

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



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

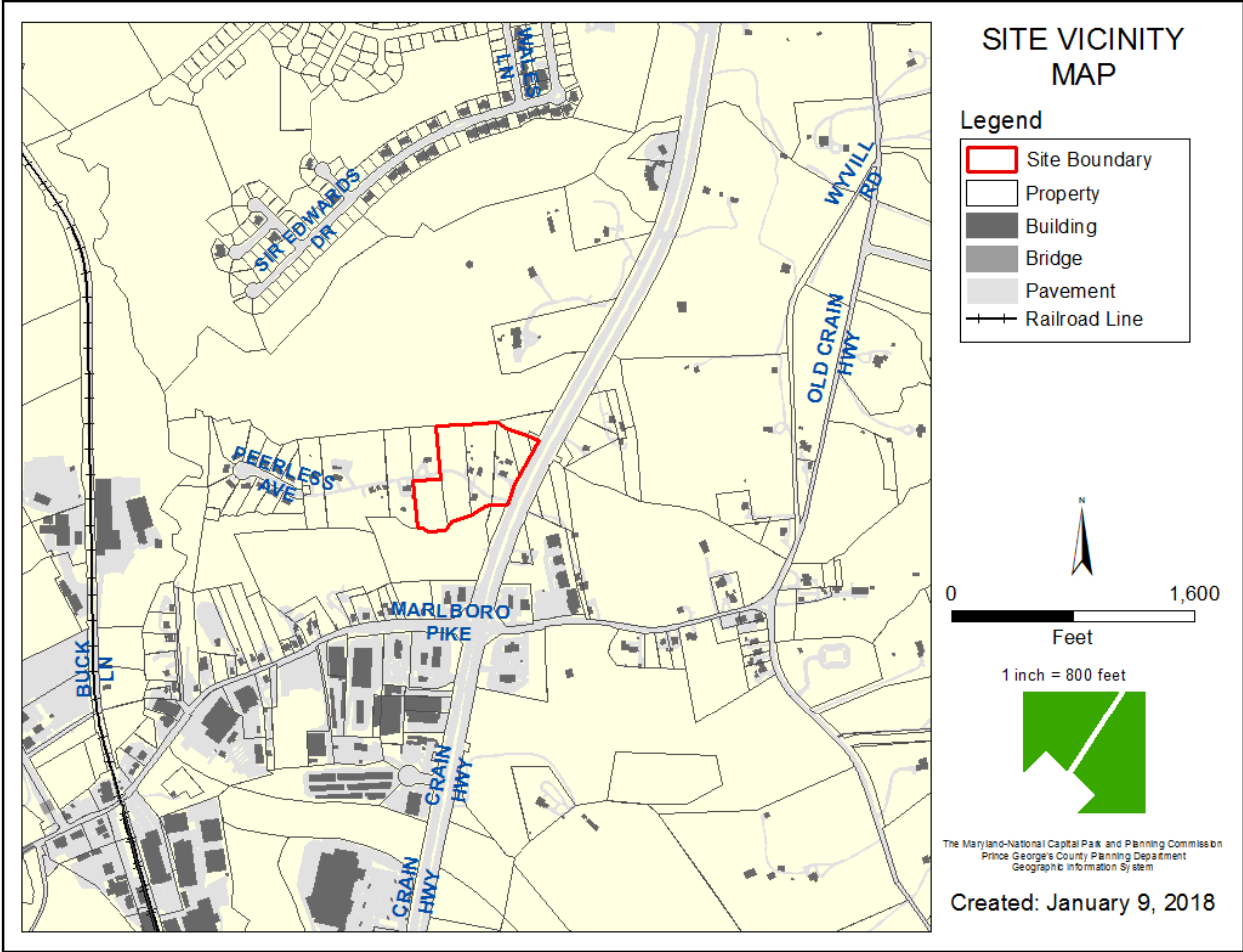
## Detailed Site Plan Departure from Design Standards

**DSP-18039**  
**DDS-651**

Application	General Data	
<p><b>Project Name:</b> Townes at Peerless</p> <p><b>Location:</b> On the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike).</p> <p><b>Applicant/Address:</b> Peerless Avenue Associates, LLC 1000 University Avenue, Suite 500 Rochester, NY 14607</p>	Planning Board Hearing Date:	03/21/19
	Staff Report Date:	03/07/19
	Date Accepted:	01/16/19
	Planning Board Action Limit:	03/27/19
	Plan Acreage:	7.64
	Zone:	M-X-T
	Dwelling Units:	62
	Gross Floor Area:	3,000 sq.ft.
	Planning Area:	79
	Council District:	06
	Election District:	03
	Municipality:	N/A
	200-Scale Base Map:	206SE13

Purpose of Application	Notice Dates	
<p>A detailed site plan for 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, and approximately 3,000 square feet of commercial/retail space.</p> <p>A departure from design standards from Section 27-558(a) for parking space size and Section 27-579(b) for a loading space located within 50 feet of a residential use.</p>	Informational Mailing:	08/09/18
	Acceptance Mailing:	01/15/19
	Sign Posting Deadline:	02/19/19

Staff Recommendation		Staff Reviewer: Henry Zhang, AICP, LEED AP Phone Number: 301-952-4151 Email: Henry.Zhang@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	<b>X</b>		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-18039  
Departure from Design Standards DDS-651  
Type 2 Tree Conservation Plan TCP2-003-2019  
Townes at Peerless

The Urban Design staff has completed the review of the subject applications 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

These applications were reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines;
- b. The requirements of Conceptual Site Plan CSP-17004;
- c. The requirements of Preliminary Plan of Subdivision 4-18004;
- d. The requirements of the 2010 *Prince George's County Landscape Manual*;
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- g. Referral comments.

FINDINGS

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

1. **Request:** The subject application proposes a detailed site plan (DSP) for 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, and approximately 3,000 square feet of commercial/retail space.

A Departure from Design Standards DDS-651 is requested from the requirements of Section 27-558(a) of the Prince George’s County Zoning Ordinance, to provide a reduced parking space size, and from Section 27-579(b) of the Zoning Ordinance, to have a loading space located with 50 feet of residential use.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-X-T	M-X-T
Use(s)	Vacant	Two-Family, Three-Family, and Multifamily Residential and Commercial/Retail
Acreage	7.64	7.64
of which floodplain	0.03	0.03
Total Gross Floor Area (GFA) (sq. ft.)	-	80,607
Commercial GFA	-	3,000
Residential GFA	-	77,607
Total Dwelling Units	-	62
Two-family	-	14
Three-family	-	12
Multifamily	-	36

**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:	0.25 FAR

**Note:** \*Additional density is allowed in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

**Parking and Loading Data**

	<b>Provided**</b>
Total Number of Parking Spaces	137
Garage Spaces	26
Handicapped Spaces	6 (4 van-accessible)
Standard Parking Space Size*	9’ x 19’ surface; 9’ x 18’ garage
Bicycle Parking Spaces	6 retail; 6 residential
Total Number of Loading Spaces	1
Loading space size	12’ x 33’

**Note:** \*DDS-651 has been requested. See Finding 7 below for discussion.

\*\*The number of parking and loading spaces required for each proposed use is based on the requirements of Section 27-574 and Section 27- 583 of the Zoning Ordinance, respectively. See Finding 7 below for discussion.

3. **Location:** The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, Council District 6. More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland.
4. **Surrounding Uses:** The subject property is bounded to the east by the right-of-way of US 301; to the north and south by vacant properties in the Mixed Use-Transportation Oriented (M-X-T) Zone; and to the west by existing single-family detached residences in the M-X-T Zone.
5. **Previous Approvals:** The subject property includes the second part of Lots 5 and 6 recorded in the Prince George's County Land Records at Liber 4262 folio 610, the first and second part of Lots 7 and 8 recorded in Land Records at Liber 32208 folio 372, and part of Lot 9 recorded in Land Records at Liber 960 folio 283. These lots are part of Record Plat A03-8782. The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) rezoned the subject property to the M-X-T Zone. On July 12, 2018, the Prince George's County Planning Board approved Conceptual Site Plan CSP-17004 for 62 two-family, three-family, and multifamily dwelling units, as well as approximately 3,000 square feet of commercial/retail space. The Prince George's County District Council affirmed the Planning Board's decision on this CSP on September 24, 2018. On November 8, 2018, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-18004 for the subject property. The subject site also has an approved Stormwater Management (SWM) Concept Plan, 31545-2018-00, that is valid through 2021.
6. **Design Features:** The DSP proposes 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, as well as approximately 3,000 square feet of commercial/retail space, in four buildings with a site layout exactly as approved in CSP-17004. The site will be accessed through a public roadway known as Peerless Avenue, which connects to US 301 with a right-in/right-out only access. Two access points off Peerless Avenue have been shown on the DSP. The access point closest to US 301 is right-in only, the access point at the west end of the site is full access. On-site circulation is through a loop street connecting the two access points, with the commercial/retail building located along the US 301 frontage and the proposed three residential buildings on either side of the loop street. Two two-, and three-family buildings are on the north side, and one 36-unit multifamily building, fronting on Peerless Avenue, is located on the south side of the loop street. A tot lot is located to the west of the multifamily building. A six-space bicycle parking rack is located to the east of the tot lot. Another six-space bicycle parking rack is located to the south of the commercial building, and a loading space is located to the north of the commercial building.

**Architecture:** The residential buildings are designed with pitched roofs with cross gables, and are finished with a combination of brick, vinyl, and fiber cement siding. Photovoltaic solar panels have been shown on the south-oriented roof on top of the asphalt shingles. Both the multifamily building (Building C) and the two- and three-family buildings (Buildings A and B) are designed in the same style, featuring three-part elevations and a combination of brick, fiber cement, and vinyl siding. The multifamily building is four stories in height, with the first floor occupied by enclosed parking spaces and dwelling units on the upper three levels. The first floor is finished with brick, and the middle three levels are finished with fiber cement and vinyl siding, in two

colors. A gable roof with asphalt shingles is further divided with cross gables. Recessed balconies are also seen on the three levels. Side elevations are treated in the same way, with various projections to achieve articulated elevations.

The two- and three-family buildings are also designed in three parts, with porches and predominantly brick finishes on the first floor of the main elevations. Numerous cross gables on the vertical tower elements are used widely to break down the horizontal expanse. A standard balcony has been shown on the less-ornamented rear elevations of both buildings. Side elevations are highly articulated with various massings. However, for those highly visible elevations, additional architectural features are needed to enhance the solid wall segments. A condition has been included in the Recommendation section requiring this change on the highly visible elevations.

The commercial/retail building is a one-story, unframed design with a tower element at the southwest corner. The tower element has a metal roof, and the rest of the building is finished with a combination of exterior insulation finish system and brick. The building has four bays, with aluminum storefront windows and doors with canopies. No tenants have been identified yet.

**Lighting and Signage:** Lighting fixtures include a full cut-off LED site light (with a maximum 14-foot height for the proposed surface parking lots), and building-mounted lights on the commercial building that may be revised later when the specific tenant is identified. The site lighting fixture is acceptable.

Building-mounted signs for commercial tenants have been shown on three sides of both the entrance tower and the building elevations. Two types of freestanding signage have been proposed in this DSP. The primary identification sign identifies the development and the secondary wayfinding sign provides direction to the units of the residential development. A brick base should be provided for the primary sign. The secondary sign should be redesigned to integrate it with the physical devices that separate the commercial/retail area from the proposed residential development. A condition has been included in the Recommendation section of this report requiring the applicant to make these revisions prior to certification.

There is one loading space that has been proposed to serve the future commercial tenants. The space is screened with a wood fence. The fence material needs to be changed to synthetic material that will require minimum maintenance. A condition has been included in the Recommendation section of this report requiring the applicant to make this revision prior to certification.

**Recreational Facilities:** In accordance with the current recreational facility obligation calculation formula, this development will need to provide approximately \$53,000 worth of recreational facilities. A recreational facility package has been included in this DSP that exceeds the requirements, as follows:

- A 1,200-square-foot tot lot surrounded by approximately 3,000 square feet of open play area.
- Benches and sitting areas.
- A community meeting room, approximately 6,960 square feet.
- A fitness room, approximately 2,300 square feet.

In addition, a loop trail (approximately 450 linear feet) is also proposed on the south side of Peerless Avenue. The proposed recreational facilities should be bonded prior to issuance of any residential building permit and completed prior to issuance of the 18th residential building permit for this development.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject DSP 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 all mixed-use zones. The proposed two-family, three-family, and multifamily residential units and commercial uses are permitted uses in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of the CSP approval. The CSP limited the development to a total of 62 two-family, three-family, and multifamily residential units. The subject DSP meets this requirement.
  - b. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows:
    - (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

Various M-X-T purposes are satisfied by the proposed DSP. For example, one purpose is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of the County. The proposed development will provide increased economic activity proximate to the intersection of MD 725 and MD 301. In addition, clustering of the design will conserve the value of the land by maximizing the public and private development potential. The proposal of the new public right-of-way for Peerless Avenue will encourage additional development towards the west. Also, new water and sewer will be brought to the site and will create the potential for adjoining properties to connect to public water and sewer. This proposal will allow freedom of architectural design by creating two- and three-family dwellings that are denser, but have the look and feel of a townhouse development. The DSP also contributes to implementation of the overall master plan and General Plan.
    - (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 applicable Subregion 6 Master Plan and SMA rezoned the subject property to the M-X-T Zone. The zoning change from the Rural Residential (R-R), One-Family Detached Residential (R-80), and Commercial Miscellaneous (C-M) Zones to the M-X-T Zone created new opportunities for development in the general vicinity. The project proposes uses and dwelling types, which would not have been permitted under the old zoning categories; thus, it is in conformance with the development concept recommended by the master plan.

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

The proposed development will be outwardly oriented, with the proposed commercial/retail fronting on US 301 and a multifamily building fronting on Peerless Avenue. The adjacent properties in the vicinity are either vacant, dilapidated, or single-family detached dwellings. The proposed residential and commercial buildings will create a new streetscape for the area and will catalyze adjacent community improvement.

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

Further away towards the south, there are existing retail areas on all four corners of the intersection of US 301 and MD 725. The subject property will introduce a moderate-density, transitional residential use, which will not overwhelm the existing single-family uses, but will also be compatible if multifamily dwellings (allowable under M-X-T zoning) were proposed on the adjacent properties in the future.

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

The proposed mix of uses in this DSP are horizontal in nature. Retail use is located in a highly visible location along Peerless Avenue and US 301 to ensure its success. The residential component will complement the retail use and will introduce a new housing product to the area. This introduction of two-, three-, and multifamily units initiates the envisioned goal of an independent environment of continuing quality and stability.

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

The proposed uses and layout are such that each component is self-sufficient, regardless of which use is developed first.

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



Walkways and sidewalks are associated with all the parking areas and connect to both the public right-of-way and to internal walkways in and around the site. The entire pedestrian network is convenient.

- (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**

Adequate pedestrian walkways connect the proposed development within the residential and commercial areas. A tot lot is being proposed to the west of the multifamily building as part of the recreational facilities, and would be considered a gathering place. The tot lot is connected by walkways and is enclosed by a decorative metal fence. On-site lighting is being provided to allow for well-lit and safe pedestrian and parking areas.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, 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 application is a DSP. The property was placed in the M-X-T Zone by an SMA. A traffic impact analysis was filed with CSP-17004 and PPS 4-18004 and tested successfully for adequate public facilities.

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

As stated above, the PPS (4-18004) governing this DSP was approved in 2018, and is only one year old.

- (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.**

This finding is not applicable to the subject property.

- c. The DSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 and cross-referenced in Section 27-283 of the Zoning Ordinance. At the time of CSP-17004, the applicable design guidelines were reviewed, and the findings are still governing. The proposed DSP is in conformance with previously approved CSP- 17004 for the subject site. The proposed DSP conforms to applicable site design guidelines governing parking, loading, circulation, green areas, service areas, lighting, grading, and architecture.
- d. 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. The DSP proposes 137 parking spaces, including 26 garage spaces and 96 surface spaces to serve the 62 residential units, which equals 1.96 spaces per unit, and 15 surface spaces for the 3,000-square-foot retail use, which equals one space per 200 square feet. Under Part 2 of the Zoning Ordinance, off-street parking and loading, a total of 162 spaces is usually required for this type of development in conventional zones.

Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). The applicant's statement of justification (SOJ) provided discussion of the methodology, assumptions, and data used in performing the calculations, which led them to a determination that the 137 spaces provided will be sufficient to meet the requirements of the users. Staff concurs with this analysis and supports the applicant's proposed parking as acceptable.

- e. **Departure from Design Standards DDS-651:** The applicant requires a departure from Section 27-558(a), which requires nonparallel standard parking spaces to be 9.5 feet by 19 feet, but allows up to one-third of the required spaces to be compact, measuring 8 feet by 16.5 feet. Instead, the applicant utilizes a parking space sized at 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for the garage spaces. No compact parking spaces are proposed with this DSP.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings in order for the Planning Board to grant the departure:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The reduction in size for the parking spaces will still provide off-street parking sufficient to serve the needs of the project. In effect, the reduction in parking space size will allow the proper amount of parking

to serve the project in the same amount of on-site area. This will eliminate the need for on-street parking and will result in conveniently located parking on-site. Thus, the purposes of the subtitle will have been met. The proposed parking areas will not be visible from adjacent residential areas and will not detract from the character of such areas or from the character of neighboring property owners.

The remainder of the components are within easy walking distance of the site. This DSP continues to implement the land use vision for the area by reducing automobile use, by locating a mix of residential and nonresidential uses in proximity to one another, encouraging a 24-hour environment, and creating functional relationships among individual uses, with a distinctive visual character and identity.

From the perspective of the parking regulations, the purpose of those regulations is to provide adequate safe parking for patrons of particular uses. The applicant is proposing more than a sufficient number of parking spaces. From a design perspective, the applicant submits that the smaller parking spaces are more than sufficient to allow patrons and employees to safely park and exit their cars. It should be noted that other jurisdictions, in their respective Zoning Ordinances, provide for parking spaces similar in size to those being requested by the applicant. For example, in Charles County and Anne Arundel County, the Zoning Ordinances specify that parking spaces shall be 9 feet by 18 feet. The Montgomery County Zoning Ordinance specifies that standard-size parking spaces shall be 8.5 feet by 18 feet. Montgomery County has an additional design option of a modified parking stall for regional shopping centers. In that instance, standard-size parking spaces are only required to be 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for garage spaces. Staff agrees that this proposed modification will foster the purpose of the Zoning Ordinance to promote health, safety, convenience, and welfare. Therefore, approval of this departure will promote this purpose of the ordinance.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The normal prescribed dimensions of standard parking spaces in the current Zoning Ordinance are 9.5 feet by 19 feet. The applicant proposes to reduce the size of the spaces to 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for garage spaces. The applicant presents several reasons why this request is being made. The departure of six inches in width is relatively insignificant on a space-by-space basis. However, when multiplied by the total number of parking spaces serving the project, it provides the greatest benefit. In addition, the universal size for garage parking spaces is 9 feet by 18 feet. Column spacing and other mechanical equipment do not support deeper and wider parking stalls. Given the specific circumstances and the site constraints, staff agrees that the departure is the minimum necessary in order to provide all parking on-site.

- (iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The departure is necessary in order to provide adequate and necessary off-street vehicular parking sufficient to serve the project within the available developable area. The project is bounded by environmental features to the north and the south. The central section of the site is the highest point of the site. The topography slopes down in both the northern and southern directions of the site; thus, limiting the amount of grading possible. The northern and southern sides of the site are also encumbered by environmental features, such as streams and primary management area (PMA), on both sides. Given that the soil is composed of Marlboro clay, special care and attention have been paid to the location of the development elements, so as not to disturb these soils. In addition, column spacing and mechanical equipment in the garage create another obstacle. Given the environmental encumbrances and structural design, it is most efficient to minimally impact the Prince George's County parking stall size to allow for the adequate amount of parking for this development to reach its fullest potential as an economic potential.

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The reduction of the size of the parking spaces will not negatively affect the visual quality of the site; the reduction of six inches will barely be noticeable. The functionality of the parking lot will be improved by the departure. The reduced parking space size will still accommodate vehicles, while allowing adequate parking spaces in the same amount of area; thus, reducing the disturbed area. Additionally, allowing the reduced-size parking space, multiplied by the total number of spaces, greatly reduces the amount of impervious surface needed per space; thus, reducing stormwater runoff, which benefits the environment.

The departure from Section 27-558(a) will allow the site to provide adequately sized spaces to accommodate all types of vehicles and conform to modern guidelines, which discourage compact parking spaces and are in favor of universal size spaces. Eliminating the smaller compact car spaces improves the functional integrity of the site and adequately serves the purposes of the parking regulations and the parking needs of residents and patrons.

Based on the analysis above, staff recommends that the Planning Board approve the departure request to reduce the dimensions of the proposed standard parking spaces from 9.5 by 19 feet to 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for the garage spaces.

The applicant also requests a departure from Section 27-579(b), which reads as follows:

- (b) No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

Section 27-239.01(b)(7) contains the following required findings in order for the Planning Board to grant the departure:

- (A) In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The loading space for future commercial/retail uses is placed to the side of the building; thus, resulting in the least amount of exposure or impact on the residential use, while also keeping it screened from the public rights-of-way. Given the site constraints and nature of this mixed-use development, the purpose of this subtitle will be equally well-served by this proposal.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The requested departure of 22 feet and 16 feet is the additional space necessary to allow the loading space in the proposed location. A landscape strip is situated, along with parking, between the closest residential building and the loading space; thus, providing reasonable buffering between the residential use and the space. The other residential building is less impacted and has no direct sight line into the loading space.

- (iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The departure is necessary in order to provide adequate loading space required to serve the project within the available developable area. The site is bounded by environmental features to the north and the south. The central section of the site is the highest point of the site. The topography slopes down in both the northern and southern directions of the site; thus, limiting the amount of grading possible. The northern and southern sides of the site are also encumbered by environmental features such as streams and PMA on both sides. Given that the soil is composed of Marlboro clay, special care and attention have been paid to the location

of the development elements, so as not to disturb these soils. Given the environmental constraints, and the need to adequately provide those design features required by the Zoning Ordinance, to the extent practicable, the departure is necessary to allow the development to reach its fullest economic potential.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The reduction of the distance between the loading space and residential buildings imposes no negative affect on the visual quality of the site. As previously noted, the closest building is buffered by landscaping and other parking and the second residential building has no direct sight line into the space. The amount of commercial/retail space means the loading space will be used in an inconsequential amount of time. In addition, the loading space will be fully enclosed with a synthetic fence to match the color scheme of the commercial/retail building. The location of the loading space at the side yard of the one residential building negates any appreciable impact (visually, functionally, or environmentally) on the other part of the proposed development.

Based on the analysis above, staff recommends that the Planning Board approve the departure request to allow the proposed loading space serving the commercial/retail building to be located within 50 feet of the residential uses, as shown on Detailed Site Plan DSP-18039.

- 8. **Conceptual Site Plan CSP-17004:** The Planning Board approved CSP-17004 on July 14, 2018 (PGCPB Resolution No. 18-49), with five conditions. The District Council affirmed the Planning Board's decision on September 24, 2018, with five conditions. The following two conditions are relevant to the review of this DSP:

- 2. **Total development within the subject property shall be limited to uses which generate no more than 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan, with a new determination of the adequacy of transportation facilities.**

This DSP proposes the exact number of dwelling units and square footage of commercial/retail development as contained in CSP-17004. This condition has been met.

- 4. **Prior to approval of a detailed site plan for the project, the applicant shall:**

- a. **Provide the location, type, and number of bicycle parking spaces at the multifamily building and commercial/retail building.**

Two identical bicycle racks have been provided for the multifamily and commercial building, respectively. Details of the bicycle rack have also been provided on the site plan.

- b. Provide sidewalks on both sides of all internal streets, where appropriate, in consultation with the Urban Design Section.**

Sidewalks have been provided, in conformance with this condition.

- c. Consider the proximity of the Town of Upper Marlboro and the incorporation of a character element—such as an entry feature—to provide some identity attachment to the Town.**

A primary identification sign has been provided, in accordance with this condition. However, an additional brick base should be provided, as conditioned, prior to certification.

- d. Use quality building materials, which shall be demonstrated in the architecture for all buildings.**

Both the residential and commercial buildings are finished with a combination of brick, fiber cement, and vinyl siding to address the requirements of this condition. Additional adjustment of the materials on the elevations, especially on highly visible elevations, has been conditioned in the Recommendation section of this report.

- e. Evaluate pedestrian elements, partially addressed in Finding 7 (c) (7) and (8), and said pedestrian elements shall be fully addressed at the time of applicant’s detailed site plan.**

On-site pedestrian connectivity has been one of the top priorities in development in the M-X-T Zone. A comprehensive on-site pedestrian network has been achieved with this DSP, including a recreational trail.

- 9. **Preliminary Plan of Subdivision 4-18004:** The Planning Board approved PPS 4-18004 on November 8, 2018 (PGCPB Resolution No. 18-115), with 19 conditions. The conditions that are pertinent to the review of this DSP are discussed, as follows:

- 3. **Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-004-2018-01). 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 (TCP1-004-2018-01), 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 (M-NCPPC), Prince George’s County Planning Department.”**

In accordance with the review by the Environmental Planning Section (Schneider to Zhang, February 15, 2019), the subject application, including a Type 2 tree conservation plan (TCP2), conforms to the previously approved Type 1 Tree Conservation Plan, TCPI-004-2018.

4. **The applicant, their successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**

A private recreational facility package consisting of a tot lot, a loop trail, a community room, and a fitness room has been proposed for this site. The entire package meets the recreational requirements.

5. **The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division (DRD), of the Planning Department for adequacy and property siting with the submittal of the Detailed Site Plan.**

The DSP includes a recreational facility package that consists of a 1,200-square-foot tot lot and playground of approximately 3,000 square feet, as well as a loop trail to the south of Peerless Avenue. In addition, a community meeting place and a fitness room are also provided with the multifamily building. The siting and amount of recreational facilities are appropriate.

7. **At the time of detailed site plan (DSP), detailed analysis of the internal sidewalk and trail network will be made. The following issues will be evaluated at that time:**
  - a. **Sidewalks shall be provided along both sides of all internal streets where appropriate and deemed consistent with the Complete Streets Policies of the Master Plan of Transportation.**
  - b. **A small amount of bicycle parking shall be provided at the commercial space. The number and location will be determined at the time of DSP.**
  - c. **A private recreational trail connection within the property.**

Sidewalks and bike parking are shown, as previously approved. An internal natural surface trail has been added to the plans in the open space on the south side of Peerless Avenue. Due to the project's M-X-T zoning and the relatively high density proposed, staff recommends that the trail be asphalt and a minimum of six feet wide. Staff also recommends that a greater buffer be provided between the trail and Peerless Avenue, in order to provide greater separation between the trail and the sidewalk along the south side of the road.

8. **Total development within the subject property shall be limited to uses which generate no more than 55 AM peak-hour trips and 61 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the PPS with a new determination of the adequacy of transportation facilities.**



In accordance with the review by the Transportation Planning Section (Burton to Zhang, February 15, 2019), the proposed development in this DSP is within the development caps, as stated in this condition.

- 13. Prior to approval of the detailed site plan, the proposed stormwater management concept plan, which will include requirement for the relocation of the proposed pond (FBIO-01) and slope stability mitigation for the proposed improvements to Peerless Avenue, shall be reflected on all development plans.**

An approved SWM concept plan was submitted with this DSP application. The proposed pond was redesigned to an underground infiltration system on the other side of the development. A stormdrain pipe and outfall from the underground system will impact the Marlboro clay. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved these plans and determined that this SWM impact will not affect the on-site Marlboro clay.

- 14. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.**

The proposed development is consistent with the approved SWM concept plan.

- 17. Prior to approval of a detailed site plan which includes residential development, the applicant shall submit a Phase 2 noise analysis for any outdoor activity areas are located within the unmitigated 65 dBA Ldn noise contour and provide mitigation measures to reduce noise levels to 65 dBA Ldn or less.**

A Phase II noise study has been provided with this DSP. According to the study, the proposed outdoor play areas are located outside of the mitigated 65 dBA Ldn noise contour line. A condition has been included in the Recommendation section of this report requiring the applicant to provide evidence that the interior noise level for those units within the 65 dBA Ldn contour line has been mitigated to below 45 dBA Ldn, at the time of permitting.

- 19. The applicant shall show the location of the mitigated safety factor line and a 25-foot building restriction line from the mitigated safety factor line on the TCP2 and the detailed site plan prior to approval, if applicable.**

No residential development is proposed within or near the existing limits of Marlboro clay, so a mitigated 1.5 safety factor line is not shown for this area. A 25-foot building restriction line should still be shown from the existing limits.

Regarding the proposed road improvements and SWM, the TCP2 shows the limits of the existing and proposed 1.5 safety factor line. Final review and approval of these road improvements, with the Marlboro clay impacts, will be addressed at the time of permit review.

- 10. 2010 Prince George's County Landscape Manual (Landscape Manual):** This mixed-use development in the M-X-T Zone is subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping

Requirements, of the Landscape Manual. The landscape plan has provided all the required landscape schedules that show conformance with the applicable landscaping requirements.

11. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan, TCP2-003-2019, was submitted with this DSP application.

A Natural Resources Inventory, NRI-16-2018, was approved on March 7, 2018, and is provided with this application. The TCP2 and the DSP show all the required information correctly, in conformance with the NRI.

Based on the TCP2 submitted with this application, the site contains 3.57 acres of woodland and has a woodland conservation threshold of 1.14 acres (15 percent). The Woodland Conservation Worksheet proposes the removal of 0.90 acre, for a woodland conservation requirement of 1.37 acres. The requirement is proposed to be met with 2.67 acres of woodland preservation. The forest stand delineation has identified 24 specimen trees on-site. This application proposes the removal of five specimen trees that was approved at the time of PPS 4-18004.

The TCP2 is consistent with the applicable requirements of the WCO, subject to minor conditions of approval.

12. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 7.64 acres in size and the required TCC is 0.764 acre, or 33,280 square feet. The applicant has provided a TCC schedule that shows a total of 2.43 acres, or 105,850 square feet, of on-site woodland preservation has been provided. The DSP meets and exceeds the TCC requirement.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions, and their comments are incorporated herein by reference. The major referral comments are summarized, as follows:

- a. **Community Planning**—In a memorandum dated February 14, 2019 (White to Zhang), the Community Planning Division provided comment on the submitted DSP relative to the applicable master plan and General Plan. However, master plan conformance is not required for this application.

- b. **Transportation**—In a memorandum dated February 15, 2019 (Burton to Zhang), the Transportation Planning Section provided a review of the conditions attached to prior approvals that are applicable to the review of this DSP. Those comments have been included in the findings. Additional comments are summarized, as follows:

The proposed development will be accessible from two points of access, the one closer to US 301 will be right-in only, while the other at the western end will be an ingress/egress. The site will be able to accommodate the turning movements of a variety of vehicles, including fire trucks and other commercial trucks. Staff has concerns about the proposed site design, as all commercial traffic will be forced to drive within the parking lot, pass all the residential units, to exit the property. Therefore, a condition has been included in the Recommendation section of this report requiring the applicant to coordinate with the

operating agency to change the eastern access point off Peerless Avenue to a two-way drive.

**Departure from Design Standards DDS-651:** Pursuant to Section 27-558, the applicant has filed a DDS, in which a reduction from the standard parking space size is being sought. Specifically, the applicant is proposing a size of 18 by 9 feet rather than the standard 19 by 9.5 feet. For both dimensions, the reduction amounts to a change of less than six percent from the standard requirement. The applicant will not be proposing any compact spaces; consequently, all the spaces being provided (exclusive of handicap-accessible spaces) will be a minimum of 18 by 9 feet. Given the marginal change in the dimensions being sought, staff supports this departure.

The Transportation Planning Section concluded that, from the standpoint of transportation, it is determined that this DSP is acceptable and meets the findings required for a DSP and DDS, as described in the Zoning Ordinance. Furthermore, all the transportation conditions have been adequately addressed.

- c. **Subdivision Review**—In a memorandum dated February 14, 2019 (Turnquest to Zhang), the Subdivision Review Section provided a review of the conditions attached to prior approvals that are applicable to the review of this DSP. Those comments have been included in the findings. Additional comments are summarized, as follows:

Two locations for loop trails were presented by staff, at the time of PPS, as appropriate outdoor recreational amenities for this development. One location for a trail is parallel to the northern property line to the rear of the two- and three-family units, and the other location is south of Peerless Avenue around a previously proposed SWM pond. The applicant submitted an SOJ dated January 11, 2019, which determined that the proposed locations were not feasible.

The applicant determined that the trail to the north of the residential units conflicted with crime prevention through environmental design (CPTED) guidelines and was not feasible due to the topography of the site. Due to the steep grade change (10 to 12 feet below grade), users of the trail would not be easily seen. Staff does not find that the visibility from the proposed development will be an issue, as the trail would be downhill from the proposed building, with unimpeded views.

It is noted that the stormwater pond is no longer proposed on the site, south of Peerless Avenue. In the SOJ, the applicant stated that the proposed grading of 33 percent exceeds the typical trail grading of up to 12.5 percent. However, revised plans were received by Subdivision staff on February 14, 2019, which incorporate a natural surface loop trail south of Peerless Avenue. Approximately one-half of the trail is provided 10 feet from, and parallel to, the sidewalk along Peerless Avenue. Based on the proposed grading, there appears to be an opportunity to relocate this portion of the trail (so that it is further displaced from the right-of-way), providing additional buffering from the roadway and an opportunity for more scenic views into the PMA. The trail should also be paved with asphalt to allow the opportunity for various users (bikers, strollers) to enjoy it.

**The commercial and residential uses of the development are abutting. A visual separation of the commercial and residential uses shall be considered so that customers to the commercial portion of the site do not use the residential area as a thoroughfare, which may result in conflicts that shall be address at the time of DSP.**

Preliminary Plan of Subdivision 4-18004, approved by the Planning Board on November 8, 2018, provided for two-way vehicular access to the site from Peerless Avenue. The two-way access allowed the circulation of traffic for the commercial use to ingress and egress the site using the same access point. The PPS provided for certification altered the access from a two-way to a one-way entry into the site. That plan was subsequently certified in error.

The applicant submitted a circulation exhibit that was received on February 12, 2019, which shows that the one-way access would force commercial traffic through the residential portion of the site. The finding to evaluate the visual separation of the commercial and residential uses demonstrates that the traffic flow approved with the PPS did not intend this new circulation. A visual separation of the commercial and residential uses should be explored with this application by the Urban Design Section. In addition, the applicant should work with the operating agency to determine if there is a viable alternative for providing two-way access to the commercial portion of the site, such as elongating the deceleration lane on US 301 or relocating the commercial access from Peerless Avenue, which may require the relocation of buildings.

The Subdivision Review Section recommends approval of this DSP, with three conditions that have been included with modifications in the Recommendation section of this report.

- d. **Environmental Planning**—In a memorandum dated February 15, 2019 (Schneider to Zhang), the Environmental Planning Section provided the following summarized comments on the subject application:

**Preservation of Regulated Environmental Features/Primary Management Area (PMA):** PMA impacts were addressed with approved PPS 4-18004. During this DSP review, the PMA impacts were revised to add an additional SWM outfall and lessen grading impacts. An SOJ was received on February 14, 2019 for revised impacts to the PMA and stream buffer.

The SOJ includes a request for two PMA impacts (22,503 square feet and 11,246 square feet) totaling 33,749 square feet (0.77 acre), or approximately 26 percent of the 2.86 acres of PMA mapped on the property. The previous impacts (18,370 square feet and 11,535 square feet) total 29,905 square feet (0.69 acre), or approximately 24 percent of the 2.86 acres of PMA mapped on the property.

Based on the revised SOJ, the applicant is requesting a total of two impacts, as described below:

Impact A increased to 22,503 square feet for the development of the required public right-of-way. The PMA has been established here based on the stream buffer and associated steep slopes; however, the width and location of the right-of-way is determined by the Prince George's County Department of Public Works and Transportation (DPW&T) standards. The alignment is fixed on the existing centerline of Peerless Avenue and, due to the widening requirements, additional grading will be required to account for the difference in fill for the proposed road. Impacts are necessary and already partially exist.

Impact B was reduced to 11,246 square feet for the development of the required public right-of-way, the removal of existing structures, and for SWM. The PMA has been established here based on the stream buffer and associated steep slopes. The width and location of the right-of-way is determined by DPW&T standards, and the alignment is fixed on the entrance of Peerless Avenue with US 301. In addition, the PMA will be impacted by the removal of the existing structures and the installation of SWM outfall. The outfall has been designed to minimize the disturbance within the PMA.

Therefore, staff recommends approval of both impacts.

**Soils:** The predominant soils found to occur according to the U. S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are the Collington-Wist-Urban land complexes, Marr-Dodon complexes, and Udorthents highway soils.

This property is also located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. The TCP2 shows the limits of Marlboro clay and the location of the existing and proposed 1.5 safety factor line for the proposed road improvements and SWM. There is no mitigation needed for the proposed residential units because they are more than 25 feet away from the existing Marlboro clay.

During the PPS approval process, SWM facilities and road construction were shown impacting the Marlboro clay and the location of the existing 1.5 safety factor line. An approved SWM concept plan and letter were submitted showing the SWM facilities relocated and a stormwater pipe and outfall impacting the Marlboro clay. These impacts were approved by DPIE. As part of the concept approval, the applicant was made aware that DPIE will review the proposed road improvements located in the Marlboro clay area during the fine grading approval or with the street construction permit.

The Environmental Planning Section recommends approval of DSP-18039 and TCP2-003-2019, subject to five conditions that have been included in the Recommendation section of this report.

- e. **Trails**—In a memorandum dated February 15, 2019 (Shaffer to Zhang), the trails planner reviewed the DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation*, in order to implement planned trails, bikeways, and pedestrian improvements, and for conformance with applicable conditions attached to prior approvals that have been included in the findings of this report.

No master plan trail/bikeway issues impact the application. However, sidewalks are appropriate for the subject site. In addition, at the time of PPS 4-18004 approval, an on-site loop trail was discussed and deemed appropriate. The trails planner recommends that a loop trail be included on the south side of Peerless Avenue which was discussed previously.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated February 18, 2019 (Zyla to Zhang), DPR stated that private recreational facilities were deemed appropriate at the time of PPS 4-18004 approval. As such, the private recreational facilities shall be reviewed by the Urban Design Section for adequacy and property siting with the submittal of this DSP.
- g. **Maryland State Highway Administration (SHA)**—In an email dated January 16, 2019 (Woodroffe to Zhang), SHA provided comments on issues regarding an access permit, acceleration and deceleration lanes, bicycle compatibility, and right-in/right-out entrances to the site. SHA’s comments will be enforced through their separate permitting process.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not offer comments on the subject 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 the subject application.
- j. **Prince George’s County Health Department**—In a memorandum dated February 6, 2019 (Adepoju to Zhang), the Health Department provided comments as follows:

- (1) Health Department permit records indicate there are five existing carry-out/convenience store food facilities and one market/grocery store within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The applicant should consider setting aside commercial retail space for a tenant that would provide access to healthy food choices in the area.

This comment has been transmitted to the applicant who is fully aware of the situation. No specific tenant has been identified in this DSP.

- (2) The Final Plan Best Management Practices Summary Table indicates that Townes at Peerless on Peerless Avenue currently has 86 percent impervious surface. Creation of additional impervious surfaces in a recharge area could have long term impacts on the sustainability of this important groundwater resource.

This DSP has an approved SWM concept plan from DPIE. The approval addressed all stormwater-related site issues, including impervious surface.

- (3) The Townes at Peerless site is located within the Western Branch sewer basin. Provide documentation indicating Washington Suburban Sanitary Commission (WSSC) capacity for conveyance of sewage from the proposed project.

The Washington Suburban Sanitary Commission has reviewed this DSP and their comments will be enforced through their separate permitting process.

- (4) 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.

A site plan note will be required to reflect this comment.

- (5) 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.

A site plan note will be required to reflect this comment.

- k. **Town of Upper Marlboro**—At the time of the writing of this technical staff report, the Town of Upper Marlboro did not offer comments on the subject application.

- 14. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
- 15. In accordance with Section 27-285(b)(2) of the Zoning Ordinance, the subject DSP is in general conformance with approved CSP-17004.
- 16. Pursuant to Section 27-285(b)(4) of the Zoning Ordinance that the regulated environmental features on a 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 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. Both impacts are for right-of-way improvements that are required for the proposed development.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report, as follows:

- A. APPROVE Departure from Design Standards DDS-651 for Townes at Peerless, to allow 9 feet by 19 feet surface parking spaces and 9 feet by 18 feet garage parking spaces in the proposed development, and further allow the loading space that serves the proposed commercial/retail space to be located within 50 feet of the residential uses, as shown on Detailed Site Plan DSP-18039.
- B. APPROVE Detailed Site Plan DSP-18039 and Type 2 Tree Conservation Plan TC2-003-2019 for Townes of Peerless subject to the following conditions:
  - 1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information shall be provided:

- a. Revise the primary identification sign to include a brick base to match that of the building and move it out of the public utility easement.
- b. Provide physical elements, such as fencing or landscaping, to more clearly define a separation between the residential and commercial portions of the development, and incorporate the wayfinding sign into this design, where appropriate, to be reviewed and approved by the Urban Design Section as designee of the Prince George's County Planning Board.
- c. Revise the on-site loop trail specifications to a minimum six feet in width and asphalt surface.
- d. Provide a wider buffer between the trail and the sidewalk along the south side of Peerless Avenue, and extend the trail further to the east and west, as grading allows.
- e. Revise the detail for the fence around the dumpsters and loading space to a composite material.
- f. Delineate a 25-foot building restriction line from the limits of Marlboro clay, along the northern portion of the site on all plans.
- g. Revise the Type 2 Tree Conservation Plan (TCP2), as follows:
  - (1) Add "TCP2-003-2019" to the approval block and to the worksheet.
  - (2) Add a note stating, "All existing debris shall be removed from the woodland preservation areas and all proposed impact areas shall have all nuisance debris (bottles, cans, plastics and metal objects) removed."
  - (3) Have the revised plan signed and dated by the qualified professional who prepared it.
- h. Provide site plan notes, as follows:
  - "During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."
  - "During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR)."
  - "All play equipment shall comply with the requirements of the Consumer Product Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM). All play areas shall comply with the requirements of the Americans with Disabilities Act and with the *Parks and Recreation Facilities Guidelines*."
- i. Delineate and label right-of-way widths on all plans.



- j. Label the centerline of Peerless Avenue.
  - k. Revise the parcels on the Type 2 tree conservation plan to reflect the parcel and outlot designations approved in the preliminary plan of subdivision.
  - l. Provide two-way access into the commercial parking lot from Peerless Avenue, if approved by the operating agency, or provide evidence that there are no acceptable alternatives to the operating agency.
  - m. Provide a minimum of three standard endwall features, not including service doors, combined with full brick, stone, or stucco on the first-floor level of highly visible elevations, which include both ends of Building C, the eastern elevation of Building B, and the western elevation of Building A.
  - n. Recertify the preliminary plan of subdivision certified in error.
2. Prior to signature of the Type 2 tree conservation plan (TCP2), the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted for recordation to the Office of Land Records. The following note shall be added to the standard TCP2 notes on the plan, as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements 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.”
3. Prior to issuance of the first grading permit, copies of the recorded easement documents, with the liber and folio, shall be provided to the Environmental Planning Section, and the liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
4. Prior to issuance of any residential building permit, all of the recreational facilities should be bonded and, prior to issuance of the 18th residential building permit, all of the facilities should be complete.
5. Prior to approval of any residential building permit, the applicant shall provide a noise certification prepared by a professional engineer, with competency in acoustical analysis, stating that the interior noise levels have been reduced to 45 dBA Ldn or less through the proposed building materials, for the portions of the residential buildings within the unmitigated 65 dBA Ldn or higher noise impact area.

ITEM: 5 & 6

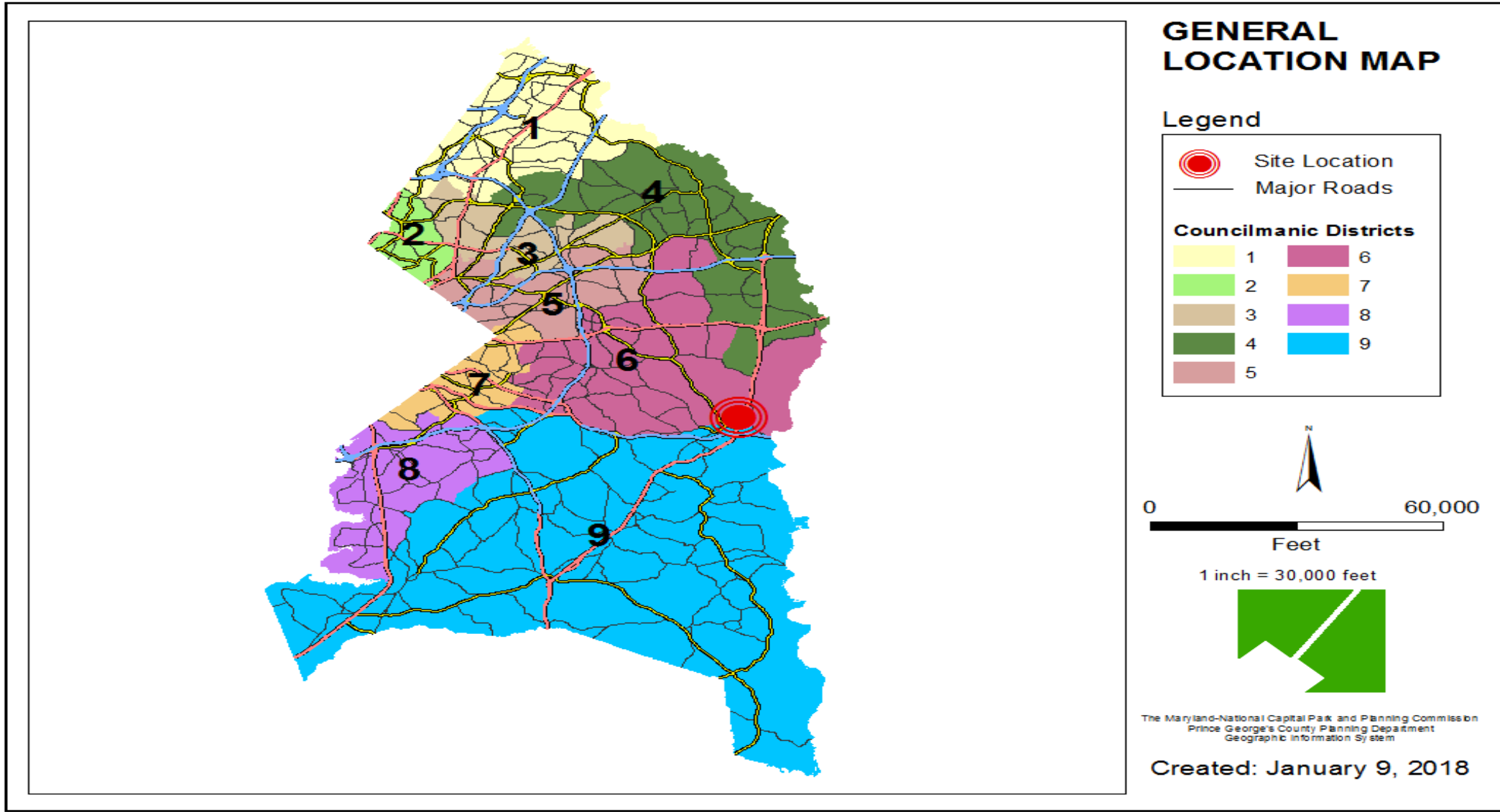
CASE: DSP-18039 & DDS-651

# TOWNES AT PEERLESS

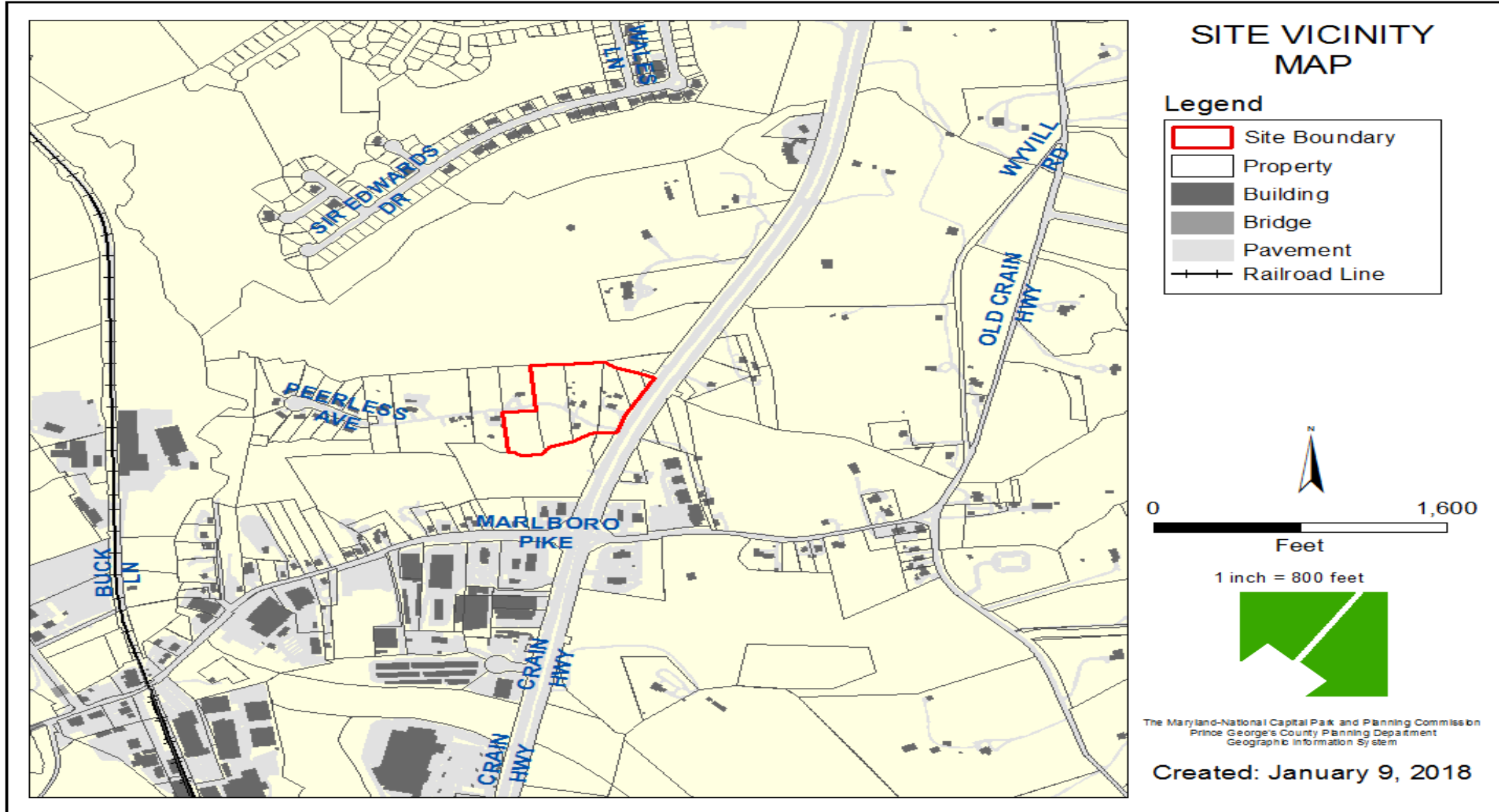
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



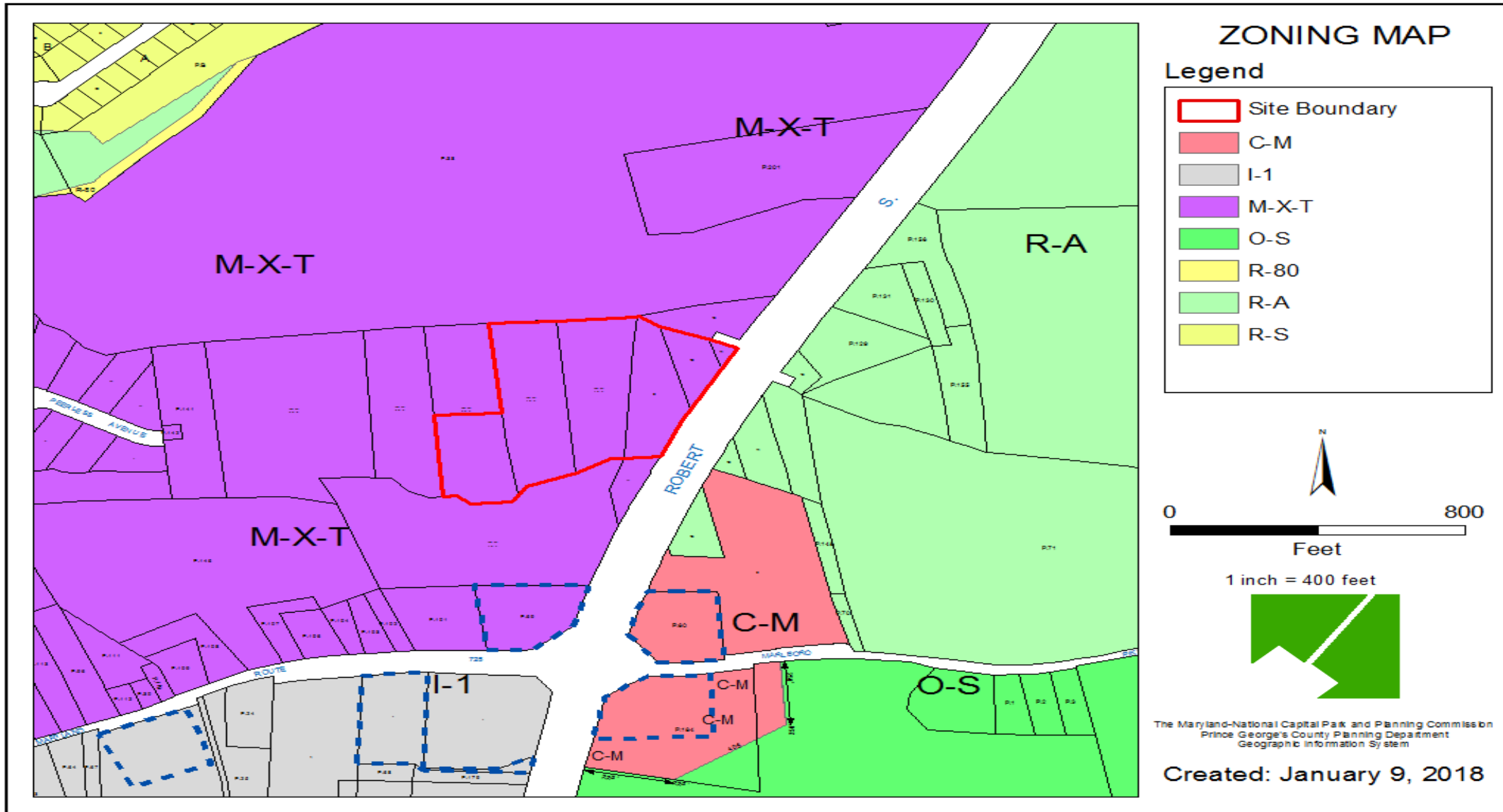
# GENERAL LOCATION MAP



# SITE VICINITY



# ZONING MAP









## SITE MAP

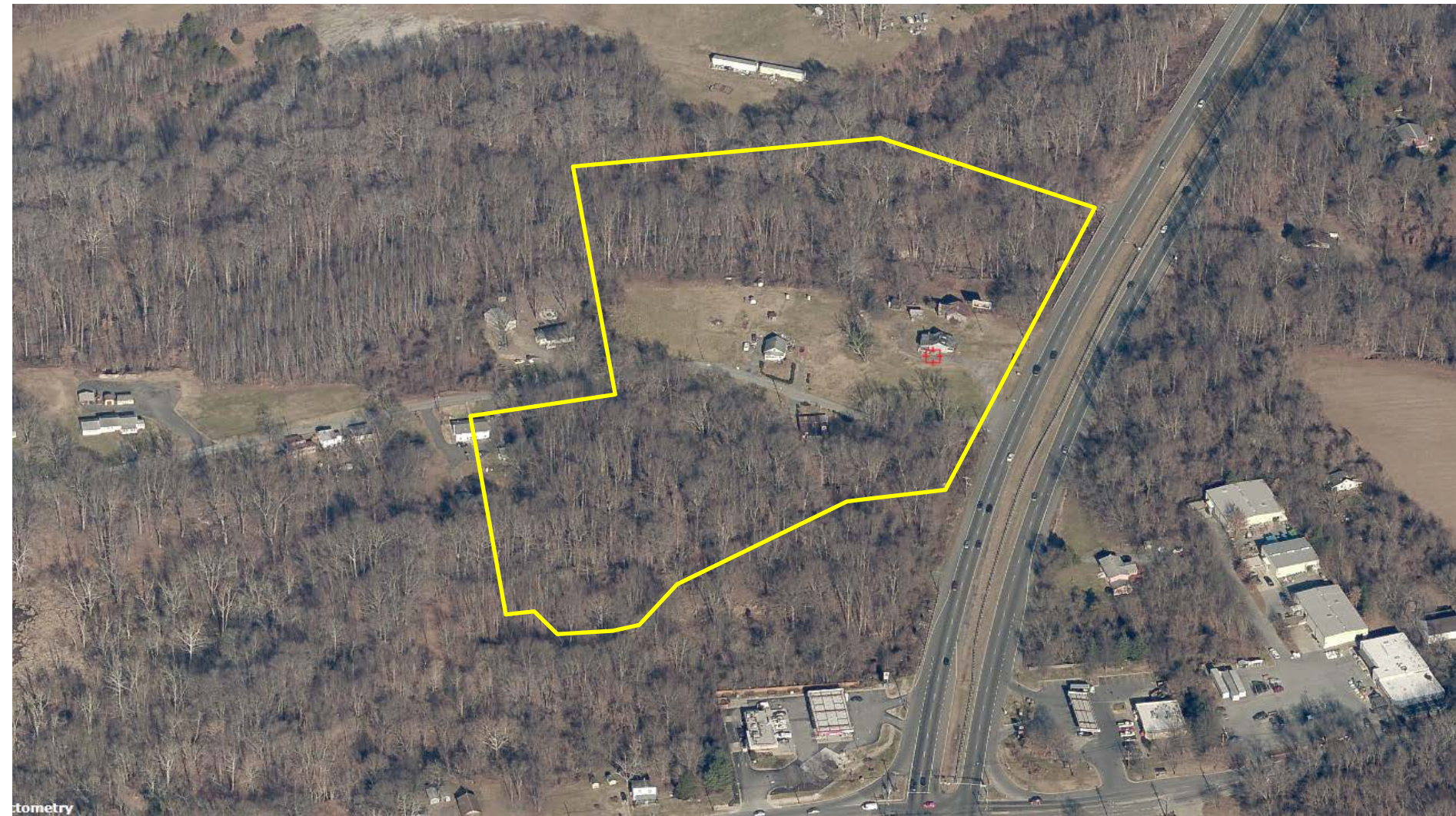


# MASTER PLAN RIGHT-OF-WAY MAP





# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



ometry





# SITE PLAN RENDERING



 SOLTESZ, LLC  
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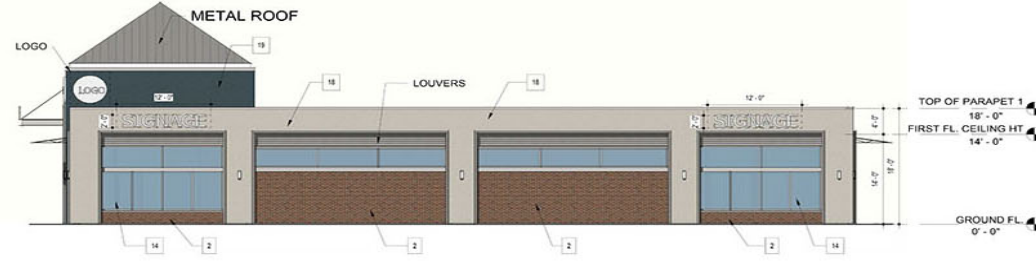




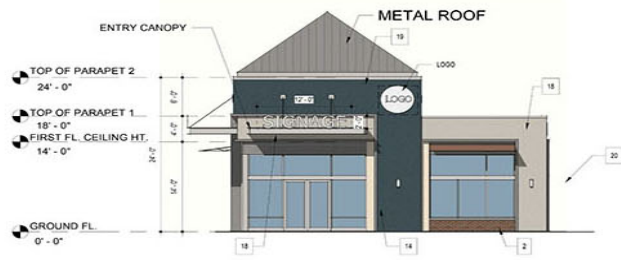
# ELEVATIONS



**H13 FRONT ELEVATION**  
1/8" = 1'-0"



**H4 EAST ELEVATION**  
1/8" = 1'-0"

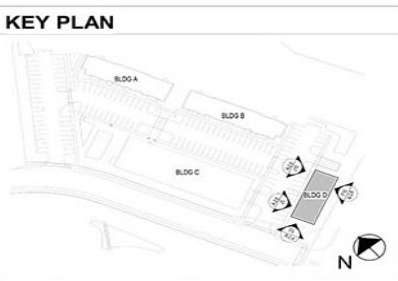


**D13 SOUTH ELEVATION**  
1/8" = 1'-0"



**D4 WEST ELEVATION**  
1/8" = 1'-0"

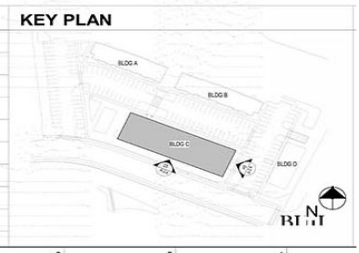
KEY ELEVATION		
1 ROOFING ASPHALT SHINGLES	10 PVC COLUMN WRAP	19 EIPS COLOR 2 BLUE
2 BRICK	11 BRICK SOLDIER COURSE	20 LIGHT FIXTURE
3 SLIDING GLASS DOOR	12 METAL PAINTED DOORS	21 ALUMINUM GUTTER AND DOWNSPOUT
4 FIBER CEMENT LAP SIDING COLOR 1 BROWN	13 ALUMINUM RAILINGS	22 EXPOSED CONCRETE
5 FIBER CEMENT LAPSIDING COLOR 2 GREY	14 STOREFRONT	23 VINYL SIDING
6 FIBER CEMENT LAPSIDING COLOR 3 BLUE	15 HARDIE TRIM	
7 VINYL SINGLE HUNG WINDOW	16 ENTRY DOOR	
8 PV SOLAR PANELS	17 BRICK ROWLOCK	
9 LOUVERS	18 EIPS COLOR 1 GREY	



# ELEVATIONS



KEY ELEVATION			KEY PLAN
1 ROOFING ASPHALT SHINGLES	10 PVC COLUMN WRAP	19 EPS COLOR 2 BLUE	
2 BRICK	11 BRICK SOLDIER COURSE	20 LIGHT FIXTURE	
3 SLIDING GLASS DOOR	12 METAL PAINTED DOORS	21 ALUMINUM GUTTER AND DOWNSPOUT	
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5 FIBER CEMENT LAPSIDING COLOR 2 GREY	14 STOREFRONT	23 VINYL SIDING	
6 FIBER CEMENT LAPSIDING COLOR 3 BLUE	15 HARDIE TRIM		
7 VINYL SINGLE HUNG WINDOW	16 ENTRY DOOR		
8 PV SOLAR PANELS	17 BRICK ROWLOCK		
9 LOUVERS	18 EPS COLOR 1 GREY		



18 17 16 15 14 13 12 11 10 9 8 7 6 5 4

# ELEVATIONS

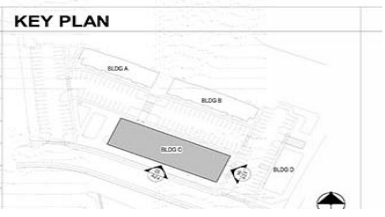


H5 WEST ELEVATION  
1/8" = 1'-0"



C5 NORTH ELEVATION  
1/8" = 1'-0"

KEY ELEVATION			
1	ROOFING ASPHALT SHINGLES	19	EPS COLOR 2 BLUE
2	BRICK	20	LIGHT FIXTURE
3	SLIDING GLASS DOOR	21	ALUMINUM GUTTER AND DOWNSPOUT
4	FIBER CEMENT LAP SIDING COLOR 1 BROWN	22	EXPOSED CONCRETE
5	FIBER CEMENT LAPSIDING COLOR 2 GREY	23	VINYL SIDING
6	FIBER CEMENT LAPSIDING COLOR 3 BLUE		
7	VINYL SINGLE HUNG WINDOW		
8	PV SOLAR PANELS		
9	PVC COLUMN WRAP		
10	BRICK SOLDIER COURSE		
11	METAL PAINTED DOORS		
12	ALUMINUM RAILINGS		
13	STOREFRONT		
14	HARDIE TRIM		
15	ENTRY DOOR		
16	BRICK ROWLOCK		





# ELEVATIONS



**H17 EAST ELEVATION**  
18' x 1'-0"



**H4 SOUTH ELEVATION**  
18' x 1'-0"

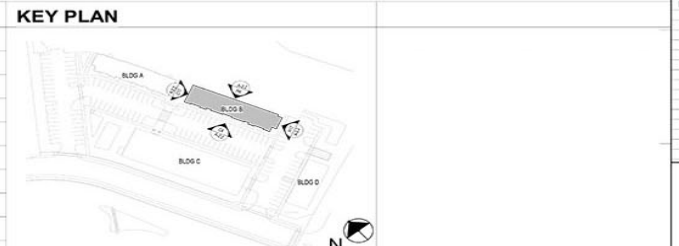


**C17 WEST ELEVATION**  
18' x 1'-0"

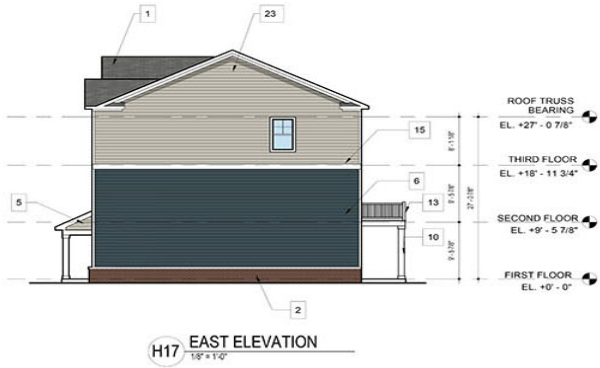


**C4 NORTH ELEVATION**  
18' x 1'-0"

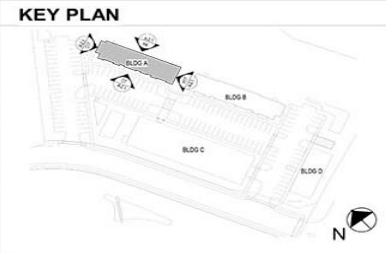
KEY ELEVATION		
1 ROOFING ASPHALT SHINGLES	10 PVC COLUMN WRAP	19 EIPS COLOR 2 BLUE
2 BRICK	11 BRICK SOLDIER COURSE	20 LIGHT FIXTURE
3 SLIDING GLASS DOOR	12 METAL PAINTED DOORS	21 ALUMINUM GUTTER AND DOWNSPOUT
4 FIBER CEMENT LAP SIDING COLOR 1 BROWN	13 ALUMINUM RAILINGS	22 EXPOSED CONCRETE
5 FIBER CEMENT LAP SIDING COLOR 2 GREY	14 STOREFRONT	23 VINYL SIDING
6 FIBER CEMENT LAP SIDING COLOR 3 BLUE	15 HARDIE TRIM	
7 VINYL SINGLE HUNG WINDOW	16 ENTRY DOOR	
8 PV SOLAR PANELS	17 BRICK ROWLOCK	
9 LOUVERS	18 EIPS COLOR 1 GREY	



# ELEVATIONS



KEY ELEVATION		
1 ROOFING ASPHALT SHINGLES	10 PVC COLUMN WRAP	19 EPS COLOR 2 BLUE
2 BRICK	11 BRICK SOLDIER COURSE	20 LIGHT FIXTURE
3 SLIDING GLASS DOOR	12 METAL PAINTED DOORS	21 ALUMINUM GUTTER AND DOWNSPOUT
4 FIBER CEMENT LAP SIDING COLOR 1 BROWN	13 ALUMINUM RAILINGS	22 EXPOSED CONCRETE
5 FIBER CEMENT LAPSIDING COLOR 2 GREY	14 STOREFRONT	23 VINYL SIDING
6 FIBER CEMENT LAPSIDING COLOR 3 BLUE	15 HARDIE TRIM	
7 VINYL SINGLE HUNG WINDOW	16 ENTRY DOOR	
8 PV SOLAR PANELS	17 BRICK ROWLOCK	
9 LOUVERS	18 EPS COLOR 1 GREY	



18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

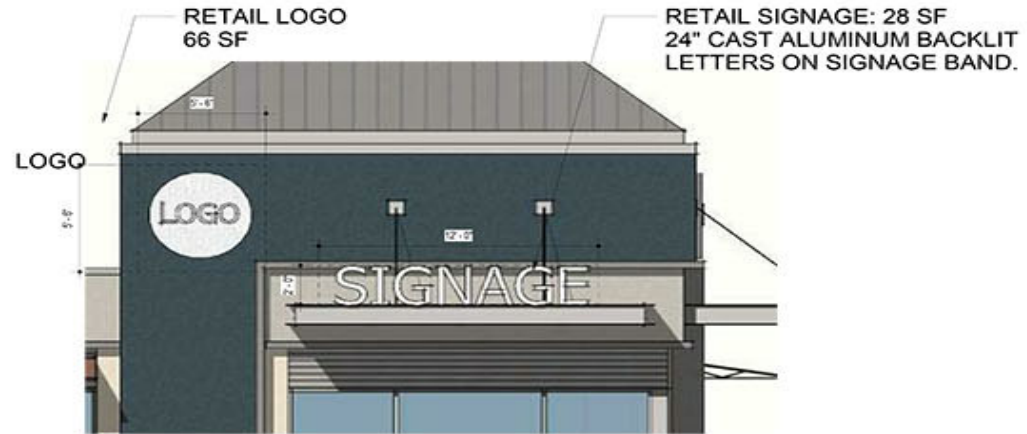




# SIGNAGE



J10 RETAIL #2 SIGNAGE FRONT  
1/4" = 1'-0"



J5 RETAIL 1 ENTRY SIGNAGE  
1/4" = 1'-0"

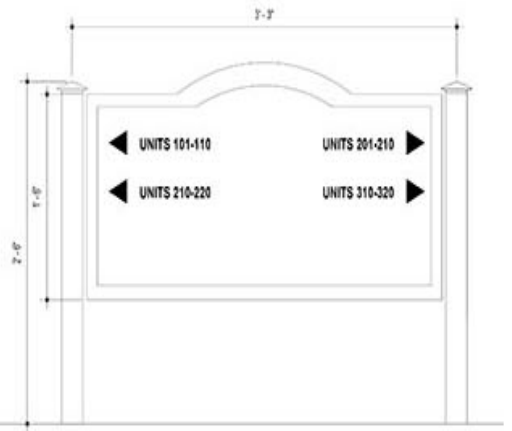


F10 RETAIL #2 SIGNAGE BACK  
1/4" = 1'-0"

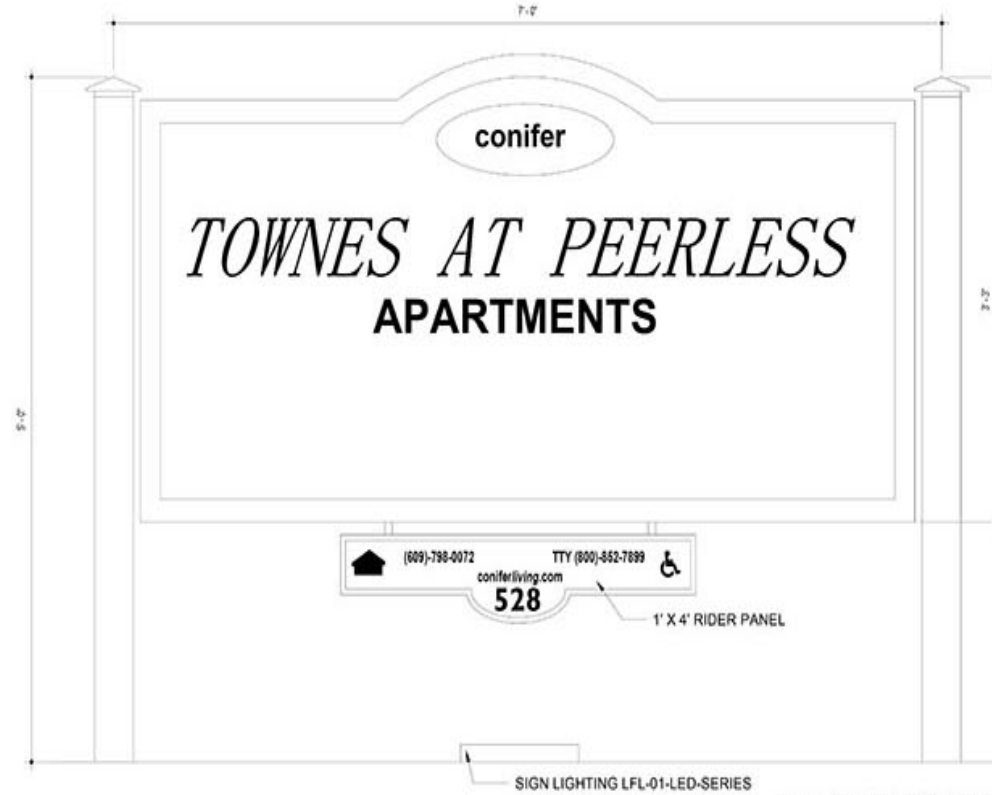


F5 RETAIL SIGNAGE ENTRY 2  
1/4" = 1'-0"

# SIGNAGE



WAY FINDING SIGNAGE ELEVATION



CONIFER SIGNAGE ELEVATION

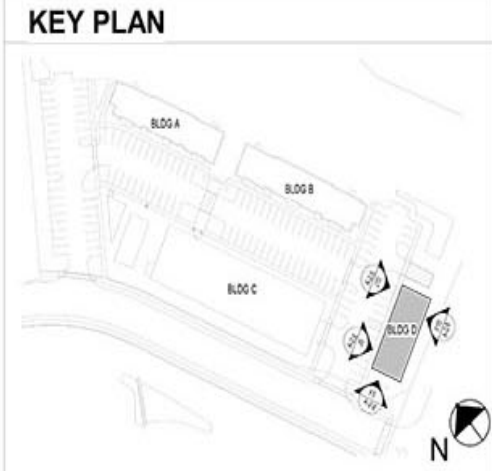
**K3** CONIFER SIGNAGE  
1 1/2" = 1'-0"

**SIGNAGE NOTES**

1. SIGN TO BE SINGLE SIDED
1. (2) FLANKING POSTS, 4" X 4" WITH TOP CAPS
2. CENTER SIGN TO HAVE: CONIFER LOGO, PROPERTY NAME IN RELIEF, 'APARTMENTS' IN CONTRASTING COLOR
3. HANGER PANEL TO HAVE: ACCESSIBILITY LOGO, LEASING PHONE NUMBERS, PROPERTY ADDRESS, CONIFER WEBSITE
4. COLOR TBD BY CONIFER MANAGEMENT
5. TEXT TBD BY CONIFER MANAGEMENT

**LIGHTING NOTES**

1. HOUSING COLOR AS SELECTED BY CONIFER MANAGEMENT
2. 12 VOLT
3. OPTIONAL HOOD FOR PRECISE LIGHTING
4. ALIGN BEAM TO COMPLETELY ILLUMINATE SIGN



KEY PLAN



February 14 , 2019

**MEMORANDUM**

**TO:** Henry Zhang, AICP-LEED AP, Master Planner, Urban Design Section, Development Review Division

**VIA:** Scott Rowe, AICP, CNU-A, Supervisor, Long Range Section, Community Planning Division <sup>BSR</sup>  
David A. Green, MBA, Master Planner, Community Planning Division <sup>BSR</sup>

**FROM:** Samuel L. White, Jr., Senior Planner, Neighborhood Revitalization Section, Community Planning Division <sup>BSR</sup> for Sam White

**SUBJECT:** **DSP-18039 and DDS-651 Townes at Peerless**

**FINDINGS**

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

**BACKGROUND**

Application Type: Detailed Site Plan outside of an overlay zone

Location: 4505 Crain Highway

Size: 7.64 acres

Existing Uses: Undeveloped

Proposal: The applicant is proposing to construct 62 two-family, three-family, and multi-family units and 3000 SF of retail space on lots 5-10. The applicant is also requesting a departure from design standards for reducing parking space size in the garage and the location of the proposed loading space.

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

**General Plan:** 2014 *Plan Prince George's 2035 Approved General Plan* places this application in the Established Communities growth policy area. The vision for the Established Communities are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

## DSP-18039 and DDS-651 Townes at Peerless

**Master Plan:** The 2013 *Approved Subregion 6 Master Plan* recommends mixed-use future land use on the subject property. The property is identified as “Development Bay 3” in the Living Areas and Community Character Chapter, which recommends the following policy and strategies:

- Policy: Promote high-quality development and redevelopment around the Town of Upper Marlboro at the intersection of US 301 and MD 725 (p. 205)
  - Strategy 2: Incorporate a mix of development opportunities including different types of housing that complement and support the Town of Upper Marlboro in the M-X-T zone. (p. 206)
  - Strategy 9: Consider county relocation assistance for residents of Peerless Avenue as this area develops. (p. 206)

Map 25 shows the development framework for the area, which includes five development bays, or areas. “These bays represent the most appropriate areas for development....outside of known environmentally sensitive areas and floodplains”. (p. 201)

Development Bay 3: This bay is another high-land peninsula bordered to the north and south by significant drainage corridors. “Its proximity to an existing commercial development site (to the west) and US 301 suggests that a higher density, alternative type of residential development may be appropriate such as zero lot line residential. An average lot size of approximately 6,800 square feet is envisioned....” (p. 203)

**Planning Area:** 79

**Community:** Upper Marlboro & Vicinity

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

**SMA/Zoning:** The 2013 Approved Subregion 6 Sectional Map Amendment rezoned the subject property into the M-X-T zone.

### MASTER PLAN CONFORMANCE ISSUES:

None

c: Long-range Agenda Notebook

Frederick Stachura, J.D., Supervisor, Neighborhood Revitalization Section, Community Planning Division

February 15, 2019

**MEMORANDUM**

TO: Henry Zhang, Urban Design Section, Development Review Division  
VIA: Tom Masog, Transportation Planning Section, Countywide Planning Division  
FROM: Glen Burton, Transportation Planning Section, Countywide Planning Division  
SUBJECT: **DSP-18039: DDS-651:Townes at Peerless**

The Transportation Planning Section has reviewed the Detailed Site Plan (DSP) application referenced above. The development consists of 7.64 acres in the M-X-T Zone. The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 1,000 feet north of the intersection with MD 725 (Marlboro Pike). This application proposes 62 townhomes and 3,000 square feet of retail/commercial.

**Background**

Pursuant to PGCPB No. 18-115, this application represents a property which was the subject of an approved Preliminary Plan of Subdivision (PPS) that was approved on November 8, 2018. The property was approved with multiple conditions, including the following pertaining to transportation:

*8. Total development within the subject property shall be limited to uses which generate no more than 55 AM peak-hour trips and 61 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the PPS with a new determination of the adequacy of transportation facilities.*

**Status:** The development densities being proposed are consistent with the densities approved in the PPS. Consequently the trip cap will not be exceeded.

9. *Prior to approval, of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:*
  - a. *Dedicate to public use a 70-foot-wide right-of-way which transitions to a 60-foot-wide right-of-way west of the commercial portion of the site for the relocated Peerless Avenue. The transition shall be designed in accordance with the specifications of DPIE/DPW&T.*
  - b. *Describe a conservation easement by bearings and distances. The conservation easement PGCPB No. 18-115 File No. 4-18004 Page 4 shall contain the floodplain, as determined by DPIE on August 11, 2017, and all stream buffers and shall be reviewed by the Environmental Planning Section 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."*

- c. *Grant the 10-foot-wide public utility easements (PUEs) along the public rights-of-way of US 301 and Peerless Drive*

**Status:** This condition is still relevant, and will be addressed at the time of final plat.

10. *Prior to the issuance of any building permit for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall, pay to Prince George's County (or its designee) a fee of \$1,685.28 per dwelling unit, said amount being the applicant's pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway). This unit cost shall be adjusted based on an inflation cost index factor to be determined by the DPW&T at the time of the issuance of each permit.*
11. *Prior to the issuance of any building permit for the commercial component, the applicant and the applicant's heirs, successors, and/or assignees shall, pay to Prince George's County (or its designee) a fee of \$25,841.00, said amount being the applicant's pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway). This cost shall be adjusted based on an inflation cost index factor to be determined by the Department of Public Works and Transportation (DPW&T) at the time of the issuance of each permit*

**Status:** Conditions 10 and 11 are still relevant, and will be addressed at the time of permitting.

#### **Site Access and Circulation**

The proposed development will be accessible from two points of access, the one closer to US 301 will be right-in only, while the other at the western end will be ingress/egress. The site will be able to accommodate the turning movements of a variety of vehicles including fire trucks and other commercial trucks. Staff supports the proposed site design and concludes that circulation will be adequate.

#### **DDS-651**

Pursuant to Section 27-558, the applicant has filed a Departure from Design Standards (DDS) in which a reduction from the standard parking space size is being sought. Specifically, the applicant is proposing a size of 18x9 feet rather than the standard 19x9.5 feet. For both dimensions, the reduction amounts to a change of less than six percent from the standard requirement. The applicant will not be proposing any compact spaces, consequently, all of the spaces being provided (exclusive of handicap spaces) will be of the same 18x9 foot dimension. Given the marginal change in the dimensions being sought, staff supports this departure.

#### **Conclusion**

Overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a Detailed Site Plan and Departure of Design Standards as described in the Zoning Ordinance. Furthermore, all of the transportation conditions have been adequately addressed.



February 14, 2019

**MEMORANDUM**

**TO:** Henry Zhang, Master Planner Urban Design Section

**VIA:** Sherri Conner, Supervisor Subdivision and Zoning Section *OK*

**FROM:** Amber Turnquest, Senior Planner Subdivision and Zoning Section *AT*

**SUBJECT:** DSP-18039 & DDS-651, Townes at Peerless

The subject property is located on Tax Map 93 in Grids B3 and B4, is 7.64 acres, zoned Mixed Use-Transportation Oriented (M-X-T), and is currently developed with four dwelling units which are to be razed. The site includes the second part of Lots 5 and 6 in Liber 4262 folio 610, first and second part of Lots 7 and 8 in Liber 32208 folio 372, part of Lot 9 in Liber 960 folio 283, and part of Lot 10 in Liber 960 folio 283.

The property is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA). The applicant has submitted this DSP for the approval of 3,000 square feet of commercial/retail space and 62 (total) two-family and three-family attached units and multifamily dwelling units.

The site is the subject of preliminary plan of subdivision (PPS) 4-18004, approved on November 8, 2018, for the creation of one parcel and one outlot, subject to 19 conditions. All of the 62 two-family and three-family attached units, multifamily dwelling units and 3,000 square feet of commercial/retail space were approved on a single parcel identified on the PPS as Parcel 1, which is consistent with this DSP. Of the 19 conditions (PGCPB Resolution No. 18-115) the following are applicable to this application:

4. **The applicant, their successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**
5. **The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division (DRD), of the Planning Department for adequacy and property siting with the submittal of the Detailed Site Plan.**

Conformance to Conditions 4 and 5 should be reviewed and determined by the Urban Design Section.

7. **At the time of detailed site plan (DSP), detailed analysis of the internal sidewalk and trail network will be made. The following issues will be evaluated at that time:**
- a. **Sidewalks shall be provided along both sides of all internal streets where appropriate and deemed consistent with the Complete Streets Policies of the Master Plan of Transportation.**
  - b. **A small amount of bicycle parking shall be provided at the commercial space. The number and location will be determined at the time of DSP.**
  - c. **A private recreational trail connection within the property.**

Conformance with Condition 7 should be reviewed and determined by the Transportation Planning Section and the Urban Design Section.

8. **Total development within the subject property shall be limited to uses which generate no more than 55 AM peak-hour trips and 61 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the PPS with a new determination of the adequacy of transportation facilities.**

Conformance with Condition 8 should be reviewed and determined by the Transportation Planning Section.

12. **The PMA Impact No. 2 area of the dwelling structures demolition to be approved with this PPS shall be stabilized by seeding and replanted according to the site stocking ratio in the environmental technical manual.**

This area is noted on the submitted TCP2. Conformance with Condition 12 should be further reviewed and determined by the Environmental Planning Section.

13. **Prior to approval of the detailed site plan, the proposed stormwater management concept plan, which will include requirement for the relocation of the proposed pond (FBIO-01) and slope stability mitigation for the proposed improvements to Peerless Avenue, shall be reflected on all development plans.**

An approved stormwater management concept plan was submitted with the detailed site plan. Conformance with Condition 13 should be reviewed and determined by the Environmental Planning Section.

17. **Prior to approval of a detailed site plan which includes residential development, the applicant shall submit a Phase 2 noise analysis for any outdoor activity areas are located within the unmitigated 65 dBA Ldn noise contour and provide mitigation measures to reduce noise levels to 65 dBA Ldn or less.**

An approved Phase 2 noise analysis was submitted with the detailed site plan. Conformance with Condition 17 should be reviewed and determined by the Urban Design Section.

19. **The applicant shall show the location of the mitigated safety factor line and a 25-foot building restriction line from the mitigated safety factor line on the TCP2 and the detailed site plan prior to approval, if applicable.**



Conformance with Condition 19 should be reviewed and determined by the Environmental Planning Section.

## **Plan Comments**

### **Findings of PPS 4-18004**

There are findings of 4-18004 that are relevant to the review of DSP-18039:

#### **Loop Trail (page 23)**

**Private, indoor recreational facilities are proposed with this development, however, the Planning Board believes that a more robust package of open space and amenities is appropriate in this location, which is fairly isolated, for this mixed-use project. The Planning Board has determined that two trails be considered on the subject property.**

**A loop trail that could ring the bio-retention area (FBIO 01) south of Peerless Avenue and connect to the sidewalk network around the parking lot would encourage pedestrian activity. A path could be used for a dual purpose, as a trail and as a maintenance access for the bio-retention pond on the parcel on the south of Peerless Avenue, however this may add one additional environmental impact that can be evaluated at the time of DSP.**

**Marlboro clay is present to the north of the property; a trail if sited parallel to the northern property line and graded with a gentle slope would put the trail at an elevation lower than the rear of the two-family and three-family units. A retaining wall would not be necessary, and trail could be constructed to meet Americans with Disabilities Act (ADA) guidelines. That trail could also connect to the sidewalks already proposed.**

**Based on a conceptual review, both trails are feasible in this subdivision.**

Two locations for loop trails were presented by staff at the time of PPS as appropriate outdoor recreational amenities for this development. One location for a trail, is parallel to the northern property line to the rear of the two- and three-family units and the other location is south of Peerless Avenue around a previously proposed stormwater management pond (FBIO 01). The applicant submitted a statement of justification (SOJ) dated January 11, 2019 which determined that the proposed locations were not feasible.

The applicant determined that the trail to the north of the residential units were in conflict with crime prevention through environmental design (CPTED) guidelines and not feasible due to the topography of the site. Further indicating that one goal of CPTED is to decrease the opportunity for crime, and due to the steep grade change (10 to 12 feet below grade), users of the trail would not be easily seen. Staff does not find that the visibility from the proposed development will be an issue as the trail would be downhill from the proposed building with unimpeded views.

It is noted that FBIO 01 is no longer proposed on the site south of Peerless Avenue. In the SOJ the applicant stated that the proposed grading of 33 percent exceeds the typical trail grading of up to 12.5 percent. However, revised plans were received by Subdivision staff on February 14, 2019 which incorporate a natural surface loop trail south of Peerless Avenue. Approximately half of the trail is provided 10-feet from and parallel to the sidewalk along Peerless Avenue. Based on the proposed grading there appears to be an opportunity to relocate this portion of the trail so that it is further displaced from the right-of-way, providing additional buffering from the roadway and opportunity for more scenic views in to the PMA. The trail should also be paved with asphalt to

allow the opportunity for various users to enjoy it (bikers, stroller, etc.).

**The commercial and residential uses of the development are abutting. A visual separation of the commercial and residential uses shall be considered so that customers to the commercial portion of the site do not use the residential area as a thoroughfare, which may result in conflicts that shall be address at the time of DSP.**

PPS 4-18004, approved by the Planning Board on November 8, 2018, provided for two-way vehicular access to the site from Peerless Avenue. The two-way access allowed the circulation of traffic for the commercial use to ingress and egress the site using the same access point. The PPS provided for certification altered the access from a two-way to a one-way entry into the site. That plan was subsequently certified in error.

The applicant submitted a circulation exhibit that was received on February 12, 2019 which shows that the one-way access would force commercial traffic through the residential portion of the site. The finding to evaluate the visual separation of the commercial and residential uses demonstrates that the traffic flow approved with the PPS did not intend this new circulation. A visual separation of the commercial and residential uses should be explored by the Urban Design Section with this application. In addition, the applicant should work with the operating agency to determine if there is a viable alternative for providing two-way access to the commercial portion of the site, such as elongating the deceleration lane on US 301 or relocating the commercial access from Peerless Avenue which may require the relocation of buildings.

#### **Recommended Conditions**

1. Prior to certificate of approval of the DSP, the plans shall be revised to:
  - a. Clearly delineate and label right-of-way widths on all plan sheets.
  - b. Clearly label the centerline of Peerless Avenue.
  - c. Provide two-way access into the commercial parking lot from Peerless Avenue through coordination with the operating agency or by relocating the commercial access from Peerless Avenue which may require the relocation of buildings.
2. Prior to certificate approval of the DSP, the parcels on the TCP2 shall be revised to reflect the parcel and outlot designations approved with the PPS.
3. Prior to certificate approval of the DSP, the preliminary plan of subdivision certified in error shall be recertified.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP has been found to be in substantial conformance with the preliminary plan of subdivision, given that the plan comments are addressed, and with the conditions recommended. All bearings and distances must be clearly shown on the DSP and be consistent with the record plat. There are no other subdivision issues at this time.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Countywide Planning Division  
Environmental Planning Section

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

February 15, 2019

**MEMORANDUM**

TO: Henry Zhang, Master Planner, Urban Design Section

VIA: Katina Shoulars, Supervisor, Environmental Planning Section

FROM: Chuck Schneider, Senior Planner, Environmental Planning Section

SUBJECT: **The Townes at Peerless: DSP-18039 / DDS-651; TCP2-003-2019**

*Handwritten signature and initials: [Signature] / [Initials]*

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan and departure from design standards and a Type 2 Tree Conservation Plan (TCP2) stamped as received on January 16, 2019. Verbal comments were provided in a Subdivision Development Review Committee meeting on February 8, 2019. Additional information was provided on February 14, 2019.

The Environmental Planning Section recommends approval of DSP-18039 / DDS-651; TCP2-003-2019 based on the conditions listed at the end of this memorandum.

**Background**

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-016-2018	N/A	Staff	Approved	3/07/2018	N/A
CSP-17004	TCP1-004-2018	Planning Board	Approved	6/14/2018	18-49
4-18004	TCP1-004-2018-01	Planning Board	Approved	11/8/2018	18-115
DSP-18039 / DDS-651	TCP2-003-2019	Planning Board	Pending	Pending	Pending

**Proposed Activity**

The applicant is requesting approval of a Detailed Site Plan / departure from design standards and a Type 2 Tree Conservation Plan for the construction of a mixed-use development consisting of multi-family residential units, two and three-family residential units and commercial retail space.

**Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on and after September 1, 2010 because the application has a recently approved Preliminary Plan.

### **Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions applicable that need to be addressed with this application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

Preliminary Plan 4-18004 was approved by the Planning Board on November 8, 2018. The conditions of approval can be found in PGCPB No. 18-115.

- 12. The PMA Impact No. 2 area of the dwelling structures demolition to be approved with this PPS shall be stabilized by seeding and replanted according to the site stocking ratio in the environmental technical manual.**

The submitted TCP2 show this area being replanted with 15 (1.5 to 2-inch caliper) native tree species and with seeding to stabilize the soil surface. This planting and seeding are satisfactory to the staff and to the approved condition.

- 13. Prior to approval of the detailed site plan, the proposed stormwater management concept plan, which will include requirement for the relocation of the proposed pond (FBIO-01) and slope stability mitigation for the proposed improvements to Peerless Avenue, shall be reflected on all development plans.**

- 14. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.**

An approved stormwater Management Concept plan letter was submitted with this DSP application. The proposed pond was redesigned to an underground infiltration system on the other side of the development. A storm drain pipe and outfall from the underground system will impact the Marlboro clay. The Prince George's Department of Permitting, Inspections and Enforcement (DPIE) has approved these plans and determined that this stormwater management impact will not affect the on-site Marlboro clay.

- 19. The applicant shall show the location of the mitigated safety factor line and a 25-foot building restriction line from the mitigated safety factor line on the TCP2 and the detailed site plan prior to approval, if applicable.**

No residential development is proposed within or near the existing limits of Marlboro Clay so a mitigated 1.5 safety factor line is not shown for this area. A 25-foot building restriction line should still be shown from the existing limits.

With regard to the proposed road improvements and stormwater management, the TCP2 shows the limits of existing and proposed 1.5 safety factor line. Final review and approval of these road improvements with the Marlboro clay impacts will be addressed at the time of permit review.

**Recommended Condition:** Prior to certification of the detailed site plan, the TCP2 shall delineate a 25-foot building restriction line from the limits of Marlboro Clay along the norther portion of the site.

### **Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

### **Natural Resource Inventory Plan/Existing Features**

A Natural Resource Inventory, NRI-016-2018, was approved on March 7, 2018, and provided with this application. The Detail Site Plan and TCP2 show all the required information correctly in conformance with the NRI.

No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP1-003-2019) was submitted with the preliminary plan application.

Based on the TCP2 submitted with this application, the site contains 3.57 acres of woodland and has a woodland conservation threshold of 1.14 acres (15 percent). The Woodland Conservation Worksheet proposes the removal of 0.90 acres on the net tract area for a woodland conservation requirement of 1.37 acres. The requirement is proposed to be met with 2.67 acres of woodland preservation. The forest stand delineation has identified 24 specimen trees on-site. This application proposes the removal of five specimen trees.

**Recommended Condition:** Prior to certification of the Detailed Site Plan, the TCP2 shall be revised as follows:

- a. Add "TCP1-004-2019" to the approval block and to the worksheet.
- b. Add a note stating "All existing debris shall be removed from the woodland preservation areas and all proposed impact areas shall have all nuisance debris (bottles, cans, plastics and metal objects) removed."
- c. Have the revised plan signed and dated by the qualified professional preparing the plan.

**Recommended Condition:** Prior to the signature of the TCP2, the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section (EPS) for review by the Office of Law and submitted for recordation to the Office of Land Records. The following note shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements 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."

**Recommended Condition:** Prior to the issuance of the first grading permit, copies of the recorded easement documents with the liber and folio shall be provided to the Environmental Planning Section, and the liber and folio of the recorded woodland conservation easement shall be added to the TCP2.

### **Specimen Trees**

A Subtitle 25 Variance was approved with the preliminary plan (4-18004) to remove nine specimen trees. As part of this DSP application, the site grading has been redesigned to reduce the number of specimen trees to be removed. Per this application, only 5 will be removed (ST#11, ST#12, ST#32, ST#33 and ST#35).

No further information required for specimen tree removal.

### **Preservation of Regulated Environmental Features/Primary Management Area (PMA)**

Primary Management Area (PMA) impacts were addressed with the approved Preliminary Plan (4 18004). During this Detailed Site Plan review the PMA impacts were revised to add an additional stormwater management outfall and lessen grading impacts. A statement of justification was received on February 14, 2019 for the revised impacts to the PMA and stream buffer.

### **Statement of Justification**

The Statement of Justification includes a request for two PMA impacts (22,503 square feet and 11,246 square feet) totaling 33,749 square feet (0.77 acres), or approximately 26 percent of the 2.86 acres of PMA mapped on the property. The previous impacts (18,370 square feet and 11,535 square feet) totaling 29,905 square feet (0.69 acres), or approximately 24 percent of the 2.86 acres of PMA mapped on the property

### **Analysis of Impacts**

Based on the revised statement of justification, the applicant is requesting a total of two impacts listed, described below:

Impact A increased to 22,503 square feet for the development of the required public right-of-way. The PMA has been established here based on the stream buffer and associated steep slopes; however, the width and location of the right-of-way is determined by the Department of Public Works & Transportation (DPW&T) standards. The alignment is fixed on the existing centerline of Peerless Avenue and due to the widening requirements, additional grading will be required to account for the difference in fill for the proposed road. Impacts are necessary and already partially exist.

Impact B was reduced to 11,246 square feet for the development of the required public right-of-way, removal of existing structures, and for stormwater management. The PMA has been established here based on the stream buffer and associated steep slopes. The width and location of the right-of-way is determined by DPW&T standards, and the alignment is fixed on the entrance of Peerless Avenue with US 301. Additionally, the PMA will be impacted by the removal of the existing structures and the installation of a stormwater management outfall. The outfall has been designed to minimize the disturbance within the PMA.

**Recommended Finding:** Based on the level of design submitted, 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. Both impacts are for right-of-way improvements that are required for the proposed development.

No additional information is required regarding the Regulated Environmental Features/Primary Management Area. Per the conditions of 4-18004, a conservation easement will be required at the time of final plat.

### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey are the Collington-Wist-Urban land complexes, Marr-Dodon complexes and Udorthents, highway soils.

This property is also located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. The TCP2 shows the limits of Marlboro clay and the location of the existing and proposed 1.5 safety factor line for the proposed road improvements and stormwater management. There is no mitigation needed for the proposed residential units because they are more than 25 feet away from the existing Marlboro clay.

During the preliminary plan approval process, stormwater management facilities and road construction were shown impacting the Marlboro clay and the location of the existing 1.5 safety factor line. An approved stormwater management concept plan and letter were submitted showing the stormwater management facilities relocated and a stormwater pipe and outfall impacting the Marlboro clay. These impacts were approved by DPIE (see stormwater management section below). As part of the concept approval, the applicants were made aware that DPIE will review the proposed road improvements located in the Marlboro clay area during the fine grading approval or with the street construction permit.

No additional information is required regarding the Regulated Environmental Features/Primary Management Area.

### **Stormwater Management**

A Stormwater Management Concept Approval Letter (# 31545-2018) and associated plan were submitted with the application for this site. The approval was issued on December 24, 2018 with this project from the DPIE. The original design showed a stormwater pond within the Marlboro Clay on-site Marlboro clay. No stormwater management fee for on-site attenuation/quality control measures is required.

No additional information is required regarding stormwater management with this application.

### **Recommended Findings and Conditions**

#### **Recommended Findings:**

1. Based on the level of design submitted, 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. Both impacts are for right-of-way improvements that are required for the proposed development.

#### **Recommended Conditions:**

1. Prior to certification of the detailed site plan, the TCP2 shall delineate a 25-foot building restriction line from the limits of Marlboro Clay along the norther portion of the site.
2. Prior to certification of the Detailed Site Plan, the TCP2 shall be revised as follows:
  - a. Add "TCP1-004-2019" to the approval block and to the worksheet.
  - b. Add a note stating "All existing debris shall be removed from the woodland preservation areas and all proposed impact areas shall have all nuisance debris (bottles, cans, plastics and metal objects) removed."
  - c. Have the revised plan signed and dated by the qualified professional preparing the plan.

3. Prior to the signature of the TCP2, the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section (EPS) for review by the Office of Law and submitted for recordation to the Office of Land Records. The following note shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements 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.”

4. Prior to the issuance of the first grading permit, copies of the recorded easement documents with the liber and folio shall be provided to the Environmental Planning Section, and the liber and folio of the recorded woodland conservation easement shall be added to the TCP2.


If you have any questions concerning these comments, please contact me at 301-883-3240 or by e-mail at [Alwin.schneider@ppd.mncppc.org](mailto:Alwin.schneider@ppd.mncppc.org).



February 15, 2019

**MEMORANDUM**

TO: Henry Zhang, Development Review Division

FROM:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division

SUBJECT: **Detailed Site Plan Review for Master Plan Trail Compliance**

The following Detailed Site Plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the appropriate recommendations.

Detailed Site Plan Number: DSP-18039

Name: Townes at Peerless

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<u>      </u>	Public Use Trail Easement	<u>      </u>
PG Co. R.O.W.*	<u>  X  </u>	Nature Trails	<u>      </u>
SHA R.O.W.*	<u>      </u>	M-NCPPC – Parks	<u>      </u>
HOA	<u>      </u>	Bicycle Parking	<u>      </u>
Sidewalks	<u>  X  </u>	Trail Access	<u>  X  </u>

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the submitted Detailed Site Plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject application proposes a mixed-use development along Peerless Avenue west of US 301.

**Background:**

There are no master plan trail issues identified in either the MPOT or the area Master Plan that impact the subject site. However, the Complete Streets Section of the MPOT recommends sidewalk construction as part of new development and prior conditions of approval for the site addressed this need.

The Conceptual Site Plan (CSP) requires bike parking at the multi-family and commercial buildings. Condition 4 of CSP-17004 is copied below:

4. Prior to approval of a detailed site plan for the project, the applicant shall:
  - a. Provide the location, type, and number of bicycle parking spaces at the multi-family building and commercial/retail building.
  - b. Provide sidewalks on both sides of all internal streets, where appropriate, in consultation with the Urban Design Section.

**Comment:** Sidewalks are reflected on both sides of the site's portion of Peerless Avenue and from the road to entrances of the proposed buildings. Adequate connections are also provided between the residential and commercial development. Bike parking is also shown consistent with Condition 4.

Preliminary Plan 4-18004 reaffirmed these recommendations and also recommended that an internal trail be provided as part of the internal pedestrian network for the use of the future residents. Condition 7 of 4-18004 is copied below:

7. At the time of detailed site plan (DSP), detailed analysis of the internal sidewalk and trail network will be made. The following issues will be evaluated at that time:
  - a. Sidewalks shall be provided along both sides of all internal streets where appropriate and deemed consistent with the Complete Streets Policies of the Master Plan of Transportation.
  - b. A small amount of bicycle parking shall be provided at the commercial space. The number and location will be determined at the time of DSP.
  - c. A private recreational trail connection within the property.

**Comment:** Sidewalks and bike parking are shown as previously approved. An internal natural surface trail has been added to the plans in the open space on the south side of Peerless Avenue. Due to project's M-X-T Zoning and the relatively high density proposed, staff recommends the trail be asphalt and a minimum of six-feet wide. Staff also recommends that a greater buffer be provided between the trail and Peerless Avenue in order to provide greater separation between the trail and the sidewalk along the south side of the road.

**Recommendation:**

In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, CSP-17004 and 4-18004 prior to signature approval the Detailed Site Plan shall be revised to include the following:


- a. The natural surface trail shall be revised to be a minimum of six-feet wide and asphalt.
- b. A larger buffer shall be provided between the trail and the sidewalk along the south side of Peerless Avenue.


# MEMO

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Department of Parks and Recreation, Prince George's County

February 18, 2019

TO: Henry Zhang, Master Planner  
Urban Design Section  
Development Review Division  
Planning Department

VIA: Helen Asan, Acting Supervisor   
Land Acquisition / Development Review Section  
Park Planning and Development Division  
Department of Parks and Recreation

FROM: Thomas Zyla, Landscape Architect   
Land Acquisition / Development Review Section  
Park Planning and Development Division  
Department of Parks and Recreation

**SUBJECT: DSP-18039 & DDS-651, TOWNES AT PEERLESS**

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The staff of the Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Detailed Site Plan (DSP) for conformance with the requirements of the previously approved Preliminary Plan of Subdivision 4-18004; as policies in these documents pertain to public parks and recreational facilities.

## ANALYSIS

The subject property consists of 7.64 acres of M-X-T zoned land located on the west side of Crain Highway (US Route 301), approximately 1,000 feet north of its intersection with Marlboro Pike (MD Route 725) in Upper Marlboro, Maryland. The purpose of the entire project is to establish mixed-use development with 62 multi-family units and 3,000 s.f. of commercial space.

Private Recreational Facilities were deemed appropriate at the time of Preliminary Plan of Subdivision 4-18004 approval. As such, per condition #5 of PGCPB Resolution 18-115, the private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and property siting with the submittal of this Detailed Site Plan.

## Zhang, Henry

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**From:** Kwesi Woodroffe <kwoodroffe@sha.state.md.us>  
**Sent:** Wednesday, January 16, 2019 10:44 AM  
**To:** Zhang, Henry  
**Subject:** RE: EPlan ACCEPTANCE Referral for DSP-18039 & DDS-651, TOWNES at PEERLESS via DROPBOX

**Importance:** High

Henry,

I reviewed the subject referral and offer the following comments:-

- The TIS was reviewed and approved.
- An Access Permit will be required for the construction of frontage improvements on US 301.
- Detailed Access Permit plans (and any/all supporting info) should be submitted for review.
  - These can be submitted electronically here:  
<https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>
- A commercial right-in/ right-out entrance will be required.
- A full deceleration lane and a partial acceleration lane will be required. The length of these will be determined by the speed limit.
  - More info can be found in the Access Manual:  
<https://www.roads.maryland.gov/Index.aspx?PageId=393>
- Bicycle compatibility will need to be accounted for.
  - More info on this can be found here:  
[https://www.roads.maryland.gov/OHD2/Bike\\_Policy\\_and\\_Design\\_Guide.pdf](https://www.roads.maryland.gov/OHD2/Bike_Policy_and_Design_Guide.pdf)
- More detailed comments will be provided once we receive detailed plans and supporting info for review.

Thanks, Kwesi

### **Kwesi Woodroffe**

Maryland Department of Transportation  
State Highway Administration  
District 3 Access Management  
Regional Engineer  
9300 Kenilworth Avenue, Greenbelt, MD  
301-513-7347  
[KWoodroffe@sha.state.md.us](mailto:KWoodroffe@sha.state.md.us)

**From:** ePlan <ePlan@ppd.mncppc.org>  
**Sent:** Wednesday, January 16, 2019 9:31 AM  
**To:** Henderson, Tamika <Tamika.Henderson@ppd.mncppc.org>; Masog, Tom <Tom.Masog@ppd.mncppc.org>; Barnett-Woods, Bryan <bryan.barnett-woods@ppd.mncppc.org>; Conner, Sherri <sherri.conner@ppd.mncppc.org>; Onyebuchi, Joseph <Joseph.Onyebuchi@ppd.mncppc.org>; Chaconas, Sheila <Sheila.Chaconas@ppd.mncppc.org>; Dixon, June <june.dixon@ppd.mncppc.org>; Shaffer, Fred <Fred.Shaffer@ppd.mncppc.org>; Holley, Edward <Edward.Holley@Pgparcs.com>; Fields, Ernest <Ernest.Fields@ppd.mncppc.org>; Shoulars, Katina <Katina.Shoulars@ppd.mncppc.org>; 'DARichards@co.pg.md.us' <DARichards@co.pg.md.us>; tgaskins@co.pg.md.us; 'BEDevaney@co.pg.md.us' <BEDevaney@co.pg.md.us>; swthweatt@co.pg.md.us; Chuck Boyd





*Division of Environmental Health/Disease Control*

Date: February 6, 2019

To: Henry Zhang, Urban Design M-NCPPC

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

Re: DSP-18039 & DDS-651 Towns at Peerless

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the detailed site plan and the departure from the design standards submissions for Towns at Peerless and has the following comments / recommendations:

1. Health Department permit records indicate there are five existing carry-out/convenience store food facilities and one markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. ***The applicant should consider setting aside commercial retail space for a tenant that would provide access to healthy food choices in the area.***
2. The Final Plan BMP Summary Table indicates that Townes at Peerless on Peerless Avenue currently has 86% impervious surface. ***Creation of additional impervious surfaces in a recharge area could have long term impacts on the sustainability of this important groundwater resource.***
3. The Towns at Peerless Site is located within Western Branch sewer basin. ***Provide documentation indicating WSSC capacity for conveyance of sewage from the proposed project.***
4. 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.
5. 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



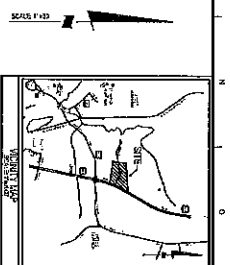
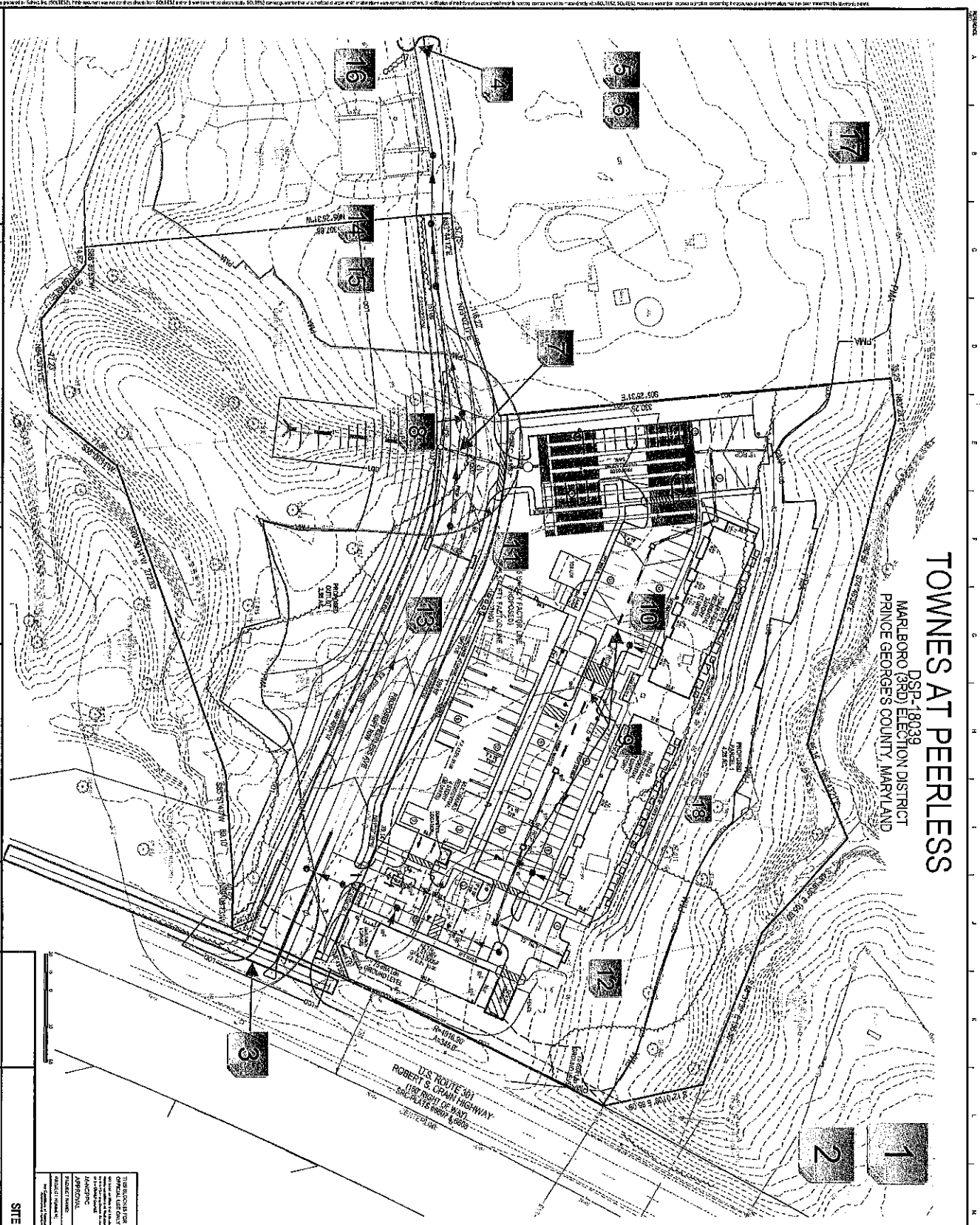
Environmental Engineering/Policy Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/health](http://www.princegeorgescountymd.gov/health)

Roshem L. Baker, III  
County Executive



# TOWNES AT PEERLESS

DSP-18039  
MARLBORO (RD) ELECTION DISTRICT  
PRINCE GEORGES COUNTY, MARYLAND



SCALE 1"=40'

GENERAL NOTES

1. GENERAL NOTES
2. GENERAL NOTES
3. GENERAL NOTES
4. GENERAL NOTES
5. GENERAL NOTES
6. GENERAL NOTES
7. GENERAL NOTES
8. GENERAL NOTES
9. GENERAL NOTES
10. GENERAL NOTES
11. GENERAL NOTES
12. GENERAL NOTES
13. GENERAL NOTES
14. GENERAL NOTES
15. GENERAL NOTES
16. GENERAL NOTES
17. GENERAL NOTES

**SHEET INDEX**  
SHEET 1 SITE PLAN  
SHEET 2 APPROVAL  
SHEET 3 DETAILS

THIS BOOK IS FOR	THIS BOOK IS FOR
ORIGINAL USE ONLY	ORIGINAL USE ONLY
REVISIONS	REVISIONS
APPROVALS	APPROVALS
PROJECT NUMBER	PROJECT NUMBER
PROJECT NAME	PROJECT NAME
PROJECT LOCATION	PROJECT LOCATION
DATE	DATE
DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY
DESIGNED BY	DESIGNED BY
APPROVED BY	APPROVED BY

## SITE PLAN

DETAILED SITE PLAN  
DSP-18039  
TOWNES AT PEERLESS

**SOLTESZ, LLC**  
LANDMARK OFFICE  
4300 Towne Boulevard, Suite 200  
Farmingdale, NY 11735  
Tel: 631-253-1100  
Fax: 631-253-1101  
www.soltesz.com

NO.	DATE	DESCRIPTION
1	08/15/18	ISSUED FOR PERMITS
2	08/15/18	ISSUED FOR PERMITS
3	08/15/18	ISSUED FOR PERMITS
4	08/15/18	ISSUED FOR PERMITS
5	08/15/18	ISSUED FOR PERMITS
6	08/15/18	ISSUED FOR PERMITS
7	08/15/18	ISSUED FOR PERMITS
8	08/15/18	ISSUED FOR PERMITS
9	08/15/18	ISSUED FOR PERMITS
10	08/15/18	ISSUED FOR PERMITS
11	08/15/18	ISSUED FOR PERMITS
12	08/15/18	ISSUED FOR PERMITS
13	08/15/18	ISSUED FOR PERMITS
14	08/15/18	ISSUED FOR PERMITS
15	08/15/18	ISSUED FOR PERMITS
16	08/15/18	ISSUED FOR PERMITS
17	08/15/18	ISSUED FOR PERMITS

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MARYLAND CONSTRUCTION CODES AND REGULATIONS.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

1 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes  
On: 01/31/2019 10:19 AM

WSSC Plan Review Comments  
DSP-18039 - Townes at Peerless

——— 0 Replies ———

2 - 2 - WSSC Standard Comments for All Plans

Created by: Mary Mapes  
On: 01/31/2019 10:20 AM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
  - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
  - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
  - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
  - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSCs pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
  - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
  - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
  - g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSCs Development Services Center at (301-206-8650) or visit our website at [www.wsscwater.com/Development Services](http://www.wsscwater.com/Development%20Services) for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSCs Permit Services at (301) 206-4003.

——— 0 Replies ———

3 - CRITICAL COMMENT: Water Main Extension

Created by: Jessica Wright  
On: 02/01/2019 06:06 PM

This line is a water main extension along U.S. 301 which was determined to be needed during the initial HPA review to provide the required fire flow at 1,500 gpm. Hydraulic modeling determined that sufficient pressure was not available with an water main extension along Peerless Avenue.

Show the extension to the connection point on Marlboro Pike.

----- 0 Replies -----

#### 4 - Extension of Water and Sewer

Created by: Jessica Wright  
On: 02/01/2019 06:14 PM

Reduce the scale or provide an insert that shows the continuation of the proposed line to the connection to the existing WSSC water (8" CIP) and sewer (8") main. The WSSC mains are approximately 625' from the end point on this plan.

Prior to submittal of Phase 2 System Integrity review, it is the applicants responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.

----- 0 Replies -----

#### 5 - Water and Sewer Plan

Created by: Jessica Wright  
On: 02/01/2019 06:37 PM

A plan is needed that shows the connection point to the existing water and sewer mains on Peerless Avenue and the water line extension along U.S. Route 301.

Existing mains shown be labeled with the pipe size, material, and WSSC contract number.

----- 0 Replies -----

#### 6 - Easements

Created by: Jessica Wright  
On: 02/01/2019 06:40 PM

Show easement limits on the plan for all existing and proposed water and sewer mains.

----- 0 Replies -----

#### 7 - Vertical Clearance

Created by: Jessica Wright  
On: 02/01/2019 06:41 PM

Make sure there is sufficient clearance between the water/sewer mains and the storm drain piping.

----- 0 Replies -----

**8 - Additional Isolation Valves**

Created by: Jessica Wright  
On: 02/04/2019 10:24 AM

Add additional isolation valves at intermediate points in the system to minimize impact to customers in the event of an outage.

----- 0 Replies -----

**9 - Vertical Separation**

Created by: Jessica Wright  
On: 02/04/2019 11:15 AM

Provide adequate vertical separation between the water/sewer and storm drain piping.

----- 0 Replies -----

**10 - Landscaping/Paving**

Created by: Jessica Wright  
On: 02/04/2019 11:26 AM

Realign sewer service connection(s) to avoid environmental, other utilities, landscaping, trees (tree canopy) and structures or paving impacts for future maintenance.

----- 0 Replies -----

**11 - Horizontal Clearance**

Created by: Jessica Wright  
On: 02/04/2019 11:29 AM

Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc.

----- 0 Replies -----

**12 - Covenant**

Created by: Jessica Wright  
On: 02/04/2019 11:31 AM

A single service connection for two or more buildings in a single lot/parcel requires a covenant. Should the property be subdivided or sold in the future, individual water/sewer connections for each building will be required.

----- 0 Replies -----

**13 - WSSC Easements**

Created by: Jessica Wright  
On: 02/04/2019 11:32 AM

WSSC easements must be free and clear of other utilities, including storm drain systems, with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Under certain conditions (and by special request) storm drains may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement between WSSC and the developer.

WSSCs minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large water/sewer will require additional easement width.

----- 0 Replies -----

14 - Environmental

Created by: Jessica Wright  
On: 02/04/2019 11:36 AM

1. Marlboro Clay is on this site. Due to the instability of this soil type, be advised special design measures are required for water and/or sewer extensions constructed within this zone to prevent the pipeline from shifting. See WSSC Design Manual C-19.1
2. A Phase-1 Environmental Site Assessment report may/will be required for the proposed site.

----- 0 Replies -----

15 - DA6561Z18

Created by: Jessica Wright  
On: 02/04/2019 11:49 AM

A proposed site development project was previously submitted to WSSC (DA6561Z18) and is a conceptually pending project. Contact Jessica Wright @301-206-7081 or Jessica.Wright@wsscwater.com for information.

----- 0 Replies -----

16 - Existing Connections

Created by: Jessica Wright  
On: 02/04/2019 11:53 AM

Show and label all existing nearby water and/or sewer service connections that may be impacted by the proposed development.

----- 0 Replies -----

17 - Hydraulics

Created by: Jessica Wright  
On: 02/04/2019 11:54 AM

1. A hydraulic planning analysis package has been submitted for this project; it is still in the review stage pending resolution of comments.
2. Site Utility System reviews are required for projects with proposed water connections greater than 2-inch or sewer connections greater than 4-inch. Contact the WSSC Permit Services Unit on (301) 206-8650 for submittal requirements or view our website.
3. A 990-foot long non-CIP sized water main extending to the property line will be required, connecting to the existing water main located to Marlboro Pike, Contract No. 1984-6148A, will be required to provide adequate fire flows to serve the proposed site. Additional public mains will be may be required along Peerless Avenue.
4. A 960-foot long non-CIP sized sewer, extending to the property line, will be required, connecting to the existing sewer main located Peerless Avenue, Contract No. 1979-4271A. Additional public mains will be required within the site.

----- 0 Replies -----

#### 18 - Condos?

Created by: Jessica Wright  
On: 02/04/2019 02:55 PM

Should any of the units be individually metered in accordance with HB218?

----- 0 Replies -----



## Zhang, Henry

---

**From:** Burton, Glen  
**Sent:** Wednesday, March 06, 2019 3:50 PM  
**To:** Kosack, Jill  
**Cc:** Zhang, Henry; Hunt, James  
**Subject:** RE: DSP-18039 & DDS-651, TOWNES @ PEERLESS (PB)

Jill,

In reviewing the applicant's SOJ on March 5, 2019, I am satisfied that it meets requirements of Section 27-574 for parking space requirement/provision in the MXT Zone.

Glen

**From:** Kosack, Jill <Jill.Kosack@ppd.mncppc.org>  
**Sent:** Wednesday, March 06, 2019 3:42 PM  
**To:** Burton, Glen <Glen.Burton@ppd.mncppc.org>; Barnett-Woods, Bryan <bryan.barnett-woods@ppd.mncppc.org>; Masog, Tom <Tom.Masog@ppd.mncppc.org>  
**Cc:** Zhang, Henry <Henry.Zhang@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; Berlage, Derick <Derick.Berlage@ppd.mncppc.org>  
**Subject:** RE: DSP-18039 & DDS-651, TOWNES @ PEERLESS (PB)

Glen – I am sorry if I was unclear in my direction previously, but we need an official response from TPS as to whether or not the applicant's SOJ (attached and below) meets the requirements of Section 27-574 for parking space requirement/provision in the MXT Zone. This can be in the form of an e-mail as an addendum to your original referral, but we need this by tomorrow morning at 10AM in order to allow for a timely issuance of the staff report.

Thanks,  
Jill

**From:** David Bickel <[DBickel@solteszco.com](mailto:DBickel@solteszco.com)>  
**Sent:** Tuesday, March 05, 2019 8:45 AM  
**To:** Kosack, Jill <[Jill.Kosack@ppd.mncppc.org](mailto:Jill.Kosack@ppd.mncppc.org)>  
**Cc:** Zhang, Henry <[Henry.Zhang@ppd.mncppc.org](mailto:Henry.Zhang@ppd.mncppc.org)>; Burton, Glen <[Glen.Burton@ppd.mncppc.org](mailto:Glen.Burton@ppd.mncppc.org)>; Barnett-Woods, Bryan <[bryan.barnett-woods@ppd.mncppc.org](mailto:bryan.barnett-woods@ppd.mncppc.org)>; Hunt, James <[James.Hunt@ppd.mncppc.org](mailto:James.Hunt@ppd.mncppc.org)>  
**Subject:** RE: DSP-18039 & DDS-651, TOWNES @ PEERLESS (PB)

Hi Jill,

It has been inserted into the SOJ.

David Bickel, RLA  
Director of Planning

## SOLTESZ, LLC

Engineering // Environmental Sciences // Surveying // Planning  
4300 Forbes Blvd., Suite 230  
Lanham, MD 20706  
P 301.794.7555

Case No.: CSP-17004  
Peerless Residential and  
Retail Development

Applicant: Peerless Avenue Associates, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ORDER OF APPROVAL WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that Conceptual Site Plan 17004 for 62 two-family, three-family, and multifamily units, as well as approximately 3,900 square feet of commercial/retail space, for property located on the west side of US 301 (Robert Crain Highway/4505 Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, Council District 6, be and the same are hereby conditionally APPROVED.

The District Council finds that the Planning Board's approval of CSP-17004 was not arbitrary, capricious, or otherwise illegal. As the basis for this final decision, the District Council adopts, except as otherwise stated herein, the findings and conclusions set forth by the Planning Board in PGCPB No. 18-49.

CSP-17004 and Type 1 Tree Conservation Plan TCP1-004-2018, are approved subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. Clearly mark and label all existing lots and area included in the CSP.
  - b. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Add "TCP1-004-2018" to the approval block and to the worksheet.

- (2) Revise General Note 7 to say, "...within *Plan Prince George's 2035, Environmental Strategy Area Two, formerly the Developing Tier...*"
  - (3) Revise General Note 13 to provide the conceptual stormwater management plan number.
  - (4) Revise the ownership information for the adjacent properties.
  - (5) Add a column for the Development Review Division approval number in the TCP1 approval block.
  - (6) Identify the steep slopes on the plan with shading.
  - (7) Provide an Owners Awareness Certification on the plan.
  - (8) Have the revised TCP1 signed and dated by the qualified professional who prepared it.
2. Total development within the subject property shall be limited to uses which generate no more than 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan, with a new determination of the adequacy of transportation facilities.
  3. At the time of preliminary plan of subdivision (PPS), the applicant shall:
    - a. Provide Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I research plan for approval by the Historic Preservation Section prior to commencing Phase I work. Evidence of M-NCPPC staff concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.
    - b. Show the appropriate dedication of right-of-way along the property's frontage on US 301 (Robert Crain Highway) and Peerless Avenue.
    - c. Provide the pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway).

- d. Submit a geotechnical report for review and approval by the Prince George's County Department of Permitting, Inspections, and Enforcement, to confirm the elevation of the Marlboro clay and determine the slope stability factor.
  - e. Revise the Type 1 tree conservation plan (TCP1) to include the boundary of the Marlboro clay, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections, and Enforcement.
  - f. Provide a specimen tree variance application and statement of justification for the removal of specimen trees.
  - g. Submit a statement of justification for the necessary primary management area impacts that shall address all proposed impacts to regulated environmental features.
  - h. Provide a Phase I noise study.
4. Prior to approval of a detailed site plan for the project, the applicant shall:
- a. Provide the location, type, and number of bicycle parking spaces at the multifamily building and commercial/retail building.
  - b. Provide sidewalks on both sides of all internal streets, where appropriate, in consultation with the Urban Design Section.
  - c. Consider the proximity of the Town of Upper Marlboro and the incorporation of a character element—such as an entry feature—to provide some identity attachment to the Town.
  - d. Use quality building materials, which shall be demonstrated in the architecture for all buildings.
  - e. Evaluate pedestrian elements, partially addressed in Finding 7 (c) (7) and (8), and said pedestrian elements shall be fully addressed at the time of applicant's detailed site plan.
5. Prior to issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a Maryland Inventory of Historic Property (MIHP) form for all the structures located on the subject property. The buildings shall be documented by a qualified architectural historian (36-CFR-Part 60 qualified) and the submitted documentation shall include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds. The MIHP form shall be submitted to the Historic Preservation Section for review and approval.

Ordered this 24<sup>th</sup> day of September, 2018, by the following vote:

In Favor: Council Members Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner.

Opposed:

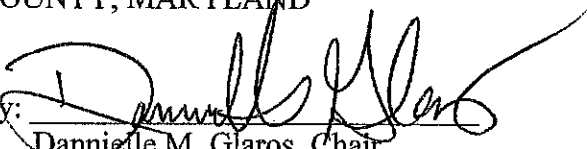
Abstained:

Absent: Council Members Franklin and Toles.

Vote: 7-0.

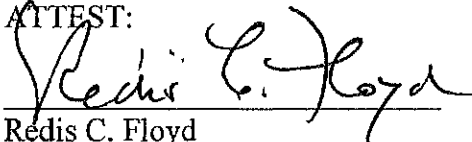
COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

By:



Dannielle M. Glaros, Chair

ATTEST:



Redis C. Floyd  
Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

PGCPB No. 18-115

File No. 4-18004

RESOLUTION

WHEREAS, Irene Butler, JLH Properties, VIII, LLC, and Catherine A. Wedge are the owners of a 7.64-acre parcel of land known as the second part of Lots 5 and 6 in Liber 4262 folio 610, first and second part of Lots 7 and 8 in Liber 32208 folio 372, part of Lot 9 in Liber 960 folio 283, and part of Lot 10 in Liber 960 folio 283, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on August 14, 2018, Peerless Avenue Associates, LLC filed an application for approval of a Preliminary Plan of Subdivision for one outlot and one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18004 for Townes At Peerless was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 8, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on November 8, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-004-2018-01, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-18004 for one outlot and one parcel with the following conditions:

- I. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made:
  - a. Revise General Note 1 with the descriptions and recording references of all lots included on-site.
  - b. Provide the names of all property owners included in this plan.
  - c. Revise all references from "Peerless Drive" to "Peerless Avenue."
  - d. Revise the applicant block with the correct applicant.



- e. Indicate all property owners on the plan.
  - f. Label all buildings to be razed consistently.
  - g. Revise General Note 22 to include stormwater management concept plan number, and date of approval if approved.
2. Prior to certification of the preliminary plan of subdivision, the TCP1 shall be revised as follows:
- a. Add "TCP1-004-2018" to the approval block and to the worksheet.
  - b. Include the initial reviewer, date, and the Conceptual Site Plan (CSP-17004) to the approval block, once the initial TCP1 review has been approved. Then add PPS 4-18004 and the reason for revision to the '-01' revision.
  - c. Revise the limits of disturbance to include the grading for the outfall proposed toward the southwest corner of the property, as is shown and described in the statement of justification for primary management area impacts.
  - d. Revise General Note 7 to state, "...within Plan Prince George's 2035, Environmental Strategy Area Two, formerly the Developing Tier...".
  - e. Revise General Note 13 to provide the Conceptual Stormwater Management Plan number.
  - f. Revise the ownership information for the adjacent properties.
  - g. Add a column for the Development Review Division (DRD) number in the TCP1 approval block.
  - h. Identify the steep slopes on the plan with shading.
  - i. Provide darker, more legible line weight for the 1.5 safety factor lines.
  - j. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-004-2018-01). 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 (TCP1-004-2018-01), 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 (M-NCPPC), Prince George's County Planning Department."

4. The applicant, their successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
5. The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division (DRD), of the Planning Department for adequacy and property siting with the submittal of the Detailed Site Plan.
6. Prior to a submission of a final plat the applicant, their heirs, successors and or assignees shall submit three original, Recreational Facilities Agreements (RFAs) to the DRD for their approval. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and the liber/folio indicated on the final plat prior to recordation.
7. At the time of detailed site plan (DSP), detailed analysis of the internal sidewalk and trail network will be made. The following issues will be evaluated at that time:
  - a. Sidewalks shall be provided along both sides of all internal streets where appropriate and deemed consistent with the Complete Streets Policies of the Master Plan of Transportation.
  - b. A small amount of bicycle parking shall be provided at the commercial space. The number and location will be determined at the time of DSP.
  - c. A private recreational trail connection within the property.
8. Total development within the subject property shall be limited to uses which generate no more than 55 AM peak-hour trips and 61 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the PPS with a new determination of the adequacy of transportation facilities.
9. Prior to approval, of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Dedicate to public use a 70-foot-wide right-of-way which transitions to a 60-foot-wide right-of-way west of the commercial portion of the site for the relocated Peerless Avenue. The transition shall be designed in accordance with the specifications of DPIE/DPW&T.

- b. Describe a conservation easement by bearings and distances. The conservation easement shall contain the floodplain, as determined by DPIE on August 11, 2017, and all stream buffers and shall be reviewed by the Environmental Planning Section 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.”

- c. Grant the 10-foot-wide public utility easements (PUEs) along the public rights-of-way of US 301 and Peerless Drive
10. Prior to the issuance of any building permit for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall, pay to Prince George's County (or its designee) a fee of \$1,685.28 per dwelling unit, said amount being the applicant's pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway). This unit cost shall be adjusted based on an inflation cost index factor to be determined by the DPW&T at the time of the issuance of each permit.
11. Prior to the issuance of any building permit for the commercial component, the applicant and the applicant's heirs, successors, and/or assignees shall, pay to Prince George's County (or its designee) a fee of \$25,841.00, said amount being the applicant's pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway). This cost shall be adjusted based on an inflation cost index factor to be determined by the Department of Public Works and Transportation (DPW&T) at the time of the issuance of each permit.
12. The PMA Impact No. 2 area of the dwelling structures demolition to be approved with this PPS shall be stabilized by seeding and replanted according to the site stocking ratio in the environmental technical manual.
13. Prior to approval of the detailed site plan, the proposed stormwater management concept plan, which will include requirement for the relocation of the proposed pond (FBIO-01) and slope stability mitigation for the proposed improvements to Peerless Avenue, shall be reflected on all development plans.
14. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.
15. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on-site prior to issuance of building permits.

16. Prior to the approval of the building permits by M-NCPPC for permits which include residential uses, a professional engineer with competency in acoustical analysis shall state that the interior noise levels of the affected parcels have been reduced through the building materials to 45 dBA Ldn or less.
17. Prior to approval of a detailed site plan which includes residential development, the applicant shall submit a Phase 2 noise analysis for any outdoor activity areas located within the unmitigated 65 dBA Ldn noise contour and provide mitigation measures to reduce noise levels to 65 dBA Ldn or less.
18. The final plat shall contain the following note:

“The subject property contains areas of Marlboro Clay that is subject to a safety factor line. All buildings are subject to a 25-foot building restriction line from the safety factor line in accordance with Section 24-131 of the Subdivision Regulations as shown on a detailed site plan.”
19. The applicant shall show the location of the mitigated safety factor line and a 25-foot building restriction line from the mitigated safety factor line on the TCP2 and the detailed site plan prior to approval, if applicable.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 1,000 feet north of the intersection with MD 725 (Marlboro Pike). This preliminary plan of subdivision (PPS) includes the following legal lots recorded in Prince George's County Land Records; the second part of part of Lots 5 and 6 in Liber 4262 folio 610, first and second part of Lots 7 and 8 in Liber 32208 folio 372, part of Lot 9 in Liber 960 folio 283, and part of Lot 10 in Liber 960 folio 283. The site is developed with four structures; two on the first part of Lots 7 and 8, one on part of Lot 9, and one on part of Lot 10, all of which are to be razed. This application includes one outlot and one parcel for a mixed-use development consisting of 3,000 square feet of commercial/retail space and 62 (total) two-family and three-family attached units and multifamily dwelling units. The property is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA).

Peerless Avenue, a substandard County maintained roadway, exists through subject site. A 70-foot-wide right-of-way is required for the length of Peerless Avenue that leads to the commercial portion of the site, the remainder of the roadway to the west will have a 60-foot-wide right-of-way. This relocation and widening of Peerless Avenue will separate the property into two

separate land areas, one north of Peerless Avenue and one south of Peerless Avenue. An outlet to the south of Peerless Avenue is to be utilized for stormwater management. To the north is the development parcel for retail and residential.

The applicant filed a Variance to Section 25-122(b)(1)(G) for the removal of nine specimen trees which was approved by the Planning Board, as discussed further.

3. **Setting**—The property is located on Tax Map 93 in Grids B-3 and B-4; located in Planning Area 79; and is zoned M-X-T. The subject property is bounded to the east by US 301 with property beyond zoned Residential-Agricultural (R-A), which is vacant. Neighboring properties to the south, west, and north, are zoned M-X-T. The property to the south is vacant and the properties to the west and north are developed with single-family residential.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-X-T	M-X-T
Use(s)	Residential	Residential/Commercial
Acreage	7.64	7.64
Gross Floor Area	0	3,000 sq. ft.
Dwelling Units	4 (to be razed)	62
Parcels	0	1
Lots	5	0
Outlots	0	1
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on August 24, 2018.

5. **Previous Approvals**—A Conceptual Site Plan (CSP-17004) was approved by the District Council on September 24, 2018, for 62 two-family, three-family, and multifamily units, as well as approximately 3,000 square feet of commercial/retail space, subject to five conditions for the subject property. The conditions that are relevant to the review of this CSP are as follows:

2. **Total development within the subject property shall be limited to uses which generate no more than 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a**

**revision to the conceptual site plan, with a new determination of the adequacy of transportation facilities.**

This development will generate no more than 55 AM and 61 PM peak-hour trips. The transportation analysis conducted with this PPS, in accordance with Subtitle 24, results in a trip cap with this application that is identical to the trip cap for the CSP.

3. **At the time of preliminary plan of subdivision (PPS), the applicant shall:**
- a. **Provide Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's Guidelines for Archeological Review (May 2005), to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I research plan for approval by the Historic Preservation Section prior to commencing Phase I work. Evidence of M-NCPPC staff concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.**  

A Phase I archeological survey was submitted as required and is discussed further.
  - b. **Show the appropriate dedication of right-of-way along the property's frontage on US 301 (Robert Crain Highway) and Peerless Avenue.**  

No additional right-of-way dedication is required along US 301, additional right-of-way along Peerless Avenue is required, as discussed further.
  - c. **Provide the pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway).**  

The pro-rata share cost is discussed further in the Transportation finding.
  - d. **Submit a geotechnical report for review and approval by the Prince George's County Department of Permitting, Inspections, and Enforcement, to confirm the elevation of the Marlboro clay and determine the slope stability factor.**  

A geotechnical report was submitted in conformance with this condition and is discussed further.
  - e. **Revise the Type 1 tree conservation plan (TCP1) to include the boundary of the Marlboro clay, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections, and Enforcement.**



A revised Type 1 tree conservation plan (TCP1) was submitted in conformance with this condition.

**f. Provide a specimen tree variance application and statement of justification for the removal of specimen trees.**

A specimen tree variance request and a statement of justification (SOJ) dated March 8, 2018 from David Bickle for the removal of specimen trees was submitted in conformance with this condition.

**g. Submit a statement of justification for the necessary primary management area impacts that shall address all proposed impacts to regulated environmental features.**

A statement of justification for impacts to regulated environmental features was accepted on August 14, 2018 in conformance with this condition.

**h. Provide a Phase I noise study.**

A Phase I noise study was submitted in conformance with this condition. The multifamily building will have an impact of up to 73 dBA Ldn. Noise mitigation, through modifications to the building shell, is required to mitigate interior noise levels to the state standard of 45dBA Ldn or less. The applicant has indicated that they will be providing private indoor on-site recreational facilities to fulfill the mandatory dedication of parkland requirement (Section 24-134). However, the recreational facilities should include an outdoor recreational component that may include a loop trail system and or community gardens. In general, it would be impractical to provide noise mitigation to an entire trail system on this site and would not be recommended. Stationary recreational areas, however, shall be mitigated to the state standard of 65 dBA Ldn or less. The location of outdoor activity areas will be determined at the time of Detailed Site Plan, when more details are provided for grading and stormwater management.

**6. Community Planning—*Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities. The vision for the Established Communities is to accommodate context-sensitive infill and low- to medium-density development.**

The 2013 Subregion 6 Master Plan and SMA, which retained the subject property in the M-X-T Zone, recommends mixed-use future land use on the subject property. The property is identified as "Development Bay 3" in the Living Areas and Community Character Chapter, which recommends the following policies and strategies:

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

**Strategy 2: Incorporate a mix of development opportunities including different types of housing that complement and support the Town of Upper Marlboro in the M-X-T zone. (page 206)**

**Strategy 5: Respect the extensive system of floodplain “fingers” by preserving natural drainage corridors and limiting development to upper level plateau areas. (page 206)**

**Strategy 9: Consider county relocation assistance for residents of Peerless Avenue as this area develops. (page 206)**

Map 25 shows the development framework for the area, which includes five development bays, or areas. “These bays represent the most appropriate areas for development... outside of known environmentally sensitive areas and floodplains”. (page 201)

Development Bay 3: This bay is another high-land peninsula bordered to the north and south by significant drainage corridors. “Its proximity to an existing commercial development site (to the west) and US 301 suggests that a higher density, alternative type of residential development may be appropriate such as zero lot line residential. An average lot size of approximately 6,800 square feet is envisioned....” (page 203)

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the subdivision conforms to the land use recommendation of the Master Plan. This project includes a mix of residential and commercial uses, with two types of dwelling units, and preservation of the floodplain areas to the greatest extent possible.

7. **Stormwater Management**—A Stormwater Management (SWM) Conceptual Plan was submitted with the subject application but has not yet been approved. The SWM concept plan shows the use of ESD elements to address water quality requirements.

An approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning.

Prior to signature approval, the applicant shall submit an approved stormwater management concept plan or indication that an application for such approval has been filed with the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) in accordance with Section 24-120(a)(8) of the Subdivision Regulations.

8. **Parks and Recreation**—The PPS has been reviewed for conformance with the requirements of the Plan 2035, Subregion 6 Master Plan and SMA, the Land Preservation, Parks and Recreation

Plan (LPPRP) for Prince George's County, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* and the Subdivision Regulations as they pertain to public parks and recreational facilities and are applicable to the review of a PPS.

The PPS includes 62 multifamily units and 3,000 square feet of commercial space. Using current occupancy statistics for multifamily dwelling units for this planning area, the development will result in a population of approximately 136 new residents to the community.

Per Section 24-134(a)(1) of the Prince George's County Zoning Ordinance, this PPS is subject to 1.15 acres of mandatory dedication of parkland. The information provided by the applicant indicates that this mandatory dedication requirement will be met by providing private recreational facilities on-site. Private recreational facilities may be approved by the Planning Board provided that the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, and a Recreational Facilities Agreement (RFA), with this instrument being legally binding upon the sub-divider and their heirs, successors and assignees.

The Planning Board has determined that private recreational facilities are appropriate for this project, given the use and size of the development. The final list of recreation amenities will be determined at the time of Detailed Site Plan (DSP). The facilities should include outdoor activity areas to serve the residents. The conceptual site layout reflected limited outdoor areas for the residents and included a sidewalk around the parking lot. The site does contain environmental areas that may be opportunities for passive walking trails. Based on the concept plan, a small loop trail could be accommodated, extending around the rear of northern buildings, that would follow the woodland edge. At the time of DSP, a further analysis will occur and a determination if a loop trail or other outdoor activity areas, including community gardens, is appropriate.

9. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the area master plan in order to implement planned trails, bikeways, and pedestrian improvements. The property is not located within a designated Center or Corridor; therefore, it is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines Part 2, 2013."

**Master Plan of Transportation Compliance**

No master plan trail/bikeway issues impact the application; however, sidewalks are appropriate for the subject site. The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians. Policies 1 and 2 call for the construction of sidewalks along both sides of new road construction.

While this is a small parcel, it does provide some opportunities for the construction of recreational trails that would benefit future residents. The applicant shall consider the following suggestions:

1. Providing a sidewalk along the back of two- and three-story residential buildings on the northern edge of the property;
2. A sidewalk or trail along the storm water management pond on the southern edge of the property;
3. A wide sidewalk along the north side the applicant's frontage of Peerless Avenue that could connect to the Collington Branch Trail system.

Sidewalks are reflected along both sides of all internal roads and the parking lot on the submitted PPS, consistent with these policies. Additional sidewalk links or internal trails may be considered at the time of DSP.

10. **Transportation**—The PPS includes a mixed-use development consisting of 62 dwelling units, and 3,000 square feet of retail. Based on trip rates from the “*Guidelines*” as well as the *Trip Generation Manual*, (Institute of Transportation Engineers), this development will be adding 55 (15-in; 40-out) AM peak-hour trips and 61 (38-in; 23-out) PM peak-hour trips.

The traffic generated by the PPS would impact the following intersections:

- US 301 & Marlboro Pike (MD 725)
- US 301 & Village Drive
- US 301 & Peerless Avenue

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

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

**Unsignalized intersections:** The 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 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 critical lane volume (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.

All of the intersections deemed critical, when analyzed with the total future traffic as developed using the "Guidelines," were found to be operating at or better than the policy service level. These levels of service findings are based on a \$24 million dollar, CIP-funded improvements along US 301. One of the provisions in the CIP project is that the funding includes developer contribution. This development's share of the cost was computed as \$130,328.54 (1999 dollars). That cost is based on a per dwelling unit contribution of \$1,685.28 per DU, \$104,487.54/62 for the residential portion and \$8.61 per square foot, \$25,841.00/3,000 for the commercial phase. The detailed analysis is outlined below.

This application is supported by a traffic study dated August 21, 2018. The findings outlined below are based upon a review of these materials and analyses conducted consistent with the "Transportation Review Guidelines, Part 1, 2012" (Guidelines). The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
US 301 & Marlboro Pike (MD 725)	D/1,358	D/1,366
US 301 & Village Drive	C/1,176	D/1,340
US 301 & Peerless Avenue (site access, right-in, right-out)	0.0 seconds	18.7 seconds

The traffic study identified three-background developments whose impact would affect some or all of the study intersections. In addition, a growth of 1.3 percent over six years was also applied to the regional traffic volumes along US 301. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS – with CIP funded improvements		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
US 301 & Marlboro Pike (MD 725)	C/1,187	C/1,209
US 301 & Village Drive	A/878	B/1,143
US 301 & Peerless Avenue (site access, right-in, right-out)	0.0 seconds	21.0 seconds

Using the trip rates from the Guidelines as well as the *Trip Generation Manual*, (Institute of Transportation Engineers), the study has indicated that the subject application represents the following trip generation:

		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Dwelling Units	62 Units	9	35	44	32	17	49
Commercial/Retail (ITE)	3,000 sq. ft.	17	15	32	16	17	33
<i>Less 65% pass-by</i>		<i>-11</i>	<i>-10</i>	<i>-21</i>	<i>-10</i>	<i>-11</i>	<i>-21</i>
<b>Total new trips</b>		<b>15</b>	<b>40</b>	<b>55</b>	<b>38</b>	<b>23</b>	<b>61</b>

The table above indicates that the development will be adding 55 (15-in; 40-out) AM peak-hour trips and 61 (38-in; 23-out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS – with CIP funded improvements		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
US 301 & Marlboro Pike (MD 725)	C/1,194	C/1,213
US 301 & Village Drive	A/888	B/1,147
US 301 & Peerless Avenue (channelized right-in, right-out)	No delays	

The results shown above indicate that with the inclusion of the Capital Improvement Program (CIP)-funded improvements, the study intersections will operate at satisfactory levels of service. The TIS also concluded that the applicant will contribute its fair share of the CIP-funded improvements, on which some of the previous were based.

Having reviewed the traffic study, the Planning Board concurs with its conclusions. The traffic study was also reviewed by the State Highway Administration (SHA), the Department of Permitting, Inspections and Enforcement (DPIE), as well as the Department of Public Works and Transportation (DPW&T). In a memorandum from DPW&T (Mazzara to Masog) dated September 11, 2018, the following issues were raised:

- The applicant should provide stopping and intersection sight distance analyses at both entrances to the site.
- The applicant should be conditioned to contribute to the CIP fund as discussed previously.

The Planning Board concurs with both of these comments. A memorandum dated September 14, 2018 (Giles to Turnquest) was received from DPIE. However, most of the concerns expressed by DPIE pertained to on-site design parameters that are generally related to Marlboro clay and are addressed further in this report. The County did state that the relocated Peerless Avenue will require a 70-foot-wide right-of-way (ROW) for access to the commercial use. A 70-foot-wide right-of-way accessing the commercial portion of the site is shown on the submitted plans, which transitions to a 60-foot-wide right-of-way through the residential portion of



the site to the west. The transition design shall be in accordance with the specifications provided by DPIE via electronic mail correspondence dated October 18, 2018 (Abdullah to Burton), which is incorporated by reference herein. Comments were not received, based on the review of the traffic study, from the State Highway Administration (SHA).

The traffic study identified three critical intersections along US 301, which were found to be operating adequately under total traffic conditions based on the implementation of the CIP project. This finding was predicated on the applicant's reliance on developer-funded improvements along US 301 as outlined in the County's approved capital improvement program (CIP-FD669161) for FY 2017–2022. To that end, the applicant's traffic consultant provided an October 7, 2018 memorandum (White to Burton) in which the applicant's pro-rata cost share was evaluated. The analysis considered the limited scope of the traffic impact study (TIS) as well as the development's limited impact on the US 301 corridor. The conclusion was that the fair share cost would be \$130,328.54 for the development. The applicant's methodology was based on the following assumptions:

- Length of US 301 in scoped study area = 1.6 miles
- Length of US 301 in CIP covered area = 5.8 miles (MD 214 to MD 725)
- Cost of CIP = \$24,000,000 (Based on expansion to 6 through lanes)
- Proportional cost of CIP within TIS scope =  $(1.6/5.8 \times \$24m) = \$6,620,689.66$
- Average (AM+PM) reserve capacity created by CIP improvements – 1270 CLV
- Average reserve capacity used by the Peerless development – 25 (approximately 1.97 percent)
- Proportion of cost CIP improvements to Peerless = 1.968 percent  $\times$  \$6,620,689.66 = \$130,328.54

In evaluating the applicant's analysis, the Planning Board concurs with its conclusion. Approximately 80 percent of the site trips will be generated by the residential component, while the commercial portion will generate the remaining 20 percent. The Planning Board further concurs with the TIS that the overall cost of \$130,328.54 shall be apportioned as \$104,487.54 towards the residential portion of the development, and \$25,841.00 for the commercial phase.

#### **Master Plan Roads**

The property is located in an area where the development policies are governed by the 2013 Approved Subregion 6 Master Plan and SMA, as well as the 2009 MPOT. The subject property currently fronts on US 301 (Robert Crain Highway), a four-lane arterial within a 150-foot-wide right-of-way. One of the recommendations from the master plan is the construction of a freeway (F-10) approximately 400 feet to the east of the existing US 301 right-of-way. When

that construction occurs in the future, the existing US 301, which abuts the subject site to the east, will be converted into a service road (A-61) providing local vehicular access. According to the department's PGAtlas GIS database, some encroachment of the planned A-61 expansion will affect the site's frontage along US 301. However, based on an electronic mail (September 24, 2018) from SHA (Woodroffe to Hancock), SHA wants to maintain the original alignment for A-61 which was based on the recommendation from SHA's 1999 *US 301 Access Control Study from MD 5 to US 50*. Based on this alignment, all of the expansion of A-61 will be achieved within the existing right-of-way of US 301. Consequently, no additional right-of-way dedication along US 301 is required with this application.

All other aspects of the site regarding access and layout are deemed to be acceptable at this time. Further review of the on-site circulation to avoid conflicts between the pedestrian and vehicular traffic serving the commercial and residential uses will be evaluated at the time of detailed site plan review.

The commercial and residential uses of the development are abutting. A visual separation of the commercial and residential uses shall be considered so that customers to the commercial portion of the site do not use the residential area as a thoroughfare, which may result in conflicts that shall be address at the time of DSP.

Based on the preceding findings and conditions, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (Council Resolutions CR-23-2001 and CR-38-2002), and it was determined that a school facilities surcharge in the amount of \$12,000 per dwelling unit, which may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes, as set forth in a memorandum from the Special Projects Section dated August 22, 2018 (Mangalvedhe to Turnquest), incorporated by reference herein.
12. **Public Facilities**—In accordance with Section 24-122.01, this PPS has been reviewed for adequacy of water and sewerage, police facilities, and fire and rescue facilities, and is found to be adequate to serve the subject site as outlined in a memorandum from the Special Projects Section dated August 22, 2018 (Mangalvedhe to Turnquest).
13. **Use Conversion**—The total development included in this PPS is 3,000 square feet of commercial development and 62 total dwelling units which include two-family, three-family, and multifamily dwelling units in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS plan, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The site contains no private streets, only driveways into the parking lot to serve the dwellings. The site has frontage along US 301 and along the proposed public right-of-way of Peerless Avenue. The PPS correctly delineates a 10-foot-wide PUE along the public rights-of-way.

15. **Historic**—Tax records and aerial photographs indicate that the structures on the subject property were constructed from the early to mid-nineteenth century. This small African American community began to establish itself at the intersection of Marlboro Pike and the Marlboro-Queen Anne Road shortly after the end of the Civil War. Some of the families still living in the community or those formerly living in the buildings on the subject property may have been descendants of these early settlers. There are four structures and associated outbuildings on the subject property.

A Phase I archeological survey was conducted on the subject property in April 2018. Approximately 7.64 acres of fallow field and three dwelling lots were investigated with a shovel test pit (STP) survey. A total of 53 STPs were excavated, with 45 containing cultural material, primarily from the last third of the twentieth century. Two of the STPs contained early historic materials, including a small blue shell-edged pearlware ceramic and a small lead-glazed earthenware sherd. No archeological sites were delineated in the survey and no further work was recommended.

The Phase I archeological survey did not identify any significant archeological resources. Some eighteenth and nineteenth century artifacts were found mixed in with twentieth century material, indicating that there was some recent disturbance across the subject property. No further archeological investigations are required.

This PPS will not impact any known Prince George’s County historic sites, historic resources, or archeological resources.

16. **Environmental**—The subject application includes a Type 1 Tree Conservation Plan (TCP1) which has been reviewed for conformance as required pursuant to Subtitle 25.

**Background**

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-016-2018	N/A	Staff	Approved	3/07/2018	N/A
CSP-17004	TCP1-004-2018	Planning Board	Approved	6/14/2018	18-49
4-18004	TCP1-004-2018-01	Planning Board	Pending	Pending	Pending

**Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

**Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

**Natural Resource Inventory Plan/Existing Features**

A Natural Resource Inventory, NRI-016-2018, was approved on March 7, 2018, and provided with this application. The TCP1 and the PPS show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

**Woodland Conservation**

This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-004-2018-01) was submitted with the PPS.

Based on the TCP1 submitted with this application, the site contains 3.57 acres of woodland and has a woodland conservation threshold of 1.14 acres, or 15 percent based on the M-X-T zoning of the property. The Woodland Conservation Worksheet calculates the removal of 1.09 acres on the net tract area for a woodland conservation requirement of 1.41 acres. The requirement is met and exceeded with 2.48 acres of woodland preservation. The forest stand delineation has identified 24 specimen trees on-site. This application includes the removal of nine specimen trees.

**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 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 site contains 24 specimen trees with the ratings of good (specimen trees 3, 5-9, 12-15, 27-29, and 31-34), fair (specimen trees 35 and 37), and poor (specimen trees 4, 10, 11, 16, and 36). The current design includes the removal of specimen trees 5, 8, 11, 12, 13, 16, 31, 32, and 35 for the development of the buildings and associated infrastructure.

**Review of Subtitle 25 Variance Request**

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. A Letter of Justification received with the application on August 6, 2018, seeks to address the required findings for all nine specimen trees as a group; however, details specific to individual trees has also been provided in the following chart.

**Specimen Tree Schedule Summary**

ST #	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
3	Tulip poplar	32	Good	To be saved
4	Tulip poplar	50	Poor	To be saved
5	White oak	40	Good	To be removed
6	Tulip poplar	34	Good	To be saved
7	Tulip poplar	31	Good	To be saved
8	White oak	37	Good	To be removed
9	Tulip poplar	33	Good	To be saved
10	Black cherry	30	Poor	To be saved
11	Tulip poplar	37	Poor	To be removed
12	Linden	33	Good	To be removed
13	Silver maple	60	Good	To be removed
14	Silver maple	61	Good	To be saved
15	Sweetgum	32	Good	To be saved
16	Sweetgum	32	Poor	To be removed
27	Tulip poplar	43	Good	To be saved
28	Tulip poplar	40	Good	To be saved
29	Tulip poplar	32	Good	To be saved
31	Tulip poplar	34	Good	To be removed
32	White oak	32	Good	To be removed
33	Tulip poplar	34	Good	To be saved
34	Tulip poplar	44	Good	To be saved
35	Slippery elm	33	Fair	To be removed
36	Black cherry	30	Poor	To be saved
37	Tulip poplar	30	Fair	To be saved

**Statement of Justification (SOJ) for Specimen Trees**

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the nine specimen trees on-site. The site consists of 7.64 acres and is zoned M-X-T. The approval for this property is to develop the site with a mixed-use development consisting of multifamily dwelling units and retail space, along with associated infrastructure. This variance is requested to the WCO, which requires under Section 25-122 of the Prince George's County Zoning Ordinance, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle Variance Application form requires a SOJ of how the findings are being met.

The text in **bold**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

The site is confined between stream systems and steep slopes within the north and south boundaries. The development of US 301 contributed to defining the stream channels by diverting road surface runoff to these natural ravines. In addition, Marlboro clays have been mapped and surveyed on the property, further limiting the development potential of the site. When these constraints are identified on a plan, the remaining land available for development consists of a single area in the center of the property. To effectively develop the site with the appropriate mix of uses, the necessary right-of-way and infrastructure improvements and the grading necessary to effectively develop the site, the subject specimen trees must be removed.

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

The northern and southern sections of the property cannot be developed due to the various environmental constraints. These areas are primarily forested. Specimen trees 13, 16, 31, 32, and 35 are to be removed to meet right-of-way improvements, required for developing the site and conformance to the master plan for the extension of Peerless Avenue. Specimen trees 5, 8, 11, and 12 are to be removed to meet necessary grading requirements, while remaining outside of the primary management area (PMA). Although the subject specimen trees are to be removed, the applicant will retain the remaining 15 specimen trees located on the property. The development of the site is in keeping with similar projects within the area.

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

Based on the various site constraints, the granting of this variance will allow the project to be developed in a functional and efficient manner.



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

This request is not based on conditions or circumstances, which are solely the result of actions by the applicant. The removal of the specimen trees is primarily due to proximity with the developable portion of the site and the required improvements to the right-of-way within the site. The request is not the result of actions by the applicant.

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

This request is based on the nature of the existing site, distribution of the subject trees, and the existing infrastructure surrounding the site. This request is not based on a condition relating to land or a building use on a neighboring property.

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

The development will not adversely affect water quality because the review of the project will be subject to the requirements of the Maryland Department of the Environment (DoE), the Prince George's County Soil Conservation District (PGSCD), and the approval of a stormwater concept plan by the Department of Permitting, Inspections, and Enforcement (DPIE). Further, the applicant will meet all of the woodland conservation requirements on-site with forest retention by preserving much of the PMA on-site.

The required findings of Section 25-119(d) have been addressed by the applicant, and the Planning Board **approves** of the removal of specimen trees (STs) 5, 8, 11, 12, 13, 16, 31, 32, and 35.

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

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 shall be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are necessary for the required improvements to the existing road/right-of-way entering the site, demolition of existing structures and for stormwater management outfalls. A statement of justification was received with the application on August 6, 2018 for the impacts to the PMA and stream buffer.

#### **Statement of Justification (SOJ) for PMA Impacts**

The Statement of Justification includes a request for two separate PMA impacts totaling 29,905 square feet (0.69 acres), or approximately 24 percent of the 2.86 acres of PMA mapped on the property.

#### **Analysis of Impacts**

Based on the revised statement of justification, the applicant is requesting a total of two impacts listed, then described below:

- **Impact 1:** 18,370 square feet for the development of the required public right-of-way. The PMA has been established here based on the stream buffer and associated steep slopes; however, the width and location of the right-of-way is determined by DPW&T standards. The alignment is fixed on the existing centerline of Peerless Avenue and due to the widening requirements, additional grading will be required to account for the difference in fill for the road. Impacts are necessary and already partially exist.
- **Impact 2:** 11,535 square feet for the development of the required public right-of-way, removal of existing structures, and for stormwater management. The PMA has been established here based on the stream buffer and associated steep slopes. The width and location of the right-of-way is determined by DPW&T standards, and the alignment is fixed on the entrance of Peerless Avenue with US 301. Additionally, the PMA will be impacted by the removal of the existing structures and the installation of a stormwater management outfall. The outfall has been designed to minimize the disturbance within the PMA.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the impact exhibits provided in the applicant's PMA and SOJ accepted on August 14, 2018, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The Planning Board finds that the impacts necessary for public road infrastructure improvements, removal of existing structures, and stormwater management outfalls (Impacts 1 and 2) are reasonable for the orderly and efficient development of the subject property. The Planning Board **approves** PMA Impacts 1 and 2.

#### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey are the Collington-Wist-Urban land complexes, Marr-Dodon complexes and Udorthents, highway soils.

This property is also located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. The TCP1 shows the limits of Marlboro clay and the location of the 1.5 safety factor line, both mitigated and unmitigated. Upon review of the TCP1, it appears that all the proposed buildings are outside the limits of Marlboro clay and more than 25-feet from the 1.5 safety factor line, which is required in accordance with Section 24-131 of the Subdivision Regulations; however, the proposed improvements to Peerless Avenue is within the unmitigated and mitigated 1.5 safety factor lines.

The site also has some stormwater management in areas of concern. A geotechnical report dated June 2018 was submitted. The report was reviewed by Prince George's Department of Permitting, Inspections and Enforcement (DPIE) with regard to slope stability measures and stormwater management. Comments from DPIE (Labban to Burke) were provided in emails dated October 4, 2018 and October 5, 2018, incorporated herein by reference.

With regard to stormwater management, DPIE noted that the location and of all stormwater control facilities were acceptable with the exception of pond FBIO-01, as identified in the report, due to the pond's bottom close proximity (less than 10 feet) to the top elevation of the clay layer. The pond is located on the south side of Peerless Avenue. The stormwater concept plan approval is still pending, but DPIE has confirmed that the pond location must be adjusted and/or relocated prior to its approval.

With regard to the road within the limits of the Marlboro clay, DPIE stated that mitigation will be required. Mitigation will occur by either removing the clay and replacing with an appropriate fill or reducing the slopes in that area to an acceptable elevation. As part of the stormwater concept review, the grading and road improvements will also be reviewed with consideration of the presence of Marlboro Clay. Changes to the grading and layout as a result of any required mitigation shall be reflected on the DSP and TCP2.

17. **Urban Design**—In accordance with Section 27-515(b) of the Zoning Ordinance, the mixed-use development consisting of commercial/retail and residential uses is permitted in the M-X-T Zone and is subject to a detailed site plan approval in accordance with Section 27-546(a) of the Zoning Ordinance. This project will include rental units and is not intended for sale; therefore, no condition is recommended to require the establishment of a homeowner's associations or a condominium regime. However, if this ownership were to change, any declaration of covenants would require the rights of M-NCPPC to ensure that the association does not annex or de-annex any lands from the limit of this application.

One of the key purposes of the M-X-T Zone is to create a compact, mixed-use and walkable environment. Among eleven additional findings required for the Planning Board to approve a DSP is a requirement to ensure that the pedestrian system is convenient and comprehensively designed to encourage pedestrian activity within the development. Since the subject site is small, the applicant should strengthen the connectivity between different uses and internally for the

residential component and further explore opportunities to create a comprehensive pedestrian network that would allow for physical integration of the development.

**Conformance with the 2010 Prince George's County Landscape Manual**

In accordance with Section 27-544(a), this development in the M-X-T Zone is 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 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual.

**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 10 percent of the gross tract area covered by tree canopy. The subject site is 7.64 acres in size and the required TCC is 0.764 acre. Conformance with the requirements of the TCC Ordinance will be reviewed at the time of DSP.

**Loop Trail**

Private, indoor recreational facilities are proposed with this development, however, the Planning Board believes that a more robust package of open space and amenities is appropriate in this location, which is fairly isolated, for this mixed-use project. The Planning Board has determined that two trails be considered on the subject property.

A loop trail that could ring the bio-retention area (FBIO 01) south of Peerless Avenue and connect to the sidewalk network around the parking lot would encourage pedestrian activity. A path could be used for a dual purpose, as a trail and as a maintenance access for the bio-retention pond on the parcel on the south of Peerless Avenue, however this may add one additional environmental impact that can be evaluated at the time of DSP.

Marlboro clay is present to the north of the property; a trail if sited parallel to the northern property line and graded with a gentle slope would put the trail at an elevation lower than the rear of the two-family and three-family units. A retaining wall would not be necessary, and trail could be constructed to meet Americans with Disabilities Act (ADA) guidelines. That trail could also connect to the sidewalks already proposed.

Based on a conceptual review, both trails are feasible in this subdivision.

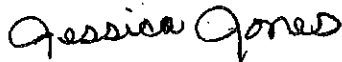
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Doerner, seconded by Commissioner Geraldo, with Commissioners Doerner, Geraldo, Washington, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, November 8, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2018.

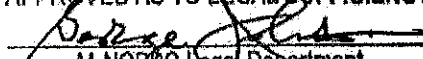
Elizabeth M. Hewlett  
Chairman



By Jessica Jones  
Planning Board Administrator

EMH:JJ:AT:gh

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCP&C Legal Department

Date 11/20/18

**Statement of Justification  
Townes at Peerless  
Detailed Site Plan DSP-18039  
Departure Design Standards DDS-651**

Applicant:

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## **Case Name & Number: The Townes at Peerless, DSP-18039**

### **A. Description of Proposed Use:**

The nature of the proposed application is to develop a mix of 62 two-family, three-family dwelling, and multifamily dwelling units to be used as rental units and 3,000sf of commercial space on 7.64 acres in the Mixed-Use-Transportation (M-X-T) zone. The two-family unit will consist of one unit on the ground floor and the second unit on the 2<sup>nd</sup> & 3<sup>rd</sup> floor above. The three-family unit will consist of one unit on the ground floor and the second and third unit on the 2<sup>nd</sup> & 3<sup>rd</sup> floors above. The multifamily units will be within one building. In addition, a small community building will also be proposed for the project.

### **B. Description and Location of the Subject Property:**

The subject property is composed of existing lots p/o 5, 6, 7, 8, & 9 along the existing Peerless Avenue which is on the west side of US 301. These lots are now or formerly part of record plat A03-8782, Agricultural Fair Association, which was recorded in 1931. These existing lots combined will constitute the overall parcel acreage of 7.64 acres. These lots are located roughly 1000 feet north of the intersection of US 301 and MD 408 Marlboro Pike. The approximate site address is 4505 Crain Highway, Upper Marlboro, Md. 20772. The 7.64-acre site is currently zoned Mixed Use Transportation (M-X-T). There are no previous development activities for this site.

### **C. Conformance with Conditions CSP-17004 District council**

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. Clearly mark and label all existing lots and area included in the CSP.
  - b. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Add "TCP1-004-2018" to the approval block and to the worksheet.
    - (2) Revise General Note 7 to say, "...within Plan Prince George's 2035, Environmental Strategy Area Two, formerly the Developing Tier..."
    - (3) Revise General Note 13 to provide the conceptual stormwater management plan number.
    - (4) Revise the ownership information for the adjacent properties.
    - (5) Add a column for the Development Review Division approval number in the TCP1 approval block.
    - (6) Identify the steep slopes on the plan with shading.
    - (7) Provide an Owners Awareness Certification on the plan.
    - (8) Have the revised TCP1 signed and dated by the qualified professional who prepared it.

**Comment:** *Each of these conditions will be met at the time of certification of the CSP.*

2. Total development within the subject property shall be limited to uses which generate no more

than 55 (15 in; 40 out) AM peak-hour trips and 61 (37 in; 23 out) PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan, with a new determination of the adequacy of transportation facilities.

**Comment:** *The total development is in compliance regarding the trips generated.*

3. At the time of preliminary plan of subdivision (PPS), the applicant shall:

a. Provide Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's Guidelines for Archeological Review (May 2005), to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I research plan for approval by the Historic Preservation Section prior to commencing Phase I work. Evidence of M-NCPPC staff concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.

b. Show the appropriate dedication of right-of-way along the property's frontage on US 301 (Robert Crain Highway) and Peerless Avenue.

c. Provide the pro rata share cost towards the Prince George's County Capital Improvement Project-funded improvements along US 301 (Robert Crain Highway).

d. Submit a geotechnical report for review and approval by the Prince George's County Department of Permitting, Inspections, and Enforcement, to confirm the elevation of the Marlboro clay and determine the slope stability factor.

e. Revise the Type 1 tree conservation plan (TCP1) to include the boundary of the Marlboro clay, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections, and Enforcement.

f. Provide a specimen tree variance application and statement of justification for the removal of specimen trees.

g. Submit a statement of justification for the necessary primary management area impacts that shall address all proposed impacts to regulated environmental features.

h. Provide a Phase I noise study.

**Comment:** *These items have been addressed at the SDRC meeting on 8-24-18 and will be completed with the certification of the PPS.*

4. Prior to approval of a detailed site plan for the project, the applicant shall:

a. Provide the location, type, and number of bicycle parking spaces at the multifamily building and commercial/retail building.

**Comment:** *Bicycle locations and details have been added to the plan*

b. Provide sidewalks on both sides of all internal streets, where appropriate, in consultation with the Urban Design Section.

**Comment:** *Sidewalks have been provided accordingly.*

c. Consider the proximity of the Town of Upper Marlboro and the incorporation of a character element---such as an entry feature---to provide some identity attachment to the Town

**Comment:** *The Entry feature sign has been designed to match many of the "Welcome to Upper*

Marlboro" signs seen in the County.

d. Use quality building materials, which shall be demonstrated in the architecture for all buildings.

**Comment: We have met with Staff concerning the architecture and are such materials as fiber cement lap siding, brick, hardie trim, aluminum, and exposed concrete.**

e. Evaluate pedestrian elements, partially addressed in Finding 7(c) (7) and (8), and said pedestrian elements shall be fully addressed at the time of applicant's detailed site plan.

**Comment: Pedestrian elements have been designed to encourage pedestrian activity within the development. Walkways make the gathering places such as the Tot lot, open space, and retail accessible to all. Lighting and landscape have been provided to enhance the pedestrians experience as they travel through the site. Walkways were provided where topography and safety allow. Trails were not provided in areas where CEPTED guidelines were in conflict with trail locations. Such locations as down the hill, away from public view, and adjacent to woodlands.**

5 Prior to the issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and or assignees shall submit a Maryland Inventory of Historic Property (MIHP) form for all structures located on the subject property. The buildings shall be documented by a qualified architectural historian and submitted documentation shall include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds. The MIHP form shall be submitted to the Historic Preservation Section for review and approval.

**Comment: Noted. Will comply with condition at the time of permit.**

#### **4-18004 Conditions related to the DSP**

**Conditions 1,2,3,6,8,9,10,11,15,16, and 18 will be addressed by certification of the PPS, Record Plat, or Building Permit.**

Condition 4 The applicant, their successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.

**Comment: A list of Recreational Facilities is included and contains a Community Room, Fitness room, Playground/Tot Lot, and Benches/Site features. Estimated cost \$61,478.00**

Condition 5 The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division (DRD), of the Planning Department for adequacy and property siting with the submittal of the Detailed Site Plan.

**Comment: The area around the units have been designed to allow close proximately to open space which includes a tot lot and an open play area. The site is interconnected via the sidewalk system which runs throughout the community. Areas behind the units and across Peerless Avenue are not suitable because of their topography and their proximity to the wooded areas.**

Condition 7 At the time of detailed site plan (DSP), detailed analysis of the internal sidewalk and trail network will be made. The following issues will be evaluated at that time:

- a. Sidewalks shall be provided along both sides of all internal streets where appropriate and deemed consistent with the Complete Streets Policies of the Master Plan of Transportation.

**Comment:** Sidewalks are provided on every side of the street/parking lot within the community except for the far western side of the where the 20 parking spaces are proposed. A sidewalk along that side serves no purpose because it does not direct anyone to a destination. In addition, there is a landscape buffer located between the parking and the adjacent single family home to the west.

- b. A small amount of bicycle parking shall be provided at the commercial space. The number and location will be determined at the time of DSP.

**Comment:** A Bicycle rack for 6 spaces was added to the commercial space area.

- c. A private recreational trail connection within the property.

**Comment:** After analyzing the site, trails were not provided in areas where CPTED guidelines were in conflict and topography would not practically allow. The first guideline of CPTED is "See and be Seen". The two areas considered for trails are located down the hill, away from public view, and adjacent to woodlands. The difference in elevation is 10-12 feet below grade. The second principle is "Natural Access Control". The goal of this principle is to direct the flow of people while decreasing the opportunity for crime. The proposed walkway system within the community accomplishes this. Also, the above ground SWM devices that were proposed are now required to be underground. There is no longer any feature to propose a trail around. In addition, the existing environmental features and proposed grading do not allow for a practical solution to achieve a suitable running slope on a trail. For example, the proposed grading behind the units and the opposite side of Peerless Avenue are at 3:1 or 33%. Typical trail running slope allowances are 1:20 or 5% for any distance, 1:12 or 8% up to 200 feet, 1:10 or 10% up to 30 feet, 1:8 or 12.5% up to 10 feet. The distance needed to meet these standards are limited by the proximity of the PMA. It is not an engineering impossibility, but it is not a practical solution for which to add trails especially since an adequate pedestrian system is proposed. This system includes internal walkways and public walks that allow pedestrians a safe, and convenient experience along with a recreational aspect.

Condition 12 The PMA Impact No. 2 area of the dwelling structures demolition to be approved with this PPS shall be stabilized by seeding and replanted according to the site stocking ratio in the environmental technical manual.

**Comment:** The required planting has been added to the TCP2.

Condition 13 Prior to approval of the detailed site plan, the proposed stormwater management concept plan, which will include requirement for the relocation of the proposed pond (FBIO-01) and slope stability mitigation for the proposed improvements to Peerless Avenue, shall be reflected on all development plans.

**Comment:** All SWM will be underground. This is shown on the approved SWM Concept.

Condition 14 Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.

**Comment:** Development matches what is shown on the approved SWM Concept.

Condition 17 Prior to approval of a detailed site plan which includes residential development, the applicant shall submit a Phase 2 noise analysis for any outdoor activity areas are located within

the unmitigated 65 dBA Ldn noise contour and provide mitigation measures to reduce noise levels to 65 dBA Ldn or less.

**Comment: The Phase 2 Noise Study has been provided and the noise contours are shown on the DSP.**

Condition 19 The applicant shall show the location of the mitigated safety factor line and a 25-foot building restriction line from the mitigated safety factor line on the TCP2 and the detailed site plan prior to approval, if applicable.

**Comment: Shown on both plans as requested.**

#### **D. Description of Applicable Code:**

##### **I. SECTION 27-281(b) & (c) GENERAL AND SPECIFIC PURPOSES**

1. The general and specific purposes of a Detailed Site plan (DSP) are contained in 27-281(b) and (c) of the Zoning Ordinance and expressed as follows:

(b) General purposes.

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

(A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;

(B) To help fulfill the purposes of the zone in which the land is located;

(C) To provide for development in accordance with the site design guidelines established in this Division; and

(D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans

**Comment: The subject property is zoned M-X-T and is located roughly 1000 feet north of the intersection of US 301 and MD 408 Marlboro Pike on the west side of US 301. The site is bounded on all sides by other property zoned M-X-T. The property is designed with two proposed uses, residential and retail. The retail component will consist of 3000 sf situated along US 301 for visibility and accessibility. The residential component will consist of 62 dwelling units. The residential component is further diversified by 3 different dwelling types. The two-family unit will consist of one unit on the ground floor and the second unit on the 2nd & 3rd floor above. The three-family unit will consist of one unit on the ground floor and the second and third unit on the 2nd & 3rd floors above. The multifamily units will be within one building. Peerless Avenue will be upgraded to a public road with a 70 ft right of way tapering to a 60 ft right of way heading west. As a result, the proposed development satisfies the general purposes contained in 27-281(b).**

(c) Specific purposes.

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

(A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;

**Comment: The submitted Detailed Site Plan demonstrates the location of the existing and proposed buildings, parking facilities, street, and green areas as required.**

(B) To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;

**Comment:** The submitted Detailed Site Plan included in this application shows the specific grading and landscape planting areas proposed for the site. There is also an approved Stormwater management concept plan. A Type 2 Tree Conservation has also been submitted showing the woodland preservation for this site.

(C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and

**Comment:** The Detail Site Plan locates an outdoor recreation area on the west side of the multifamily building. In addition, within the multifamily building there are additional amenities such as a community room with multiple features.

(D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle

**Comment:** The residential development will be owned and managed by one entity and thus a covenant will not be required among the residences. A maintenance agreement will be established between the residential users and the commercial users to maintain any common elements.

## **II. SECTION 27-285(b) PLANNING BOARD-REQUIRED FINDINGS**

(b) Required findings.

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

**Comment:** Throughout the approval process development issues have been identified and addressed. Such issues as Marlboro clay, proposed right of way width and public right of way dedication have shaped the proposed layout to where it is today. The project has 2 wooded buffers, one on the north of the property and the other along the southern property line. The addition of creating a new public right of way for Peerless Avenue will allow better vehicular access to the remaining land to the west. The residential development has been separated from the commercial development to provide a more appropriate transition between the two uses while still providing pedestrian connections. The commercial use is strategically placed near the east of the site near US 301 to allow visibility and ease of access to the commercial use without intruding on the residential use. The residential component has been setback away from the noise and disturbance of US 301. For all these reasons, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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

**Comment:** The general layout, vehicular and pedestrian circulation have been kept and is in general conformance of the approved CSP.



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

**Comment:** *Not applicable. This is not an infrastructure DSP.*

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

**Comment:** *This site contains environmental features such as floodplain, streams, and stream buffers, specimen trees, and Marlboro clay. The PMA has been impacted to construct the public road, Peerless Ave. Most of the area involved with the creation of Peerless Avenue has already been disturbed with the existing cartway. In addition, areas where Marlboro clay was found has been developed in a limited way. Approximately 2.43 acres of woodland has been preserved which is well above the threshold. And 76% of the specimen trees have been retained. A majority of the natural features have been preserved in their natural state.*

### **III. SECTION 27-542 PURPOSES-M-X-T**

(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;
- (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;
- (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;
- (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;
- (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;
- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;
- (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;
- (9) To permit a flexible response to the market and promote economic vitality and investment; and
- (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:** Various M-X-T purposes of Section 27-542 are satisfied by the proposed DSP. For example, purpose #1 is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of the County. The proposed development—specifically the addition of population in the proposed residential—will provide increased economic activity at this intersection of the property as well as the proximate Route 725/301 intersection. In addition, the clustering of the design will conserve the value of the land by maximizing the public and private development potential. The proposal of the new 60ft public right of way for Peerless Avenue will encourage additional development towards the west to connect the remaining parcels. Also, new water and sewer will be brought to the site and will allow all the adjoining properties to connect to public water and sewer. This proposal will allow freedom of architectural design by creating 2&3 family dwellings that have more density but have the look and feel of a townhouse development—which dwelling types exist in the general area. Each of the purposes discussed is promoted by the DSP and contributes to the implementation of the overall Master Plan and General Plan.

#### **IV SECTION 27-546(d)(1)-(11) Findings M-X-T**

There are findings which are related specifically to the M-X-T zone. They are as follows:

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

**Comment:** Various M-X-T purposes of Section 27-542 are satisfied by the proposed DSP. See response above for Section 27-542

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

**Comment:** The 2013 Master Plan and Sectional Map Amendment for Subregion 6 rezoned the subject property to the M-X-T zone. The site is known as change #4. A zoning change was recommended for this area. The zoning change from R-R (Rural Residential), R-80 (One family Detached Residential), C-M (Commercial Miscellaneous) to M-X-T (Mixed Use) will create new opportunities for development. The project proposes uses and dwelling types which would not have been permitted under the old zoning categories, thus the proposed development is in conformance with the development concept recommended by the Master Plan.

- (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:** This development initiates mixed use in the vicinity. The adjacent properties are either vacant or have existing single family dwellings built in the late 60's and early 70's. This development will be a catalyst for future development by creating a public road, water, and sewer connections.

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

**Comment:** The adjacent existing development in the vicinity is mainly vacant, forested, or single family detached dwellings. Further away towards the south, there is an existing retail area on all 4 corners of the intersection of US 301 & MD 725. The subject property will introduce a moderate transitional density residential use which will not overwhelm the existing single family uses but will also be compatible if multifamily dwellings (allowable and encouraged under M-X-T zoning) were proposed on adjacent property in the future.

(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 proposed mix of uses in this DSP are horizontal in nature. Retail uses are located in a highly visible place along the new Peerless Avenue and US 301 to ensure its success. The residential component will complement the retail use to the west of the retail area and will introduce a new housing product to the area. This introduction of the two, three family and multifamily units initiates the envisioned goal of an independent environment of continuing quality and stability.*

(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 proposed uses and layout are such that each component is self-sufficient regardless of which use is developed first.*

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

**Comment:** *Walks and sidewalks are associated with all the parking areas and connect to both the public right of way and to internal walkways in and around the 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);

**Comment:** *Adequate pedestrian walkways connect the proposed development within the residential and to the commercial areas. A tot lot is being proposed to the west of the multi-family building as part of the recreational facilities and would be considered a gathering place. The tot lot is connected by walks and is enclosed by a decorative metal fence. On-site lighting is being provided to allow for well-lit and safe pedestrian and parking areas.*

(9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, 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 property was placed in the M-X-T zone by a Sectional Map Amendment. A Traffic Impact Analysis will be filed with this CSP and a Preliminary Plan of Subdivision will be filed and tested for adequate public facilities.*

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

or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).

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

(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 property does not exceed 250 acres and thus does not apply to the subject property.*

## **V SECTION 27-548 REGULATIONS, 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 optional method of development in Section 27-545(b)(4) Residential use which allows additional FAR of 1 is being used. A total of 1.4 FAR is permitted. A total of 0.24 is being 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.

**Comment:** *The commercial and residential uses are being proposed in multiple buildings. The commercial and multifamily uses will be separate buildings while the two-family unit will consist of one unit on the ground floor and the second unit on the 2nd & 3rd floor above. The three-family unit will consist of one unit on the ground floor and the second and third unit on the 2nd & 3rd floors above.*

(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:** *A Plan has been prepared according to the regulations in this section.*

(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 Landscape Plan has been prepared according to the Landscape Manual and covers Sections 4.1 for 2 & 3 family and multifamily dwellings, 4.2 for Landscape Strips along Streets, 4.3 for Parking Lots, 4.7 for Buffering Non-compatible uses, and 4.9 for Landscape Sustainability.*

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

provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

**Comment:** *The Gross Floor Area has been calculated accordingly.*

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

**Comment:** *No private structures are located within the airspace above or in the ground 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.

**Comment:** *Both proposed parcels have frontage.*

(h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996...

**Comment:** *No townhouses are proposed.*

(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 maximum height of the multifamily building is four stories and the others are shorter. Therefore, the maximum height of 110 feet has not been exceeded.*

## **VI DEPARTURE FROM DESIGN STANDARDS-DDS-651 (Section 27-558: Parking Spaces)**

### **Request for a Departure from Design Standards from Section 27-558: Parking Space Sizes.**

Pursuant to Section 27-239.01 of the Prince George's County Zoning Ordinance, the Applicant submits this application for a Departure from Design Standards (DDS) regarding parking space size and dimensions. This DDS request is submitted concurrently and as a companion the Applicant's Detailed Site Plan (DSP-18039) for the Towns at Peerless. The site design utilizes a parking space sized at 9' x 19' for surface parking and 9' x 18' for the garage spaces instead of the standard Prince George's County parking spaces which are by code sized at 9.5' x 19'.

The code required standard parking stall length is 19' whereas the applicant proposes a parking stall length of 18' or a 5.3% change. The applicant also requests a reduction of the standard parking stall width from 9.5' wide to 9' wide or a 5.6% change. The Planning Board may approve a Departure if the required findings can be made.

### **Section 27-239.01 (b) (7) has required findings:**

**(I) The purposes of the Subtitle will be equally well or better served by the applicant's proposal.**

The purposes of the Subtitle for Parking Standards are:

**Sec. 27-550. Purposes.**

**The purposes of this Part are:**

- (1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;
- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;
- (3) To protect the residential character of residential areas; and
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

**Comment:** *The reduction in size to the 9' x 19 sized parking space will still provide off-street parking sufficient to serve the needs of the project. In effect, the reduction of parking space size will allow the proper amount of parking to serve the project in the same amount of on-site area. This will eliminate the need for on-street parking and will result in conveniently locating parking on-site. Thus the purposes of the Subtitle will have been met. Proposed parking areas will not be visible from residential areas and will not detract from the character of such areas or from the character of neighboring property owners.*

- (II) The departure is the minimum necessary, given the specific circumstances of the request;

**Comment:** *The departure of six inches in width is relatively insignificant on a space by space basis. However, when multiplied by the total number of parking spaces serving the project, it provides the greatest benefit. In addition, for the garage parking spaces the universal size is 9' x 18' or smaller. Column spacing and other mechanical equipment do not support deeper and wider parking stalls. Given the specific circumstances and the site constraints, it is the minimum necessary in order to provide all parking on-site.*

- (III) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

**Response:** *The departure is necessary in order to provide adequate and necessary off-street vehicular parking sufficient to serve the project within the available developable area. The project is bounded by environmental features to the north and the south. The central section of the site is the highest point of the site. The topography slopes down in both the north and south directions of the site thus limiting the amount of grading possible. The northern and southern sides of the site are also encumbered by environmental features such as streams and PMA on both sides. Given that the soil is composed of Marlboro Clay, special care and attention have been paid to the location of the development elements so as not to disturb these soils. In addition, column spacing and mechanical equipment in the garage create another obstacle. Given the environmental encumbrances and structural design, it is most efficient to minimally impact the Prince George's County parking stall size to allow for the adequate amount of parking for this development to reach its fullest potential as an economic potential.*

- (IV) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

**Response:** The reduction of the size of the parking spaces will not negatively affect the visual quality of the site; the reduction of six inches will barely be noticeable. The functionality of the parking lot will be improved by the departure. The reduced parking space size will still accommodate vehicles while allowing adequate parking spaces in the same amount of area, thus reducing the disturbed area. Additionally, allowing the reduced sized parking space,

multiplied by the total number of spaces, greatly reduces the amount of impervious surface needed per space, thus reducing stormwater runoff which benefits the environment.

### **Conclusion for DDS-651:**

The Applicant respectfully requests the approval of this application to minimally reduce the size and dimensions of parking spaces at the subject property. Approval of the request is consistent with the purposes of the parking design standards and with the findings required to justify approval. Approval in conjunction with the companion Detailed Site Plan application for the Townes at Peerless (DSP-18039) will enable the Applicant to proceed in the development of subject property.

### **VII DEPARTURE FROM DESIGN STANDARDS-DDS-651(Section27-579b:Loading Location)**

Pursuant to Section 27-239.01 of the Prince George's County Zoning Ordinance, the Applicant submits this application for a Departure from Design Standards (DDS) regarding the location of its proposed loading space. This DDS request is submitted concurrently and as a companion the Applicant's Detailed Site Plan (DSP-18039) for the Towns at Peerless. The Zoning Ordinance provides loading spaces shall satisfy the following applicable criteria unless a Departure is approved:

- (a) Except as otherwise provided in this Subtitle, a surface loading area may be located in any yard. **Response:** The Applicant proposes the loading space on the north side (side yard) of the retail building.
- (b) No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan). (See Figure 63.) **Response:** Placement of the loading space in the proposed location results in the space being within 50 feet of the two residential buildings of the proposed M-X-T zone development.

In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

**Response:** The retail loading space is placed to the side of the retail building and side of the residential buildings, thus resulting the in the least amount of exposure or impact on the enjoyment of the two uses.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;

**Response:** The requested departure of 22 feet and 16 feet is the additional space necessary to allow the loading space in the proposed location. A landscaping strip is situated along with parking between the closest residential building and the loading space thus providing



reasonable buffering between the residential use and the space. The other residential building is less impacted and has no direct sight line into the loading space.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

**Response:** *The departure is necessary in order to provide adequate loading space required to serve the project within the available developable area. The site is bounded by environmental features to the north and the south. The central section of the site is the highest point of the site. The topography slopes down in both the north and south directions of the site thus limiting the amount of grading possible. The northern and southern sides of the site are also encumbered by environmental features such as streams and PMA on both sides. Given that the soil is composed of Marlboro Clay, special care and attention have been paid to the location of the development elements so as not to disturb these soils. In addition, column spacing and mechanical equipment in the garage create another obstacle. Given the environmental encumbrances and structural design, it is most efficient design the site to minimally impact the environmental features while adequately providing to the extent practicable those design features required by the Zoning Ordinance in a manner to allow the development to reach its fullest economic potential.*

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

**Response:** The reduction of the distance between the loading space and residential buildings imposes no negative affect the visual quality of the site. As previously noted, the closest building is buffered by landscaping and other parking and the second residential building has no direct sight line into the space. The amount of retail, 3000 square feet, means the loading space will be used an inconsequential amount of time. Location of the space at the side yard of the one residential building negates any appreciable impact—visually, functionally or environmentally on the other site development.

**Conclusion:** The Applicant respectfully requests the approval of this Departure for Loading Space location or in the alternative, the waiver of the required space. The Departure is the minimal reduction of distance dimension to allow the loading space at the proposed location. Inasmuch as the amount of proposed retail is only 3000 square feet, use of the loading space will be limited due to the its limited size. Such limited use essentially negates the impact of the loading space. Therefore, the Applicant asserts the grant of the Departure for location or elimination of the loading space will have no appreciable impact on the proposed development.

## **VIII SECTION 27-574(b) PARKING AND LOADING JUSTIFICATION DSP-18039**

The Townes at Peerless is an M-X-T zoned development consisting of multiple residential uses and a retail use. The site is being built in one phase. The M-X-T zone requires a parking determination methodology as part of section 27-574 (b) as follows:

- (1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to known as the peak

parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80%) of the peak demand, eighty percent (80%) of the peak parking demand spaces are being occupied).

(2) For each hour of the day the number of parking spaces to be occupied by each use shall be calculated. These numbers are known as the hourly fluctuation pattern. For each use, at least one (1) hour shall represent the peak parking demand, and the remaining hours will represent a percentage of the peak. There may be more than one (1) hour at the peak level.

(3) The total number of parking spaces required for all uses proposed in the M-X-T Zone and in a Metro Planned Community shall be the greatest number of spaces in any one (1) hour for the combined total of all uses proposed, based on the calculations in paragraphs (1) and (2), above. This total is known as the base requirement.

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

<u>RETAIL</u>	<u>20 SPACES</u>
3000 SF/150 SF =20 SPACES	

<u>RESIDENTIAL:</u>	<u>142 SPACES</u>
24 UN x 2 PS/UN (Two & Three family units)	48 spaces
38 UN (Multifamily units)	94 spaces
2.0 SPACES PER 1 BEDROOM UNIT: 2.0 ps x 3units=	6 spaces
2.5 SPACES PER 2 BEDROOM UNIT: 2.5 ps x 28units=	70 spaces
3.0 SPACES PER 3 BEDROOM UNIT: 3.0 ps x 6 units=	18 spaces

<u>TOTAL SPACES:</u>	<u>162 SPACES</u>
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This methodology results in a requirement of 162 parking spaces for this project. The ultimate user, with experience building, managing, operating, and maintaining similar complexes, has provided information that allows us to understand their operating needs. The subject application proposes a retail area that will be used mainly by the new residents and neighboring property owners and others passing by. The retail will not be a distinct destination place where people from outside of this area would come to shop. The small amount of retail will meet the needs of the community as a whole. The same people living in the community and those living in the multifamily, and two and three family units will be the same people using the retail areas during their stay and for their daily living. Thus the required parking spaces for retail are redundant and unnecessary for the success and functionality of this project. This project proposes a total of 137 parking spaces. 96 surface spaces and 26 garage spaces for a total of 122 spaces are considered residential parking spaces while 15 surface spaces are associated with the retail use. The residential parking rate is 1.96 per unit and the retail parking rate is 1space per 200sf. Both of these parking rates are within market standards. If these spaces are shared, then the ratios are even better. Given this fact, 137 parking spaces for the retail and residential users is sufficient to meet the parking requirements in the M-X-T zone.

In addition, based on the following information from ITE, the multi-family units will be adequately parked.

1. The Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition was researched and based upon the following findings it is our opinion that the 62 multi-family residential units and 3000sf of Retail will be more than adequately parked with a total of 137 parking spaces.

a. The ITE data included a review of 68 study sites, and the results revealed that the average parking supply ratio is 1.4 parking spaces per dwelling unit at both suburban and urban sites.

b. The ITE data revealed that the suburban sites included had an average of 1.7 bedrooms per unit.

c. Considering the 2 & 3 family units by bedrooms along with the typical multifamily units there are 10 one (1) bedroom units, 29 two (2) bedroom units, and 24 three (3) bedroom units, the site as currently proposed will have an average of 1.02 bedrooms per unit, which is below or comparable to the 1.7 bedrooms per unit average for the study sites used as part of the ITE data for suburban sites.

d. The ITE data showed that the peak weekend parking demand ranged between 0.92 and 1.33 parked vehicles per unit at suburban sites.

e. The ITE data revealed that study sites with less than 2.0 but greater than 1.5 bedrooms per dwelling unit reported peak parking demand at 98 percent of the ITE average.

2. The ITE data for suburban locations projects the following parking demand based upon 62 units.

a. Weekday peak parking demand will be 50 vehicles (Parking =  $1.42 \times 62 - 38$ )

b. Note that formulas for weekend parking demand were not available for suburban locations. However, a comparison was made between weekday and weekend parking demand for urban locations and it was determined that the weekend parking demand is approximately 10% higher than the weekday parking demand. Based on this calculation, the weekend parking demand for the proposed site will be 55 vehicles ( $50 \times 110\% = 55$  vehicles).

3. The ITE data also provides hourly parking projections for multi family residential uses and the ITE data reveals that the peak parking for residential uses occur overnight between midnight and 4:00 AM when the adjacent retail uses are closed.

In addition, the 26 structured space located in the multifamily building are proposed as 9' x 18'. Since they also do not meet the County standard to be considered a standard space (9.5' x 19'), there is a provision in Section 27-559 to allow 1/3 of the required number of spaces to be compact. Based upon the 162 required spaces, a total of 54 compact spaces are permitted. If the proposed number of parking spaces of 137 is used to calculate the number, a total of 45 are permitted. In either case, the 26 structured/compact spaces are below the permitted amount.

In principle, it is the same regarding the number of loading spaces required. According to the Section 27-582 a total of 1 loading space is required for the retail. A residential use under 100 units does not require a loading space. One loading space is required and one loading space is provided.

Considering the applicant's needs above, it seems apparent that the number of spaces provided, 137 total spaces and 1 loading space, meets the requirement of the user for successful operation. Any increase in the parking count will ultimately cause either an impact to environmental features, loss of green space, increase in impervious area, and ultimately the

increased cost of the development or it causes a reduction of the building program and size to beyond what the operators indicate is a minimal size to successfully operate the venue.

**E. Conclusion:**

In conclusion, the Applicant submits that the proposed DSP and DDS represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the proposed development and its intended use. The findings for a Detailed Site Plan and Departure of Design Standards can be made by this submission. Therefore, the Applicant requests the approval of the DSP and the DDS.

Sincerely,

Soltész, LLC

David Bickel, RLA  
Director of Planning

# **Additional Back-up – March 21, 2019**



Angela D. Alsobrooks  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Permitting, Inspections and Enforcement  
Site/Road Plan Review Division



MEMORANDUM

March 5, 2019

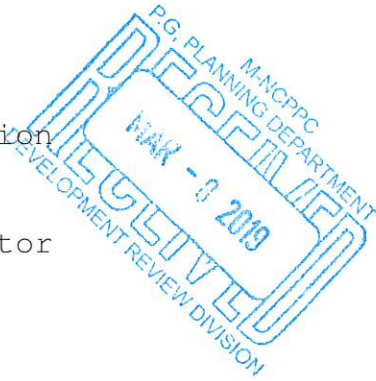
**TO:** Henry Zhang, Subdivision Review Section  
Development Review Division, M-NCPPC

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

**RE:** Townes at Peerless  
Detailed Site Plan No. DSP-18039  
Departure from Design Standards No. DDS-651

**CR:** Robert Crain Highway (US 301)

**CR:** Peerless Avenue



In response to the Detailed Site Plan No. DSP-18039 and Departure of Design Standard No. DDS-651 referrals, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The subject property is located on 15507 Peerless Avenue which is approximately 850 feet north of its intersection of Crain Highway (US 301) and Marlboro Pike (MD 725).
- US 301 is a State-maintained roadway; therefore, right-of-way dedication and roadway improvements will be required as determined by and coordinated with the Maryland State Highway Administration (SHA) as necessary.
- The proposed realignment of Peerless Avenue is the subject of this Infrastructure Preliminary Plan of subdivision. This roadway is to be constructed in accordance with the commercial and industrial roadway standard with a 70-foot right-of-way through the property frontage. The existing Peerless Avenue is to remain open to traffic until the proposed realignment is completed.
- The following requirements are to be provided as part of the proposed development plan:
  - The pavement width on Peerless Avenue must be 46' from US 301 to the first commercial site entrance (Parcel 1).

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774  
Phone: 301.636.2060 ♦ <http://dpie.mypgc.us> ♦ FAX: 301.925.8510

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- The pavement width on Peerless Avenue must have adequate transition from 46' to 36' from the first entrance to the northeastern corner of the property line marked as S 05° 25' 31" E 330.25.
  - Beyond the end of the development limits, the proposed 36-foot pavement is to be transitioned to meet the existing pavement.
- 
- Right-of-way dedication and frontage improvements along Peerless Avenue are required in accordance with DPW&T's Specifications and Standards,
  - The proposed Peerless Avenue relocated shall be designed to meet the County Standards. DPIE requests that the engineer provide road radii and cross sections to demonstrate compliance with public standards and compliance with ultimate Master-Planned roadway designation. Project shall be revised with plans that comply with these standards.
  - An access study shall be conducted by the applicant and reviewed to determine the adequacy of access points to the relocated Peerless Avenue.
  - The applicant shall demonstrate that the proposed access points provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for all intersections within the site.
  - Street construction permits are required for improvements within public roadway rights-of-way, and for the proposed private internal roadways. Maintenance of private streets is not the responsibility of Prince George's County.
  - All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).

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- Conformance with DPIE and/or DPW&T street tree and street lighting Specifications and Standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, may be required. In accordance with Section 23-141 of the Prince George's Road Ordinance, roadside trees will be required within the project limits.
- DPIE does not object the proposed DDS-651.
- The approved concept #31545-2018 needs to be updated or revised accordingly.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Full-width, 2-inch mill and overlay for all existing County roadway frontages are required.
- Floodplain delineation approval and floodplain easements are required. DPIE recommends that a floodplain delineation be processed immediately; and, if any grading extends into the floodplain, then this grading be removed out of the floodplain.
- The proposed development will require an approved DPIE site development - Fine Grading permit.
- This site contains Marlboro Clay (M.C.). The following comments/requirements must be addressed:
  - A Geotechnical Report for the site, roads and stormwater management (SWM) devices must be provided at the time of the submission of the concept and again at the time of grading permit.
  - Proposed ponds must be analyzed for geotechnical impacts on the proposed roads and structures in the vicinity.
  - Study shall include slope stability analysis and define 1.5 factor of safety line.



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- In general, stormwater management devices shall be located outside the M.C. areas, and at lower elevations than the M.C. bottom, if at all possible. Areas between M.C. and floodplain should be considered.
- Permit plans of both site grading, SWM devices and paving must comply with the recommendations of the Geotechnical Report. Roadways in the M.C. or within 1 foot from it, pavements and sub-base stone must be separated from the M.C. by at least 24" of compacted SM or more granular soil.
- Within the public right-of-way, M.C. is not allowed in the top 5 feet of backfill in utility trenches, even if M.C. was excavated from those trenches.
- The site vicinity should be evaluated for 3D limits of Marlboro Clay and for slope stability of 5H:1V and steeper slopes.
- Due to Marlboro Clay, field investigation, lab testing, engineering analysis, and preparation of Geotechnical reports and site plans shall all be in compliance.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at (301) 636-2060.

MCG:DW:dar

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE  
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