remains of a late 19th-early 20th century residence. No foundations were identified due to the house having been bulldozed, but a 20th century artifact scatter was noted, along with a concrete watering trough. Site 18PR652 was determined not eligible for listing in the National Register of Historic Places in November 2006.

However, the applicant should be aware that there are four County Historic Sites, Ammendale Normal Institute (PG:60-004), St. Joseph's Chapel (PG:60-007), Muirkirk Furnace Site (PG:60-009), and Abraham Hall (PG:62-023-07) and two Historic Resources, Washington, Berwyn, and Laurel Railroad Culvert (PG:60-009) and Thomas Matthews House (PG:62-023-17) located within a one-mile radius of the subject property. In addition, there are five previously identified archeological sites, 18PR45, 18PR149, 18PR410, 18PR624 and 18PR652 within a one-mile radius of the subject property. Two of these sites, 18PR45 and 18PR624, date to the prehistoric period and three of the sites, 18PR149, 18PR410 and 18PR652 are historic sites dating to the late 19th and early 20th century.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

16. **Zoning**—In 1984, a Zoning Map Amendment (A-9482) rezoned the subject site from the R-R Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone. A-9482 contained a larger property of approximately 1,457.7 acres. However, only about 488 acres of the larger property was rezoned to the M-X-T Zone. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62* retained the property in the M-X-T Zone and envisioned the Konterra development, which includes the subject site and a 253-acre parcel, as a regional mall, with office, retail and residential uses west of I-95 and with the town center on the east side of I-95. The 2002 Approved General Plan identified the Konterra development as a possible future regional center and designated Konterra in the Developing Tier.

The 1991 M-NCPPC official zoning maps include a note with an arrow pointing to the southern boundary of the M-X T Zone which states, “[p]roposed centerline of A-44 Illustrated in approved master plan 3-6-90.” The District Council order (Zoning Ordinance No. 56-1984) for the rezoning of this property to the M-X-T Zone found that the property will be traversed by the planned Intercounty Connector, and “approves the M-X-T Zone for that part of the subject property, about 488 acres in area, lying north of the planned ICC and east of I-95.” The order states that the M-X-T Zone is located on the north side of the ICC, and “adjoins the location of the planned interchange of I-95 and the Intercounty Connector.” The alignment of the ICC at that time was conceptual. At this time the alignment of the ICC appears to have been finalized.

Based on the record of the District Council's order (Zoning Ordinance No. 56-1984) and the official M-NCPPC Zoning Map, the southern boundary of the M-X-T Zone is consistent with the

center line of the ICC right-of-way, as provided on the applicant's revised preliminary plan.

Parcel 4 is the part of the property that is traversed by the alignment of the ICC. Parcel 4 (Liber 5548 folio 921) is split zoned R-R, south of the center line of the ICC right-of-way, and M-X-T north of the ICC center line. The zoning boundary, as established by Section 27-111 of the Zoning Ordinance, states that the zone boundary line follows the center line of the street unless the boundary lines are fixed by dimensions on the zoning map. In this instance the zoning boundary is not fixed by dimensions on the zoning map. Section 27-111(a)(2) states that where zone boundaries are indicated as approximately following street lines (existing or proposed), the center line of the street shall be considered the boundary.

The ICC right-of-way has been acquired by the State Highway Administration by quick take, and SHA has filed condemnation proceedings with the Circuit Court for Prince George's County (Case No. CAL 07-32558-61). Since the right-of-way has been conveyed to SHA, the applicant is not responsible for the fulfillment of applicable regulations for that portion of the property (e.g. woodland conservation) nor would the preliminary plan need to include that portion of Parcel 4 zoned R-R, south of the ICC right-of-way. Pursuant to Section 24-107(c)(5) of the Subdivision Regulations, the conveyance of land to a governmental agency for a public use is exempt from a preliminary plan of subdivision and is a legal division of land.

The portion of Parcel 4 located within the R-R Zone (south of the center line of the ICC alignment) was appropriately not included in the conceptual site plan approval (CSP-07003) for the M-X-T Zone. However, staff would recommend that that part of Parcel 4 zoned R-R and located south of the ICC should be placed in an outparcel for future development as a part of this preliminary plan application.

17. **New Finding**—The subject property is located on Tax Map 9, in Grid B-2 and is known as Parcels 130 and 4. The property is 402.58 acres and zoned M-X-T (401.77 acres) and R-R (.81 acre). The applicant is proposing to subdivide the M-X-T portion of the property into 980 lots and 67 parcels. The subdivision is for the development of 4,500 dwelling units which includes 760 single-family attached (townhouse) and 3,740 multifamily dwellings. Also proposed is 5.9 million square feet of gross floor area for retail, office, hotel and public land uses. The applicant proposes to convey approximately 71.5 acres to the homeowners association (not including 29.96 acres in private streets), 19.7 acres to the KTC Business Association, and 41 acres to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for park purposes as discussed further in the Parks section of this report.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince

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George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, July 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of September 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:WC:bjs

STATEMENT OF JUSTIFICATION

METROPOLITAN EAST AT KONTERRA TOWN CENTER

Detailed Site Plan
DSP-21033
March 4, 2020

Owner/Applicant: Konterra Environs Ventures, LLC
c/o Caleb Gould
14401 Sweitzer Lane, Suite 200
Laurel, Maryland 20707

Attorney/Agent: André J. Gingles, Esquire
Gingles, LLC
14401 Sweitzer Lane, Suite 570
Laurel, MD 20707

Civil Engineer: Soltesz
4300 Forbes Blvd, Suite 230
Lanham, MD 20706

Case Name, Application Number: Metropolitan East at Konterra Town Center, DSP-21033

Description of Proposed Use/Request:

The development proposes approximately 219 townhouse dwelling units varying in square footage of 1366sf to 2534sf of living area, on land known as existing parcel 4 of the approved Konterra mixed-use development outside of the Town Center Core. Townhouses will incorporate one and two-car garages and there will be additional parking of approximately 519 spaces within the townhouse community that can be utilized by guest and visitors.

Description and location of the subject property:

The "Property," encompassing a total of approximately 18.39 acres, is situated in the northeast and southeast quadrants of the Fashion Place & Konterra Boulevard East intersection and is currently undeveloped. All of the parcels proposed for development are zoned M-X-T pursuant to the current Subregion I Master Plan/SMA. The surrounding properties are also zoned M-X-T to the north and northwest, and south. Lands, east of the Property are zoned, I-1, I-3, and E-I-A and are separated by Konterra Drive, a public right-of-way with a variable width of 120-150 feet. The Property is the subject of CSP-07003 and PPS 4-07018 and includes multiple lots and parcels shown on the PPS.

Description of each required finding:

Sec. 27-282. Submittal requirements.

- (a) The Detailed Site Plan shall be submitted to the Planning Board by the owner of the property or his authorized representative.

Comment: *The Applicant satisfies this requirement.*

- (b) The Detailed Site Plan shall be prepared by an engineer, architect, landscape architect, or urban planner.

Comment: *The Detailed Site Plan was prepared by the engineering firm of Soltesz, with offices in Lanham, Maryland.*

- (c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. The scale of fees shall be determined by the Planning

Board, except that the filing fee for a day care center for children shall not exceed the Special Exception filing fee for a day care center for children as set forth in Section 27-297(b)(1.1). A fee may be reduced by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant

Comment: *The fee was submitted with this application.*

(d) If more than one (1) drawing is used, all drawings shall be at the same scale (where feasible)

Comment: *All drawings contained within the Detailed Site Plan submission are at the same scale.*

(e) A Detailed Site Plan shall include the following:

(1) Location map, north arrow, and scale

Comment: *These are shown on the Detailed Site Plan drawings.*

(2) Boundaries of the property, using bearings and distances (in feet); and either the subdivision lot and block, or liber and folio numbers

Comment: *These are shown on the Detailed Site Plan drawings.*

(3) Zoning categories of the subject property and all adjacent properties

Comment: *These are shown on the Detailed Site Plan drawings.*

(4) Locations and types of major improvements that are within fifty (50) feet of the subject property and all land uses on adjacent properties

Comment: *These are shown on the Detailed Site Plan drawings.*

(5) An approved Natural Resource Inventory

Comment: *An NRI-Equivalency letter has been issued based upon the implementation of the TCP2 for the site. It is included with the DSP submission).*

- (6) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site

Comment: *These are shown on the Detailed Site Plan drawings.*

- (7) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage)

Comment: *These are shown on the Detailed Site Plan drawings.*

- (8) Existing site and environmental features as shown on an approved NRI

Comment: *These are included with the Detailed Site Plan submission.*

- (9) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption

Comment: *TCP2-65-08 which covers the entire Konterra Town Center has been revised to incorporate the new layout. No new clearing or disturbance is proposed.*

- (10) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible

Comment: *These are included with the Detailed Site Plan submission.*

- (11) An approved stormwater management concept plan

Comment: *Stormwater Concept Plan CASE #: 19046-2007-01 has been approved and is valid until January 23, 2023.*

- (12) Proposed system of internal streets including right-of-way widths

Comment: *All of these items are shown on the Detailed Site Plan drawings.*

- (13) Proposed lot lines and the dimensions (including bearings and distances, in feet) and the area of each lot

Comment: *All of these items are shown on the Detailed Site Plan drawings.*

- (14) Exact location and size of all buildings, structures, sidewalks, paved areas, parking lots (including striping) and designation of waste collection storage areas and the use of all buildings, structures, and land

Comment: *All of these items are shown on the Detailed Site Plan drawings.*

- (15) Proposed grading, using one (1) or two (2) foot contour intervals, and any spot elevations that are necessary to describe high and low points, steps, retaining wall heights, and swales

Comment: *All of these items are shown on the Detailed Site Plan drawings.*

- (16) A landscape plan prepared in accordance with the provisions of the Landscape Manual showing the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names (including description of any plants that are not typical of the species), and planting method

Comment: *These are included with the Detailed Site Plan submission.*

- (17) Exact location, size, type, and layout of all recreation facilities

Comment: *All of these items are shown on the Detailed Site Plan drawings.*

- (18) Exact location and type of such accessory facilities as paths, walks, walls, fences (including widths or height, as appropriate), entrance features, and gateway signs (in accordance with Section 27-626 of this Subtitle).

Comment: *All of these are shown on the Detailed Site Plan drawings.*

- (19) A detailed statement indicating the manner in which any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents)

Comment: *Pursuant to the approved PPS, a 40 + acre parcel is proposed for dedication to M-NCPPC Parks for land to satisfy to total recreational land requirements for residential development under the CSP and PPS.*

- (20) Description of the physical appearance of proposed buildings (where specifically required), through the use of architectural elevations of facades (seen from public areas) (included with the DSP submission), or through other illustrative drawings, photographs, or renderings deemed appropriate by the Planning Board

Comment: *This information has been included in the Detailed Site Plan submission.*

- (21) Any other pertinent information.

Comment: *There is no other pertinent information.*

- (f) The submittal requirements in (e) may be modified in accordance with Section 27-286

Comment: *This is not applicable to the subject property.*

- (g) A Detailed Site Plan application may amend an existing Conceptual Site Plan applicable to a proposal for development of the subject property

Comment: *This is not applicable to the subject property.*

- (h) A Detailed Site Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.

Comment: *Acknowledged.*

Section 27-285 (b) Required Findings:

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

Comment: The Applicant asserts the Detailed Site Plan evidences site grading, building, architectural elements, utility construction and landscaping that provides a level of excellence and concurrently provides conformance or an equivalent level of conformance to the design standards. Collectively, the DSP provides in its plans, exhibits and narrative a reasonable alternative for satisfying all applicable site design guidelines. In many instances, the Applicant has exceeded what might otherwise be deemed reasonable costs in order to provide a higher level of quality necessary to provide a desirable community compatible or exceeding residential communities in Subregion I.

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

Comment: The approved Conceptual Site Plan, as noted above, includes the proposed development in the area shown.

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

Comment: Acknowledged.

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

Comment: There are no regulated environmental features, and the revised TCP2 reflects this condition.

ADDITIONAL REQUIREMENTS OR FINDINGS TO BE ADDRESSED

Section 27-546 (d) (1) which are the purposes of the M-X-T Zone and paragraph(10) which requires a finding that the development will be adequately served within a reasonable period of time with existing or programmed public facilities: ***Comment: This DSP is in furtherance of the approved CSP, which satisfied the purposes on the M-X-T zone as expressed in Finding No. 8, CSP-07003 (PGCPB No. 08-95). As regards (d) (10), accompanying the DSP is a Transportation Memorandum prepared by the Applicant's Consultant provides information evidencing the development shown on this DSP will be adequately served by the transportation***

improvements identified in the approved Preliminary Plan of Subdivision for this stage of the development.

Section 27-548 (h): Adherence to Townhouse Regulations **Comment: The DSP sheets contain information and demonstration relative the guidelines expressed in this section. The Applicant's architectural elevations, materials documents and other information show townhouse groupings, placement and sizes that either conform or exceed the guidelines. No variation from the guidelines expressed in this section is sought by the Applicant.**

Conformance to applicable Conceptual Site Plan 07003 Conditions:

1. Conditions 1-3 addressed items for CSP certification or items prior to the first DSP submission, all satisfied with the prior CSP certification and DSP 08011, the first DSP, hence inapplicable to DSP 21033
2. Conditions 4-5 are also part of DSP 08011, the first DSP and inapplicable to this DSP 21033.
3. Conditions 6-7 requires dedication of parkland, which dedication has been offered to M-NCPPC and is applicable all residential development within Konterra, including yet to be developed parcels up to 4500 dwelling units.
4. Conditions 8-10, and 14 are addressed in Applicant's Transportation Memorandum submitted as part of DSP 21033
5. Conditions 11-13 are inapplicable to DSP 21033

Conformance to applicable Preliminary Plan of Subdivision 4-07108 Conditions:

1. Conditions 1, 6, 17, 19 and 28 addressed signature approval revisions which have been made and the PPS and TCP I have signature approval; Condition 2, the requirement for approval of the Type II TCP and Condition 12 applicable to the environmental site assessment was addressed at time of the first DSP, 08011. A Type II for the area applicable to DSP 21003 is submitted with this application.
2. DSP 21003's design evidences conformance with the property's applicable SWM Concept Approval as required by Condition 3.
3. Condition 4 is addressed inasmuch as the required dedication has been offered to M-NCPPC and is applicable all residential development within Konterra, including yet to be developed parcels up to 4500 dwelling units. This DSP proposes development of 219 dwellings.
4. Development proposed by DSP 21033 is in the area of the CSP and PPS wherein townhouse development is proposed as required by Condition. The plan sheets, elevations and other submitted information show conformity to the CSP-07003.

5. Condition 8 is applicable to building permit submission and Condition 29 was previously addressed with the first building permit submission.
6. Conditions 9-10 are applicable to recreational facilities determined by subsequent action on DSP 21003.
7. DSP 21003 does not include land encumbered by the WSSC waterline easement (Condition 11).
8. Condition 13's requirement for provision of a stream valley trail is shown is partially shown on the prior DSP 08011 and DSP 21033 does not impact that alignment (Condition 18) or subitems a-d of Condition 13. Subitems e-f of Condition 13 are addressed on the DSP plan sheets
9. Condition 14 required the NRI and TCP1, associated with the PPS to be revised, signed and approved, which was done. The NRI is premised on a TCP2—implemented for the entire site—and was hence grandfathered. A NRI Equivalency Letter (NRI 050-07-02) has been issued for DSP-21033.
10. Condition 15 was satisfied as the TCP1 was revised and certified to address all of the items listed in this condition.
11. Condition 16 will be addressed at such time the permits impacting those environmental items are submitted.
12. Condition 18, relative to the trail alignment, is within the scope of the area covered by DSP21033. The alignment is shown on the submission and the alignment does not impact the regulated buffers.
13. Condition 20 is inapplicable inasmuch as no hotel development is proposed as part of DSP 21033.
14. Applicant's Transportation Memorandum, submitted with this DSP filing, address Conditions 21-25.
15. Conditions 26-27 will be addressed at the time of Final Plat submissions applicable to the affected areas.
16. Condition 30 provides for townhouse lot sizes and no additional variances for lot sizes are submitted with this DSP

Section 27-574(b) Parking Methodology

Metropolitan East at Konterra Town Center-DSP-21033 is an M-X-T zoned development consisting of single family attached townhouse units. These units are designed to accommodate 2 garage spaces each. The majority of the units have the 2 garage spaces within the unit, but there are also detached garages proposed for some of the units. These also have 2 garage spaces each. Driveways are not to be included as parking spaces. The 16ft. wide unit will have 1 garage space that counts towards the requirement. There is an option

for the owner to have an additional garage space, but this second space is not counted towards the parking requirements. The M-X-T zone requires a parking determination methodology as part of section 27-574 (b) as follows:

(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 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.

As required by item 1 of the above section from the Prince George's County zoning manual, Section 27-568 was used to determine the amount of parking required. When the hotel, retail, and residential uses were evaluated based upon Section 27-568, the parking requirement is as follows:

Parking Calculations

Townhouse	2.04 PS/DU	447 SPACES
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219 DU x 2.04PS/DU =447 SPACES

This methodology results in a requirement of 447 parking spaces for this project. The ultimate user, with experience building, managing, operating, and maintaining similar complexes, has provided information that allows us to understand their operating and community needs. As mentioned earlier, no driveways are being counted as a parking space and all units except for the 16 foot wide units will have 2 parking spaces in the garage. The 16 foot wide unit does have an owner's option for a second tandem space, but this second space is not being counted towards the parking requirement. A total of 514 parking spaces will be provide for in this project. Of those 514 spaces, there are 166-2car units, 53-1 car

units, and 129 surface parking spaces. The 514 parking spaces exceed the required number of spaces required by Section 27-549.

CONCLUSION:

For all the reasons noted herein and evidenced by the accompanying plans for this application, the Applicant requests approval of its Detailed Site Plan.



By: André Jay Gingles, Esquire
Counsel for Applicant

March 4, 2020
Date



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Variance From Section 27-548 (h) of the County Zoning Ordinance

In conjunction with DSP 21033, and pursuant to Section 27-230 of the County Zoning Ordinance, Konterra Environs Ventures, LLC ("Applicant") seeks approval of a variance of two feet from the minimum building width requirements for 54 of its 219 proposed dwelling units on the aforementioned DSP. The land area of Applicant's DSP is within the land area applicable to CSP 07003 and PPS 4-07108. In the former, the Planning Board made Finding No. 8b—applicable to townhouse design criteria—wherein it expressed "...a complete urban environment should have various housing options to meet the housing needs of every social sector and to create dynamic urban neighborhoods. Staff supports smaller lot sizes contingent upon approval of a variance from this requirement..." Thereafter, the PPS included Condition no. 30 expressing the Applicant may submit variances at the time of its DSP to townhouse "design standards" to accompany the Planning Board's approval of a reduction to minimum lot sizes. In furtherance of these prior Planning Board actions and findings, the Applicant submits this variance, and asserts the following:

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

Response: The overall land development parcel is traversed in the northern section of the property by a fee simple Potomac Electric Power Company (PEPCO) right of way. This right of way is 400 feet wide and contains high voltage transmission lines. Development directly adjacent to such utilities is not recommended, and adequate buffering should be considered. The site is also surrounded by major arterial roads MD 200 (ICC) and Interstate 95, which creates denied access to half of the site. The alignments and construction for both were determinations made by government entities and not the Applicant. This limitation results in access gained only by two strategically placed collector roads that allow access to the development pods. Additionally, there was formerly a sand and gravel mining operation. Although much of the land has been reclaimed and made suitable for development, there are areas where development is not suitable or recommended for development. In addition, the southern and eastern portion of the site is impacted by environmental features such as streams, wetlands, and a floodplain. It is also adjacent to an area designated to contain Rare, Threatened or Endangered Species. Individually, and collectively, these circumstances result in extraordinary situations and conditions upon the applicable land.

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

Response: As previously noted, the prior approvals and the Master Plan (and Plan 2035) encourage the creation of an urban environment as well as diverse housing for all social sectors. The Applicant is proposing one manner of accomplishing this goal by integrating various types of similar housing. This housing—all of superior quality and design—can be done by having smaller dwelling units in some instances within the same product type, hence lowering the initial costs of such dwelling units. This diversity cannot be provided if all the dwelling units were required to satisfy the same minimum building width. While not a “market condition”, the vision of the prior approvals and Master Plan will be effectively curtailed if such diversity of product is prohibited by strict adherence to the Zoning Ordinance regulation. Applicant notes the specific findings of Planning Board in Resolution PGCBP No. 08-116 relative to the approved variance (VP-07108) for lot sizes remains applicable to the property and this request for building width. These findings, noted below, are unique to the subject property which has not changed since these prior findings.

- 1. This specific [subject] property is identified in 1990 Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60,61 and 62 by name and retained the property in the M-X-T Zone. The Master Plan envisioned the Konterra development as a unique center which would provide a variety of dwelling unit types, which would serve a variety of income groups. In order for the applicant to fulfill the Master Plan recommendations a variant of the strict application of the zoning ordinance is necessary.**
- 2. The inability of the owner to develop the property in conformance to the master plan, as a result of the strict application of the Zoning Ordinance, results in an undue hardship. Practically, the applicant can therefore not develop townhouses consistent with an urban town center to provide a variety of housing for different income groups. The vision for the residential component of the Konterra Town Center is one where an urban lifestyle can be supported.**

Few properties have such a specific requirement in a Master Plan for attaining diversity of product. The Planning Board approval noted herein created, as a part of that requirement, this allowance for lot sizes ranging between 630 and 849 square feet, and said approval limited the same to 10%. The depth of the majority of the approved PPS lots are 55-60 feet. The minimum front yards are predominantly five feet and have driveways of 6.5 feet. In order for the property to utilize the reduced lot sizes approved by the Planning Board, the requested 16-foot-wide variance is needed. Utilizing the regulatory width of 18 feet has the impact of invalidating the prior approval to allowed for the reduced lot sizes. Granting the variance will still allow for the minimum 1250 square foot living area (1366 sf being provided) in the affected dwelling units.

- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.**

Response: Again, the physical conditions applicable to the property have not changed since the findings applicable to the prior variance approvals. As noted herein, disallowing the use of 16-foot-wide townhouses has the effect of disallowing the previously approved lot size reductions, which were premised upon the Planning Board findings on conditions and circumstances peculiar to the subject property. Applicant is proposing the variance for only 54 of its proposed dwelling units, which creates the diversity in product (approximately 25%) envisioned and required by the Master Plan—as supported in prior Planning Board actions.

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

Response: The modification to the townhouse regulations for development within Konterra has been previously found by the Planning Board to specifically "...support and assist in the implementation of the specific recommendation for the Konterra East Town Center and will not impair the integrity of the General Plan or Master Plan." We note the Planning Board Findings expressed herein in Criterion no. 2, which are also applicable to this variance request. All the requested modifications to the townhouse regulations are oriented toward implementing the vision of those plans.

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

Response: No adjacent properties are similarly zoned nor have similar visions for providing housing to diverse social sectors; hence, the approval of the requested variance will have no substantial impairment or affect said properties.

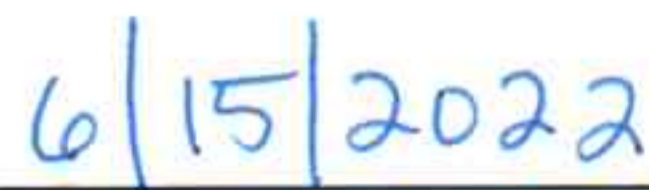
- (6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Response: The Applicant's work on the property, to date, has been solely reclamation of the land that was previously mined for sand and gravel, with such work being done as directed by the applicable permitting agencies. As noted earlier, other constraints to the property are the result of the transportation network implemented by government agencies and regional power infrastructure constructed by utility companies. Hence, the condition of the property for which the variance is requested is not self-imposed.

Respectfully Submitted,



André J. Gingles, Esq.
Attorney for the Applicant



Date



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3680

May 11, 2022

MEMORANDUM

TO: Andrew Bishop, Urban Design Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division HSB

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division JAS
Tyler Smith, Historic Preservation Section, Countywide Planning Division TAS

SUBJECT: DSP-21033 Metropolitan East at Konterra Town Center

The subject property comprises 18.39-acres and is located north of I-495 between Konterra Drive and Konterra Boulevard East. The subject application proposes the construction of 219 townhouse dwelling units on Parcel 4 of the approved Konterra mixed-use development. The subject property is Zoned M-X-T and is located in the *2010 Approved Subregion 1 Master Plan* area.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The *2010 Approved Subregion 1 Master Plan* includes goals and policies related to historic preservation (pages 101-104). However, these are not specific to the subject site or applicable to the proposed development. The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or Resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation Section staff recommend approval of DSP-21033 Metropolitan East at Konterra Town Center without conditions.



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FIELD LOCATIONS
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Mississippi
New York
North Carolina
Ohio
South Carolina
Texas
Utah
Virginia
West Virginia

MEMO

TO: Hillary Colt
FROM: Wes Guckert
DATE: January 24, 2022
RE: Konterra Town Center
Prince George's County, Maryland
Our Job No.: 2015-0108
DSP (Detailed Site Plan) 21033
Metropolitan East @ Konterra Town Center

The Development Review Division provided Detailed Site Plan/Specific Design Plan comments on the submittal checklist.

The condition of the Transportation Planning Section indicated that, before the DSP can be accepted, we are to provide a Phasing Analysis of the transportation improvement as required by Condition 14 of CSP 07003 and Condition 24 of 4-07108. The Phasing Analysis has been completed and is part of a separate Traffic Impact Study document indicating that no off-site improvements are needed other than the installation of a traffic signal at Greencastle Road & Old Gunpowder Road.

The Tom Masog comments of 1/13/22 also indicated that a Phasing Analysis of the pedestrian and bicycle improvements outlined in Condition 13 of PPS 4-07108 also be addressed.

PPS 4-07108 on page 5 and page 6 contain the conditions noted as #13. Those conditions of 13d indicate "pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of DSP." Condition 13f on page 6 indicates that "designated bike lanes shall be striped and marked in conformance with the 1999 AASHTO Guide for the Development of Bicycle Facilities."

To comply with the above conditions, we determined that Konterra Boulevard East with a variable right-of-way contains 24 ft of pavement in each direction that will be striped for thru lanes and bike lanes.

There is a roundabout at the intersection of Konterra Boulevard East and Fashion Place to act as a traffic calming measure.

Fashion Place is a 48 ft wide roadway designed with 1 moving lane in each direction, plus parallel parking along both sides of Fashion Place which, in and of itself, creates traffic calming effects. The same condition exists along East Street where there is a 48 ft wide roadway, 1 thru lane in each direction, bump outs, and on-street parallel parking. Clearly the bump outs and the on-street parallel parking create traffic calming conditions.

Fashion Place is currently constructed from Konterra Drive to Konterra Boulevard East with sidewalks and bike lanes. Konterra Drive was constructed with bike lanes and sidewalks. The project currently proposes the construction of bike lanes and sidewalks along Konterra Boulevard East. With the above improvements we are within the expected phasing of bicycle and pedestrian improvements for the site.

TTG believes this memorandum covers the requirements and requests to be addressed by Tom Masog.


JWG:smb

(F:\2015\2015-0108_Konterra Town Center East\DOCS\CORRESP\ANALYST\DSP Comment Memo_Colt.docx)

May 16, 2022

MEMORANDUM

TO: Andrew Bishop, Planner II, Urban Design Section, Development Review Division

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

SUBJECT: DSP-21033 METROPOLITAN EAST AT KONTERRA TOWN CENTER.

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

BACKGROUND

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

Location: North of I-495 between Konterra Drive and Konterra Blvd. East

Size: 18.75 acres

Existing Use: Vacant

Proposal: CONSTRUCTION OF 219 TOWNHOUSE DWELLING UNITS ON PARCEL 4 OF THE APPROVED KONTERRA MIXED-USE DEVELOPMENT.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: The 2014 Plan Prince George's 2035 Approved places this application in a Local Center. Local Centers are focal points for concentrated development and limited commercial activity serving our Established Communities (Page 106) Konterra is one of 26 Local Centers on the Prince George's County Growth Policy Map (Page 107).

The Plan 2035 Center Classification System (Table 16) further describes Konterra Town Center as one of five Town Centers (Local) which refers to "A range of auto-accessible centers that anchor larger areas of suburban subdivisions. Overall, the Centers are less dense and intense than other center types and may be larger than a half-mile in size due to their auto orientation." (Page 110) The centers typically have a walkable "core" or town center. Often the mix of uses is horizontal across the centers rather than vertical within individual buildings. While expert plans may call for

DSP 21033 METROPOLITAN EAST AT KONTERRA TOWN CENTER.

future heavy or light rail extensions or bus rapid transit, no transit alternatives have been approved for construction.” Pg. 108

Master Plan: The 2010 Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64) recommends Mixed Use Commercial land use on the subject property.

Planning Area: 60

Community: Northwestern Area

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

SMA/Zoning: The 1990 Subregion I Master Plan and Sectional Map Amendment retained the property in the M-X-T Zone. 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 to TAC-C (Town Activity Center Zone -Core) effective April 1, 2022

ADDITIONAL INFORMATION

None.

cc: Long-range Agenda Notebook

Sarah Benton, AICP, Planning Supervisor, Long-Range Planning Section, Community Planning Division

301-952-3680

June 3, 2022

MEMORANDUM

TO: Andrew Bishop, 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: DSP-21033: Metropolitan East at Konterra Town Center

Proposal:

The subject application proposes to construct 219 townhouse units along the east and west sides of Fashion Place, directly south of its intersection with Konterra Boulevard East. The Transportation Planning review of DSP application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

The site is subject to Conceptual Site Plan CSP-07003, and Preliminary Plan of Subdivision 4-07108, which have similar transportation conditions of approval that are relevant to the subject DSP application.

PPS 4-07108

13. In conformance with the adopted and approved Subregion I Master Plan and consistent with the 2007 planning workshops for Subregion I, the applicant, the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an asphalt stream valley trail along the eastern edge of Konterra Town Center East as shown on the conceptual trail plan.
 - b. Where the stream valley trail is within homeowners' association property, it shall be within a public use trail easement.
 - c. Where the stream valley trail is within a road right-of-way, it shall be a minimum of eight feet wide, separated from the curb by a landscaped strip, and constructed in lieu of a standard sidewalk for that portion of the roadway, unless otherwise modified by DPW&T.
 - d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of DSP.

- e. Provide a cross section for the roads accessing the townhouse units as part of the detailed site plan submittal. This cross section shall include standard sidewalks along both sides.
- f. Designated bike lanes shall be striped and marked in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.
- g. The public use easement(s) shall include the streetscape for roadways that are to remain publicly accessible, per Exhibit 3.
- h. Additional necessary public use easements for the public trails (indicated in red on the conceptual trail plan) will be identified at the time of detailed site plan.

Comment: Staff finds the applicant's submission to be largely in conformance with condition 13. However, the location where the stream valley trail intersects with Fashion Place does not display any markings or signage indicating a location to cross. Staff requests the applicant provide a midblock crossing analysis to DPW&T for the location where Fashion Place intersects with the stream valley trail, to determine if a crosswalk is feasible. This is discussed in greater length in the zoning ordinance compliance section of this referral.

- 21. Prior to the issuance of any building permits within the subject property, the following road improvements shall either; Option 1, (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency; or Option 2, the improvement shall be fully funded for construction in the applicable CTP or CIP:
 - a. US 1 and Contee Road: Add one additional through lane westbound along Contee Road. Modify signals, signage, and pavement markings as needed.
 - b. US 1 and Muirkirk Meadows Drive: Add a second left-turn lane along eastbound Muirkirk Meadows Drive. Modify signals, signage, and pavement markings as needed.
 - c. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1. Modify signals, signage, and pavement markings as needed.
 - d. Van Dusen Road and Contee Road: Add a second left-turn lane along westbound Contee Road. Add an exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed.
 - e. Old Gunpowder Road and Greencastle Road: Add a left-turn lane along northbound Old Gunpowder Road. Install signalization if warranted, with warrants to be determined by the submittal of a traffic signal warrant study, prior to the approval of the initial detailed site plan for infrastructure.

- f. I-95 and Contee Road: Construct the I-95/Contee Road interchange with the general design consistent with the SHA-approved alternative and with lane use consistent with the lane use shown on Exhibit 12A of the January 2008 traffic study
- g. Contee Road Extended (also referred to as Kenilworth Avenue West): Construct the extension of Contee Road from the I-95/Contee Road interchange to Old Gunpowder Road. Provide signalization and lane usage consistent with the traffic study, with final alignment of the Contee Road Extended/Old Gunpowder Road intersection to be determined by DPW&T at the time of the initial detailed site plan for infrastructure.
- h. Kenilworth Avenue Extended "East" shall be constructed beginning at the terminus of the Contee interchange and ending at the second project entrance into Konterra Town Center East (Perimeter Drive East). This will form a roadway connection of Virginia Manor Road to the I-95/Contee Road interchange to be constructed on-site as a part of Phase I, with approval of the design of this link to be made by DPW&T at the time of the initial detailed site plan for infrastructure. This roadway shall be constructed within the dedicated right-of-way for the A-56 and the A-6 facilities.

Comment:

This condition shall remain and will be enforced by staff at the time of building permit.

- 23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- 24. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 5,965 AM peak hour trip cap and the 8,963 PM peak hour trip cap, unless a future revision to the preliminary plan of subdivision is processed.

Comment:

The applicant has submitted a traffic impact study for the proposed development. The approved trip cap established in the PPS considers the development of 4,500 total residential dwelling units and 5.9 million square feet of retail, office, hotel, and public use. The DSP submission includes a trip generation study which uses Prince George's County rates for townhouses and resulted in the generation of 153 AM peak period trips and 175 PM peak period trips. The subject DSP is consistent with the land use and development program for the residential dwelling units approved in the PPS and therefore is within the peak-hour trip cap approved in PPS 4-07108.

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

Master Plan Compliance

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

Master Plan Roads

The subject property fronts Fashion Place (C-119) along both sides of the proposed development. The 2009 *Countywide Master Plan of Transportation* (MPOT) does not have recommendations for Fashion Place. However, this portion of Fashion Place falls within the bounds of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* which recommends it as a “new roadway to be constructed as a four-lane facility between MC-103 and A-56 within the Konterra Town Center Site.” It should be noted that MC-103 is a planned master plan collector roadway which has yet to be constructed. Road A-56, otherwise known as Konterra Drive, is a master plan arterial roadway that has been constructed and intersects with Fashion Place as the southern bounds of the subject property. The applicant’s submission accurately displays this portion of Fashion Place fronting the subject site as four lanes within a 100-foot-wide right-of-way.

The subject property also fronts Konterra Boulevard East (MC-104) along its northwest border. The MPOT does not have recommendations for Konterra Boulevard East. However, it also falls within the bounds of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* which recommends it as a “new roadway to be constructed as a four-lane divided facility between C-119 and A-56 within the Konterra Town Center Site.” The applicant’s submission displays this portion of Konterra Boulevard East fronting the subject site as a variable width right-of-way. The applicant’s submission contains a cross section for Konterra Boulevard East which displays two travel lanes in each direction, which is consistent with the Master Plan recommendations.

Master Plan Pedestrian and Bike Facilities

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommends the following facilities:

Bicycle Lane: Fashion Place

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.

Comment: The bicycle lane along the subject property's frontage of Fashion Place has already been constructed. The applicant's submission displays a bicycle lane and associated cross section for the portion of Konterra Boulevard East along the east side of Fashion Place (DSP – p.3). However, the portion of Konterra Boulevard East along the west side of Fashion Place (DSP – p.4) does not display the bicycle lane or the cross section. Staff requests the applicant update plans to display the bicycle lane and associated cross section along the subject property's full frontage of Konterra Boulevard East.

Transportation Planning Review

Zoning Ordinance Compliance

Section 27-283 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for detailed site plans. The section references the following design guidelines described in Section 27-274(a):

(2) Parking, loading, and circulation

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

(ix) Pedestrian and vehicular routes should generally be separate and clearly marked.

(x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques

(xi) Barrier-free pathways to accommodate the handicapped should be provided

(6) Site and streetscape amenities

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks, and

other street furniture should be coordinated in order to enhance the visual unity of site.

Additionally, Section 27-546(b)(7) and Section 27-546(d)(6-7) discuss transportation 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:

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

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

Section 27-574(a) discusses parking requirements in the M-X-T Zone and is 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.

Comment: The site is served by four access points. Fashion Place contains an entrance to the site on each side of its frontage, both of which serve as right-in/right-out access points. The development proposal includes the construction of Konterra Boulevard East along the full northwest frontage of the subject property. Konterra Boulevard East also contains two access points to the development, both of which provide full vehicular access. Staff finds that the vehicular access and circulation are sufficient and meets the required findings per section 27-546(7) of the Ordinance which examines “physical and functional relationship of the project uses and components” within the M-X-T Zone.

The applicant is proposing a total of 511 parking spaces for the subject application, which includes on street parking. Townhouse units typically require 2.04 spaces per unit. The subject application, which includes 219 townhouses, would typically require 447 spaces. The applicant has provided a parking schedule which displays 166 of the 219 units will have a two-car garage, providing a total of 332 spaces. The remaining 53 units will have a one-car garage, providing 53 spaces. An additional 128 spaces will be provided as parallel spaces along roads. This totals 511 parking spaces specific to the 219 townhouse units. Staff finds the parking submission to be suitable for the proposed use within the M-X-T Zone

The applicant’s submission displays an existing sidewalk along both sides of the subject property’s frontage of Fashion Place, which has already been constructed. The site features an extensive sidewalk and crosswalk network, which largely conforms to M-X-T standards. However, during staff initial review of the DSP application, staff recommended that a pedestrian crossing and associated crosswalk be shown on plans at the location where the stream valley trail intersects with Fashion

Place, which would result in a continuous pedestrian facility. The applicant's response to Subdivision and Development Review Committee (SDRC) comments (Bickel to Staff, May 25, 2022) states "Fashion Place is an existing road with an existing median. All pedestrian traffic will use the public sidewalks and the pedestrian crossings at the roundabout for crossing the road." From the perspective of pedestrian movement, this design feature does not meet M-X-T standards, and creates a burden for pedestrian travel as it forces pedestrians using the stream valley trail to walk north to the roundabout along Konterra Boulevard East to safely cross Fashion Place.

A crosswalk at the location where the stream valley trail intersects with Fashion Place will provide a continuous pedestrian network that will connect planned pedestrian facilities to each other while also providing a traffic calming measure along Fashion Plan. Staff maintains that a crosswalk at the location where the stream valley intersects with Fashion Place is needed for safe and efficient pedestrian travel as part of the DSP submission. In order to determine if a mid-block crosswalk is appropriate at this location, staff requests the applicant coordinate with the Prince George's County Department of Public Works & Transportation (DPW&T) to provide a midblock crosswalk analysis at the location where Fashion Place intersects with the stream valley trail, to determine if the midblock crossing is feasible and meets all DPW&T requirements for a midblock crossing. If the crosswalk is deemed feasible, the applicant shall construct the midblock crossing prior to the first building permit. If the midblock crossing is deemed to be not feasible and analysis does not support a crosswalk, the current configuration will remain.

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 the certification of the detailed site plan, the applicant and the applicant's heirs, successors and/or assigns shall:
 - a. Revise the traffic impact study to remove the trips generated by the multifamily units and only evaluate the impacts generated by the phased development of this DSP application for 219 townhouse units.
 - b. Update plans to display the bicycle lane and associated cross section along the subject property's full frontage of Konterra Boulevard East.
 - c. Submit a midblock crossing analysis to DPW&T for the location where Fashion Place intersects with the stream valley trail, to determine if a mid-block crosswalk to provide a continuous pedestrian connection with the stream valley trail is feasible. If the crosswalk is deemed feasible, the applicant shall be required to construct the midblock crossing prior to the first building permit. If the crosswalk is deemed not feasible and analysis does not support a crosswalk at this location, the current configuration will remain, subject to modification by the operating agency.
2. Prior to the approval of the first building permit, the applicant shall submit a traffic signal warrant analysis, to the appropriate operating agency, for the intersection of Greencastle Road and Old Gunpowder Road, if the applicant's updated traffic impact study indicates that a signal is warranted at the intersection.

a. If the signal is warranted, the applicant shall install the traffic signal within the timeline and the standards determined by the appropriate operating agency.

June 1, 2022

MEMORANDUM

TO: Andrew Bishop, Planner II, Urban Design Section
VIA: Mridula Gupta, Planner III, Subdivision Section *MG*
FROM: Eddie Diaz-Campbell, Planner II, Subdivision Section *EDC*
SUBJECT: DSP-21033; Metropolitan East at Konterra Town Center

The subject site covers 18.39 acres and is currently part of two parcels both known as Parcel 4, both of which are described by deed recorded in the Prince George's County Land Records in Liber 40138 folio 244. The site is located on Tax Map 9 in Grid D-3. Specifically, the site is located on the north and south sides of Fashion Place at its intersection with Konterra Boulevard East. The property is in the Town Activity Center- Center (TAC-C) Zone; however, this application was submitted for review under the prior Zoning Ordinance and Subdivision Regulations pursuant to Section 27-1703 of the Zoning Ordinance, and is therefore evaluated according to the standards of the prior Mixed Use - Transportation Oriented (M-X-T) zoning of the subject site. Section 27-1703 applies due to Conceptual Site Plan CSP-07003, which was previously approved for the overall Konterra Town Center East development.

Detailed Site Plan DSP-21033 proposes 219 lots and six parcels on two blocks for development of 219 single-family attached dwelling units. The site is subject to Preliminary Plan of Subdivision (PPS) 4-07108 (PGCPB Resolution No. 08-116). This PPS covers 402.58 acres, including the subject site, and was approved in June 2008 for the development of 5,900,000 square feet of retail, office, hotel, and public uses, including 600 hotel rooms, and 4,500 dwelling units, including 760 attached units and 3,740 multifamily units. Of the 980 lots approved with PPS 4-07108, 760 lots were to be used for the single-family attached dwelling units, while the remaining 220 lots were to be used for the retail, office, hotel, public, and multifamily uses. Of the 67 parcels approved with PPS 4-07108, 48 parcels were to be conveyed to a homeowners association and 19 parcels were to be conveyed to a business owners association. All 67 parcels were to be used for either open space or private alleys. The PPS also included private streets which were not given parcel designations. However, the parcel designations on the subject DSP, which merge the private alleys and private streets, conform to the intended ownership approved with the PPS.

The subject DSP is found to be in conformance with the development allocation approved with PPS 4-07108. A previous special purpose DSP, DSP-08011, was approved in 2009 for the 132-acre downtown core area of the Konterra Town Center East development. This DSP approved 2,161 multifamily dwelling units, 300 hotel rooms, 809,750 square feet of office, and 1,391,200 square

feet of commercial/retail/entertainment on 55 lots. However, only one lot was platted (in Plat Book MMB 239 page 44) and no development has yet been completed. DSP-08011 is not applicable to the area of this application, and there is no overlap in the development allocation used between that DSP and the subject DSP. This DSP-21033 is the first DSP to be filed for the area located outside the downtown core area of the Konterra Town Center East development.

Notwithstanding some modifications to the proposed street network in order to allow additional connections to surrounding future development, the DSP is found to be in conformance with the site layout approved with the PPS. The PPS and DSP both show access to the subject two blocks from Fashion Place and Konterra Boulevard East, which are public rights-of-way previously dedicated (following approval of DSP-08011). The PPS and the DSP do differ in the secondary circulation they show for access to the dwelling units; both plans utilize private streets and alleys for this access, but the PPS shows access via private streets known as North Main and South Main, which extend along the north and south sides of the site before wrapping around its east side to meet at Fashion Place. The DSP, by comparison, shows the equivalent private streets (labeled only as "Private Roads") extending along the north and south sides of the site for a shorter distance before turning and extending through the interior of the blocks and then meeting at Fashion Place. The original locations of North Main and South Main along the east side of the site has become the location of a stream valley trail required by the PPS. Due to the large size of the overall Konterra Town Center East development, the PPS showed a lotting pattern which was conceptual in nature. The PPS included multifamily and townhouse uses for the subject site, while the current DSP proposes townhouses only, which necessitates a different network from what was previously needed to serve both multifamily and townhouse residential uses. Subdivision staff finds the change in the streets' location and configuration acceptable, as it will allow the secondary circulation shown on the PPS while encouraging future vehicular traffic going to adjoining blocks and uses to use the public roads (Konterra Boulevard East and Fashion Place) for circulation.

However, while the interior layout of the two blocks is acceptable, the locations and configurations of access points on the perimeter of the blocks need further consideration. The applicant has not been able to provide any new information about how land immediately abutting their site will develop, and so the PPS provides the best information available about what site layout will be provided in the future for areas abutting this site. The proposed DSP should not preclude development of these abutting areas in the manner shown on the approved PPS.

North of the site, the approved PPS shows three private alleys extending north from North Main, while the DSP shows only one such future connection at this location. The design of this roadway should be revised so it can accommodate three points of future access. This may be done by providing two additional connections, one at the intersection between Lots 6 and 7 where there is already space for a stub, and one generally located in front of Lots 13 to 20. Some of the parallel parking spaces across from these units would have to be removed in order to accommodate the third connection. Providing these connections will allow development north of the site to develop in the manner shown on the approved PPS.

South of the site, the approved PPS shows one private street extending south from South Main; the DSP shows one future connection at this location, which is acceptable.

In the middle of the site, where the two blocks front on Fashion Place, the PPS shows that both North Main and South Main were to intersect Fashion Place in order to provide access to the blocks from that road. The DSP maintains these connections, and though they have been relocated closer to Konterra Boulevard East, Subdivision staff finds this to be acceptable as previously discussed.

The PPS is silent on what kind of intersection North Main and South Main should have with Fashion Place. However, CSP-07003 shows it as a four-way intersection, in order to allow continuous secondary circulation from north of the subject site to south of the subject site. The intersection proposed with this DSP provides only right-in-right-out access from Fashion Place to both blocks, which does not support this continuous secondary circulation. Though not required for conformance to the PPS, a four-way intersection may provide superior secondary circulation, and so should be provided if required by the Transportation Planning Section.

PPS 4-07108 was approved with 30 conditions, of which the conditions relevant to the review of this proposed DSP are listed below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

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

A Type II tree conservation plan (TCP2-065-08-03) was submitted with the DSP application. The Environmental Planning Section should review the TCP2 for any needed corrections prior to approval.

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

A stormwater management (SWM) concept approval letter (19046-2007-01) was submitted with the DSP. This letter was approved on January 30, 2020 and expires on January 23, 2023. The applicant also submitted a SWM concept plan which was not stamped as approved by the Department of Permitting, Inspections and Enforcement (DPIE), but was stated by the applicant to be the plan of record with DPIE. The Environmental Planning Section should review the SWM concept plan for conformance to the DSP.

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

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

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

The DSP includes private on-site recreational facilities including a "central park" in each of the two blocks as well as a playground, picnic area, and two play areas. The estimated total value of the recreation facilities is \$234,000. The Urban Design Section should determine if

the private recreational facilities proposed are appropriate and if they comply with the standards outlined in the *Park and Recreation Facilities Guidelines*.

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

The Urban Design Section should determine if the DSP conforms to CSP-07003.

9. The applicant, the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats other than right of way for infrastructure. Upon approval by DRD, the RFA shall be recorded among the County Land Records.

10. The applicant, the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits for dwelling units shown on the DSP which included the applicable recreational facilities.

Conditions 9 and 10 apply to the private on-site recreational facilities proposed with this project and must be met prior to approval of a final plat for the proposed development.

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

The DSP includes land encumbered by this WSSC water line easement in the northeast corner of the northern block, within the stream buffer area. The applicant submitted as-built plans prepared by WSSC showing that the utility lines within the easement have been abandoned; these plans serve as evidence that WSSC has agreed to reconstruct the utility lines, fulfilling this condition. However, the plans do not show that the easement itself has been abandoned. The applicant should submit, prior to certification of the DSP, a recorded release of right-of-way deed confirming that the easement has been abandoned. This is needed because the easement must be abandoned in order for the forest conservation easement proposed on the TCP2 within the former easement right-of-way to be permitted, per comments made by WSSC on this DSP.

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

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

The DSP includes an asphalt stream valley trail on the east side of the subject site. The Transportation Planning Section should evaluate the design of the trail.

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

Within the limits of this DSP, the stream valley trail is on homeowners association (HOA) property and accordingly is shown within a public use trail easement. A condition of approval is included in the "Recommended Conditions" section of this memo to ensure that the public use trail easement is recorded prior to approval of the final plat.

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

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

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

Pedestrian safety features, traffic calming, and pedestrian amenities should be evaluated by the Transportation Planning Section. However, it is noted that the DSP lacks crosswalks at the blocks' entrances from Fashion Place and at the stream valley trail's intersection with Fashion Place.

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

The required cross sections are shown on the DSP, and include 5-foot-wide sidewalks on either side of the roadway. The design of the cross sections should be further evaluated by the Urban Design and Transportation Planning sections.

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

The DSP shows existing bike lanes along Fashion Place and proposed bike lanes along Konterra Boulevard East north of the traffic circle. The Transportation Planning Section should evaluate the design of the new bike lanes for conformance to this condition.

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

The exhibit referenced by this condition is no longer available. However, the findings related to this condition on page 34 of the PPS resolution may be addressed. The findings state a concern that if the project's roadways are not accepted by the Department of Public Works and Transportation (DPW&T), the project's sidewalk and bicycle facilities may not be accessible to the public as part of the wider countywide trail network. However, Fashion Place and Konterra Boulevard East have been accepted for public dedication and connect to Konterra Drive. The bicycle and pedestrian facilities on and accessible from these two roadways connect to the bicycle and pedestrian facilities on Konterra Drive and

from there to the rest of the County's trail network. The findings also state a concern that major roads in the subdivision constructed within a public use easement should also have the streetscape included within the easement, in order to ensure the streetscape remains an open and publicly accessible segment of the pedestrian network. However, no roads on this site are proposed to be within a public use easement, either on the PPS or on the DSP.

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

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

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

According to the findings of DSP-08011, the NRI was revised and signed prior to approval of that plan. The TCP1s associated with the CSP (TCP1-05-08) and PPS (TCP1-05-08-01) have also both received signature approval. The plans for the NRI and both TCP1s show the SHA right-of-way as previously dedicated land.

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

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

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

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

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

The proposed trail alignment does not result in any impacts to the regulated buffers beyond those approved with the PPS and TCP1-05-08-01. The impacts shown on the TCP2 accompanying this DSP (TCP2-065-08-03) are consistent with the impacts shown on prior approved plans.

- 23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The proposed development of 219 townhouses is within the development allocation of the PPS, and therefore should also be within the trip cap. However, the Transportation Planning Section should verify that this condition has been met.

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

The applicant submitted a traffic impact study dated January 5, 2022 which is intended to fulfill this condition. The Transportation Planning Section should review this study and determine what improvements will be required with this phase, as well as the triggers for construction.

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

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

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

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

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

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

The DSP includes a tracking chart for the reduced size lots approved with variance application VP-07108, which shows that the DSP will comply with the above maximum percentages. However, according to Section 27-258(h) of the prior Zoning Ordinance, the minimum size for a townhouse lot in the M-X-T Zone is no longer 1,800 square feet (as it was at the time the PPS was approved) but rather 1,200 square feet. Lots between 1,200 square feet and 1,799 square feet in size therefore no longer require a variance. The tracking chart should be edited to show the percentage of lots which will be between 1,000 square feet and 1,199 square feet as well as between 1,200 square feet and 1,799 square feet, and include a note stating that pursuant to Section 27-258(h) lots at least 1,200 square feet in size do not require a variance. The revised chart should demonstrate that the number of lots between 1,000 square feet and 1,199 square feet does not exceed 36 percent of the 760 total lots approved with the PPS.

Pursuant to this condition and to findings on pages 15 and 16 of the PPS resolution, the applicant submitted a new variance request with this DSP to allow some lots to be less than 18 feet wide. The Urban Design Section should review the variance request to determine if it can be recommended for approval.

Additional Comments

1. Per Section 24-121(a)(8) of the prior Subdivision Regulations, corner lots shall be rounded with a radius of not less than twenty feet or provided with an equivalent truncation. The corner lots within the proposed development are not rounded with a minimum 20-foot radius. However, Subdivision staff find that the proposed private rights of way are designed with the appropriate width and appropriate configuration of curbing so as to provide equivalent turning radii for emergency vehicles, as shown on the Fire Coverage Exhibit dated May 2022. An equivalent truncation has been provided through the street design and this requirement has been met.
2. The DSP shows PUEs along Konterra Boulevard East and Fashion Place. However, it does not show any public utility easements (PUEs) interior to the site. PUEs are required along at least one side of all private roadways per Section 24-128(b)(12) of the prior Subdivision Regulations. The DSP instead shows a series of 10-foot-wide and 5-foot-wide utility easements (UEs) which serve all the lots in the development. At the time of final plat, the applicant will need to submit a request for a variation from Section 24-128(b)(12) for the non-standard UEs.
3. The DSP proposes lots served by private alleys which front on private streets and open space. Section 24-128(b)(7)(A) of the prior Subdivision Regulations requires that in the M-X-T Zone, lots served by alleys must front on and have pedestrian access to a public right-of-way. A variation from this section would therefore be required in order to permit the proposed lot configuration and use of alleys. Because a variation was not approved at the time of PPS, the applicant will need to submit a request for a variation at the time of final plat. If the variation is not approved, a new DSP and final plat will be required showing that all lots served by alleys will have frontage on a public right-of way.

4. PPS 4-07108 approved variations to Sections 24-121(a)(3), 24-121(a)(4), and 24-130 of the prior Subdivision Regulations. Subdivision staff find conformance to the first two variations with this DSP. Conformance to the variation from Section 24-130 should be evaluated by the Environmental Planning Section.
5. The DSP has been corrected to note that six parcels are proposed. However, at this time only the designations Parcel A through Parcel D are used. Each of the six parcels should receive its own letter designation, and these letter designations should be consistent with the designations used for this area in the PPS (Parcels P through U). Similarly, the DSP should label the two blocks and use any two of the four block designations used in this area of the PPS: Block O, Block P, Block Q, and/or Block R. The lots should be labeled based on the block they are contained in (that is, Lots 1-114, Block O, and Lots 1-104, Block P). Labeling the lots, parcels, and blocks appropriately will help ensure consistency of naming across the plans and allow for easier platting of the property.
6. The PPS shows a project landmark (marked with a star) in the center of the roundabout at the intersection of Fashion Place and Konterra Boulevard East (Perimeter Drive East). However, neither the current DSP nor DSP-08011 show any details of this landmark. The Urban Design Section, in conjunction with the applicant, should establish a trigger with this DSP for review of the landmark feature as well as a trigger for its ultimate construction.
7. The property subject to this DSP is part of two parcels both known as Parcel 4, both of which are recorded in Liber 40138 folio 244 of the Prince George's County Land Records. These two Parcel 4s were previously one parcel, but became separated by Fashion Place with the street's platting in Plat Book MMB 239 page 44. A final plat will be required for the subject property following approval of this DSP.
8. PPS 4-07108 is valid until December 31, 2027. The final plats of subdivision must be submitted and accepted no later than this date.

Recommended Conditions

1. Prior to signature approval of the detailed site plan, the detailed site plan shall be revised as follows:
 - a. Label the six parcels as Parcels P through U.
 - b. Label the two blocks using any two of the following four designations: Block O, Block P, Block Q, and/or Block R.
 - c. Label the 219 lots as Lots 1 to 114 in the northern block and Lots 1 to 104 in the southern block.
 - d. Revise the "Percentage of Reduced Sized Lots-VP-07108" table to include separate lines for lots which are between 1,000 square feet and 1,199 square feet in size and lots which are between 1,200 square feet and 1,799 square feet in size. On the table, show the percentage of lots (out of the 760 total approved with preliminary plan of subdivision 4-07108) which are between 1,000 square feet and 1,199 square feet in size. Include a note beneath the table stating that pursuant to Section 27-258(h) of

prior Zoning Ordinance, lots at least 1,200 square feet in size do not require a variance.

- e. Revise the "Development Accumulation Table" to show the development approved with DSP-08011 rather than only the development from that plan so far constructed. Revise the table to include the six parcels proposed with this detailed site plan and the non-townhouse lots approved with preliminary plan of subdivision 4-07108 and DSP-08011.
 - f. Show three points of access from the northern block in order to allow the land immediately north of the DSP-21033 site to develop in the manner shown on approved preliminary plan of subdivision 4-07108.
 - g. Show the location of the existing WSSC easement crossing the northeast corner of the northern block.
2. Prior to signature approval of the detailed site plan, the applicant shall provide a copy of a recorded release of right-of-way deed confirming that the WSSC easement crossing the northeast corner of the site (referenced by Condition 11 of PGCPB Resolution No. 08-116) has been abandoned.
 2. At the time of final plat, the applicant shall submit a request for a variation from Section 24-128(b)(12) of the prior Subdivision Regulations. If the variation is not approved, a DSP amendment and revised final plat will be required showing a 10-foot-wide public utility easement along at least one side of all private rights-of-way.
 3. At the time of final plat, the applicant shall submit a request for a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations. If the variation is not approved, a DSP amendment and revised final plat will be required showing that all lots served by alleys will have frontage on a public right-of way.
 4. Prior to approval of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for the stream valley trail, to the Development Review Division of the Prince George's County Planning Department, for approval. The easement agreement shall contain the rights of the Maryland-National Capital Park and Planning Commission, be recorded in the Prince George's County Land Records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved detailed site plan.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. This DSP must be revised to be in substantial conformance with the approved preliminary plan of subdivision. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected.

Countywide Planning Division
Environmental Planning Section

301-952-3650

June 6, 2022

MEMORANDUM

TO: Andrew Bishop, Planner II, Urban Design Section

VIA: Thomas Burke, Supervisor, Environmental Planning Section *TB*

FROM: Marc Juba, Planner III, Environmental Planning Section *MJ*

SUBJECT: **Metropolitan East at Konterra Towns, DSP-21033 and TCPII/065/08-03**

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan (DSP-21033) and Type 2 Tree Conservation Plan (TCPII/065/08-03) initially received on April 25, 2022. Comments were provided to the applicant at the Subdivision and Development Review Committee (SDRC) meeting on May 13, 2022. Revised plans were submitted by the applicant and logged in for review on May 26, 2021, and June 1, 2022. The EPS recommends approval of DSP-21033 and TCPII/065/08-03, with recommended findings and conditions listed at the end of this memorandum.

Background

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

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
CSP-07003	TCPI/05/08	Planning Board	Approved	6/12/2008	08-95
4-07108	TCPI/05/08-01	Planning Board	Approved	2/10/2022	08-116
NA	NRI-050-07-01	Staff	Approved	8/6/2008	NA
DSP-08011	TCPII/065/08	District Council	Approved	7/21/2009	09-33
NA	TCPII/065/08-01	Staff	Approved	4/10/2012	NA
NA	TCPII/065/08-02	Staff	Approved	7/19/2013	NA
NA	NRI-050-07-02 (Equivalency letter)	Staff	Approved	12/20/2021	NA
DSP-21033	TCPII/065/08-03	Planning Board	Pending	Pending	Pending

Proposed Activity

The current application is for the development of a mixed-use project consisting of 219 townhouse dwelling units on Parcel 4 of the approved Konterra mixed-use development, with a variance request to allow 16-foot-wide lots.

Grandfathering

This project is grandfathered from the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 that came into effect on September 1, 2010, because the project is subject to an approved Preliminary Plan of Subdivision (PPS 4-07108) and Type 1 Tree Conservation Plan (TCPI/05/08-01) that were approved prior to these regulations in 2008. The PPS and TCPI were subsequently issued an extension of approval in 2022 by the Planning Board, which is valid for six years.

Site Description

The subject application area is 18.39 acres, located within Konterra. The current zoning for the site is Town Activity Center-Core (TAC-C); 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 site is located in the southeast and northeast quadrants of the master planned intersections of Konterra Boulevard East with Fashion Place. The site has frontage on both roads. The site was a former sand and gravel mining site. Reclamation grading and rough grading occurred under a Maryland Department of the Environment (MDE) mining permit prior to the establishment of the initial approved TCPII (TCPII/065/08).

Conditions of Previous Approval

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

Conformance with CSP-07003

The following conditions apply during the preparation and review of the DSP.

3. Prior to acceptance of the first detailed site plan, the applicant shall:

- a. **Submit a detailed stream corridor assessment that documents the current conditions of the streams located on site and downstream to the point where the main channel crosses Ammendale Road. The stream corridor assessment shall be conducted using the Maryland Department of Natural Resources' protocol. In addition, the Anacostia River Basin Stormwater Retrofit Inventory and the Anacostia Watershed Restoration Action Strategy shall be evaluated by the applicant for potential mitigation sites for both stream restoration and woodland conservation and this analysis shall be included in the submittal. The assessment shall then be submitted to M-NCPPC staff, so that it can be deemed complete, prior to the development of recommendations for mitigation.**

This condition was previously addressed at time of DSP-08011. Per Planning Board Resolution PGCPB No. 09-33:

“According to a review by the Environmental Planning Section (Reiser to Zhang, January 8, 2009), this condition has been addressed. The stream corridor assessment was received on June 13, 2008.”

No further information is required at this time.

- b. Submit a recommendation for stream restoration methods and their locations based on the complete assessment. The methods shall include, but not be limited to natural reestablishment of stream buffers and stabilization of the channel using natural methods wherever possible. Prior to the final preparation and submission of the stream restoration plan, the applicant shall coordinate a meeting with the Department of Public Works and Transportation and M NCPPC to discuss the integration of the stream restoration efforts with the stormwater management facilities proposed. The areas of stream restoration shall be evaluated separately for consideration as woodland conservation areas, both on site and off site. Reflect the recommendations that result from the above analysis on subsequent detailed site plan design submittals. The recommendations and/or options implemented shall not exceed the extent of any required mitigation.**

This condition was previously addressed at time of DSP-08011. Per Planning Board Resolution PGCPB No. 09-33:

“A stream restoration plan was submitted as part of this DSP and will be reviewed with the permit plans or site- or project-specific DSPs including the stream, whichever comes first.”

The current DSP is adjacent to the stream; however, no additional impacts to the stream are proposed with this application.

Conformance with 4-07108

The following conditions apply during the preparation and review of the DSP.

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

An approved letter of revision (#19046-2007-01) to this stormwater concept plan was submitted with this DSP application; however, the associated signed and certified plan from the Department of Permitting, Inspections, and Enforcement (DPIE) was not provided. See further discussion regarding the stormwater concept plan submitted in the Stormwater Management (SWM) section of this memo.

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

According to as-built the Washington Suburban Sanitary Commission's (WSSC) plans submitted by the applicant on June 1, 2022, a WSSC easement was abandoned along the northwestern corner of Parcel 4. This area was initially shown as having 0.48-acre of woodland clearing in the floodplain (Area C) and 0.05-acre of woodland clearing outside of the floodplain (Area H). An additional 0.59-acre of reforestation (Area No.2) was proposed in this area per TCPII/085/19.

The current application shows no woodland preservation or reforestation in this area on Sheet 30 of TCPII/065/08-03. Staff recommends showing reforestation and preservation within this abandoned right-of-way instead of showing additional preservation off-site, since on-site preservation and reforestation is prioritized over off-site mitigation under current regulations.

- 14. At least 35 days prior to a Planning Board hearing of the DSP, the NRI and the TCPI associated with the CSP and the TCPI associated with the preliminary plan shall be revised and signed. They shall show the entirety of the subject property and a clear delineation of the SHA right-of-way based on submitted documentation of the acreage. This land will be shown as "previously dedicated land" and the plans shall be signed at least 35 days prior to a Planning Board hearing of the DSP.**
- 15. Prior to acceptance of the DSP, the Type I tree conservation plan shall be revised as follows and receive signature approval:**
 - a. Revise the TCPI as necessary so that both the NRI and the TCPI reflect the legal boundaries of the site.**
 - b. Revise the plans to show conceptual grading of the site for the features shown, not for the mass grading of the site. Include the proposed grading for all variation requests.**
 - c. Revise the worksheet to be a split-zoned worksheet with columns to reflect the phases (the M-X-T portion is Phase I and the R-R portion is Phase II).**
 - d. Revise the worksheet to show the SHA land dedication as "previously dedicated land."**
 - e. Correct all calculation errors on the plans and the worksheet.**
 - f. Revise the noise contour on the plan and in the legend to reflect the "65 dBA Ldn unmitigated noise contour."**
 - g. Revise the symbols and line weights on the plans so that they are reproducible in black and white.**
 - h. Revise the plans as needed to address other issues contained in the technical staff report and the resulting resolution.**
 - i. Revise the plans as needed to address all technical issues for conformance with the Woodland Conservation and Tree Preservation Ordinance.**

j. Have the revised plan signed and dated by the qualified professional who prepared the plan.

This condition was not addressed at time of DSP-08011. Per Planning Board Resolution PGCPB No. 09-33:

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

Subsequently, this site was partially graded with grading permits for the construction of Fashion Place and Konterra Boulevard East under stand-alone TCPII/065/08-02. The TCPII correctly showed the previously dedicated State Highway Administration (SHA) right-of-way deducted from the gross tract area under the “previously dedicated land” section of the TCPII worksheet.

However, the TCPI was never updated as required by this condition.

A natural resources inventory equivalency letter (NRI-EL), NRI-050-07-02, was issued for the purposes of the current DSP application since the proposed limits of disturbance do not exceed the previously approved limits of disturbance and this DSP is limited in nature. Since this DSP is not associated with a new PPS, staff does not deem it necessary to update the TCPI at this time. The TCPI will be required to be updated in accordance with current design standards at time of any subsequent PPS revisions or new PPS applications. No further information is required at this time.

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

This final trail alignment will be reviewed by the Transportation Section; however, no additional impacts to existing regulated buffers are proposed with this DSP application.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions Plan

The site has an approved NRI-EL, NRI-050-07-02. This letter was issued as this DSP application is associated with a previously approved and implemented TCPII (TCPII/085/08/02), and because the proposed work will not result in any significant changes to the limits of disturbance of the previously approved TCPII, or create additional impacts to any regulated environmental features (REF). No further information is required.

Woodland Conservation

This site is grandfathered from the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual, because the application is associated with an approved PPS 4-07108 and TCPI TCPI/05/08-01, that were approved prior to these regulations in 2008.

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

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

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

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

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

Specimen Trees

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

Preservation of Regulated Environmental Features/Primary Management Area

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

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

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

Soils

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

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

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

Stormwater Management

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

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

The unapproved plan submitted with this application covers a larger area than this DSP application, and shows the use of five SWM ponds being used for SWM. A copy of a signed and certified SWM concept from DPIE will be required prior to certification of the DSP.

Summary of Recommended Findings and Conditions

The EPS recommends approval of DSP-21033 and TCPII/065/08-03, subject to the following findings and conditions.

Recommended Findings:

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

Recommended Conditions:

1. Prior to certification of the DSP, the TCPII shall be revised as follows:
 - a. Remove all references to Phase 4 on the TCPII, and make the following changes:
 - i. Remove the associated stand-alone worksheet for Phase 4.
 - ii. Update the TCP II approval blocks accordingly, referencing the -03.
 - iii. Make Phase 5, Phase 4, once the above changes have been made.
 - iv. Update the overall TCP worksheet accordingly.
 - b. Add, sign, and date the Property Owner's Awareness Certificate on the coversheet of the TCPII.
 - c. Remove all labels associated with the abandoned WSSC rights-of-way.
 - i. Add reforestation and woodland preservation as appropriate within the area of the abandoned WSSC rights-of-way. As a minimum replace the reforestation that was previously shown on Sheet 30.
 - ii. Remove all labels associated with the abandoned WSSC rights-of-way from the TCPII.
 - d. Update all TCPII worksheets using the current worksheet templates. Indicate that this project is subject to the 1991 regulations, instead of the 1989 regulations.
 - e. Revise the acreage of all charts on the coversheet to be consistent with acreage of all labels on the TCPII plan.
2. Prior to certification of the DSP, submit a copy of the official signed and sealed stormwater management plan associated with the revised stormwater concept letter (#19046-2007-01).



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: June 2, 2022

TO: Andrew Bishop, Planner II
Urban Design Section
Development Review Division
Planning Department

FROM: Dominic Quattrocchi, Planner Supervisor *DQ*
Edward Holley, Planning Technician III *EDH*
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **DSP-21033 Metropolitan East at Konterra Town Center**

RECOMMENDATION:

The Park Planning & Development Division of DPR offers no objection to Planning Board approval of Detailed Site Plan DSP-21033, Metropolitan East at Konterra Town Center, subject to the following conditions:

1. On-site recreational facilities shall be reviewed by Urban Design for adequacy and proper siting and to establish triggers for the timing of construction for these facilities.
2. A Public Use Easement shall be submitted to DPR for review and approval and recorded in Land Records prior to certification of the Detailed Site Plan for the proposed trail network.
3. The trail alignment shall be finalized at least 35 days prior to the Detailed Site Plan hearing to ensure that it does not create an impact to the regulated buffers.

The Department of Parks and Recreation (DPR) has reviewed and evaluated this Detailed Site Plan (DSP) for conformance with the approved Conceptual Site Plan (CSP-07003) and Preliminary Plan (4-07108) for requirements as they pertain to public parks and recreational facilities.

This application is seeking approval of a DSP for 219 townhouse dwelling units in accordance with the applicable provisions of Subtitle 27 of the Prince George's County Zoning Ordinance and the 2010 Approved Subregion 1 Master Plan and Sectional Map Amendment.

The property encompassing a total 18.39 acres, is situated in the northeast and southeast quadrants of the Fashion Place & Konterra Boulevard East intersection and is currently undeveloped. The subject acreage is largely cleared or degraded from prior uses and absent environmental resources. The subject area is known as existing Parcel 4 of the approved Konterra mixed-use development outside of the Town Center Core. Townhouses will incorporate one and two car garages.

All of the parcels proposed for development are zoned M-X-T pursuant to the current Subregion 1 Master Plan/SMA. The surrounding properties are also zoned M-X-T to the north and northwest, and south. Lands, east of the Property are zoned, I-1, 1-3, and E-I-A and are separated by Konterra Drive, a public right-of-way with a variable width of 120-150 feet.

Preliminary Plan of Subdivision (PPS), 4-07108, shows mandatory dedication of parkland to be addressed by the applicant with a fee simple conveyance to M-NCPPC of 41+/- acres of off-site open space located on the west side of I-95 in the northeast quadrant of the intersection of the Intercounty Connector (ICC) and Old Gunpowder Road prior to final plat approval. The PPS also requires on-site private recreational facilities and an asphalt stream valley trail.

Open space requirements are primarily achieved by providing 2 separate focal point open space amenity areas (130,119 square feet-Parcel B; 109,982 square feet-Parcel D) centrally located within the proposed development units. As the stream valley trail is planned to be on HOA property, the applicant is required to enter into a public use easement. The Sector Plan recommends development of private recreational amenities within highly-urbanized areas. The Sector Plan recognizes that good open space does not have to be publicly owned.

Pursuant to Section 24-4601(b)(C) of the revised Prince George's County Subdivision Regulations, Recreational facilities may be provided that a plan for such recreational facilities is approved by the Planning Board after determining that the facilities will be equivalent or superior in value, to the land, improvements, or facilities that would have been provided under this Section; the facilities will be properly developed and maintained to the benefit of future residents of the subdivision through covenants, a recreational maintenance agreement, or other appropriate means, and that such instrument is legally binding upon the subdivider and the subdivider's heirs, successors, and assigns, and that such instrument is enforceable; and no permit for construction or occupancy of dwellings shall be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.

The applicant has submitted plans indicating that the on-site recreational facilities will include a variety of benches (duo bench, individual bench and swing bench), play area, playground, picnic area and bike racks. DPR staff has determined that the applicant meets the minimum threshold for onsite recreational facilities.

C: Bridget Stesney
 Christian Gabriel

From: [Reilly, James V](#)
To: [Bishop, Andrew](#)
Cc: [PPD-PGCrefferrals](#); [Reilly, James V](#)
Subject: FW: Acceptance: DSP-21033, METROPOLITAN EAST AT KONTERRA TOWN CENTER
Date: Thursday, May 12, 2022 11:56:43 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[DSP-21033.pdf](#)
Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Evening Mr. Bishop,

I apologize for the last minute and late hour email. We have reviewed the acceptance documents for DSP-21033 Metropolitan East at Konterra Town Center and we have the following comments:

1. Please demonstrate that all lots are served by 22' fire access road such that a personnel door on each dwelling is within 150' of the fire access road. It is not clear that this requirement is met at the following locations:
 - Lots 21-28
 - Lots 61-63
 - Lots 67-72
 - Lots 214-219
 - Lots 195-199
2. Fire hydrants are not shown. Please demonstrate that fire hydrants situated on 22' fire access roads are provided so that the most remote portion of each building is less than 500' as hose is laid by the fire department from a fire hydrant.

Regards. Jim

James V. Reilly
Contract Project Coordinator III



Office of the Fire Marshal
Division of Fire Prevention and Life Safety
Prince George's County Fire and EMS Department
6820 Webster Street, Landover Hills, MD 20784

Office: 301-583-1830

Direct: 301-583-1838

Cell: 240-508-4931

Fax: 301-583-1945

Email: jvreilly@co.pg.md.us



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

June 2, 2022

TO: Andrew Bishop, Senior Planner
Development Review Division, M-NCPPC

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

Re: Metropolitan East at Konterra Town Center
DSP-21033

CR: Konterra Boulevard East (Future County, Under Permit)
CR: Fashion Place (Future County, Under Permit)
CR: Konterra Drive (MDSHA)

This is in response to referral number DSP-21033, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- Konterra Town Center is located at East Konterra Boulevard, southeast corner of I-95 and Konterra Drive.
- The applicant proposes construction of 219 townhouse dwelling units on Parcel 4 of the approved Konterra mixed-use development
- DSP- 21033 is consistent with DPIE Site Development Concept Plan 19046-2007-01,

DPIE Traffic comments:

- Prior to permit, the applicant shall submit a more detailed Traffic Signal Warrant Analysis at the intersection of Old Gunpowder Road and Greencastle Road for the departments review. The analysis will include crash data, a speed study, and updated traffic counts.
- The Traffic Impact Study includes non-County maintained roadways and intersections, as such we defer all additional comments related to these intersections and roadways to MDOT SHA.

- DPIE has no objection to DSP-21033.

If you have any questions or require additional information, please contact Mr. Steve Snyder, P.E, the District Engineer for the area, at 301.883.5710.

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
Konterra Environs Ventures, LLC, 14401 Sweitzer Lane, Suite 200, Laurel, MD 20707
Soltesz, 4300 Forbes Blvd., Suite 230, Lanham, MD, 20706



Division of Environmental Health/Disease Control

Date: May 25, 2022

To: Andrew Bishop, Urban Design, M-NCPPC

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

Re: DSP-21033, Metropolitan East at Konterra Town Center

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Metropolitan East at Konterra Town Center and does not have any recommendations / comments at this time.

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



Angela Absobrooks
County Executive

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

From: [Kwesi Woodroffe](#)
To: [Bishop, Andrew](#)
Cc: [PPD-PGCR referrals](#); [Tania Brown](#)
Subject: RE: Acceptance: DSP-21033, METROPOLITAN EAST AT KONTERRA TOWN CENTER; SHA; KW
Date: Monday, May 2, 2022 11:11:50 AM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
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[image021.png](#)
[image022.png](#)
[image023.png](#)
Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Andrew,

The Traffic Study included in the subject referral will be distributed for review and Tania will copy you on the comment letter within 45 days.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
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Engineering
 Surveying
 Planning
 Environmental Sciences

NO.	REVISIONS	BY	DATE

MISS UTILITY NOTE
 INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-251-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER / DEVELOPER / APPLICANT

KONTERRA ASSOCIATES, LLC
 14401 SWEITZER LANE, 2ND FLOOR
 LAUREL, MARYLAND 20707
 CONTACT: HILLARY COLT
 TEL: 240-294-5731

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 LICENSE NO. 40835 EXPIRATION DATE: 09/27/2023



UTILITY PLAN
UTILITY PLAN
KONTERRA TOWN CENTER EAST
ENVIRON TOWNHOUSES
 VANSVILLE (1st) ELECTION DISTRICT, PRINCE GEORGE'S COUNTY, MARYLAND

TAX MAP 9, C3	ZONING CATEGORY: MXT
WSSC 200' SHEET 216/217 NE 05/06	
SITE DATA HORIZONTAL: NAD83 VERTICAL: NAVD88	
DATE: JAN. 2022 DESIGNED: MSM TECHNICIAN: NB CHECKED: JRM CAD STD'S VERSION: V8 / 2000	

DEPARTMENT PERMIT NUMBER	PARCEL AND/OR LOT AND BLOCK IDENTIFIERS
SHEET 1 OF 2	PROJECT NO. 0802-13-00

1 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes
On: 05/11/2022 10:09 AM

WSSC Plan Review Comments
DSP-21033 - Konterra Towns

----- 0 Replies -----

2 - 2 - WSSC Standard Comments for All Plans

Created by: Mary Mapes
On: 05/11/2022 10:10 AM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSC's system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at <https://www.wsscwater.com/business--construction/developmentconstruction-services.html> for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

----- 0 Replies -----

3 - WSSC Project Manager

Created by: Garrett Watkins
On: 05/13/2022 07:53 AM

Existing and/or proposed water mains and service connections are not shown on the plan. Water and sewer lines as well as proposed connections need to be included on the plan in order for WSSC to be able to comment.

Add the proposed pipeline alignments with water house connections to the plan. Additionally, if easements are required, their limits and locations must be shown. See WSSC Pipeline Design Manual Part Three, Section 2; easements and Construction Strips.

Align water service connections to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance.

Existing water mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.

Show and label easement limits on plan for all existing and proposed water mains.

Revise the plan to realign any water pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.

Water loops may be required to provide a second feed for system outage. This will be determined with WSSC Hydraulic Planning Analysis.

Water pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.

Existing and/or proposed sewer mains and service connections are not shown on the plan. Sewer mains as well as proposed connections need to be included on the plan in order for WSSC to be able to comment.

Add the proposed pipeline alignment(s) with sewer house connection(s) to the plan. Additionally, if easements are required their limits and locations must be shown. See WSSC Pipeline Design Manual Part Three, Section 2; easements and Construction Strips.

For sewer pipelines 12-inch and smaller in diameter, provide a minimum separation from a building or dwelling the greater of the following: fifteen (15) feet horizontal separation or a distance on a 1:1 slope from the bottom of the foundation of the existing or proposed building or dwelling to the bottom edge of the pipeline trench

Service connections to WSSC sewer mains 15-inch up to 27-inch require special review and approval. Contact the WSSC Permit Services Unit at (301) 206-4003 for application procedures. Service connections to WSSC sewer mains 30-inch or larger are not allowed.

Existing sewer mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.

Realign sewer service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.

Show and label easement limits on plan for all existing and proposed sewer mains.

Revise the plan to realign any sewer pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC Pipeline Design Manual.

WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

Private Street & Alley Easement Requirements. Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private streets and alleys, then the following criteria must be met:

- All separation requirements in the WSSC Pipeline Design Manual (PDM) must be met.
- A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street -and/or alley or space within the private street will be provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines.
- Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel.
- Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains.
- The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.

WSSCs minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large water/sewer will require additional easement width.

The minimum horizontal clearance from a building to the outside diameter of a WSSC pipeline is 15-feet. The minimum spacing between adjacent buildings with both water and sewer lines between them must be 40-feet. In some cases where connections, fire hydrants, or deep water/sewer lines are involved, additional easement width is required.

Balconies or other building appurtenances must not encroach within WSSC easements. Water/Sewer pipeline alignment should maintain a minimum 5-foot horizontal clearance from storm-drain pipeline/structures and other utilities. Review of plan submitted does not meet these requirements.

Existing WSSC project number DA4623Z07 will require an amendment/revision submittal to reflect the changes shown on this current plan.

----- 0 Replies -----

4 - Critical comment.

Created by: Garrett Watkins
On: 05/13/2022 08:49 AM

This is a critical comment. That means it must be addressed prior to preliminary plan approval. WSSC needs to do a 2nd review prior to plan approval.

Show the sizes of the mains according to the approved sketch as amended under the DA4623Z07 project.

Show adequate easements for the proposed WSSC mains. Larger pipes require larger

easements. See the Pipeline Design Manual for required easement widths.

For all pipe sizes, make sure that horizontal and vertical clearances are provided according to the Pipeline Design Manual.

----- 0 Replies -----

From: [Kosack, Jill](#)
To: [Bishop, Andrew](#)
Subject: FW: DSP-20133 Konterra Towns (WSSC Comments)
Date: Friday, May 13, 2022 10:13:31 AM
Attachments: [DSP-21033 WSSC Comments.pdf](#)

-----Original Message-----

From: Watkins, Garrett <Garrett.Watkins@wsscwater.com>
Sent: Friday, May 13, 2022 9:13 AM
To: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Cc: PPD-PGCR referrals <PGCRreferrals@ppd.mncppc.org>; Madagu, Jonathan <Jonathan.Madagu@wsscwater.com>; Hall, Bryan <Bryan.Hall@wsscwater.com>
Subject: DSP-20133 Konterra Towns (WSSC Comments)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning Ms. Kosack,

Attached are the WSSC comments for DSP-20133 Konterra Towns. Please be aware that there is a critical comment. That means it must be addressed prior to preliminary plan approval. WSSC needs to do a 2nd review prior to plan approval.

Garrett Watkins
WSSC
(301) 206-8814



MAYOR AND CITY COUNCIL OF LAUREL
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

8103 Sandy Spring Road • Laurel, Maryland 20707 (301) 725-5300 extension 2303

<http://www.cityoflaurel.org> • email – ecd@laurel.md.us Fax (301) 490-5068

Date: May 17, 2022

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

Subject: DSP-21033, Metropolitan East at Konterra Town Center

Board Members,

The City of Laurel is in receipt of the proposed plans for DSP-21033, Metropolitan East at Konterra Town Center and we would like to ask a couple questions about the project:

- Will there be any affordable housing included within this project?
- Will there be any senior/age restricted housing included within this project?
- Will the developer align the streetlights with the City of Laurel Street lighting criteria for housing developments?
- Will the developer ensure storm drain systems and runoff are compatible and not in conflict with the City's drains and run off in that area?
- Will traffic patterns align with the streets and intersections in the immediate area; has an updated traffic study been done taking into account the Westside, Avery Place, Avalon Bay, Royal Farm, Laurel Hospital Complex, and Contee Crossing Developments?

The City of Laurel is not in opposition of the project but would like to ensure that the project aligns with the development goals of the city to create a seamless transition between Laurel and the Konterra project.

Thank You

Robert Love
Director
Department of Economic and Community Development

cc: Thomas E. Dernoga, Prince George's County Council Member, District One
Andre J. Gingles, Attorney, Gingles, LLC

Additional Back-up

For

DSP-21033

Metropolitan East At

Konterra Town Center

APPLICANT'S PROPOSED REVISIONS TO CONDITIONS
DSP-21033
Metropolitan East at Konterra Town Center

1. Prior to certification, the applicant shall revise the detailed site plan (DSP), as follows, or provide the specified documentation:
 - a. Label the six parcels as Parcels P through U.
 - b. Label the two blocks using any two of the following four designations: Block O, Block P, Block Q, and/or Block R.
 - c. Label the 219 lots as Lots 1 to 114 in the northern block and Lots 1 to 104 in the southern block.
 - d. Revise the "Percentage of Reduced Sized Lots-VP-07108" table to include separate lines for lots which are between 1,000 square feet and 1,199 square feet in size and lots which are between 1,200 square feet and 1,799 square feet in size. On the table, show the percentage of lots (out of the 760 total approved with Preliminary Plan of Subdivision 4-07108) which are between 1,000 square feet and 1,199 square feet in size. Include a note beneath the table stating that, pursuant to Section 27-548(h) of prior Prince George's County Zoning Ordinance, lots at least 1,200 square feet in size do not require a variance.
 - e. Revise the "Development Accumulation Table" to show the development approved with Detailed Site Plan DSP-08011, rather than only the development from that plan so far constructed. Revise the table to include the six parcels proposed with this DSP and the non-townhouse lots approved with Preliminary Plan of Subdivision 4-07108 and DSP-08011.
 - f. [Show three points of access from the northern block, in order to allow the land immediately north of the Detailed Site Plan DSP-21033 site to develop in the manner shown on approved Preliminary Plan of Subdivision 4-07108.]
 - g. Show the location of the existing Washington Suburban Sanitary Commission easement crossing the northeast corner of the northern block.
 - h. Highly visible side elevations shall include a minimum of three standard features, in addition to a minimum of the first and second floor finished in brick, stone, or masonry.
 - i. Include a tracking chart on the DSP for the 60 percent full-front façades of brick, stone, or stucco.
 - j. Include development standards on the plan for fences, decks, and sheds.
 - k. Add site plan notes and revise the architecture, if necessary, as follows:

- “No two townhouse units located next to, or across the street from, each other may have identical front elevations.”
 - “All townhouse side elevations shall include a minimum of two standard features. Every highly visible townhouse side elevation shall include full brick, stone, stucco, or other masonry treatment on the first and second floor, combined with at least three windows, doors, or other substantial architectural features.”
 - “A minimum of three townhouse dwelling units in any horizontal, continuous, attached group shall have a roof feature containing either a cross gable or dormer window(s).”
 - “All townhouse building groups shall include a minimum of 60 percent of the combined front elevations finished in brick, stone, or other masonry.”
- l. Demonstrate that all lots are served by a 22-foot-wide fire access road and includes a personnel door on each dwelling, within 150 feet of the fire access road.
 - m. Revise the traffic impact study to remove the trips generated by the multifamily units, and only evaluate the impacts generated by the phased development of this DSP for 219 townhouse units.
 - n. Update the plans to display the bicycle lane and associated cross section along the subject property’s full frontage of Konterra Boulevard East.
 - o. Submit a mid-block crossing analysis to the Prince George’s County Department of Public Works and Transportation for the location where Fashion Place intersects with the stream valley trail, to determine if a mid-block crosswalk to provide a continuous pedestrian connection is feasible. If the crosswalk is deemed feasible, the applicant shall be required to construct the mid-block crossing. prior to the first building permit. If the crosswalk is deemed not feasible and the analysis does not support a crosswalk at this location, the current configuration will remain, subject to modification by the operating agency.
 - p. Provide details of the pole for the proposed streetlights and revise the photometric plan to demonstrate sufficient lighting levels in the alleys.
 - q. Provide attractive year-round landscaping at the base of the piers and entrance signs.
 - r. Provide pet waste stations along proposed trails within this DSP.
 - s. Install signage at the intersection of the stream valley trail and Fashion Place, to alert pedestrians and motorists to the pedestrian crossing, subject to approval of the operating agency.
 - t. [Submit a copy of the official signed and sealed stormwater management plan associated with the revised Stormwater Concept Letter (19046-2007-01).]
 - u. Provide a general note showing the proposed and allowed floor area ratio, relative to

all approved development within the total area of Conceptual Site Plan CSP-07003.

- v. Revise all 16-foot-wide buildings to be a minimum of 18 feet wide. Revise all lot lines, architecture, and site features accordingly, subject to the approval of the Urban Design Section, as designee of the Planning Board. This revision may result in the decrease in the number of units in this DSP.
2. Prior to certification of the detailed site plan, the Type II tree conservation plan shall be revised, as follows:
- a. **If the stand-alone TCP II for Phase 4 is not approved prior to this TCP II, then** [R] remove all references to Phase 4 on the TCPII, and make the following changes:
 - (1) Remove the associated stand-alone worksheet for Phase 4.
 - (2) Update the TCPII approval blocks, accordingly, referencing the -03 revision.
 - (3) Make Phase 5, Phase 4 once the above changes have been made.
 - (4) Update the overall TCP worksheet, accordingly.
 - b. Add, sign, and date the Property Owner's Awareness Certificate on the coversheet of the TCPII.
 - c. Remove all labels associated with the abandoned Washington Suburban Sanitary Commission (WSSC) rights-of-way.
 - (1) Add reforestation and woodland preservation, as appropriate, within the area of the abandoned WSSC rights-of-way. At a minimum, replace the reforestation that was previously shown on Sheet 30.
 - (2) Remove all labels associated with the abandoned WSSC rights-of-way from the TCPII.
 - d. Update all TCPII worksheets using the current worksheet templates. Indicate that this project is subject to the 1991 regulations, instead of the 1989 regulations.
 - e. Revise the acreage of all charts on the coversheet, to be consistent with acreage of all labels on the TCPII.
3. At the time of final plat, the applicant shall submit:
- a. A request for a variation from Section 24-128(b)(12) of the prior Prince George's County Subdivision Regulations. If the variation is not approved, a detailed site plan amendment and revised final plat will be required, showing a 10-foot-wide public utility easement along at least one side of all private rights-of-way.
 - b. A request for a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations. If the variation is not approved, a detailed site plan

amendment and revised final plat will be required, showing that all lots served by alleys will have frontage on a public right-of-way.

4. Prior to approval of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for the stream valley trail, to the Development Review Division of the Prince George's County Planning Department, for approval. The easement agreement shall contain the rights of the Maryland-National Capital Park and Planning Commission, be recorded in the Prince George's County Land Records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved detailed site plan.
5. Prior to approval of the first building permit, the applicant shall submit a traffic signal warrant analysis, to the appropriate operating agency, for the intersection of Greencastle Road and Old Gunpowder Road, if the applicant's updated traffic impact study indicates that a signal is warranted at the intersection. If the signal is warranted, the applicant shall install the traffic signal within the timeline and the standards determined by the appropriate operating agency.
6. The proposed private recreational facilities shall be constructed and inspected by the Maryland-National Capital Park and Planning Commission, in accordance with the following schedule:
 - a. Construct the central park and play area on Parcel B of the North Block, prior to approval of the 55th townhouse building permit.
 - b. Construct the playground area with zipline and play structures on Parcel B of the North Block, prior to approval of the 110th townhouse building permit.
 - c. Construct the central park, play area, and seating areas on Parcel D in the South Block, prior to approval of the 125th townhouse building permit.
 - d. Construct the picnic area, including pavilion and tables, on Parcel D of the South Block, prior to approval of the 175th townhouse building permit.
 - e. Construct the 10-foot-wide asphalt stream valley trail on Parcel B, prior to approval of the 100th townhouse building permit.
 - f. Construct the 10-foot-wide asphalt stream valley trail on Parcel D, prior to approval of the 200th townhouse building permit.

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

Proposed New Language is **Green Bold Underlining**

Proposed Deletions is **[Red Brackets]**

From: [Giles, Mary C.](#)
To: [Snyder, Steven G.](#); [Jason Mills](#); [Bishop, Andrew](#)
Subject: Konterra Town Center - Concept approval
Date: Wednesday, June 22, 2022 11:49:51 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

DPIE was informed that MNCPPC asked the engineer to provide you with the latest approved site development concept (letter and plan) for Konterra Town Center.
Steve can you please email this to Mr. Andrew Bishop? Andrew – please note that DPIE does not re-stamp the concept plan every time we issue a concept approval letter.

Thank you.

DPIE Customer Satisfaction Survey (CSS) has been revised and features a new link for FY 2021-2022. Please let us know how we are doing!

<https://www.surveymonkey.com/r/DPIECSS21-22>

Mary C. Giles, P.E.

Associate Director

Prince Georges County Department of Permitting Inspections and Enforcement

DPIE

Site Road Plan Review Division

9400 Peppercorn Place, Suite 230

Largo, Maryland 20774

Desk phone 301 883 5777

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Email mcgiles@co.pg.md.us

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