



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

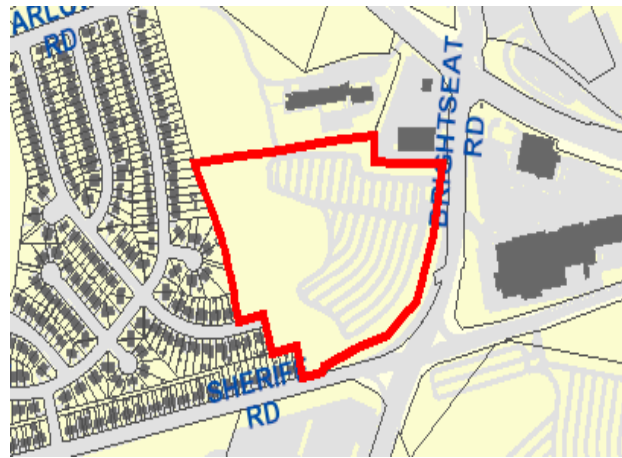
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# Conceptual Site Plan 1990 Brightseat Road Property

## CSP-13006-01

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of March 23, 2023 to March 30, 2023.</p> <p>Development of up to 170 rear-loaded single-family attached condominium units on a single lot.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> <li>•Approval of Conceptual Site Plan CSP-13006-01</li> <li>•Approval of Type 1 Tree Conservation Plan TCP1-001-14-01</li> <li>•Approval of a Variance to Section 25-122(b)(1)(G)</li> </ul>

<b>Location:</b> In the northwest quadrant of the intersection of Brightseat Road and Sheriff Road.	
Gross Acreage:	22.15
Zone:	AG/TAC-C
Zone Prior:	O-S/M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	170
Gross Floor Area:	0
Planning Area:	72
Council District:	05
Municipality:	N/A
<b>Applicant/Address:</b> Neighborhood Partners 100, LLC 11 Dupont Circle, NW Suite 900 Washington, D.C. 20036	
<b>Staff Reviewer:</b> Tom Burke <b>Phone Number:</b> 301-952-2739 <b>Email:</b> Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	03/30/2023
Planning Board Action Limit:	04/06/2023
Staff Report Date:	03/08/2023
Date Accepted:	11/16/2022
Informational Mailing:	10/21/2021
Acceptance Mailing:	11/10/2022
Sign Posting Deadline:	01/10/2023

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/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-13006-01  
Type 1 Tree Conservation Plan TCP1-001-14-01  
1990 Brightseat Road Property

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

**EVALUATION CRITERIA**

The property is located within the Town Activity Center-Core (TAC-C) and Agriculture and Preservation (AG) Zones, formerly the Mixed Use-Transportation Oriented (M-X-T) and Open Space (O-S) Zones. This application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903(c) of the Zoning Ordinance, which allows certain development proposals to be reviewed under the prior Zoning Ordinance. This conceptual site plan application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance, specifically for the Mixed Use-Transportation Oriented (M-X-T) and Open Space (O-S) Zones.
- b. The requirements of the 2010 *Prince George's County Landscape Manual*.
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- d. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- e. Referral comments.

**FINDINGS**

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

1. **Request:** The application proposes to develop the subject property with 170 rear-loaded single-family attached condominium units on a single lot.

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	TAC-C/AG	M-X-T/O-S
Use(s)	Vacant/parking lot	Residential, Townhouse
Gross Acreage	17.26/4.89	17.26/4.89*
Floodplain Acreage	4.06	4.06
Net Acreage	18.05	18.05
Total Gross Floor Area (GFA) (sq. ft.)	-	293,088 sq. ft.**
Of which Commercial GFA	-	0
Residential GFA	-	0
Total Townhouse Units	-	170

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

Base Density Allowed:	0.40 FAR
Total FAR Permitted:	0.40 FAR
Total FAR Proposed:	0.304 FAR***

**Note:** \*The gross tract area on the various plans submitted is represented as 22.12 acres and 22.15 acres. A condition has been provided herein, to correct the acreage to be consistent on all plans.

\*\*The gross floor area (GFA) proposed is not provided on the conceptual site plan (CSP). A condition has been provided herein, to include the GFA in the CSP general notes.

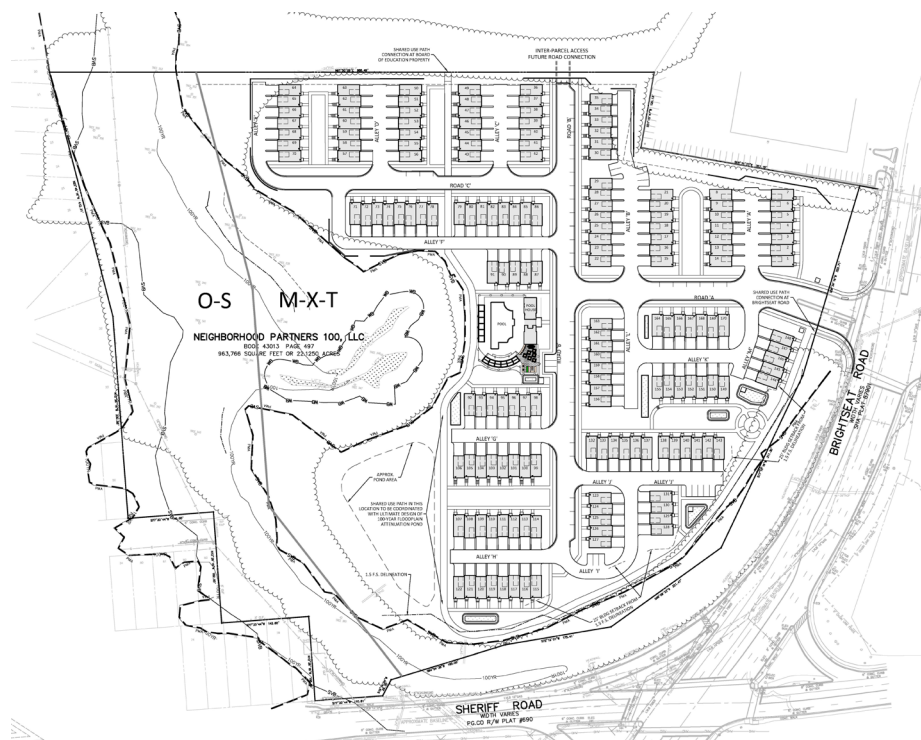
\*\*\*The floor area ratio (FAR) proposed is not provided on the CSP. A condition has been provided herein, to provide a FAR table on the CSP.

- 3. Location:** The subject property is located in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road, in Planning Area 72 and Council District 5. The site is currently unimproved, with remnants of a former overflow parking lot to serve the nearby stadium. The Cattail Branch Creek runs north/south through the western end of the site, with an extension of the stream projecting further into the middle of the property.
- 4. Surrounding Uses:** The site is bounded to the north by the Board of Education Bonnie F. Johns Educational Media Center and a parcel improved with an existing automotive dealership, both in the Town Activity Center–Core (TAC-C) Zone; to the east by Brightseat Road, with commercial uses in the TAC-C Zone beyond; to the south by Sheriff Road, with FedEx Field stadium property in the Legacy Comprehensive Design Zone beyond; and to the west by single-family detached homes in the Residential, Single-Family-Attached Zone.



5. **Previous Approvals:** The subject property, also referred to as Parcel 51, was the subject of Certification of Nonconforming Use CNU-25172-11, which sought non-conforming use certification for a permanent use and occupancy permit, to allow parking for stadium events. The Prince George’s County Planning Board denied the request (PGCPB Resolution No. 12-87); however, the Prince George’s County District Council approved it on February 11, 2013, allowing the existing gravel lot to continue as a temporary nonconforming use for five years. The 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* (sector plan) rezoned 19.57 acres, including the subject property, from the Miscellaneous Commercial Zone to the Mixed Use-Transportation Oriented (M-X-T) Zone. On June 26, 2014, the Planning Board approved CSP-13006 (PGCPB Resolution No. 14-60) for the development of 380 multifamily units.
  
6. **Design Features:** This CSP proposes a single-use, residential community including up to 170 single-family attached dwelling units with associated recreational facilities, in compliance with the prior Prince George’s County Zoning Ordinance and applicable review criteria. The project, which will be primarily located on the M-X-T-zoned portion of the property, will comply with all applicable development standards of the M-X-T Zone.

The property is proposed to be developed with up to 170 rear-loaded single-family attached units in a condominium regime on a single lot. All units will be constructed with 3 stories, measuring 18 feet wide by 36 feet deep, and up to 1,704 gross square feet of interior space. Each unit will be provided one-garage parking space and at least one parking space in the driveway, with the exception of units 30–35, which will only be provided with a single garage parking space. In addition to the unit parking provided, 52 on-site parking spaces will be provided as either on-street parallel parking or head-in spaces. The overall parking provided will result in a total of approximately 2.26 spaces per unit.



**Figure 1: Conceptual Site Plan**

The proposed streets within the community will be private and are designed as modified sections, in accordance with the County's urban street design standards. An opportunity for an inter-parcel access has been provided for future development on adjacent properties to the north of the subject property.

A community center is proposed, with a 2,100-square-foot clubroom and a 1,970-square-foot fitness center. A master plan trail is proposed to extend through the site for a future trail connection to the north.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** This application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the prior Zoning Ordinance.
  - a. This application is in conformance with the requirements of Section 27-547, Uses Permitted, of the prior Zoning Ordinance, which governs uses in all mixed-use zones, as follows:
    - (1) The proposed residential use is permitted in the prior M X-T Zone. Per Footnote 7 of the Table of Uses, which stipulates that the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, development of this property would be limited to the numbers and types, as proposed in this CSP, that cannot exceed 170 single-family attached condominium units.
    - (2) Section 27-547(d) of the prior Zoning Ordinance provides standards for the required mix of uses for sites in the M X T Zone, as follows:
      - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M- X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
        - (1) **Retail businesses;**
        - (2) **Office, research, or industrial uses;**
        - (3) **Dwellings, hotel, or motel.**

Only residential uses are proposed with this CSP. Section 27-547(e) of the prior Zoning Ordinance provides an exception to the required mix of uses “for property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the general plan, and a master plan, or sector plan for which a comprehensive land use planning study was conducted by technical staff prior to initiation, a CSP submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.”

In an e-mail dated July 1, 2014, to the applicant’s legal representative from the Maryland-National Capital Park and Planning Commission’s Legal Department (Borden to Haller), it was concluded that an Urban Land Institute Technical Assistance Panel conducted between January 17 and 18, 2006, for the redevelopment of the Landover Mall and vicinity, and which included the subject property, was deemed sufficient to allow the applicant to proceed with a single use on the subject property. With the recommended conditions, the proposal will conform to the visions, goals, and policies within the sector plan.

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

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

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

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

The applicant is not proposing the use of the optional method. The statement of justification (SOJ) provided 0.304 FAR proposed for this site, which is within the maximum.

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

The CSP proposes more than one building on 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.**

This requirement is not applicable to this CSP, but will be applicable to a subsequent detailed site plan (DSP) review for this site.

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

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

This requirement will be reviewed for compliance at the time of DSP when detailed building designs are provided; however, the CSP complies with this requirement.

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

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

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

This requirement is met, pursuant to prior Subtitle 24. The applicant will need to request a variation at the time of preliminary plan of subdivision (PPS), to provide access directly from an arterial roadway (Brightseat Road) if an internal road is not provided.

- (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.**

This CSP proposes 170 single-family attached units in a condominium regime. Conformance with these specific townhouse requirements will be reviewed at the time of PPS and DSP, when detailed lot and building information is available.

- (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.**

Multifamily buildings are not being proposed with this application.

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

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

The proposed development is in conformance with the purposes of the M-X-T Zone. One purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of Prince George's County. The proposed development, located in the northwest quadrant of the Sheriff Road and Brightseat Road intersection will provide increased economic activities to the numerous retail, dining, and recreational opportunities in the immediate vicinity. Proximity to these amenities will allow for the reduction of the number and distance of automobile trips. This CSP, in general, promotes the purposes of the M X-T Zone and contributes to the orderly implementation of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). Another purpose of the M-X-T Zone is to create compact, mixed-use, and walkable communities that emphasize pedestrian experience with active street fronts, encouraging a 24-hour environment. Although this development is entirely residential, accessibility to nearby commercial operations is critical and will be further evaluated with the DSP. The visual character and identity of the project will be a function of the architecture of the buildings, entrance features, and landscape plantings, which will be evaluated at the time of DSP review. Buildings should be designed with high-quality detailing and design variation and should be appropriate in scale with the location. The architecture, landscape treatment, signage, and other elements should be coordinated to give the development a distinctive visual character.

- (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 2009, through the sector plan. This sector plan does not contain a design concept for the subject property but does provide design guidelines and standards for evaluating conformance with a general design concept for the center and edge areas. If approved with the recommended conditions, the intent of the design guidelines and sector plan will be met.

- (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 details of the orientation are not fully available at the time of CSP; however, based on conceptual plans provided, the proposed development will be partially outwardly oriented with the front and side facades of the townhouse units oriented toward Brightseat Road, Sheriff Road, and the main road into this community. At the time of PPS, the applicant will be encouraged to increase the front facades along the entrance road into the community. Several residential, commercial, and industrial development projects are currently in various stages of review or construction within this area.

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

This site is bounded by public roadways to the east and south, by a Board of Education property and car dealership to the north, and by the Palmer Park single-family detached subdivision to the west. Staff believes that the proposed residential development, if sensitively designed in accordance with the sector plan vision, will be compatible with existing development in the vicinity.

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

The design proposed for the site will need additional refinement to adequately reflect a cohesive development of continuing quality and stability. The layout, internal circulation, and connectivity will be reviewed further at the time of PPS and DSP.

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

The applicant has indicated in the SOJ that phasing this development is not anticipated.

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

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

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

This finding will be evaluated at the time of DSP.

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

This requirement is applicable to this CSP, as it was placed in the M-X-T Zone by a sectional map amendment; This property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the site is evaluated according to the following standards:

**Links and Signalized Intersections:** Level-of-Service E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

**Unsignalized Intersections:** For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds



50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

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

**Trip Generation**

The applicant’s trip generation summary considers 170 townhouse dwelling units. The table below summarizes trip generation in each peak hour that will be used in reviewing traffic and developing a trip cap for the site:

Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Townhouses (Prince George’s County Rates)	170	Units	24	95	119	88	48	136
Total Proposed Trips			24	95	119	88	48	136
Total New Trips (Trip Cap)					119			136

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

- MD 202 (Landover Road) & SB I-495 Ramps (signalized)
- MD 202 (Landover Road) & Brightseat Road (signalized)
- MD 202 (Landover Road) & Barlowe Road (signalized)
- MD 202 (Landover Road) & 75th Avenue / Kent Town Place (signalized)
- Sheriff Road & Brightseat Road (signalized)
- Brightseat Road & Landover Crossing Shopping Center Driveway (unsignalized)

**Existing Traffic**

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service /Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1234	1207	C
Landover Road (MD 202) & Brightseat Road	835	1133	A	B
Landover Road (MD 202) & Barlowe Road	823	1028	A	B
Landover Road (MD 202) & 75th Avenue / Kent Town Place	1123	1213	B	C
Sheriff Road & Brightseat Road	592	671	A	A
Brightseat Road & Landover Crossing Shopping Center (unsignalized)	33 s*	91 s*	Pass	Pass

\*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.

**Background Traffic:**

The traffic impact study identified one background development whose impact would affect study intersections. In addition, annual growths of one percent over six years were applied to the existing traffic volumes. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service /Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1318	1298	D
Landover Road (MD 202) & Brightseat Road	902	1241	A	C
Landover Road (MD 202) & Barlowe Road	871	1089	A	B
Landover Road (MD 202) & 75th Avenue / Kent Town Place	1197	1298	C	C
Sheriff Road & Brightseat Road	633	722	A	A
Brightseat Road & Landover Crossing Shopping Center (unsignalized)	46 s*	887 s*	Pass	Fail

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

**Total Traffic**

In developed future condition, the number of northbound Brightseat Road left turn lanes at site access, and southbound Brightseat Road left turn lanes at Sheriff Road, are both planned to be reduced from two to one. The study intersections, when analyzed with total developed future traffic, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service /Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1323	1316	D
Landover Road (MD 202) & Brightseat Road	922	1268	A	D
Landover Road (MD 202) & Barlowe Road	880	1097	A	B
Landover Road (MD 202) & 75th Avenue / Kent Town Place	1202	1303	C	D
Sheriff Road & Brightseat Road	643	731	A	A
Brightseat Road & Site Access / Landover Crossing Shopping Center (unsignalized)	93 s*	+999 s*	Fail	Fail
	481	708	A	A

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

**Total Traffic with Improvements**

To reduce the delay time, Brightseat Road & Site Access/Landover Crossing Shopping Center intersection is proposed to be converted to a signalized intersection. The traffic signal warrant analysis included in the traffic impact study demonstrates that a traffic signal is warranted. In fact, at the time this referral was prepared, traffic signals have been installed at the intersection, but have not been operational yet. The study intersections, when analyzed with total developed future traffic with the proposed signalized intersection, operate as follows:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENT CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service /Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1323	1316	D
Landover Road (MD 202) & Brightseat Road	957	1309	A	D
Landover Road (MD 202) & Barlowe Road	880	1097	A	B
Landover Road (MD 202) & 75th Avenue / Kent Town Place	1202	1303	C	D
Sheriff Road & Brightseat Road	695	779	A	A
Brightseat Road & Site Access / Landover Crossing Shopping Center (signalized)	481	708	A	A

Based on the findings and conclusions of the traffic impact study, the Transportation Planning Section concludes that existing transportation facilities, with additional improvements and analyses provided by the applicant, are sufficient to support the proposed development and meets the requirements of Section 27-546(d)(9) of the prior Zoning Ordinance.

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

**Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

This finding is not applicable because this application is a CSP; however, the finding will be evaluated at the time of DSP.

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

The subject site contains only 22.15 acres and therefore does not meet the above acreage requirement. Furthermore, this CSP does not propose development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The proposed development concept provides townhouses and community amenities designed to front on roadways. A connected circulation system for vehicles and pedestrians is proposed. Detailed designs of all buildings, site infrastructure, features, and streetscape amenities such as light fixtures, benches, trash receptacles, bicycle racks, and other street furniture will be further reviewed at the time of DSP.
- e. In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27 574(b) of the prior Zoning Ordinance. At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required for development. A condition is provided herein, that prior to acceptance of a DSP, the applicant shall submit a parking analysis to determine the parking rate for the proposed development, which examines the uses, in accordance with Section 27-574.

**8. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. This application is also subject to the requirements of the Environmental Technical Manual (ETM). Type 1 Tree Conservation Plan TCP1-001-14-01 has been submitted with this application and requires minor revisions to be found in conformance with the WCO.

Based on the TCP1 submitted with this application, the site contains a total of 4.70 acres of woodlands and 3.42 acres of wooded floodplain for a total of 8.12 acres of existing woodlands. The site has a woodland conservation threshold of 17.11 percent, or 3.09 acres. The TCP1 proposes to clear 2.01 acres of woodland resulting in a total woodland conservation requirement of 3.88 acres. The woodland conservation requirement is

proposed to be met with 2.92 acres on-site preservation, 0.59-acre reforestation, and fee-in-lieu for 0.37 acre. There is a discrepancy between the existing woodland shown on the natural resources inventory (NRI) plan and the TCP1. The NRI plan shall be revised to identify the same existing woodland total as the TCP1. Technical revisions are required to the TCP1 prior to certification of the CSP in conformance with the conditions provided at the end of this memorandum.

9. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only.
  - a. **2010 Prince George’s County Landscape Manual:** Per Section 27-548, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Specifically, the site is subject to the following sections of the Landscape Manual: Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.4, Screening 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 Roads.
  - b. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 22.15 acres in size, resulting in a TCC requirement of 2.2 acres. Compliance with this requirement will be evaluated at the time of DSP.
  
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are adopted herein by reference and main points are summarized, as follows:
  - a. **Historic Preservation**—In a memorandum dated November 16, 2022 (Stabler to Burke), and incorporated herein by reference, the Historic Preservation Section provided an evaluation concluding that the probability of archeological sites within this property is low and that a Phase I archeology survey will not be recommended. Further, the memorandum indicates that this property does not contain, and is not adjacent to any Prince George’s County historic sites or resources.
  - b. **Community Planning**—In a memorandum dated January 12, 2023 (Bellina to Burke), and incorporated herein by reference, the Community Planning Division indicated that the application is in conformance with both the sector plan and Plan 2035. This application is also in conformance with the sector plan’s land use recommendations. The following design principals were identified to be evaluated with the DSP:
    - (1) Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.

- (2) Include wide sidewalks and distinctive, visually appealing streetscape elements.
- (3) Ensure buildings are not set back to provide a continuous street wall for pedestrians.
- (4) Use street grid patterns to create compact blocks of development.
- (5) Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk.
- (6) Develop well-placed open space throughout the district to serve for formal and informal gatherings.

c. **Subdivision**—In a memorandum dated January 6, 2023 (Vatandoost to Burke), and incorporated herein by reference, the Subdivision Section provided an analysis of this application with the following comments:

- (1) The property is located adjacent to A-31 (Brightseat Road), a master-planned arterial roadway. A Phase I noise study will be required with the PPS to demonstrate that any planned outdoor recreation areas and the residential dwelling units are not impacted by noise. While the CSP depicts the layout of dwelling units and location of on-site recreational facilities, these will be finalized at the time of DSP, at which time Phase II noise studies will be required. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to not higher than that level. All dwellings exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.
- (2) The CSP proposes direct access to Brightseat Road, a master-planned arterial roadway. A variation from Section 24-121(a)(3) of the prior Prince George’s County Subdivision Regulations will be required with PPS to approve the proposed access to an arterial road.
- (3) Pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations, all residential lots and parcels adjacent to existing or planned arterial roadways shall be platted with a minimum depth of 150 feet. Otherwise, a variation from Section 24-121(a)(4) will be required at the time of PPS.
- (4) The CSP identifies locations for the proposed on-site recreational facilities. The adequacy of any on-site recreational facilities to satisfy Section 24-134 of the prior Subdivision Regulations, mandatory dedication of parkland requirement will be evaluated at the time of PPS and DSP. Recreational facilities should include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.

(5) The CSP proposes two parcels for 170 single-family attached condominium dwelling units. The development is proposed to be served by a network of private streets and alleys. The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets internal to the development will also be determined at the time of the PPS. General Note 18 on the CSP states that variable public utility easements (PUEs) are provided along all rights-of-way. The location of required PUEs along all public and private streets will be determined with the PPS and should be in accordance with Section 24-122(a) and Section 24-128(b)(12) of the prior Subdivision Regulations.

d. **Transportation Planning**—In a memorandum dated March 3, 2023 (Yang to Burke), and incorporated herein by reference, the Transportation Planning Section provided an evaluation of the previous conditions of approval and conformance to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the sector plan, summarized herein:

The MPOT recommends the following facilities:

- **Bike lanes: Sheriff Road and Brightseat Road**
- **Shared-use path: between Sheriff Road and Brightseat Road intersection and the northern boundary of the subject property**

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 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.**

**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.**

**Policy 6: Work with the State Highway Administration and the Prince George’s County Department of Public Works and Transportation to develop a complete streets policy to better accommodate the needs of all users within the right-of-way.**

The sector plan also recommends wide sidewalks, improved lighting, on-road bicycle lanes, and pedestrian crosswalks at all intersecting streets on Brightseat Road. The policies related are:

**Policy 1: Provide opportunities for residents to make some trips by walking or bicycling.**

**Policy 2: Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit-supporting design features in all new development within centers and corridor nodes.**

**Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.**

The latest CSP includes the master plan shared-use path, but does not show master plan bike lanes. Staff recommends that, as conditions, prior to the acceptance of a DSP, the applicant should show pedestrian circulation or the proposed sidewalk locations on the plan and provide bike lanes along the sections that abut the subject property.

- e. **Environmental Planning**—In a memorandum dated January 12, 2023 (Rea to Burke), and incorporated herein by reference, the Environmental Planning Section provided an analysis of the application’s conformance with the WCO, incorporated into Finding 9 above, along with the following summarized comments:

**Specimen Trees**

Section 25-122(b)(1)(G) of the Prince George’s County Code requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

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



The approved NRI identifies a total of 25 specimen trees. The applicant hired an arborist after the submission of plans for this case to re-evaluate the specimen trees that would be impacted or removed by this development. The arborist determined that Specimen Tree 350 did not meet the definition of a specimen tree. The NRI plan shall be revised with the updated specimen tree information prior to certification of the TCP1. The following analysis is the review of the request to remove one specimen tree located on-site.

A Subtitle 25 variance was submitted for review with this application. The TCP1 shows the removal of Specimen Tree 349, which condition has been ranked as poor to fair.

**SPECIMEN TREE SCHEDULE SUMMARY FOR ONE TREE PROPOSED FOR REMOVAL ON TCP1-001-14-01**

<b>Specimen Tree #</b>	<b>Species</b>	<b>Condition</b>	<b>DBH (inches)</b>	<b>Reason for Removal</b>	<b>Applicant's Disposition</b>
349	American Beech	Poor/Fair	36	Stormdrain Outfall	Remove

The removal of the one specimen tree requested by the applicant is supported based on the findings below.

**Evaluation**

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the one specimen tree. The one tree requested for removal is in fair to poor condition. The majority of specimen trees on-site are considered fair to good. Those "special conditions" relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 22.15 acres, and the TCP1 shows approximately 7.39 acres of primary management area (PMA) comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately one third of the overall site area. The applicant is proposing to preserve the site's PMA to the fullest extent practicable and is proposing woodland conservation and afforestation to further protect the PMA.

This site contains steep slopes which further restricts the development potential. The specimen trees have grown to size across the property as a whole. Complete retention of this tree would limit the developable area of the site.

The proposed use, as residential development, is a reasonable use for the mixed-use zoned site and it cannot be accomplished elsewhere on the site without additional variances. Development cannot occur on the portions of the site containing regulated environmental features and PMA, which limit the site area available for development. The one specimen tree proposed for removal is identified as an American Beech, which has poor construction tolerance and is in poor to fair condition. If this tree is retained, the tree could become hazardous due to the stresses imposed by construction. Requiring the applicant to retain the one specimen tree on the site by designing the development to avoid impacts to the critical root zones would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

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

Based on the location and species of the specimen tree proposed for removal, retaining the tree and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential development is a use that aligns with the uses permitted in the M-X-T Zone. The specimen tree requested for removal is located within the proximity of a stormdrain outfall as needed infrastructure for the development of this site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured regulated environmental features and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the one specimen tree would be the result of the installation of a stormdrain outfall, infrastructure required for the development. The specimen tree proposed for removal is an American Beech, which has poor construction tolerances. Retaining this tree during development could result in hazardous situations. The request to remove the tree is solely based on the tree's location on the site, the species, and its condition.

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

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

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding stormwater management (SWM) will be reviewed and approved by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

**Conclusion**

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree, identified as Specimen Tree 349.

Staff recommends that the Planning Board approve the requested variance for the removal of one specimen tree for the construction of a residential development.

**Preservation of Regulated Environmental Features/Primary Management Area**

The site contains regulated environmental features, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA.

Section 27-273(e)(15) of the prior Zoning Ordinance requires that CSP applications include "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible."

Section 27-276(b)(4) of the prior Zoning Ordinance states that for all CSP applications “The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).”

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

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

A letter of justification (LOJ) and exhibits for PMA impacts were provided with the SDRC submittal of this application. A revised LOJ was submitted January 6, 2023. This LOJ identifies seven impacts. The seven proposed impacts are for the construction of two stormdrain outfalls, two for slope stabilization efforts, one is for a sanitary outfall connection, one is for soil stabilization efforts, and one is for non-woody buffer establishment. The proposed on-site impacts total approximately 0.79 acre. A detailed summary of each impact is below.

#### **Storm Drain Outfalls Impacts**

Two areas of impact are proposed for an approximate total of 13,594 square feet (0.31 acre) of permanent impacts for the installation of two stormdrain outfalls. These impacts cannot be avoided because they are required by other provisions of the County and state codes.

These impacts are supported as proposed.

**Slope Stabilization Impacts**

Two areas of impact are proposed for an approximate total of 10,032 square feet (0.23 acre) of temporary impacts. One impact, located in the northwestern portion of the property, is for mitigation of an eroded condition caused by the existing gravel surface parking lot. The second impact, located in the southwestern portion of the property, is for the mitigation to remove an existing drainage pipe to allow the installation of a 100-year attenuation facility. The applicant proposes to replant these areas upon completion of the work.

These impacts are supported as proposed.

**Sanitary Outfall Impacts**

This one permanent impact is for the installation of a sanitary outfall to the manhole in Sheriff Road, east of the intersection with Brightseat Road, which will result in approximately 2,156 square feet (0.05 acre) of PMA impact.

This impact is supported as proposed.

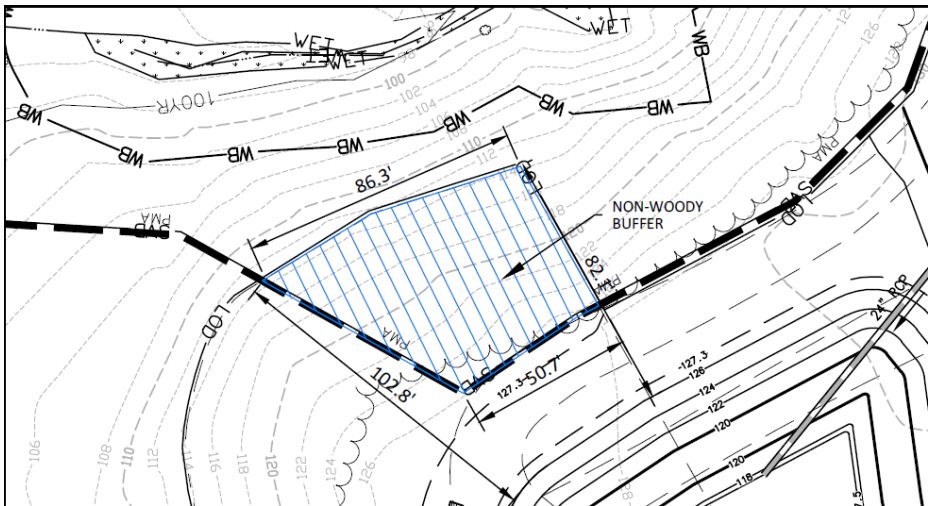
**Soil Stabilization Impacts**

This one impact proposes approximately 341 square feet (0.01acre) of impacts to implement soil stability measures. The scope of work is limited to the crest of the slope on the west side of the man-made swale along Brightseat Road and is based on the recommendations of a global stability analysis, which calls for limited undercutting and placement of a stone buttress.

This impact is supported as proposed.

**Non-Woody Buffer Establishment Impacts**

These impacts, which are in two areas and shown in exhibits 4 and 7, are for the establishment of a required non-woody buffer to the 100-year attenuation pond for a disturbance of approximately 8,125 square feet (0.19 acre). These impacts can be avoided if the pond is repositioned.



**Figure 2: Impacts proposed due to non-woody buffer**

This impact is not supported as proposed because the proposed grading for the non-woody buffer can be designed to avoid impacts to the PMA by shifting the location of the pond.

### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey include the Christiana-Downer-Urban land complex, Croom-Urban land complex, Russett-Christiana-Urban land complex, Urban land-Collington-Wist complex, and Zekiah and Issue soils, frequently flooded. According to available mapping information, unsafe soils containing Marlboro clay do not occur on this property. However, Christiana clay, which is considered an unsafe soil, is present on-site. This information is provided for the applicant's benefit.

A geotechnical report and slope stability analysis was submitted with this application and reviewed by the Commission's Geotechnical expert. The 1.5 factor safety line is correctly shown on the TCP1; however, the 25-foot setback line is not being shown on the plan. Prior to certification of the CSP, the TCP1 shall be revised to show the 25-foot setback line from the 1.5 Safety Factor Line.

### **Stormwater Management**

An unapproved Site Development Concept Plan, 46784-2021, was submitted with the current application. Submittal of an approved site development concept letter and plan will be required for subsequent development review applications. No further information pertaining to stormwater management is required at this time.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated January 9, 2023 (Thompson to Burke), and incorporated herein by reference, DPR provided an evaluation of the mandatory dedication of parkland by providing on-site recreation, including master plan trails. DPR also provided an exhibit, included in the backup for this application.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 14, 2022, and incorporated herein by reference, DPIE offered a review of roadway, trail, and bike lane requirements for this site.
- h. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire Department did not offer comments on this application.
- 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 this application.
- j. **Prince George's County Health Department**—In a memorandum dated November 30, 2022, and incorporated herein by reference, the Health Department provided comments relating to public health and wellbeing.

11. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, if approved with the conditions below, the CSP represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
12. Section 27-276(b)(4) requires that, for approval of a CSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24 130(b)(5). According to the review by the Environmental Planning Section (Rea to Burke, January 12, 2023), impacts are proposed for the construction of stormdrain outfalls, to stabilize slopes, install a sanitary outfall, stabilize soil on-site, and to provide a non-woody buffer to a SWM facility. All the impacts, except for the non-woody buffer impacts, which are part of Impacts 4 and 7, are supported.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-13006-01, and Type 1 Tree Conservation Plan TCP1-001-14-01, for 1990 Brightseat Road Property, subject to the following conditions:

1. Prior to certification of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. Correct the acreage of the site to be consistent on all plans.
  - b. Provide the gross floor area in the general notes.
  - c. Provide a floor area ratio table on the CSP.
  - d. Revise the natural resources inventory to correct the Site Statistics Table and the specimen tree information.
  - e. Revise the Type 1 tree conservation plan (TCP1) as follows:
    - (1) Show the 25-foot setback line from the 1.5 Safety Factor Line.
    - (2) Revise the information on the TCP1 Site Statistic Table with the data on the revised natural resources inventory plan.
    - (3) Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet, identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-13006-01 for the removal of the following specimen tree: 349.”

- (4) Revise the CSP and TCP1 to remove the primary management area impacts for the proposed stormwater management pond non-woody buffer.
- (5) Enhance the Limit of Disturbance line, so it is easier to read.

2. At the time of detailed site plan (DSP):

a. The following design criteria shall be addressed:

- (1) The applicant shall use full cut-off light fixtures to prevent light trespass and direct the pattern of light pooling on-site.
- (2) The applicant shall consider setting aside space for a community garden.
- (3) Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.
- (4) The development shall be designed and organized to create cohesively designed building groups along the interior roads extending from Brightseat Road and connecting to Parcel 56 to the north. The buildings should have a strong relationship with each other, as well as the internal road. The buildings should also be organized to provide quality public spaces, with pedestrian connections that will provide a pleasant outdoor setting for the residents.
- (5) Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
- (6) Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing shall be included for all residential and recreational buildings in the DSP.
- (7) All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone, and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
- (8) Front elevations of residential units shall be oriented toward the internal road extending from the main entrance to the site, Brightseat Road, and Sheriff Road to the extent feasible. Side elevations of the highly visible units from the internal road extending from the main entrance to the site, Brightseat Road, or Sheriff Road shall be designed with the same attention to detail as the front elevation by providing enhanced architectural design such as ornamentation, varying rooflines, balanced fenestration, and siding consisting of a combination of brick, stone, stucco, or other masonry materials of equivalent quality.



- (9) A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.
- b. Submit a parking analysis to determine the parking rate for the proposed development, which examines the uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.
- c. Submit a bicycle and pedestrian plan which displays the details, locations, and extent of the following facilities:
  - (1) Marked bicycle lanes along the subject property's frontage of Brightseat Road and Sheriff Road.
  - (2) Pedestrian circulation or the proposed sidewalk locations on the plans.
  - (3) A shared-use path that meets the 2012 *American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities* and the operating agencies' requirements.
- d. The following issues regarding the proposed on-site recreational facilities shall be addressed:
  - (1) The applicant and the applicant's heirs, successors, and/or assignees, shall provide on-site private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and property siting, prior to approval of the DSP by the Prince George's County Planning Board.
  - (2) The applicant shall demonstrate to the Prince George's County Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the applicant and the applicant's heirs, successors, and/or assignees.
  - (3) The applicant shall submit three (3) original executed private recreational facilities agreements (RFAs), for the private recreational facilities on-site, to the Development Review Division (DRD) of the Prince George's County Planning Department, for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County.

- (4) The applicant shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, within at least two weeks prior to applying for building permits. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate to the satisfaction of the Prince George's County Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
3. Prior to the issuance of permits for this subdivision:
  - a. A Type 2 tree conservation plan shall be approved.
  - b. The applicant shall submit an approved stormwater management concept plan and approval letter.
  - c. The following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.
    - (1) Install or verify that traffic signals are operational at Brightseat Road and Site Access/Landover Crossing Shopping Center intersection.
4. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

# 1990 BRIGHTSEAT ROAD PROPERTY

Conceptual Site Plan

TCP1-001-14-01

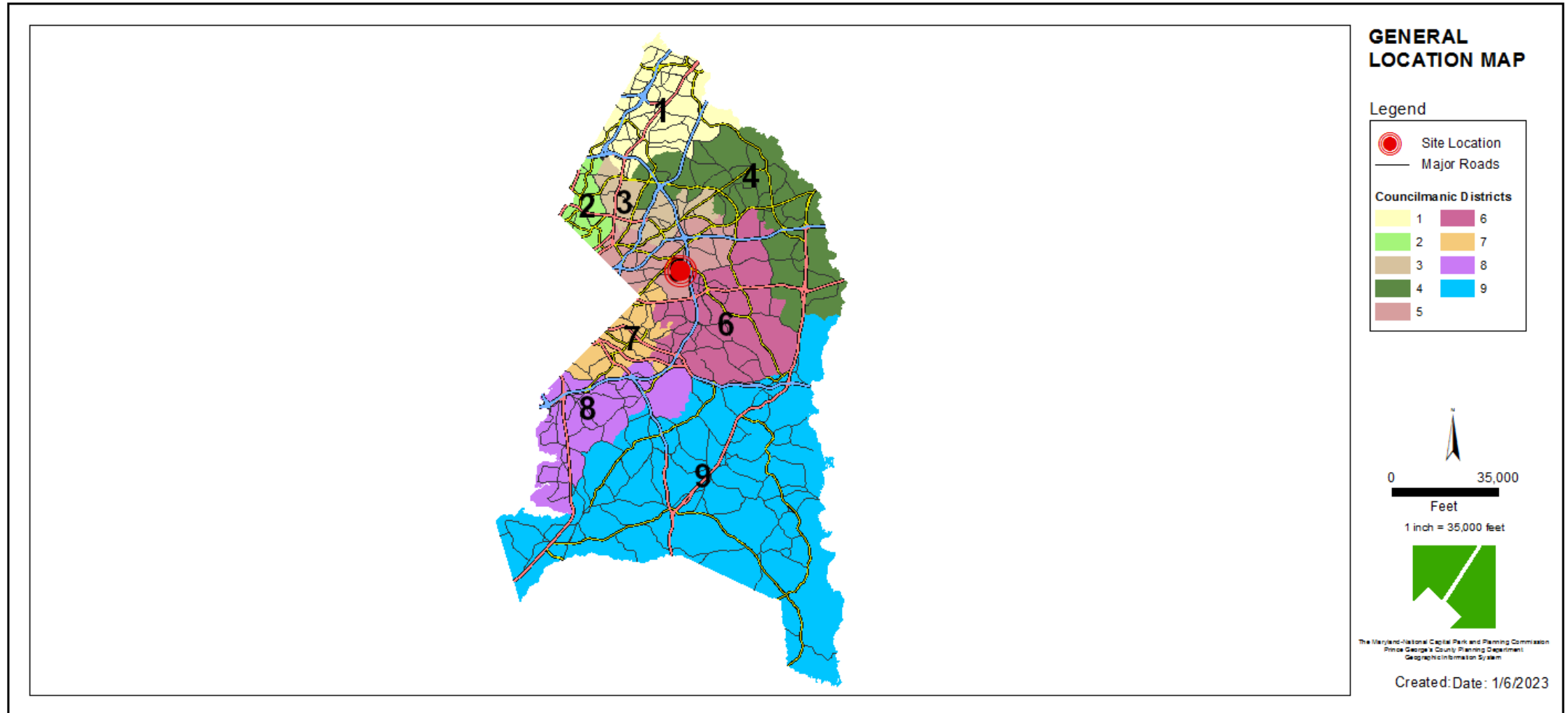
**Staff Recommendation: APPROVAL** with conditions



# GENERAL LOCATION MAP

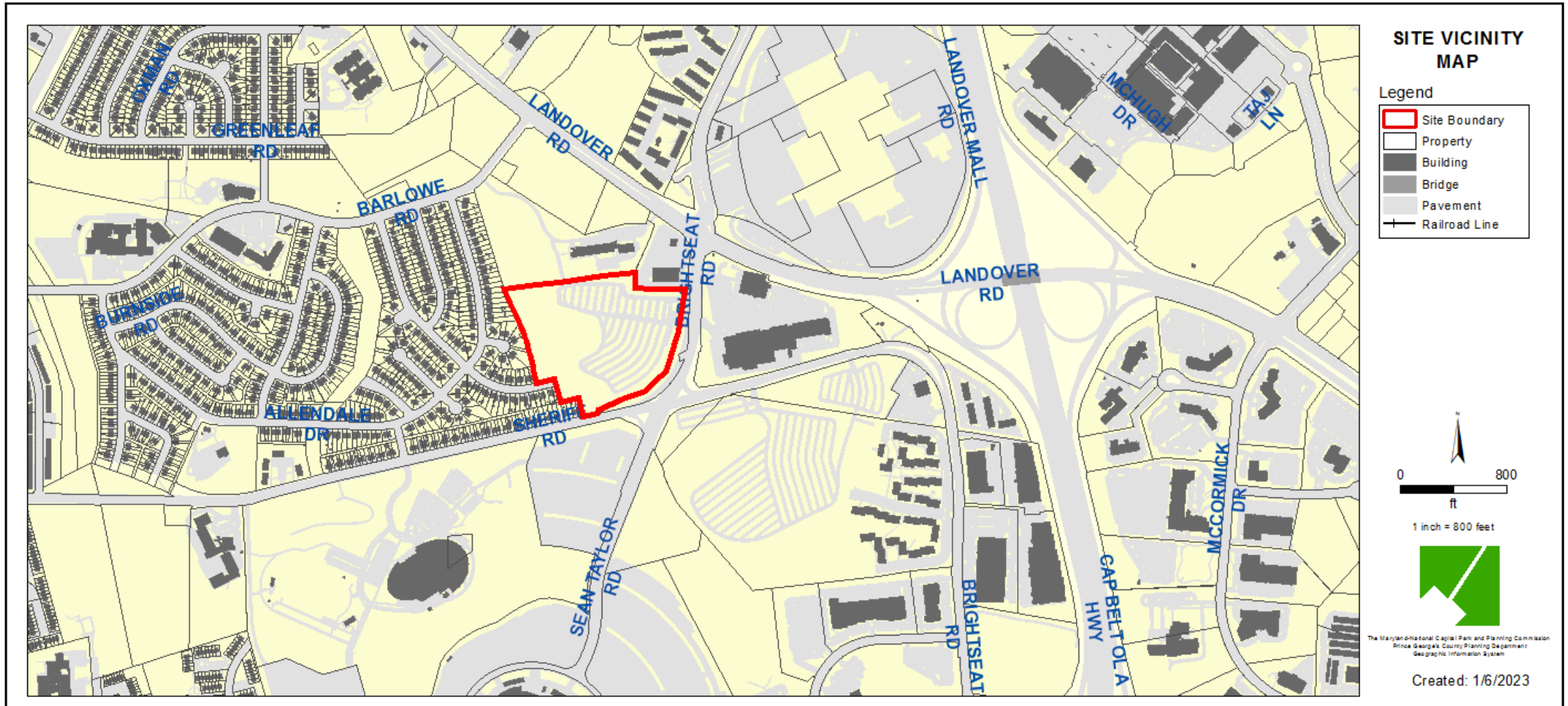
Council District: 05

Planning Area: 72





# SITE VICINITY MAP

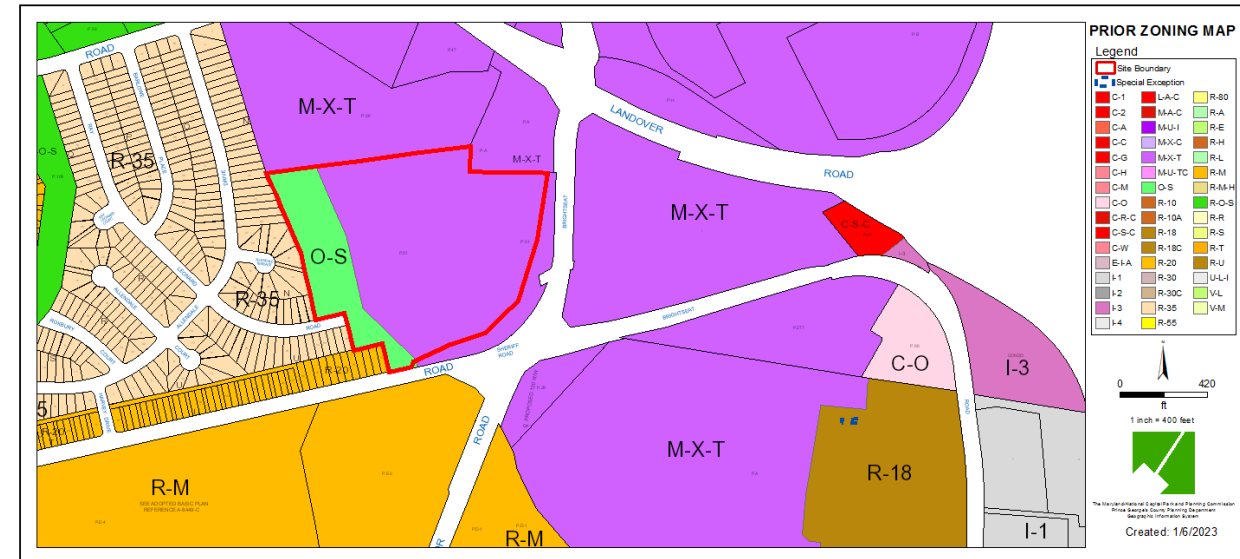
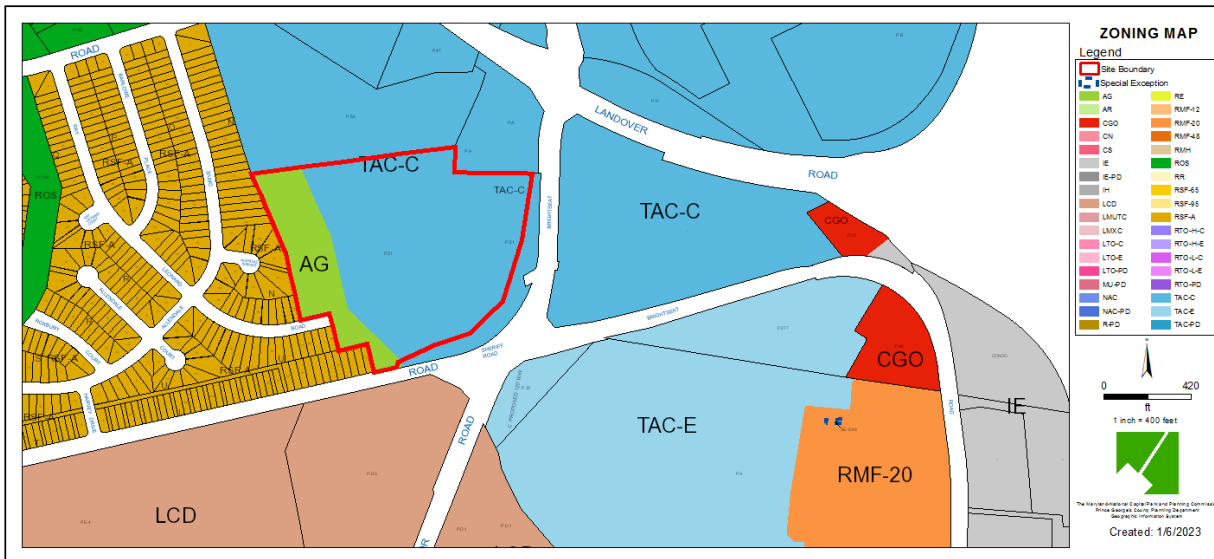


# ZONING MAP (CURRENT & PRIOR)

Property Zone: AG/TAC-c  
 Prior Property Zone: O-S/M-X-T

CURRENT ZONING MAP

PRIOR ZONING MAP



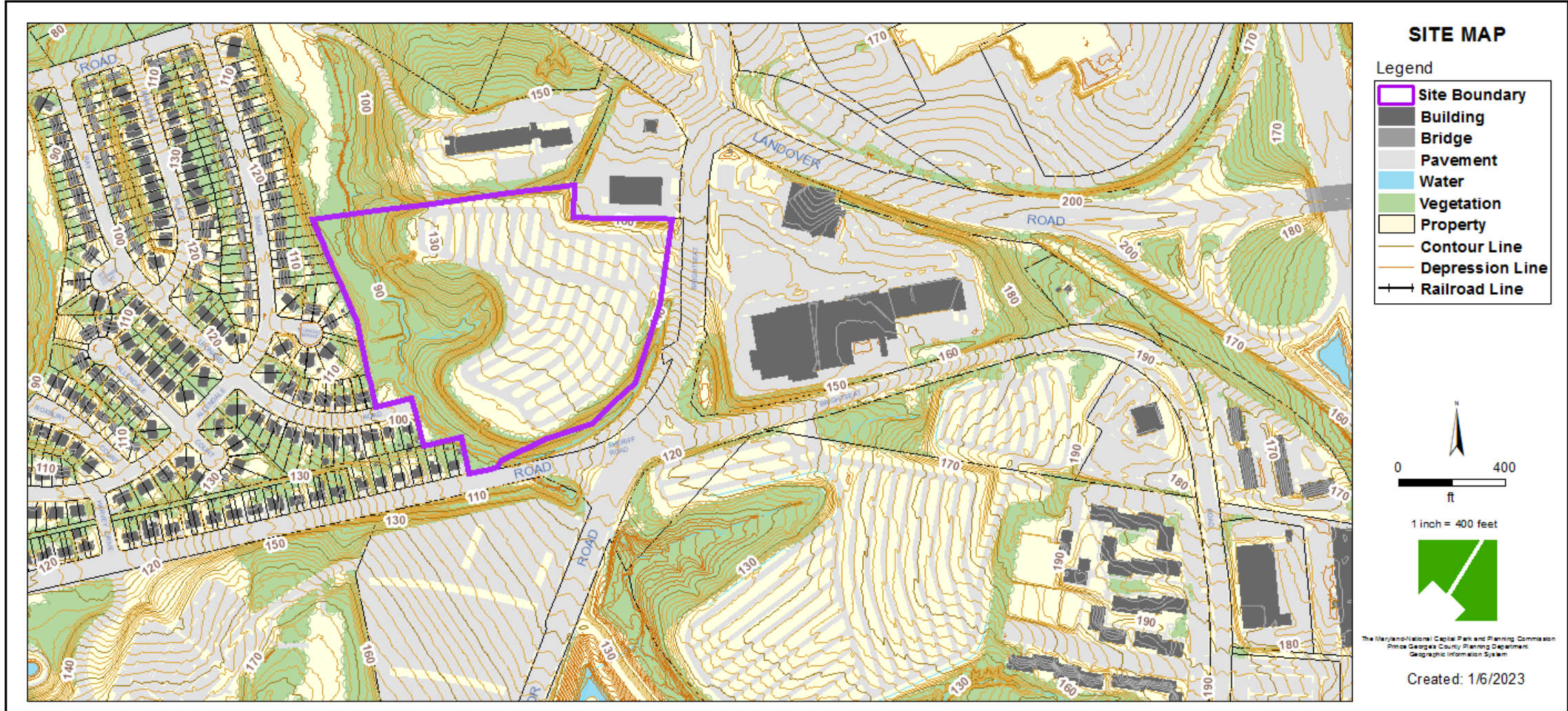


# AERIAL MAP



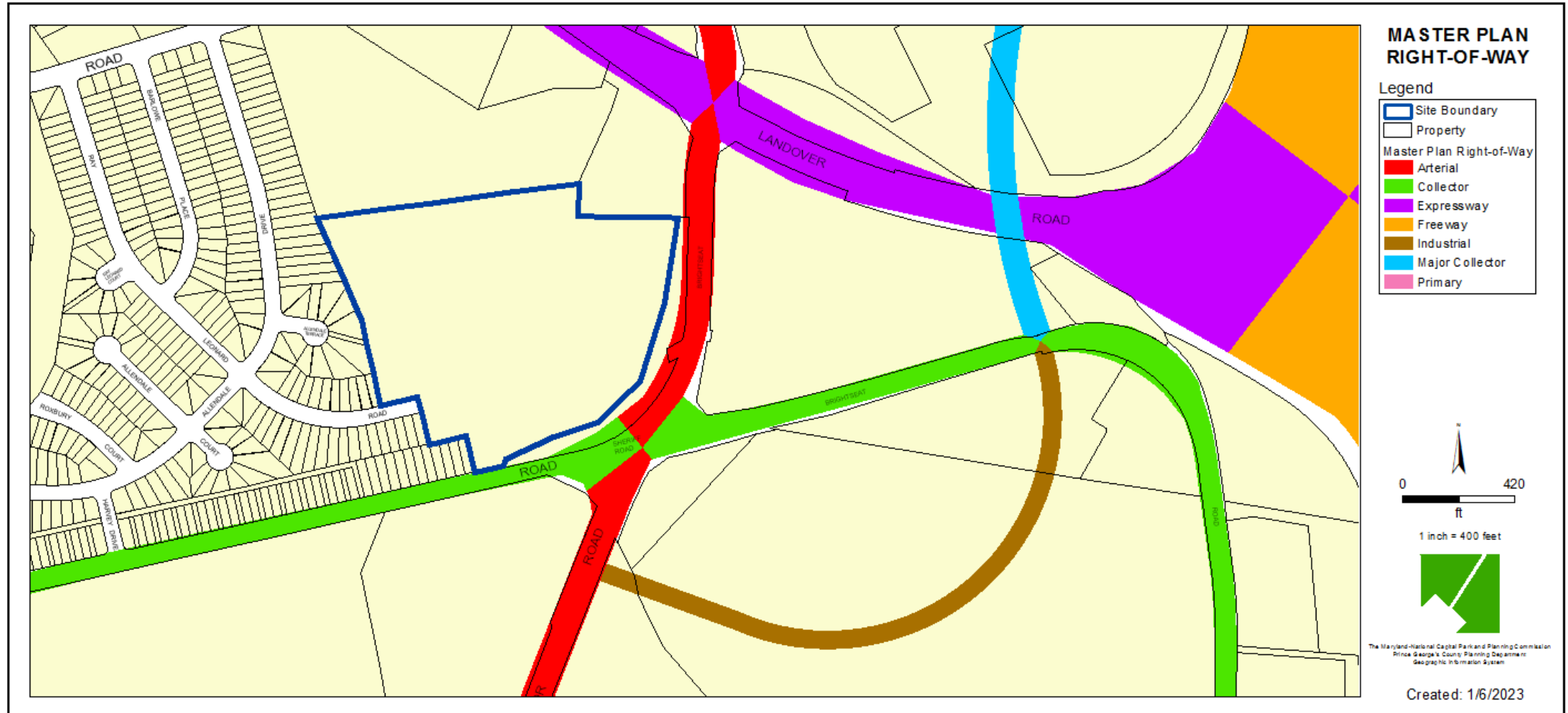


# SITE MAP

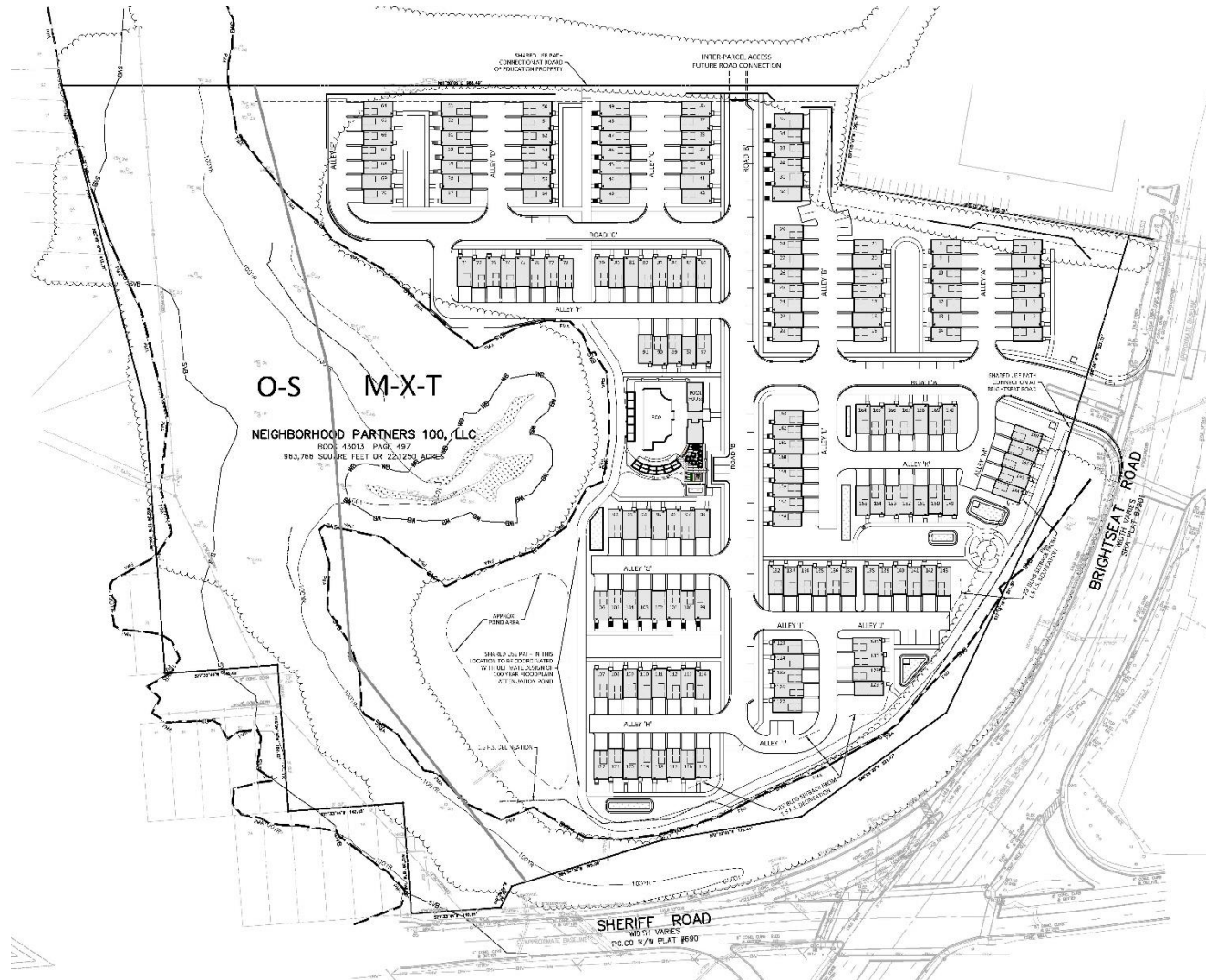




# MASTER PLAN RIGHT-OF-WAY MAP

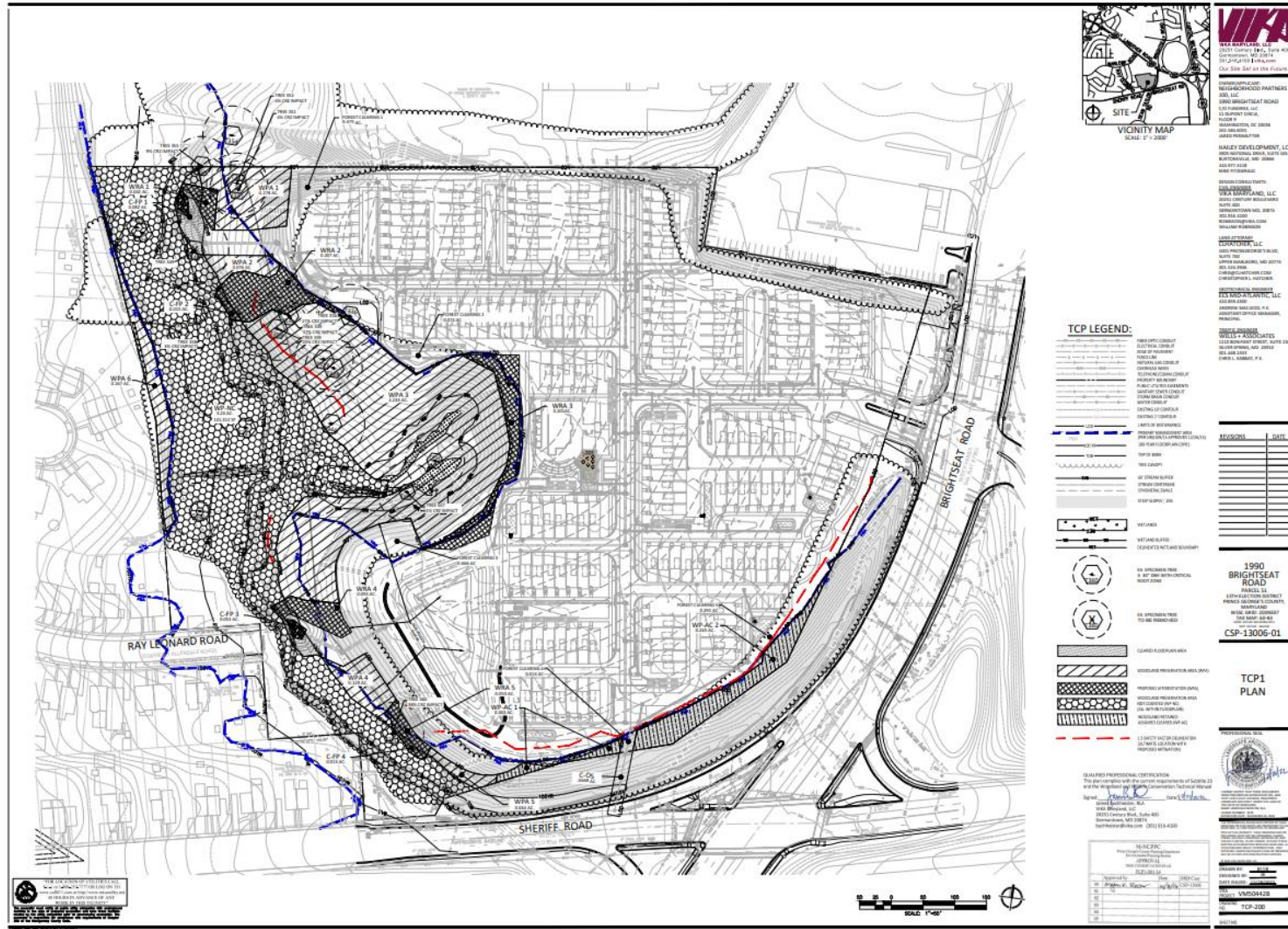


# CONCEPT LAND USE AND CIRCULATION PLAN





# TYPE I TREE CONSERVATION PLAN



# STAFF RECOMMENDATION

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

**Conceptual Site Plan CSP-13006-01**  
**Type 1 Tree Conservation Plan TCP1-001-14-01**

## **[Major/Minor] Issues:**

- None

## **Applicant Required Mailings:**

- Informational Mailing: 10/21/2021
- Acceptance Mailing: 11/10/2022

## I. INTRODUCTION

Neighborhood Partners 100 LLC (the “**Applicant**”), by and through CLHatcher LLC, submits this Conceptual Site Plan (“**CSP**”) Justification Statement to demonstrate that the proposed horizontal multifamily community on the subject property is in compliance with the applicable provisions of Subtitle 27 of the Prince George’s County Code in effect prior to the April 1, 2022, Effective Date of the County’s New Zoning Ordinance (the “**Prior Zoning Ordinance**”), the *2009 Approved Landover Gateway Sector Plan* (the “**Master Plan**”) and *Proposed Sectional Map Amendment* (the “**SMA**”), relevant conditions of approval associated with CSP-13006, and other applicable review requirements and criteria. The subject property consists of approximately 22.12 acres located at 1990 Brightseat Road (the “**Property**”).

The Property is currently zoned TAC-C (Town Activity Center – Core) / AG (Agricultural and Preservation) pursuant to Prince George’s County’s recently implemented Zoning Ordinance (the “**New Zoning Ordinance**”) and was previously split zoned M-X-T (Mixed Use – Transportation Oriented) and O-S (Open Space), pursuant to the Prior Zoning Ordinance. The Property is subject to the recommendations of the Master Plan and is located within the Established Communities Growth Policy Area of the *Plan Prince George’s 2035 Approved General Plan* (the “**General Plan**”).

As described in detail herein and shown on CSP-13006/01, the Applicant proposes to develop the Property with a horizontal multifamily community including up to 172 single-family attached dwelling units and associated recreational facilities (the “**Project**”), in compliance with the Prior Zoning Ordinance and applicable review criteria. The Project, which will be primarily located on the M-X-T Zoned portion of the Property, will comply with all applicable development standards of the M-X-T Zone, and transform an underutilized overflow parking lot into a vibrant high-quality community. Accordingly, the Applicant respectfully requests Planning Board approval of this CSP application.

## II. PROPERTY DATA

<i>A. Location:</i>	1990 Brightseat Road, Hyattsville, MD 20785.
<i>B. Tax Map #:</i>	60-B3.
<i>C. Frontage:</i>	Brightseat Road (to the east). Sheriff Road (to the south).
<i>D. Election District:</i>	13.
<i>E. Legislative District:</i>	22.
<i>F. Councilmanic District:</i>	5.
<i>G. Municipality:</i>	N/A.
<i>H. Acreage:</i>	± 22.12 acres.
<i>I. Prior Zoning:</i>	M-X-T / O-S. <sup>1</sup>
<i>J. Subdivision:</i>	Parcel 51.
<i>K. Previous Approvals:</i>	CSP – 13006. CNU – 25172-11.
<i>L. Existing Water Company:</i>	W-3.
<i>M. Existing Sewer Company:</i>	S-3.
<i>N. Historic:</i>	N/A.
<i>O. Master Plan &amp; SMA:</i>	<i>The 2009 Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment.</i>
<i>P. General Plan:</i>	<i>Plan 2035 Prince George's Approved General Plan.</i>

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<sup>1</sup> The Property was previously zoned M-X-T / O-S. The Property was rezoned to TAC-C / AG on April 1, 2022, pursuant to the recently implemented New Zoning Ordinance. The subject CSP application is processed and reviewed pursuant to the Prior Zoning Ordinance and previous M-X-T / O-S Zoning.

### **III. EXISTING AREA AND SURROUNDING NEIGHBORHOOD**

The Property is located along the east side of Brightseat Road, north of the intersection between Brightseat Road and Sheriff Road. It is currently being used as overflow parking for events at FedEx Field. The Property is also surrounded by a mix of commercial, residential, and entertainment related uses. To the west of the Property is an existing single-family detached subdivision. To the north of the Property is a Board of Education property housing the Bonnie F. Johns Educational Media Center and a parcel improved with an existing car dealership. To the east of the Property is Brightseat Road and an existing shopping center. To the south of the Property is Sheriff Road and a surface parking lot serving FedEx Field.

### **IV. LAND USE OVERVIEW**

#### **A. Previous Approvals**

##### **1. CNU-25172-11**

The Property was subject to CNU-25172-11 which sought non-conforming use certification to obtain a permanent Use and Occupancy permit to allow parking for FedEx Field. The Planning Board denied the request, PGCPB Resolution No. 12-87. However, the District Council approved it on February 11, 2013, which allowed the existing gravel parking lot.

##### **2. CSP-13006**

CSP-13006 proposed approximately 380 multifamily garden-style dwelling units totaling approximately 462,000 square feet of residential square footage. CSP-13006 did not propose any commercial square footage. The Planning Board approved CSP-13006 on June 26, 2014 and adopted PGCPB No. 14-60 subject to 13 conditions. The Planning Board decision was not appealed to the District Council. An analysis of the conditions of approval is contained below.

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

*a. A General Note shall be added to the CSP indicating the FAR allowed and proposed.*

*b. The plan shall be revised to show the bearings and distances of the subject property on Sheets 1, 5, 7 and 8.*

Comment: This condition is no longer relevant. CSP-13006 was certified on October 4, 2016. Additionally, this CSP may propose some amendments which will require review of this condition.

*2. Prior to certification of the conceptual site plan (CSP), the Type I tree conservation plan (TCP1) shall be revised as follows:*

*a. Show the standard TCP1 approval block with an additional column listing the associated CSP number.*

*b. Show the standard woodland conservation worksheet, revised as necessary.*

*c. Remove the NRI notes from the plan.*

*d. Include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."*

*e. Show the centerlines of Brightseat Road and Landover Road (MD 202).*

*f. Revise the standard TCP1 notes as follows:*

*(1) Revise the title of the notes to: "Type 1 Tree Conservation Plan Notes;"*

*(2) Revise note 1 to reference the current CSP application;*

*(3) Revise note 9 to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site;*

*(4) Revise the standard stormwater management note to include all of the standard language;*



*(5) Add the standard note regarding woodland conservation on land to be dedicated to public agencies.*

*(6) Revise the legend to include all symbols shown on the plan.*

*(7) Eliminate all unnecessary proposed clearing and grading from areas where no development is proposed up to the minimum distance required from woodland conservation areas.*

*(8) Have the plan signed and dated by the qualified professional who prepared it.*

Comment: This condition is no longer relevant. CSP-13006 was certified on October 4, 2016. Additionally, this CSP may propose some amendments which will require review of this condition.

*3. Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA for SWM-03. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce S-01.*

Comment: This condition is no longer relevant. CSP-13006 was certified on October 4, 2016. Additionally, this CSP may propose some amendments which will require review of this condition.

*4. A traffic signal and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access shall be provided, when deemed warranted by SHA.*

Comment: The Applicant is coordinating with the State Highway Administration (“SHA”) regarding the potential traffic signal. CSP-13006 was approved for 380 dwelling units. This proposed CSP proposes less than 172 dwelling units. As a result of this dramatic reduction in density, it is unlikely that this signal will be required

based on the number of trips that the proposed community will generate. The Applicant is also coordinating with SHA regarding the pedestrian and bicycle facilities along Brightseat Road. At this point, SHA is relatively deferential to Prince George's County (the "County") regarding these proposed facilities. Thus, the Applicant continues to coordinate with the County on the pedestrian and bicycle facilities.

*5. The applicant shall provide a bike lane on both sides of Brightseat Road, extending across Sheriff Road on Redskins Drive, to provide a bicycle connection to the Wayne K. Curry Sports and Learning Center within the existing paved section of the roadways, unless modified by SHA and/or DPW&T.*

Comment: The Applicant is coordinating with SHA regarding the bicycle facilities along both sides of Brightseat Road. At this point, SHA is relatively deferential to the County regarding these proposed facilities. Thus, the Applicant continues to coordinate with the County on the bicycle facilities.

*6. At the time of preliminary plan, the following shall be addressed:*

*a. Pedestrian circulation in and through the site, including access to the adjacent school board property;*

*b. Facilities for bicycle storage in appropriate locations;*

*c. Provision of standard sidewalks along both sides of all internal roads; and*

*d. Construction of the master plan trail along the subject property's entire length of the tributary of Cattail Branch.*

Comment: The Applicant is in the process of assembling the necessary materials for the Preliminary Plan of Subdivision. This condition will be addressed at the time of Preliminary Plan of Subdivision. As it relates to Condition 6(d), the Applicant proposes a realignment of the Master Plan trail to both meet the Master Plan's intent for the proposed trail and accommodate private recreational facilities on-site.

*7. At the time of detailed site plan, the following trail and bicycle issues shall be addressed:*

*a. The location and number of bicycle parking spaces.*

Comment: The Applicant is in the process of assembling the necessary materials for the Detailed Site Plan. This condition will be addressed at the time of Detailed Site Plan.

*8. At the time of detailed site plan, if the development application shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, a noise report shall be prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.*

Comment: The Applicant is in the process of assembling the necessary materials for the Detailed Site Plan. This condition will be addressed at the time of Preliminary Plan of Subdivision.

*9. At the time of detailed site plan (DSP), the following design issues shall be addressed:*

*a. The applicant shall use full cut-off light fixtures to prevent light trespass, and direct the pattern of light pooling on-site.*

*b. The applicant shall consider setting aside space for a community garden.*

*c. Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.*

*d. Provide sufficient visitor parking spaces evenly distributed among the multifamily units.*

*e. The development shall be designed and organized so as to create cohesively designed building groups. The appearance of surface parking areas shall be minimized. The buildings should have a strong relationship with each other. The buildings should also be organized to provide quality public spaces with pedestrian*

*connections that will provide a pleasant outdoor setting for the residents.*

*f. Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.*

*g. Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing, shall be included for all residential and recreational buildings in the DSP.*

*h. All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.*

*i. Side elevations of the multifamily buildings highly visible from the internal road, Brightseat Road or Sheriff Road shall be designed with the same attention to detail as the front elevation.*

*j. A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.*

Comment: The Applicant is in the process of assembling the necessary materials for the Detailed Site Plan. This condition will be addressed at the time of Detailed Site Plan.

*10. At the time detailed site plan, the following issues regarding private on-site recreational facilities shall be addressed:*

*a. The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review*

*Division for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.*

*b. The applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees.*

Comment: The Applicant is in the process of assembling the necessary materials for the Detailed Site Plan. This condition will be addressed at the time of Detailed Site Plan.

*11. The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the DRD for their approval not later than three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, and Maryland.*

Comment: This condition will be addressed prior to the submission of the final plat.

*12. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational.*

Comment: This condition will be addressed prior to applying for building permits.

*13. At the time of Preliminary Plan review, the application package shall contain:*

*a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and impacts to off-site stream buffers.*

*b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and*

*strategies found in the Environmental Infrastructure section of the master plan.*

*c. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.*

*d. A copy of the Erosion and Sediment Control Plan.*

Comment: The Applicant is in the process of assembling the necessary materials for the Preliminary Plan of Subdivision. This condition will be addressed at the time of Preliminary Plan of Subdivision.

**B. The 2009 Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment**

The Property is subject to the recommendations and objectives outlined in the Master Plan. The 2009 SMA rezoned a portion of the Property from the C-M zone to the M-X-T zone. The Property is specifically located within the Master Plan’s “Gateway South” Focus Area, which is intended for moderate-density housing that appropriately transitions to existing residential neighborhoods and protects and enhances the Cattail Branch stream valley,<sup>2</sup>

With the approval of CSP-13006, the Planning Board found that the proposed development conforms to the visions, goals and policies within the Master Plan. In order to encourage development that more closely aligns with the Master Plan, Community Planning recommended that following urban design strategies be implemented in future Detailed Site Plans for the Property:

- *Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.*
- *Include wide sidewalks and distinctive, visually appealing streetscape elements.*

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<sup>2</sup> See Master Plan, pages 48-50, “Core South Focus Area – Gateway South Neighborhood,”

- *Ensure buildings are not set back to provide a continuous street wall for pedestrians.*
- *Use street grid patterns to create compact blocks of development.*
- *Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from public sidewalk.*
- *Feature extensive vertical mixing of uses to include ground-level retail and upper-level office/educational/cultural or residential uses.*
- *Build structured parking that does not intrude on or break up the consistent street wall.*
- *Develop well-placed open space throughout the district to serve formal and informal gathers.<sup>3</sup>*

This proposed amendment to CSP-13006, which reduces the proposed density and updates the proposed unit type, more closely aligns with the Master Plan’s location-specific, urban design recommendations. Specifically, the building/townhouse placement along a new street grid, removal of large expanses of surface parking, implementation sidewalks along both sides of streets and recreation/open spaces located in the proposed Project are even more consistent with the relevant strategies emphasized by the Planning Board. Moreover, the proposed amendment refines the parent application to cater to pedestrian scale and accessibility, as emphasized by the Master Plan.

As analyzed herein, a mix of uses is not required for this CSP pursuant to Sec. 27-548(e) of the Prior Zoning Ordinance.<sup>4</sup> This M-X-T Zone regulation, as well as the abundance of retail in close proximity to the Property – namely, Landover Crossing and Woodmore Towne Centre – make this location appropriate for residential development.

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<sup>3</sup> See PGCPB No. 14-60. The Planning Board ultimately adopted several of Community Planning’s recommended Master Plan urban design strategies as Conditions of Approval for future evaluation at the time of Detailed Site Plan.

<sup>4</sup> The Property was placed in the M-X-T Zone through an SMA approved after October 1, 2006 and is subject to a comprehensive land use study conducted by Technical Staff prior to initiation.

## V. PROPOSED DEVELOPMENT

The Property will be developed up to 172 rear-loaded single-family attached units in a condominium regime on a single lot. All units will be constructed as three-stories, measuring 18' wide by 36' deep, with up to 1,704 gross square feet.<sup>5</sup> Each unit will be provided one-garaged parking space (172 total garaged spaces) and at least one parking space in the driveway – except for Units 30-35, which will be provided with a single garaged parking space (168 total driveway spaces). In addition to the unit parking provided, up to fifty-two (52) on-site parking spaces will be provided as either on-street parallel parking and/or head-in spaces. The overall parking provided is intended to be approximately 2.26 spaces per unit. All proposed subdivision streets are private and are designed as modified sections, in accordance with the County's Urban Street Design Standards. An opportunity for an inter-parcel access has been provided for future development on adjacent properties to the north of the Property.

The community features private on-site recreational amenities that include a pool, pool-house with up to approximately 2,000 gross square feet (and associated storage for outdoor equipment), a tot-lot with play equipment for age groups 2-5 and 5-12, five open-space play areas, a passive seating area, landscaping, streetlights and entry feature signage. The proposed development preserves 7.39 acres of land area along the western portion of the Property that encompasses environmentally sensitive stream and wetland areas within the Primary Management Area (PMA).

Additionally, the homes in the community will include the following “green building techniques”:

- Energy Star appliances
- Low flow faucets and water saving showerheads
- Toilets – 1.6-gallon flush (water conservation)
- Fixtures – CFL light bulbs and diming capability

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<sup>5</sup> The lot size requirements, as outlined in §27-548(h), are analyzed on pages 25-27 of this Statement of Justification.



- Doors – Therma-Tru or equivalent doors to prevent loss of heating or cooling at entryways
- Insulation – R-49 in ceilings, R-21 in exterior walls, R-30 above garage
- HVAC – 92% efficiency and 14-Seer HVAC
- Water heaters – High efficiency
- Thermostats – programmable
- Paints – Use low VOC paints, sealants, caulks
- Framing – I-Joist construction
- Windows – Double-pane, low – 3 window
- Weatherization Wrap – Use wrap to prevent moisture and air infiltration barrier
- Airflow Vent System – Use ridge line to release excess heat

## VI. ANALYSIS

### A. **Development Pursuant to Prior Ordinance**

This application is processed and reviewed under the Prior Zoning Ordinance, pursuant to Sec. 27-1900 “Development Pursuant to Prior Ordinance” of the New Zoning Ordinance. In addition to Sec. 27-1900, the New Zoning Ordinance also includes “Transitional Provisions” to process the New Ordinance’s treatment of existing development approvals and entitlements, as well as future development pursuant to the New Zoning Ordinance. As it relates to the subject CSP application for the Property, Sec. 27-1900 “Development Pursuant to Prior Ordinance” provides a two-year transitional period in which new development applications may be reviewed under the Prior Zoning Ordinance after the April 1, 2022, Effective Date. This two-year transitional window is applicable to the subject application for the Project. Consistent with the requirements of the New Zoning Ordinance, the Applicant had a Pre-Application Conference with Planning Staff on April 25, 2022. Analysis of the subject application’s conformance with Sec. 27-1900 “Development Pursuant to Prior Ordinance” is provided below:

1. §27-1904 – Procedures

In order to proceed with development under the Prior Zoning Ordinance, the following procedures shall apply:

- (a) *The applicant shall schedule and participate in a pre-application conference, notwithstanding the requirements of Section 27-3401(b), Applicability.*

Comment: The Applicant participated in a pre-application conference with Staff on April 25, 2022. The Applicant provided an overview of the subject CSP application and received comments from several applicable M-NCPPC Sections – including Urban Design, Subdivision, Zoning, Community Planning, and Environmental Staff.

- (b) *The applicant shall provide a statement of justification which shall explain why the applicant has elected not to develop a specific property pursuant to the provisions of this Zoning Ordinance.*

Comment: This statement of justification is submitted as an explanation of the subject application’s conformance with the Prior Zoning Ordinance, the New Zoning Ordinance’s procedures concerning development pursuant to the Prior Ordinance, and other applicable review criteria. The subject application is processed as an amendment to the previously approved parent application, CSP-13006, which was reviewed and approved by the Planning Board pursuant to the Prior Zoning Ordinance and previous M-X-T / O-S Zoning on-site. The subject CSP conforms with the Prior Zoning Ordinance’s applicable regulations, as well as relevant findings and conditions associated with CSP-13006. Moreover, this CSP refines the parent application to better align with the Master Plan’s pertinent Urban Design and pedestrian circulation recommendations – which were drafted and approved in conjunction with the 2009 SMA rezoning the Property to M-X-T / O-S. For these reasons related to application continuity, conformance with the Prior Zoning Ordinance, and alignment with the Master Plan, the Applicant has elected not to develop the Property pursuant to the provisions of the New Zoning Ordinance.

**B. Compliance with Prior Zoning Ordinance – Conceptual Site Plan**

**1. §27-274 – Design guidelines.**

*(a) The Conceptual Site Plan shall be designed in accordance with the following guidelines:*

*(1) ...*

Comment: The Applicant proposes to amend the approved use on the Property and dramatically reduce the proposed density. Specifically, the CSP-13006-01 proposes approximately 172 townhouses instead of approximately 380 garden-style apartments (contained in 4 buildings). With the conditions approved in CSP-13006, the Planning Board found that the community proposed in CSP-13006 was in conformance with the site design guidelines contained in this section. The Applicant proposes to comply with the relevant conditions approved in CSP-13006 with this revision. CSP-13006-01 does not propose any surface parking lots. The proposed private road network will contain on-street parking. Appropriate lighting will be proposed at the time of Detailed Site Plan. Green areas, both passive and active, are proposed throughout the community. The Applicant would like to explore the possibility of a recreational link between the proposed community and the Cattail Branch Trail. Architecture will be analyzed at the time of Detailed Site Plan.

**2. §27-276 – Planning Board Procedures**

*(b) Required Findings*

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

Comment: This CSP represents the most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs, and it does not detract substantially from the utility of the proposed development for its intended use. The

Applicant has analyzed the site design guidelines and has cultivated a proposal that advances the development objectives of the Master Plan and SMA. Additionally, the Applicant has reviewed CSP-13006 and amended it to be more consistent with the objectives contained in the Master Plan.

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

Comment: This provision is not applicable to this application. The subject CSP is not for a Mixed-Use Planned Community, as defined by the Prior Zoning Ordinance.<sup>6</sup>

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

Comment: This provision is not applicable to this application. The subject CSP is not for a Regional Urban Community, as defined by the Prior Zoning Ordinance.<sup>7</sup>

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

Comment: Potential impacts to the regulated environmental features shall be evaluated during the Preliminary Plan of Subdivision and/or Detailed Site Plan process.

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<sup>6</sup> See Section 27-101.01(151.1) of the Prior Zoning Ordinance.

<sup>7</sup> See Section 27-107.01(197.1) of the Prior Zoning Ordinance.

## C. Compliance with Prior Zoning Ordinance – M-X-T Zone

### 1. §27-546 – Site Plans

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

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

Comment: The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Prior Zoning Ordinance. In sum, the purposes of the M-X-T Zone are to: (i) promote orderly development and redevelopment of land in the vicinity of major interchanges; (ii) implement recommendations in the approved master plan by creating compact, mixed-use, walkable communities; (iii) conserve the value of land and buildings; (iv) promote effective and optimum use of transit; (v) facilitate and encourage a twenty-four (24) hour environment; (vi) encourage an appropriate horizontal and vertical mix of land uses; (vii) create dynamic, functional relationships among individual uses; (viii) promote optimum land planning with greater efficiency; (ix) permit a flexible response to the market; and (x) allow freedom of architectural design. The Project aligns with several of these purposes, as confirmed by the Planning Board approval of CSP-13006.

*(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 concepts recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;*

Comment: The Property was rezoned to the M-X-T zone in 2009 through the Master Plan and SMA. The Master Plan does not contain a design concept for the Property, but does provide general design guidelines and standards for evaluating

conformance. By approving CSP-13006 with conditions, the Planning Board found that the intent of the design guidelines in the Master Plan are met.

- (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: The Project will be visible from Brightseat Road and Sheriff Road. Due to topographic and environmental constraints, the Project is strategically set back from these major roadways. This development may help catalyze the development of the former Landover Mall site.

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

Comment: The Property is bounded by public roadways to the east and south, by the Board of Education property and car dealership to the north and by a single-family detached subdivision in the Palmer Park neighborhood to the west. The proposed Project will be compatible with the existing development in the vicinity and provide an appropriate transition to surrounding single-family detached communities.

- (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;*

Comment: The Applicant proposes only residential uses on the Property.

- (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: The Project is not proposed to be staged.

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

Comment: The Project is designed with an intricate pedestrian-friendly sidewalk network along both sides of all private streets. Additionally, the Applicant intends to explore the possibility of establishing a trail in the environmental area on-site.

- (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: This provision is not relevant. This is a CSP application.

- (9) *On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.*

Comment: The Applicant will submit a Transportation Impact Analysis with this CSP application.

- (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).*

Comment: This provision is not relevant. This is a CSP application.

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

Comment: This provision is not relevant. The Property is less than 250 acres.

**3. §27-542 – Purposes**

*(a) The purposes of the M-X-T Zone are:*

- (1) *To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers 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 Property is located at the intersection of Brightseat Road and Sheriff Road, in immediate proximity to Route 202 and the I-95/495 Capital Beltway. Nearby retail, dining, and employment opportunities are also in close proximity, as the Property is approximately 0.55 miles from Woodmore Town Center and approximately 1.1 miles from the Largo Town Center Metro Downtown and Regional Transit District, along the Blue Line Corridor. The Property is also in proximity to the former Landover Mall site which presents an ideal redevelopment opportunity. These factors make the Property a desirable living opportunity.

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



Comment: The Planning Board found, with the approval of CSP-13006, that the previously approved garden-style apartment buildings with large surface parking lots was in conformance with the Master Plan. The proposed Project represents an urban design improvement to the previously approved garden-style apartments and expanses of surface parking by offering a more walkable, pedestrian-friendly community with increased connectivity to private recreational uses.

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

Comment: The Property is an underdeveloped surface parking lot located at the intersection of major roadways. Developing a residential Project on the Property will help facilitate the public and private development potential inherent in this location.

- (4) *To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;*

Comment: The Property is in the vicinity of multiple retail, commercial, and entertainment uses – as well as one of the County’s three Downtowns in Largo Town Center.<sup>8</sup> The proposed Project, in close proximity of significant recreational and employment opportunities, will help foster a 15-Minute City in the vision of the Master Plan. Additionally, the Property is in close proximity to a major arterial (Landover Road) and I-95/495 (Capital Beltway), and a possible future Purple Line transit facility. Thus, the proposed Project is expected to promote the effective and optimum use of these transit facilities through shorter trips.

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<sup>8</sup> See General Plan, page 23 “Strategic Investment Map.” The Property is located approximately one-mile from the Largo Town Center Downtown, which the General Plan designates as a location ripe for near-term development as a vibrant regional-serving center with a “robust economic and employment space, a distinct sense of place and identity, a varied housing stock, a multimodal transportation network, and diverse, mixed-income communities.”

- (5) *To facilitate and encourage a twenty-four (24) hour environment to ensure continuing function 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 proposed Project is a residential community. The Project is proximate to several commercial and entertainment uses. In concert, the Project and these proximate uses will facilitate and encourage a twenty-four (24) hour environment.

- (6) *To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;*

Comment: The proposed Project is for a single use.

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

Comment: The Planning Board found, with the approval of CSP-13006, that the previously approved garden-style apartment buildings with large surface parking lots was in conformance with the Master Plan. This approval recommended many pedestrian and bicycle linkages to connect many of the surrounding uses. This approval also contained many architectural related conditions to ensure a high-quality community.

- (8) *To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;*

Comment: The number of proposed residential units and the manner in which the units are planned on the site, promote significantly more efficient land use at the Property. Redeveloping the existing surface parking lot into the proposed Project will dramatically increase the Stormwater Management through modern environmental

site design techniques on the Property. Finally, the proposed Project will respect the on-site environmental areas.

- (9) *To promote a flexible response to the market and promote economic vitality and investment; and*

Comment: The proposed Project is directly responsive to market constraints and will promote economic vitality and investment.

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

Comment: The proposed Project will require a DSP. Architecture will be evaluated at that time.

4. **§27-547 – Uses Permitted**

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

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

Comment: Only residential uses are proposed on the Property, which is permitted pursuant to 27-547(e).

- (e) *For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a*

*comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.*

Comment: In Finding 7(a) on page 3 of PGCPB No. 14-60, the Planning Board found that the Applicant could proceed with a single use on the Property. The Planning Board's finding was predicated on an Urban Land Institute Technical Assistance Panel (TAP) study for the redevelopment of the Landover Mall and vicinity – which included the Property – deeming it sufficient to allow development of a single use on the Property.

**5.     §27-548 – M-X-T Zone**

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

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

*(2) With the use of the optional method of development — 8.00 FAR*

Comment: The Property will be developed with up to 293,088 gross square feet of residential uses at a FAR of 0.304, using the M-X-T standard method of development.

*(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 proposed Project is located on one lot.

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

Comment: This requirement is not applicable to this CSP application. The units as shown on the CSP are conceptual in nature, and all totals will be re-evaluated at the time of DSP submission.

- (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 Project will include landscaping, screening, and buffering in accordance with the Prince George's County Landscape Manual. The Applicant is evaluating potential screening and buffering strategies to enhance compatibility with adjoining properties – including Type C and Type D buffers along existing institutional and commercial uses to the north of the Property. A detailed landscape plan addressing relevant screening and buffering techniques will be provided at time of Detailed Site Plan.

- (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 subject of the Conceptual Site Plan.*

Comment: The subject 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 will be taken into consideration.

- (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: This CSP complies with this requirement.

- (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.*

Comment: The Property is proposed to be developed with rear-loaded, single-family attached units in a condominium regime on a single lot. The Project proposes a minimum unit width of 18-feet with a minimum gross living space of 1,709 square feet, satisfying the applicable M-X-T Zone townhouse dimensional standards. Additionally, the proposed townhouse building groups will not exceed eight units. Sidewalk have been provided on both sides of private Roads ‘A’ through ‘C’.

- (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.*

Comment: The proposed Project does not exceed the maximum height.

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


Comment: The Property was rezoned to the M-X-T zone in 2009 through the Master Plan and SMA. The Master Plan does not contain a design concept for the Property, but does provide general design guidelines and standards for evaluating conformance. By approving CSP-13006 with conditions, the Planning Board found that the intent of the design guidelines in the Master Plan are met.

## **VII. CONCLUSION**

The Applicant respectfully requests that the Planning Board grant approval of this CSP for the proposed high-quality horizontal-multifamily community. The Project represents a significant opportunity to contribute to the Prince George's County housing market, transform and revitalize an underutilized overflow surface parking lot, and further many of the applicable development concepts of the Master Plan. The above analysis and submitted plans establish that the CSP satisfies the required findings that the Planning Board must make to approve a CSP application.



Respectfully submitted,  
CLHATCHER LLC

By:   
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Attorney for Applicant

**December 29, 2022**

**Prince George’s County M-NCPPC**  
 14741 Governor Oden Bowie Drive  
 Environmental Planning Section  
 Upper Marlboro, MD 20772

**RE: 1990 Brightseat Road  
 Specimen Tree Impact Variance Request**

Dear Commissioners:

On behalf of our client, Neighborhood Partners 100, LLC (the "Applicant"), we submit this variance request justification statement to remove specimen trees.

Introduction

This variance request is associated with the Applicant’s proposed development of 1990 Brightseat Road, Landover, MD (the “Property”). The Property consists of an approximately 22.12-acre unimproved lot that is partially wooded with streams and is currently utilized as an overflow parking lot for FedEx Field. The site is located in the northwest intersection of Sheriff Road and Brightseat Road. The Applicant proposes a residential community comprised of 172 single-family attached units (the “Project”). The stream valley to the south and west ends of the site will include Woodland Conservation areas and will preserve environmentally sensitive features.

As part of the proposed Project, the Applicant seeks a variance to impact nine (9) specimen trees and remove one (1) specimen tree on the Property. The following table lists the ten (10) specimen trees for which the Applicant seeks a variance to impact/remove:

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	% CRZ IMPACT	RECOMMENDATION
ST-336	Quercus alba	White Oak	33	Fair	27	SAVE
ST-339	Liriodendron tulipifera	Tulip Poplar	30	Fair	37	SAVE
ST-347	Liriodendron tulipifera	Tulip Poplar	31	Good	1	SAVE
ST-349	Fagus grandifolia	American Beech	33	Poor	100	REMOVE
ST-351	Quercus rubra	Northern Red Oak	30	Good	4	SAVE



ST-352	Quercus rubra	Northern Red Oak	32	Good	4	SAVE
ST-353	Quercus alba	White Oak	31	Fair-Good	9	SAVE
ST-358	Liriodendron tulipifera	Tulip Poplar	35	Good	3	SAVE
ST-359	Quercus falcata	Southern Red Oak	33	Good	20	SAVE
ST-360	Fagus grandifolia	American Beech	33	Poor/Critical	38	SAVE

\*DIAMETER AT BREAST HEIGHT

Impact Details

**ST-336: 33" White Oak**

Condition: Fair  
 Impact %: 27  
 Disposition: SAVE

This tree is located at the top of the existing slope adjacent to the existing gravel parking lot at edge of the existing wooded area. The design has been modified to minimize the impacts to the critical root zone to less than 30%. The LOD is no closer than 20' to the tree and is well outside of the structural root zone.

In response to M-NCPPC staff's concern over an earlier indication to remove this tree, the Applicant engaged an ISA Arborist and Maryland License Tree Expert at WSSI (Cene Ketcham, ISA #MA-5812A, MD LTE #2475) to reevaluate the tree and to provide a recommendation on the disposition of the tree along with tree preservation methods as applicable. Date of in field evaluation: December 16, 2022.

WSSI Analysis: Bulge at 3.5 ft suggests lost stem. Wound completely sealed. Likely some minor decay associated, but sounding did not suggest substantial hollowing. Narrow Crown, Trunk Decay, Included Bark/Weak Union, Co-Dominant Stems, Small Deadwood (1-2"). Recommended disposition: Save.

WSSI Recommended Tree Preservation methods could include root aeration matting for areas of fill, root pruning adjacent to areas of proposed cut, nutrient management, and watering.

**ST-339: 30" Tulip Poplar**

Condition: Fair  
 Impact %: 37  
 Disposition: SAVE

This tree is located mid-slope ±100' west of ST-336. The impacts to this tree are in response to DPIE/PGSCD requirement to stabilize the existing eroding slope. Though the impacts represent 37% of the critical root zone area, they will be limited to fill activities which can allow use of root aeration matting to reduce the stress and increase chances of survivability.



**ST-347: 31" Tulip Poplar**

Condition: Good  
Impact %: 1  
Disposition: SAVE

This tree is located on the southern edge of the wetland pocket near the middle of the site. Impact is minimal and is located 14' up the slope from the tree. Earth moving activities are not anticipated in this area and any disturbance would only come from minor clearing and grubbing as required by PDPIE/PGSCD to establish the non-woody buffer for the pond.

**ST-349: 33" American Beech**

Condition: Poor  
Impact %: 100  
Disposition: REMOVE

This tree is located at the toe of slope on the east side of the waterway in the northwest corner of the site. The impact to this tree is unavoidable and necessary for the project to have a requisite storm drain outfall into the waterway as designed per the approved Site Development Concept Plan (46784-2021-0). The main driver of the storm drain alignment and the resultant impacts to this tree are the elevation, dimensions, and angle of the rip rap to the water way. Based on the storm drain outfall design criteria, and the field data/recommendations by WSSI on this tree (see below), it is our opinion that adjusting the storm drain alignment to achieve impact reductions would be minimal and not sufficient to prevent the tree from failing based on the health of the tree.

In response to M-NCPPC staff's concern over an earlier indication to remove this tree, the Applicant engaged an ISA Arborist and Maryland License Tree Expert at WSSI (Cene Ketcham, ISA #MA-5812A, MD LTE #2475) to reevaluate the tree and to provide a recommendation on the disposition of the tree along with tree preservation methods as applicable. Date of in field evaluation: December 16, 2022.

WSSI Analysis:

Large (3.5 ft x 1 ft) open cavity with extensive decay throughout basal area and lower trunk. Full Crown, Basal Decay, Trunk Decay, Included Bark/Weak Union, Co-Dominant Stems, Small Deadwood (1-2"), Broken Limbs, Branch Decay. Recommended disposition: Remove.

**ST-351: 30" Northern Red Oak**

Condition: Good  
Impact %: 4  
Disposition: SAVE

This tree is located mid-slope east of the waterway in the northwest corner of the site. The impacts to this tree are for to the installation of the same storm drain outfall as for ST-336 Refer to the description of infrastructure design parameters and impact reduction options for ST-336 for details. Impacts are minimal for the cut grading necessary to install outfall. Root pruning should be the primary tree preservation activity to reduce stress and increase chances of survivability.

**ST-352: 32" Northern Red Oak**

Condition: Good  
Impact %: 4  
Disposition: SAVE

This tree is located mid-slope east of the waterway in the northwest corner of the site. The impacts to this tree are sue to the installation of the same storm drain outfall as for ST-336. Refer to the description of infrastructure design parameters and impact reduction options for ST-336 for details. Impacts are minimal for the cut grading necessary to install outfall. Root pruning should be the primary tree preservation activity to reduce stress and increase chances of survivability.

**ST-353: 31" White Oak**

Condition: Fair-Good  
Impact %: 9  
Disposition: SAVE

This tree is located near the toe of slope east of the waterway in the northwest corner of the site. The impacts to this tree are sue to the installation of the same storm drain outfall as for ST-336. Refer to the description of infrastructure design parameters and impact reduction options for ST-336 for details. Impacts are minimal for the cut grading necessary to install outfall. Root pruning should be the primary tree preservation activity to reduce stress and increase chances of survivability.

**ST-358: 35" Tulip Poplar**

Condition: Good  
Impact %: 3  
Disposition: SAVE

This tree is located near the west bank of the waterway in the northwestern corner of the site. Strict application of the CRZ and calculation of LOD overlap does show minimal impact however the proposed disturbance is located on the eastern bank of the waterway. For impacts to be realized, the roots of the tree would need to have grown under the stream to the opposite bank. Given the improbability of this, actual impact to this tree is likely zero.



**ST-359: 33" Southern Red Oak**

Condition: Good  
Impact %: 20  
Disposition: SAVE

This tree is located mid-slope  $\pm 35'$  southwest of ST-339. The impacts to this tree are in response to DPIE/PGSCD requirement to stabilize the existing eroding slope. Though the impacts represent 20% of the critical root zone area, they will be limited to fill activities which can allow use of root aeration matting to reduce the stress and increase chances of survivability.

**ST-360: 33" American Beech**

Condition: Poor/Critical  
Impact %: 38  
Disposition: SAVE

This tree is located at the toe of slope on the east side of the waterway in the southwest corner of the site. The impact to this tree is a result of the PGSCD requirement to remove an abandoned outfall pipe from a prior land development activity. Additional PGSCD requirements are such that the slope down from the pond embankment cannot be steeper than 3:1 in the final condition. The existing slope today is steeper than 3:1 and so the final condition is for the proposed slope to extend slightly into the floodplain and closer to the tree. Based on this, the impacts to this tree would largely be fill over existing roots.

Based on the field data by WSSI (see below), the chance of long-term survival of this tree is low if left completely alone. Further, the location of the tree at the toe of slope away from proposed buildings and infrastructure makes it a candidate to be left standing through the development activity with the prospect of providing habitat in its current state and in the future as it declines to death. Accordingly, it is our opinion that no extraordinary measures should be implemented in attempts to save the tree and it be left standing as is.

In response to M-NCPPC staff's concern over an earlier indication to remove this tree, the Applicant engaged an ISA Arborist and Maryland License Tree Expert at WSSI (Cene Ketcham, ISA #MA-5812A, MD LTE #2475) to reevaluate the tree and to provide a recommendation on the disposition of the tree along with tree preservation methods as applicable. Date of in field evaluation: December 16, 2022.

WSSI Analysis:

Most of tree broken out -- only ~25 ft remains. Extensive decay throughout. Basal Decay, Trunk Decay, Large Deadwood (3"+), Small Deadwood (1-2"), Low Vigor, Stressed, Serious Decline, Broken Limbs, Branch Decay, Fungal Fruiting Bodies. Recommended disposition: Remove.

Justification of Variance

*(a) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The developable area of the Property is significantly constrained by the Property's unusual shape, on-site Primary Management Area (PMA) encompassing the stream valley buffers and steep slopes to the south and west. The Project has been intentionally designed to avoid impacts to these environmentally sensitive areas and preserve wooded areas to the fullest extent practicable. The tree proposed for removal (ST-349) is located within the Limits of Disturbance (LOD) making saving it impractical given the extent of CRZ impact. Additionally, the findings and recommendations of the ISA arborist at WSSI further support removal of this tree due to the poor health of the tree. For all the trees, grading and utility design best practices were considered for each Specimen Tree to minimize impacts to the fullest extent practicable, including minimizing the footprint of proposed development and adjusting the required storm drain outfall placements. There are impacts that are a result of direction from DPIE and /or PGSCD to rebuild/stabilize slopes, remove abandoned pipes from a previous land development activity, and to provide a non-woody buffer for the 100-year attenuation pond. Elimination of impacts outright is impractical due to storm drain outfall Maryland Department of Environment design requirements as enforced by Prince George's County Soil Conservation District. Denial of this variance would cause unwarranted hardship by significantly reducing the area of the Property that could be redeveloped. This would preclude implementation of the Project, considerably undermine the economic viability of any redevelopment of the Property and prevent achievement of the County's adopted planning goals.

*(b) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Denial of the variance would deprive the Applicant of rights commonly enjoyed by others in similar areas. Despite the constraints existing environmental features create for development of the Property, this Project establishes compatible relationships between new development and existing neighborhoods through limits on density and uses. The placement of townhomes with a forest conservation buffer is compatible with the adjacent residential community to the west yet is in a location adjacent to major arterial roads and is accessible to public transportation. The Project focuses development on area of the Property currently used as an overflow parking lot, avoiding environmentally sensitive areas and minimizing impacts to the existing forest. Further avoiding any impacts to the trees would significantly inhibit any compatible redevelopment. Therefore, strict enforcement of the County Code would unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties along Brightseat Road.

- (c) *Describe how granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

**Approval of this variance will allow the Applicant to create a residential community that is consistent with the existing land uses in the area. Approval will also allow for the continued preservation of the forested stream valley in a Woodland Conservation easement adjacent to the communities for intangible yet significant community enjoyment of natural areas. All of these goals are consistent with the rights enjoyed by nearby property owners and will not confer on the Applicant a special privilege that would be denied to other applicants.**

- (d) *Describe how the variance is not based on conditions or circumstances which are the result of actions by the applicant.*

**The variance is not based on circumstances which are the result of actions by the Applicant, but are instead due to existing conditions of the site prior to this application. Measures for avoidance and minimization of impacts to specimen trees were considered and implemented to the extent feasible**

- (e) *Verify that the variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property;*

**With the exception of legally required site work (road right-of-way and for standard utility connections), all work is to occur on the Property. The variance for impacts to the specimen trees does not arise from a condition relating to land or building use on a neighboring property.**

- (f) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

**Granting the Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality. A significant area within and adjacent to the Stream Valley Buffer (SVB) will be placed into a Woodland Conservation Easement, preserving mature forest, wetlands, and stream. The Project also integrates current stormwater management practices including on-site attenuation for the 100-year storm, which will improve upon the Property's previous stormwater management system and enhance water quality.**

Approving the Applicant's variance request is justified for other reasons as well, as the Project will advance the applicable Master Plan's vision for the Property through the development of an attractive residential community featuring multimodal access to the surrounding neighborhoods and Landover community.



It is envisioned that a significant number of additional plantings will occur throughout the Property, including shade trees, evergreen trees, ornamental trees, and planting beds, all of which will serve to improve ecological quality. Focusing redevelopment on existing unforested land, landscape plantings, and greatly improved stormwater management design all combine to significantly improve water quality protection, wildlife value, carbon sequestration, and reduction in urban heat island effects.

Thank you for your consideration of the Applicant's specimen tree variance request. The supporting information provided in this letter establishes that denial of the variance would result in unnecessary hardship or practical difficulty, as well as demonstrates Applicant's efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

**VIKA Maryland, LLC**

*James Buchheister*

James Buchheister, RLA  
Executive Associate

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December 29, 2022

**Prince George's County M-NCPPC**  
14741 Governor Oden Bowie Drive  
Environmental Planning Section  
Upper Marlboro, MD 20772

**RE: 1990 Brightseat Road**  
**Statement of Justification for Impacts to Regulated Environmental Features**

Dear Commissioners:

Neighborhood Partners 100, LLC (the "Applicant") is submitting this Statement of Justification (the "Statement") in conjunction with an application for Conceptual Site Plan approval for 1990 Brightseat Road (the "Property"). The Property is identified as Parcel 51 (L. 12289 F. 017), which is comprised of approximately 22.12 acres of an unimproved lot located northwest of the intersection of Brightseat Road with Sheriff Road. Conceptual Site Plan application CSP-13006-01 proposes the development of a  $\pm 14.07$ -acre portion of the Property with 172 single-family attached units.

By way of this Statement, the Applicant demonstrates that CSP-13006-01 preserves and/or restores the Primary Management Area (PMA) to the fullest extent possible, consistent with the guidance provided by the *Environmental Technical Manual* and Subtitles 27 and 24 of the Prince George's County Code in effect prior to April 1, 2022 (the "Prior Zoning Ordinance" and "Prior Subdivision Ordinance", respectively).<sup>1</sup> The impacts associated with this application are for two stormwater outfalls with associated grading and in response to soil stabilization standards at the top of the man-made slope located adjacent to the PMA. This Statement exclusively concerns impacts to the PMA, as no impacts to wetlands, wetland buffers, or streams are proposed.

## **I. Property Description**

The  $\pm 22.12$ -acre Property comprises Parcel 51, as recorded among the Land Records of Prince George's County at L. 12289 F. 017. The Property is bound by Brightseat Road to the east, Sheriff Road to the south, the Palmer Park residential subdivision to the west, and the Prince George's County Board of Education Bonnie F. John Educational Media Center and IAD Auto dealership property to the north. The Property is currently utilized as an overflow parking lot for events held at FedEx Field and contains approximately 8.12 acres of wooded area.

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<sup>1</sup> CSP-13006-01 is submitted and reviewed pursuant to the Prior Zoning Ordinance. This Statement is also submitted in accordance with the Prior Subdivision Ordinance to: (1) satisfy Section 27-276(b)(4) of the Prior Zoning Ordinance and (2) ensure consistency with the associated Preliminary Plan of Subdivision application, PPS 4-12040.

A stream valley runs along the Property's western boundary and extends from Sheriff Road north to the Board of Education property. The stream valley is part of the lower Beaverdam Creek Watershed, which is a sub-watershed of the Anacostia River. A man-made drainage swale is located within the public right of way along the Property's Brightseat Road and Sheriff Road frontage. Based on historic aerial imagery, this swale was created prior to 2001 as a direct result of intersection improvements at Brightseat Road and Sheriff Road. Presently, the primary contributor of drainage through this swale originates from Brightseat and Sheriff Roads, as well as an outfall from a SWM facility located on the east side of Brightseat Road. A small portion of drainage through this swale originates on the Property. The high point of the Property is located at the northeast corner of the site. The existing parking lot generally slopes down toward the west and southwest into the western stream valley and the man-made drainage swale along Brightseat Road.

## **II. Parking Lot Background**

The existing gravel lot was developed circa 2004-2005, resulting in the clearing of more than 15 acres of wooded area and the removal of more than 20 Specimen Trees based on TCP2-013-04. The TCP2 shows significant earthwork was required to level the existing significantly sloped terrain to create the flat and gently sloping parking lot. This intensive earthwork exercise resulted in steep cut slopes along the northeast portion of the site, steep fill slopes along the Brightseat Road swale, and steep fill slopes along the eastern limits of the stream valley to the west. Comparing the existing topography shown on the TCP2 to current 2021 survey data, the northeast corner was excavated down approximately 25' while the area adjacent to the stream buffer was filled approximately 24'.

## **III. Applicable Code**

Section 27-276(b)(4) of the Prior Zoning Ordinance stipulates the following required finding for Conceptual Site Plans:

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

Section 24-130(b)(5) of the Prior Subdivision Ordinance requires the following:

*Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25.*

As demonstrated below, CSP-13006-01 preserves and/or restores regulated environmental features in a natural state to the fullest extent possible and, thus, conforms with Section 27-276(b)(4) of the Prior Zoning Ordinance and Section 24-130(b)(5) of the Prior Subdivision Ordinance.

#### **IV. Proposed Impacts**

There are six proposed PMA impact areas associated with CSP-13006-01. Two of the impact areas are the result of necessary storm water management discharge outfalls, two are the result of slope stabilization efforts, one is the result of a necessary sanitary outfall connection, and one is the result of soil stabilization efforts.

As noted above, Conceptual Site Plan applications processed pursuant to the Prior Zoning Ordinance are required to preserve and/or restore environmental features in a natural state to the fullest extent possible. Part C, Section 2.0 of the *Environmental Technical Manual* contains guidance for determining whether “fullest extent possible” is satisfied:

*The determination of “fullest extent possible” is a three-step process that starts with the avoidance of impacts. Then, if the impacts are unavoidable and necessary to the overall development of the site (as defined below) and cannot be avoided, the impacts must be minimized. In the third step, if the cumulative, minimized impacts are above the designated threshold, then mitigation is required for the impacts proposed.*

A summary of the proposed impacts to the PMA, demonstrating CSP-13006-01’s satisfaction of Section 27-276(b)(4) of the Prior Zoning Ordinance, is provided below.

##### **A. Storm Drain Outfalls**

These two impact areas result in ±13,594 square feet of disturbance (*See enclosed exhibits PMA IMPACT AREA 1 and PMA IMPACT AREA 3 for details*). Most of the earthwork in these areas is temporary for the installation of the pipe and will be restored to the pre-construction topographical condition. Installation of the headwall structure and the rip-rap outfall requires permanent cut into the existing slopes per Prince George’s County Soil Conservation District’s enforcement of Maryland Department of Environment design standards. The extents of the LOD have been minimized to the extent necessary to install both outfalls. Both impact areas are currently proposed to be partially replanted as part of the TCP2 pending final review and approval of that plan.

##### **B. Slope Stabilization**

These two impact areas result in ±10,032 square feet of disturbance (*See enclosed exhibits PMA IMPACT AREA 2 and PMA IMPACT AREA 4 for details*). Impact Area 2 is mitigation of an eroded condition caused by the gravel surface parking lot. Impact Area 4 is partially for mitigation to remove an existing drainage pipe to allow the installation of a 100-Year attenuation facility. The

remainder of the impact to the PMA is covered under paragraph E below. The existing grade in these areas are steeper than 3:1. DPIE requires that proposed grades cannot be steeper than 3:1. The extents of the LOD have been limited to the extent necessary to mitigate both conditions. Both impact areas are currently proposed to be replanted as part of the TCP2 pending final review and approval of that plan.

#### C. Sanitary Outfall

The impact to install a sanitary outfall to the manhole in Sheriff Road, east of the intersection with Brightseat Road, results in ±2,156 square feet of disturbance (*See enclosed exhibit PMA IMPACT AREA 5 for details*). The area of work includes area on the Property and the public right-of-way. On-site impacts in the PMA account for ±552 square feet of the impact for the installation of the sanitary outfall. The extent of the LOD has been minimized to the extent necessary to install the necessary sanitary outfall.

#### D. Soil Stabilization

The impact to implement soil stability measures results in ±341 square feet of disturbance (*See enclosed PMA IMPACT AREA 6 for details*). This scope of work is limited to the crest of the slope on the west side of the man-made swale along Brightseat Road and is based on recommendations of a global stability analysis which calls for limited undercutting and placement of a stone “buttress.” The grading is temporary and will be restored to the pre-construction topographical condition. The extent of the LOD has been limited to the extent necessary to provide an acceptable factor of safety line for the development.

#### E. Non-Woody Buffer Establishment

The impact to establish the required non-woody buffer for the 100-year attenuation pond results in ±8,125 square feet of disturbance (*See enclosed exhibits PMA IMPACT AREA 4 and PMA IMPACT AREA 7 for details*). No earth moving activities are anticipated and disturbance will be limited to clearing and grubbing per DPIE/PGSCD requirements. The slope will be stabilized with non-woody plant material and is required to be maintained to keep woody material from establishing.

#### V. **Proposed Reforestation and Afforestation**

CSP-13006-01 proposes a total of ±0.59 acres of reforestation planting as part of the Woodland Conservation Plan. While not all the PMA impacts are able to be replanted, ±0.31 acres of the proposed clearing within the PMA is proposed to be replanted. An additional ±0.145 acres of PMA that is not currently wooded is proposed to be planted along with ±0.135 acres adjacent to the PMA, providing enhancement of the forested buffer to environmentally sensitive features.

The PMA encroachment due to stormwater outfalls, installation of a 100-year floodplain

attenuation pond, and minor impact for slope stabilization is minimized to the extent feasible according to SWM guidelines – in combination with minimizing the development footprint. Clustered residential units, just 18' X 36' in size, were intentionally designed for a density that could feasibly be incorporated onto a site with significant environmentally sensitive features – which merit protection while implementing stormwater management where none currently exists. Existing uncontrolled stormflow, which has resulted in a severely eroded gully, will be managed with current SWM design practices to improve water quality of the adjacent receiving stream. In addition to SWM implementation, the PMA will be planted to enhance the current forest stream valley buffer – further improving protection to the wetlands, streams, surrounding ecological plant communities, and biodiversity supported by these natural features.

## **VI. Conclusion**

As detailed herein, the proposed impacts to the PMA are relatively minor and largely a result of significantly improved water quality management associated with the proposed development where none currently exist. The Applicant has planned to avoid, minimize, and mitigate these impacts to the maximum extent possible through utilization of best practices and design techniques. Moreover, the subject Conceptual Site Plan proposes enhancement of existing natural conditions beyond the proposed impacts.

Accordingly, the supporting information provided in this Statement establishes the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible, in accordance with Section 27-276(b)(4) of the Prior Zoning Ordinance and Section 24-130(b)(5) of the Prior Subdivision Ordinance. Please contact me with any questions, or if you require additional information.

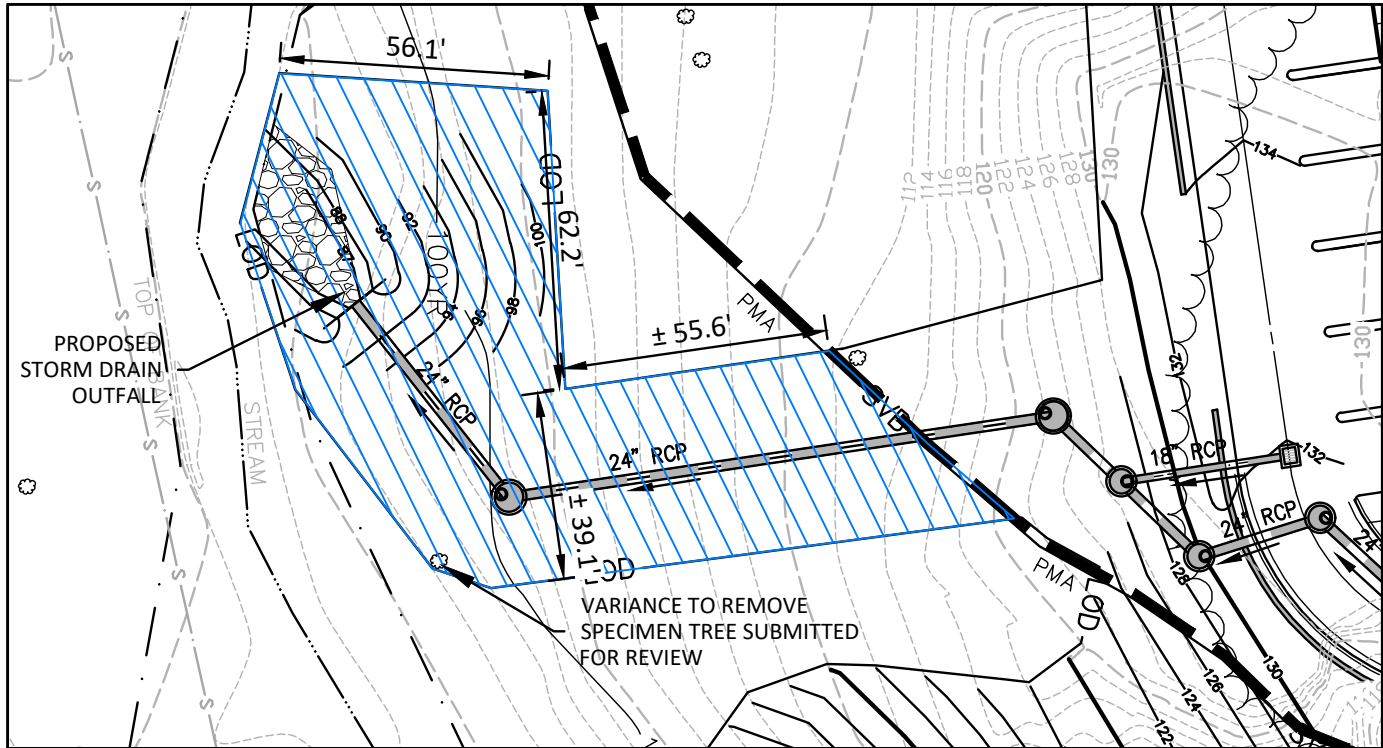
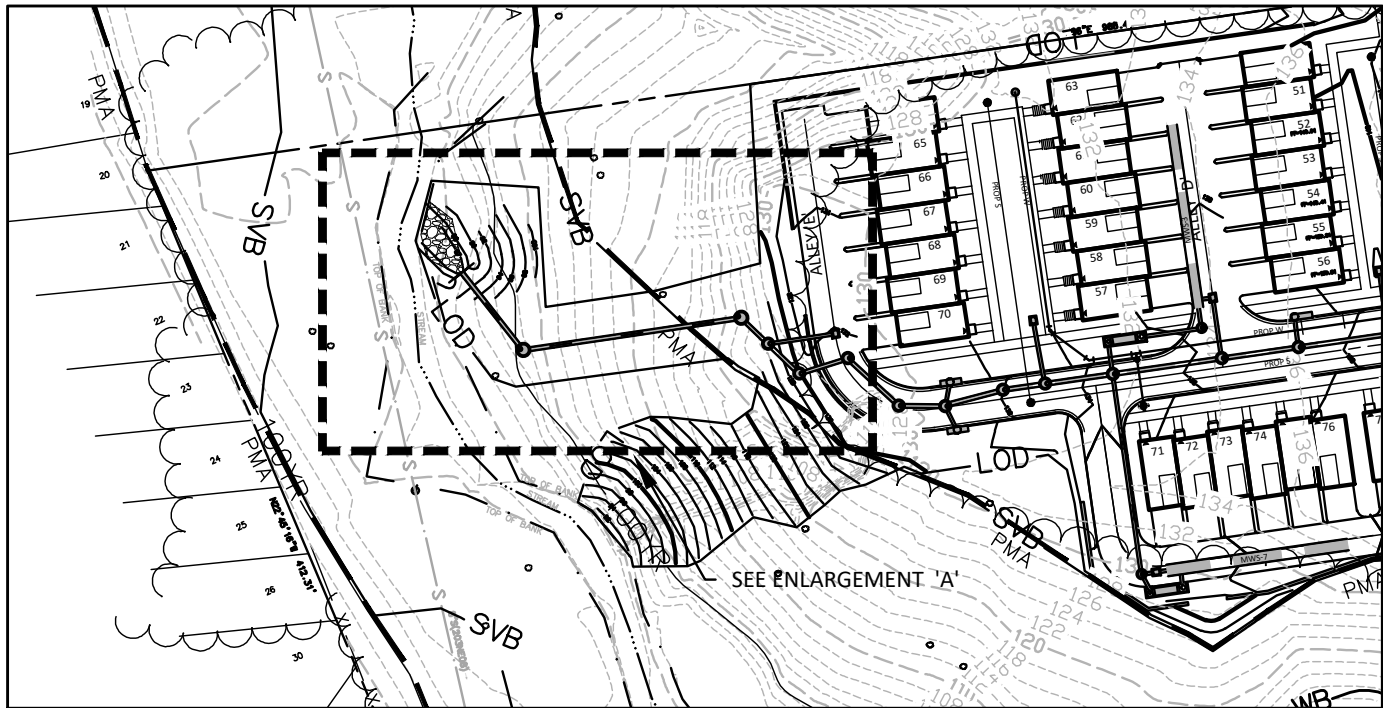
Sincerely,

**VIKA Maryland, LLC**

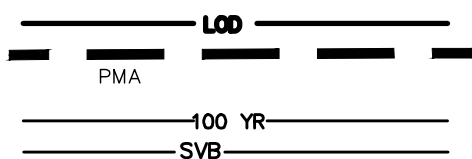
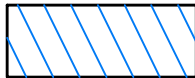
*James Buchheister*

**James Buchheister, RLA**  
*Executive Associate*

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**LEGEND:**



PMA IMPACT: 8,491 SF or +/- 0.20 ACRES  
 FINAL AREA AND LOCATION PENDING APPROVAL BY DPIE

LIMITS OF DISTURBANCE  
 PRIMARY MANAGEMENT AREA  
 (PER NRI/109/13 APPROVED 12/26/13)  
 100-YEAR FLOODPLAIN (DPIE)  
 STREAM VALLEY BUFFER

ENLARGEMENT A  
 1"=40'



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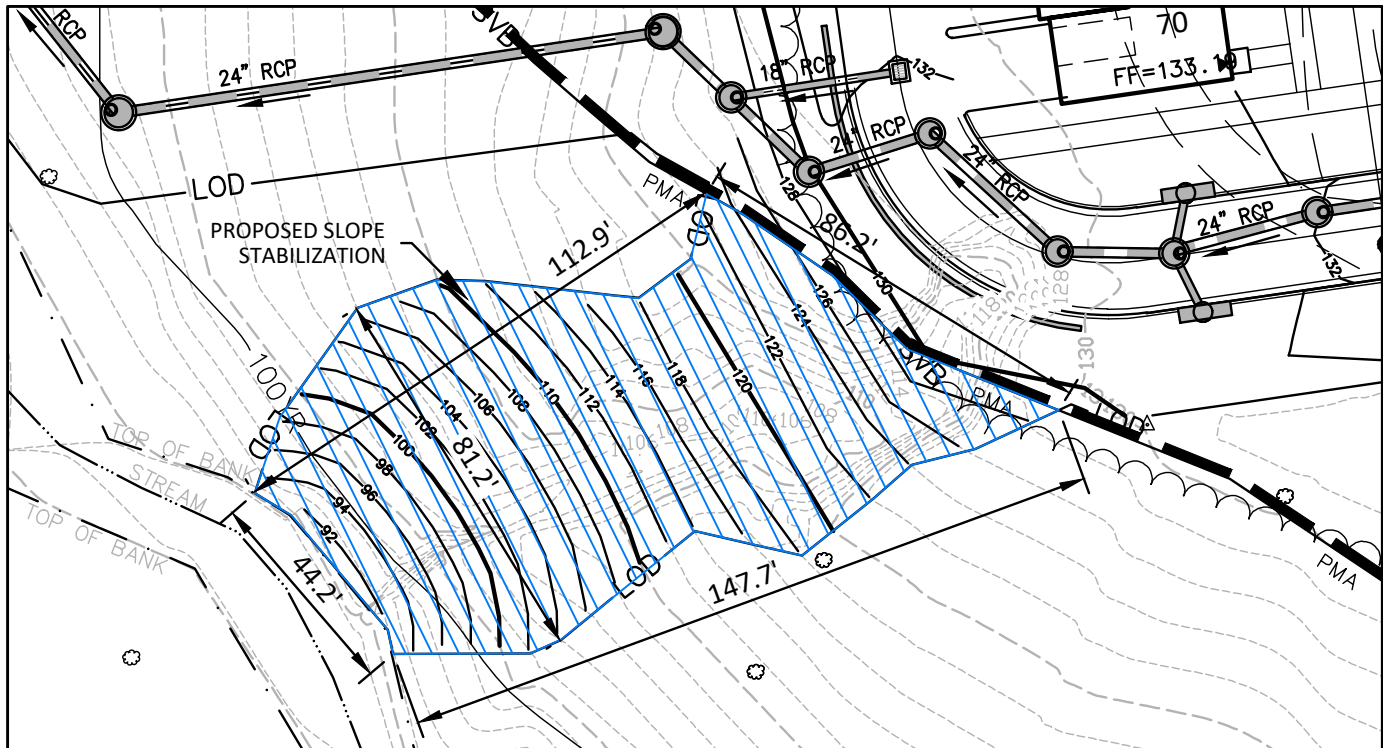
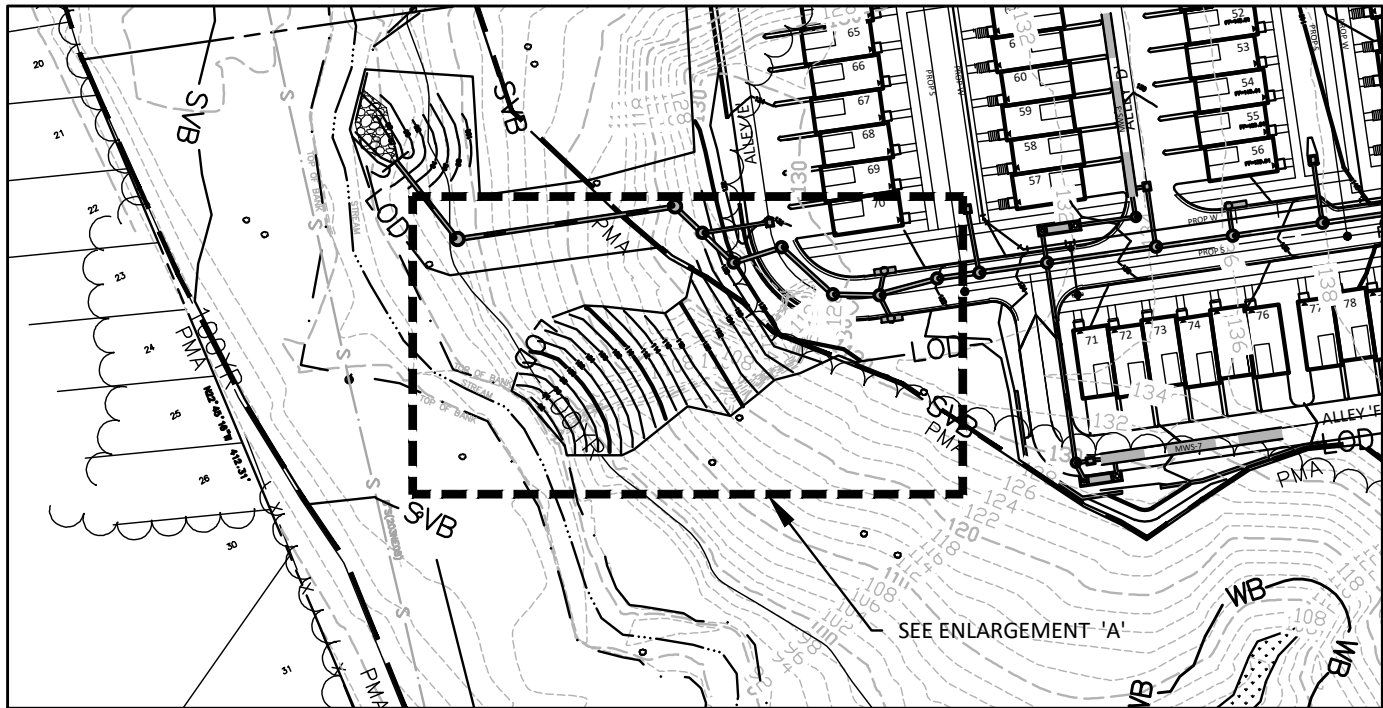
**PMA IMPACT AREA 1**  
 CSP-13006-01  
 1990 BRIGHTSEAT ROAD



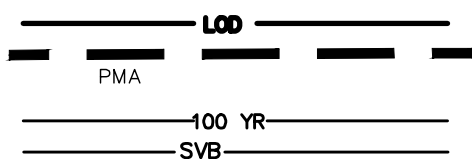
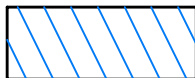
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SHEET No.	1 OF 7





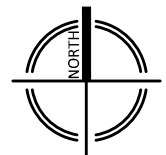
**LEGEND:**



PMA IMPACT: 8,467 SF or ± 0.20 ACRES  
 FINAL AREA AND LOCATION PENDING APPROVAL BY DPIE

LIMITS OF DISTURBANCE  
 PRIMARY MANAGEMENT AREA  
 (PER NRI/109/13 APPROVED 12/26/13)  
 100-YEAR FLOODPLAIN (DPIE)  
 STREAM VALLEY BUFFER

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**PMA IMPACT AREA 2**  
 CSP-13006-01  
 1990 BRIGHTSEAT ROAD

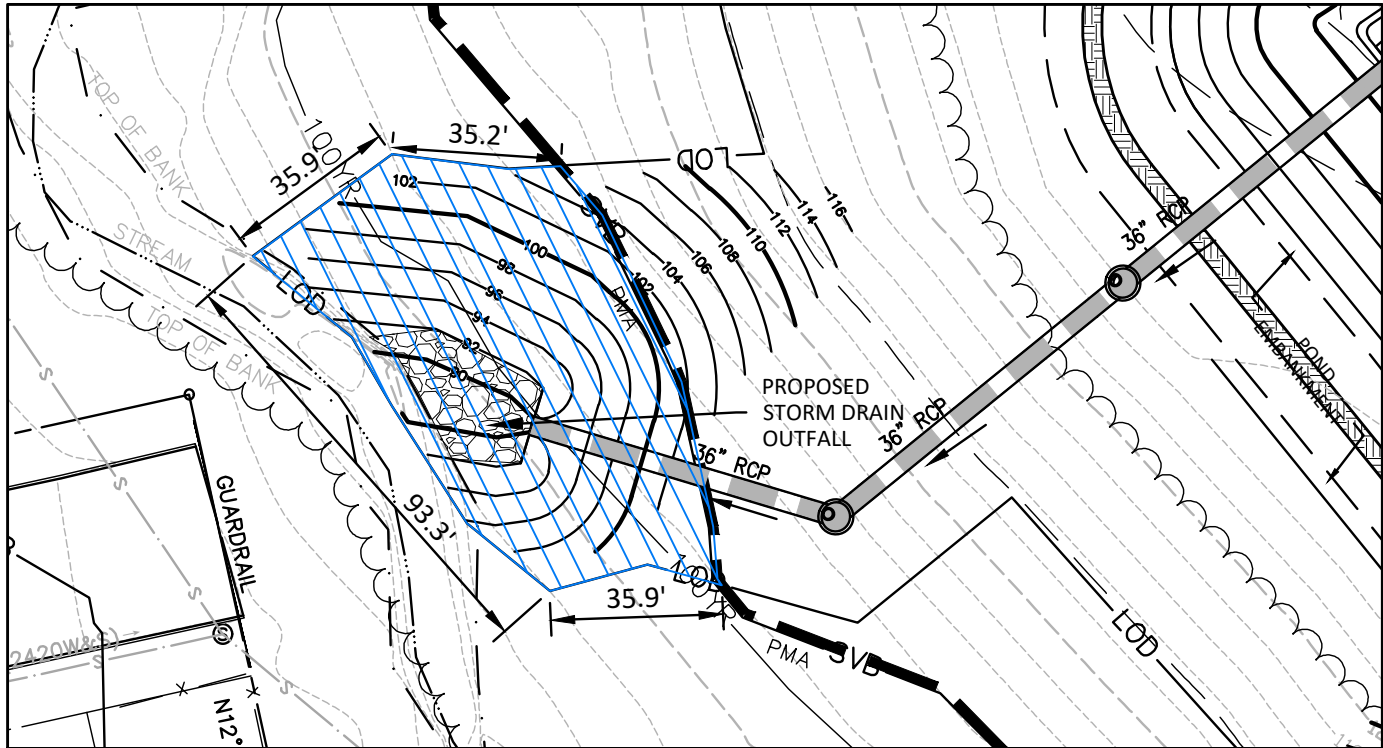
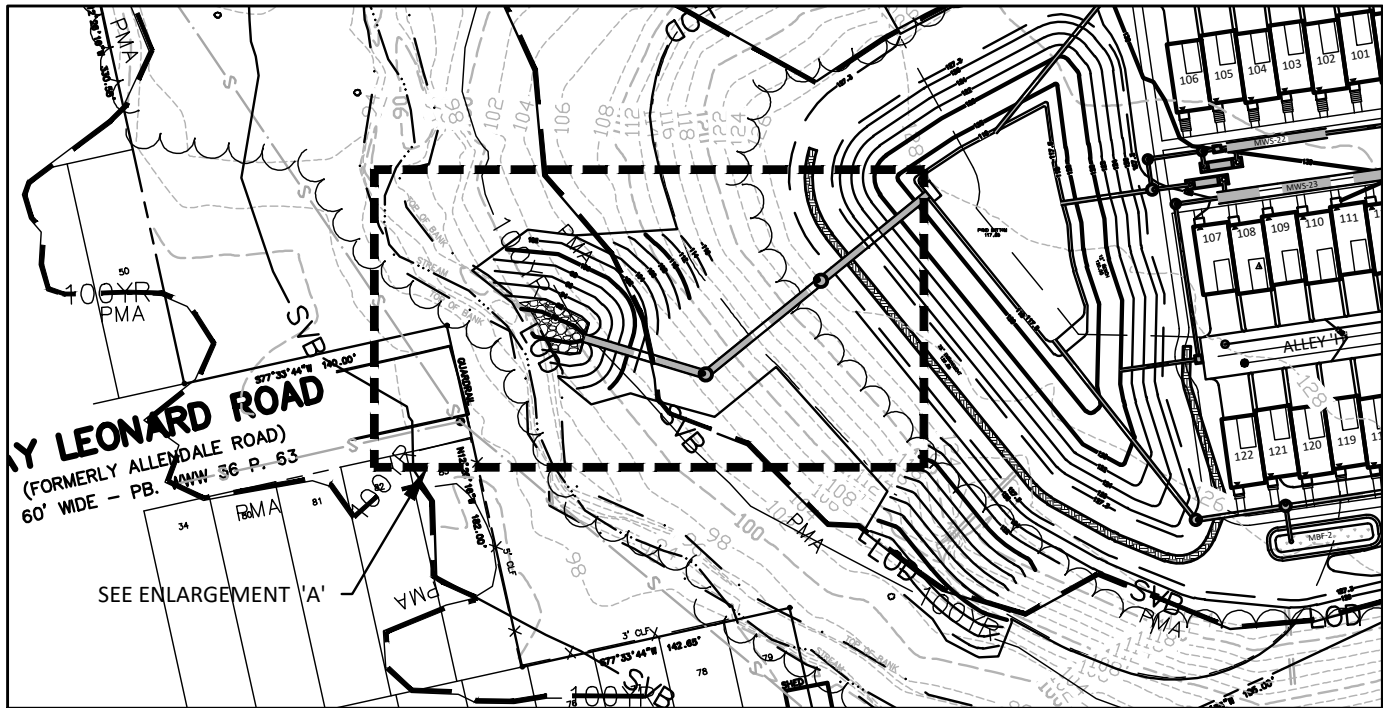


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SHEET No.	2 OF 7





**LEGEND:**



- LOD
- PMA
- 100 YR
- SVB

PMA IMPACT: 5,103 SF or +/- 0.12 ACRES  
 FINAL AREA AND LOCATION PENDING APPROVAL BY DPIE

- LIMITS OF DISTURBANCE
- PRIMARY MANAGEMENT AREA  
(PER NRI/109/13 APPROVED 12/26/13)
- 100-YEAR FLOODPLAIN (DPIE)
- STREAM VALLEY BUFFER

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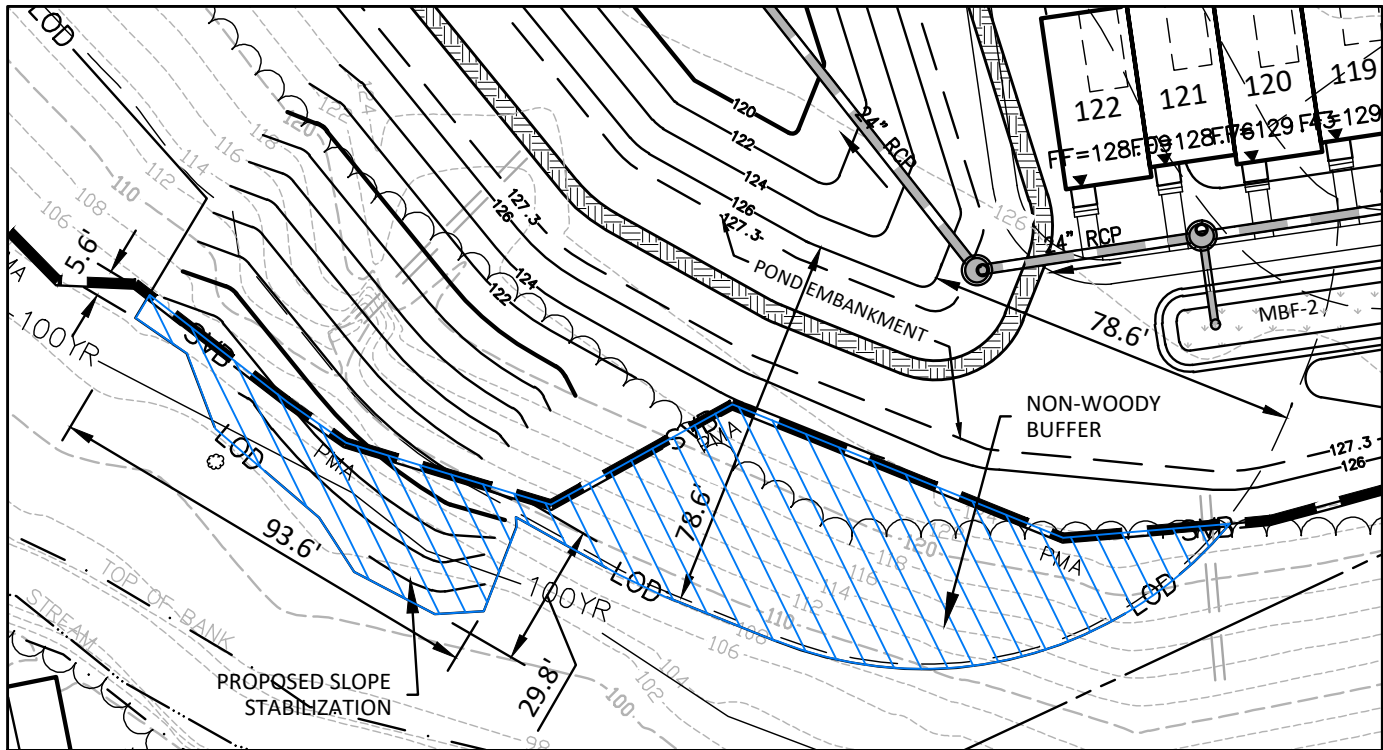
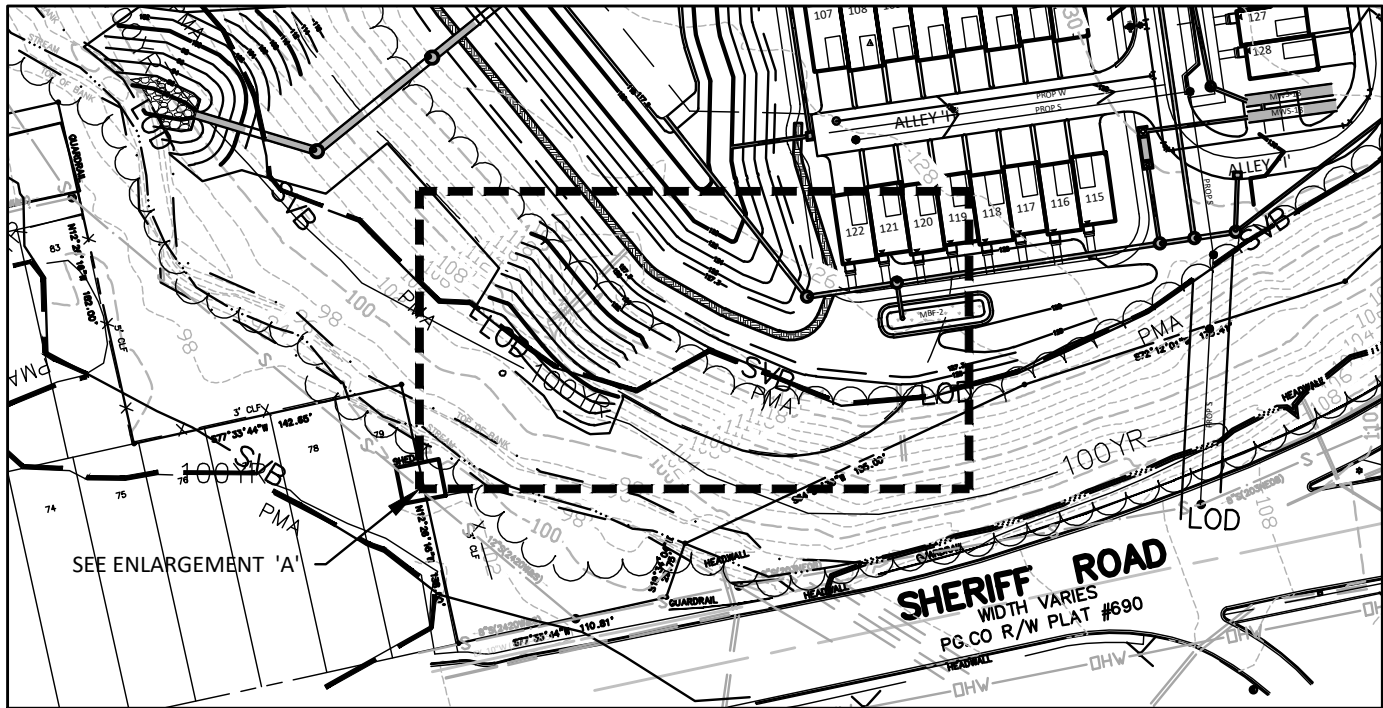
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 1990 BRIGHTSEAT ROAD



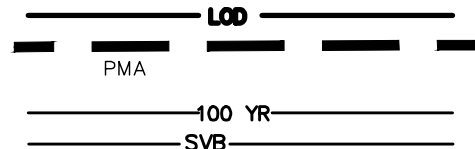
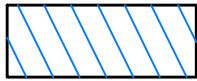
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SHEET No.	3 OF 7



**LEGEND:**



PMA IMPACT: ±1,565 SF or ±0.04 ACRES FOR SLOPE STABILIZATION  
 ±4,185 SF or ±0.10 ACRES FOR NON-WOODY BUFFER  
 FINAL AREA AND LOCATION PENDING APPROVAL BY DPE  
 LIMITS OF DISTURBANCE  
 PRIMARY MANAGEMENT AREA  
 (PER NRI/109/13 APPROVED 12/26/13)  
 100-YEAR FLOODPLAIN (DPE)  
 STREAM VALLEY BUFFER

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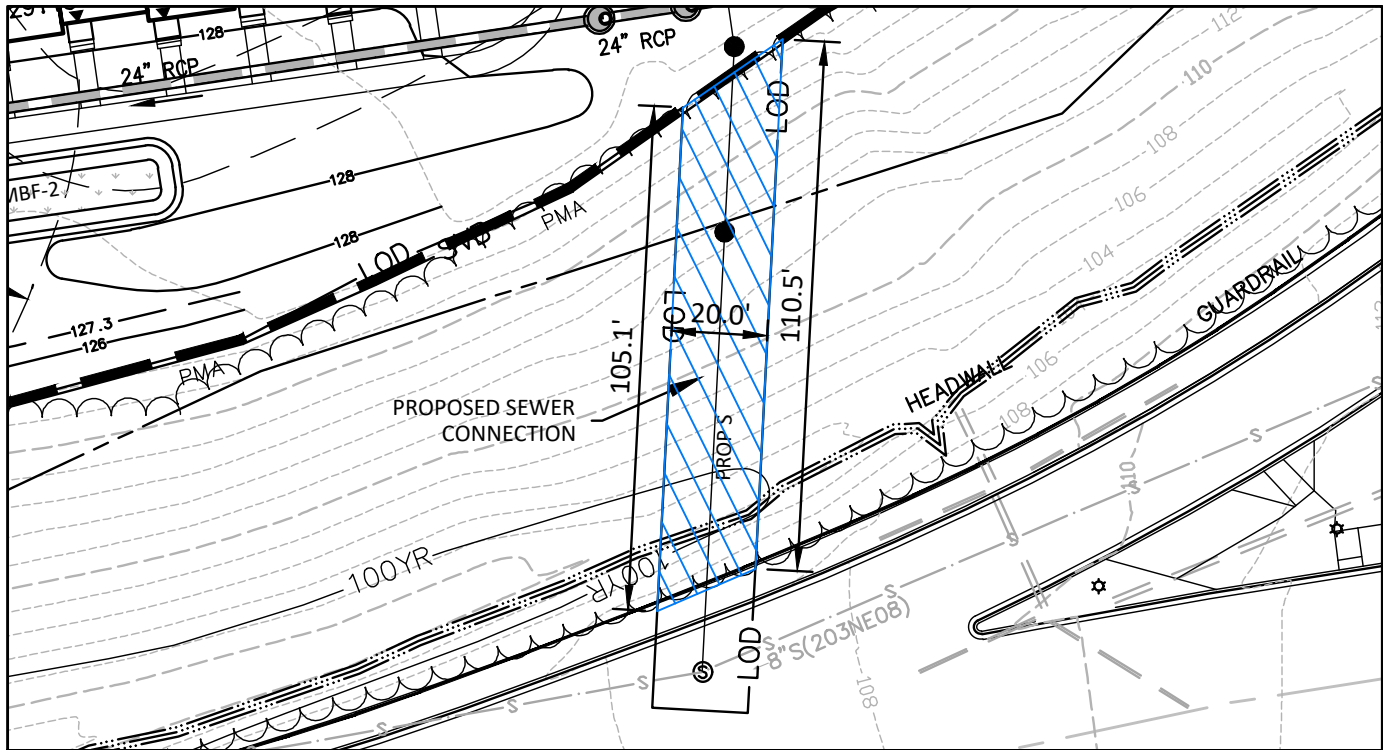
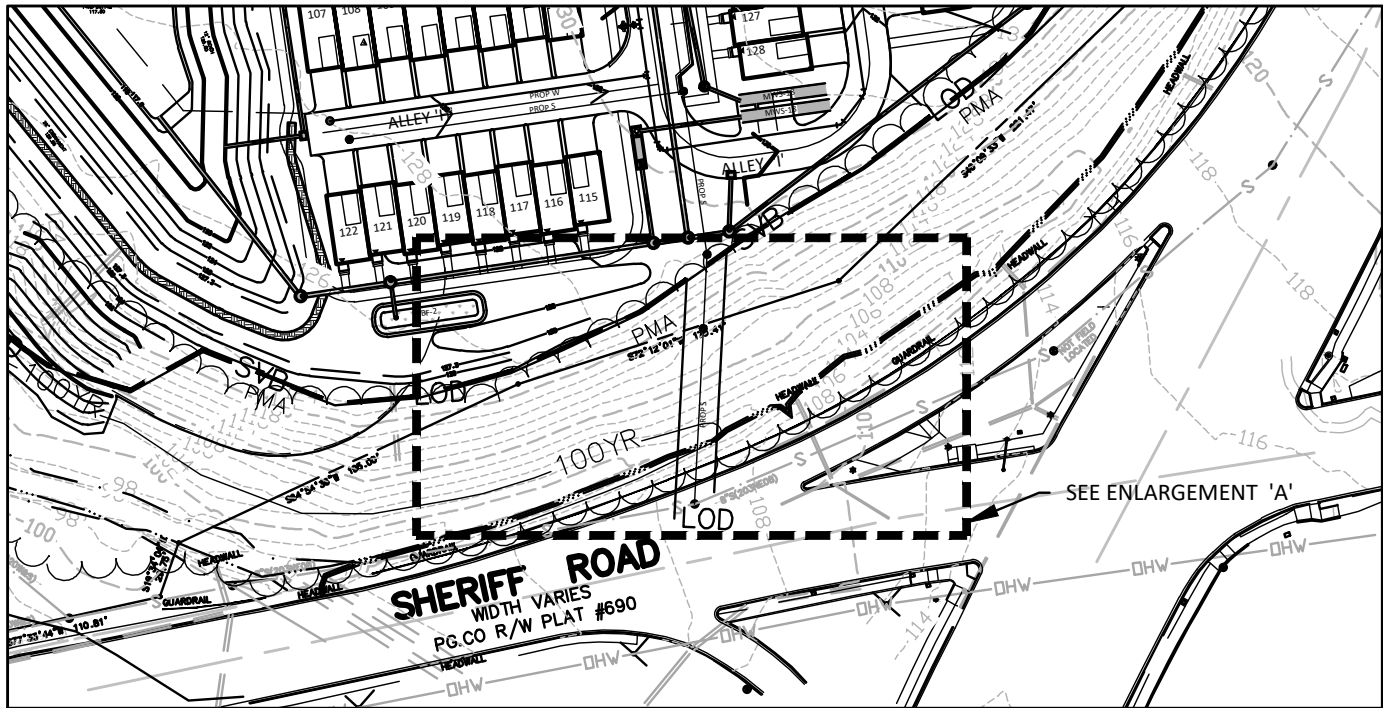
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 CSP-13006-01  
 1990 BRIGHTSEAT ROAD



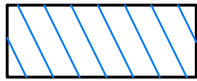
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**LEGEND:**



- LOD**
- PMA**
- 100 YR**
- SVB**

PMA IMPACT: 2,156 SF or +/- 0.05 ACRES  
 FINAL AREA AND LOCATION PENDING APPROVAL BY DPIE

- LIMITS OF DISTURBANCE**
- PRIMARY MANAGEMENT AREA**  
(PER NRI/109/13 APPROVED 12/26/13)
- 100-YEAR FLOODPLAIN (DPIE)**
- STREAM VALLEY BUFFER**

**ENLARGEMENT A**  
 1"=40'



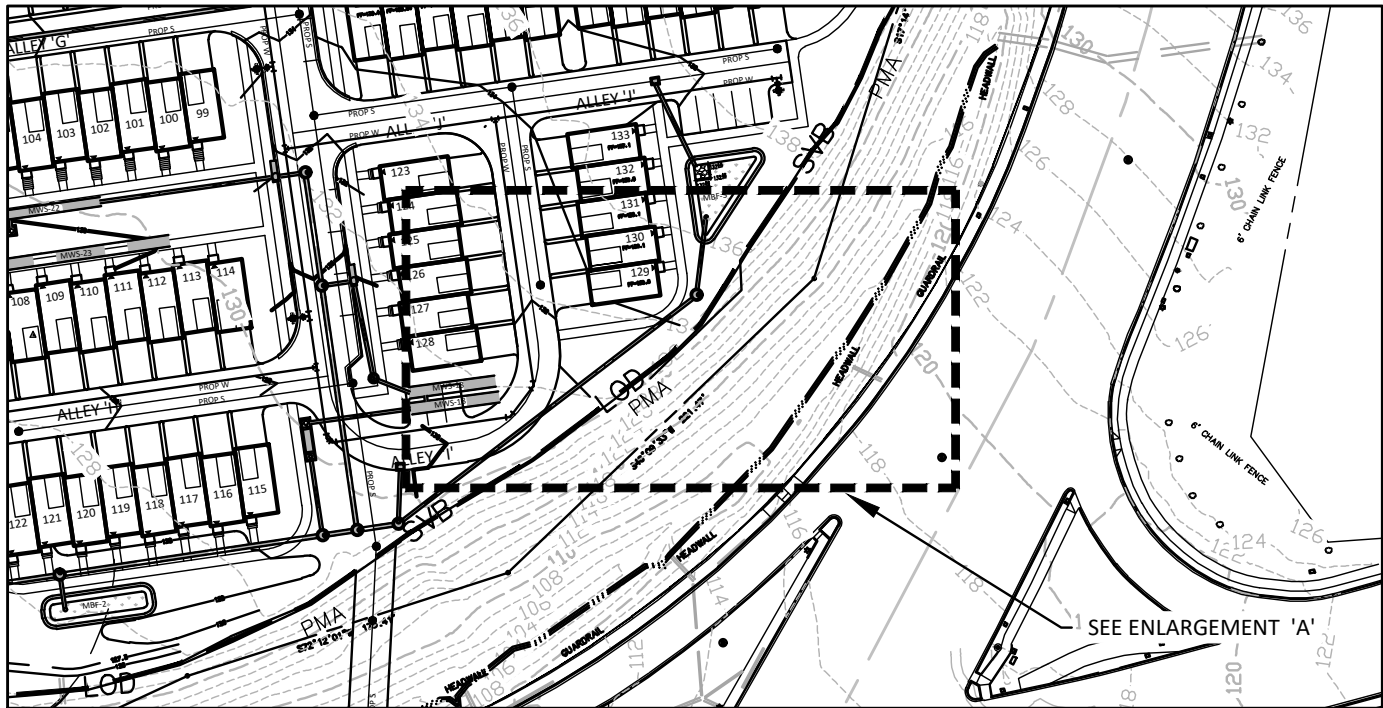
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**PMA IMPACT AREA 5**  
 CSP-13006-01  
 1990 BRIGHTSEAT ROAD

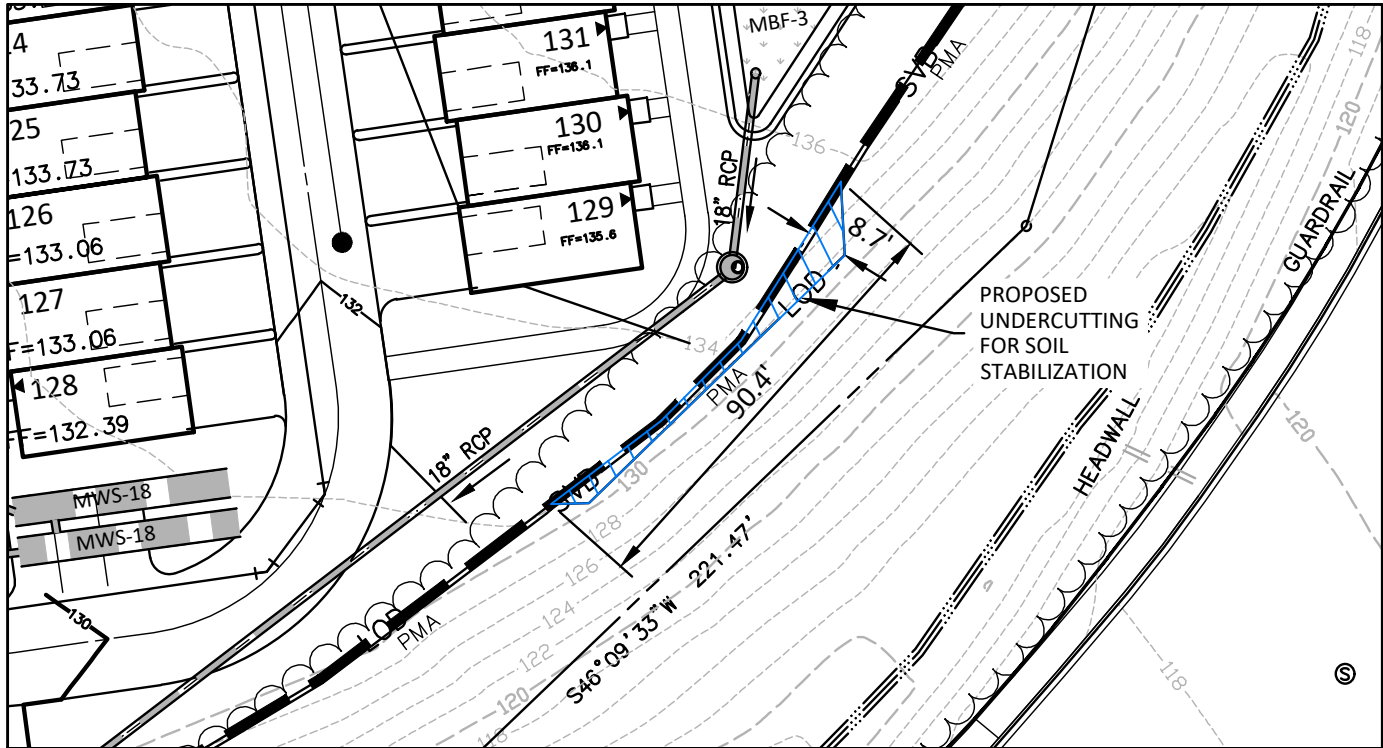


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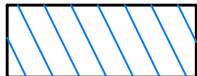
DRAWN BY:	JB
DESIGNED BY:	JB
DATE ISSUED:	12/28/2022
PROJECT No.	VM50442B
SHEET No.	5 OF 7



SEE ENLARGEMENT 'A'



**LEGEND:**



- LOD**
- PMA**
- 100 YR**
- SVB**

PMA IMPACT: 341 SF or +/- 0.01 ACRES  
 FINAL AREA AND LOCATION PENDING APPROVAL BY DPIE

LIMITS OF DISTURBANCE

PRIMARY MANAGEMENT AREA  
 (PER NRI/109/13 APPROVED 12/26/13)

100-YEAR FLOODPLAIN (DPIE)

STREAM VALLEY BUFFER

ENLARGEMENT A  
 1"=40'



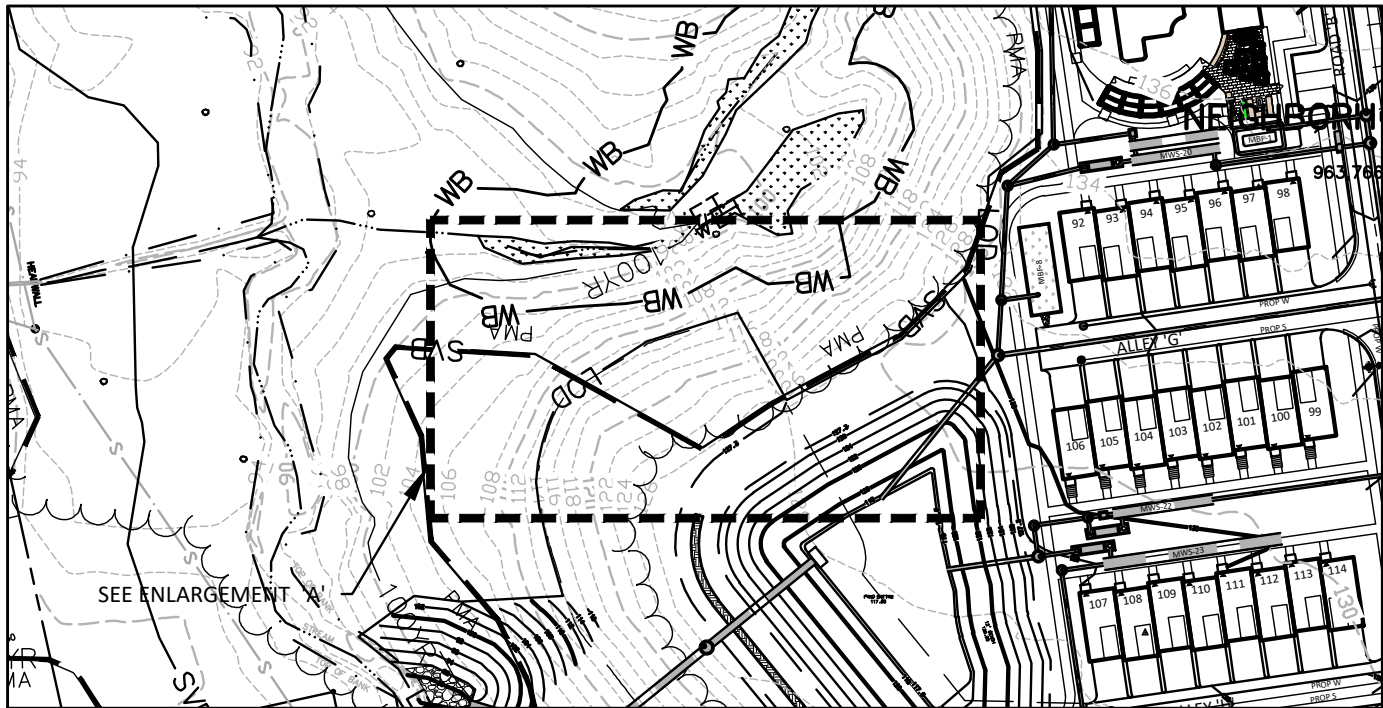
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**PMA IMPACT AREA 6**  
 CSP-13006-01  
 1990 BRIGHTSEAT ROAD

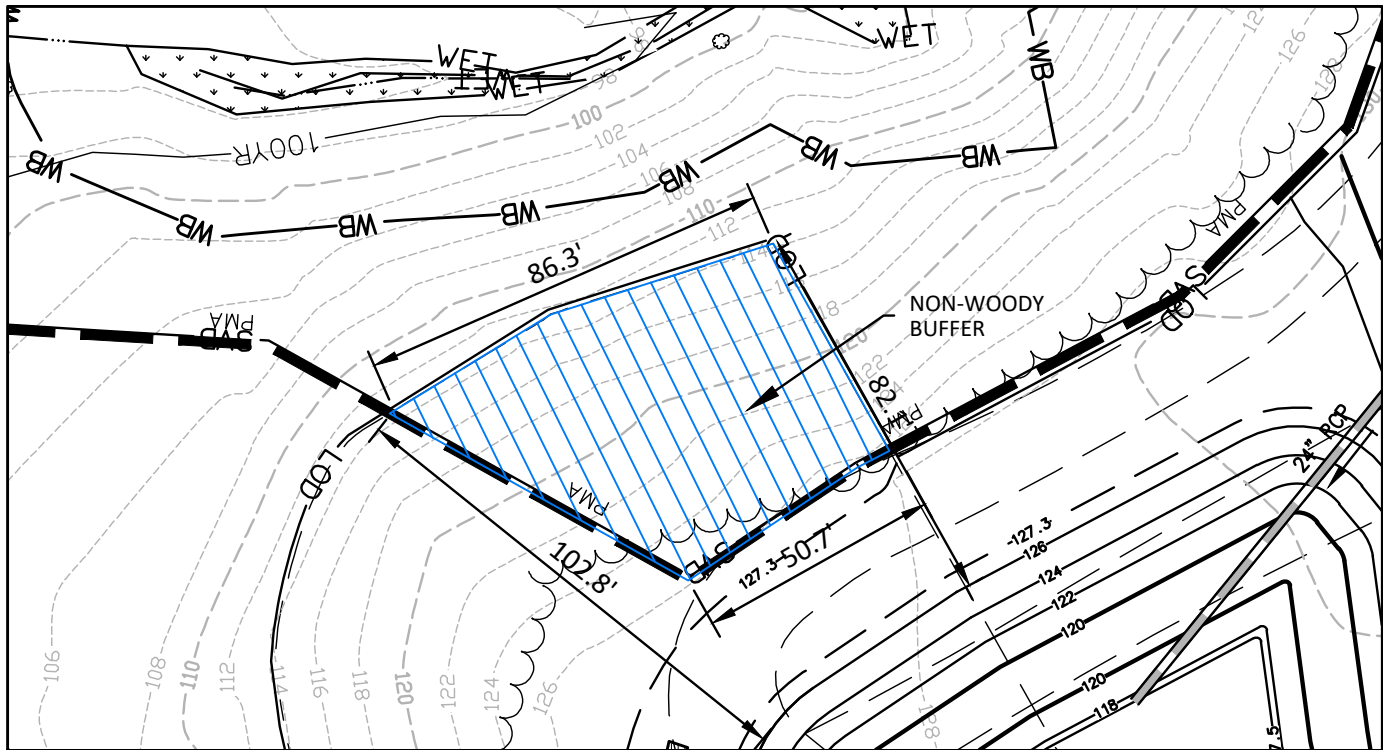


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PROJECT No.	VM50442B
SHEET No.	6 OF 7

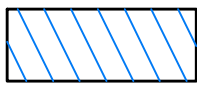


SEE ENLARGEMENT 'A'



ENLARGEMENT A  
1"=40'

**LEGEND:**



- LOD**
- PMA**
- 100 YR**
- SVB**

PMA IMPACT: 3,940SF or ±0.09 ACRES  
FINAL AREA AND LOCATION PENDING APPROVAL BY DPIE

- LIMITS OF DISTURBANCE
- PRIMARY MANAGEMENT AREA  
(PER NRI/109/13 APPROVED 12/26/13)
- 100-YEAR FLOODPLAIN (DPIE)
- STREAM VALLEY BUFFER



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**PMA IMPACT AREA 7**  
CSP-13006-01  
1990 BRIGHTSEAT ROAD



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DESIGNED BY:	JB
DATE ISSUED:	12/28/2022
PROJECT No.	VM50442B
SHEET No.	7 OF 7



## Tom Haller

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**From:** Borden, Debra <Debra.Borden@mncppc.org>  
**Sent:** Monday, July 1, 2013 9:56 AM  
**To:** Thomas H. Haller  
**Subject:** RE: M-X-T Requirements

Tom,

It has taken me some time to track down the planners involved with both the plan and the ULI study. The response that I received was effectively this: At the time the provision was written, Westphalia was the only plan that met the criteria. It was noted that Landover Gateway would be eligible for the full provisions of CB-78-2006 upon its approval. Since the ULI TAP was conducted under contract to the Planning Department I would think this meets the technical staff criteria.

The caveat is that the ULI TAP focused on a smaller area than that included in the sector plan. If both of the properties in question are within the TAP area I think we could interpret them to be subject to the TAP as a comprehensive land use planning study conducted prior to initiation, but if they're outside the TAP area it opens room for interpretation.

Are your client's properties within the area studied? If so, then you have the benefit of the provision. Let me know if you have any questions.

### Debra S. Borden

Associate General Counsel  
Maryland-National Capital Park and Planning Commission

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**From:** Thomas H. Haller [mailto:thaller@gibbshaller.com]  
**Sent:** Tuesday, June 11, 2013 2:58 PM  
**To:** Borden, Debra  
**Subject:** FW: M-X-T Requirements

Debra,

You asked me to forward this e-mail to you regarding my question related to the M-X-T zone.

Tom

---

**From:** Thomas H. Haller  
**Sent:** Friday, May 17, 2013 4:10 PM  
**To:** Borden, Debra (Debra.Borden@mncppc.org)  
**Subject:** FW: M-X-T Requirements

I sent the e-mail below to you in January but I can't find a response from you. The project is heating up, and we need to determine soon what we can and cannot do related to the issue below. If you want me to meet with you to go over the specific property, I am happy to do that—maybe even right before or after our Brighton meeting next week. Thanks for looking into this.

Tom

---

**From:** Thomas H. Haller  
**Sent:** Tuesday, January 08, 2013 6:28 PM  
**To:** Borden, Debra (Debra.Borden@mncppc.org)  
**Subject:** M-X-T Requirements

Debra,

As we discussed, I am working with an owner of property subject to the Landover Gateway Sector Plan, which was adopted in 2009. The property consists of two separate parcels, which do not abut. We are anticipating that we will need to file two CSP's. If that is the case, under the normal requirements, we will need to satisfy or address the multiple use requirements of Section 27-547(d) and the townhouse limitations set forth in Section 27-547(b)(Footnote 7). I am trying to determine whether properties subject to the Landover Gateway Sector Plan qualify for the exemption to the multiple use requirement set forth in Section 27-547(e) and the similar exemption to the townhouse limitations set forth in Section 27-544(b).

By way of background, the exemptions I am referring to were added to the zoning ordinance by CB-78-2006 in order to facilitate the Westphalia Sector Plan. There were properties that the Westphalia Sector Plan wanted to zone MXT, but did not necessarily want to have a mix of uses given the uses of surrounding properties. Thus, Section 27-547(e) reads as follows:

- (e) For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

Obviously, every SMA adopted after 2006 satisfies the first criterion, but very few SMA's are preceded by a comprehensive land use planning study conducted by Technical Staff prior to initiation. Prior to the initiation of the Landover Gateway Sector Plan, a Technical Assistance Panel Report was prepared by ULI Washington to generate redevelopment scenarios for Landover Mall and adjacent properties. I have attached a copy of that study. It is my belief that staff with the Community Planning Division thought the Landover Gateway did qualify for these exemptions because there were properties that were recommended for single use categories. If the ULI Washington study sponsored by MNCPPC qualifies as a "comprehensive land use planning study conducted by Technical Staff prior to initiation", then I think we would all agree that the exemption applies to the Landover Gateway Sector Plan. If it does not, then I think those statutory requirements apply and will have to be addressed. I appreciate you looking into this for me. Let me know if you have any questions or need any additional information.

Tom

Thomas H. Haller, Esq.  
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Largo, Maryland 20774  
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(F) 301-306-0037  
e-mail: [thaller@gibbshaller.com](mailto:thaller@gibbshaller.com)

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 26, 2014 regarding Conceptual Site Plan CSP-13006 for Brightseat Road Property, the Planning Board finds:

1. **Request:** The application proposes to develop the subject property with 380 multifamily units and associated parking.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T/O-S	M-X-T/O-S
Use(s)	Parking lot	Multifamily Residential
Acreage	17.20/4.92	17.20/4.92
Total Multifamily Dwelling Units	0	380
Commercial Office Square Footage	0	0
Commercial Retail Square Footage	0	0
Residential Square Footage	0	462,000

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.48 FAR*

\*A note should be added to the CSP notes indicating the proposed FAR

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Brightseat Road/Sheriff Road and Redskins Road, in Planning Area 72 and Council District 5.



4. **Surrounding Uses:** The site is bounded to the north by a Board of Education (BOE) property housing the Bonnie F. Johns Educational Media Center and a parcel improved with an existing car dealership, both zoned M-X-T; to the south by Sheriff Road and single-family detached homes in the Palmer Park neighborhood zoned R-35; to the west by single-family detached homes also in the Palmer Park neighborhood zoned R-35; and to the east by Brightseat Road.
5. **Previous Approvals:** The subject property, also referred to as Parcel 51, was the subject of CNU-25172-11 which sought non-conforming use certification to obtain a permanent Use and Occupancy permit to allow parking for stadium events. The Planning Board denied the request; (PGCPB Resolution No. 12-87); however, the District Council approved it on February 11, 2013, allowing the existing gravel lot to continue as a temporary nonconforming use for five years. The 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* rezoned 19.57 acres including the subject property from the C-M Zone to the M-X-T Zone.

The site also has an approved Stormwater Management Concept Plan, 930-2010-00, which is valid until May 17, 2016.

6. **Design Features:** The conceptual site plan (CSP) proposes a single-use, gated multifamily residential development on a property currently used for overflow parking for events at FedEx Field. The site is bounded to the east by Brightseat Road (A- 31) which provides direct access to the site. The 120-foot-wide arterial runs north connecting to Landover Road and beyond. At the southern edge of the property Brightseat Road runs east, away from the property. Sheriff Road (A-21), a 120-foot-wide arterial, extends west along the property's southern border. The Cattail Branch Creek runs north/south through the western end of the site, with a branch projecting further into the middle of the property.

The proposed multifamily development comprises six four-story buildings, each approximately 77,000 square feet. The buildings' locations are delineated in more detail than is customarily found in a typical CSP, and as shown do not appear to have a clear design relationship with each other or the adjacent roads. Two buildings are located side-by-side along the northern property line across from the Educational Media Center. Two other buildings are located in proximity to each other, one adjacent to a wetland area and the other adjacent to a stormwater management pond. The two buildings closest to Brightseat Road form a "V" which opens toward the roadway, with a pool in the middle. The rest of the area proposed for development is filled by surface parking including six parking garages accommodating between 6 to 12 vehicles for a total of 50 enclosed spaces. Pedestrian connectivity between buildings is provided via internal sidewalks and parking islands. Conceptual pedestrian access to the Board of Education property and at the site entrance is also shown. Stormwater management is to be provided mainly through the use of one above-ground pond located in the southwest portion of the site.

The main building at the development's entrance is proposed to contain a 2,100-square-foot clubroom and a 1,970-square-foot fitness center. The private recreational facilities provided on the CSP should be viewed as the minimum number and size of private facilities required.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in mixed-use zones.

(1) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:

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

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

Only residential uses are proposed in the subject CSP, which is permitted per Section 27-547(e).

(2) Section 27-547(e) provides an exception to the required mix of uses: **For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.**

In an e-mail dated July 1, 2014, to the applicant's legal representative from the M-NCPPC Legal Department (Borden to Haller), it was concluded that an Urban Land Institute Technical Assistance Panel (TAP), conducted between January 17 and 18, 2006 for the redevelopment of the Landover Mall and vicinity and which included the subject property, was deemed sufficient to allow the applicant to proceed with a single use on the subject property. With the recommended

conditions, the proposal will conform to the visions, goals and policies within the sector plan.

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

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

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

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

- Residential—This will potentially increase the floor area ratio (FAR) by 1.0 if more than 20 dwelling units are provided with the application. This CSP includes a maximum total of 380 dwelling units and is eligible for this bonus.

The CSP proposes a FAR above 0.40. The proposed FAR is as follows:

Uses	Square footage
Residential	462,000
Commercial	0
Total	462,000
Net Site Area: 22.12 Acres	963,547
<b>FAR</b>	<b>0.48</b>

A General Note should be added to the CSP indicating the FAR allowed and proposed.

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

The CSP proposes more than one building on 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.**

This requirement is not applicable to this CSP, but will be applicable to subsequent detailed site plans on this site.

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

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

This requirement will be reviewed for compliance at the time of DSP when detailed building designs are provided; however, the CSP complies with this requirement.

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

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

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

This requirement is met. The applicant will need to request a variation at the time of preliminary plan to provide access directly from an arterial roadway (Brightseat Road).

- (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**

**1,800 square feet in size, and shall have at least 60 percent of the full front facades constructed of brick, stone, or stucco...**

The regulations are not applicable to the proposed development.

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

The CSP does not show any building height that is higher than 110 feet, but this will be enforced at the time of DSP.

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

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

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

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

The property is located at the intersection of Brightseat Road and Sheriff Road with a possible future Purple Line transit stop location in immediate proximity to the subject property. The site is also in proximity to the former Landover Mall site which presents an ideal redevelopment opportunity. These factors make development of this site desirable for employment and living opportunities.

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

With the proposed conditions recommended below, the development should offer a compact, walkable community with residential and private recreational uses.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which**

**might otherwise become scattered throughout and outside the County, to its detriment;**

The subject site is an undeveloped property located at the intersection of major roadways. Developing a residential project on the site will help facilitate the public and private development potential inherent in this location.

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

The location of the site in the vicinity of a major arterial (Landover Road) and I-95/495 (Capital Beltway), and a possible future Purple Line transit facility, means the proposed development can be expected to promote the effective and optimum use of these facilities.

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

The development proposal is entirely residential. As a residential development, there will be activity and a steady presence of people beyond regular business hours. Accessibility to nearby commercial opportunities is critical to achieve an active and vibrant mixed-use development. Therefore, various conditions have been included concerning connectivity and design elements in order to facilitate a 24-hour environment.

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

The development proposal is for a single use.

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

The functional relationship of the individual residential use to other uses in proximity to the site will be further analyzed at the time of DSP review. The visual character and identity of the project will be a function of the architecture of the buildings, entrance features, and landscape plantings, which will be scrutinized at the time of DSP review. Buildings should be designed with high-quality detailing and design variation. They should be appropriate in scale with their location. The architecture, landscape treatment, signage, and other elements should be coordinated to give the development a distinctive visual character.

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



The number of proposed residential units and the concentration of them in multifamily complexes allows for economies-of-scale in the construction process and for the municipal services required to serve the residents. The proposed multifamily structures on a property with significant environmental and regulated features will create an efficient use of this undeveloped property which is currently used for overflow parking for FedEx Field.

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

The proposed use, if developed in accordance with proposed conditions below, will create a desirable community in the central portion of the county.

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

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

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

The subject site was rezoned to the M-X-T Zone in 2009 through the *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment*. This sector plan does not contain a design concept for the subject property, but does provide design guidelines and standards for evaluating conformance with a general design concept for the Center and Edge areas. If approved with the recommended conditions, the intent of the design guidelines and sector plan will be met.

**(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 development will be visible from Brightseat Road and Sheriff Road. The multifamily units will for topographic reasons have to be set back from these major roadways and the entire development is proposed to be gated. This residential development, if constructed in conformance with the sector plan vision, may help catalyze the development of the former Landover Mall site, which will aid in rejuvenating this general area of the county.

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

The subject site is bounded by public roadways to the east and south, by a Board of Education (BOE) property and car dealership to the north and by the Palmer Park single-family detached subdivision to the west. The proposed residential development, if sensitively designed in accordance with the sector plan vision, will be compatible with existing development in the vicinity.

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

The design proposed for the site, even though it is for a single residential use, needs additional refinement in order to adequately reflect a cohesive development of continuing quality and stability. Therefore, various conditions have been included concerning the design, internal circulation, and connectivity to be reviewed further at the time of preliminary plan and DSP.

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

The subject development is not proposed to be staged.

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

The CSP proposes sidewalks along all internal drive aisles. No trails for recreational use are proposed. Critical pedestrian connections between the site and the Board of Education property and to Brightseat Road have been provided; however, additional design refinements are required to encourage pedestrian activity within and through the development.

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

The subject application is a CSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that**



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

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

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

This requirement is not applicable to this CSP.

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

The subject site contains 22.12 acres and is therefore not subject to this requirement.

- d. If approved with conditions, the CSP will be in conformance with the applicable CSP site design guidelines contained in Section 27-274.
- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site and oriented to minimize the number of parking lanes crossed by pedestrians. Large, uninterrupted expanses of pavement are to be avoided or mitigated with green space and plant materials. The illustrative site plan shows that, in general, expansive, unbroken surface parking is proposed in front of and between the multifamily buildings and the public rights-of-way. At the time of

DSP, attention should be paid to the design of the parking areas so that they are visually minimized and enhanced with green areas. A condition of approval has been included to ensure that the future DSP takes this into consideration.

- (2) In accordance with Section 27-274(a)(3)(A), lighting should be used to illuminate entrances, pedestrian pathways, and property addresses. No lighting is proposed as part of this CSP. At the time of DSP review the site plan will be evaluated for appropriate lighting.
  - (3) In accordance with Section 27-274(a)(5)(A), green area should be provided to define space and serve as a focal point. The CSP shows the conceptual location of a green area that could serve as a focal point and an opportunity for passive recreation and, possibly, a link with the Cattail Branch Trail.
  - (4) In accordance with Section 27-274(a)(10), Architecture, the CSP makes a general reference with regard to the form of the buildings. The applicant's Statement of Justification included conceptual architectural elevations, though they are not included in the CSP plan set. Architecture, including style, visual interest and building materials will be evaluated in detail at DSP review.
  - (5) The CSP proposes recreational facilities throughout the development that should be properly separated from dwelling units, in particular rears of buildings, in accordance with Section 27-274(a)(11)(C). This issue will have to be examined more closely at the time of DSP when specific building and area design will be created for the recreational features.
- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP approval. Detailed information regarding the methodology and procedures to be used in determining the parking requirement is outlined in Section 27-574(b). The CSP is not required to include detailed parking rate information and it is noted the applicant is proposing a single residential use on the site that would be subject to the requirement of 27-568 (Schedule of Spaces Required). At the time of DSP review, the site plan will be evaluated for adequate parking.
8. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the Landscape Manual, which will be reviewed at the time of DSP review.

- a. **Section 4.1—Residential Requirements**, requires a certain number of plants to be provided for multifamily units depending where they are located and the amount of green area provided. The subject development will be evaluated for conformance to Section 4.1 at the time of DSP.
  - b. **Section 4.3—Parking Lot Requirements**, specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The parking area will be evaluated for conformance to Section 4.3 at the time of DSP review.
  - c. **Section 4.4—Screening Requirements**, requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets, which will occur within the development. Conformance to these requirements will be judged at the time of DSP review.
  - d. **Section 4.6—Compliance with Section 4.6, Buffering Development from Streets**, requires a buffer be provided between multifamily dwellings and a major collector (or higher classification) roadway to reduce adverse impacts from the roadway to the multifamily development.
  - e. **Section 4.7—This site will be subject to Section 4.7, Buffering Incompatible Uses**. More specific information regarding bufferyard requirements along property lines adjoining other uses will be evaluated at the time of DSP. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.
  - f. **Section 4.9—This site will be subject to Section 4.9**, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.
9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This project is not grandfathered, and is subject to the current environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George’s County Code that became effective on September 1, 2010 and February 1, 2012, because the project is required to have a new preliminary plan approval.

The Tree Conservation Plan (TCP1-001-14) has been reviewed and requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The Woodland Conservation Threshold (WCT) for this 22.12-acre property is 17.15 percent of the net tract area or 3.10 acres. The threshold is 17.15 percent based on 17.20 acres of M-X-T zoned property, at 15 percent, and 4.92 acres of O-S zoned property, at 50 percent. The total woodland conservation requirement based on the amount of clearing shown on the plan is 3.70 acres. The woodland conservation requirement is proposed to be satisfied with a combination of preservation,

reforestation, and fee-in-lieu; however, revisions to the plan and the worksheet may be necessary that may affect the woodland conservation requirement. It should be noted that the use of fee-in-lieu is only allowed for a requirement of less than an acre. Because the fee-in-lieu acreage for the current proposal is less than an acre, the use of fee-in-lieu is supported. If plan revisions change the fee-in-lieu acreage over an acre, the use of fee-in-lieu will no longer be supported. The worksheet on the plan correctly shows a fee-in-lieu based on a rate of \$0.90 per square foot because the property is located within the priority funding area.

The plan should be revised to show the current standard TCP1 approval block with a column for the associated development case number. The current standard woodland conservation worksheet should be shown on the plan. The NRI notes need to be removed from the plan and the standard TCP1 notes need to be revised as follows: the title of the notes needs to be revised to the standard language "Type 1 Tree Conservation Plan Notes;" Note 1 needs to reference the current CSP application; Note 9 needs to be revised to mention the site's proximity to Landover Road (MD 202) which is a master planned expressway in the vicinity of the subject site; the standard stormwater management note needs to be revised to include all of the standard language; and the last standard note regarding woodland conservation on land to be dedicated to public agencies needs to be provided.

A revised, but un-approved, concept plan has been submitted which reflects the same site design as is shown on the TCP. An approved stormwater management design should be shown on the TCP. Both plans should continue to reflect the same site design.

Wetlands, wetland buffers, and expanded wetland buffers have been shown on the TCP in accordance with the approved NRI; however, these symbols should be added to the legend.

The site contains high priority woodlands within the primary management area (PMA). Some of these woodlands are located within the 60-foot wide stream buffer along the southeast boundary of the site and are contiguous with off-site woodlands directly adjacent to the stream channel. The TCP1 proposes to clear some of the on-site woodlands in this area for grading for a building and garage. The remainder of the on-site woodland in this area is proposed as "woodland preserved but not credited" and are identified as areas B and C. As existing or proposed, the woodland would not be able to be counted as preservation because it would not meet the minimum dimensions to be counted as preservation (50 feet wide, 10,000 square feet in area); however, because the woodlands are within the PMA, part of the riparian stream buffer, and contiguous with off-site woodlands also part of the riparian stream buffer, it is a priority area for preservation, and should be preserved even if it does not meet the minimum criteria as woodland conservation. Preserving the existing woodland and additional planting in the open sections of the on-site PMA in this area would not only provide the needed protection for the stream, it would also provide the necessary screening and buffering of the site from the Brightseat Road and Sherriff Road intersection. In addition to the preservation priority of these woodlands, staff also notes that the proposed grading impacts to this area are not supported. As such, the proposed disturbance to the woodlands in this area, adjacent to "woodland preserved but not credited" in areas B and C, should be eliminated. The open portion of the woodland within the buffer adjacent to "woodland preserved but not



credited on areas B and C should be planted or vegetated as well. Redesign in this area may be necessary. A condition for the preservation and restoration of this area is recommended the discussion of Regulated Environmental Features later in this memorandum.

Areas of clearing, labeled as AA, CC, and DD, are shown on the plan; however, the proposed grading in these areas are not shown and it is not clear why these areas are being cleared. These areas are adjacent to, or within the PMA and are high priority areas for preservation. Development can and should be designed to preserve more of these areas up to the required minimum distances from woodland conservation (per code and the Environmental Technical Manual).

Section 25-122(d)(1)(B) requires that woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP2 applications approved after September 1, 2010 that do not have a TCP1 approved before September 1, 2010 (in other words, non-grandfathered projects).

The recordation of a woodland conservation easement is required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

#### **Specimen Trees**

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

There are six (6) specimen trees shown on the plans as submitted. The removal of specimen trees requires a variance to Section 25-122(b)(1)(G) of the County Code as part of the development review process. No specimen trees are shown on the plans as submitted to be removed; however, a portion of the critical root zones for trees 1, 2, and 3 are shown to be impacted.

No variance for the removal of specimen trees is required at this time because no specimen trees are proposed to be removed. If any changes to the limits of disturbance result in the removal of the tree or significant impacts to the critical root zone that may require the removal of a specimen tree, a variance will be required.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 22.12 acres in size, resulting in a tree canopy coverage requirement of 2.2 acres. Compliance with this requirement will be evaluated at the time of DSP.

11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Archeological Review**—In a memorandum dated January 28, 2014, the Historic Preservation Section offered the following comments:

Phase I archeological survey is not recommended on the above-referenced 22.12-acre property located at 1990 Brightseat Road in Landover, Maryland. The subject property is currently developed with an overflow parking lot associated with the Redskins stadium. The site was extensively graded and disturbed during initial construction of these features. 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 proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.

b. **Community Planning**—In a memorandum dated May 15, 2014, the Community Planning Division provided the following summarized comments on the subject CSP:

The application is consistent with both the 2002 General Plan Development Pattern policies for the Developed Tier and the Plan Prince George's 2035 General Plan. The Development application does not strictly conform to the 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment* land use recommendations for mixed use; however, the Zoning Ordinance permits a single-use under certain circumstances.

In keeping with the sector plan vision, the District Council rezoned the subject property from Commercial Miscellaneous(C-M) to the Mixed –Use Transportation-Oriented (M-X-T) Zone with the purpose of bringing a mix of residential, commercial and/or employment uses to the site. The applicant proposes a single use development based on an interpretation of Section 27-547(e), of the Zoning Ordinance which states that:

For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

The Planning Board finds this application generally conforms to the vision, goals, policies and recommendations of the plan as noted below.

The Community Planning Division referral comments that the overall vision for Landover Gateway is the “transformation of the Landover Gateway area into a vibrant 24-hour activity center with a dense urban form and a mix of uses...[the] downtown core transitions into outer neighborhoods with a range of high- and moderate-density residential neighborhoods and complementary mixed-use development.” (p. 17) The vision states the need for a range of housing options integrated into mixed-use districts. The Land Use Plan for Landover Gateway clearly identifies the subject property in an “office/retail/residential” land use category. (p. 19)

To achieve this vision, the sector plan establishes goals that “ensure that...future development is transit-supportive,” that development is “compact, mixed-use,” and that pedestrian-oriented and transit-oriented design is required. (p. 26). These goals are further articulated through nine policies with supportive strategies, including encouragement of “a walkable, connected pattern of streets throughout the area,” “a range of block sizes with many small blocks that foster an urban, walkable environment,” and development of “a pedestrian-friendly environment with a multiplicity of uses to ensure continuous activity and ‘eyes on the street.’” (pp. 26-28)

The sector plan further articulates an urban design policy to “ensure high-quality design for all new construction by implementing design guidelines for building form and design character.” These include strategies for “a consistent build-to line for each neighborhood character area and thoroughfare type to ensure a coherent street wall, appropriate scale, and proper relationship to the street” and “appropriate form, massing, use, height, siting, fenestration, and relationship to the street for all new buildings.” (p. 30)

The envisioned “walkable, connected pattern of streets” is reiterated throughout the plan and it clearly shows a new east-west thoroughfare that originates across Brightseat Road, travels west, runs along the northern boundary of the subject property, and turns northwest towards an intersection with Barlowe Road. The intended land use and site development pattern is illustrated throughout the plan shows buildings on the subject property oriented to this new street. This illustrative site layout, shown on pages 20, 21, 24, 32, and 37 of the plan recognizes the desire to ensure a coherent and interesting street wall along a mixed-use thoroughfare, which is especially important given the topographical considerations that make building up to the sidewalk on Brightseat Road difficult. The plan envisions development on the subject property to face, front on, and be oriented toward the proposed spine road. The land use plan on page 19 of the sector plan also identifies the proposed road as an access point through the Gateway South area.

The Planning Board finds, however, that the proposed east-west street is not required to find conformance to the sector plan, as it is not identified as part of the basic road infrastructure for the Landover Gateway Area, set forth on pages 84 and 85 of the plan. While the roadway is seen as a desirable urban design feature, the illustrative plans do not follow existing property lines, nor, when they were developed, did they take into account topography and environmental constraints which create challenges to development. The

Planning Board concludes that for these reasons, the illustrative plans depicting the east-west roadway are not mandatory requirements of the sector plan, and that approval of the conceptual site plan without the provision of an internal road will not, ~~in and of itself~~, result in nonconformance with the visions, goal, policies and recommendations of the Sector Plan.

It is noted that the Cattail Branch Stream Valley Park is adjacent to the subject property. The sector plan recommends trail connections be provided that connect to the Palmer Park Community Center Park (p. 108). The initial CSP submission did not show any trail connections, although the applicant submitted exhibits to show conceptual trail alignments. The Planning Board adopted a condition that requires the trail connections be addressed at the time of preliminary plan.

#### **Gateway South Recommendations**

The sector plan places the subject property in the Gateway South neighborhood, which is bounded by Cattail Branch and Palmer Park to the west and by the I-95/495 (Capital Beltway) to the east. The scale of the envisioned neighborhood ranges from 2-3 story single-family attached residences in the western areas to high-density residential and mixed use east of the intersection of Brightseat Road, Redskins Road, and Sheriff Road. The plan envisions this area as being transformed into a neighborhood of mixed-use residential and educational uses that support and complement the downtown. Mixed residential, office, and other uses surrounding a new public square extend commercial activity to the south across Landover Road (MD 202) from the downtown. (p. 48).

The subject property is located in the southwestern area of the Gateway South neighborhood. Recommendations for the area include providing uses that support and complement the downtown, protect and enhance the adjacent Palmer Park neighborhood, and protect Cattail Creek. The goals for the Gateway South neighborhood also include maximizing the redevelopment potential of the publicly owned Bonnie F. Johns Educational Media Center. The Planning Board finds that the proposed multifamily development will be compatible in concept with the adjacent Palmer Park community. Since the sector plan identifies the former Landover Mall property as the retail core of Landover Gateway, the Planning Board further finds that the proposed development will complement this downtown by providing new residential development which will support existing and future retail development.

To ensure that the Gateway South neighborhood complements the surrounding areas, design guidelines and accommodating design principles are recommended for each site based on their location. As stated in the plan, "Development applications in the Landover Gateway sector should respond to and be in harmony with the design guidelines." (p. 50). Each district in the Design Guidelines has specific strategies for the range in the mix of uses, the density desired and a host of recommendations meant to direct the form of future development in these areas.



The applicant has pointed out in the Statement of Justification that the subject property is described differently in the Landover Gateway Sector Plan Design Guidelines and in the Build-out scenario assumptions located in Appendix D. The subject property is shown as being in the “General Center” of the Design District Boundaries map located on p. 51, whereas the same property is shown in Appendix D, Buildout Scenario Assumptions, as being in the “General Edge” Design District.

In this case, properties in the “General Center” designation are focused on a main street that serves as the retail-commercial heart of the district while properties in the “General Edge” include some retail but primarily provide opportunities to live and work in an urban environment. These districts not only specify a preferred range of uses but also promote design features consistent with plan goals.

The General Center Design District promotes “...a mixed-use, pedestrian-oriented district focused on a main street that serves as the retail-commercial heart of the district. This district should serve as the primary retail main street core organized around a walkable, economically vital main street that forms a central spine for the Landover Gateway. Attractive and comfortable streetscapes with wide sidewalks, distinctive street furniture, street trees, and other amenities make this district a pleasant, comfortable, and engaging place to stroll. Upper floors of the main street buildings include both residential and commercial uses to create a dynamic urban residential and commercial district.” (p. 54-55) Design principles and building envelope guidelines are listed on pages 55-58 of the sector plan. The elements they address include building height and orientation, street wall height, build-to lines, street façades,

The General Edge Design District promotes mixed-use development with residences comprising 80 percent to 90 percent of the mix. The design principles and building envelope guidelines listed on pages 58-60 of the Sector Plan are intended to create a unique streetscape. Elements addressed in this section include building height, siting, setbacks, street layout, pedestrian connectivity and open space.

Regardless of which Design District the subject property is designated, the Sector Plan is consistent in stressing several features that are envisioned to be the same in both the General Center and General Edge designations. The following are strategies that apply to both General Center and General Edge properties:

- Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.
- Include wide sidewalks and distinctive, visually appealing streetscape elements.
- Ensure buildings are not set back to provide a continuous street wall for pedestrians.

- Use street grid patterns to create compact blocks of development.
- Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk.
- Feature extensive vertical mixing of uses to include ground-level retail and upper-level office/educational/cultural or residential uses.
- Build structured parking that does not intrude on or break up the consistent street wall.
- Develop well-placed open space throughout the district to serve for formal and informal gatherings.

The identified inconsistency in the sector plan caused some confusion, but the requirement in the sector plan that “development applications in the Landover Gateway sector plan should respond to and be in harmony with the design guidelines” compels the Planning Board to consider the applicable design guidelines. Multiple plan graphics clearly illustrate that the Sector Plan places all properties abutting Brightseat Road south of Landover Road (MD 202) in the General Center Design District. The statistical analysis of potential build-out in Appendix D is provided as information, and to illustrate a possible result of plan implementation, but is not a section of the sector plan that plays any substantive role in determining Design Guidelines or other plan applicability.

Irrespective of the noted inconsistency, the application should address the design guidelines shared by the General Center Design District and the General Edge Design District identified above that can reasonably be applied to the subject property. These will be looked at more closely at the time of DSP.

A central theme throughout the Gateway South Neighborhood in the Landover Gateway Sector Plan area is that uses are to be oriented to the pedestrian scale and facilitate pedestrian circulation. The layout of the site should facilitate pedestrian access to, from and through the site. In addition, open space policies and strategies to protect and capitalize on Cattail Branch Stream Valley Park – a unique environmental feature—will also need to be addressed further in future development phases.

#### **Gateway South Conclusions**

Understanding the plan’s vision and recommended design guidelines for this area is key to ensuring that development applications respond to, and are in harmony with, the overall land use plan. Design elements including siting, architecture, trails, green space and pedestrian connectivity among others will be considered at the time of DSP review.

The Planning Board finds that the visions, goals and strategies applicable to the Gateway South neighborhood should generally guide the design of the subject property. At the hearing, the applicant demonstrated that the subject property is uniquely constrained by environmental and topographic constraints which prevent the design strategies common to both the General Center and the General Edge properties from being implemented on the subject property. Since the Planning Board finds that the extension of a roadway as shown on the illustrative plans is not required to find conformance with the sector plan, strict conformance with the Design Guidelines may not be practical or appropriate for the subject property. The concept proposed by the applicant, if implemented in accordance with the conditions of approval adopted by the Planning Board, will ensure compatibility with the adjacent Palmer Park neighborhood and create a moderate density residential community which will complement the downtown of the Landover Gateway Sector Plan. However, the Planning Board finds the design of the site will require further evaluation at the time of detailed site plan approval to determine the extent to which the design district guidelines can be applied and ultimately, whether some version of the urban form envisioned in the sector plan can be achieved.

It is noted that the subject property was located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area established by County Council Bill CB-3-2012 and which expired on June 6, 2014.

- c. **Transportation Planning**—In a referral dated May 7, 2014, the Transportation Planning Section provided the following summarized comments on the subject CSP:

The proposal is a CSP for M-X-T property that was rezoned through a sectional map amendment approved in 2009 as a part of the Landover Sector Plan and SMA. In circumstances where the M-X-T Zone was granted by means of a sectional map amendment, Section 27-546(b)(8) of the Zoning Ordinance requires a transportation adequacy test. For that reason, a traffic study was prepared and submitted for review.

The application is a CSP for a single-use development consisting of 372\*\* multifamily residential development projected to generate 194 AM trips (morning peak hour) and 224 PM trips (evening peak hour), and 2,418 daily trips as shown in table below:

	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	Total
<b>Residential</b>									
<b>Multifamily</b>	372**	units	37	157	194	145	79	224	2,418

The trip generation is estimated using trip rates in the 2012 “Transportation Review Guidelines, Part 1” (*Guidelines*).

The traffic generated by the proposed plan would impact the following intersections:

- MD 202 with Kenmoor Drive/ Business Access (signalized)
- MD 202 with Barlowe Road (signalized)
- MD 202 with Brightseat Road (signalized)
- MD 202 with I-95/495 Southbound on-ramp (signalized)
- Brightseat Road with Site Access/ Business Access Road (unsignalized)\*
- Brightseat Road with Sheriff Road (signalized)

\*Note: The submitted study reports a traffic signal has already been approved by SHA to be installed by the applicant at this location.

\*\*At the Planning Board hearing the applicant indicated the number of multifamily units proposed is 380, which the Transportation Section indicated will not have an impact on the Transportation Findings.

The application is supported by the original traffic study dated December 2012, an updated study with new counts dated March 4, 2014, and a revised study with new analyses incorporating initial set of staff's comments on March 24, 2014. All three studies were provided by the applicant. It is noted that only the last traffic study was referred to the Maryland State Highway Administration (SHA) and the Prince George's County Department of Public Works and Transportation (DPW&T) for their review and comments. As of this writing, staff has not received any written comments from either agency.

In accordance with the *Guidelines*, the study results can be used to make the required findings for this case. It is noted, however, that new adequacy findings by the Planning Board will be needed at the time that this site advances to the preliminary plan stage.

The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines*.

The subject property is located within the Developed Tier, as defined in the 2002 *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) E, with signalized intersections operating at a critical-lane-volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a) (6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in January 2014 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)(AM & PM)		Level of Service (LOS)(AM & PM)	
	MD 202 with Kenmoor Drive	899	951	A
MD 202 with Barlowe Road	895	1,008	A	B
MD 202 with Brightseat Road	1,063	1,247	A	C
MD 202 with I-495/I-95 SB on-ramp	775	1,239	A	C
Brightseat Road with Site Access w/ approved signal	282	413	A	A
Brightseat Road with Sheriff Road	606	823	A	A

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

Background traffic has been developed for the study area using an extensive listing of approved developments in the area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)(AM & PM)		Level of Service (LOS)(AM & PM)	
	MD 202 with Kenmoor Drive	967	1,029	A
MD 202 with Barlowe Road	976	1,124	A	B
MD 202 with Brightseat Road	1,155	1,387	C	D
MD 202 with I-495/I-95 SB on-ramp	926	1,517	A	E
Brightseat Road with Site Access w/ approved signal	298	438	A	A
Brightseat Road with Sheriff Road	654	882	A	A

The following critical intersections identified above, when analyzed with the programmed improvements and total future traffic as developed using the *Guidelines* including the site trip generation for 400-multifamily units used in the traffic impact study, or 28 more units than shown on the proposed CSP plan, and the distribution as described in the traffic study, operate as follows:



TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(CLV)	(AM & PM)	(LOS)	(AM & PM)
MD 202 with Kenmoor Drive	992	1,051	A	B
MD 202 with Barlowe Road	1,001	1,147	B	B
MD 202 with Brightseat Road	1,193	1,438	C	D
MD 202 with I-495/I-95 SB on-ramp	947	1,527	A	E
Brightseat Road with Site Access w/ approved signal	441	533	A	A
Brightseat Road with Sheriff Road	666	890	A	A

All of the critical intersections operate acceptably under total traffic in both peak hours. This is conditioned on the installation of a traffic signal at the intersection of Brightseat Road with Site Access, which the submitted traffic study indicates has been previously approved by SHA. The requirement for a traffic signal is included in the Transportation Section's recommended conditions.

**Plan Review Comments**

The submitted plan shows a single point of access at Brightseat Road for the entire 380 unit multifamily proposal. Brightseat Road at this location is an eight-lane arterial roadway that serves as one of three primary entrances to the FedEx Field stadium. During events at the stadium, all eight lanes of Brightseat Road become fully occupied by vehicles with traffic movements along this roadway tightly controlled. At the Planning Board hearing staff raised the possibility that during these times, having just one access to and egress from such a congested roadway for a development of this size would be undesirable and potentially unsafe. In addition, the 2009 *Approved Countywide Master Plan of Transportation* proposes an extension of the Purple Line transit alignment south of New Carrollton along the west side of Brightseat Road. This planned transit extension could further complicate the use of a single point of access to this proposed community as the Maryland Transit Authority seeks to minimize the number of track crossings. However, the Planning Board noted that the proposed entrance to the site is existing and aligns with the Landover Crossing Shopping Center across Brightseat Road from the subject property. Further, a traffic signal has been installed at the intersection of these two entrances, but is currently not operational. A condition has been added to require the traffic signal be provided when deemed warranted by Maryland State Highway Administration (SHA). The Planning Board concludes that based upon existing conditions and traffic controls a second entrance is not required.

**Conclusions**

Based on the preceding findings, the Planning Board concludes that the transportation facilities will be adequate to carry anticipated traffic for the proposed development as required under Sections 27-546(b)(8), and 27-546(d)(9) of the Prince George's County Code, and otherwise meets the transportation-related requirements for approval of a

conceptual site plan. The Planning Board approval includes a condition to address the provision of signalization along Brightseat Road at the proposed site access, when deemed warranted by SHA.

- d. **Subdivision Review**—In a memorandum dated May 15, 2014, the Subdivision Review Section provided the following analysis of the subject application:

The subject site is known as Parcel 51, located on Tax Map 60 in Grid B-3, and is 22.12 acres. The property is split zoned with 17.20 acres in the M-X-T Zone and 4.92 acres in O-S Zone. Parcel 51 is a legal deed parcel and has never been the subject of a preliminary plan of subdivision (PPS). The current configuration of the Parcel 51 was the result of right-of-way dedication pursuant to State Highway Administration Plat No. 87901. This public right-of-way dedication was a legal division of land pursuant to Section 24-107(c)(5) of the Subdivision Regulations. The site is currently graded for a parking compound. The applicant has submitted a Conceptual Site Plan (CSP), CSP-13006, for 380 multifamily dwelling units.

A preliminary plan of subdivision (PPS) is required pursuant to Section 24-107 of the Subdivision Regulations. The CSP reflects a conceptual layout proposed with six buildings surrounded by parking on one parcel and proposes one vehicular access from the site onto Brightseat Road. Under Subdivision Regulations, Section 24-121(a)(5) requires that a PPS shall conform to the area master plan. The 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* establishes the development design principles and goals, such as street grid patterns, pedestrian-oriented environment, and buildings fronting the street, for the Landover area. At the time of preliminary plan of subdivision the concept site layout of the development may need to be modified to address the design principles and goals of the master plan.

The site has regulated environmental features at the western and southern portion of the property. Section 24-130 of the Subdivision Regulations requires the preservation of regulated environmental features to fullest extent possible. The proposed development envelope on the CSP appears to be encroaching onto the regulated environmental features. At the time of preliminary plan of subdivision review, the development envelope may need to be modified for preservation of the regulated environmental features and any statement of justification for impacts will be evaluated at that time.

The subject property has frontage on Ray Leonard Road to the west, Brightseat Road to the east, and Sheriff Road to the south. The existing property has access from Brightseat Road and an access easement to the north on Parcel 56, owned by the Board of Education (BOE). The applicant has stated that the access easement is pursuant to a license agreement with the Prince George's County Board of Education for the vehicular access from the subject property to connect through Parcel 56 to exit out to Barlowe Road. The rights associated with that private agreement are not known by staff. The CSP proposes one vehicular access onto Brightseat Road for 380 multifamily dwelling units.

At the time of PPS review, the site will be evaluated for adequate access and transportation facilities for the proposed development. Brightseat Road is an arterial roadway and pursuant to Section 24-121(a)(3) land adjacent to an arterial roadway shall be designed to have access on an interior street or service road. A variation request will be required at the time of PPS for the proposed development to have direct vehicular access onto Brightseat Road.

The development layout shown on the CSP is for illustrative purposes only. A more detailed review of the site layout, environmental impacts, traffic circulation, and access will be evaluated and determined at the time of preliminary plan of subdivision. A condition of approval requires the applicant to show the bearings and distances of subject property on the CSP.

- e. **Trails**—In comments dated May 14, 2014, which supersede a memorandum dated March 13, 2014, the trails coordinator provided the following analysis of the subject application:

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan identify two master plan trail/bikeway corridors and one master plan trail connection that impact the subject site. The area master plan identified both Sheriff Road and Brightseat Road as sidewalk and bikeway corridors, while the 2009 MPOT further refined this to recommend standard sidewalks and designated bike lanes along both roads (see MPOT map). Currently, segments of Sheriff Road have been improved with a decorative wide sidewalk and wide outside curb lanes (see photos on the attached pages), while Brightseat Road includes an eight-foot wide sidepath south of Sheriff Road.

The MPOT includes the following descriptions for the planned facilities along Sheriff and Brightseat Roads:

**Sheriff Road Wide Sidewalks and Designated Bike Lanes**—Extend the existing wide sidewalks along the entire length of Sheriff Road. Designated bike lanes are also recommended. These facilities will improve access to FedEx Field, Cabin Branch Trail, and Cedar Heights Community Center (MPOT, page 25).

The subject site's frontage of Sheriff Road includes a standard sidewalk. This sidewalk is immediately behind the curb with no buffering from the travel lanes. Immediately to the west of the subject site, Sheriff Road has been improved with additional shoulder space for parking and a decorative sidewalk. It should also be noted that a decorative wide sidewalk has been constructed along the south side of Sheriff Road opposite of the subject site. The ability to provide bike lanes and expand the sidewalk along Sheriff Road may be constrained by the existing stream which extends along the eastern and southern boundaries of the subject



property. The provision of adequate right-of-way to allow the implementation of the MPOT recommendations will be further evaluated at the time of preliminary plan of subdivision.

**Brightseat Road Sidewalks and Bike Lanes - Provide continuous sidewalks/wide sidewalks and on-road bicycle accommodations along Brightseat Road. Brightseat Road is a major north-south connection through the Landover Gateway area, and currently facilities for pedestrians are fragmented. The road currently does not include striping for bicycle facilities. However, due to the speed and volume along the road, its connectivity through the sector plan area, and its connection to FedEx Field, designated bike lanes are recommended. Brightseat Road should also include accommodations for bicycles and pedestrians at the planned interchange with MD 202. These facilities will provide safe non-motorized connectivity to the Landover civic center and commercial core from surrounding neighborhoods (MPOT, page 25).**

Brightseat Road currently includes a standard sidewalk along the frontage of the subject site. This sidewalk is immediately behind the curb with no buffering from the travel lanes. It may be appropriate to provide the decorative, wide sidewalk that currently exists along the south side of Sheriff Road along the subject site's frontage of Brightseat Road as well. This determination will be made at the time of PPS. Sufficient dedication to incorporate designated bike lanes may be required at the time of Preliminary Plan, pending discussions with DPW&T.

Pages 97–98 of the area master plan includes the following text in [bold] regarding a master plan trail recommendation along the tributary of Cattail Branch:

**Provide a stream valley trail connection along the tributary of Cattail Branch, from Cattail Branch south to Sheriff Road. This trail will provide access to the Sports and Learning Complex from communities to the north, as well as provide an additional connection into the larger stream valley trail network (see Map 25: Trails on page 94).**

There appears to be sufficient space along the stream valley to provide the master plan trail on the subject site. However, the Department of Parks and Recreation (DPR) has indicated that they do not want this stream valley corridor as park dedication. This factor, in conjunction with the private nature of the proposed gated community, will most likely result in the trail functioning as a private homeowner association (HOA) trail. This trail will provide outdoor recreation for future residents, as well as provide a segment of a future trail connection into the planned stream valley trail network. A 2011 PGAtlas aerial photo indicates that

there is an existing drive aisle parallel to the stream valley for most of the length of the subject site. It may be appropriate to utilize this road/drive aisle as the corridor for the master plan trail. This will not only take advantage of existing grades and clearing, but would eliminate environmental impacts within the 100-year floodplain and primary management area (PMA). Even if the existing drive aisle is not utilized, sufficient space should be provided outside of the regulated areas to accommodate the trail. At the time of detailed site plan review, adjustments to this alignment can be made as needed to accommodate the proposed development.

The MPOT also includes a complete streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**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.**

In conformance with these policies, sidewalks are recommended along all of the site's road frontages and along both sides of all internal roads.

It is noted that there appear to be two existing bus stops along Brightseat Road in the vicinity of the subject site.

**Additional Review Comments**

A letter from the applicant dated May 1, 2014 responded to a discussion of the facilities included in the area master plan and recommended in a March 13, 2014 memorandum (Shaffer to Fenton). The following discussion was considered by the Planning Board.

- The applicant states that both Sheriff Road and Brightseat Road are State rights-of-way and concludes that "it is highly unlikely that MDSHA will allow any changes to the current sidewalk and lane alignment." It is noted that Sheriff Road is maintained by DPW&T and Brightseat Road is maintained by SHA. However, the recommendations regarding the planned bicycle and pedestrian facilities remain unchanged regardless of the ultimate operating agency. Staff continues to recommend frontage improvements consistent with the master plan

along both Sheriff Road and Brightseat Road, unless modified by the appropriate operating agency.

- The applicant states that the trail along the stream valley is not feasible due to the existing stream and environmental constraints, as well as the topography abutting Sheriff Road. Staff did not recommend the trail within the environmental setting, but instead, on the periphery of the developable portion of the site adjacent to the PMA. An alternative layout dated October 23, 2014 and provided by the applicant in earlier versions of the submitted Traffic Impact Analysis, including one dated March 4, 2014, appear to indicate that space for a trail can be provided at this location. Staff concurs and the Planning Board agreed that due to steep and severe slopes between the site and Sheriff Road, it will likely not be feasible to construct the trail all the way to Sheriff Road. However, the trail can still serve as a private HOA outdoor recreational amenity and provide a potential connection to the Board of Education property to the north. The master plan trail along the stream valley will serve as a needed public amenity for the future residents of the site.

At the hearing, the Planning Board determined that the need for additional right-of-way and/or frontage improvements will be made at the time of preliminary plan review.

#### **Conclusion**

From the standpoint of non-motorized transportation, the Planning Board finds that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, and meets the findings required for a conceptual site plan with the approved conditions.

- f. **Department of Parks and Recreation (DPR)**—In a memorandum dated April 15, 2014, DPR provided the following summarized comments:

#### **DPR Findings**

The subject property is located within walking distance of the Prince George's Sports and Learning Complex which is owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The planned and existing trails within the public right-of-way of Brightseat Road and Sheriff Road will provide hiker/biker access to the Prince George's Sports and Learning Complex.

The applicant's proposal includes 380 multifamily dwelling units. Using current occupancy statistics for multifamily dwelling units, one would anticipate that the proposed development would result in a population of 1,116 new residents.

The subject property includes 7.46 acres of primary management area (PMA) consisting of floodplain, wetlands and steep slopes. 4.92 acres of this PMA area is located within the O-S Zone. The May 2009 *Landover Gateway Approved Sector Plan and Proposed Sectional Map Amendment* proposes trail construction within the PMA. DPR and the

Planning Department staff carefully evaluated the PMA and determined that this area is not suitable for the trail construction. The applicant shows a clubhouse with a pool in the residential portion of the development. The statutory requirements of the Subdivision Regulations, Section 24-134, require that the applicant provide mandatory dedication of approximately 2.5-acre of land suitable for active or passive recreation, or the payment of monetary fee-in-lieu thereof, or the provision of recreational facilities. DPR staff believes that the requirement for the mandatory dedication of parkland should be met by the provision of on-site private recreational facilities suitable to serve an anticipated population of 1,116 new residents. The recreational facilities package should include pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex.

#### **DPR Recommendations**

The Department of Parks and Recreation recommended that the Conceptual Site Plan, CSP-13006 be approved, subject to the following conditions:

1. The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The recreational facility package shall include pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy and proper siting, prior to approval of the detailed site plan by the Planning Board.
2. The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the Development Review Division (DRD) for their approval three weeks prior to a submission of a final plat. Upon approval by the DRD Urban Design Staff, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
3. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, at least two weeks prior to applying for building permits. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
4. At the time of the Detailed Site Plan approval, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other

appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees.

These conditions were accepted by the Planning Board and included in the conditions of approval.

- g. **Public Facilities**—In a memorandum dated February 3, 2014, the Special Projects Section of the Countywide Planning Division indicated that they had no comments on the subject development.
- h. **Environmental Planning**—The Environmental Planning Section, in a memorandum dated May 13, 2014, provided an analysis of the application’s conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO) incorporated into Finding 9 above, along with the following summarized comments:

- (1) There is a primary management area (PMA) comprised of Regulated Environmental Features which include streams and wetlands, associated buffers, 100-year floodplain and adjacent steep slopes. The submitted application is being reviewed for conformance with the requirements of Subtitle 27 but will also be subject to Subtitle 24 at the time of preliminary plan. Requirements with regard to the regulated environmental features are noted below.

Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.” A statement of justification, including an impact exhibit plan, was stamped as received by Environmental Planning Section (EPS) on May 2, 2014, and reviewed as part of this application.

Section 27-274(a)(5)(B) of the Zoning Ordinance states that for all CSP applications: “The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

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



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

The statement of justification and associated exhibit reflect four (4) proposed impacts to regulated environmental features associated with the proposed development. The site contains a total of 7.45 acres of PMA.

**Impact SWM-01:** totals 0.30 acres of proposed impacts to the PMA. The statement of justification indicates that this impact is for an outfall for an underground stormwater management facility. The current configuration of the outfall and associated LOD shows the disturbance of the critical root zones of three specimen trees. The extent of the proposed impact does not appear to be necessary for the installation of a proposed outfall. Staff does not support this impact because the grading can be reduced further.

**Impact SWM-02** totals 0.09 acres and is for a pond outfall. This impact does appear to be necessary.

**Impact SWM-03** totals 0.04 acres to allow for a non-woody buffer at the base of the pond embankment as required by the Soil Conservation District. The pond can be designed to allow for the non-woody buffer outside of the PMA. Staff does not support this impact because it can be designed to be avoided

**Impact S-01** totals 0.18 acres of proposed impacts to the PMA. The statement of justification indicates that the impact is proposed solely for a sewer line connection; however, a proposed parking garage is shown on the plan

approximately two feet from the PMA. Impacts to the PMA would be needed for installation and maintenance of the parking garage. The statement of justification also indicates that the location of the sewer outfall connection has been designed to avoid conflict with a proposed stormdrain. The PMA in this area is associated with a stream buffer, which is a priority area for woodland conservation. At time of preliminary plan design and review, the site design in this area should be revised to eliminate this impact, and further to allow adequate space for planting along the stream buffer for woodland conservation purposes. Staff does not support this impact.

The plans currently show a proposed building (labeled as Building 4) at the top of a steep slope that has been incorporated in the PMA. This slope is also an expanded wetland buffer, as shown on the NRI. The building, and associated LOD, is shown approximately 9 feet from the top of the slope. While this has not been specifically requested as an impact, staff believes that it would be difficult to construct a building so close to the top of a slope without impacting it. The resulting building stability should also be addressed.

Based on the information submitted, staff finds that the application does not adequately demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. In order for staff to make a recommendation that regulated environmental features have been preserved and/ or restored in a natural state to the fullest extent possible, the site design must be re-evaluated to address the following: reduce impacts to the critical root zones of specimen trees, adjust the location of the pond so that the non-woody buffer can be located outside of the PMA, move the proposed sewer line so that the portion of the line currently proposed to run along the top of the slope is removed and the only remaining impact is the perpendicular stream crossing, move proposed building 4 away from the top of the slope and/ or provide additional grading and engineering information to demonstrate that the building can be constructed, be stable, and without impacting the PMA.

The Planning Board approval includes conditions to revise and redesign the TCP1 as necessary to demonstrate the preservation and/or restoration of regulated environmental features. At a minimum, the impacts to SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA for SWM-03. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce S-01.

- (2) An approved Stormwater Management Concept plan and an approval letter, dated May 17, 2013, were initially submitted with the subject application. The approved concept shows stormwater management requirements to be met through the use of retention and filtration. The plan shows a large pond proposed on the southern



portion of the site and an underground storage and filter facility located on the northwestern portion of the site.

The approved stormwater management design is similar to what is shown on the TCP1; however, the lot layout is significantly different. The approved concept plan shows the proposed development as a retail space, gas station, fast food restaurant, and a hotel. The Environmental Planning Section provided comments regarding the original stormwater management design in a memo dated April 1, 2014. The concern was that the CSP application is for the development of six (6) multifamily dwelling units and associated infrastructure. It was unclear how the significant change in site design would affect the stormwater management requirements. The original approved concept did not show the grading of steep slopes as the LOD shown on the proposed TCP1 seemed to indicate. Additionally, the concept did not show the location of the PMA as shown on the approved NRI.

A revised concept plan was submitted and stamped as received by EPS on May 2, 2014. The revised concept shows the PMA and the grading necessary to install the infrastructure.

The current master plan for this area is the Landover Gateway Sector Plan and Sectional Map Amendment, approved May 2009. The master plan includes Policies focused on stormwater management; these include an emphasis on stream restoration, and the use of environmentally sensitive stormwater design techniques. These strategies should be incorporated into the stormwater management design.

Additionally, no information has been submitted regarding the health or physical attributes of the existing on-site streams. The master plan includes a policy within the Environmental Infrastructure section which identifies the need to restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded. One of the strategies to fulfill this policy is to identify opportunities for ecologically significant stream and water quality restoration projects within and adjacent to the Cattail Branch primary corridor. The on-site tributaries drain directly into the Cattail Branch Primary Corridor. A stream corridor assessment using the Maryland DNR Stream Corridor Assessment protocol must be prepared to identify priorities for protection, preservation, and restoration. The assessment must be done for both on-site streams and the portion of the stream system located between the subject site and Brightseat Road.

At time of preliminary plan application, a stream corridor assessment using the Maryland DNR Stream Corridor Assessment protocol is needed for the on-site stream system to document the health of the stream and to determine where, if any, restoration efforts should be focused. If stream restoration recommendations are appropriate, they shall be included in the report. The revised and un-approved

stormwater concept plan submitted with the current CSP application does not address stream restoration. Should the stream corridor assessment identify the need for stream restoration, it must be incorporated into a revised and approved stormwater management concept.

The Planning Board approval contains a condition requiring the preliminary plan application package include:

1. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and impacts to off-site stream buffers located between the subject site and Brightseat Road.
  2. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.
  3. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
- (3) Prior to grading of the site, the county requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Plan must be submitted at time of preliminary plan application so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.
- (4) The site fronts on Brightseat Road, a master planned collector along the site's frontage. The site also fronts on Sheriff Road, a master planned arterial roadway that is regulated for noise. The site is in close proximity to Landover Road (MD 202), a master planned expressway that is regulated for noise.

The state standard requires that the day-night average (Ldn) be used for residential uses. A 65 dBA Ldn noise contour has been shown on the TCP1; however, it is not clear on the plan what information the noise contour has been based on. The following note needs to be added to the TCP: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model." Additionally, the noise contour must be measured from the centerline of a right-of-way. The TCP does not show the centerlines of Brightseat

Road or Landover Road. The TCP needs to be revised to clearly show the centerlines on the plan view or in a separate inset.

Should any future development applications contain a site design that proposes residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, that application must contain a noise report prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.

- (5) The minimization of light intrusion from this site into the on-site environmentally sensitive areas is important to protect the health of the stream valley and associated wildlife. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures must be used.

The Planning Board approval includes conditions addressing these issues.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated February 6, 2014, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this report, no comments were received from this agency.
- k. **Prince George's County Police Department**—In a memorandum dated January 28, 2014, the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
- l. **Prince George's County Health Department**—In a memorandum dated February 3, 2014, the Health Department provided the following comments:
  - (1) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the goals of public health in improving quality of life. The developer should consider setting aside space for a community garden.

The provision of a community garden will be given consideration at the time of DSP review when a detailed development pattern is established.

- (2) Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric

symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.

Additional noise information was requested of the applicant to document the source of the noise contour shown on the plan and that the contour shown is an unmitigated 65 dBA Ldn noise contour. This is discussed further in Finding 11(h) above. The future preliminary plan and DSP will address noise issues as more detailed site design is determined.

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

As discussed at the Planning Board hearing, provision of a complete pedestrian system is a high priority. The location and design of trails and sidewalks will be carefully reviewed at the time of DSP.

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

This issue will be further reviewed at the time of DSP when lighting details are provided. A condition requiring the use of full cut-off light fixtures has been included in the Planning Board approval.

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

The Planning Board regularly conveys to applicants the importance of identifying and communicating with stakeholders during the development review process.

- m. **Maryland State Highway Administration (SHA)**—At the time this report was written, no comment had been received from SHA.

- n. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated January 23, 2014, WSSC indicated that they had no comments on the subject application as the applicant did not pay their applicable review fee.
  - o. **Verizon**—At the time this report was written, no response had been received from this agency.
  - p. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated January 28, 2014, PEPCO indicated that they concur with the ten-foot public utility easement (PUE) as stated in Note 14 under the General Notes on the plan. They also noted that additional easements may be required to accommodate transformers, switches, or fuse enclosures as necessary based on projection loads.
12. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the conceptual site plan will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

The Planning Board finds that the conceptual site plan will, subject to the conditions below, demonstrate preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-001-14), and further APPROVED Conceptual Site Plan CSP-13006 for the above-described land, subject to the following conditions:

- 1. Prior to certification of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. A General Note shall be added to the CSP indicating the FAR allowed and proposed.
  - b. The plan shall be revised to show the bearings and distances of the subject property on Sheets 1, 5, 7 and 8.



2. Prior to certification of the conceptual site plan (CSP), the Type I tree conservation plan (TCPI) shall be revised as follows:
  - a. Show the standard TCP1 approval block with an additional column listing the associated CSP number.
  - b. Show the standard woodland conservation worksheet, revised as necessary.
  - c. Remove the NRI notes from the plan.
  - d. Include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."
  - e. Show the centerlines of Brightseat Road and Landover Road (MD 202).
  - f. Revise the standard TCP1 notes as follows:
    - (1) Revise the title of the notes to: "Type 1 Tree Conservation Plan Notes;"
    - (2) Revise note 1 to reference the current CSP application;
    - (3) Revise note 9 to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site;
    - (4) Revise the standard stormwater management note to include all of the standard language;
    - (5) Add the standard note regarding woodland conservation on land to be dedicated to public agencies.
    - (6) Revise the legend to include all symbols shown on the plan.
    - (7) Eliminate all unnecessary proposed clearing and grading from areas where no development is proposed up to the minimum distance required from woodland conservation areas.
    - (8) Have the plan signed and dated by the qualified professional who prepared it.
3. Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA for SWM-03. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce S-01.



4. A traffic signal and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access shall be provided, when deemed warranted by SHA.
5. The applicant shall provide a bike lane on both sides of Brightseat Road, extending across Sheriff Road on Redskins Drive, to provide a bicycle connection to the Wayne K. Curry Sports and Learning Center within the existing paved section of the roadways, unless modified by SHA and/or DPW&T.
6. At the time of preliminary plan, the following shall be addressed:
  - a. Pedestrian circulation in and through the site, including access to the adjacent school board property;
  - b. Facilities for bicycle storage in appropriate locations;
  - c. Provision of standard sidewalks along both sides of all internal roads; and
  - d. Construction of the master plan trail along the subject property's entire length of the tributary of Cattail Branch.
7. At the time of detailed site plan, the following trail and bicycle issues shall be addressed:
  - a. The location and number of bicycle parking spaces.
8. At the time of detailed site plan, if the development application shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, a noise report shall be prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.
9. At the time of detailed site plan (DSP), the following design issues shall be addressed:
  - a. The applicant shall use full cut-off light fixtures to prevent light trespass, and direct the pattern of light pooling on-site.
  - b. The applicant shall consider setting aside space for a community garden.
  - c. Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.
  - d. Provide sufficient visitor parking spaces evenly distributed among the multifamily units.

- e. The development shall be designed and organized so as to create cohesively designed building groups. The appearance of surface parking areas shall be minimized. The buildings should have a strong relationship with each other. The buildings should also be organized to provide quality public spaces with pedestrian connections that will provide a pleasant outdoor setting for the residents.
  - f. Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
  - g. Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing, shall be included for all residential and recreational buildings in the DSP.
  - h. All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
  - i. Side elevations of the multifamily buildings highly visible from the internal road, Brightseat Road or Sheriff Road shall be designed with the same attention to detail as the front elevation.
  - j. A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.
10. At the time detailed site plan, the following issues regarding private on-site recreational facilities shall be addressed:
- a. The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.
  - b. The applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other

appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees.

11. The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the DRD for their approval not later than three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, and Maryland.
12. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational
13. At the time of Preliminary Plan review, the application package shall contain:
  - a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and impacts to off-site stream buffers.
  - b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.
  - c. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
  - d. A copy of the Erosion and Sediment Control Plan.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey and Hewlett voting in favor of the motion, with Commissioner Shoaff opposing the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, June 26, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17<sup>th</sup> day of July 2014.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 7/9/14

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:CF:arj



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division  
Historic Preservation Section

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

301-952-3680

November 16, 2022

**MEMORANDUM**

**TO:** Thomas Burke, Urban Design Section, Development Review Division

**VIA:** Howard Berger, Supervisor, 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**  
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

**SUBJECT: CSP-13006-01; 1990 Brightseat Road Property**

The subject property comprises 22.15 acres and is in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road. The subject property is zoned TAC-C (Town Activity Center - Core) and located within the 2009 *Approved Landover Gateway Sector Plan* area. The subject application proposes a conceptual site plan for up to 172 rear-loaded single-family attached condominium units.

The 2009 *Approved Landover Gateway Sector Plan* includes minimal goals and policies related to historic preservation, which are not specific to the subject site. 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 subject property is currently developed with an overflow parking lot associated with the FedEx Field. The site was extensively graded and disturbed during initial construction of these features. A Phase I archeology survey will not be recommended. 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 Prince George's County Historic Sites, historic resources, or known archeological sites. Historic Preservation Section staff recommends approval CSP-13006-01, 1990 Brightseat Road Property, with no conditions.

January 12, 2023

**CSP REFERRAL MEMORANDUM**

**TO:** Thomas Burke, Acting Planner IV, Urban Design Section, Development Review Division

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

**FROM:** Jeannie Bellina, Planner II, Long-Range Planning Section, Community Planning Division *JB*

**SUBJECT:** CSP-13006-01 Brightseat Road Property

**FINDINGS**

Pursuant to Section 27-546(d)(2) of the Prior Zoning Ordinance, the Community Planning Division finds that the requested amendments to CSP-13006 is in conformance with the design guidelines and standards intended to implement the development concepts recommended by the *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment*.

Pursuant to Section 27-547(e) of the Prior Zoning Ordinance, an exception is provided to the required mix of uses: For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the following categories: (1) Retail businesses; 2) Office, research, or industrial uses; or 3) Dwellings, hotel, or motel) provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

This application meets this requirement of Section 27-547(e) because in an e-mail dated July 1, 2014, to the applicant's legal representative from the M-NCPPC Legal Department (Borden to Haller), it was concluded that an Urban Land Institute Technical Assistance Panel (TAP), conducted between January 17 and 18, 2006 for the redevelopment of the Landover Mall and vicinity and which included the subject property, was deemed sufficient to allow the applicant to proceed with a single use on the subject property. With the recommended conditions, the proposal will conform to the visions, goals, and policies within the sector plan. (Pages 3-4 of *PGCPB Resolution No. 14-60, File No. CSP-13006*)



## **BACKGROUND**

**Application Type:** Conceptual Site Plan (CSP) outside of an overlay zone

**Location:** 1990 Brightseat Road, Landover, MD 20785 - Northwest quadrant of the intersection of Brightseat Road and Sheriff Road

**Size:** 22.15 acres

**Existing Use:** Vacant

**Proposal:** The applicant proposes to construct 172 rear-loaded single-family attached condominium units on a single lot.

## **GENERAL PLAN, MASTER PLAN, AND SMA**

### **General Plan:**

Plan 2035 places this application in the Established Communities Growth Policy Area. Established Communities are described as areas most appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure in these areas to ensure that the needs of existing residents are met. (Page 20 of *2014 Plan Prince George's 2035 Approved General Plan*)

**Master Plan:** The *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment* recommends office/retail/residential future land uses on the subject property. (Map 6: Land Use Plan on Page 19 of *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment*)

In addition, there are six designated neighborhoods in the Landover Gateway Sector Plan. Each of the six neighborhoods has a very distinct character. The subject property is located in the Gateway South Neighborhood. (Map 11: Illustrative North, Core, and South Neighborhoods and Primary Thoroughfares on Page 32 of *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment*)

Based on Map 13: Design District Boundaries, the Gateway South neighborhood is within Parcel 68, which is in the General Center Design District boundary. (Page 51 of the *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment*) The applicant must demonstrate the proposed CSP conforms with the development expectations of the Design Guidelines under *Strategy 2: General Center Design District* that would be applicable to the subject property. (Pages 54-58 of the *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment*)

**Planning Area:** 72

**Community:** Landover & Vicinity

**Aviation/MIOZ:** The subject property is not located in an Aviation Policy Area nor a Military Installation Overlay Zone.

**SMA/Zoning:**

The 2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment rezoned the subject property from C-M (Commercial Miscellaneous) to M-X-T (Mixed-Use Transportation Oriented) zone and O-S (Open Space) zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (CMA) which reclassified the subject property to TAC-C (Town Activity Center-Core) and AG (Agriculture and Preservation) zone effective April 1, 2022.

#### **MASTER PLAN CONFORMANCE ISSUES**

The Planning Board approved CSP-13006 on June 26, 2014, and adopted *PGCPB Resolution No. 14-60, File No. CSP-13006* subject to the applicant meeting 13 conditions. The Community Planning Division recommended the following Design Principles as conditions to be implemented in future Detailed Site Plans for the previously approved CSP-13006.

For the purposes of the proposed CSP-13006-01, the following Design Principles are still desirable and achievable and should be included in any future Detailed Site Plans:

- Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.
- Include wide sidewalks and distinctive, visually appealing streetscape elements.
- Ensure buildings are not set back to provide a continuous street wall for pedestrians.
- Use street grid patterns to create compact blocks of development.
- Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk.
- Develop well-placed open space throughout the district to serve for formal and informal gatherings.

However, the following Design Principles are no longer desired with CSP-13006-01 as the proposed townhouse use is acceptable per Section 27-547(e):

- Feature extensive vertical mixing of uses to include ground-level retail and upper-level office/educational/cultural or residential uses.
- Build structured parking that does not intrude on or break up the consistent street wall.  
(Pages 18-19 of *PGCPB Resolution No. 14-60, File No. CSP-13006*)

In addition to the conditions identified above, the applicant must demonstrate the proposed CSP-13006-01 conforms to the Master Plan with submittal of the Preliminary Plan of Subdivision.

**cc:** Long-range Agenda Notebook

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

January 6, 2022

**MEMORANDUM**

**TO:** Thomas Burke, Planner IV, Urban Design Section  
**VIA:** Mridula Gupta, Planner III, Subdivision Section *MG*  
**FROM:** Mahsa Vatandoost, Planner II, Subdivision Section *MV*  
**SUBJECT:** CSP-13006-01; 1990 Brightseat Road Property

The subject property is located in Tax Map 60, Grids B3 and B4. The property consists of 22.15 acres, and is located within the Town Activity Center-Edge (TAC-E) and Agricultural and Preservation (AG) Zones. However, this conceptual site plan (CSP) application was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed pursuant to the prior Mixed-Use Transportation Oriented (M-X-T) and Open Space (O-S) zoning of the property, and prior Subdivision Regulations.

The applicant proposes development consisting of 172 single family attached dwelling units and associated infrastructure on two parcels. There are no prior preliminary plans of subdivision (PPS) approved for the subject property. The proposed development will require a PPS and a certificate of adequacy in accordance with Section 24-107 of the prior Subdivision Regulations, because the development proposal includes the division of land and the construction of dwelling units. PPS 4-21040 and certificate of adequacy ADQ-2022-005 have been submitted for this site, which are currently in pre-acceptance review. This CSP should be approved prior to the approval of the PPS. Staff note that PPS 4-21040 will be reviewed pursuant to Section 24-1900 of the Subdivision Regulations, and not Section 24-1703 of the Subdivision Regulations, since this CSP was accepted for review after April 1, 2022.

The property is known as Part of Parcel 51 which is recorded in the Prince George's County Land Records in Liber 43013 at folio 497. There are no prior final plats of subdivision recorded for this property. Final plats of subdivision will be required subsequent to approval of this CSP amendment and following the approval of the new PPS and DSP before any building permits may be approved for the development of this site.

**Plan Comments**

1. The property is located adjacent to A-31 (Brightseat Road), a master planned arterial roadway. A Phase I noise study will be required with the PPS to demonstrate that any planned outdoor recreation areas and the residential dwelling units are not impacted by

noise. While the CSP depicts the layout of dwelling units and location of on-site recreational facilities, these will be finalized at the time of DSP, at which time Phase II noise studies will be required. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to not higher than that level. All dwellings exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.

2. The CSP proposes direct access to Brightseat Road, a master planned arterial roadway. A variation to Section 24-121(a)(3) of the prior Subdivision Regulations will be required with PPS to approve the proposed access to an arterial road.
3. Pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations, all residential lots and parcels adjacent to existing or planned arterial roadways shall be platted with a minimum depth of 150 feet. Otherwise, a variation from Section 24-121(a)(4) will be required at the time of PPS.
4. The CSP identifies locations for the proposed on-site recreational facilities. The adequacy of any on-site recreational facilities to satisfy Section 24-134 mandatory dedication of parkland requirement will be evaluated at the time of PPS and DSP. Recreational facilities should include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.
5. The CSP proposes two parcels for 172 condominium dwelling units. The development is proposed to be served by a network of private streets and alleys. The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets internal to the development will also be determined at the time of the PPS. General Note 18 on the CSP states that variable public utility easements (PUEs) are provided along all rights-of-way. The location of required PUEs along all public and private streets will be determined with the PPS and should be in accordance with Section 24-122(a) and Section 24-128(b)(12) of the prior Subdivision Regulations.

### **Recommended Conditions**

None.

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



Countywide Planning Division  
Transportation Planning Section

14741 Governor Oden Bowie Drive  
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301-952-3680

March 8, 2023

**MEMORANDUM**

**TO:** Tom Burke, Urban Design Review Section, Development Review Division

**FROM:** Jim Yang, Transportation Planning Section, Countywide Planning Division

**VIA:** Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

**SUBJECT: CSP-13006-01 – 1990 Brightseat Road**

**Proposal:**

The subject Conceptual Site Plan (CSP) application proposes 170 multifamily dwelling units on approximately 22.1 acres of land. The site is located on the northwest corner of the Brightseat Road/Sheriff Road intersection. The Transportation Planning Section's review of the CSP application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

**Prior Conditions of Approval:**

The site is subject to prior approved CSP-13006. The following transportation conditions for the prior application are relevant to this CSP submission:

4. A traffic signal and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access shall be provided, when deemed warranted by SHA.

**Comment:** The condition has been evaluated as part of the CSP submission and is further discussed in this referral.

5. The applicant shall provide a bike lane on both sides of Brightseat Road, extending across Sheriff Road on Redskins Drive, to provide a bicycle connection to the Wayne K. Curry Sports and Learning Center within the existing paved section of the roadways, unless modified by SHA and/or DPW&T.

**Comment:** The condition has been evaluated as part of the CSP submission and is further discussed in this referral.

6. At the time of the preliminary plan, the following shall be addressed:
  - a. Pedestrian circulation in and through the site, including access to the adjacent school board property.
  - b. Facilities for bicycle storage in appropriate locations.

- c. Provision of standard sidewalks along both sides of all internal roads; and
- d. Construction of the master plan trail along the subject property's entire length of the tributary of the Cattail Branch.

**Comment:** The condition shall be evaluated as part of the preliminary plan submission.

7. At the time of the detailed site plan, the following trail and bicycle issues shall be addressed:
  - a. The location and number of bicycle parking spaces.

**Comment:** The condition shall be evaluated as part of the detailed site plan submission.

### **Master Plan Compliance**

#### **Master Plan Roads**

This development case is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment*. The subject property fronts Sheriff Road (MD 202-D) along the south side of the proposed development and Brightseat Road (MD 202-E) along the east side of the proposed development. The MPOT and the 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment* recommend this portion of Sheriff Road as C-405, a 2-4 lane facility within 80 feet of right-of-way, and Brightseat Road as A-31, a 6-lane facility within 120 feet of right-of-way.

**Comment:** As a condition, staff recommends that prior to the acceptance of a preliminary plan of subdivision, the applicant, and the applicant's heirs, successors, and/or assigns shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of Brightseat Road and Sheriff Road and necessary right-of-way dedication to facilitating master plan roadways.

#### **Master Plan Pedestrian and Bike Facilities**

MPOT recommends the following facilities:

- Bike lanes: Sheriff Road and Brightseat Road
- Shared use path: between Sheriff Road and Brightseat Road intersection and the northern boundary of the subject property

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 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to schools, pedestrian access to mass transit, and more walkable communities.



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.

Policy 6: Work with the State Highway Administration and the Prince George's County Department of Public Works and Transportation to develop a complete streets policy to better accommodate the needs of all users within the right-of-way.

The 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment* also recommends wide sidewalks, improved lighting, on-road bicycle lanes, and pedestrian crosswalks at all intersecting streets on Brightseat Road. The policies related are:

Policy 1: Provide opportunities for residents to make some trips by walking or bicycling.

Policy 2: Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit-supporting design features in all new development within centers and corridor nodes.

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.

**Comment:** The latest CSP includes the master plan shared use path but does not show the master plan bike lanes. Staff recommends that as conditions prior to the acceptance of a detailed site plan, the applicant should show pedestrian circulation or the proposed sidewalk locations on the plan, and provide bike lanes along the sections that abut the subject property.

### **Transportation Planning Review**

#### **Analysis of Traffic Impacts**

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

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

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

*(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 is under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public*

*facilities financing and implementation program will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.*

The subject property is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized Intersections:

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

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

Trip Generation

The applicant's trip generation summary considers 172 townhouse dwelling units. The table below summarizes trip generation in each peak hour that will be used in reviewing traffic and developing a trip cap for the site:

Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Townhouses (Prince George's County Rates)	170	Units	24	95	119	88	48	136
Total Proposed Trips			24	95	119	88	48	136
Total New Trips (Trip Cap)					119			136

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

- Landover Road (MD 202) & SB I-495 Ramps (signalized)
- Landover Road (MD 202) & Brightseat Road (signalized)
- Landover Road (MD 202) & Barlowe Road (signalized)
- Landover Road (MD 202) & 75<sup>th</sup> Avenue / Kent Town Place (signalized)
- Sheriff Road & Brightseat Road (signalized)
- Brightseat Road & Landover Crossing Shopping Center Driveway (unsignalized)

Existing Traffic

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1234	1207	C
Landover Road (MD 202) & Brightseat Road	835	1133	A	B
Landover Road (MD 202) & Barlowe Road	823	1028	A	B
Landover Road (MD 202) & 75 <sup>th</sup> Avenue / Kent Town Place	1123	1213	B	C
Sheriff Road & Brightseat Road	592	671	A	A
Brightseat Road & Landover Crossing Shopping Center (unsignalized)	33 s*	91 s*	Pass	Pass
*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, a 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 severe inadequacy.				

Background Traffic:

The traffic study identified one background development whose impact would affect study intersections. Additionally, annual growths of 1% over six years were applied to the existing traffic volumes. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1318	1298	D
Landover Road (MD 202) & Brightseat Road	902	1241	A	C
Landover Road (MD 202) & Barlowe Road	871	1089	A	B
Landover Road (MD 202) & 75 <sup>th</sup> Avenue / Kent Town Place	1197	1298	C	C
Sheriff Road & Brightseat Road	633	722	A	A
Brightseat Road & Landover Crossing Shopping Center (unsignalized)	46 s*	887 s*	Pass	Fail
*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, a 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 severe inadequacy.				

Total Traffic

In developed future conditions the number of northbound Brightseat Road left turn lanes at site access and southbound Brightseat Road left turn lanes at Sheriff Road are both planned to be reduced from two to one. The study intersections, when analyzed with total developed future traffic, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1323	1316	D
Landover Road (MD 202) & Brightseat Road	922	1268	A	D
Landover Road (MD 202) & Barlowe Road	880	1097	A	B
Landover Road (MD 202) & 75 <sup>th</sup> Avenue / Kent Town Place	1202	1303	C	D
Sheriff Road & Brightseat Road	643	731	A	A
Brightseat Road & Site Access / Landover Crossing Shopping Center (unsignalized)	93 s*	+999 s*	Fail	Fail
	481	708	A	A

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

Total Traffic with Improvements

To reduce the delay time, Brightseat Road & Site Access / Landover Crossing Shopping Center intersection is proposed to be converted to a signalized intersection. The traffic signal warrant analysis included in the TIS demonstrates that a traffic signal is warranted. In fact, at the time this referral was prepared, traffic signals have been installed at the intersection, but hadn't been operational yet. The study intersections, when analyzed with total developed future traffic with the proposed signalized intersection, operate as follows:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENT CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
	Landover Road (MD 202) & SB I-495 Ramps	1323	1316	D
Landover Road (MD 202) & Brightseat Road	957	1309	A	D
Landover Road (MD 202) & Barlowe Road	880	1097	A	B
Landover Road (MD 202) & 75 <sup>th</sup> Avenue / Kent Town Place	1202	1303	C	D
Sheriff Road & Brightseat Road	695	779	A	A
Brightseat Road & Site Access / Landover Crossing Shopping Center (signalized)	481	708	A	A

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

## Zoning Ordinance Compliance

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

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

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

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

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

**Comment:** The applicant proposes a single point of vehicle access along Brightseat Road which will allow for full turning movements to/from the site. Internal roadways and sidewalks provide access to the 170 units and multiple buildings on site. Staff finds the conceptual circulation to be sufficient and meets the required findings per section 27-546 of the Ordinance which examines the “physical and functional relationship of the project uses and components” within the M-X-T Zone.

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

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

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

(1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in anyone (1) hour and are to know 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 a Metro Planned Community shall be the greatest number of spaces in anyone (1) hour for the combined total of all uses proposed, based on the calculations in

paragraphs (1) and (2), above. This total is known as the base requirement. The maximum parking allowable for non-residential uses is 115% of the base requirement for M-X-T properties. Parking spaces within a parking structure shall not be counted in the calculation of the maximum number of parking spaces.

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

**Conclusion:**

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

1. Prior to the acceptance of a preliminary plan of subdivision, the applicant, and the applicant's heirs, successors, and/or assigns shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of Brightseat Road and Sheriff Road and necessary right-of-way dedication to facilitate master plan roadway.
2. Prior to the acceptance of a detailed site plan, the applicant, and the applicant's heirs, successors, and/or assigns shall:
  - a. Submit a parking analysis to determine the parking rate for the proposed development, which examines the uses in accordance with Section 27-574 of the prior Ordinance
  - b. Submit a bicycle and pedestrian plan which displays the details, locations, and extent of the following facilities:
    - marked bicycle lanes along the subject property's frontage of Brightseat Road and Sheriff Road.
    - pedestrian circulation or the proposed sidewalk locations on the plans.
    - a shared use path that meets the 2012 *AASHTO Guide for the Development of Bicycle Facilities* and the operating agencies' requirements.
3. Prior to approval of the first building permit, the traffic signal at the intersection of Brightseat Road & Site Access shall become operational.



Countywide Planning Division  
Environmental Planning Section

301-952-3650

January 12, 2023

**MEMORANDUM**

**TO:** Tom Burke, Planner IV, Urban Design Section, DRD

**VIA:** Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *MM*

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

**SUBJECT: Brightseat Road Property; CSP-13006-01 and TCP1-001-14-01**

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan (CSP-13006-01) and Type 1 Tree Conservation Plan (TCP1-001-14-01) received on November 16, 2022. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on December 9, 2022. Revised materials were received on January 6, 2023. The EPS recommends approval of CSP-13006-01 and TCP1-001-14-01, subject to the findings and conditions recommended at the end of this memorandum.

**BACKGROUND**

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

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
N/A	TCPII-013-04	Staff	Approved	5/13/04	N/A
NRI-109-13	N/A	Staff	Approved	12/26/13	N/A
CSP-13006	TCP1-001-14	Planning Board	Approved	6/26/14	14-60
NRI-109-13-01	N/A	Staff	Approved	4/23/21	N/A
CSP-13006-01	TCP1-001-14-01	Planning Board	Pending	Pending	Pending

**PROPOSED ACTIVITY**

This CSP application is for the development of a single-family attached community identified as Parcel 51. The current zoning for the site is Town Activity Center- Core (TAC-C) and Agriculture and Preservation (AG); 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) and Open Space (O-S) Zone.

A proposed Master Plan park trail and shared-use path is shown on PGAtlas going through the property. Portions of the trail, as shown on PGAtlas, goes through primary management areas (PMA). The EPS does not support this route. The applicant has submitted an alternative route for this path, which will not disturb the PMA, which EPS supports.

### **GRANDFATHERING**

The project is subject to the most current environmental regulations contained in Subtitles 24 and 27, and is also subject to the woodland conservation requirements of the 2010 Woodland and Wildlife Conservation Ordinance (WCO).

### **SITE DESCRIPTION**

This 22.15-acre site is located on the northwest quadrant of Brightseat Road, Sheriff Road, and Sean Taylor Road. The site fronts on Brightseat Road, a master planned collector. The site also fronts on Sheriff Road, a master planned arterial roadway. The site is in close proximity to Landover Road (MD 202), a master planned Expressway. A review of the available information indicates that streams, 100-year floodplain, wetlands, and steep slopes occur on the property. There is no potential forest interior dwelling species (FIDS) habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The property is not adjacent to any roadways indicated as scenic or historic. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map and in the Established Communities of the General Plan Growth Policy (2035) map, as designated by *Plan Prince George's 2035 Approved General Plan (2014)*. The CSP is shown on the General Plan Generalized Future Land Use (2035) map as Mixed-Use. According to the *Approved Countywide Green Infrastructure Plan (2017)*, the site contains both Regulated and Evaluation Areas.

### **ENVIRONMENTAL REVIEW**

#### **Natural Resource Inventory/Environmental Features**

An approved Natural Resource Inventory (NRI-109-13-01) was submitted with the application. The site contains regulated environmental features (REF), steep slopes, streams, 100-year floodplain, wetlands, and their associated buffers, which comprise the PMA. The NRI shows the site containing 25 specimen trees. The site statistics table on the NRI shows 7.39 acres of PMA for the site, with 1,568 linear feet of regulated streams. There was an error found on the Site Statistic Table for the amount of existing woodland net tract. Prior to certification of the CSP, the NRI shall be revised to correct the amount of existing woodland net tract listed in the Site Statistic Table. The TCP1 shall conform with the revised NRI.

#### **Woodland Conservation**

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual (ETM). Type 1 Tree Conservation Plan TCP1-001-14-01 has been submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

Based on the TCP1 submitted with this application, the site contains a total of 4.70 acres of woodlands and 3.42 acres wooded floodplain for a total of 8.12 acres of existing woodlands. The

site has a woodland conservation threshold of 17.11 percent, or 3.09 acres. The TCP1 proposes to clear 2.01 acres of woodland resulting in a total woodland conservation requirement of 3.88 acres. The woodland conservation requirement is proposed to be met with 2.92 acres on-site preservation, 0.59 acres reforestation, and fee-in-lieu for 0.37 acres. There is a discrepancy between the existing woodland shown on the NRI and the TCP1. The NRI plan shall be revised to identify the same existing woodland total as the TCP1. Technical revisions are required to the TCP1 prior to certification of the CSP in conformance with the conditions provided at the end of this memorandum.

### Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

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

The approved NRI identifies a total of 25 specimen trees. The applicant hired an arborist after the submission of plans for this case to re-evaluate the specimen trees that would be impacted or removed by this development. The arborist determined that ST #350 did not meet the definition of a specimen tree. The NRI plan shall be revised with the updated specimen tree information prior to certification of the TCP1. The following analysis is the review of the request to remove one specimen tree located on-site.

A Subtitle 25 variance was submitted for review with this application. The TCP1 shows the removal of ST-349, which condition has been ranked as poor to fair.

### SPECIMEN TREE SCHEDULE SUMMARY FOR ONE TREE PROPOSED FOR REMOVAL ON TCP1-TCP1-001-14-01

Specimen Tree #	Species	Condition	DBH (inches)	Reason for Removal	Applicants Disposition
349	American Beech	Poor/Fair	36	Stormdrain Outfall	Remove

The removal of the one specimen tree requested by the applicant is supported based on the findings below.

### Evaluation

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the one specimen tree. The one tree requested for removal is in fair to poor condition. The majority of specimen trees on-site are considered fair to good. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 22.15 acres, and the TCP1 shows approximately 7.39 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately one third of the overall site area. The applicant is proposing to preserve the site’s PMA to the fullest extent practicable and is proposing woodland conservation and afforestation to further protect the PMA. Due to the history of the site, as off-site parking for Fed-Ex field, the specimen trees are located adjacent and within the PMA. This site contains steep slopes, wetlands, streams, and floodplains, which restrict development potential. Complete retention of this tree would limit the developable area of the site. The specimen trees have grown to size across the property as a whole.

The proposed use, as residential development, is a reasonable use for the mixed-use zoned site and it cannot be accomplished elsewhere on the site without additional variances. Development cannot occur on the portions of the site containing REF and PMA, which limit the site area available for development. The one specimen tree proposed for removal is identified as an American Beech, which has poor construction tolerance and is in poor to fair condition. If this tree is retained, the tree could become hazardous due to the stresses imposed by construction. Requiring the applicant to retain the one specimen tree on the site by designing the development to avoid impacts to the critical root zones (CRZ) would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

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

Based on the location and species of the specimen tree proposed for removal, retaining the tree and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential development is a use that aligns with the uses permitted in the M-X-T Zone. The specimen tree requested for removal is located within the proximity of a stormdrain outfall as needed infrastructure for the development of this site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the one specimen tree would be the result of the installation of a stormdrain outfall, infrastructure required for the development. The specimen tree proposed for removal is an American Beech, which has poor construction tolerances. Retaining this tree during development could result in hazardous situations. The request to remove the tree is solely based on the tree's location on the site, the species, and its condition.

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

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

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding stormwater management (SWM) will be reviewed and approved by the Department of Permitting, Inspections, and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

**Conclusion**

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree, identified as ST-349. Staff recommends that the Planning Board approve the requested variance for the removal of one specimen tree for the construction of a residential development.

**Preservation of Regulated Environmental Features/Primary Management Area**

The site contains REF, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA.

Section 27-273(e)(15) of the Zoning Ordinance requires that CSP applications include "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible."

Section 27-276(b)(4) of the Zoning Ordinance states that for all CSP applications “The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

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

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

A letter of justification (LOJ) and exhibits for PMA impacts were provided with the SDRC submittal of this application. A revised LOJ was submitted January 6, 2023. This LOJ identifies seven impacts. The seven proposed impacts are for the construction of two stormdrain outfalls, two for slope stabilization efforts, one is for a sanitary outfall connection, one is for soil stabilization efforts, and one is for non-woody buffer establishment. The proposed on-site impacts total approximately 0.79 acres. A detailed summary of each impact is below.

#### Storm Drain Outfalls Impacts

Two areas of impact are proposed for an approximate total of 13,594 square feet (0.31 acres) of permanent impacts for the installation of two stormdrain outfalls. These impacts cannot be avoided because it is required by other provisions of the County and state codes. These impacts are supported as proposed.

#### Slope Stabilization Impacts

Two areas of impact are proposed for an approximate total of 10,032 square feet (0.23 acres) of temporary impacts. One impact, located in the northwestern portion of the property, is for mitigation of an eroded condition caused by the existing gravel surface parking lot. The second impact, located in the southwestern portion of the property, is for the mitigation to remove an existing drainage pipe to allow the installation of a 100-year attenuation facility. The applicant proposes to replant these areas upon completion of the work. These impacts are supported as proposed.

### Sanitary Outfall Impacts

This one permanent impact is for the installation of a sanitary outfall to the manhole in Sheriff Road, east of the intersection with Brightseat Road, which will result in approximately 2,156 square feet (0.05 acres) of PMA impact. This impact is supported as proposed.

### Soil Stabilization Impacts

This one impact proposes approximately 341 square feet (0.01 acres) of impacts to implement soil stability measures. The scope of work is limited to the crest of the slope on the west side of the man-made swale along Brightseat Road and is based on the recommendations of a global stability analysis, which calls for limited undercutting and placement of a stone buttress. This impact is supported as proposed.

### Non-Woody Buffer Establishment Impacts

These impacts, which are in two areas and shown in exhibits 4 and 7, are for the establishment of a required non-woody buffer to the 100-year attenuation pond for a disturbance of approximately 8,125 square feet (0.19 acres). These impacts can be avoided if the pond is repositioned. This impact is not supported as proposed because the proposed grading for the non-woody buffer can be designed to avoid impacts to the PMA by shifting the location of the pond.

### **Soils**

The predominant soils found to occur according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer-Urban land complex, Croom-Urban land complex, Russett-Christian-Urban land complex, Urban land-Collington-Wist complex, and Zekiah and Issue soils, frequently flooded. According to available mapping information, unsafe soils containing Marlboro clay do not occur on this property. However, Christiana clay, which is considered an unsafe soil, is present on-site. This information is provided for the applicant's benefit.

A geotechnical report and slope stability analysis was submitted with this application and reviewed by the Commission's Geotechnical expert. The 1.5 factor safety line is correctly shown on the TCP1; however, the 25-foot setback line is not being shown on the plan. Prior to certification of the CSP, the TCP1 shall be revised to show the 25-foot setback line from the 1.5 Safety Factor Line.

### **Stormwater Management**

An unapproved Site Development Concept Plan (#46784-2021) was submitted with the current application. Submittal of an approved SWM Concept Letter and plan will be required for subsequent development review applications. No further information pertaining to SWM is required at this time.

### **SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

The Environmental Planning Section recommends approval of Conceptual Site Plan CSP-13006-01 and Type 1 Tree Conservation Plan TCP1-001-14-01, subject to the following findings and conditions:

#### **Recommended Findings:**

1. Based on the level of design information available at the present time, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of



the Subdivision Regulations. The proposed impacts are to construct stormdrain outfalls, to stabilize slopes, install a sanitary outfall, stabilize soil on-site, and to provide a non-woody buffer to a stormwater management (SWM) facility. All of the impacts, except for the non-woody buffer impacts, which are part of Impact 4 and Impact 7, are supported.

2. One specimen tree is proposed for removal with this application. This tree has been identified on the TCP1 as ST-349. The submitted variance request provides sufficient support for removal and is recommended for approval.

**Recommended Conditions:**

1. Prior to certification of the CSP, the natural resource inventory (NRI) shall be revised to correct the Site Static Table and the Specimen Tree information.
2. Prior to certification of the CSP, the TCP1 shall be revised as follows:
  - a. Show the 25-foot setback line from the 1.5 Safety Factor Line.
  - b. The Site Statistic Table information on the TCP1 shall match the revised NRI.
  - c. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-13006-01 for the removal of the following specimen tree: 349.”
  - d. Revise the CSP and TCP1 to remove the PMA impacts for the proposed SWM pond non-woody buffer.
  - e. Enhance the Limit of Disturbance (LOD) line, so it is easier to read.
3. Prior to the issuance of permits for this subdivision, a TCP2 shall be approved.
4. At the time of future development applications for this site, the applicant shall submit an approved SWM concept plan and approval letter.
5. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.



**MEMORANDUM**

DATE: January 9, 2023

TO: Thomas Burke, Planning Supervisor  
Urban Design Section  
Development Review Division  
Planning Department

VIA: Sonja Ewing, Assistant Division Chief SME  
Dominic Quattrocchi, Planning Supervisor DQ  
Park Planning and Development Division  
Department of Parks and Recreation

FROM: Ivy R. Thompson, Planner III IRT  
Land Acquisition/Management & Development Review Section  
Park Planning and Development Division  
Department of Parks and Recreation

SUBJECT: **CSP-13006-01 1990 Brightseat Road Property**

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The Department of Parks and Recreation (DPR) has reviewed and evaluated this conceptual site plan amendment for conformance with the requirements as they pertain to public parks and recreational facilities.

**PROPOSAL**

This application is for the development of a maximum of 172 rear-loaded single-family attached condominium dwelling units.

**BACKGROUND:**

The subject unimproved property, approximately 22.15-acres, is located at the northwest intersection of Brightseat Road and Sheriff Road. Approximately 17.2 acres of the property is zoned M-X-T and 4.92 acres is zoned O-S. This proposal is subject to the 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment* for Planning Area 72, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and *Formula 2040, Functional Master Plan for Parks, Recreation and Open Space*.

**DISCUSSION:**

The subject site is within 0.53 miles of the Prince George's County Sports and Learning Complex and less than two miles away from John Carroll Park. The applicant's proposal for 172 single-family attached condominium dwelling units would result in a population of 509 residents in this new community. The planned and existing trails within the public right of way of Brightseat Road and Sheriff Road will provide pedestrian and bike access to the Prince George's Sports and Learning Complex.

## CSP-13006-01 1990 Brightseat Road Property

Subdivision Regulations, Section 24-134, requires that the applicant provide mandatory dedication of 2.2 acres of land suitable for active or passive recreation, or the payment of monetary fee in lieu thereof, or the provisions of recreational facilities. DPR staff agrees with the applicant that the requirement for the mandatory dedication of parkland should be met by the provision of on-site private recreational facilities suitable to serve an anticipated population of 509 new residents.

The subject property includes 7.46 acres of Primary Management Area (PMA) consisting of floodplain, wetlands and steep slopes. 4.92 acres of this PMA area is located within the O-S Zone. *The Landover Gateway Sector Plan* proposes trail construction within the PMA. It was determined that the PMA area is unsuitable for the trail. The Conceptual Site Plan illustrates pedestrian and vehicle circulation, DPR staff recommends that the trail alignment should follow the road as proposed with an internal trail loop (exhibit A), connecting to the clubhouse, to the inter-parcel access/future road connection at the northwest boundary of the property. Streetscape elements such as street trees, street furniture, landscaping, and planters, decorative paving should be included to visually indicate the transition to a residential development and the surrounding residential communities.

### **RECOMMENDATION:**

The Park Planning & Development Division of DPR recommends to the Planning Board approval of Conceptual Site Plan CSP-13006-01, 1990 Brightseat Road Property with the recommendation that at the time of preliminary plan of subdivision review, the provision of an 8' wide trail with landscaping that provides connection to the future road link at the northwest boundary from Brightseat Road and connects to a 6' wide internal loop with streetscape elements (exhibit A) and the provision of onsite private recreation to fulfill the dedication of parkland requirement.

cc: Alvin McNeal  
Bridget Stesney



Angela D. Alsobrooks  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Permitting, Inspections and Enforcement  
Site/Road Plan Review Division



**MEMORANDUM**

December 14, 2022

**TO:** Thomas Burke, Urban Design Section  
Development Review Division, M-NCPPC

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

**Re:** 1990 Brightseat Road Property  
CSP 13006-01

**CR:** Brightseat Road (MDSHA)  
**CR:** Sheriff Road (MDSHA)

This is in response to Conceptual Site Plan CSP CSP-13006-01 referral. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The proposed Conceptual Site Plan is located at 1990 Brightseat Road, on the northwest quadrant of the intersection of Brightseat Road and Sheriff Road.
- The applicant proposes to develop the property with a horizontal multifamily community including up to 172 single-family attached dwelling units and associated recreational facilities.
- There is a floodplain on the property, FPS 200435.
- CSP-13006-01 is consistent with the Site Development Concept Plan 46784-2021-0, which is under review

DPIE Site Road Traffic Comments are as following:

- Master Plan shows a planned hard surface trail, Landover Gateway Bike Trail, going through this property. The applicant should account for this in the plans.
- Master Plans calls for a bike lane on Sheriff Road. In the permitting stage, the applicant should provide a bike lane facility along Sheriff Road frontage.

- Brightseat Road is a State Highway Administration (SHA) roadway, we defer all comments on Brightseat Road to the Maryland Department of Transportation State Highway Administration (MDOT SHA).
  - There was also a Traffic Impact Analysis (TIA) included within the SDRC folders. This TIA does not have any County intersections in it. We defer all comments on the TIA to MDOT SHA.
- DPIE has no objections to CSP-13006-1.

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  
Neighborhood Partners 100, LLC C/O Fundrise, LLC, 11 Dupont Circle NW, Suite 900,  
Washington, DC 20036  
VIKA, Inc., 20251 Century Blvd Suite 400, Germantown, MD 20874



*Division of Environmental Health/Disease Control*

Date: November 30, 2022

To: Thomas Burke, Urban Design, M-NCPPC

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

Re: CSP-13006-01, Brightseat Road Property

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the conceptual site plan submission for the Brightseat Road Property located at 1990 Brightseat road in Landover and has the following comments/recommendations:

1. Health Department permit records indicate there are no existing carry-out/convenience store food facilities and no markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
2. The applicant is to obtain a Health Department permit for the proposed pool.
3. The project indicates will provide pedestrian access to the site by residents of the surrounding community.
4. The public health value of access to active recreational facilities has been well documented. Indicate the location of active recreational facilities within ¼ mile of the proposed residences. ***The plans indicate the construction of a community recreational facility with a pool which will promote physical activity resulting in improved health outcomes.***
5. There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. ***Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.***



Environmental Engineering/Policy Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
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*Division of Environmental Health/Disease Control*

6. As pet ownership increases by 35 % in the US, plans should consist of open spaces or “pet friendly” amenities for pets and their owners. The designated parks consist of the appropriate safe playing grounds, signs, fencing, and water source.
7. There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.
8. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.
9. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

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



Environmental Engineering/Policy Program  
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**Additional Back-up**

**For**

**CSP-13006-01**

**1990 Brightseat Road Property**

PGCPB Agenda: 3/23/23  
 PGCPB Item #: #8  
 Application: 1990 Brightseat Road Property, CSP-13006-01  
 Reviewer Name: Thomas Burke

**APPLICANT’S EXHIBIT B**  
**PROPOSED REVISIONS TO UPDATED STAFF REPORT**

The Applicant proposes all new language **bold underlined in blue** and all deleted language *italicized stricken through in red*.

**FINDINGS**

\* \* \* \* \*

**2. Development Data Summary:**

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

Base Density Allowed:	0.40 FAR
Total FAR Permitted:	0.40 FAR
Total FAR Proposed:	0.30 <del>0</del> <sup>4</sup> FAR***

\* \* \* \* \*

**6. Design Features:** This CSP proposes a single-use, residential community including up to 170 single-family attached dwelling units with associated recreational facilities, in compliance with the prior Prince George’s County Zoning Ordinance and applicable review criteria. The project, which will be primarily located on the M-X-T-zoned portion of the property, will comply with all applicable development standards of the M-X-T Zone.

\* \* \* \* \*

**The proposed community features private on-site recreational amenities that include a pool, pool-house with up to approximately 2,000 gross square feet (and associated storage for outdoor equipment), a tot-lot with play equipment for age groups 2-5 and 5-12, and open space play areas.** *A community center is proposed, with a 2,100-square-foot clubroom and a 1,970-square-foot fitness center.* A master plan trail is proposed to extend through the site for a future trail connection to the north.

\* \* \* \* \*

**10. Referral Comments:**

**d. Transportation Planning** – In a memorandum dated March ~~8-3~~, 2023 (Yang to Burke), and incorporated herein by reference, the Transportation Planning Section provided an evaluation of the previous conditions of approval and conformance to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the sector plan, summarized herein:

\* \* \* \* \*

The latest CSP includes the master plan shared-use path, but does not show master plan bike lanes. Staff recommends that, as conditions, prior to the acceptance of a DSP, the applicant should show pedestrian circulation or the proposed sidewalk locations on the plan and provide bike lanes along the sections that abut the subject property, unless modified by the operating agency with written correspondence.

\* \* \* \* \*

**RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-13006-01, and Type 1 Tree Conservation Plan TCP1-001-14-01, for 1990 Brightseat Road Property, subject to the following conditions:

1. Prior to certification of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. Correct the acreage of the site to be consistent on all plans.
  - b. Provide the gross floor area in the general notes.
  - c. Provide a floor area ratio table on the CSP.
  - d. Revise the natural resources inventory to correct the Site Statistics Table and the specimen tree information.
  - e. Revise the Type 1 tree conservation plan (TCP1) as follows:
    - (1) Show the 25-foot setback line from the 1.5 Safety Factor Line.
    - (2) Revise the information on the TCP1 Site Statistic Table with the data on the revised natural resources inventory plan.
    - (3) Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet, identifying with specificity the variance decision consistent with the decision of the Prince George’s County Planning Board:
 

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with CSP-13006-01 for the removal of the following specimen tree: 349.”
    - (4) Revise the CSP and TCP1 to remove the primary management area impacts for the proposed stormwater management pond non-woody buffer.

(5) Enhance the Limit of Disturbance line, so it is easier to read.

2. At the time of detailed site plan (DSP):

a. The following design criteria shall be addressed:

- (1) The applicant shall use full cut-off light fixtures to prevent light trespass and direct the pattern of light pooling on-site.
- (2) The applicant shall consider setting aside space for a community garden.
- (3) Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.
- (4) The development shall be designed and organized to create cohesively designed building groups along the interior roads extending from Brightseat Road and connecting to Parcel 56 to the north. The buildings should have a strong relationship with each other, as well as the internal road. The buildings should also be organized to provide quality public spaces, with pedestrian connections that will provide a pleasant outdoor setting for the residents.
- (5) Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
- (6) Well-articulated architectural facades, including appropriate massing, quality building materials, and pedestrian-scaled detailing shall be included for all residential and recreational buildings in the DSP.
- (7) All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone, and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
- (8) Front elevations of residential units shall be oriented toward the internal road extending from the main entrance to the site, Brightseat Road, and Sheriff Road to the extent feasible. Side elevations of the highly visible units from the internal road extending from the main entrance to the site, Brightseat Road, or Sheriff Road shall be designed with the same attention to detail as the front elevation by providing enhanced architectural design such as ornamentation, varying rooflines, balanced fenestration, and siding consisting of a combination of brick, stone, stucco, or other masonry materials of equivalent quality.
- (9) A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.

- b. Submit a parking analysis to determine the parking rate for the proposed development, which examines the uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.
- c. Submit a bicycle and pedestrian plan which displays the details, locations, and extent of the following facilities:
  - (1) Marked bicycle lanes along the subject property's frontage of Brightseat Road and Sheriff Road, unless modified by the operating agency with written correspondence.
  - (2) Pedestrian circulation or the proposed sidewalk locations on the plans.
  - (3) A shared-use path that meets the 2012 *American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities* and the operating agencies' requirements.
- d. The following issues regarding the proposed on-site recreational facilities shall be addressed:
  - (1) The applicant and the applicant's heirs, successors, and/or assignees, shall provide on-site private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and property siting, prior to approval of the DSP by the Prince George's County Planning Board.
  - (2) The applicant shall demonstrate to the Prince George's County Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the applicant and the applicant's heirs, successors, and/or assignees.
  - (3) The applicant shall submit three (3) original executed private recreational facilities agreements (RFAs), for the private recreational facilities on-site, to the Development Review Division (DRD) of the Prince George's County Planning Department, for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County.
  - (4) The applicant shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, within at least two weeks prior to applying for building permits. The applicant and the applicant's heirs, successors, and/or

assignees shall demonstrate to the satisfaction of the Prince George's County Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

3. Prior to the issuance of permits for this subdivision:
  - a. A Type 2 tree conservation plan shall be approved.
  - b. The applicant shall submit an approved stormwater management concept plan and approval letter.
  - c. The following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
    - (1) Install or verify that traffic signals are operational at Brightseat Road and Site Access/Landover Crossing Shopping Center intersection, **unless modified by the operating agency with written correspondence.**
4. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.