

May 2, 2023



Northern Real Estate Urban Ventures
1401 New York Avenue, NE
Washington, DC 20002

Re: Notification of Planning Board Action on
Conceptual Site Plan CSP-87128-02
Penn Place 1

Dear Applicant:

This is to advise you that, on **April 27, 2023**, the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-280 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**May 2, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: Hurlbutt, Jeremy Digitally signed by Hurlbutt, Jeremy
Date: 2023.05.02 15:22:52 -04'00'
Reviewer

Attachment: PGCPB Resolution No. **2023-42**
cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

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

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Residential, Multifamily-48 (RMF-48) Zone; and

WHEREAS, the applicant, Northern Real Estate Urban Ventures, L.L.C., submitted an application for approval of a conceptual site plan; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, except as otherwise provided in this Section, proposals or permit applications of any type for properties in all other zones of the County may utilize the prior Zoning Ordinance or Subdivision Regulations for development of the subject property; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on April 6, 2023, regarding Conceptual Site Plan CSP-87128-02 for Penn Place 1, the Planning Board finds:

1. **Request:** This conceptual site plan (CSP) approves a mixed-used development consisting of 168 multifamily units and 767 square feet of commercial space.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	RMF-48	Prior M-X-T
Use(s)	Vacant	Proposed Residential/ Commercial
Site Acreage	7.54	7.54
Gross Floor Area (GFA) (sq. ft.)		
Commercial/Retail	-	767
Residential	-	182,000
Total GFA (sq. ft.)		182,767
Total Residential Dwelling Units	-	168

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

Base Density Allowed	0.40 FAR
Total FAR Permitted	0.40 FAR
Total FAR Approved	0.12 FAR

3. **Location:** This property is located on the south side of Penn Crossing, approximately 800 feet west of its intersection with MD 4 (Pennsylvania Avenue), in Planning Area 75A, Council District 7.
4. **Surrounding Uses:** The site is bounded to the east by an undeveloped parcel in the Residential, Multifamily-20 (RMF-20) Zone; to the south by a commercial/retail center in the Commercial, General Office (CGO) Zone; to the west by MD 4, with multifamily in the RMF-20 Zone beyond; and to the north by townhomes in the Residential, Multifamily-48 (RMF-48) Zone.
5. **Previous Approvals:** This property was part of a larger 35.99-acre tract of land which was placed in the Mixed Use-Transportation Oriented (M-X-T) Zone, pursuant to adoption of the *Suitland-District Heights and Vicinity Sectional Map Amendment (SMA)* in 1986.

On March 24, 1988, the Prince George’s County Planning Board approved CSP-87128 (PGCPB Resolution No. 88-126) for the overall 35.99-acre property, inclusive of this parcel. The Board approved up to 550,000 square feet of residential with 550 multiplex units, 100,000 square feet of office or industrial uses, 6,000 square feet of retail space, and 6,000 square feet of day care, subject to 12 conditions. CSP-87128-01 was approved by the Board on December 12, 1991 (PGCPB Resolution No. 91-451) to reduce the 550 multiplex units to 200 townhouse units, with five conditions.

On November 29, 2021, the Prince George’s County District Council approved Resolution CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the M-X-T Zone to the RMF-48 Zone, effective April 1, 2022.

6. **Design Features:** This application is approved to develop the property as a mixed-use development project consisting of a maximum of 168 residential units, separated into four buildings, containing 42 units each, and 767 square feet of commercial space. The site will be accessed from Penn Crossing Drive, a fully improved roadway. The application approves two points of vehicular access to the site, both of which originate along Penn Crossing Drive. These access points will be further evaluated with the preliminary plan of subdivision (PPS) and detailed site plan (DSP) applications. The conceptual design shows the buildings fronting Penn Crossing Drive, with the parking concealed in the rear of the buildings.

The 767 square feet of commercial space is approved to be located on the first floor of one of the residential buildings, and it will be the offices of Project Community Capital (PCC). PCC is a social capital platform that connects people in affordable housing communities with jobs. PCC bridges the social capital of employment decision-makers of companies with individuals in

affordable housing communities. PCC ensures that subcontractors who have socio-economic goals can meet their requirements by connecting them with individuals who are “ready-to-work.” The illustrative plan provided shows the multifamily buildings, the location of the commercial component, and the proposed stormwater management devices.

Given the scale, configuration, and unit type of the approved development, there are ample opportunities for sustainable and green building techniques. The applicant shall apply those techniques, as practical, at time of the DSP. A condition has been included herein requiring the applicant to provide details on sustainable site and green building techniques that will be used in this development, at the time of the DSP.

Recreational facilities are approved on-site with this application and are represented as a 9,000-square-foot amenity area. The details of the amenity area were not provided with this application and will be evaluated with the PPS and DSP applications. The Planning Board supports the provision of on-site recreational facilities to fulfill the mandatory dedication of parkland requirement; however, the Planning Board recommends that the amenity area be more centrally located within the community. A condition to evaluate alternative locations for the amenity area is provided herein.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** This CSP has been reviewed for compliance with the requirements of the M-X-T Zone and site design guidelines of the prior Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the prior Zoning Ordinance, which governs uses in all mixed-use zones, as follows:
 - (1) The approved residential and commercial uses are permitted in the prior M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units shall be determined at the time of CSP approval. Therefore, development of this property would be limited to the numbers and types, as approved in this CSP, that cannot exceed 168 multifamily dwelling units.
 - (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X T Zone, as follows:
 - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2)**

out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

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

This CSP includes two types of uses, as required, including residential and commercial uses. These approved uses, in the amount shown, satisfy the mixed-use requirement of Section 27-547(d).

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

(a) Maximum floor area ratio (FAR):

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

A FAR of 0.12 is approved in this CSP. The optional method of development, which allows additional FAR on top of the base 0.40 FAR, was not utilized with this application. This will be evaluated further, at the time of DSP.

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

The applicant includes the uses on the prior M-X-T-zoned property, in multiple buildings, on a single lot.

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

This requirement is not applicable since this application is for a CSP. Subsequent DSP approvals will provide regulations for development on this property.

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

of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land use.

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

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

The FAR for the approved development, of up to 182,767 square feet on the 7.54-acre property, is 0.12. This will be refined further, at the time of DSP, relative to the final gross floor area of the buildings, in conformance with this requirement.

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

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

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

This CSP shows two access points on Penn Crossing Drive, a public street.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would**

create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use

Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

Townhouse uses are not shown on this site.

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

The height limit of the approved multifamily buildings will be further evaluated with the DSP.

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

This property was part of a larger 35.99-acre tract of land which was placed in the M-X-T Zone, pursuant to adoption of the SMA in 1986.

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

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

The approved development is in conformance with the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote the orderly development of land in the vicinity of major intersections, to enhance the economic status of the County. The approved development, consisting of residential and commercial uses, will provide increased economic activity in the

commercial centers surrounding the intersection of MD 4 and Silver Hill Road. As the development site is adjacent to these commercial centers, it will allow for a reduction of the number and distance of automobile trips, by constructing residential and nonresidential uses near each other. This CSP promotes the purposes of the M X-T Zone and contributes to the orderly implementation of the 2014 *Approved Plan Prince George's 2035 General Plan* (Plan 2035). In addition, one of the purposes of the M X-T Zone is to create compact, mixed-use, and walkable communities that emphasize pedestrian experience with active street fronts. This CSP contains a small commercial component within one of the multifamily buildings, and is designed with all of the buildings oriented toward the street, with parking designated behind the buildings to enhance the pedestrian experience.

- (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;**

This property was part of a larger 35.99-acre tract of land, which was placed in the M-X-T Zone, pursuant to adoption of the SMA in 1986. The site will be developed in a manner to support Plan 2035 and the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) goals by providing a mix of uses and a safe, attractive, walkable, vibrant community where people live, work, shop, dine, and recreate.

A continuous network of sidewalks exists along this property's road frontage. Design details, to ensure that this community meets these criteria and contributes to safe pedestrian access to area parks, retail, commercial, and institutional destinations, will be evaluated with the PPS and DSP.

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

The details of the orientation were not fully available at the time of CSP; however, based on conceptual plans provided, the approved development will be outwardly oriented, with the multifamily units oriented toward Penn Crossing Drive. Visually, this community will be integrated with existing surrounding communities and may serve to catalyze development on other undeveloped RMF-48, RMF-20, and CGO zoned properties nearby, contributing to the vibrancy of the community with development directed toward the road frontage, maintaining the existing network of sidewalks, and by being in close proximity to area amenities.

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

The surrounding areas are developed with various auto-oriented, commercial, and residential uses. The CSP is visually integrated with existing and future uses through the use of existing streets and pedestrian systems, which will be further illustrated at the time of DSP review.

(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 development is approved as four multifamily buildings, with a small commercial component integrated within one of the buildings. This community will be located on an existing fully improved public street, and it is this project's close proximity to existing commercial services that promotes an independent environment of continuing quality and stability. The location and design of the buildings will be further evaluated at the time of DSP review.

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

The applicant indicated, in the statement of justification, that phasing this development is not anticipated.

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

This requirement will be evaluated in detail at the time of PPS and DSP; however, the CSP shows that the multifamily buildings will be placed along the road frontage, with an existing sidewalk and lighting network in place.

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

The above finding is not applicable because the subject application is a CSP. Further attention shall be paid to the design of pedestrian and public spaces, at the time of DSP.

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

The property was placed in the M-X-T Zone by an SMA. A traffic study has been prepared which indicated that transportation facilities will be adequate to carry anticipated traffic for the approved development; however, an adequacy determination will be made at the time of PPS and will be evaluated, based on the approved uses with the application.

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

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

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

The subject property is 7.54 acres and does not meet the above acreage requirement. Furthermore, this CSP does not include development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The approved development concept provides a mix of new multifamily housing, townhouses, and commercial/retail uses designed to front on roadways. A connected circulation system for vehicles and pedestrians is also included. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed at the time of DSP.
- e. In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval, at the time of DSP. Detailed information regarding the methodology and procedures to be used, in determining the parking ratio, is outlined in Section 27-574(b). At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required for the development.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. This project is subject to the WCO and the Environmental Technical Manual (ETM). Type 1 Tree Conservation Plan TCP1-017-2022 has been submitted with the subject application and requires minor revisions, to be found in conformance with the WCO, which have been included as conditions herein.

The site contains a total of 5.82 acres of woodlands and no wooded floodplain. The site has a woodland conservation threshold of 15 percent, or 1.13 acres. The TCP1 shows 5.08 acres of woodland being cleared, resulting in a total woodland conservation requirement of 2.69 acres. The woodland conservation requirement will be met with 0.19 acre of on-site preservation, 0.41 acre of reforestation, and 2.09 acres of off-site credits.

Although this site has been part of several entitlement reviews, future applications shall continue to look for opportunities to provide additional areas of preservation and reforestation. This area of the County is generally underserved, in terms of green spaces, and providing additional green space on-site promotes the goals of the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*.

When calculated, the woodland conservation requirement is 2.69 acres. Based on the approved conservation and afforestation, the applicant requires 2.09 acres of off-site credits. The worksheet shall be verified, prior to signature approval of the TCP1.

Technical revisions are required to the TCP1, prior to certification of the CSP, in conformance with the conditions provided herein.

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

- a. **Prince George’s County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, 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 in TCC. This site is 7.54 acres and, therefore, requires 0.75 acre of TCC. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured, at the time of DSP.
 - b. **2010 Prince George’s County Landscape Manual**—This development, in the prior M-X-T Zone, will be subject to the requirements of the Landscape Manual, at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees Along Private Roads, of the Landscape Manual.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by reference:
- a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated February 6, 2023 (Bishop to Burke), which provided an evaluation of goals and strategies in the Plan 2035 and the Marlboro Pike Sector Plan, summarized as follows:

Plan 2035 places this application in the Established Communities Growth Policy Area, which is most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

The sector plan recommends enhancing streetscape conditions to encourage pedestrian activity that will help Marlboro Pike evolve into a thriving, community-oriented main street.

The sector plan recommends the use of crime prevention through environmental design principles to create an attractive and safe community and, if incorporated early in the design process, these strategies can be made compatible and seamless with the overall site development pattern.
 - b. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated February 13, 2023 (Heath to Burke), which noted that there are no prior final plats of subdivision recorded for this property. Final plats of subdivision will be required,

subsequent to approval of this CSP amendment and following approval of the new PPS and DSP, before any building permits may be approved for development of this site. The following comments were provided:

- (1) The property is located adjacent to MD 4, which is designated as a master plan expressway. A Phase I noise study was submitted with this CSP and will be required with the PPS, to demonstrate that any planned outdoor recreation areas and the residential dwelling units are not impacted by noise. While the CSP depicts the concept layout of multifamily buildings and the location of on-site recreational facilities, these will be finalized at the time of DSP, at which time Phase II noise studies will be required. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to no higher than that level for the affected area. All dwelling units exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.
- (2) The prior Prince George's County Subdivision Regulations require that all residential lots and parcels, adjacent to existing or planned roadways of expressway, freeway, or higher classification, shall be platted with a minimum depth of 300 feet, which is shown to be met by the subject proposal.
- (3) The CSP identifies locations for the approved on-site recreational facilities. The adequacy of any on-site recreational facilities to satisfy the mandatory dedication of parkland requirement, in accordance with the Subdivision Regulations, will be evaluated at the time of PPS. Recreational facilities shall include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.
- (5) The CSP shows two parcels for 168 multifamily dwelling units and 767 square feet of commercial development. The development is approved to be served by two driveways. The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application.

- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated February 22, 2023 (Ryan to Burke), which provided the following comments:

This property fronts Penn Crossing Drive along the north side of the approved development. The 2009 *Countywide Master Plan of Transportation* (MPOT) and the Marlboro Pike Sector Plan and SMA do not contain any right-of-way recommendations for Penn Crossing Drive.

A small portion of frontage is along Pennsylvania Avenue (MD 4, E-3). The MPOT and sector plan recommend this portion of Pennsylvania Avenue as a 4- to 6-lane expressway, with an ultimate right-of-way of 200 feet.

The extent and limits of the recommended master plan right-of-way, along the property's Pennsylvania Avenue frontage, are not shown on the CSP submission. Though master plan compliance is evaluated at the time of the PPS, the Planning Board requests that the CSP show the limits of any recommended right-of-way that impacts the site. A condition has been included herein, that the applicant update the CSP to show the extent and limits of the ultimate right-of-way, along the subject property's frontage of Pennsylvania Avenue.

This development case is subject to the MPOT, which recommends the following facilities:

Planned Side Path: Pennsylvania Avenue

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

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

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

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

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

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

Bicycle facilities, along Pennsylvania Avenue and Penn Crossing Drive, will be addressed at the PPS and DSP stage of development. In addition, to facilitate the MPOT policies regarding site-connected active transportation networks and complete streets, the Planning Board recommends that the site is served by an interconnected network of on-site bicycle and pedestrian facilities, which has been included as a condition herein. The exact location and details of all pedestrian and bicycle facilities shall be provided at the time of DSP.

- d. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated February 13, 2023 (Kirchhof to Burke), which provided an analysis of the CSP and TCP1, and comments are summarized, as follows:

Grandfathering

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 of the Prince George’s County Code that came into effect on September 1, 2010, because the application will require a new PPS.

Site Description

This 7.54-acre site is located just west of the MD 4 (Pennsylvania Avenue) and Penn Crossing Drive intersection. The site is bounded to the north by Penn Crossing Drive and to the south by an existing shopping center, which has frontage on MD 4. A review of the available information indicates that no streams or wetlands occur on the property. Steep slopes occur on the property, along the site edges. There is no potential forest interior dwelling species habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The site has frontage on MD 4, which is identified as a master plan freeway and is a traffic noise generator. The property is not adjacent to any roadways indicated as scenic or historic. The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map and is in the Established Communities area of the Growth Policy map, as designated by Plan 2035. The CSP is shown on the Generalized Future Land Use map as Mixed-Use (Plan 2035). According to the Green Infrastructure Plan, the site contains evaluation areas.

Environmental Review

Natural Resources Inventory/Environmental Features

An approved Natural Resources Inventory (NRI-132-2021) was submitted with the application. The site does not contain regulated environmental features (REF), such as steep slopes, streams, or wetlands. The site does not contain any specimen trees. No additional information regarding the NRI is required.

Stormwater Management

An unapproved site development concept plan was submitted with the current application. The submittal of an approved stormwater concept letter and plan will be required for subsequent development review applications and has been included as a condition herein. No further information pertaining to stormwater management is required.

- e. **Historic Preservation Section**—The Planning Board has reviewed and adopts the memorandum dated February 7, 2023 (Stabler, Smith, and Chisholm to Burke), which evaluated the site and determined that the site does not contain, and is not adjacent to, any

designated Prince George's County historic sites or resources. The site was previously graded. A Phase I archeology survey was not recommended.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the memorandum dated February 13, 2023 (Thompson to Burke), which supports the on-site recreational facilities provided, including outdoor active and passive amenities, to fulfill the dedication of parkland requirement.
 - g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this resolution, DPIE did not provide comments.
 - h. **Prince George's County Police Department**—As of the writing of this resolution, the Police Department did not provide comments.
 - i. **Prince George's County Fire/EMS Department**—As of the writing of this resolution, the Fire/EMS Department did not provide comments.
 - j. **Prince George's County Health Department**—The Planning Board has reviewed and adopts the memorandum dated January 23, 2023 (Adepoju to Burke), which provided an evaluation of area food resources and comments regarding noise and dust during the construction phases. These comments will be required to be placed on the DSP and has been included as conditioned herein.
11. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, approved with the conditions below, the CSP represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the approved development for its intended use.
12. Section 27-276(b)(4) of the prior Zoning Ordinance requires that, for approval of a CSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Subdivision Regulations. The approved Natural Resources Inventory (NRI-132-2021) identifies no primary management area or REF, such as streams or wetlands, on-site and no impacts are approved with this application. Therefore, regulated environmental features have been preserved and/or restored, to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-017-2022, and further APPROVED Conceptual Site Plan CSP-87128-02 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the conceptual site plan, the following revisions shall be made, or information shall be provided:

- a. Show the limits of the ultimate right-of-way along the subject property's frontage of MD 4 (Pennsylvania Avenue).
 - b. The type 1 tree conservation plan shall be revised, as follows:
 - (1) Revise the woodland conservation worksheet to indicate 2.09 acres of off-site credits.
 - (2) Correct the Soils table to be consistent with the approved natural resources inventory and indicate Beltsville-Urban land complexes and Udorhents-Urban land complex as the soils on-site.
 - (3) Revise General Note 8 to state "This site is located adjacent to Pennsylvania Avenue, a designated Star-Spangled Banner scenic byway."
 - (4) Revise General Note 9 to state "This property is adjacent to Pennsylvania Avenue which is classified as a freeway."
 - (5) Revise General Note 10 to state "This site is not grandfathered by CB-27-2010, Section 25-119(g)."
2. At the time of preliminary plan of subdivision (PPS), the applicant shall
- a. Explore opportunities to provide the amenity area at a more central location within the community.
 - b. Submit a new and approved Traffic Impact Study Scoping Agreement, as part of a new traffic impact study, to evaluate transportation adequacy as part of the PPS application.
 - (1) The Traffic Impact Study Scoping Agreement shall include all site access connections, consistent with the approved Conceptual Site Plan, CSP-87128-02.
 - c. Submit an operational and queuing analysis using *The Highway Capacity Manual* methodology for the proposed site access driveways along Penn Crossing Drive.
3. At the time of detailed site plan (DSP), the applicant shall:
- a. Provide details on sustainable site and green building techniques that will be used in this development.
 - b. Submit a parking analysis to determine the parking rate for the proposed development, which examines both the residential and commercial/retail uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.

- c. Submit a bicycle and pedestrian plan which displays the details, location, and extent of an interconnected network of on-site bicycle and pedestrian facilities.
- d. The following notes shall be placed within the general notes of the DSP:

“During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“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.”

- 4. Prior to issuance of any permits or acceptance of the detailed site plan, whichever comes first, the stormwater concept plan shall be approved and submitted with the Type 2 tree conservation plan.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 6, 2023, in Upper Marlboro, Maryland.


Adopted by the Prince George’s County Planning Board this 27th day of April 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

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APPROVED AS TO LEGAL SUFFICIENCY

A handwritten signature in black ink, appearing to read "D. Warner", is written over a light gray rectangular background.

David S. Warner
M-NCPPC Legal Department
Date: April 26, 2023