

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 December 1, 2016 regarding Conceptual Site Plan CSP-15003 for Recovery Centers of America, Melwood Road Facility, the Planning Board finds:

1. **Request:** A 85,733-square-foot, 120-bed, group residential facility and medical facility for 64 patients a day for recovering alcoholics and drug addicts.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Group Residential Facility and Medical Facility
Gross Acreage	68.6	68.6
Regulated Features Acreage	24.09	24.09
Net Developable Acreage	44.51	44.51
Square Footage	42,050*	85,733
Parcels	1	1

Note: *29,100 square feet existing on the property is to be removed. New building proposed to measure approximately 72,783 square feet.

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	0.03 FAR

3. **Location:** The subject project is located on the eastern side of Melwood Road, approximately 2,600 feet north of its intersection with Pennsylvania Avenue (MD 4), within Planning Area 78 and Council District 8.

4. **Surrounding Uses:** The subject property is bounded to the north by vacant land and rural residential development in the Residential Medium (R-M) and Rural Residential (R-R) Zones; to the east by a powerline and single-family attached development in the R-R and Residential-Agriculture (R-A) Zones; to the south by vacant land and rural residential development in the R-A Zone and Melwood Road; and to the west by Melwood Road, vacant land, and rural residential development in the R-R Zone.
5. **Previous Approvals:** The site is subject of Special Exception SE-1103, approved by the Planning Board on November 20, 1964, for an orphanage (German's Orphans Home) and Special Exception SE-2496, approved by the District Council on April 13, 1971. The site is also subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which rezoned the property from the R-A Zone to the M-X-T Zone. The site is also subject to Stormwater Management Concept Approval No. 11758-2016-01, approved by the Department of Permitting, Inspections and Enforcement (DPIE) on November 7, 2016 and valid until November 7, 2019.
6. **Design Features:**

Site Design

The subject site is herein approved to be accessed from a single point along its Melwood Road frontage via a long driveway. The driveway will lead to a one-way circle which will provide a covered drop off point and some of the parking for the proposed three-story tall, 72,783-square-foot building herein approved to be utilized by the 120-bed group residential facility and medical facility/outpatient clinic, which expects to serve approximately 64 outpatients each day. Pedestrian accessibility is provided on the front and sides of the building and crossing the internal drive at two points, with crosswalks, to provide access to the main parking lot. A patio is herein approved to be provided behind the building.

Existing Conditions

There are several existing, vacant, structures on the property. The largest of the buildings, a 24,000-square foot building, is herein approved to be removed and will provide the site of the new building to be constructed for the group residential facility and medical facility. Two of the smaller structures (a greenhouse and a pavilion) are herein approved to be removed as part of the subject project, though the following are herein approved to remain:

- A one-story tall, 10,500-square-foot block building;
- A two-story tall, 1,200-square-foot frame building;
- A 200-square-foot shed;
- A 400-square-foot gazebo;
- A 650-square-foot stage;

Rights-of-way

There is a small area of land which shall be dedicated on the far western portion of the site for master planned collector C-636 at the time of approval of a preliminary plan of subdivision for the project. Melwood Road, which is adjacent to the site on its western boundary and a portion of the

southern boundary, is shown to terminate in a cul-de-sac along the most northern stretch of the site's western boundary. Melwood Road is being converted to a trail north of that proposed cul-de-sac.

Signage

A single ground-mounted sign is to be provided for the project in the circle provided for pick-up and drop-off at the front entranceway for the project. The sign is proposed to be made of aluminum and will be mounted between two columns, each with decorative capping and illuminated lamps. Other signage for the site includes directional signage. Additionally, bicycle signage is to be provided along Melwood Road. Details of signage will be approved at the time of detailed site plan (DSP).

Water and Sewer

A 20-foot-wide Washington Suburban Sanitary Commission (WSSC) easement for placement of a 15-inch sewer line is shown in the northern area of the site. Water and sewer lines are also shown throughout the site. Two wells, noted to be utilized for irrigation only, are located on the site just south of the 72,783-square-foot building herein approved.

Environmental Features

Environmental features on the site include specimen, champion and historic trees, regulated streams, buffers, forest stand boundaries, primary management area (PMA), Marlboro clay outcrops, soil information and topography. See Finding 10(i) for a full discussion of the environmental aspects of the subject project.

Architecture

The applicant has provided conceptual images of the proposed building showing several alternatives. The three-story building is proposed to be primarily brick with stone on the watertable, with a precast concrete sill and precast concrete band separating the first from the second story. The main entrance to the building is proposed to be either precast concrete or the same stone that is used uniformly on the watertable. The main entrance is via double doors in a two-story-high glazed area set in the decorative stone or precast concrete. Light fixtures are to be located on either side of the glazed area. A dormer, with two windows provides additional emphasis on the main entranceway as it is located directly above it. Window pattern is regular with six-over-six light windows utilized in a regular pattern across each floor. The uppermost windows are placed on dormers which, like the windows, have a regular pattern across the front façade. Details of architecture will be decided at the time of DSP.

Green Building and Sustainable Techniques

The applicant is using porous asphalt and bioswales in the stormwater management plan and certain green building techniques in the architecture of the building such as, but not limited to, light emitting diode (LED) lighting and high efficiency heating and ventilating air conditioning (HVAC) systems. More information related to green building techniques will be provided at the time of DSP.

Though the applicant has provided extensive information regarding the design of the site, its landscaping, the architecture proposed for the building, green building techniques and signage, they are intended for illustrative purposes only.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject approval has been reviewed for compliance with the following requirements of the Prince George's County Zoning Ordinance:

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

(1) The group residential facility and medical facility/outpatient services herein approved are permitted uses in the M-X-T Zone.

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

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

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

The CSP herein approved includes approximately 87,533 square feet for a 120-bed group residential facility and a medical facility for outpatient services for 64 patients a day for recovering alcoholics and drug addicts. The project is permitted to include the single use pursuant Section 27-247(e) of the Zoning Ordinance which provides:

(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 goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

More specifically, the Planning Board hereby finds that the subject approval meets these requirements as it is included in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* for which a comprehensive land use study was conducted by technical staff prior to initiation, it was recommended for mixed-use in the General Plan, a CSP application was submitted for the project, and it conforms to the goals, policies, and recommendations of the plan for its specific portion of the M-X-T Zone.

- 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 floor area ratio (FAR) approved herein for the subject development is 0.03, within the limits set out above. The applicant did not use the optional method of development to seek any bonus incentives.

(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 conceptual site plan shows several different buildings but indicates that the subject project is composed of a single parcel. The language of this provision is precatory. Therefore, it is not mandatory, and strict conformance with it is not required.

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

This requirement is not applicable since this approval is for a CSP. The subsequent DSP approval will provide regulations for the development on this property.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual.**

Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining incompatible land uses at the time of DSP.

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

The FAR for the development of 85,733 square feet on a 68.6-acre site is 0.03, which was calculated in accordance with the requirement.

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

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

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

The subject approval consists of a single parcel and has frontage on, and direct vehicular access to Melwood Road, which is a public street in accordance 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 eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per**

building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public

and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.

This subsection of the regulations for the M-X-T Zone is inapplicable to the subject approval as it does not involve the development of townhomes.

- (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.**

This subsection of the regulations for the M-X-T Zone is inapplicable to the subject approval, as it does not involve the development of multifamily buildings.

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

This requirement does not apply to this CSP. The CSP has been reviewed and was found to conform to the applicable regulations in the M-X-T Zone.

- c. In accordance with Section 27-546(d), in addition to the findings required to approve a CSP, the Planning Board shall make the following findings for projects in the M-X-T Zone.
 - (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 subject approval promotes the orderly redevelopment of a vacant parcel. This approval will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens.

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

The subject approval implements the vision of the *2007 Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan) by providing an institutional use in a walkable community.

- (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 project proposes to be developed with both a group residential home and an outpatient medical facility in conformance with this requirement. Additionally, the balance of the property may be developed at a future date which would further demonstrate conformance with this requirement.

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

The subject plan conforms to the required findings for a CSP in the M-X-T Zone from the standpoint of transportation. See Finding 10(c) for a more detailed discussion of that conformance.

- (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 approval is in conformance with this requirement due to its residential character. There will be activity on the site 24-hours a day, seven days a week, as a group residential facility. The outpatient services approved herein to be provided as part of the project will create additional activity on the site, though that activity will mainly be provided during workday hours.

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

The subject approval is for a residential facility, complemented by a medical facility providing outpatient clinical services, fulfilling this purpose.

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

The CSP herein approved includes both uses in the same building, accessed via the same entrance. The architecture of the building creates a dynamic functional relationship between the two and gives distinctive character and identity to the project.

(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 project approved herein will house both the group residential facility and medical facility for outpatient services in the same building and to use green building techniques in its construction. Therefore, the project is more sustainable and creates savings in energy in accordance with this requirement. This issue will be further explored and defined at the time of DSP.

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

A current market demand for group residential homes and clinical treatment for individuals recovering from drug addiction and alcoholism is great. The subject group residential facility and a medical facility for outpatient services will occupy approximately seven of the 68.6 acres on the site. The balance of the site may be developed at a future date in response to other market demand.

(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.

Though submitted for the subject approval, the architecture for the project will be approved with the DSP for the project. A preliminary review of the submitted architecture indicates that high standards, as required, have been utilized in its design, in furtherance of this stated purpose of the M-X-T Zone. A condition of this approval requires that high standards be utilized to evaluate the architecture at the time of DSP, in furtherance of this stated purpose of the M-X-T Zone.

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

The subject property was rezoned to the M-X-T Zone by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which rezoned the property from the R-A Zone to the M-X-T Zone. There were no design guidelines or standards prescribed for the property. As such, the development proposed in this CSP will be subject to the applicable requirements of the M-X-T Zone, the conditions of prior approvals, and the required findings for approval of a CSP in the Zoning Ordinance.

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

The group residential facility and medical facility for an outpatient clinic approved herein has an outward orientation in its building placement, which faces Melwood Road. The development approved herein is physically-integrated with the existing adjacent development by the road and is visually-integrated by providing attractive views. The subject project will assist in catalyzing development of the Westphalia Town Center located within walking distance of the subject project.

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

The subject approval is compatible with existing development, which is primarily residential in nature (large lot, single-family detached and townhouse) as it is primarily a residential facility, though it is operated commercially. It is also similar to some of the residential use in the area by locating on a much larger parcel, providing a good proportion of green and open space. The development approved herein will be compatible with the existing and proposed development in the area which includes both additional residential land use and the Westphalia Town Center. It will be compatible with the Westphalia Town Center as it will be connected by pedestrian and vehicular accessibility and in that the Westphalia Town Center will provide certain commercial uses which will be available to employees and clients of the recovery center and medical facility approved herein.

- (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 group residential facility and medical facility approved herein will be one of the uses that makes up the overall tapestry of the future Westphalia Town Center. The facility approved herein will be accessible and integrated with the greater mix of uses within Westphalia by virtue of the planned vehicular and pedestrian connections throughout the sector plan area.

- (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 project is to be completed in a single phase. Therefore, this normally required finding need not be made for the subject approval.

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

A network of sidewalks in front of and on the sides of the buildings, leading to two crosswalks across the internal drive to the main parking facility on the opposite side, is shown on the conceptual site plan. The pedestrian system will be further refined during preparation of the DSP to ensure convenient, safe and comprehensive pedestrian facilities in accordance with this required finding.

- (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**

A condition of this approval requires that this requirement be met when a DSP is approved for the subject project.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan**

approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The plan conforms with the required findings of adequacy from the standpoint of transportation planning, as certain conditions have been placed on the approval. Therefore, this required finding may be made. See Finding 10(c).

- (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 to be evaluated at the time of approval of a DSP for this project in accordance with its approved preliminary plan.

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

The subject property measures 68.6 acres and, therefore, does not meet the above acreage requirement. Further, it is not being developed as a mixed-use planned community. Therefore, this otherwise required finding need not be made for the subject approval.

- d. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 as follows:
- (1) Section 27-274(a)(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. In this case, the main parking facilities are going to be located near the internal drive and be screened in accordance with this requirement to minimize the visual impact of cars on the site.
 - (2) In accordance with Section 27-274(a)(2)(B), loading areas should be visually unobtrusive and loading for the commercial use should also be located to the side of the building and be visually screened from public roadways. This issue will be reviewed at the time of DSP.

- (3) In accordance with Section 27-274(a)(6)(A)(i), Site and Streetscape Amenities, coordination of the design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture will be required. A comprehensive review of streetscape amenities will occur at the time of DSP.
 - e. In accordance with Section 27-574, 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). The CSP is not required to include detailed parking information. At the time of DSP review, adequate parking and loading will be required for the approval.
- 8. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The approval is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property measures more than 40,000 square feet and contains more than 10,000 square feet of existing woodland. The Planning Board has reviewed the submitted plans and herein approves them, subject to conditions which bring the approval into conformance with the WCO. Therefore, it may be said that the subject project conforms to the applicable provisions of the WCO.
- 9. **Other site plan-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at time of DSP. The discussion provided below is for information only:
 - a. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance(TCC), 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 of TCC. As 68.6 acres are zoned M-X-T the required coverage would be 6.86 acres of required tree canopy. Conformance to the requirements of the Tree Canopy Coverage Ordinance will be required at the time of approval of a DSP for the project.
 - b. **2010 Prince George’s County Landscape Manual:** This M-X-T development will be subject to the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) at the time of DSP. Specifically, the site is subject to Section 4.2, Requirements for Landscaped Strips along Streets, Section 4.3, Parking Lot Requirements, Section 4.4, Screening Requirements, Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.
- 10. **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. **Historic Preservation**—The subject property was established as “The Free School Farm” and the “Melwood Park Tract” in 1681. Ownership of the properties was transferred over the years until 64.7 acres of the Free School Farm tract was sold to be developed as an orphanage for children of German ancestry in 196.

That facility operated at the site until 1978, when 67.7 acres of the property was sold to be operated as a substance abuse treatment center.

Regarding archeology, the Planning Board finds:

- (1) That the probability of the subject property containing significant prehistoric archeological resources is moderate to high; and
- (2) Section 106 of the National Historic Preservation Act (NHPA) review may be required if state or federal monies, or federal permits are required for a project.

The existing large building which housed the orphanage and substance abuse treatment center is more than 50 years old, and shall be documented, by condition of this approval, before demolition to enhance understanding of local midcentury architecture and development practices in Prince George’s County. Additionally, to protect possible archeological resources on the property, a Phase 1 archeological investigation has been required for the project. If state or federal monies, or federal permits, are required for the project, Section 106 review will be required.

- b. **Community Planning**—The approval is consistent with the *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035) and in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the 2007 *Westphalia Approved Sector Plan and Sectional Map Amendment* (sector plan). Although there are no specific recommendations for the subject property, it is located in the Established Communities area of the Prince George’s County Growth Policy Map in the General Plan which envisions established communities having context-sensitive infill and low- to medium-density development. With respect to the Westphalia Sector Plan, it rezoned the subject property from the Residential Agriculture (R-A) Zone to the Mixed-Use-Transportation (M-X-T) Zone. There are no other community planning issues connected with the subject project.
- c. **Transportation**—The site’s only frontage and access is on Melwood Road, a two-lane rural residential road that is currently designated as scenic and historic. Pursuant to recommendations from the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, there are plans to terminate the middle section of Melwood Road as a navigable road and convert it to a trail. Approximately half of the property’s frontage on Melwood Road will be converted to a trail, while the southern half will remain as a navigable road within a 60-foot right-of-way. The layout approved herein will provide adequate on-site circulation.

Traffic Impact

Fewer than 50 trips will be generated during either peak hour. A traffic study was not required by the Planning Board. However, the applicant has provided a traffic impact study dated November 10, 2016. Using data from this recent traffic analyses, the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Melwood Road & Woodyard Road (MD 223) *	14.4 Seconds	11.9 Seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The traffic impact study included a number of background developments including the portion of the Westphalia Town Center (Phase 1) that was approved with grandfathered trips. The reconsidered Moore Property was also considered in the background analysis. The table below shows the results:

BACKGROUND CONDITIONS (Moore Property 2019 total peak hour with <u>SHA approved</u> geometry)		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Melwood Road & Woodyard Road-Old Marlboro Pike	A/807	B/1138

Regarding the total traffic scenario, the Planning Board applied trip generation rates for a nursing home (Beds – ITE-620) based on the *Institute of Transportation Engineer’s (ITE) Trip Generation Manual, 9th Edition*. It was determined that the development herein approved will result in a trip generation of 35 (23 in, 12 out) AM peak trips, and 43 (16 in, 27 out) PM peak trips. Based on this traffic projection, a third analysis (total traffic) revealed the following results:

TOTAL CONDITIONS (Moore Property 2019 total peak hour with <u>SHA approved</u> geometry)		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Melwood Road & Woodyard Road-Old Marlboro Pike	285.8 seconds	420.4 seconds
	A/822	C/1300

The results of the traffic analyses show that under total traffic, the critical intersection will operate with a delay in excess of 50 seconds. Under the “Guidelines,” the intersection can be evaluated using the CLV procedure even if the intersection is un-signalized. Under that scenario, the intersection was reevaluated and the results are found to be less than 1,150. Pursuant to the “Guidelines,” that level-of-service (LOS) is deemed acceptable (see table above).

Master plan, right-of-way dedication

The property is located in an area where the development policies are governed by the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, as well as the *Approved 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan and SMA)*. One of the recommendations from the MPOT and the Westphalia Sector Plan and SMA was the transition of portions of Melwood Road to a trail. The section of Melwood Road along the site’s frontage is currently improved with a two-lane residential road within a 30-foot right-of-way. The approval widens the road along the property frontage, including dedication of an additional 15 feet from the applicant. Another master plan recommendation is the construction of a new collector road (C-636). The location of this proposed facility will impact the northwestern corner of the subject property. Therefore, the Planning Board will request dedication of the portion of C-636 at the time of approval of a preliminary plan for the project.

Transportation Planning Findings

The approval is for a CSP for the construction of a 120-bed group residential treatment facility and a medical facility for 64 outpatients a day. This expanded development will be adding a net of 35 (23 in; 12 out) AM peak-hour trips and 43 (16 in; 27 out) PM peak hour trips. These rates were determined by using the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 9th Edition*. This approval represents an expansion to a facility that, before a period of vacancy, previously operated from the site and generated 7 AM and 9 PM peak trips.

The traffic generated by the CSP herein approved would impact the intersection of Melwood Road and Woodyard Road-Old Marlboro Pike.

The subject approval is supported by previous traffic analyses (2016) for the Westphalia Center, Moore Property, Detailed Site Plan DSP-10017 project. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Planning Board, consistent with the “Guidelines.”

The subject property is located within the Transportation Service Area (TSA) 1, as defined in the *Plan Prince George’s 2035 Approved General Plan*. As such, the subject property was 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: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *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. A two-part process is employed for all-way stop-controlled intersections: (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. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Transportation Planning Conclusions

Based on the preceding findings, the Planning Board hereby determines that the plan conforms to the required findings for approval of the CSP from the standpoint of transportation, as the application is approved with the following conditions:

- (1) Total development within the subject property shall be limited to uses which generate no more than 35 AM peak-hour trips, 43 PM peak-hour trips. These rates were determined by using the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 9th Edition*. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- (2) At the time of record plat, the applicant shall:
 - (a) Dedicate 30 feet of right-of-way from the center line of Melwood Road.

- (b) Dedicate right-of-way for the proposed C-636 as depicted on the proposed plan.
- d. **Subdivision**—A preliminary plan of subdivision is required for the proposed development of 72,783 square feet of a group residential facility and one has been heard and approved by the Planning Board on December 1, 2016, after the subject CSP. The preliminary plan is consistent with the CSP. There are no other subdivision review issues connected with the subject project.
- e. **Trails**—Two master plan trails impact the subject application, while another lies just to the north of the subject site along a planned master plan road. The site's frontage along Melwood Road is a planned bikeway and a planned sidepath is proposed along collector C-636, which crosses the northwest corner of the site. The MPOT includes the following text regarding the planned bikeway along the scenic and historic Melwood Road and the side path along C-636:

Melwood Road Legacy Trail: The facility will preserve segments of Melwood Road within a green buffer as part of the Westphalia trails network. Where feasible, the road alignment should be converted into a trail corridor.

Where Melwood Road provides access to existing residences, Melwood Road should be designated as a shared-use bikeway (MPOT, page 36).

C-636 Shared-Use Side path: Provide a shared-use side path along this collector road leading into the Westphalia Town Center. Where the road is part of the town center, wide sidewalks and designated bicycle lanes may be appropriate (MPOT, page 36).

The portion of Melwood Road that fronts the subject site will be a designated share-use bikeway and will continue to serve motor vehicles. Bikeway signage along the site's frontage will be required at the time of preliminary plan. Necessary frontage or safety improvements will be determined by the Department of Permitting, Inspections and Enforcement (DPIE). While it is unlikely that road construction for the collector will be required, dedication for C-636 should be sufficient to accommodate the planned side path. Roadway dedication shall be addressed as part of Preliminary Plan 4-16009. P-615 is just to north of the subject site and does not impact the subject property.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) reaffirms the need for sidewalks as frontage improvements are made by including several policies related to pedestrian access and the provision of sidewalks. The Complete Street section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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.

Consistent with the complete street policies of the MPOT, walkways and sidewalks are reflected on the CSP. A sidewalk connects the parking lot with the building entrance. No additional sidewalk connections are required at this time.

There are no master plan trails requirements for the subject approval. The provision of bikeway signage along Melwood Road and roadway dedication along C-636 will be addressed via the approval of Preliminary Plan 4-16009.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—DPR did not provide comment regarding the subject project.
- g. **Public Facilities**—The Planning Board has reviewed the subject approval for public facility adequacy and found that the development approved herein will have no impact on existing adequate public facilities.
- h. **Environmental**—

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 and, thereby, the project is required to have a new preliminary plan approval.

Site Description

This 68.60-acre site in the M-X-T Zone is located on Melwood Road, approximately one-mile north of its intersection with Pennsylvania Avenue (MD 4). A review of the available information indicates that streams, 100-year floodplain and steep slopes are found to occur on the subject property. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Adelpia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property. However, a small area of Marlboro clay evaluation area is located in the northwest corner of the property. There are 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 found to occur on or in the vicinity of this property. The site has four stream

systems that drain to the north towards Cabin Branch, which is part of the Western Branch watershed, then to Western Branch and then to the Patuxent River basin. The site has frontage on Melwood Road which is not identified as a master plan roadway. Melwood Road is not a traffic noise generator and noise will not be regulated. A designation of scenic - historic roadway has been identified along this section of Melwood Road. The site is located within the area covered by the 2009 *Westphalia Approved Sector Plan and Sectional Map Amendment*. The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains regulated areas, evaluation areas, and network gap areas.

Plan Prince George's 2035 Approved General Plan

After the application for the current approval was submitted, a new General Plan was adopted by the District Council. The site is now located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035).

Conformance Finding for 2010 Approved Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Issues Addressed in the Westphalia Sector Plan

The subject approval is located in the area covered by the 2007 *Westphalia Approved Sector Plan and Sectional Map Amendment* (sector plan). The following are four policies of the sector plan that relate to the Environmental Infrastructure on the subject property:

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

The site contains all three (regulated, evaluation and network gap) designated network areas of the Countywide Green Infrastructure Plan. As part of the subject approval, the existing on-site building will be removed and a new building and parking area will be constructed in the same location. The impact area is located within the network gap area and outside the Green Infrastructure Plan area. Minor tree clearing is proposed with the network gap area.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

- a. **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**
- b. **Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**
- c. **Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**
- d. **Encourage shared public/private stormwater facilities as site amenities.**
- e. **Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities**

The site does not currently contain agricultural uses.

The TCP1 shows four on-site stream systems. A stream located just west of the proposed development will be impacted for a stormwater management pipe and outfall structure. This outfall disturbance is required to convey the stormwater safely to the on-site water course. Grading and woodland clearing for the impact will be minimized to the fullest due to the adjacent steep slopes. There is an existing building within the on-site stream buffer that is required to have water and sewer services. Impacts for this utility line disturbance will be in an un-wooded area.

There are 1.91 acres of on-site woodlands to be cleared and the remaining 9.68 acres will be placed in preservation. None of the other on-site regulated environmental features shall be impacted as part of this approval.

Stormwater management will be provided through the use of three bioretention facilities and two bioswales. The TCPI shows permeable paving in the parking lot and two bioretention facilities. A copy of the approved stormwater concept approval plan has been provided to the Planning Board. The site has an approved Stormwater Management Concept Plan (11758-2016-01). The concept approval expired July 15, 2016. The applicant will not be required to pay a stormwater management fee towards providing on-site attenuation/quality control measures.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

- a. **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- b. **Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The plan proposes to replace a building in the same location for a group residential facility. The use of environmentally-sensitive building techniques shall be considered as part of this development.

Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

- a. **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- b. **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- c. **Evaluate development proposals using Phase I noise studies and noise models.**
- d. **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- e. **Provide for the use of appropriate attenuation measures when noise issues are identified.**

The property had an existing group residential facility on-site previously. This approval is to replace the building previously used for the group residential facility in the same location with another building for a group residential facility.

The site is not located within any noise impact areas associated with Andrews Air Force Base. Melwood Road is not considered a noise generator.

Environmental Review

Natural Resource Inventory/Environmental Features

An approved Natural Resource Inventory, NRI-090-05-01, in conformance with the environmental regulations that became effective September 1, 2010 was submitted for the subject approval. The site contains regulated environmental features (steep slopes, streams, floodplains or their associated buffers). After a further review by the applicant's consultant, one specimen tree (ST-35) a 35-inch Southern Red Cedar was determined to be measured and identified inaccurately. A revised NRI was submitted and approved showing the change. Specimen Tree 35 (ST-35) is now identified as a Leyland Cypress tree measuring 26.7 inches diameter at breast height.

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. The site contains a total of 50.35 acres of woodlands and 2.35 acres of wooded floodplain. The site has a woodland conservation threshold of 9.94 acres, clearing 1.91 acres of woodland, with a total requirement of 10.42 acres. The TCP1 shall meet the requirement with on-site preservation (9.68 acres) and specimen tree preservation credit (4.81 acres).

Minor revisions to the TCP1 are required by conditions of this approval. The labeling in areas that are located over the "woodland areas-not counted" shall be made legible by increasing the letter size and Specimen Tree 35 shall be removed from the specimen tree chart.

Primary Management Area (PMA) Impacts

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 fully possible." A statement of justification, including an impact exhibit plan, was stamped as received by the Planning Board on October 27, 2017 and reviewed as part of this approval.

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 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 shall 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 and associated exhibits reflect two (2) proposed impacts to regulated environmental features associated with the proposed redevelopment. According to the approved NRI, the 68.60-acre site contains a total of 21.62 acres of existing PMA.

Impact 1

Outfall—This request totals 2,057 square feet and is for the installation of a stormwater Management outfall. This disturbance of PMA will disturb wooded waters of the United States and stream buffer areas. The statement of justification indicates that this impact is for a stormwater outfall to have proper out flow of the stormwater to prevent erosion. The location of the outfall is set by the location of the stormwater management facilities. The proposed outfall location is within steep slopes until the slopes flatten out at the banks of

an on-site stream system. Stone will be placed at the outfall location and clearing and grading of the wooded slopes will be minimized. The Planning Board supports the proposed impact for the stormwater outfall location of Impact 1, though it will be determined at the later time of approval of a preliminary plan for the project.

Avoidance/Minimization Analysis

The locations of the stormwater management structures determine where the outfall disturbance should be located. The development is located within an open area on top of a ridge and the down slope surrounding areas are steep and wooded. The applicant determined that the location of the stormwater facilities would cause the least amount of grading and clearing of woodlands for the stormwater outfall construction.

Impact 2

Utilities—This request totals 626 square feet and is for the installation of water and sewer service to an existing building. Currently, this building is not serviced by water and sewer and is required to be connected. This utility impact will occur within a maintained lawn area of stream buffer. The Planning Board supports this proposed impact, though it will be determined at the later time of approval of a preliminary plan for the project.

Avoidance/Minimization Analysis

There is an existing building on the subject site that has no utilities. The utilities will be brought to the new building which will replace it in the front of the site in an existing open area.

Summary

The applicant is only requesting two impacts at the future time of preliminary plan, but it should be noted that a water line may be proposed in the future that would enter the site from the Marlboro Ridge subdivision located on the east side of the subject site. Per discussion with the applicant, this water line is to be constructed using the jack-n-bore technique and cross several stream systems to get to the proposed on-site building. A further review of this impact will be completed when more information is supplied during the DSP review.

Finding Regarding Regulated Environmental Features

Based on the level of design information available and the Planning Board's exhibit, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and as conditioned. The impacts are for a stormwater management outfall and utilities.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), are the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, small area of Marlboro clay evaluation area is located in the northwest corner of the property. Currently, no impacts are proposed near the Marlboro clay evaluation area. The county may require a soils report in conformance with CB-94-2004 during the building permit process review if work is ever proposed within this evaluation area.

Stormwater Management

An approved Stormwater Management Concept plan and approval letter was submitted with the subject application (Concept approval 11758-2016-01, dated November 7, 2016). Proposed stormwater management features include two bioswales and three micro-bioretenion facilities. The concept approval expires November 7, 2019. The applicant will not be required to pay a stormwater management fee towards providing on-site attenuation/quality control measures.

Noise

The site has frontage on Melwood Road which is not identified as a master plan roadway. Melwood Road is not a traffic noise generator and noise will not be regulated in this approval.

- i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comment regarding the subject project.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated August 26, 2016, DPIE offered numerous comments that will be addressed through their separate permitting process. Regarding stormwater management, DPIE stated that the proposed site plan is consistent with the approved Stormwater Management Concept Plan No. 11758-2016-01.
- k. **Prince George's County Police Department**—The Police Department did not provide comment regarding the subject project.
- l. **Prince George's Health Department**—In a memorandum dated November 2, 2016, the Prince George's Health Department offered the following comments included in **boldface** type below, followed by Planning Board comment:
 - (1) Plans for the construction of the recovery center must be reviewed and approved by the Maryland Department of Health and Mental Hygiene and the applicant must also apply for a permit to operate the facility from the State Office of Health Care Quality – contact 410-402-8201.

This information has been provided to the applicant and the required approval and permit are triggered at later stages of the development review process.

- (2) The applicant must submit plans for the proposed food facility and apply to obtain a Health Department Food Service Facility permit through the Department of Permits, Inspections and Enforcement (DPIE).

This information has been transmitted to the applicant.

- (3) At the time of DSP submittal, specify that the LED lighting shall be yellow tinted. Studies show that LEDs with a strong bluish tint, which appears white to the naked eye, interferes with the production of the hormone melatonin, causing sleep disorders in humans.

A condition of this approval requires that, when a DSP is reviewed for the subject project, yellow-tinted LED lighting will be required in accordance with the above.

- (4) Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. The statement of justification indicates that the project will provide for pedestrian access to the site by residents of the surrounding community in the course of the development of the Westphalia Town Center/Parkside projects.

Sidewalks are provided for pedestrian accessibility in front of and around the sides of the proposed building and leading to two crosswalks across the internal drive to the parking facility provided on its opposite side, which connects to Melwood Road, which eventually connects to the Westphalia Town Center and Parkside developments, supporting the positive health outcomes noted above.

- (5) Research shows that access to public transportation can have major health benefits. It can be good for connectedness and walkability. Indicate on the plans public transportation access to the facility.

A condition of this approval requires that, prior to certificate approval, the applicant indicate on the plans public transportation access to the facility, if any exists.

- (6) 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.

This information has been transmitted to the applicant, and a condition of this approval requires consideration of the inclusion of a community garden in the subject project at the time of DSP review.

- (7) The property is located in an area designated under the County's *Water and Sewer Plan* in Category 3. The current availability of public sewer is evident; however, the public water supply is not readily available. The developer should confirm intent to extend the public water line to the project. In order to develop the project on an individual private well system, a legislative amendment to the 2008 *Water and Sewer Plan* would have to be granted for a change to Category 6.

Waterlines are shown on the subject CSP which provides adequate confirmation that the developer intends to extend the public water line to the project.

- (8) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Future plans should 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.

A condition of this approval requires that, at time of DSP, the applicant include a general note on the plan stating his intent to conform to the above stated requirements regarding dust control

- (9) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A condition of this approval requires that, at time of DSP, the applicant include a general note on the plan stating his intent to conform to the above-stated requirements regarding noise control.

- m. **Maryland State Highway Administration**—In an e-mail dated November 15, 2016, the Maryland State Highway Administration indicated that they were “ok” with the project as no work was planned in the Maryland State Highway Administration right-of-way.
- n. **Verizon**—Verizon did not provide comment regarding the subject project.
- o. **PEPCO (Potomac Electric Power Company)**—PEPCO did not provide comment regarding the subject project.
- p. **Westphalia Sector Development Review Council**—The Westphalia Sector Development Review Council did not provide comment regarding the subject project.

11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP 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.
12. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:
 - (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

On the basis of its environmental review, the Planning Board hereby makes this required finding for the subject project.

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 (TCPI-006-16), and further APPROVED Conceptual Site Plan CSP-15003 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made to the plans and additional specified material be submitted:
 - a. The plans shall be revised so as to consistently refer to the square footage of the proposed building as 72,783 square feet.
 - b. The applicant shall indicate public transportation routes to the proposed facility, if any exist in the vicinity of the subject project.
 - c. The type 1 tree conservation plan shall be revised as follows:
 - (1) Revise the labeling located over the "woodland areas-not counted" to an easier and visibly discerning label wording.
 - (2) Remove Specimen Tree 35 (ST-35) from the specimen tree chart.
 - (3) Have the revised plan signed and dated by the qualified professional who prepared it.

2. Prior to approval of a DSP for the project, the following shall be ensured:
 - a. Those 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).
 - b. Total development within the subject property shall be limited to uses which generate no more than 35 AM peak hour trips and 43 PM peak hour trips. These rates were determined by using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
 - c. The light emitting diode (LED) lighting shall be specified as yellow-tinted.
 - d. Consideration shall be given to the inclusion of a community garden in the subject project for the residents of the facility.
 - e. During the grading/construction phases of the project, the applicant intends to conform to dust control requirements as specified in *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control* and the construction noise control requirements as specified in the Code of Maryland Regulations.
 - f. High standards shall be utilized to evaluate the architecture. Specifically, the proposed facility shall incorporate a substantial amount of masonry materials (i.e. brick, stone, and/or hardiplank) and utilize a variety of architectural features as part of the building elevations.
3. Prior to approval of the preliminary plan of subdivision, Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), are required on the above-referenced property to determine if any cultural resources are present. Evidence of M-NCPPC concurrence with the final Phase 1 report and recommendations is required prior to signature approval of the preliminary plan.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the final plat, the applicant shall provide a plan for:

- a. Evaluating the resource at the Phase II level, or
- b. Avoiding and preserving the resource in place.

- c. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.
4. Prior to the approval of the final/record plat:
- a. The applicant and the applicant's heirs, successors, and/or assignees, shall provide a plan for any interpretive signage to be erected (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage shall be subject to approval by the M-NCPPC staff archeologist, as designee of the Planning Board. The plan shall include the timing for the installation of the signage.
 - b. The applicant shall dedicate 30 feet of right-of-way from the center line of Melwood Road.
 - c. The applicant shall dedicate right-of-way for the proposed C-636 as depicted on the conceptual site plan.
 - d. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-00616), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
 - e. A conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section, as designee of the Planning Board, prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

5. Prior to the demolition of the main structure on the property, constructed as the German Orphan Home of Washington, DC in 1965, the building shall be documented through the completion of a Maryland Inventory of Historic Property (MIHP) form according to Maryland Historical Trust (MHT) standards by a qualified 36CFR60 consultant. The draft and final MIHP form shall be reviewed and approved by the Historic Preservation Commission prior to submittal by the applicant to MHT.
6. Prior to certification of the DSP, and prior to certificate approval of the TCP2 for this property:
 - a. Pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2. The following note shall be placed on the TCP2:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
 - b. Development shown on the DSP and Type 2 Tree Conservation Plan shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-16).
7. 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.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 1, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg