



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

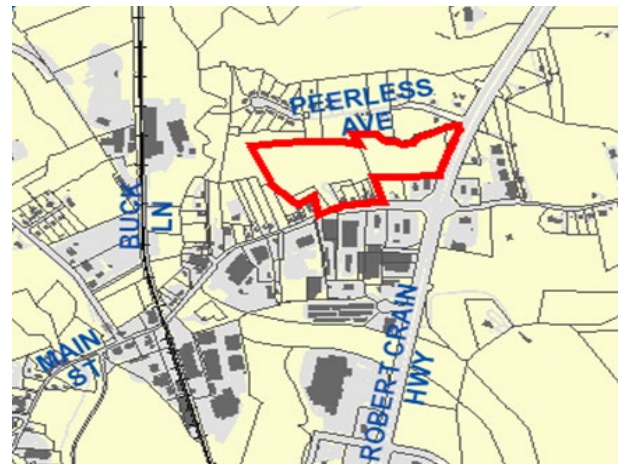
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# Detailed Site Plan Marlboro Gateway

# DSP-22019

REQUEST	STAFF RECOMMENDATION
To construct three buildings with 150 multifamily dwelling units, including 90 age-restricted units.	With the conditions recommended herein: <ul style="list-style-type: none"> <li>•Approval of Detailed Site Plan DSP-22019</li> <li>•Approval of Type 2 Tree Conservation Plan TCP2-046-2022</li> </ul>

<b>Location:</b> On the north side of MD 725 (Marlboro Pike), approximately 400 feet west of its intersection with US 301 (Robert Crain Highway).	
Gross Acreage:	19.76
Zone:	RMF-48
Prior Zone:	M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	150
Gross Floor Area:	188,502 sq. ft.
Planning Area:	79
Council District:	06
Municipality:	None
<b>Applicant/Address:</b> MBID of Delaware, LLC 5 Powell Lane Collingswood, NJ 08108	
<b>Staff Reviewer:</b> Mridula Gupta <b>Phone Number:</b> 301-952-3504 <b>Email:</b> Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	02/23/2023
Planning Board Action Limit:	03/01/2023
Staff Report Date:	02/08/2023
Date Accepted:	12/06/2022
Informational Mailing:	08/17/2022
Acceptance Mailing:	11/28/2022
Sign Posting Deadline:	12/07/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-22019  
Type 2 Tree Conservation Plan TCP2-046-2022  
Marlboro Gateway

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

**EVALUATION CRITERIA**

The property is within the Residential, Multifamily-48 (RMF-48) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1704(b) of the Zoning Ordinance, which allows for an approved project to continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved. The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Mixed Use-Transportation Oriented (M-X-T) Zone;
- b. The requirements of Conceptual Site Plan CSP-19001 and its amendment;
- c. The requirements of Preliminary Plan of Subdivision 4-21010;
- 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 analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** This detailed site plan (DSP) requests approval to construct three multifamily residential buildings with a total of 150 dwelling units. Of these, 90 are proposed as age-restricted dwelling units. There are four existing single-family detached dwelling units and their accessory structures on the property, which will be razed.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	RMF-48 (Prior M-X-T)	RMF-48 (Prior M-X-T)
Use(s)	Single-family Residential; Vacant	Multifamily Residential
Gross Tract Acreage	19.76	19.76
Total Parcels	6	5
Total Lots	3	0
Total Gross Floor Area	0	188,502 sq. ft.
Residential	3,228*	188,502 sq. ft.
Non-residential	0	0
Total Dwelling Units		150
Parcel 1, Building 2	-	36
Parcel 2, Building 1	4 (to be razed)	90
Parcel 3**	-	-
Parcel 4**	-	-
Parcel 5, Building 3	-	24

**Note:** \*The total gross floor area of the four single-family detached dwelling units on the property is approximately 3,228 square feet, based upon available tax records.

\*\*Parcels 3 and 4 are proposed for future commercial use, to be approved under a future DSP.

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

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	0.37-1.13 FAR
Total FAR Proposed:	0.22 FAR*

**Note:** \*Pursuant to Section 27-548(e) of the prior Prince George’s County Zoning Ordinance, the proposed floor area ratio (FAR) shall be calculated based on the entire property, as approved with the conceptual site plan (CSP). CSP-19001, which includes a net area of 12.85 acres, permitted a total FAR of 0.37–1.13. The proposed FAR on the coversheet of the DSP is listed as 0.22 in one table, and as 0.37 in another table. The total gross floor area of all three multifamily buildings is not provided on the DSP, and should be provided to support the proposed FAR. Additional information provided by the applicant reveals that the total gross floor area of the buildings is as follows:



<b>Building</b>	<b>Gross Floor Area</b>
Building 1	111,115 sq. ft.
Building 2	48,165 sq. ft.
Building 3	29,222 sq. ft.
Total	188,502 sq. ft.

Therefore, the proposed FAR calculates to 0.34, which is below the 0.37–1.13 FAR permitted. The correct FAR shall be reflected on the DSP, prior to its signature approval.

### Other Development Data

#### Parking Requirement\*

<b>Use</b>	<b>Requirement</b>	<b>Proposed</b>
Multifamily Residential**		
90 Age-restricted Units (0.66 per dwelling unit)	60	56
13 One-bedroom Units (2.0 per dwelling unit)	26	107
29 Two-bedroom Units (2.0 per dwelling unit + 0.5 per bedroom in excess of 1 per unit)	73	
18 Three-bedroom Units (2.0 per dwelling unit + 0.5 per bedroom in excess of 1 per unit)	54	
Total Parking Required	<b>213</b>	
<b>Total Parking Provided</b>		<b>163*</b>
Standard parking spaces 9.5' x 19'		112
Compact parking spaces 8' x 16.5'		39 (up to 1/3 of total spaces)
Handicapped parking spaces	9	12
Van Accessible	2	4
Bicycle Parking	-	38

**Note:** \*Section 27-574 of the prior Zoning Ordinance states that the number of parking spaces required for developments in the Mixed Use-Transportation Oriented (M-X-T) Zone is to be calculated by the applicant and submitted to the Prince George's County Planning Board for approval, at the time of DSP. This application provides a shared parking analysis, which also includes a parking schedule based upon minimum requirements, per Section 27-568(a)(5)(A) of the prior Zoning Ordinance. The DSP proposes 163 parking spaces in accordance with this shared parking analysis. Staff analysis of the applicant's proposed parking schedule is provided in Finding 13b.

\*\*The Parking Requirement Table on the coversheet lists 90, one-bedroom units; 36, two-bedroom units; and 24, three-bedroom units. The table should be corrected to list the correct number of different types of dwelling units.

**Loading Spaces** (per Section 27-582(a) of the prior Zoning Ordinance)

	<b>Required</b>	<b>Provided</b>
Multifamily Residential	1	1
Total	1	1

3. **Location:** The subject site is located on the north side of MD 725 (Marlboro Pike), approximately 400 feet west of its intersection with US 301 (Robert Crain Highway). The site is located on Tax Map 93 in Grids A-4 and B-4 and is within Planning Area 79. The property consists of seven acreage parcels known as Parcels 102, 103, 104, 106, 107, 108, and 146, as well as part of three lots known as Lots 1 and 2 and Lot 17 (previously recorded in Plat Book LIB A on page 123), which are recorded in Liber 40122 folio 396 of the Prince George’s County Land Records. The 19.76-acre property is in the Residential, Multifamily-48 (RMF-48) Zone. The site is improved with four single-family detached dwellings and their accessory structures, which are to be razed.
  
4. **Surrounding Uses:** North of the project site are the approved Townes at Peerless mixed-use project (Preliminary Plan of Subdivision (PPS) 4-18004) and existing single-family detached homes. Like the subject property, these properties to the north are in the RMF-48 Zone (formerly in the M-X-T Zone). The site is bound to the east by US 301, with a single-family detached home and an industrial use beyond, in the Agricultural-Residential and the Commercial, Service Zones, respectively (formerly in the Residential-Agricultural and Commercial Miscellaneous Zones). The site is bound to the south by MD 725, with various commercial uses in the Industrial, Employment Zone (formerly in the Light Industrial Zone) beyond. Southeast of the site, between the site boundary and the intersection of US 301 and MD 725, are a single-family detached dwelling, a food or beverage store, and a gas station all in the RMF-48 Zone (formerly in the M-X-T Zone). To the west of the site are single-family detached homes and a pond, which are also in the RMF-48 Zone (formerly in the M-X-T Zone), and part of the pond extends onto the subject site.
  
5. **Previous Approvals:** The site is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan). The subject property was rezoned to the M-X-T Zone as part of Change Number 4 of the sectional map amendment of the master plan (Prince George’s County Council Resolution CR-83-2013).

The site is subject to CSP-19001 (PGCPB Resolution No. 2020-128), which was approved by the Planning Board on July 23, 2020. The Prince George’s County District Council elected not to review the CSP. The CSP covers 20.98 acres and approved 100–265 multifamily dwelling units, 1,200–75,000 square feet of commercial gross floor area, and 5,000–30,000 square feet of office gross floor area.

Subsequent to the CSP, PPS 4-21010 was approved by the Planning Board on July 7, 2022 (PGCPB Resolution No. 2022-83). This PPS approved 5 parcels for development of 150 multifamily dwelling units and 10,000 square feet of commercial development. The

development in the PPS falls within the approved ranges and utilizes 19.76 acres of the 20.98 acres included in the CSP. Parcel 101, an existing acreage parcel between the site and the intersection of US 301 and MD 725, was included in the CSP, but was not included in the PPS. Of the five parcels, Parcels 1, 2, and 5 were approved for residential multifamily development, while Parcels 3 and 4 were approved for commercial development. The PPS identified the commercial development as consisting of two 5,000-square-foot fast food restaurants (eating or drinking establishments), each with their own drive-through; however, the commercial development is not included in this DSP application. Parcels 3 and 4 will be the subject of a future DSP, at which time the commercial use may change since the end users have not yet been identified for the commercial parcels.

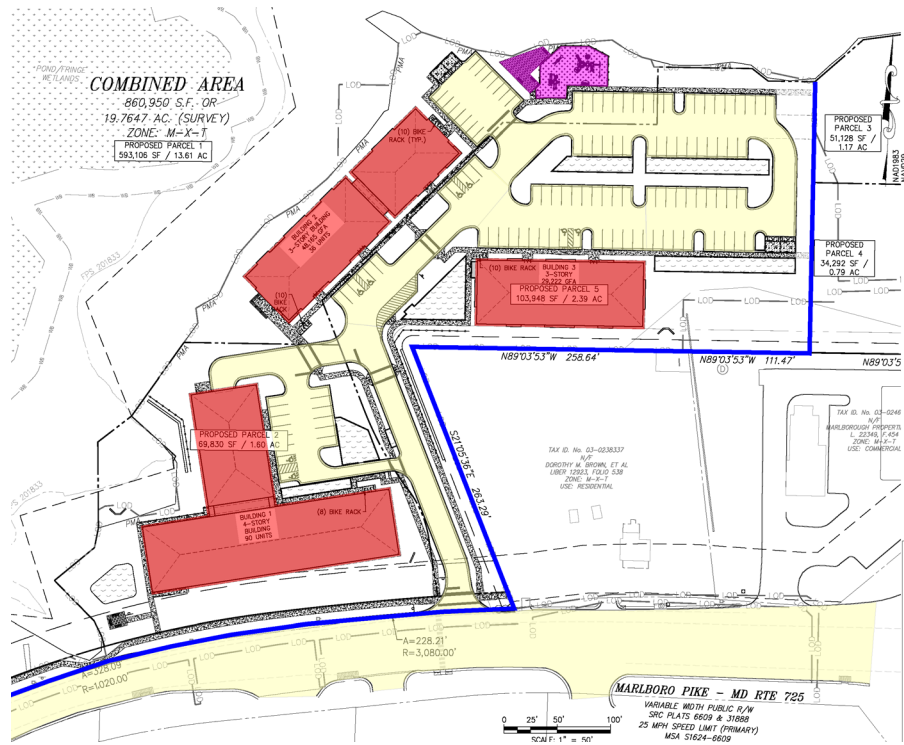
**6. Design Features:**

The application proposes three multifamily buildings for a total of 150 dwelling units. Building 1 has 90 age-restricted units, Building 2 has 36 dwelling units, and Building 3 has 24 dwelling units. All the apartments in Building 1 will be income-restricted and reserved for individuals and families with various income levels up to 80 percent of the Area Median Income (AMI) in the Washington Metropolitan Area. Of the 60 dwelling units proposed in Buildings 2 and 3, nine will be market rate, and the remaining 51 will be reserved for income-restricted individuals and families with various income levels up to 80 percent of the AMI in the Washington Metropolitan Area.

Building 1 will be five stories high and approximately 59 feet in height, with a below-grade parking level for residents that is accessible via the northern side of the building. Building 2 is three to four stories high, and Building 3 is three stories and approximately 37 feet in height. However, the Lot Requirements Table on the DSP coversheet lists the maximum building height to be 35 feet. This should be corrected prior to signature approval of the DSP.

The buildings are located on three individual parcels, on the most developable portion of the property, while minimizing disturbance to the existing environmental features. Building 1 is a T-shaped building oriented towards MD 725 and is located approximately 33 feet from the public right-of-way. Buildings 2 and 3 are located behind Building 1 and oriented to allow for provision of a common access driveway to MD 725. Several surface parking lots are designed in close proximity to the buildings, and a structured parking area is proposed on the lower floor of Building 1. The site design shows pedestrian connections from the public right-of-way to each of the buildings, parking lots, and recreational amenities. Future vehicular and pedestrian connections are indicated for Phase 2 of the development, which will consist of commercial/retail uses and be located closer to US 301.

The site plan shows three retaining walls located near Buildings 1 and 2 to accommodate the steep topography of the site. These walls vary from 2 to 19.6 feet in height and are proposed to be constructed of modular concrete blocks. However, the detail for these retaining walls does not specify the color of the concrete blocks. A condition has been included herein, requiring that the color of the retaining wall blocks match the color of the masonry brick used in the buildings.



**Figure 1: Site Plan**

### Architecture

The proposed multifamily buildings will be developed with a common architectural style that is visually distinct from existing commercial developments in the area, but compatible to other residential uses. The architecture proposed for the multifamily buildings employs brick, fiber cement panels, and synthetic PVC siding of coordinating colors with a variety of architectural features such as Juliet balconies, canopies, projections, and contrasting trim. The first floor of all three buildings is finished with masonry brick in a textured, warm tan color to provide interest at the pedestrian level. The window and door sills and the top of first floor are accentuated with a soldier course of brick. The upper floors are finished with a dark, olive-green siding. Projections are provided at regularly spaced intervals, faced with light-colored fiber cement panels, and help break up the horizontal mass of the building. While Buildings 2 and 3 are provided with regular and Juliet balconies, these were not proposed for Building 1 due to safety concerns for the age-restricted units.



**Figure 1: View North from Marlboro Pike**





**Figure 2: View Southwest from Play Area**



**Figure 3: Building 1 - Western Elevation**



**Figure 4: Building 2 - Northwestern Elevation**



**Figure 5: Building 3 – Southern Elevation**

### **Recreational Facilities**

Recreational facilities for the project are provided on-site and include a large and small playground, a sitting area with benches, and an accessible swing. Details have also been provided for fitness centers within the buildings; however, the fitness centers are not listed on the DSP coversheet as part of the required recreational amenities. It is noted that one of the buildings is proposed for senior living, thus adequate facilities shall be provided to suit the variety of ages and interests proposed with this development. Since 60 percent of the dwelling units are proposed to be for the elderly, recreational amenities should be provided commensurate with the number of these units. The architectural floor plans included for Building 1 show several other recreational amenities provided for seniors, including a community room, a game/meeting room, a library, and a craft room. Along with the fitness room, these are desirable and appropriate recreational amenities for seniors and should be included in the recreational facilities provided.

The play area is proposed to be approximately 2,500 square feet in area, with two sets of pre-manufactured play equipment structures. Based upon the information provided on the manufacturer's website, one of the play structures is designed for children in the 2–5 years age group, and the other is designed for pre-teen children in the 5–12 years age group. The two play structures are also physically separated to provide an adequate safety zone. Both these play structures are Americans with Disabilities Act (ADA) compliant. In addition, the play area also includes an accessible swing. However, the detail of the equipment is low-quality and lacks clarity. The detail shall be revised to provide an improved image quality. The 1983 *Parks and Recreation Facilities Guidelines* states that the minimum area required for a tot lot is 2,400 square feet, and for a pre-teen lot is 5,000 square feet (page 42). This development, however, proposes only 150 dwelling units, of which 90 will be age-restricted. Therefore, the area and equipment proposed for the play area is appropriate for the number of toddlers and pre-teens projected for this development.

The detailed plan of the tot lot depicts engineered wood fiber as the surfacing of the play area. However, the cost estimate provided on the coversheet lists rubber surfacing. Staff finds that rubber surfacing is safer, more durable, and more desirable than engineered wood fiber surfacing. Therefore, the details shall be revised to specify rubber surfacing for the play area, prior to signature approval of the DSP.

The DSP also includes details for trash receptacles. The site plan, however, does not indicate the location(s) where these trash receptacles will be provided. At a minimum, trash receptacles should be provided near the picnic tables and the play area, and along the pedestrian paths close to building entrances.

The DSP proposes two seating areas for passive recreation. A small seating area, approximately 220 square feet in area, is proposed between Building 1 and MD 725. This seating area is accessible via a pedestrian path from both Building 1 and the public sidewalk fronting MD 725. Dense planting of evergreen and shade trees is proposed to shelter this seating area from the public street. However, this area is subject to nuisance noise levels due to proximity to MD 725 and should be removed. A second, larger seating area of approximately 930 square feet is proposed near the play area. This seating area provides seating benches and picnic tables. The surface of this seating area is proposed to be permeable pavement for which a detail has been provided in the DSP. The permeable pavement appears to be constructed of open pavers, which could be of concern for not being ADA-compliant. A note shall be added to the detail of permeable pavement, stating that the surface will be ADA-compliant. The site plan should also be revised to provide a detail for the proposed picnic tables.

Along with revisions to the required recreational facilities, appropriate timing for construction should also be specified on the DSP coversheet. The trigger for construction of all recreational facilities is listed as prior to the use and occupancy permit for the second multifamily building. The applicant has stated that all three multifamily buildings will be constructed simultaneously, and the construction will not be phased. Therefore, all recreational facilities provided internal to the buildings shall be constructed and inspected for completeness prior to issuance of the final certificate of occupancy for each of the respective buildings in which they are located. For the outdoor seating area and play area, which mostly serve Buildings 2 and 3, they shall be constructed and inspected prior to issuance of the final certificate of occupancy for Building 2 or Building 3, whichever comes first.

### **Lighting**

The photometric plan submitted with this application proposes contemporary light-emitting diode (LED) fixtures on a 25-foot-high pole, and silver-colored wall-mounted LED fixtures, which provide adequate lighting levels on the driveways, pedestrian paths, and parking areas. Details of the proposed lighting fixtures and photometrics are provided on the DSP. The details which include product data sheets, however, do not correspond to the luminaire type listed in the schedule on the photometric plan. In addition, the product data sheet for the 25-foot-high pole, including color selection, is missing. Correct product data sheets should be provided for the proposed luminaires, and the part number highlighted clearly.

### **Signage**

The applicant proposes one entrance sign near the access driveway to MD 725, in addition to directional and parking signs. The entrance sign is 41-inches-high and 109-inches-wide and is an internally-lit aluminum cabinet, with red and black acrylic lettering against a tan background. A 24-inch by 36-inch interpretive sign was required by a condition of approval of the PPS and provides a brief history of the Sugar Hill Community that was established in the area after the Civil War. This sign is proposed to be located near a seating area close to MD 725, but should be relocated closer to the proposed play area and the larger seating

area proposed central to the community, so that the maximum number of residents have the opportunity to read it. The sign should also be adequately illuminated at night. The proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served.

**Loading and Trash Facilities**

One loading space is proposed on the site for the multifamily buildings. The loading space is located central to the development and accessible from the shared driveway and meets the required number of spaces. Trash facilities are provided at each of the multifamily buildings. While these are located outdoors for Buildings 2 and 3, the trash facility will be located internal to Building 1. The loading space and the trash facilities are appropriately screened from the public rights-of-way by the buildings, wall enclosures, and landscaping.

**COMPLIANCE WITH EVALUATION CRITERIA**

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

a. The subject application is in conformance with the requirements of Section 27-547 of the prior Zoning Ordinance, which governs permitted uses in the M-X-T Zone. The application proposes three multifamily buildings for a total of 150 dwelling units. Building 1 proposes 90 age-restricted units; Building 2 proposes 36 dwelling units; and Building 3 proposes 24 dwelling units. Multi-family residential dwelling units are permitted in the M-X-T Zone. Section 27-547(d) of the prior Zoning Ordinance requires at least two out of the following three categories of uses be present in every development in the M-X-T Zone:

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

The overall Marlboro Gateway development, which includes the subject site, is approved for a mix of uses including office, commercial/retail, and residential, thus conforming to 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 DSP’s conformance with the applicable provisions is discussed, as follows:

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

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



CSP-19001 uses the optional method of development for the project by proposing a residential component of more than 20 units as part of the overall Marlboro Gateway development. This increases the permitted FAR by 1.0 above the base of 0.40. Therefore, 1.40 FAR is permitted for the overall development. The proposed FAR for this development is 0.34; and therefore, is below the allowed 1.40 FAR for the entire area of the CSP, and below the range of 0.37–1.13 FAR approved with the CSP. Staff notes that the commercial portion of the overall development is not yet proposed and will be the subject of a future DSP. This standard will be evaluated again with this future 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 overall development proposes multiple uses in more than one building and on more than one lot, as allowed.

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

The site plans indicate the location, coverage, and height of all improvements, in accordance with this regulation.

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

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening are required to satisfy the purposes of the M-X-T Zone. The landscape requirements are discussed in detail in Finding 10.

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

The FAR for the proposed development for the area of the CSP is 0.34, which is calculated, in accordance with this requirement.

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

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

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

All development parcels have frontage on and direct access to public streets, or as determined in PPS 4-21010. The subject property fronts MD 725 (Marlboro Pike) to the south and US 301 (Robert Crain Highway) to the east. All vehicular access to the site will be provided along MD 725. Additional right-of-way dedication is provided along MD 725. Also, an access easement, in accordance with Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, was approved with PPS 4-21010 due to the site layout preventing each parcel from having frontage on and direct vehicle access to a public street. Further discussion of access to the development parcels is provided in Finding 13b.

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

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

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

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

The maximum height of the three proposed multifamily buildings is approximately 59 feet, which is less than the maximum allowed height of 110 feet. Therefore, this requirement is met.

- (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).**

The subject property was placed in the M-X-T Zone through the sectional map amendment of the master plan approved after October 1, 2006. However, no specific design guidelines were approved with the master plan for this property. As discussed below, the master plan has a specific vision for this property that is consistent with the development proposed in this DSP.

- 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 DSP in the M-X-T Zone, as follows:

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

Conformance to the purposes of the M-X-T Zone was found with the CSP approval and is adopted herein by reference (PGCPB Resolution No. 2020-128). The proposed development of multifamily uses does not change that previous finding. The subject application is consistent with the prior approvals and promotes the creation of a walkable, mixed-use development.

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

The subject site was rezoned to the M-X-T Zone through the sectional map amendment of the master plan, which does not specifically provide design guidelines for the subject property; however, the master plan identified the subject site within a mixed-use area and a gateway to the Town of Upper

Marlboro. Further discussion regarding the vision for this property in the master plan is provided in Finding 13e.

- (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 environmental features have greatly impacted the overall layout and configuration of the subject property. Nevertheless, the applicant proposes to construct the age-restricted building as close as possible to MD 725, while shielding its surface parking from view in the hope of creating an attractive and desirable streetscape.

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

The proposed residential units are compatible with the existing commercial retail and residential uses in the area. Many of the residential uses are older and dilapidated. These new and modern apartments will serve as a catalyst for additional redevelopment of older residential uses to the west along MD 725.

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

The subject DSP includes amenities for the residents and creates a cohesive development. The site layout and configuration of the proposed residential development is consistent with CSP-19001 and reflects a cohesive development to the maximum extent practicable given the environmental constraints imposed on the development. Public amenity space and recreational areas are convenient to each building, and parking areas are close to the buildings. The proposed development in this DSP has been designed in anticipation of additional uses and structures that will be developed in future phases of the project.

- (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 residential development proposed with this DSP will be completed in one phase and integrated into the overall development which consists of two phases. Each phase is proposed to be a self-sufficient entity while allowing for seamless integration. The proposed development in this DSP has been designed in anticipation of additional uses and structures that will be developed in the next phase of the project.

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

A comprehensive internal sidewalk network is proposed for the development, which includes sufficient crossing opportunities for pedestrians, and connects the proposed residential buildings with each other and with MD 725.

- (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 DSP proposes amenities throughout the site, with attention to the quality and human-scale of these facilities which include site furniture, trash receptacles, and seating.

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

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

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

The governing PPS 4-21010 was approved by the Planning Board on July 7, 2022, at which time a finding of adequacy was made for the proposed development.

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

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

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

The methodology in Section 27-574(b) requires that parking be computed for each use in the M-X-T Zone. This application provides a shared parking analysis for each type of dwelling unit, and the parking provided on-site is sufficient for the proposed development because it surpasses the number of parking spaces required, pursuant to the shared parking analysis.

- 8. Conceptual Site Plan CSP-19001:** CSP-19001 was approved by the Planning Board on July 23, 2020. The conditions of CSP 19001, relevant to the subject DSP, are as follows:

- 1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:**
- d. **Show conceptual pedestrian access arrows crossing MD 725 (Marlboro Pike) at the conceptual entrance of the proposed development, and between all pods on the site and adjacent properties along MD 725 (Marlboro Pike), subject to the final locations and design at the time of DSP and subject to applicable permitting agency approval.**
- e. **Provide conceptual pedestrian access along both sides of the internal driveways and roads, and between the buildings and the parking lots on the subject site.**

The applicant's submission displays a pedestrian crosswalk along MD 725, adjacent to the site access driveway. The DSP indicates that the crosswalk is subject to the approval and permitting of the operating agency, and staff agrees given that

additional analysis is needed to determine if a mid-block crosswalk at this location is warranted. However, as a condition of approval, staff recommends that at the time of building permit, the applicant provides a letter from the operating agency indicating if a mid-block cross walk is warranted, will be permitted, and if there are financial assurances for construction. If the mid-block crosswalk is not warranted by the operating agency, then the applicant shall instead provide written correspondence with this information at the time of permit.

Pedestrian access has been provided within the site, between all driveways, buildings, and parking lots. In addition, staff requested the applicant provide pedestrian access to the easternmost bounds of the subject site, to facilitate inter-parcel connection with the future phase of the development and in keeping with the requirements provided in Condition 1.d. The applicant's plans accurately display this pedestrian connection, in accordance with the referenced condition of approval. However, a notation has been added to the plans which reads "possible point of vehicle and pedestrian access for future development." Staff requests that the applicant remove this notation and show the proposed inter-parcel connections as permanent features. This will ensure that the pedestrian connections are built with this phase of development and will facilitate a future connection when the second phase of this project is built.

**3. At the time of detailed site plan, the applicant shall:**

**a. Submit a list of sustainable site and green building techniques that will be used in this development.**

The applicant submitted a list of sustainable site and green building techniques proposed to be used in this development. The list includes techniques to conserve energy, protect water quality, and promote a healthy landscape and a healthy and safe lifestyle. All three proposed buildings will meet the American Society of Heating, Refrigerating and Air-Conditioning Engineers standards for lighting, and meet energy efficiency standards for low-rise residential, including appliances, water heaters, and air conditioners. Buildings 2 and 3 are also proposed to have tankless water heating systems. All buildings will meet or exceed Leadership in Energy and Environmental Design (LEED) Silver certification.

**b. Consider providing commercial/retail, office uses, and/or other public-oriented functions at the street level fronting MD 725 (Marlboro Pike) to activate the street.**

In their statement of justification, the applicant states that consideration was given to providing commercial/retail, office uses, and/or other public-oriented functions at the street level fronting MD 725, but for a myriad of factors, this option was not feasible. First, the available area for nonresidential/public-oriented functions to be located at street level fronting MD 725 is greatly diminished due to existing environmental features. Furthermore, the CSP includes the abutting Parcel 101 within its boundaries, but this parcel was later excluded from the PPS and the subject DSP. Removing Parcel 101 from the development resulted in losing



approximately 200 feet of frontage onto MD 725. The applicant also states that the residential component is necessary to be developed prior to commercial development, in order generate demand and capital for future commercial users. Finally, residential uses are more appropriately located fronting onto MD 725 than US 301, given the anticipated level of noise that is generated from US 301. Thus, when these factors were considered holistically, it is most appropriate for residential uses to front along MD 725, in the limited space that is available. Nevertheless, the applicant proposes frontage improvements along MD 725, such as a sidewalk and street trees to activate the street.

4. **Prior to the approval of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George’s County Zoning Ordinance, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

**US 301 at MD 725 intersection**

- a. **Provide three through lanes, a double left-turn lane, and a right-turn lane, at the northbound approach.**
- b. **Provide four through lanes, a left-turn lane, and a right-turn lane, at the southbound approach.**
- c. **Provide two through lanes, a right turn, and a left-turn lane, at the westbound approach.**
- d. **Provide two left-turn lanes, a shared left-through lane, and a right-turn lane, at the eastbound approach.**

The above referenced condition of approval was not modified with the PPS. The condition remains and will be addressed at the time of building permit.

9. **Preliminary Plan of Subdivision 4-21010:** On July 7, 2022, the Planning Board approved PPS 4-21010 with 29 conditions (PGCPB Resolution No. 2022-83). The relevant conditions are discussed, as follows:

2. **A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.**

The proposed development conforms to PPS 4-21010.

3. **Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 2715-2020-00, and any subsequent revisions.**

The subject DSP is in conformance with the approved Stormwater Management (SWM) Concept Plan revision, 2715-2020-01.

**4. Prior to approval, the final plat of subdivision shall include:**

**a. The granting of public utility easements along the public rights-of-way.**

Public utility easements are shown along all public rights-of-way on the DSP. Conformance to this condition will be further reviewed prior to approval of the final plat.

**b. The delineation of the access easement approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, with locations as shown on the approved detailed site plan.**

The access easement is delineated on the DSP and will be required to be delineated on the final plat, pursuant to this condition.

**c. Labels showing denial of access to MD 725 (Marlboro Pike) and US 301 (Robert Crain Highway), except at the single approved driveway access location on each street.**

The DSP includes the singular access along MD 725. The US 301 access is not proposed at this time, as this DSP does not include development for that area; however, an easement for the singular access to US 301 is shown. Conformance to this condition will be further reviewed prior to approval of the final plat.

**d. Dedication of 35 feet of public right-of-way from the centerline of MD 725 (Marlboro Pike), as shown on the approved preliminary plan of subdivision.**

The DSP shows an additional 15 feet of right-of-way dedication from the existing property boundary. However, the centerline of MD 725 and dimensions from the centerline should be provided on the DSP, to ensure that the dedication is 35 feet from the centerline. Conformance to this condition will be further reviewed prior to approval of the final plat.

**5. Prior to approval of a raze permit for any of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures shall be thoroughly documented on a Maryland Inventory of Historic Properties form.**

This condition is still outstanding. Prior to the demolition of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures should be thoroughly documented on Maryland Inventory of Historic Properties forms.

6. **Because of the significance of the archaeological findings at the Phase I level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of detailed site plan and shall be subject to approval by the staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to issuance of the final building permit for the development.**

The location and wording of the signage is provided by the applicant on Sheet 19 of the DSP. The proposed interpretive signage provides a brief history of the Sugar Hill Community that was established in the area after the Civil War, and its location is at a seating area near a sidewalk that leads into the proposed development. A portion of the community was comprised of people who were formerly enslaved on nearby plantations. The applicant should continue to work with Historic Preservation staff on the exact wording of the signage prior to its installation.

7. **In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees, shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**
8. **The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall be determined at the time of DSP.**

Proposed recreational facilities include a large and small playground, a sitting area with benches, and an accessible swing. Details have also been provided for fitness centers within the buildings, however, the fitness centers are not listed on the DSP coversheet as part of the required recreational amenities. It is noted that one of the buildings is proposed for senior living, thus adequate facilities shall be provided to suit the variety of ages and interests proposed with this development. Along with revisions to the required recreational facilities, appropriate timing for construction should also be specified on the DSP coversheet.

11. **The detailed site plan shall show the position of the driveways and private access easements approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, which serve the development.**

The DSP delineates the final position of the driveways for the multifamily development and private access easement, pursuant to Section 24-128(b)(9), from MD 725 to US 301. However, Parcels 3 and 4, which were approved for commercial uses, are not yet proposed for development. The driveway configuration for Parcels 3 and 4 will need to be shown on a future DSP application and may result in adjustments to the access easement within the site.

- 13. Total development within the subject property shall be limited to uses which generate no more than 249 AM peak hour trips and 212 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The applicant submitted a trip generation memorandum as part of the DSP application, to demonstrate conformance to the approved trip cap. It should be noted that Condition 13 of PPS 4-21010 established transportation adequacy with a proposed development of 150 multifamily dwelling units and 10,000 square feet of commercial use. The subject application only considers the residential component of the PPS, specifically the 150 multifamily dwelling units. Staff finds that the subject DSP is within the trip cap established with 4-21010.

- 14. Prior to issuance of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$361.50 (in 1999 dollars) per dwelling unit for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.**

The above referenced condition of approval remains and will be addressed at the time of building permit. Cost escalation and specific per unit fees are discussed in greater detail with Condition 16 below.

- 15. Prior to issuance of any commercial building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$29.52 per square foot of gross floor area for nonresidential uses (in 1999 dollars), up to a maximum total fee of \$295,155.39 (in 1999 dollars) for the overall commercial development. The fee is for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. This cost will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.**

As discussed above, the subject application only considers residential uses. When the commercial portion is proposed, the above referenced condition of approval will remain and will be addressed in further detail with Phase 2 of the development.

- 16. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each detailed site plan.**

As part of the DSP application, the applicant provided a traffic impact study which contains a cost breakdown of the applicant's contributions to the Capital Improvement Program (CIP) along US 301. A pro-rata CIP fee of \$367.51 per

dwelling unit is proposed for Phase 1 to support the costs of CIP improvements. Staff supports this finding and recommends as a condition of approval that the applicant provide a total of \$55,126.50 for the phased development of the subject DSP. These costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of issuance of each permit. All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by DPIE or the Prince George's County Department of Public Works and Transportation.

17. **Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a signal warrant analysis for the site access and MD 725 (Marlboro Pike) intersection. If the signal is deemed warranted and approved, a signal shall be provided in accordance with the Maryland State Highway Administration standards.**
  - a. **If the development is phased, the applicant shall provide a phasing plan (with adequate justification), as part of future detailed site plans, to show the phasing of the aforementioned transportation improvement relative to the development of the site. The phasing plan shall also show, in support of the determination of whether the signal is warranted, when each access point to the site will be provided. A determination shall be made at the time detailed site plan as to when the access points will be provided and when the signal improvement shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.**

The traffic impact study also includes an analysis to demonstrate the phasing of transportation improvements to the phased development for the subject DSP which includes level of service results for intersections that will be impacted by the proposed development. Please note that the traffic impact study considered the same study area that was scoped and accepted by staff as part of the PPS approval. Specific to the site access and MD 725 intersection, the applicant has demonstrated that Phase 1 of the development will result in a Highway Capacity Manual (HCM) delay (during the PM peak period) of 0.7 seconds on the eastbound approach and 40.8 seconds on the southbound approach. For unsignalized intersections such as this, an intersection is deemed adequate if the HCM delay is less than 50 seconds for all movements. The traffic impact study concludes that the phased development of the subject DSP will not trigger the need for a traffic signal at the site access/MD 725 intersection. Staff finds the applicant has demonstrated that a signal is not required with the subject application.

The traffic impact study submission showed that the signal will be needed and warranted when the remaining portion is developed with the commercial density. At the time of Phase 2, the applicant will be required to submit a signal warrant analysis prior to the first building permit, as set forth in Condition 17.

- 18. Prior to the acceptance of the detailed site plan, the applicant shall provide an analysis to demonstrate that the proposed access driveway connection along MD 725 (Marlboro Pike) conforms to the Maryland State Highway Administration (SHA) access management standards. The exact details of the access connection and its conformance to SHA access management standards will be evaluated at the time of detailed site plan.**

The applicant's statement of justification contains a note regarding Condition 18 that reads "The required analysis has been provided as part of this application package." Staff does not find that the applicant has demonstrated that the access driveway conforms to Maryland State Highway Administration (SHA) standards. In addition, through analysis staff has found that the proposed access will impede operations along MD 725, which will block adjacent driveways and create conflicts with vehicles. The site access impacts are discussed in greater detail below, within Finding 13, but conformance to the state access management standards may eliminate the operational impacts. As such, staff finds that the subject DSP has not met the requirements of Condition 18. However, MD 725 is an SHA road, and SHA is the ultimate operating agency and final arbiter of how their roads function and where they permit access. SHA provided correspondence in support of the proposed access. As a result, staff finds that the correspondence from SHA fulfills the condition.

- 19. Prior to the approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency. The details of the following facilities shall be provided as part of the detailed site plan:**

- a. The applicant shall provide a shared-use path with a minimum width of 11 feet and 2 feet of clear space on either side of the pathway, consistent with the 2012 AASHTO Guide for the Development of Bicycle Facilities along MD 725/Marlboro Pike abutting the subject property, per the 2009 Approved Countywide Master Plan of Transportation.**

The DSP does not display the shared-use path along MD 725/Marlboro Pike abutting the subject property. The DSP shows a 5-foot-wide sidewalk and includes a note indicating that the shared-use path is subject to the operating agency approval. Staff agrees with this assertion. However, the applicant has not provided correspondence from the operating agency granting a modification to the reduction of the shared-use path along the subject property's frontage. Prior to certification of the DSP, the applicant shall update the DSP to display the shared-use path, in accordance with Condition 19a, or provide documentation by the operating agency indicating a modification to this facility.

- b. The applicant shall provide marked bike lanes along MD 725/Marlboro Pike consistent with the 2009 Approved Countywide Master Plan of Transportation.**

The marked bike lanes are delineated on the DSP.

- c. **The applicant shall provide either a sidewalk or a shared-use path along US 301 (Robert Crain Highway) abutting the subject site.**

A sidewalk or shared-use path is not delineated on this DSP as the parcels fronting on US 301 are not proposed to be developed with this DSP. These facilities should be shown on future DSP applications.

- d. **The applicant shall provide marked bike lane signage and pavement marking within the US 301 (Robert Crain Highway) shoulder abutting the subject project, as well as a R4-11/Bicycles May Use Full Lane sign on the portion of southbound US 301 after the shoulder ends.**

Marked bike lane signage and pavement markings are not delineated on this DSP as development of the parcels fronting on US 301 are not proposed with this DSP. These facilities should be shown on future DSP applications.

These improvements may be modified by the operating agency with written correspondence.

20. **The applicant shall provide short-term bicycle parking facilities at the proposed retail and commercial uses and long-term bicycle parking facilities for the multifamily housing units consistent with the 2012 AASHTO Guidelines for the Development of Bicycle Facilities. These facilities shall be shown on the detailed site plan prior to its acceptance.**

Short-term bicycle parking facilities are not delineated on this DSP as commercial development is not proposed with this DSP. These facilities should be shown on future DSP applications. The applicant's submission only displays outdoor short-term bicycle parking and does not display long-term bicycle parking at the multifamily housing units, as required by Condition 20. Prior to certification of the DSP, the applicant shall update the DSP to display long-term bicycle parking at each multifamily building in accordance with Condition 20.

22. **Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-011-2020-01). 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 (TCP1-011-2020-011) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital**

**Park and Planning Commission, Prince George's County Planning Department."**

This condition will be met at the time of final plat review.

- 23. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:**

**"This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."**

This condition will be met prior to permit approval, and the note shall be added to the plat.

- 24. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section 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."**

This condition will be met at the time of final plat review.

- 25. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be met at the time of the first permit.

- 26. Prior to the acceptance of the detailed site plan, the revised stormwater management concept plan shall be approved and included in the acceptance package.**

A revised and approved SWM Concept Plan, 2715-2020-01, was submitted with this application.

- 28. Prior to acceptance of a detailed site plan for the residential development, the applicant shall submit a noise study either demonstrating all outdoor recreation areas will not be exposed to noise levels above 65 dBA Ldn or recommending noise mitigation measures to reduce noise levels to below 65 dBA Ldn. The noise study shall also recommend noise mitigation measures**



**to reduce interior noise levels to below 45 dBA Ldn for all residential buildings exposed to noise levels above 65 dBA Ldn.**

A noise study was submitted by the applicant dated November 22, 2022. According to the noise study mitigation in the form of a 7-foot-tall wood wall around the 2,220-square-foot play area is needed. The windows and doors for the multifamily buildings are also recommended for upgrade in order to mitigate noise. The unmitigated and mitigated noise contours should be shown on the DSP and the recommended mitigation demonstrated on the site plan and architectural elevations.

- 10. 2010 Prince George’s County Landscape Manual:** Per Section 27-548, landscaping, screening, and buffering for the property is subject to the provisions of the Landscape Manual. Specifically, this application is subject to Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The landscape plans provided with the subject DSP contain the required schedules demonstrating conformance to these requirements.

The adjoining property (Parcel 101) located south of the subject site is improved with a single-family detached residential dwelling. In accordance with Section 4.7(c)(2) of the Landscape Manual, a Type “B” landscape buffer is required along the adjoining residential use. The landscape schedule for this bufferyard, however, lists this adjacent property as “vacant”, since there is a raze permit pending for the existing dwelling. If a developing property with a residential use is adjoining vacant property zoned residential, 50 percent of the bufferyard is required to be provided on the developing property per Section 4.7(c)(5)(C). However, the adjoining Parcel 101 does not meet the definition of a vacant property, and a raze permit for the structure on the property has not yet been approved. Therefore, a condition has been included herein, for the DSP to provide the required Section 4.7 landscape buffer along the adjoining Parcel 101 property line prior to signature approval, or submit a request for alternative compliance in accordance with Section 1.3 of the Landscape Manual.

A food or beverage store and a gas station are located to the southeast of the subject property, which are considered a high impact use category in Section 4.7. The schedule for this bufferyard correctly identifies the Type “D” landscape buffer required along this property line. However, the total number of plant units required in the buffer strip are calculated on the basis of 120 plant units per 100 linear feet of the property line, instead of 160 plant units per 100 linear feet of the property line. It is required that Section 4.7 be revised to provide the correct number of plant units.

- 11. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the environmental regulations contained in prior Subtitles 24 and 27 and current Subtitle 25 that came into effect on September 1, 2010 because the project is subject to PPS 4-21010. Further discussion regarding the project’s conformance to the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance is provided in Finding 13c.

**12. Prince George’s County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George’s County Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George’s County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area in TCC. The development acreage included in this application is shown as 19.76 acres, resulting in a TCC requirement of 1.98 acres, or 86,095 square feet. The subject DSP does not provide the required schedule to demonstrate conformance to these requirements. Conformance to the TCC requirements will need to be demonstrated prior to signature approval of the DSP.

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

a. **Subdivision Section**—In a memorandum dated January 24, 2023 (Heath to Gupta), the Subdivision Section noted that the DSP has been found to be in conformance with the approved PPS, with conditions included herein, based upon comments below:

(1) The CSP-19001 applicable to this site included an additional parcel (Parcel 101) to the east of the access driveway from MD 725, which was not included in the PPS or this DSP. However, the CSP anticipated Parcel 101 would share the consolidated access to MD 725 and easement as part of the subject site. Therefore, in accordance with the CSP, staff recommends the access easement include and delineate the future access for abutting Parcel 101, which will reduce the need for additional future access directly to MD 725 not anticipated with the CSP.

b. **Transportation Planning**—In a memorandum dated January 19, 2023 (Ryan to Gupta), the Transportation Planning Section provided the following comments:

**Master Plan Compliance**

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

**Master Plan Roads**

The subject property has frontage along MD 725 (P-608), along the southern bounds of the site. Per the MPOT and the master plan, the portion of MD 725 that fronts the subject property is designated as a primary roadway within 70 feet of right-of-way. The applicant is proposing dedication of 8,636 square feet (0.20 acre) along the subject property’s frontage of MD 725. The dedicated portion contains the entirety of the sidewalk proposed along the frontage of MD 725. However, as previously mentioned, the latest DSP submission shows an additional 15 feet of right of way dedication from the existing property boundary that provides a total of 35 feet from centerline consistent with the master plan recommendation.

The subject property also has frontage on US 301 (A-61), along the eastern bounds of the site. Per the MPOT and the master plan, the portion of US 301 that fronts the subject property is designated as a freeway with a variable width right-of-way. As

mentioned, the limits of the subject DSP do not impact the master plan facility along US 301 and was not evaluated as part of this application, but will be considered with future phases of development.

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

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

- **Side Path: MD 725 (Marlboro Pike)**

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

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

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

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

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

As previously mentioned, the latest submission does not display the sidepath along MD 725 (Marlboro Pike) and will need to be modified to be consistent with master plan recommendation prior to the certification of the DSP. However, the DSP shows a dedicated bike lane along the subject property and shows the site improved with a series of connected pedestrian facilities, both consistent with the master plan recommended policies.

### **Transportation Planning Review**

#### **Zoning Ordinance Compliance**

Section 27-283 of the prior Zoning Ordinance provides guidance for DSPs.

In the initial review of the subject application, staff requested that the applicant provide additional analysis to assess the proposed site access and its conformance with Section 27-274(a)(2)(C)(i-ii) of the prior Zoning Ordinance which states that:

*(i) "The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic" and (ii) "entrance drives should provide adequate space for queuing."* and also with the M-X-T zoning provisions, Section 27-546(d)(4) of the prior Zoning Ordinance that provides additional

guidance for site plans in the M-X-T Zone and requires that a *“proposed development is compatible with existing and proposed development in the vicinity.”*

In this, staff requested a queuing analysis to demonstrate that no additional roadway improvements along MD 725 would be needed to support the development. The applicant submitted a queuing analysis which considered the intersection of the site access point and MD 725 using the 95th percentile queuing as a metric to measure the vehicular calculated queue length at this location. The analysis determined that along the eastbound approach of MD 725, the site inbound trips will generate a queue of 105 feet during the PM peak period which will exceed the available storage and block the adjacent driveway to the south of the site. Staff raised concerns that based on the applicant’s analysis the site proposed access connection will impede operations along MD 725 by severely diminishing the existing operations of the roadway by creating excessive delays, prohibiting access to an existing parcel, and creating possible vehicle conflicts.

In a meeting with the applicant on January 27, 2023, the applicant acknowledged that the proposed site would create queues that will exceed the available storage and indicated that an exclusive left-turn lane to the site will mitigate this impact. However, the applicant proposed converting the existing exclusive left-turn lane on the northside of MD 725 that provides access to the adjacent McDonald’s property to the west into a two-way left-turn lane to facilitate this improvement. Though staff believes that an exclusive left-turn is needed to eliminate the site generated queues by removing left-turn movements to the site from the general traffic, staff does not believe the conversion of an existing turn lane to another property is suitable and that a two-way left-turn lane will create additional conflicts and greater operational impediments along MD 725. Staff believes that the existing westbound left-turn lane was provided specifically to offset queuing generated by the McDonald’s restaurant to the south of the site, which is still operable and produces a large volume of trips during the peak period. In addition, staff believes that a shared left-turn lane is not a viable solution in providing a left-turn improvement that provides sufficient storage to accommodate the anticipated queues (in this case a minimum of 105 feet) and is not shared with opposite directional left-turn movements that will create merging head-on conflicts and will create delays when the available storage is not available to accommodate opposing left turns on either side of the roadway.

For the reasons detailed above, staff finds that the applicant has not demonstrated that safe and efficient access to the site along MD 725 can be achieved without disrupting the existing roadway network, which in turn creates likely vehicular conflict. Absent of sufficient improvements or modification to the applicant’s submission, staff’s analysis is that the site access is not acceptable. However, MD 725 is an SHA road, and SHA is the ultimate operating agency and final arbiter on how their roads function and where they permit access. SHA provided correspondence on the two-way left-turn lane in support of the applicant’s proposed access and the two-way left-turn lane.

The applicant’s submission displays a 5-foot-wide sidewalk along the subject property’s frontage of MD 725. An additional sidewalk is provided between Building 1 and the sidewalk along the site’s frontage. A sidewalk is also provided

along both sides of the internal access roads as well as between the proposed buildings and the parking areas. Sidewalks have also been extended east of Building 3 to the bounds of the subject site, thereby anticipating pedestrian movement to Phase 2 of the development. As discussed above, a notation has been added to the plans which reads “possible point of vehicle and pedestrian access for future development,” which staff has requested be removed from the DSP to ensure that the connection is constructed with this phase of the development. In addition, a series of crosswalks are also provided at locations where on-site sidewalks intersect with entrances to the parking areas or where sidewalks are otherwise interrupted. These on-site crosswalks help provide safe pedestrian movement throughout the site. Staff has also requested the applicant update plans to provide long-term bicycle parking at each multifamily building.

Section 27-574(a) of the prior Zoning Ordinance discusses parking requirements in the M-X-T Zone and is copied below:

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

The applicant has submitted a parking analysis detailing on-site parking. The applicant is proposing a total of 163 parking spaces for the 150 multifamily dwelling units proposed with this DSP. The parking analysis does not consider the future commercial portion of the site. A standard development with 90 age-restricted senior housing units and 60 standard multi-family dwelling units would require a minimum of 213 parking spaces, per the requirements of Section 27-568 of the prior Zoning Ordinance. Section 27-574 allows applicants to develop a criterion, specific to the proposed development, for developing parking standards in the M-X-T Zone.

The applicant has submitted a parking analysis to determine the parking rate for the proposed development. Section 27-574(b)(1) of the prior Zoning Ordinance states, “(b)The number of off-street parking spaces required for development in the M-X-T Zone and in a Metro Planned Community shall be calculated using the following procedures: (1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in 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 percent) of the peak demand, eighty percent (80 percent) of the peak parking demand spaces are being occupied).”

The applicant’s parking analysis also makes use of the Institute of Traffic Engineers (ITE) Parking Generation Manual (5th Edition), which provides empirical data for other similar land uses. Both multifamily and senior adult housing were examined to formulate this study.

ITE guidance on peak parking demand for multifamily housing within general urban/suburban sites calculates an average peak parking demand of 1.31 spaces per unit. This would compute to a peak parking demand of 79 spaces for the 60 multifamily dwelling units. The applicant proposes 1.78 spaces per unit, or 107 total spaces for the multifamily units. ITE also provides peak parking projections based on the number of bedrooms. The 60 multifamily dwelling units have a total of 125 bedrooms. When examining for the number of bedrooms, ITE peak parking demand equates to 0.75 spaces per bedroom. In relation to the applicant's proposal, the 125 bedrooms would require a peak parking demand of 94 spaces, which would be well contained within the applicant's current proposal of 107 spaces for the 60 multifamily units.

ITE also provides guidance on senior adult housing and calculates an average peak parking demand of 0.61 spaces per unit. This would compute to a peak parking demand of 55 spaces for the 90 senior adult housing units. The applicant proposes 0.62 spaces per unit, or 56 spaces for the senior adult housing units.

Based on this evaluation, the peak parking demand for would require 94 spaces for the multifamily units and 55 spaces for the senior adult housing units, which equals 149 spaces. The applicant is proposing 163 total spaces. Further, proposed parking will not offset any future parking demands for the commercial portion and solely supports the uses associated with the subject application. As such, staff finds the applicant's proposal of 163 parking spaces to be suitable for the proposed development within the M-X-T Zone.

### **Conclusion**

As stated above in the Zoning Ordinance Compliance section, staff finds that the subject application does not conform to Section 27-274(a)(2)(C)(i-ii) and Section 27-546(d)(4) in providing access that is safe, minimizing conflicts with off-site traffic, providing adequate space for site generated queues, and being compatible with the surrounding network. Staff concludes that the referenced DSP is not acceptable and recommends that additional analysis be submitted to demonstrate improvements or site modifications that offset the site impacts to MD 725. Therefore, staff recommended the following condition:

1. Prior to the approval of the detailed site plan, the applicant and the applicant's heirs, successors and/or assignees shall provide an operational analysis that provides improvements or site modifications that will offset the site impacts of MD 725 (Marlboro Pike) and conform to Section 27-274(a)(2)(C)(i-ii) and Section 27-546(d)(4) of the prior Zoning Ordinance. In addition, the operational analysis shall demonstrate that the proposed access driveway along MD 725 conforms to Maryland State Highway Administration (SHA) access management standards.

On February 2, 2023, staff received an email from SHA (Woodroffe to Gupta and Capers), incorporated herein by reference, which provided SHA's comments on Condition 19 of the PPS resolution and their review of the applicant's traffic impact study. In the email, SHA offered the following comments:

- SHA supports the provision of a 5-foot-wide sidewalk along the property's frontage.
- SHA supports the provision of a 4-foot shoulder to be used as a bike lane, but not marked or signed, as SHA's Bike Policy states that on-street bike facilities are only signed when they are more than 2,500 feet long. In addition, a bike lane does not currently exist to the east or west of the site.
- SHA recommends that the need for sidewalk or sidepath along US 301 should be evaluated, if/when the two parcels along US 301 develop, as this is when access to US 301 would be pursued, and it is recommended that the US 301 improvements be constructed in conjunction with the access to US 301, to avoid any potential conflicts and ensure the US 301 frontage improvements are provided in a holistic and comprehensive manner.
- SHA recommends that the need for bike lanes and markings along US 301 should be evaluated, if/when the two parcels along US 301 develop, as this is when access to US 301 would be pursued, and it is recommended that the US 301 improvements be constructed in conjunction with the access to US 301, to avoid any potential conflicts and ensure the US 301 frontage improvements are provided in a holistic and comprehensive manner.
- Traffic Study/Access Design/Queuing:
  - SHA has reviewed and approved the traffic impact study associated with this DSP.
  - The applicant has proposed extension of the "Two-Way Left-Turn Lane" from its current terminus (just east of the site) westerly through the site access and terminating at the McDonald's driveway. SHA concurs with the applicant's queuing analysis that there will be adequate storage to accommodate the 95th percentile queues. The Federal Highway Administration's discussion on two-way left-turn lanes states that "A two-way left-turn lane is provided to remove left-turning vehicles from the through lanes and store those vehicles in the median area until an acceptable gap in opposing traffic is available." The proposed plan provides the ability to accommodate those left-turning vehicles as they await gaps in opposing traffic.
  - The applicant has submitted access permit plans for review.
  - Based on the plans and studies reviewed to date, SHA is comfortable with the design as proposed, and will continue to work with the applicant on the plan review and permitting process.

Staff reviewed information provided in SHA’s email and does not agree that a two-way left-turn lane is a practical solution to offset queuing. However, SHA is the ultimate operating agency and final arbiter of how their roads function and where they permit access. The email from SHA, however, conveyed SHA’s stance that the proposed access will be permitted and that the proposed improvements to MD 725 are a viable solution. Therefore, staff finds that the correspondence from SHA fulfills the above condition.

- c. **Environmental Planning**—In a memorandum dated January 23, 2023 (Rea to Gupta), the Environmental Planning Section determined that the development is acceptable, with conditions relating to the Type 2 tree conservation plan (TCP2).

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
NRI-093-2018	N/A	Staff	Approved	8/3/2018	N/A
CSP-19001	TCP1-011-2020	Planning Board	Approved	7/23/2020	2020-128
4-21010	TCP1-011-2020-01	Planning Board	Approved	7/7/2022	2022-83
DSP-22019	TCP2-046-2022	Planning Board	Pending	Pending	Pending

**Proposed Activity**

The applicant is requesting approval of a DSP and TCP2-046-2022 for the construction of a mixed-use development consisting of multifamily residential units and commercial/retail space. The TCP2 shows four proposed structures (residential and commercial), infrastructure (road layout, surface level parking, water and sewer lines, and outfall locations), woodland conservation areas, specimen trees, and proposed clearing.

The current zoning for the site is Residential, Multifamily-48 (RMF 48); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the M-X-T Zone.

**Grandfathering**

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27 and current Subtitle 25 that came into effect on September 1, 2010, because the project is subject to PPS 4-21010.

**Environmental Review**

**Natural Resources Inventory/Existing Conditions Plan**

A natural resource inventory (NRI-093-2018) was approved on August 3, 2018 and was provided with this application. The site contains a 100-year floodplain, a stream, wetlands, and their associated buffers, which comprise the primary management area. A long stream system is located in a large valley formation in the



southern portion of the site. This stream has been shown as ephemeral on the NRI and TCP2, and therefore, is not considered a regulated environmental feature. The on-site floodplain area is associated with Collington Branch to the west. There are 49 specimen trees scattered throughout the site. The approved NRI also includes Parcel 101, which is not part of the PPS. The TCP2 and the DSP show all the required information correctly, in conformance with the NRI and TCP1.

### **Woodland Conservation**

This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Environmental Technical Manual because the application is subject to a new PPS. TCP2-046-2022 has been submitted for review which covers the area of this DSP.

Based on the TCP2 submitted with this application, the site's gross area is 19.76 acres, and contains 10.95 acres of woodland in the net tract and 3.68 acres of wooded floodplain, resulting in a woodland conservation threshold of 1.74 acres (15 percent). The woodland conservation worksheet proposes the removal of 6.31 acres in the net tract area for a woodland conservation requirement of 3.32 acres. According to the worksheet, the requirement is proposed to be met with 3.49 acres of woodland preservation and 0.05 acre of reforestation on-site. The forest stand delineation has identified 49 specimen trees on-site and 1 specimen tree on the adjacent Parcel 101. This application proposes the removal of 17 specimen trees.

Technical revisions to the TCP2 are required and included in the Recommendation section of this technical staff report.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the County Code requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual (ETM)."

A total of 49 on-site specimen trees were identified on the approved NRI. At the time of PPS 4-21010 review, a variance for the removal of 17 trees was approved by the Planning Board. The Planning Board made the finding for approval of the removal of Specimen Trees 6-9, 16-20, 33, 42-44, and 46-49. No additional trees are requested for removal with DSP-22019.

### **Soils**

The predominant soils found to occur on-site according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex, Collington-Wist-Urban land complex, Marr-Dodon complex, Udorthents-Urban land complex, and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro Clay has been identified throughout the eastern half of the project area.

Marlboro Clay 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. A geotechnical report is required for the subject property to evaluate the areas of the site that are unsuitable for development without mitigation.

A geotechnical report dated October 20, 2021, and revised on March 18, 2022, was submitted with this application. The Maryland-National Capital Park and Planning Commission's (M-NCPPC) geotechnical expert has reviewed the document and has found that the information provided meets the County's requirements for the proposed development. Based on the information in the report, the 1.5 factor of safety line was added to the TCP2 and verified by the geotechnical expert to be correct.

#### **Stormwater Management (SWM)**

An approved SWM concept letter and plan (2715-2020-01) was submitted with this application. The SWM concept plan shows the use of nine micro-bioretenion facilities and two underground storage facilities to meet the current requirements of environmental site design to the maximum extent practicable. No further information is required regarding SWM with this application.

- d. **Historic Preservation**—In a memorandum dated January 23, 2023 (Stabler, Chisholm, and Smith to Gupta), the following comments were provided:

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the subject property was high. The subject property was once part of the Compton Bassett or Woodland plantation. This plantation was established on the Patuxent River by the Hill family, in 1699, and remained in the family until the Compton Bassett Historic Site (79-063-10) was purchased by M-NCPPC in 2010. A Phase I archeology survey was conducted, and the report was completed in June 2020. No further archeological investigations were requested by the Historic Preservation Section.

The subject property also contains four single-family residences situated on the north side of MD 725. The applicant proposes to raze all the existing structures on the subject property. Some of the land on which these 20th century houses were built was part of an African American community that settled in the area shortly after the Civil War. Background historic research should attempt to establish which families built and occupied these structures.

- e. **Community Planning**—In a memorandum dated January 23, 2023 (Bishop to Gupta), the following comments were provided:

This application is in the Established Communities Growth Policy Area of the 2014 *Plan Prince George's 2035 Approved General Plan*. The vision for the Established Communities is context-sensitive infill and low- to medium-density development.

The master plan recommends a mix of uses on the subject property.

The master plan makes the following recommendations for the subject property and envisions MD 725 west of US 301 as a primary access road into the Town of Upper Marlboro, the county seat, and as such, has a high degree of visibility.

The plan states, “In the short term, improvements to the site and corridor design would significantly upgrade the appearance of the corridor, improve gateway image to the county seat, and help prime the area for future investment. One of the most effective methods to improve a corridor is to develop a corridor aesthetic that softens adjacent land uses, defines the corridor, and directs/keeps views within the defined travel corridor. creating an attractive gateway that leads into the town of Upper Marlboro” (page 199).

The following strategies to achieve this gateway and redevelop the MD 725 (Marlboro Pike) Corridor are identified in the master plan (pages 205–206):

### **MD 725 Corridor**

- 1. Develop an implementation program that includes development requirements and necessary road improvements for the MD 725 corridor from US 301 to the Town of Upper Marlboro. This plan should include:**
  - **Incorporation of street trees and planting zones into design elements.**
  - **Develop a pedestrian safe zone with sidewalks and crosswalks.**
  - **Minimize parcel access points and consolidate curb cuts.**
  - **Focus efforts to improving signage: remove abandoned signs, consolidate signs when possible.**
- 3. Promote signage and landscape improvements to “gateway” intersections: US 301/MD 725 and MD 202/MD 725.**
- 4. Achieve consistent design and setbacks for public and private improvements along MD 725.**
- 5. Develop a comprehensive streetscape program for MD 725 which would include:**
  - **Installing curbs along MD 725 to create a safety barrier, define parcel entrances, and generally define the roadway corridor.**
  - **Screening surface parking with hedges, walls, or fences.**
  - **Installing ornamental street lighting.**
  - **Burying overhead utilities.**

- **Creating a street tree planting buffer zone adjacent to the back of the curb.**

**Green Building/Energy Efficiency**

The master plan recommends the use of green building techniques (page 79). The applicant should use green building techniques to the extent practical and is encouraged to use design practices that reduce resource and energy consumption.

The master plan recommends the use of full cut-off optics light fixtures to limit light pollution into residential, rural, and environmentally sensitive areas (page 80). Staff recommends this design standard be applied to lighting on-site.

**Aviation/Military Installation Overlay (MIO) Zone**

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

**SMA/Zoning**

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

- f. **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 this application.
- g. **Prince George’s County Department of Parks and Recreation (DPR)**—In an email dated December 21, 2022 (Holley to Gupta), no comments were provided.
- h. **Special Projects**—At the time of the writing of this technical staff report, the Special Projects Section did not offer comments on this application.
- i. **Prince George’s County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department did not offer comments on this application.
- j. **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.
- k. **Prince George’s County Soil Conservation District (PGSCD)**—At the time of the writing of this technical staff report, PGSCD did not offer comments on the subject application.
- l. **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.

- m. **Prince George’s County Health Department**—In a letter dated December 15, 2022 (Adepoju to Gupta), the Health Department offered comments on the subject application which have been forwarded to the applicant and were addressed by the applicant in the DSP, as appropriate.
  - n. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer comments on the subject application.
  - o. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, WSSC did not offer comments on the subject application.
  - p. **Utilities**—This DSP was referred to Verizon, the Potomac Electric Power Company, Comcast, AT&T, and Washington Gas. At the time of the writing of this technical staff report, none of these utility companies offered comments on the subject application.
14. Based on the foregoing, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

In a memorandum dated January 23, 2023 (Rea to Gupta), it was noted that impacts to regulated environmental features on this DSP are consistent with those previously approved by the Planning Board with PPS 4-21010, and that the regulated environmental features on the subject property were preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the current TCP2.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-22019, and Type 2 Tree Conservation Plan TCP2-046-2022, for Marlboro Gateway, subject to the following conditions:

- 1. Prior to signature approval of the detailed site plan (DSP), the applicant and the applicant’s heirs, successors, and/or assignees shall:
  - a. Show the centerline of MD 725(Marlboro Pike) and provide the dimensions from the centerline to the proposed property line, demonstrating that 35 feet from the centerline of MD 725 is dedicated for right-of-way.

- b. Show the unmitigated and mitigated 65 dBA Ldn noise contours and demonstrate that the recommended mitigation with details is provided on the site plan and architectural elevations.
- c. Revise the delineation of the proposed access easement to provide future access to abutting Parcel 101.
- d. Revise the common access driveway from MD 725 (Marlboro Pike) to show a future on-site vehicle and pedestrian access to Parcel 101.
- e. Revise the DSP to provide streetscape improvements along MD 725 (Marlboro Pike). Improvements shall be consistent with the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* recommendations and are subject to approval of the operating agency. Improvements may include landscaping, decorative fencing, human-scale decorative lighting, or signage to create an attractive gateway and sense of place as you arrive in the Town of Upper Marlboro.
- f. Revise the DSP to demonstrate conformance to the requirements of the Prince George's County Tree Canopy Coverage Ordinance, per Section 25-128 of the Prince George's County Code.
- g. Remove the notation which reads "possible point of vehicle and pedestrian access for future development" from the DSP.
- h. Update plans to show the shared-use path along the subject property's frontage of MD 725 (Marlboro Pike), in accordance with Condition 19a of Preliminary Plan of Subdivision 4-21010, or provide documentation by the operating agency indicating a modification to this facility.
- i. Update the site plan to display long-term bicycle parking at each multifamily building, in accordance with Condition 20 of Preliminary Plan of Subdivision 4-21010.
- j. Remove the Preliminary Plan of Subdivision 4-21010 approval images from the approval sheet.
- k. Revise the floor area ratio table and the lot requirements table on the coversheet to show the correct floor area ratio proposed. in the floor area ratio table, list the gross floor area proposed in each individual building and the total gross floor area proposed in all buildings.
- l. Revise the proposed maximum building height listed in the lot requirements table on the DSP coversheet.
- m. Revise the parking requirement table on the coversheet to list the correct number of different types of dwelling units (one-bedroom, two-bedroom, and three-bedroom).

- n. Address Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, for the property line abutting Parcel 101, or obtain an alternative compliance approval from the requirements.
  - o. Revise the schedule for Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, for adjoining commercial property to the southeast, to provide 160 plant units per 100 linear feet of property line.
  - p. Relocate the interpretive sign close to the proposed play area and provide adequate illumination for the sign.
  - q. Provide correct product data sheets for the proposed luminaires, with the part number highlighted clearly. Provide a product data sheet for the 25-foot-high lighting poles, including color selection.
  - r. Add a note to the retaining wall detail, stating that the color of the retaining wall blocks shall match the color of the masonry brick used in the buildings.
  - s. Remove the seating area located between Building 1 and MD 725 (Marlboro Pike).
  - t. Revise the proposed recreational amenity list located on the coversheet, to remove the seating area located between Building 1 and MD 725 (Marlboro Pike), add the fitness rooms in the three multifamily buildings, and add the community room, game/meeting room, library, and craft room in Building 1. Update the total value of the proposed on-site recreational facilities. Revise the trigger for construction for all recreational facilities provided internal to the buildings, prior to issuance of the final certificate of occupancy for each of the respective buildings in which they are located. For the outdoor seating area and the play area, revise the trigger for construction prior to issuance of the final certificate of occupancy for Building 2 or Building 3, whichever comes first.
  - u. Revise the detail of the accessible swing to provide a high-resolution image to improve clarity.
  - v. Revise the detail of the play area to specify rubber surfacing for the play area instead of engineered wood fiber.
  - w. Indicate the location(s) where these trash receptacles will be provided. The trash receptacles should be provided near the picnic tables and the play area, and along the pedestrian paths close to building entrances.
  - x. Add a note to the detail of permeable pavement used for the seating area, stating that the surface will be Americans with Disabilities Act-compliant.
  - y. Provide a detail of the proposed picnic tables.
2. Prior to approval of the final plat, as part of the access easement agreement required in accordance with Condition 12 of Preliminary Plan of Subdivision 4-21010, the easement shall include right of access for the abutting property currently known as Parcel 101.

3. Prior to certification of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
  - a. Have the owner sign the Owner's Awareness Certificate on the plan.
  - b. The qualified professional must sign and date their certification on the TCP2.
4. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ folio \_\_\_\_. Revisions to this Type 2 tree conservation plan may require a revision to the recorded easement."
5. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams, waters of the United States, or 100-year floodplain, the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
6. Prior to approval of the first building permit, the applicant and the applicant's heirs, successors and/or assignees shall:
  - a. Demonstrate that any road improvement to offset the site's access impact to MD 725 (Marlboro Pike), as approved by the Maryland State Highway Administration, has (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency.
  - b. Demonstrate that a mid-block crosswalk is warranted, will be permitted, and have financial assurances for construction. If the mid-block crosswalk is not warranted by the operating agency, then the applicant shall instead provide written correspondence with this information at the time of permit.
  - c. Provide a fee of \$55,126.50 to the Prince George's County's Capital Improvement Program for improvements along US 301 (Robert Crain Highway), for the phased development approved with Detailed Site Plan DSP-22019. This fee shall be paid to Prince George's County (or its designee) and will be adjusted based on an inflation cost index factor, to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement, at the time of issuance of building permit.

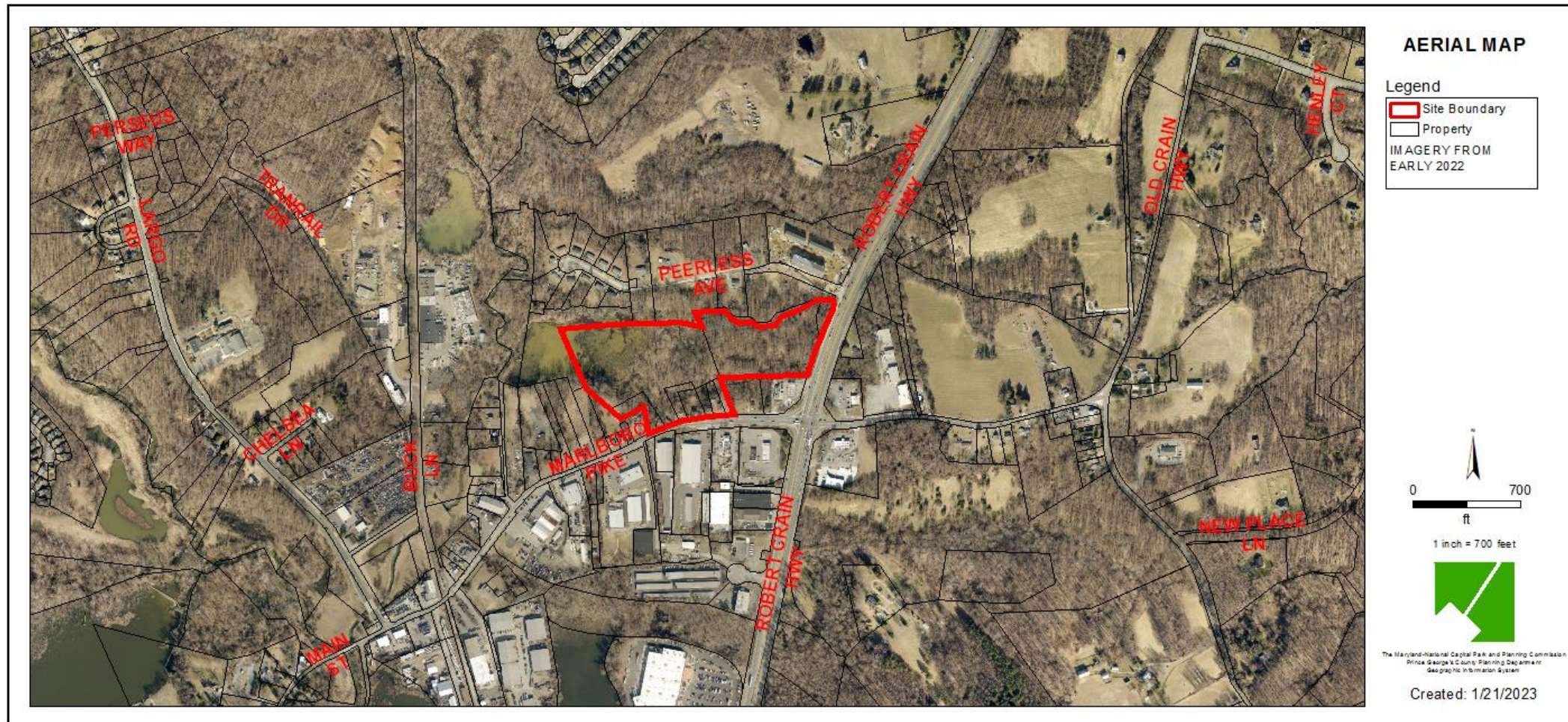


# MARLBORO GATEWAY

Detailed Site Plan

TCP2-046-2022

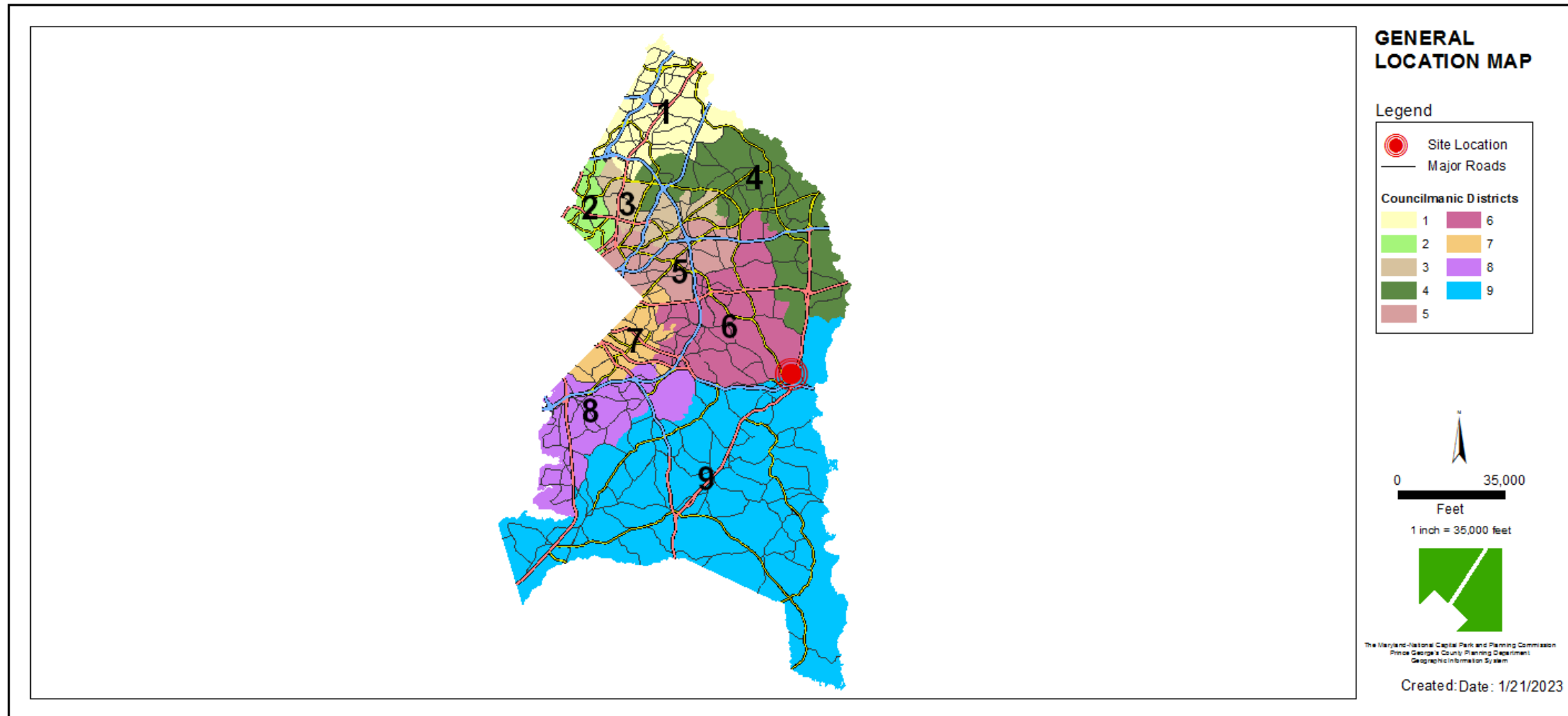
Staff Recommendation: APPROVAL with conditions



# GENERAL LOCATION MAP

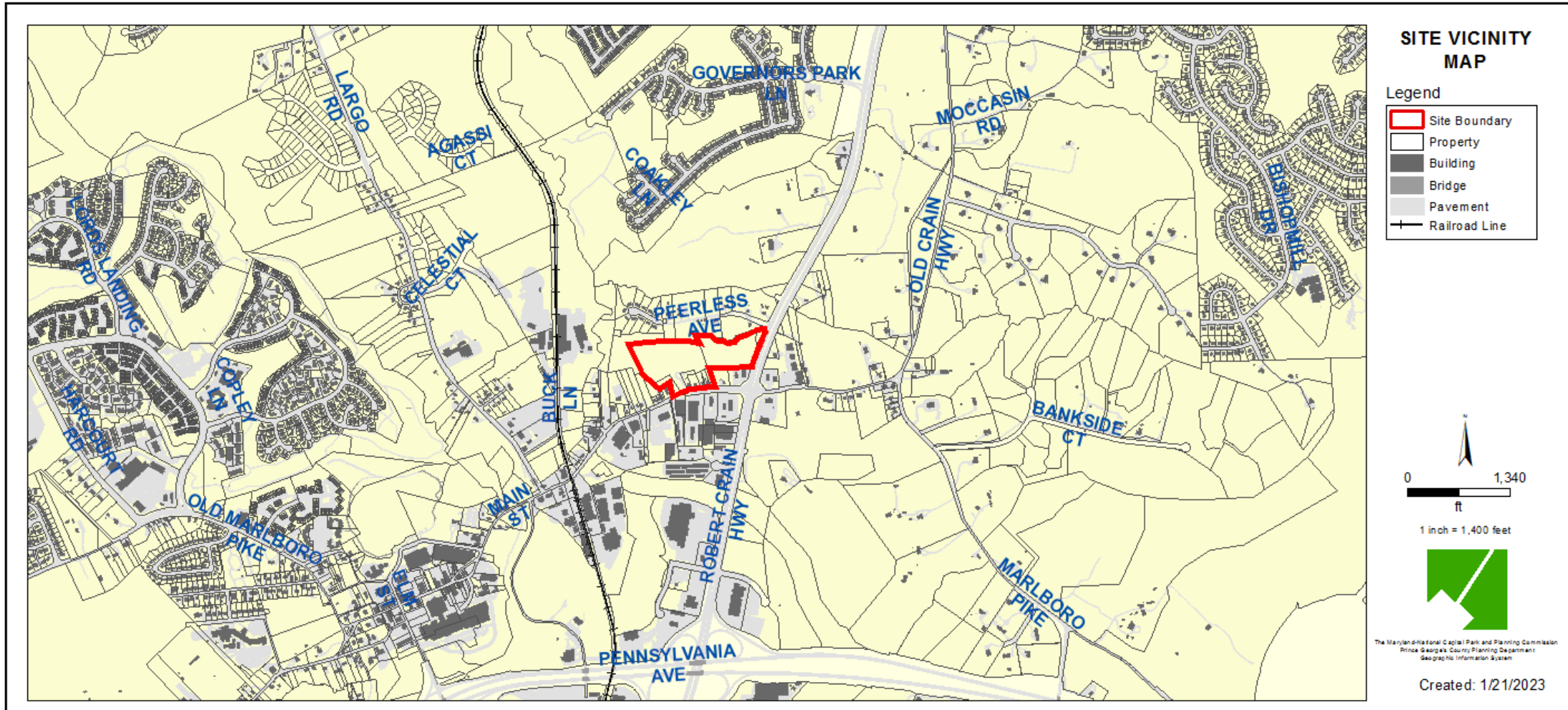
Council District: 06

Planning Area: 79



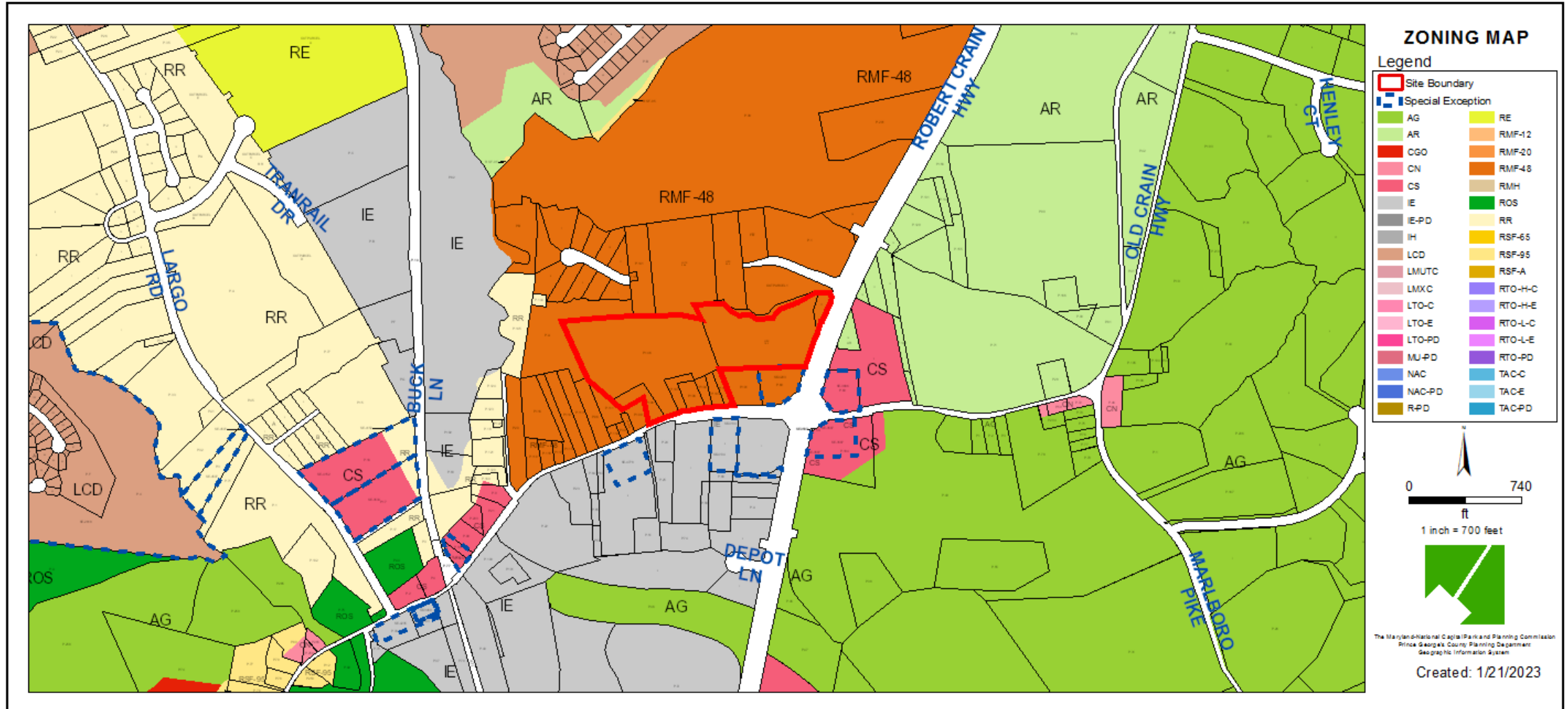


# SITE VICINITY MAP



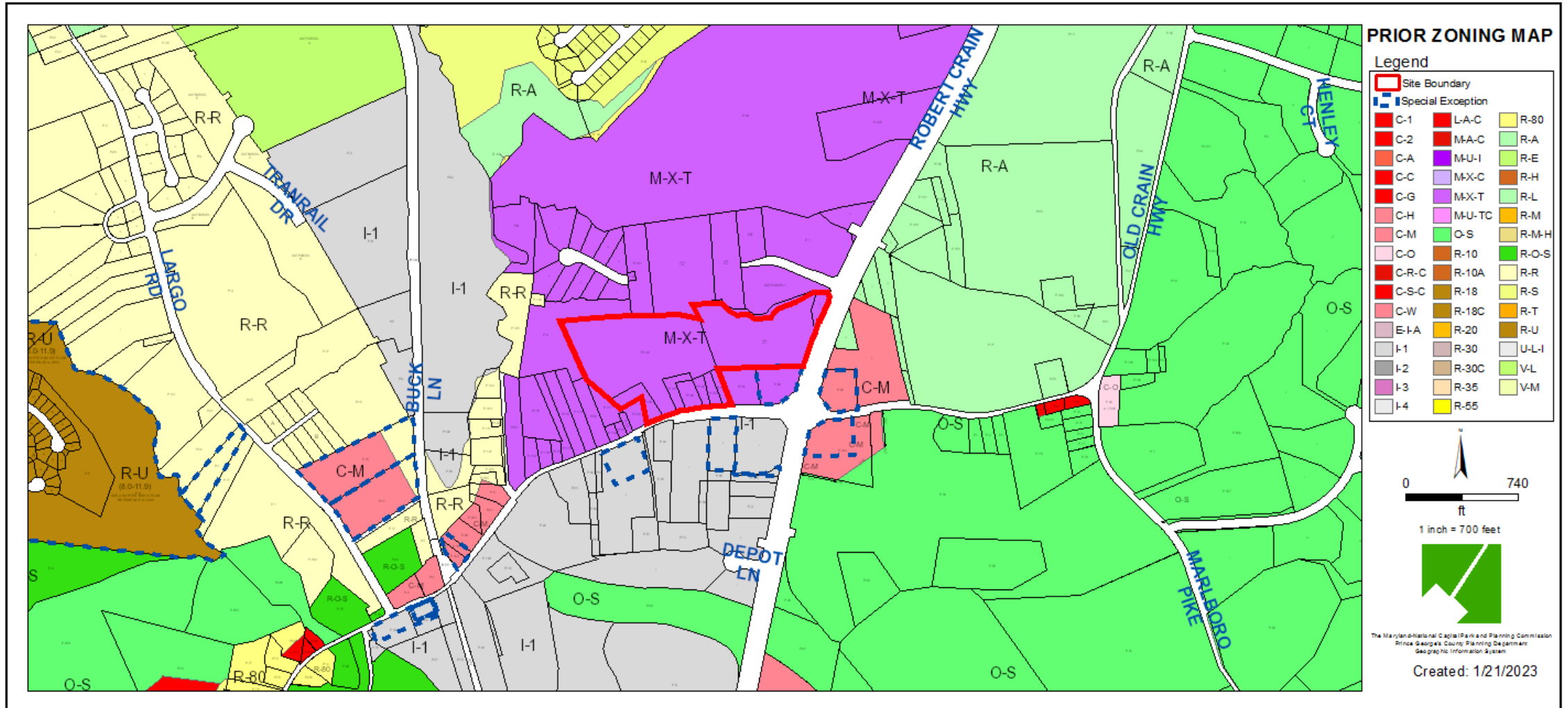
# ZONING MAP (CURRENT)

Property Zone: RMF-48



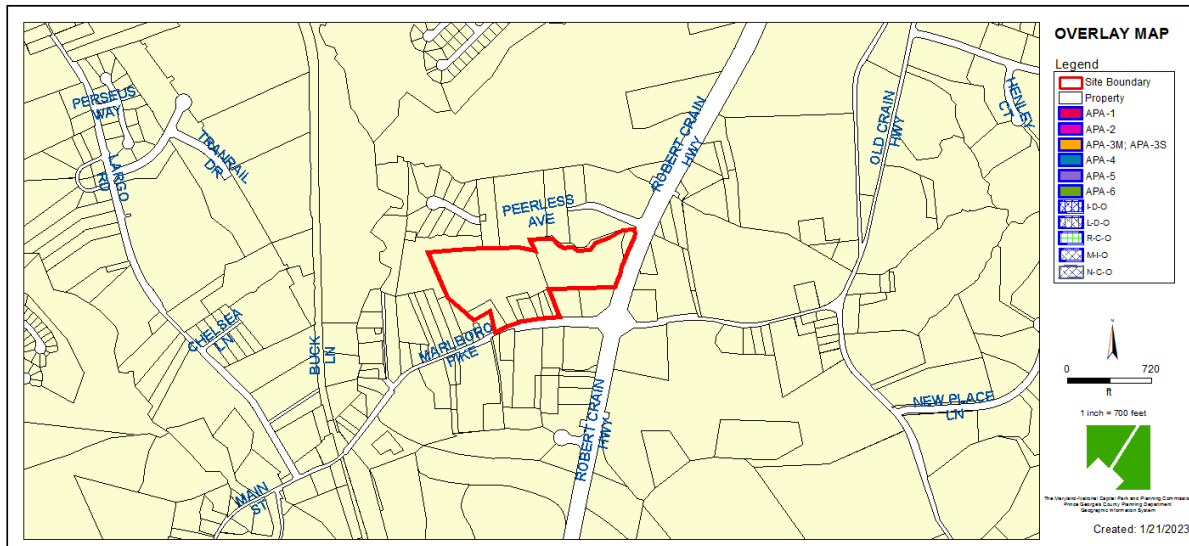
# ZONING MAP (PRIOR)

Property Zone: M-X-T

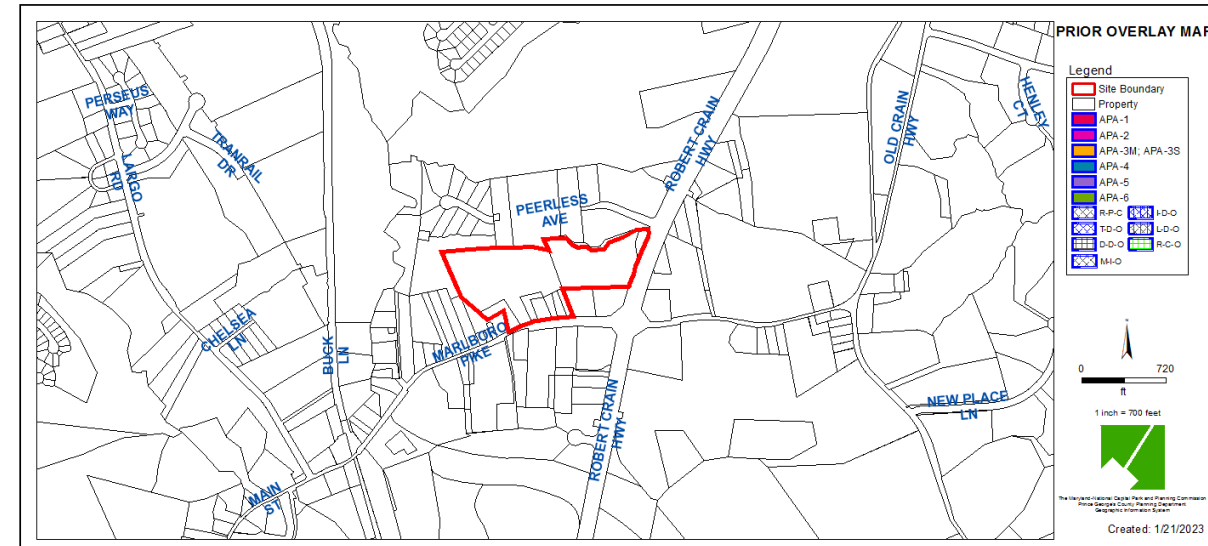


# OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

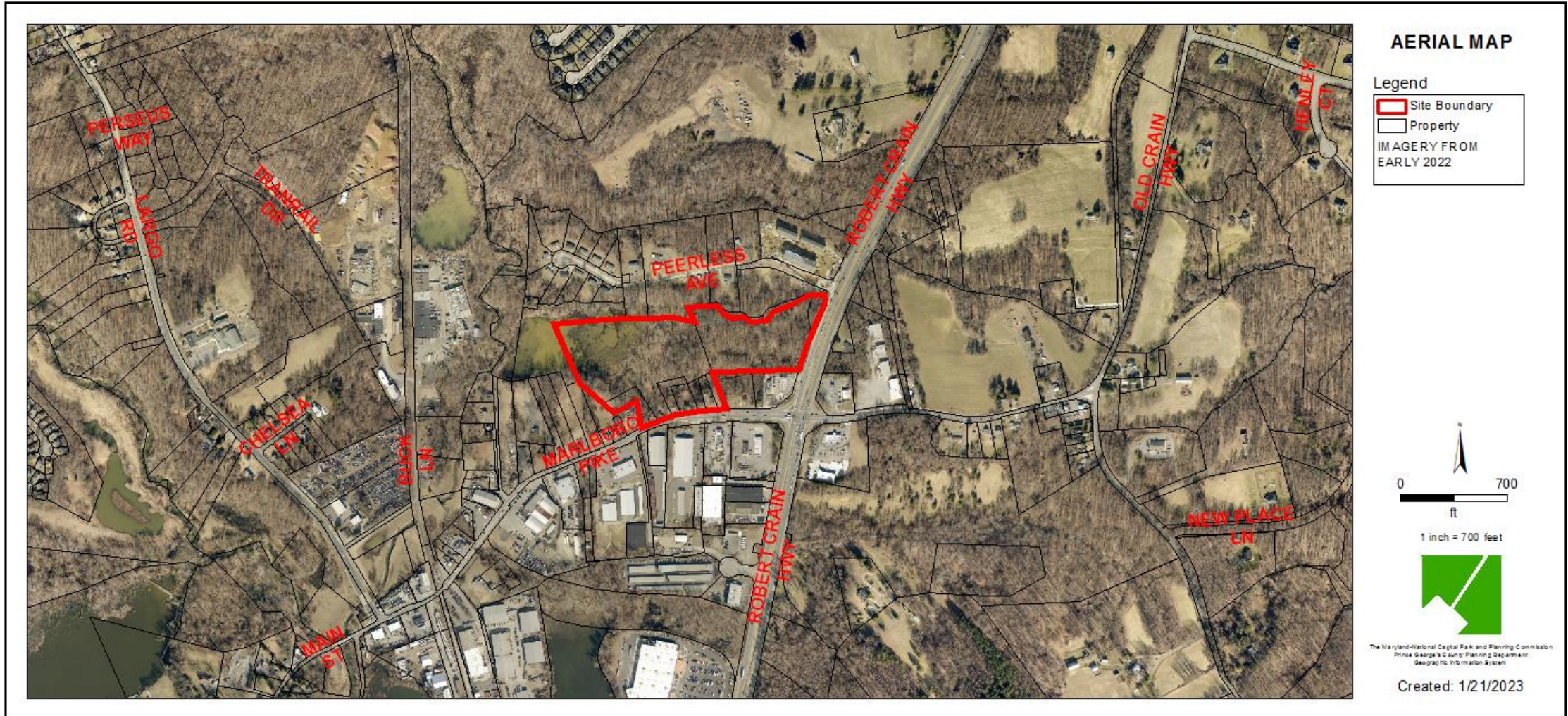


PRIOR OVERLAY MAP



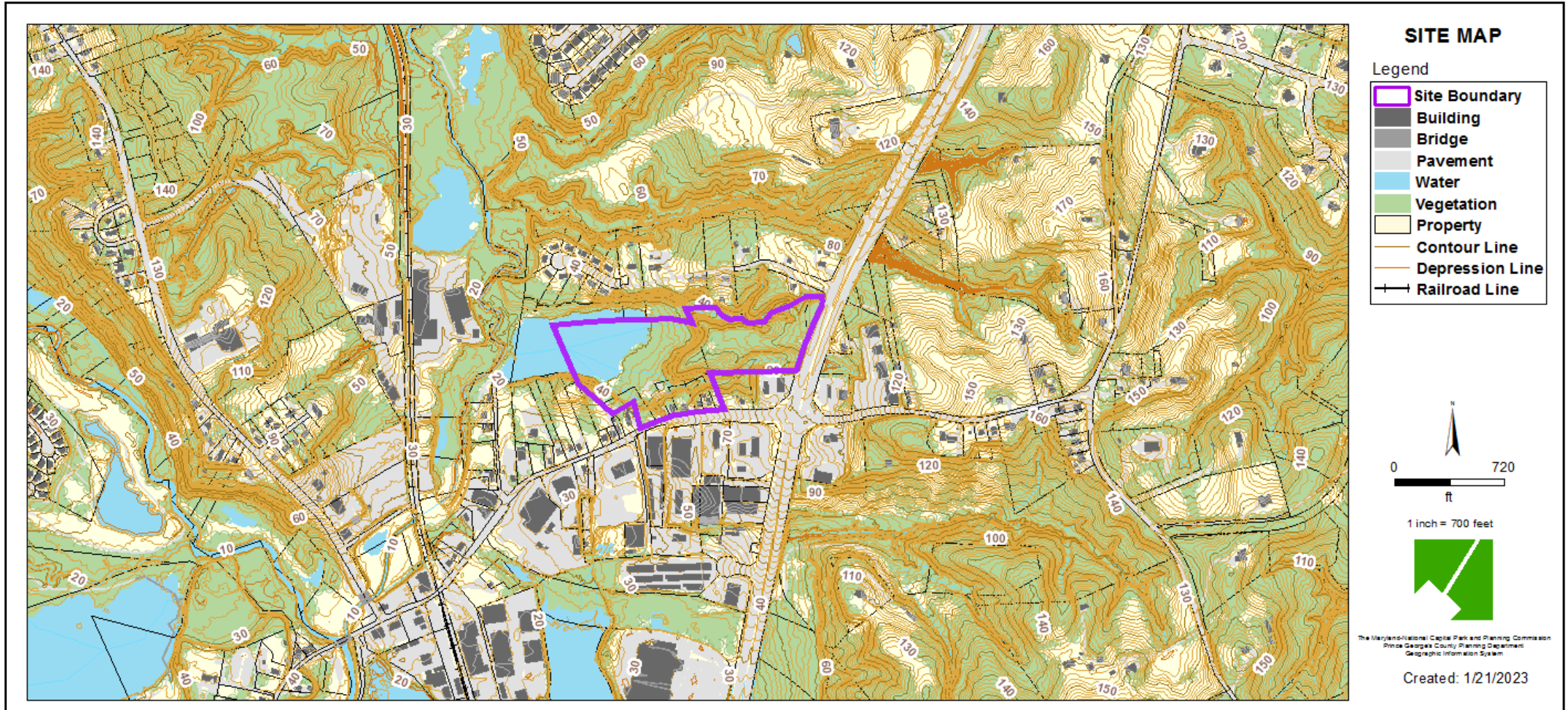


# AERIAL MAP



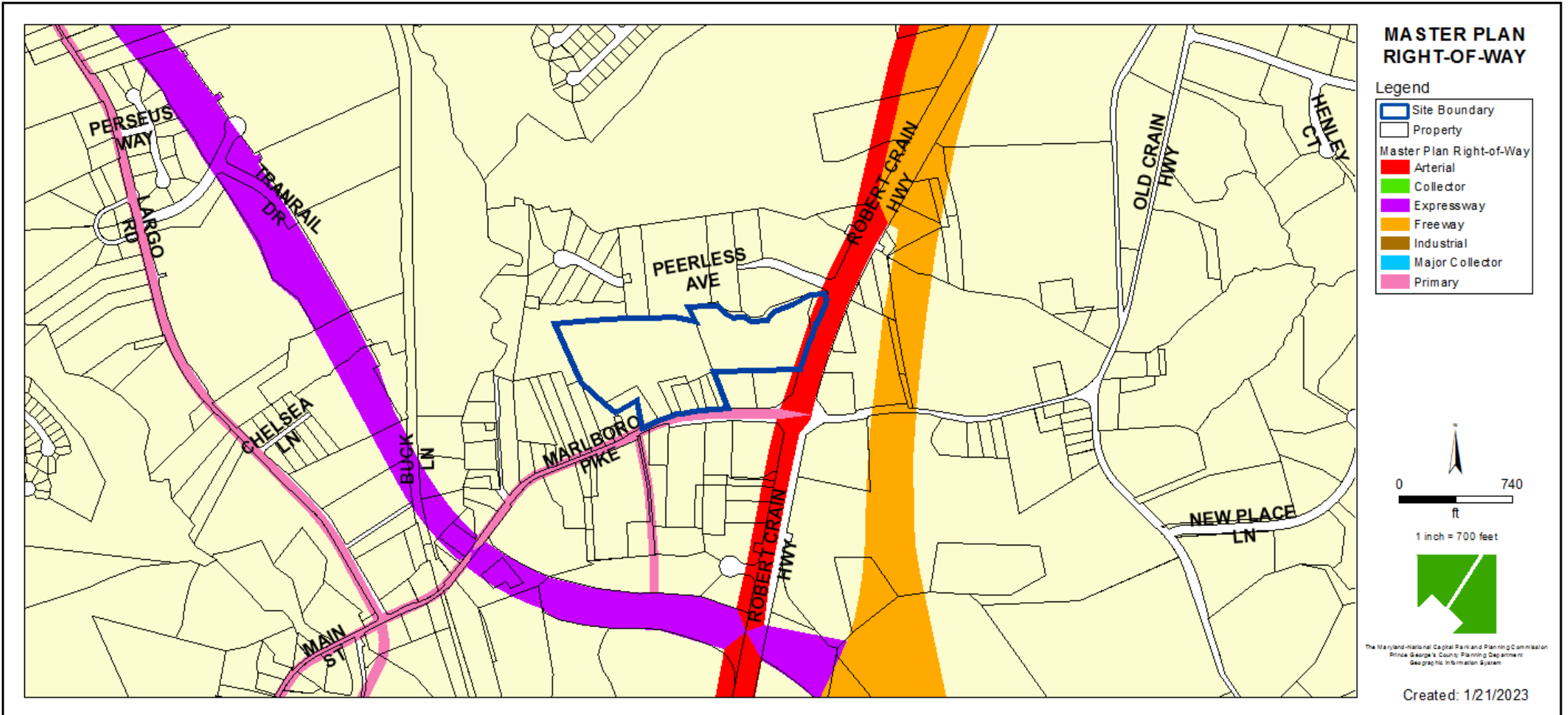


# SITE MAP





# MASTER PLAN RIGHT-OF-WAY MAP



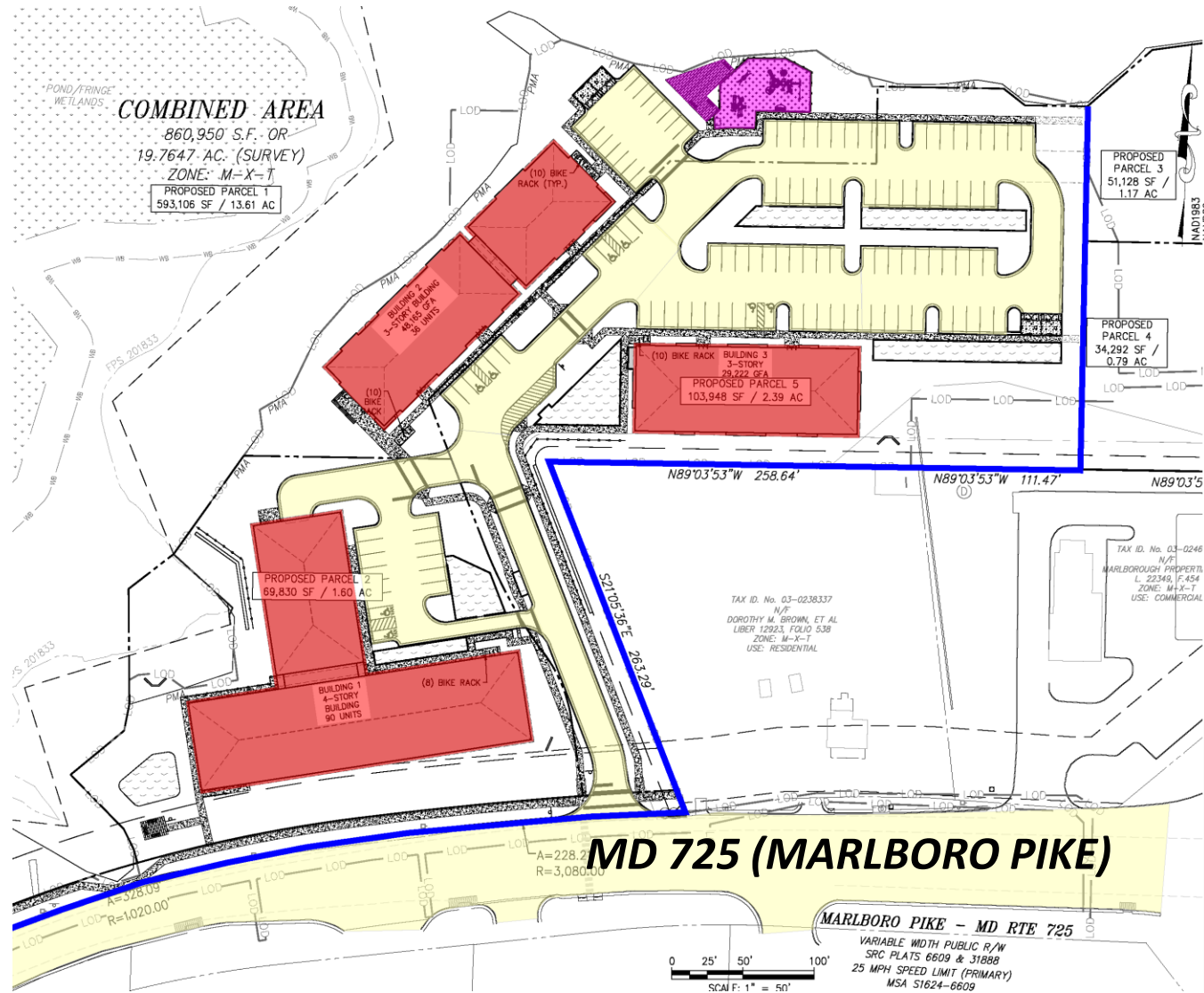


# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

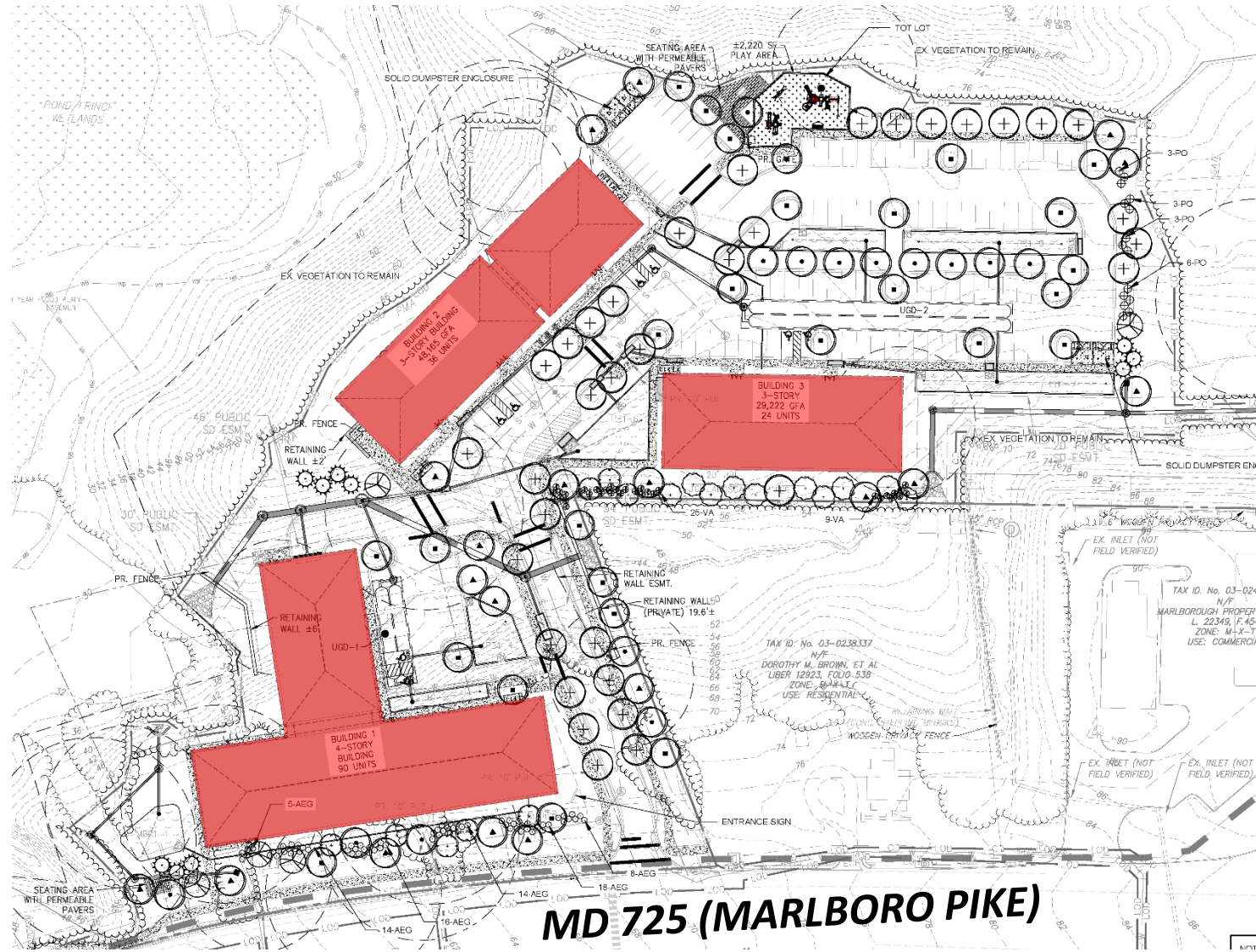




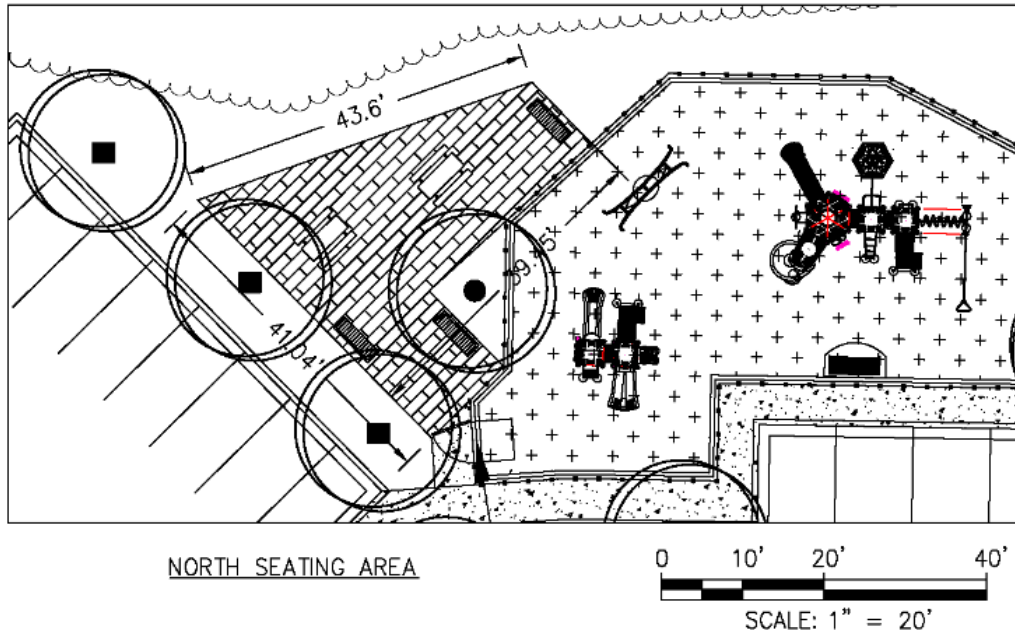
# DETAILED SITE PLAN



# LANDSCAPE PLAN



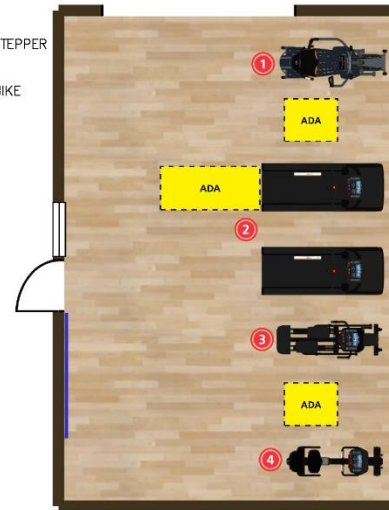
# AMENITY PLAN



PRELIMINARY FITNESS CENTER LAYOUT FOR SENIOR BUILDING

LEGEND

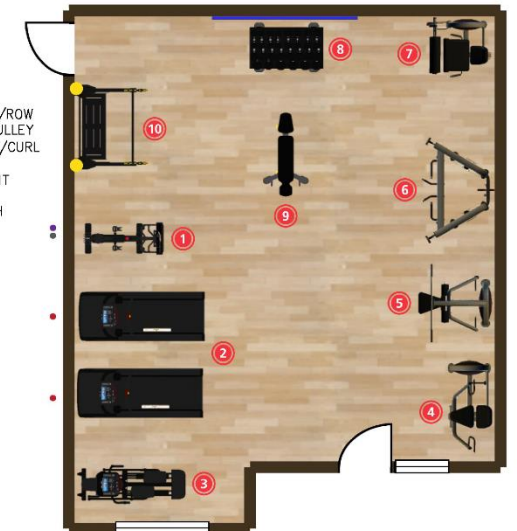
- CARDIO  
 1. RECUMBENT STEPPER  
 2. TREADMILL  
 3. ELLIPTICAL  
 4. RECUMBENT BIKE



LEGEND

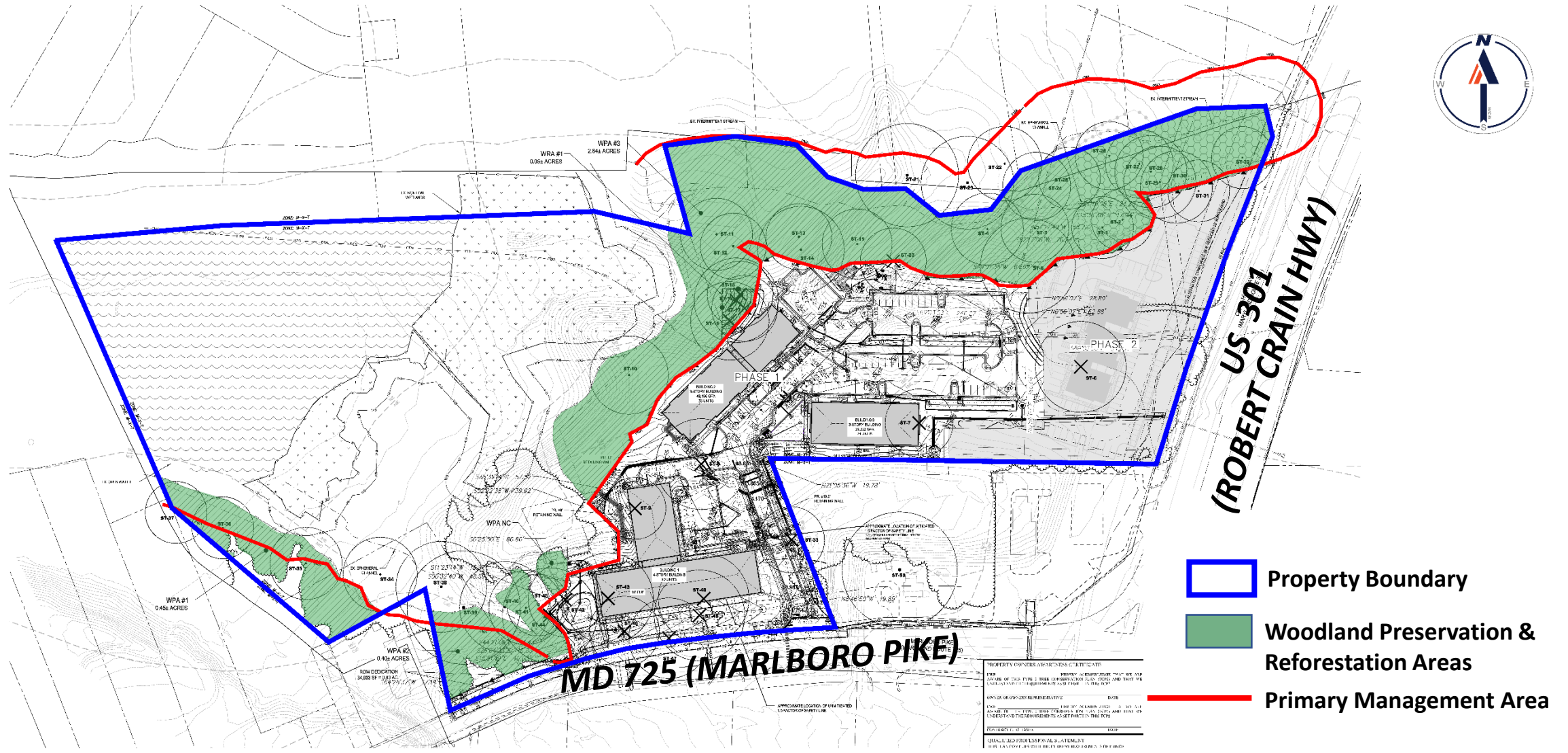
- CARDIO  
 1. ECHELON BIKE  
 2. TREADMILL  
 3. ELLIPTICAL
- STRENGTH  
 4. CHEST PRESS  
 5. DUAL LAT PULLDOWN/ROW  
 6. DUAL ADJUSTABLE PULLEY  
 7. DUAL LEG EXTENSION/CURL
- FUNCTIONAL/FREE WEIGHT  
 8. DUMBBELL RACK  
 9. MULTI-ADJUST BENCH  
 10. SUSPENSION BAY

PRELIMINARY FITNESS CENTER LAYOUT FOR FAMILY BUILDING





# TYPE 2 TREE CONSERVATION PLAN



# ARCHITECTURAL ELEVATIONS RENDERING



**View North from Marlboro Pike**



# ARCHITECTURAL ELEVATIONS RENDERING



**View Southwest from Play Area**



# ARCHITECTURAL ELEVATIONS RENDERING



**PERSPECTIVE VIEW LOOKING SOUTHWEST OF BUILDING 1 (AGE-RESTRICTED HOUSING)**

# ARCHITECTURAL ELEVATION – BUILDING 1



NORTH VIEW



WEST VIEW



SOUTH VIEW



EAST VIEW



# ARCHITECTURAL ELEVATION – BUILDING 2



NORTHWEST VIEW



NORTHEAST VIEW



SOUTHEAST VIEW



SOUTHWEST VIEW



# ARCHITECTURAL ELEVATION – BUILDING 3



SOUTH VIEW



EAST VIEW



NORTH VIEW



WEST VIEW

# SIGNAGE

## SUGAR HILL

The area around you was occupied by African American families for generations before these houses were built. They lived and worked on the extensive lands of the Hill family and other farmers who formerly owned them prior to Emancipation

Several formerly enslaved families from nearby plantations, such as the Brown, Bruce, Diggs, Fletcher and West families, purchased land in this area, built houses, and established a community that would become known as "Sugar Hill." This community grew from men working on the construction of the railroad between 1868 and 1873.

You are standing on what was the edge between two societies throughout the 20<sup>th</sup> century. Down the road is the County Seat of Upper Marlboro surrounded by farms and businesses largely owned by European Americans. Immediately to the north was a community of African Americans who farmed, labored on the farms of their white neighbors, laundered clothing, and worked in the local post office and in retail stores. In between, along Old Marlboro Pike, were the houses of Middle-Class families, white and black.

The houses were built in the middle of the 20th century, indistinguishable from those of Middle-Class households throughout the region. Each had the modern conveniences of running water and public sewers. Those to the north, flanking Peerless Avenue, were small houses, added onto as the households grew. They lacked public utilities. But, like neighboring houses to the south, they were charmingly landscaped and well maintained, expressing the pride of their occupants.

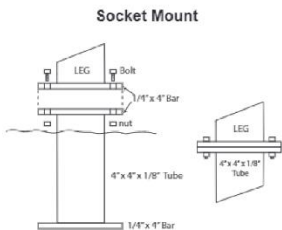
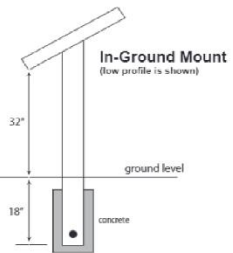
Philip D. Jones, a farmer and son of a farm laborer, purchased 6.15 acres in 1913. Andrew and Rebecca Jackson purchased those acres in 1932 after foreclosure on Philip and Mary Jones. Thomas Robert Jackson inherited the property from his widowed mother, Rebecca, in 1941. He was a decorated World War I veteran (the Order of Saint Save [Serbia]) and served in the US Army for over 20 years. The extended Jackson family built houses on what became Sugar Hill.



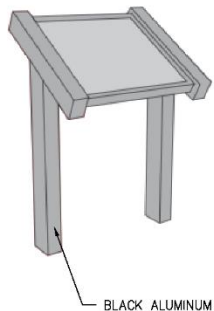
Amurrah Elementary School was the first school for African American children in Prince George's County. It was built in 1913 on the site of the old plantation house. The school was destroyed by fire in 1941 and was replaced by the current building in 1948. The school was named in honor of Amurrah, a young girl who died of typhoid fever in 1873.

Clement Hill hosted a celebration of the 15<sup>th</sup> Amendment to the US Constitution for African Americans throughout the area at this location on June 3, 1870.

## MOUNTS



## low profile traditional unit in-gr

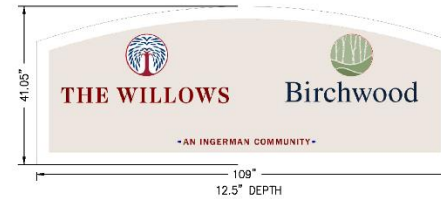


- 24 x 18
- 30 x 20
- 36 x 24**
- 42 x 24
- 48 x 24
- 48 x 36

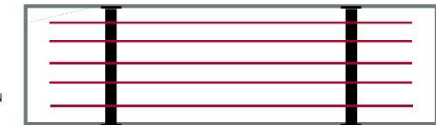
INFORMATIONAL ARCHEOLOGICAL SIGN  
 NOT TO SCALE

## ENTRANCE SIGN

NOT TO SCALE



MAIN CABINET  
 1/8" ALUMINUM  
 REMOVABLE TOP--SIDES  
 LOGOS: 1/2" ACRYLIC  
 COLORS:  
 SW 7567 NATURAL TAN  
 SW 7067 CITYSCAPE



INTERIOR LED LIGHTING  
 G2G4500K ANPRO STICKS  
 108-277V  
 3 AMPS

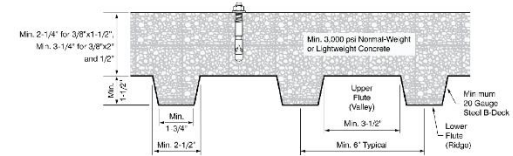
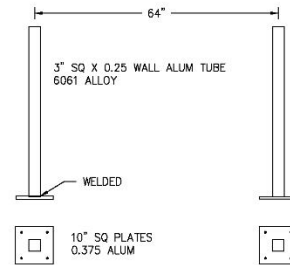


Table 29 - Hilti KWIK Bolt TZ carbon steel design strength in the top of uncracked concrete over metal deck<sup>1,2,4,5</sup>

Nominal anchor diameter in.	Effective embed. in. (mm)	Nominal embed. in. (mm)	Tension - $\phi N_t$		Shear - $\phi V_n$	
			$f'_c = 3,000$ psi lb (kN)	$f'_c = 4,000$ psi lb (kN)	$f'_c = 3,000$ psi lb (kN)	$f'_c = 4,000$ psi lb (kN)
3/8	2 (51)	2-5/16 (59)	1,790 (8.0)	2,070 (9.2)	2,605 (11.6)	3,005 (13.4)

## ENTRANCE SIGN

## INFORMATIONAL SIGN

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# STAFF RECOMMENDATION

## **APPROVAL** with conditions

- DSP-22019
- TCP2-046-2022

## **Major Issues:**

- None

## **Applicant Required Mailings:**

- Informational Mailing: 08/17/2022
- Acceptance Mailing: 11/28/2022 and 12/07/2022



**IN RE:** DETAILED SITE PLAN (DSP-22019)

**APPLICANT:** MBID of Delaware, LLC

**AGENT/CORRESPONDENT:** Lawrence N. Taub, Esquire  
 Nathaniel Forman, Esquire  
 O’Malley, Miles, Nysten & Gilmore, P.A.  
 7850 Walker Drive, Suite 310  
 Greenbelt, MD 20770

**STATEMENT OF JUSTIFICATION**

**I. REQUEST ..... 1**  
**II. THE PROPERTY ..... 1**  
**III. REQUEST TO UTILIZE THE PRIOR ZONING ORDINANCE..... 2**  
**IV. CONFORMANCE WITH THE ZONING ORDINANCE ..... 3**  
 A. Conformance with Section 27-281(b):..... 3  
 B. Conformance with Section 27-542: ..... 3  
 C. Conformance with Section 27-546(d):..... 6  
 D. Conformance with Section 27-548: ..... 8  
**V. CONFORMANCE WITH PREVIOUS CONDITIONS OF APPROVAL ..... 12**  
**VI. CONCLUSION ..... 15**

**I. REQUEST**

The Applicant hereby requests approval of a Detailed Site Plan (“DSP”) for a total of 150 walk-up apartments, comprised of ninety (90) age-restricted units and sixty (60) non-restricted units in accordance with Subtitle 27 of the Prince George’s Zoning Ordinance (“Zoning Ordinance”), on approximately 5.36 acres of land in the RMF-48 Zone (M-X-T under the Prior Zoning Ordinance), shown as proposed parcels 1, 2 and 5 on approved Preliminary Plan of Subdivision No. 4-21010, which is on the north side of MD 725, approximately .10 miles west from its intersection with US 301 in an unincorporated area of Prince George’s County (“Subject Property”). The Subject Property abuts existing single-family residential development in the RMF-48 to the north and west; a gas station/drive-through restaurant in the RMF-48 zone to the southwest; various commercial retail uses to the south across Marlboro Pike (MD-725); and a gas station in the CGO zone to the east across US 301. Development of the Property will be in accordance with the Conceptual Site Plan No.: CSP-19001, approved by the Prince George’s County Planning Board through PGCPB No. 2020-128 and Preliminary Plan of Subdivision No. 4-2010, which was approved by the Prince George’s County Planning Board through PGCPB No. 2022-83.

**II. THE PROPERTY**

The Subject Property proposes three (3) multifamily buildings for a total of 150 dwelling units. Building 1 proposes ninety (90) age-restricted units and will be known as the Birchwood at Upper Marlboro (“Birchwood”). Collectively, Buildings 2 and 3, will be known as the Birchwood at Upper Marlboro (“Birchwood”) with Building 2 proposing thirty-six (36) dwelling units and

Building 3 proposing twenty-four dwelling units.

Of the Birchwood's proposed ninety (90) apartments, sixty-two (62) one-bedroom units and twenty-eight (28) two-bedroom units. All of the apartments will be income-restricted and reserved for individuals and families with various income levels up to 80% of the Area Median Income ("AMI") in the Washington, D.C. Metro Region. This equates to an average rent between \$675 and \$1,452 for a one-bedroom unit and \$801 and \$1,680 for a two-bedroom unit. The Birchwood will be four (4) stories high with a below-grade parking level for residents that is accessible via the northern side of the building. Internal access throughout the building's various levels will be provided via an elevator and stairways. Proposed internal amenities for the Birchwood includes sitting areas, a community room, fitness center, cyber-café and a craft/quiet room for residents.

Of the Willow's proposed sixty (60) apartments, thirteen (13) will be one-bedroom units, twenty-nine (29) will be two-bedroom units, and eighteen (18) will be three-bedroom units. Nine (9) of these apartments will be market rate, and the remaining fifty-one (51) will be reserved for income-restricted individuals and families with various income levels up to 80% of the Area Median Income ("AMI") in the Washington, D.C. Metro Region. This equates to an average rent between \$370 and \$1,444 for a one-bedroom unit; \$470 and \$1,710 for a two-bedroom unit; and \$550 and \$2,010. The Willows will consist of two (2) 3-story walk-up apartment buildings. Access into these building will be controlled via a key fob, which will be provided to the residents. Controlled access will provide added security measures that ensure the safety of residents and their guests. Proposed internal amenities for the Willows will include a media/game room/community room and fitness center.

Both the Birchwood and Willows will be enhanced with numerous outdoor recreational facilities. These facilities include: walkways with benches and sitting areas as well as a playground for school-age children. Pursuant to off-street parking calculations for the M-X-T Zone (§ 27-574) performed by the Traffic Consultant, the Subject Property will have a maximum peak demand of 149 parking spaces. A total of 164 parking spaces are provided comprised of 148 standard spaces, sixteen (16) compact spaces and six (6) ADA compliant spaces, of which two (2) will be van accessible. Moreover, a total of 1 loading space is required and will be provided.

### **III. REQUEST TO UTILIZE THE PRIOR ZONING ORDINANCE**

Pursuant to § 27-1700 et seq. of the Current Zoning Ordinance, which took effect on April 1, 2022, an applicant is afforded the option to choose between the Current and Prior Zoning Ordinance until April 1, 2024 for review and approval. Although the applicant's choice cannot be denied, if the applicant requests review and approval under the Current Zoning Ordinance, the applicant must provide the basis for the decision.

The Applicant hereby elects to proceed under the Prior Zoning Ordinance because this development is the subject of an approved conceptual site plan (CSP-19001) and preliminary plan of subdivision (4-21010) that had been approved under the Prior Zoning Ordinance. Pursuant to § 27-1704(b) of the Current Zoning Ordinance, this development may proceed to the next steps in the approval process and continue to be reviewed and decided under the Prior Zoning Ordinance.



#### IV. CONFORMANCE WITH THE ZONING ORDINANCE

##### A. Conformance with Section 27-281(b):

The proposed development conforms to the general purposes of Detailed Site Plans pursuant to Section 27-281(b), described in more detail below:

(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.

*The Subject Property was rezoned to M-X-T as part of Change Number 4 of the 2013 Approved Subregion 6 Master Plan and Sectional Map Amendment, (“Subregion 6 Master Plan and SMA”), to “create new opportunities for development.” The area surrounding the intersection of MD 725 and US 301 presents a “unique opportunity for new development and redevelopment”, with MD 725 west of US 301 of prime importance because this road is a “gateway into the Town of Upper Marlboro.” In support of this goal, the Future Land Use Map designates a mixed-use area in the northwest quadrant of the intersection of MD 725 and US 301 improved with a mixture of new retail, office and residential uses. Moreover, Within Plan Prince George’s 2035, the Subject Property is designated within the “Established Communities” growth policy area. Established Communities are the most appropriate area for context-sensitive infill and low-to medium-density development. The proposed 150 apartments are context-sensitive infill development that conforms to the vision for this area as denoted by the Subregion 6 Master Plan and SMA and Plan Prince George’s 2035.*

##### B. Conformance with Section 27-542:

The development conforms to the purposes of the Mixed-Use Transportation Zone pursuant to § 27-542, described in more detail below:

(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;

*The Subject Property is located within the “Established Communities” growth policy area as designated by Plan Prince George’s 2035. The proposed 150 apartment development is context-sensitive infill that provides dwellings for residents at various income and age levels. These new apartments will provide a desired style of living for seniors and families in a well-established area of the County. The proposed additional residents will help support the existing commercial uses along Marlboro Pike and US 301, as well as, hopefully create more demand for additional commercial uses.*

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

*The Subregion 6 Master Plan and SMA rezoned this area M-X-T to “create new opportunities for development.” Stating more specifically, the area surrounding the intersection of MD 725 and US 301 presents a “unique opportunity for new development and redevelopment”, with MD 725 west of US 301 of prime importance because this road is a “gateway into the Town of Upper Marlboro.” The proposed 150 residential dwelling units will help support the existing commercial uses along Marlboro Pike and US 301, as well as, hopefully create more demand for additional commercial uses.*

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

*The subject application consists of infill development that provides quality housing options for Prince George’s County residents at various income levels in a well-established area of the County. This proposal also provides much needed and desired age-restricted units.*

- (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;

*The proposed residential units are in close walking and bicycle distance of*

*various commercial retail uses along Marlboro Pike and US 301.*

- (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;

*It is anticipated that residents living in these apartments will utilize the existing retail commercial developments in the vicinity. Living in the vicinity of these commercial activities stimulates economic activity at various times throughout the day and night.*

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

*The proposed application satisfies the goal of a horizontal mix of uses by providing high-quality residential units to complement the commercial retail uses along Marlboro Pike and US 301.*

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

*The proposed residential development will be developed with a common architectural style that is visually distinct from existing commercial developments in the area, but compatible to other residential uses.*

- (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;

*The Subject Property is undergoing Stormwater Management Concept review per Plan No.: 18325-2022.*

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

*The proposed application promotes economic vitality by removing the existing, but dilapidated single-family homes and replacing them with high-quality residential apartments that appeal to residents of various income levels, as well as seniors looking for age-restricted housing.*

- (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.

*The proposed residential development will be developed with a common*

*architectural style that is visually distinct from existing commercial developments in the area, but compatible to other residential uses.*

**C. Conformance with Section 27-546(d):**

The proposed development conforms to § 27-546(d), which establishes the findings required for Planning Board approval of a Detailed Site Plan, described below in more detail:

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

*For the reasons stated in Subsection B., this proposed development satisfies the purposes of the M-X-T Zone at this location.*

- (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;

*No design guidelines were imposed as part of the Subregion 6 Master Plan and SMA. However, for the reasons previously mentioned this development application conforms with the goals and purpose for rezoning the Subject Property to the M-X-T Zone.*

- (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 environmental features have greatly impacted the overall layout and configuration of the Subject Property. Nevertheless, the applicant is proposing to construct the age-restricted building as close as possible to Marlboro Pike while shielding its surface parking from view in the hope of creating an attractive and desirable streetscape.*

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

*The proposed residential units are compatible with the existing commercial retail and residential uses in the area. Many of the residential uses are older and dilapidated. These new, and modern apartments will hopefully serve as a catalyst for additional redevelopment of older residential uses to the west along Marlboro Pike.*

- (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 layout and configuration of the proposed residential development reflect a cohesive development to the maximum extent practicable given the environmental constraints imposed on the development. Public amenity space and recreational areas are convenient to each building and parking areas are close to the buildings.*

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

*No phasing of development is proposed as part of this application. Construction of the development will occur at one time.*

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

*A comprehensive system of walkways and paths connect the proposed residential buildings with each other and Marlboro Pike.*

- (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

*As shown on the Site Plan for this property, the design of the property and the layout of the site demonstrates that adequate attention has been paid to human scale, and high-quality urban design.*

- (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.

*Transportation facilities were deemed adequate as part of Planning Board approval of Preliminary Plan of Subdivision No.: 4-21010.*

- (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).

*Transportation facilities were deemed adequate as part of Planning Board approval of Preliminary Plan of Subdivision No.: 4-21010.*

- (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 does not contain 250 acres or more.*

#### **D. Conformance with Section 27-548:**

The Subject Property conforms to M-X-T Regulations set forth in § 27-548, described below in more detail:

- (1) Maximum floor area ratio (FAR):
- a. Without the use of the optional method of development — 0.40 FAR; and
  - b. With the use of the optional method of development — 8.00 FAR.

*The proposed FAR upon the Subject Property is 0.22 for the entire site.*

- (2) 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.

*Upon approval of the minor final plat, which must be approved subsequent*

*to the subject application, each building will be located upon a single lot.*

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

*The proposed development regulations are located on the detailed site plan.*

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

*The proposed landscaping is in accordance with the Prince George's County Landscape Manual.*

- (5) 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 property proposes a FAR of 0.22 based on the guidelines set forth above.*

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

*Not applicable.*

- (7) 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.

*Access easements in accordance with § 24-128(b)(9) were approved due to the site layout preventing each lot from having frontage on, and direct*

*vehicle access to, a public street.*

- (8) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half ( $\frac{1}{2}$ ) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees ( $45^\circ$ ). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not



dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to 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.

*No townhomes are proposed as part of this development.*

- (9) 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.

*No multifamily building will exceed the 110 feet height limit.*

- (10) 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).

*The Subregion 6 Master Plan and SMA rezoned this area “M-X-T” to “create new opportunities for development.” Stating more specifically, the*

*area surrounding the intersection of MD 725 and US 301 presents a “unique opportunity for new development and redevelopment”, with MD 725 west of US 301 of prime importance because this road is a “gateway into the Town of Upper Marlboro.” The proposed 150 residential dwelling units will help support the commercial retail uses along Marlboro Pike and US 301.*

## **V. CONFORMANCE WITH PREVIOUS CONDITIONS OF APPROVAL**

On July 26, 2020, the Prince George’s County Planning Board adopted a Resolution recommending approval of the CSP, subject to various conditions. Of relevance to this application, two (2) conditions were required at the time of detailed site plan. The subject application conforms to these conditions for the reasons stated below:

- (1) At the time of detailed site plan, the applicant shall:
  - a. Submit a list of sustainable site and green building techniques that will be used in this development;

*The required list has been included with this application.*

- b. Consider providing commercial/retail, office uses, and/or other public-oriented functions at the street level fronting MD 725 (Marlboro Pike) to activate the street.

*Consideration was given to providing commercial/retail, office uses, and/or other public oriented functions at the street level fronting MD 725 (Marlboro Pike), but for a myriad of factors, this option was not feasible. First, the available area for nonresidential/public-oriented functions greatly diminished at time of the detailed site plan from the previous conceptual site plan not otherwise diminished from existing environmental features. When the conceptual site plan was approved, it included Parcel 101 within its boundaries, but this parcel was later excluded from the preliminary plan of subdivision and the subject application. Removing Parcel 101 resulted in losing approximately 200 feet of frontage onto MD 725. Second, based on the applicant’s experience and expertise, it was determined that the residential component was necessary prior to commercial development in order generate demand and capital for future commercial users. Finally, it was determined that residential uses were more appropriate fronting onto MD 725 than US 301, given the anticipated level of noise that is generated from US 301. Thus, when these factors were considered holistically, it was determined that it was most appropriate for residential uses to front along MD 725 in the limited space that was*

*available. Nevertheless, the applicant is proposing frontage improvements along MD 725 such as a sidewalk and street trees in order to activate the street.*

On May 2, 2022, the Prince George's County Planning Board adopted a Resolution approving Preliminary Plan of Subdivision No.: 4-21010 subject to numerous conditions of approval. Of relevance to this application, two (2) conditions were required at the time of detailed site plan. The subject application conforms to these conditions for the reasons stated below:

- (6) Because of the significance of the archaeological findings at the Phase 1 Level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of detailed site plan and shall be subject to approval by the staff archaeologist.

*This information has been included in the detailed site plan.*

- (8) The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall be determined at the time of DSP.

*On-site recreational facilities have been provided and are shown on the detailed site plan.*

- (11) The detailed site plan shall show the position of the driveways and private access easements approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, which serve the development.

*This information is shown upon the detailed site plan.*

- (16) If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each detailed site plan.

*This development will not be phased.*

- (18) Prior to the acceptance of the detailed site plan, the applicant shall provide an analysis to demonstrate that the proposed access driveway connection along MD 725 (Marlboro Pike) conforms to the Maryland State Highway Administration (SHA) access management standards. The exact details of the

access connection and its conformance to SHA access management standards will be evaluated at the time of detailed site plan.

*The required analysis has been provided as part of this application package.*

- (19) Prior to the approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency. The details of the following facilities shall be provided as part of the detailed site plan:
- (A) The applicant shall provide a shared-use path with a minimum width of 11 feet and 2 feet of clear space on either side of the pathway, consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities* along MD 725/Marlboro Pike abutting the subject property, per the 2009 *Approved Countywide Master Plan of Transportation*.
  - (B) The applicant shall provide marked bike lanes along MD 725/Marlboro Pike consistent with the 2009 *Approved Countywide Master Plan of Transportation*.
  - (C) The applicant shall provide either a sidewalk or a shared-use path along US 301 (Robert Crain Highway) abutting the subject site.
  - (D) The applicant shall provide marked bike lane signage and pavement marking within the US 301 (Robert Crain Highway) shoulder abutting the subject project, as well as a R4-11/Bicycles May Use Full Lane sign on the portion of southbound US 301 after the shoulder ends.

These improvements may be modified by the operating agency with written correspondence.

*Great effort has been made to prepare the detailed site plan in accordance with this condition, however, the transportation improvements shown on the detailed site plan have been prepared in accordance with Maryland State Highway Administration Standards if there is a conflict.*

- (20) The applicant shall provide short-term bicycle parking facilities at the proposed retail and commercial uses and long-term bicycle parking facilities for the multifamily housing units consistent with the 2012 *AASHTO Guidelines for the Development of Bicycle Facilities*. These facilities shall be

shown on the detailed site plan prior to its acceptance.

*Bick racks have been provided outside each of the buildings.*

- (26) Prior to the acceptance of the detailed site plan, the revised stormwater management concept plan shall be approved and included in the acceptance package.

*The revised stormwater management concept plan is included with this submission.*

- (27) Prior to acceptance of a detailed site plan for the residential development, the applicant shall submit a noise study either demonstrating all outdoor recreation areas will not be exposed to noise levels above 65 dBA Ldn or recommending noise mitigation measures to reduce noise levels to below 65 dBA Ldn. The noise study shall also recommend noise mitigation measures to reduce interior noise levels to below 45 dBA Ldn for all residential buildings exposed to noise levels above 65 dBA Ldn.

*The noise study has been provided with this application package.*

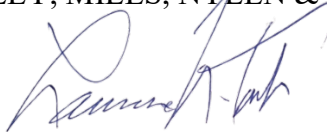
## VI. CONCLUSION

For all the above-stated reasons, the Applicant respectfully requests approval of the proposed Detailed Site Plan for a total of 150 walk-up apartments upon the Subject Property.

Respectfully submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

By:



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Lawrence N. Taub, Esquire



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Nathaniel Forman, Esquire  
7850 Walker Drive, Suite 310  
Greenbelt, MD 20770

*Attorneys for Applicant*



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[atcsplc.com](http://atcsplc.com)

November 4, 2022

Prince George's County  
MNCPPC  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

RE: Marlboro Gateway – DSP-22019

To Whom It May Concern,

Sustainable site and green building techniques were evaluated in the planning and design of the Marlboro Gateway project. Specific practices integrated into the plan are as follows:

- Support walkable areas in appropriate places
  - The site includes ADA accessible pathways to buildings and shared community spaces.
- Conserve energy
  - The buildings include multiple energy conservation methods. All three proposed buildings meet ASHRAE standards for lighting, meet EnergyStar standards for low-rise residential, have a HERS index greater than 40 and less than or equal to 60, a water heater efficiency of 0.82 or more, an air conditioner with stated efficiency greater than 14 SEER is included as standard, and use central air conditioners that are EnergyStar-qualified. Building 2 and Building 3 also have tankless water heating systems. All buildings will meet or exceed LEED Silver certification.
- Protect water quality
  - The site meets Prince George's County stormwater management requirements with the utilization of micro-bioretenion facilities and underground detention facilities.
- Promote a healthy landscape
  - Landscaping is proposed to be in accordance with Prince George's County Ordinance and Landscape Manual.
- Promote healthy and safe lifestyle
  - The amenities include recreational facilities including a tot lot and fitness centers inside the buildings.
- Preservation of a designated historic site
  - Signage that includes the history of Snow Hill is proposed on-site.

If you have any questions or need additional information, please contact me.

Thank you,  
ATCS, PLC

Victoria Ballestero, PE, MBA  
Vice President, Operations Manager

January 23, 2023

**MEMORANDUM**

TO: Mridula Gupta, Planner III, Urban Design Section, Development Review Division

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

FROM: Andrew Bishop, Planner II, Placemaking Section, Community Planning Division *NAB*

SUBJECT: **DSP-22019, Marlboro Gateway**

**FINDINGS**

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

**BACKGROUND**

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

**Location:** Northwest of the intersection of MD 725 (Marlboro Pike) and US 301 (Crain Highway)

**Size:** 19.76

**Existing Use:** Vacant

**Proposal:** Construction of three multifamily buildings and a total of 150 dwelling units

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

**General Plan:** This application is in the Established Communities Growth Policy Area. The vision for the Established Communities is context-sensitive infill and low to medium- density development.

**Master Plan:** The *2013 Approved Subregion 6 Master Plan and Sectional Map Amendment* (Master Plan) recommends a mix of uses on the subject property.

**MD 725 Corridor:**

The Master Plan makes the following recommendations for the subject property and envisions MD 725 west of US 301 as a primary access road into the Town of Upper Marlboro, the county seat, and as such, has a high degree of visibility.



## **DSP-22019 Marlboro Gateway**

The plan states, “In the short term, improvements to the site and corridor design would significantly upgrade the appearance of the corridor, improve gateway image to the county seat, and help prime the area for future investment. One of the most effective methods to improve a corridor is to develop a corridor aesthetic that softens adjacent land uses, defines the corridor, and directs/keeps views within the defined travel corridor. creating an attractive gateway that leads into the town of Upper Marlboro “(Page 199).

The following strategies to achieve this gateway and redevelop the Marlboro Pike (MD 725) Corridor are identified in the Master Plan.

### **MD 725 CORRIDOR**

1. Develop an implementation program that includes development requirements and necessary road improvements for the MD 725 corridor from US 301 to the Town of Upper Marlboro. This plan should include:
  - Incorporation of street trees and planting zones into design elements.
  - Develop a pedestrian safe zone with sidewalks and crosswalks.
  - Minimize parcel access points and consolidate curb cuts.
  - Focus efforts to improving signage: remove abandoned signs, consolidate signs when possible.
3. Promote signage and landscape improvements to “gateway” intersections: US 301/MD 725 and MD 202/MD 725.
4. Achieve consistent design and setbacks for public and private improvements along MD 725.
5. Develop a comprehensive streetscape program for MD 725 which would include:
  - Installing curbs along MD 725 to create a safety barrier, define parcel entrances, and generally define the roadway corridor.
  - Screening surface parking with hedges, walls, or fences.
  - Installing ornamental street lighting.
  - Burying overhead utilities.
  - Creating a street tree planting buffer zone adjacent to the back of the curb.(Pages 205 and 206)

### **GREEN BUILDING/ ENERGY EFFICIENCY**

- The Subregion 6 MP and SMA recommends the use of green building techniques (Page 79). The applicant should use green building techniques to the extent practical and is encouraged to use design practices that reduce resource and energy consumption.
- The Subregion 6 MP and SMA recommends the use of full cut-off optics light fixtures to limit light pollution into residential, rural, and environmentally sensitive areas (Page 80). Staff recommends this design standard be applied to lighting on site.

## **DSP-22019 Marlboro Gateway**

### **Planning Area: 79**

**Community:** Upper Marlboro and vicinity

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

**SMA/Zoning:** The Subregion 6 MP and SMA retained the subject property in the Mixed-Use Transportation Oriented (M-X-T) zone.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from M-X-T to Residential, Multifamily-48 (RMF-48) effective April 1, 2022.

**ADDITIONAL INFORMATION:** None.

### **Community Planning Division Recommendation**

In accordance with the above analysis, the Community Planning Division has no objections to the approval of Detailed Site Plan DSP-22019, Marlboro Gateway, subject to the following:

1. Prior to certificate approval of DSP-22019, the applicant shall revise the detailed site plan and provide additional information as follows:
  - a. Revise the DSP to provide streetscape improvements along Marlboro Pike. Improvements shall be consistent with the Subregion 6 MP and SMA recommendations and are subject to approval of the operating agency. Improvements may include landscaping, decorative fencing, human-scale decorative lighting, or signage to create an attractive gateway and sense of place as you arrive in Upper Marlboro.

**DSP-22019 Marlboro Gateway**

Cc: Long-Range Agenda Notebook  
Adam Dodgshon, Supervisor, Placemaking Section, Community Planning Division



Countywide Planning Division  
Historic Preservation Section

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

January 23, 2023

**MEMORANDUM**

**TO:** Mridula Gupta, Urban Design Section, Development Review Division

**VIA:** Katina Shoulars, Division Chief, Countywide Planning Division **KS**

**FROM:** Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**  
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**  
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**

**SUBJECT: DSP-22019; Marlboro Gateway**

The subject property comprises 19.77 acres and is located 0.10 miles west of the intersection of MD 725 and US 301. The subject property is zoned RMF-48 and located within the area. The subject application proposes the construction of three multifamily buildings for a total of 150 dwelling units. Building 1 is proposed for 90 age-restricted units on approximately 5.36 acres, known as the Birchwood at Upper Marlboro. Building 2 is proposed to contain 36 dwelling units, and Building 3 is proposed to contain 24 dwelling units, for a total of 150 dwelling units.

The subject property is within the *Approved Subregion 6 Master Plan and Sectional Map Amendment* area. The master plan includes goals and policies related to historic preservation (pages 161-174). However, these are not specific to the subject site or applicable to the proposed development.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property was high. The subject property was once part of the Compton Bassett or Woodland plantation. This plantation was established on the Patuxent River by the Hill family in 1699 and remained in the family until the Compton Bassett Historic Site (79-063-10) was purchased by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in 2010. A Phase I archeology survey was conducted and the report was completed in June of 2020. No further archeological investigations were requested by the Historic Preservation Section.

The subject property also contains four single-family residences situated on the north side of MD 725. The applicant proposes to demolish all the existing structures on the subject property. Some of the land on which these twentieth century houses were built was part of an African American community that settled in the area shortly after the Civil War. Background historic research should attempt to establish which families built and occupied these structures.

Two conditions from the Planning Board's approval of Preliminary Plan 4-21010 (PGCPB No. 2022-83) are relevant to Historic Preservation and archeology:

5. *Prior to approval of a raze permit for any of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures shall be thoroughly documented on a Maryland Inventory of Historic Properties form. 6. Because of the significance of the archaeological findings at the Phase I level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of detailed site plan and shall be subject to approval by the staff archeologist. The PGCPB No. 2022-83 File No. 4-21010 Page 3 installation of the signage and the implementation of public outreach measures shall occur prior to issuance of the final building permit for the development.*

COMMENT: This condition is still outstanding. Prior to the demolition of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures should be thoroughly documented on Maryland Inventory of Historic Properties forms.

6. *Because of the significance of the findings at Phase I level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of DSP and shall be subject to approval by the staff archeologists. The installation of the signage and the implementation of public outreach measures shall occur prior to issuance of the final building permit for the development.*

COMMENT: The applicant has proposed interpretive signage that provides a brief history of the Sugar Hill Community that was established in the area after the Civil War and a seating area near a sidewalk that leads into the proposed development. A portion of the community was comprised of people who were formerly enslaved on nearby plantations. The applicant should continue to work with Historic Preservation staff on the wording of the signage prior to its installation.

## **Recommendation**

Historic Preservation staff recommends approval of DSP-22019, Marlboro Gateway, with no new conditions.



## Gupta, Mridula

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**From:** Ryan, Benjamin  
**Sent:** Thursday, February 2, 2023 10:21 AM  
**To:** Gupta, Mridula  
**Cc:** Capers, William  
**Subject:** Marlboro Gateway - SHA

Hi Mridula,

Just went over the SHA email and spoke to Will. TPS staff does not agree that the TWLTL is a practical solution to offset queuing. However, SHA is the ultimate and final arbiter of how their roads function and where they permit access. We will take this email from Kwesi as justification from the applicant that the access will be permitted and that this is a viable solution.

We don't intend to change the referral as it is currently written. We would prefer that it remain in the staff report so our objection to the road layout can remain on record. We also don't think today's meeting this afternoon is necessary considering SHA's approval. If you are ok with this, you can send a cancellation notice.

Lastly, can you request that the plans the applicant has submitted to SHA be provided for us to review? We would like to see the final design.

### Benjamin Ryan

*Planner II | Countywide Planning Division | Transportation Planning*

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
**Prince George's County Planning Department**

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-4383 | [benjamin.ryan@ppd.mncppc.org](mailto:benjamin.ryan@ppd.mncppc.org)





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division  
Transportation Planning Section


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


301-952-3680

February 3, 2023

**MEMORANDUM**

TO: Mridula Gupta, Urban Design Review Section, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division  


VIA: William Capers III, PTP, Transportation Planning Section, Countywide Planning Division  


**SUBJECT: DSP-22019: Marlboro Gateway**

**Proposal:**

The subject Detailed Site Plan (DSP) application proposes the construction of 150 multifamily dwelling units. The subject site is adjacent to the intersection of Marlboro Pike and US 301 and has frontage on both roadways. The Transportation Planning review of this DSP application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

**Prior Conditions of Approval:**

The site is subject to Conceptual Site Plan CSP-19001 and Preliminary Plan of Subdivision (PPS) 4-21010. The relevant transportation conditions of approval related to the subject application are listed below:

**CSP-19001**

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
  - d. Show conceptual pedestrian access arrows crossing MD 725 (Marlboro Pike) at the conceptual entrance of the proposed development, and between all pods on the site and adjacent properties along MD 725 (Marlboro Pike), subject to the final locations and design at the time of DSP and subject to applicable permitting agency approval.
  - e. Provide conceptual pedestrian access along both sides of the internal driveways and roads, and between the buildings and the parking lots on the subject site.

**Comment:** The applicant's submission displays a pedestrian crosswalk along Marlboro Pike, adjacent to the site access driveway. The DSP indicates that the crosswalk is subject to the approval and permitting of the operating agency, which staff agrees given that additional analysis is needed to determine if a mid-block crosswalk at this location is warranted. However, as a condition of approval staff recommends that at the time of building permit the applicant provides a letter from the operating agency indicating if a mid-block crosswalk is warranted, will be permitted, and have financial assurances for construction. If the mid-block crosswalk is not warranted by the operating agency, then the applicant shall instead provide written correspondence with this information at the time of permit.

Pedestrian access has been provided within the site between all driveways, buildings, and parking lots. Additionally, staff requested the applicant provide pedestrian access to the easternmost bounds of the subject site to facilitate inter-parcel connection with the future phase of the development and in keeping with the requirements provided in condition 1-d. The applicant's plans accurately display this pedestrian connection, in accordance with the referenced condition of approval. However, a notation has been added to the plans which read "possible point of the vehicle and pedestrian access for future development." Staff requests the applicant remove this notation and show the proposed inter-parcel connections as permanent features. This will ensure that the pedestrian connections are built with this phase of development and facilitate a future connection when the second phase of this project is built.

4. Prior to the approval of any building permits within the subject property, unless modified at the time of the preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

US 301 @ MD 725 intersection

- a. Provide three through lanes, a double left-turn lane, and a right-turn lane, at the northbound approach.
- b. Provide four through lanes, a left-turn lane, and a right-turn lane, at the southbound approach.
- c. Provide two through lanes, a right turn, and a left-turn lane, at the westbound approach.
- d. Provide two left-turn lanes, a shared left-through lane, and a right-turn lane, at the eastbound approach.

**Comment:** The above-referenced condition of approval was not modified with the preliminary plan of subdivision. The condition remains and will be addressed at the time of the building permit.

4-21010

4. Prior to approval, the final plat of the subdivision shall include:
  - d. Dedication of 35 feet of public right-of-way from the centerline of MD 725 (Marlboro Pike), as shown on the approved preliminary plan of subdivision.

**Comment:** The latest DSP submission shows an additional 15 feet of right-of-way dedication from the existing property boundary that provides a total of 35 feet from the centerline, which is consistent with condition 4-d of the approved PPS application.

13. Total development within the subject property shall be limited to uses that generate no more than 249 AM peak hour trips and 212 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

**Comment:** The applicant has submitted a Trip Generation Memorandum as part of the DSP application to demonstrate conformance to the approved trip cap. It should be noted that condition 13 of 4-21010 established transportation adequacy with a proposed development of 150 multifamily dwelling units and 10,000 square feet of commercial use. The subject application only considers the residential component of the preliminary plan of subdivision, specifically the 150 multifamily dwelling units. Staff finds that the subject DSP is within the trip cap established with 4-21010.

14. Prior to issuance of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$361.50 (in 1999 dollars) per dwelling unit for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.

**Comment:** The above-referenced condition of approval remains and will be addressed at the time of the building permit. Cost escalation and specific per-unit fees are discussed in greater detail below with Condition 16.

15. Prior to issuance of any commercial building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$29.52 per square foot of gross floor area for nonresidential uses (in 1999 dollars), up to a maximum total fee of \$295,155.39 (in 1999 dollars) for the overall commercial development. The fee is for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. This cost will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections, and Enforcement at the time of the issuance of each permit.

**Comment:** As discussed above, the subject application only considers residential uses. When the commercial portion is proposed, the above-referenced condition of approval will remain and will be addressed in further detail with Phase 2 of the development.

16. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each detailed site plan.

**Comment:** As part of the DSP application, the applicant provided a Traffic Impact Study (TIS) which contains a cost breakdown of the applicant's contributions to the Capital Improvement Project along US 301. A pro-rata CIP fee of \$367.51 per dwelling unit is proposed for Phase 1 to support the costs of CIP improvements. Staff supports this finding and will recommend as a conditional approval that the applicant provide a total of \$55,126.50 for the phased development of the subject DSP. These costs will be adjusted based on an inflation cost index factor to be determined by DPIE at the time of issuance of each permit. All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) or Department of Public Works and Transportation (DPW&T).

17. Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a signal warrant analysis for the site access and MD 725 (Marlboro Pike) intersection. If the signal is deemed warranted and approved, a signal shall be provided in accordance with the Maryland State Highway Administration standards.
  - a. If the development is phased, the applicant shall provide a phasing plan (with adequate justification), as part of future detailed site plans, to show the phasing of the aforementioned transportation improvement relative to the development of the site. The phasing plan shall also show, in support of the determination of whether the signal is warranted, when each access point to the site will be provided. A determination shall be made at the time detailed site plan as to when the access points will be provided and when the signal improvement shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.

**Comment:** The TIS also includes an analysis to demonstrate the phasing of transportation improvements to the phased development for the subject DSP which includes level of service (LOS) results for intersections that will be impacted by the proposed development. Please note that the TIS considered the same study area that was scoped and accepted by staff as part of the PPS approval. Specific to the site access and Marlboro Pike intersection, the applicant has demonstrated that Phase 1 of the development will result in a Highway Capacity Manual (HCM) delay (during the PM peak period) of 0.7 seconds on the eastbound approach and 40.8 seconds on the southbound approach. For unsignalized intersections such as this, an intersection is deemed adequate if the HCM delay is less than 50 seconds for all movements. The TIS concludes that the phased development of the subject DSP will not trigger the need for a traffic signal at the site access/Marlboro pike intersection. Staff finds the applicant has demonstrated that a signal is not required with the subject application.

The TIS submission showed that the signal will be needed and warranted when the remaining portion is developed with the commercial density. At the time of Phase 2, the applicant will be



required to submit a signal warrant analysis prior to the first building permit, as outlined in condition 17.

18. Prior to the acceptance of the detailed site plan, the applicant shall provide an analysis to demonstrate that the proposed access driveway connection along MD 725 (Marlboro Pike) conforms to the Maryland State Highway Administration (SHA) access management standards. The exact details of the access connection and its conformance to SHA access management standards will be evaluated at the time of the detailed site plan.

**Comment:** The applicant's statement of justification contains a note regarding condition 18 that reads "The required analysis has been provided as part of this application package." Staff does not find that the applicant has demonstrated that the access driveway conforms to SHA standards. In addition, through analysis staff has found that the proposed access will impede operations along Marlboro Pike which will block adjacent driveways and create conflicts with vehicles. The site access impacts are discussed in greater detail below, but conformance to the state access management standards may eliminate the operational impacts. Staff finds that the subject DSP has not met the requirements of condition 18.

19. Prior to the approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency. The details of the following facilities shall be provided as part of the detailed site plan:
  - a. The applicant shall provide a shared-use path with a minimum width of 11 feet and 2 feet of clear space on either side of the pathway, consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities* along MD 725/Marlboro Pike abutting the subject property, per the 2009 *Approved Countywide Master Plan of Transportation*.
  - b. The applicant shall provide marked bike lanes along MD 725/Marlboro Pike consistent with the 2009 *Approved Countywide Master Plan of Transportation*.
  - c. The applicant shall provide either a sidewalk or a shared-use path along US 301 (Robert Crain Highway) abutting the subject site.
  - d. The applicant shall provide marked bike lane signage and pavement marking within the US 301 (Robert Crain Highway) shoulder abutting the subject project, as well as an R4-11/Bicycles May Use Full Lane sign on the portion of southbound US 301 after the shoulder ends.

These improvements may be modified by the operating agency with written correspondence.

**Comment:** Specific to condition 19-a, the applicant's submission does not display the shared-use path along MD 725/Marlboro Pike abutting the subject property. The DSP shows a five-foot-wide sidewalk and includes a note indicating that the shared-use path is subject to the operating agency's approval. Staff agrees with this assertion. However, the applicant has not provided correspondence from the operating agency granting a modification to the reduction of the shared-use path along the

subject property's frontage. Prior to certification of the detailed site plan, the applicant shall update the DSP to display the shared-use path in accordance with condition 19-a or provide documentation by the operating agency indicating a modification to this facility.

20. The applicant shall provide short-term bicycle parking facilities at the proposed retail and commercial uses and long-term bicycle parking facilities for the multifamily housing units consistent with the 2012 *AASHTO Guidelines for the Development of Bicycle Facilities*. These facilities shall be shown on the detailed site plan prior to its acceptance.

**Comment:** The applicant's submission only displays outdoor bicycle parking and does not display long-term bicycle parking at the multifamily housing units, as required by condition 20. Prior to certification of the detailed site plan, the applicant shall update the DSP to display long-term bicycle parking at each multifamily building in accordance with condition 20.

### **Master Plan Compliance**

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

### **Master Plan Roads**

The subject property has frontage along Marlboro Pike (P-608) along the southern bounds of the site. Per the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the portion of Marlboro Pike that fronts the subject property is designated as a primary roadway within 70 feet of right-of-way. The applicant is proposing a dedication of 8,636 square feet (0.20 acres) along the subject property's frontage of Marlboro Pike. The dedicated portion contains the entirety of the sidewalk proposed along the frontage of Marlboro Pike. However, as previously mentioned the latest DSP submission shows an additional 15 feet of right-of-way dedication from the existing property boundary that provides a total of 35 feet from the centerline consistent with the master plan recommendation.

The subject property also has frontage on US 301 (A-61) along the eastern bounds of the site. Per the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the portion of US 301 that fronts the subject property is designated as a freeway with a variable width right-of-way. As mentioned, the limits of the subject DSP do not impact the master plan facility along US 301 and were not evaluated as part of this application, but will be considered with future phases of development.

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

This development case is subject to 2009 MPOT which recommends the following facilities:

Side Path: Marlboro Pike

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

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

Policy 2: All road frontage improvements and road capital improvement projects within the

Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

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

**Comment:** As previously mentioned, the latest submission does not display the side path along Marlboro Pike and will need to be modified to be consistent with master plan recommendation prior to the certification of the DSP. However, the DSP shows a dedicated bike lane along the subject property and shows the site improved with a series of connected pedestrian facilities, both consistent with the master plan recommended policies.

### **Transportation Planning Review**

#### **Zoning Ordinance Compliance**

Section 27-283 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for detailed site plans.

**Comment:** In the initial review of the subject application, staff requested that the applicant provide additional analysis to assess the proposed site access and its conformance with section 27-274(c)(i-ii) which states that:

*(i) "The location, number, and design of driveway entrances to the site should minimize conflict with off-site traffic" and (ii) "entrance drives should provide adequate space for queuing."*, and also with the M-X-T district provisions, section 27-546(d)(4) that provides additional guidance for site plans in the M-X-T Zone and requires that *"a proposed development is compatible with existing and proposed development in the vicinity."*

In this, staff requested a queuing analysis to demonstrate that no additional roadway improvements along Marlboro Pike would be needed to support the development. The applicant submitted a queuing analysis which considered the intersection of the site access point and Marlboro Pike using the 95<sup>th</sup> percentile queuing as a metric to measure the vehicular calculated queue length at this location. The analysis determined that along the eastbound approach of Marlboro Pike, the site inbound trips will generate a queue of 105 feet during the PM peak period which will exceed the available storage and block the adjacent driveway to the south of the site. Staff raised concerns that based on the applicant's analysis the site proposed access connection will impede operations along Marlboro Pike by severely diminishing the existing operations of the roadway by creating excessive delays, prohibiting access to an existing parcel, and creating possible vehicle conflicts.

In a meeting with the applicant on January 27, 2023, the applicant acknowledged that the proposed site will create queues that will exceed the available storage and indicated that an exclusive left turn lane to the site will mitigate this impact. However, the applicant proposed converting the existing exclusive left-turn lane on the northside of Marlboro Pike that provides access to the

adjacent McDonalds property to the west into a two-way left turn lane (TWLTL) to facilitate this improvement. Though staff believes that an exclusive left turn is needed to eliminate the site-generated queues by removing left turn movements to the site from the general traffic, staff does not believe the conversion of an existing turn lane to another property is suitable and that a TWLTL will create additional conflicts and greater operational impediments along Marlboro Pike. Staff believes that the existing westbound left turn lane was provided specifically to offset queuing generated by the McDonalds restaurant to the south of the site, which is still operable and produces a large volume of trips during the peak period. Additionally, staff believes that a shared left turn lane is not a viable solution in providing a left turn improvement that provides sufficient storage to accommodate the anticipated queues (in this case a minimum of 105 feet) and is not shared with opposite directional left turn movements that will create merging head-on conflicts and will create delays when the available storage is not available to accommodate opposing left turns on either side of the roadway.

For the reasons detailed above, staff finds that the applicant has not demonstrated that safe and efficient access to the site along Marlboro Pike can be achieved without disrupting the existing roadway network, which in turn creates likely vehicular conflict. Absent sufficient improvements or modifications to the applicant's submission, staff finds that the site access is not acceptable and does not conform to the zoning ordinance.

The applicant's submission displays a 5-foot-wide sidewalk along the subject property's frontage of Marlboro Pike. An additional sidewalk is provided between Building 1 and the sidewalk along the site's frontage. A sidewalk is also provided along both sides of the internal access roads as well as between the proposed buildings and the parking areas. Sidewalks have also been extended east of Building 3 to the bounds of the subject site, thereby anticipating pedestrian movement to Phase 2 of the development. As discussed above, a notation has been added to the plans which read "possible point of the vehicle and pedestrian access for future development," which staff has requested be removed from the DSP in order to ensure that the connection is constructed with this phase of the development. Additionally, a series of crosswalks are also provided at locations where on-site sidewalks intersect with entrances to the parking areas or where sidewalks are otherwise interrupted. These on-site crosswalks help provide safe pedestrian movement throughout the site. The staff has also requested the applicant update plans to provide long-term bicycle parking at each multifamily building.

Section 27-574(a) discusses parking requirements in the M-X-T Zone and is copied below:

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

**Comment:** The applicant has submitted a parking analysis detailing on-site parking. The applicant is proposing a total of 163 parking spaces for the 150 multifamily dwelling units proposed with this DSP. The parking analysis does not consider the future commercial portion of the site. A standard development with 90 age-restricted senior housing units and 60 standard multi-family dwelling units would require a minimum of 213 parking spaces, per the requirements of section 27-568 of the Prince George's County Zoning Ordinance (Ordinance). Section 27-574 of the Ordinance allows applicants to develop a criterion, specific to the proposed development, for developing parking standards in the M-X-T zoning district.

The applicant has submitted a parking analysis to determine the parking rate for the proposed development and cites section 27-574(b)(1) which states, "(b)The number of off-street parking spaces required for development in the M-X-T Zone and in a Metro Planned Community shall be calculated using the following procedures: (1)Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to know as the peak parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80%) of the peak demand, eighty percent (80%) of the peak parking demand spaces are being occupied)."

The applicant's parking analysis also makes use of the Institute of Traffic Engineers (ITE) Parking Generation Manual (5<sup>th</sup> Edition), which provides empirical data for other similar land uses. Both multifamily and senior adult housing were examined to formulate this study.

ITE guidance on peak parking demand for multifamily housing within general urban/suburban sites calculates an average peak parking demand of 1.31 spaces per unit. This would compute a peak parking demand of 79 spaces for the 60 multifamily dwelling units. The applicant is currently proposing 1.78 spaces per unit, or 107 total spaces for the multifamily units. ITE also provides peak parking projections based on the number of bedrooms. The 60 multifamily dwelling units have a total of 125 bedrooms. When examining the number of bedrooms, ITE peak parking demand equates to 0.75 spaces per bedroom. In relation to the applicant's proposal, the 125 bedrooms would require a peak parking demand of 94 spaces, which would be well contained within the applicant's current proposal of 107 spaces for the 60 multifamily units.

ITE also provides guidance on senior adult housing and calculates an average peak parking demand of 0.61 spaces per unit. This would compute a peak parking demand of 55 spaces for the 90 senior adult housing units. The applicant is currently proposing 0.62 spaces per unit, or 56 spaces for the senior adult housing units.

Based on this evaluation, the peak parking demand would require 94 spaces for the multifamily units and 55 spaces for the senior adult housing units, which comes to 149 spaces. The applicant is proposing 163 total spaces. Further, the proposed parking will not offset any future parking demands for the commercial portion and solely supports the uses associated with the subject application. As such, staff finds the applicant's proposal of 163 parking spaces to be suitable for the proposed development within the M-X-T Zone.

**Conclusion:**

As stated above in the Zoning Ordinance Compliance section, the staff finds the subject application does not conform to Sections 27-274(c)(i-ii) and Section 27-546 (d) (4) in providing safe access, minimizing conflicts with off-site traffic, provides adequate space for site generated queues, and is compatible with the surrounding network. Staff concludes that the referenced DSP is not acceptable and recommends that additional analysis is submitted to demonstrate improvements or site modifications that offset the site impacts to Marlboro Pike.

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:

1. Prior to the approval of the detailed site plan, the applicant and the applicant's heirs, successors, and /or assigns shall provide an operational analysis that provides improvements or site modifications that will offset the site impacts of Marlboro Pike and conform to Sections 27-274(c)(i-ii) and Section 27-546 (d) (4) of the zoning ordinance. Additionally, the operational analysis shall demonstrate that the proposed access driveway along Marlboro Pike conforms to SHA access management standards.
  
2. Prior to the certification of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assigns shall:
  - a. Remove the notation which reads "possible point of the vehicle and pedestrian access for future development" from DSP.
  - b. Update plans to show the shared-use path along the subject property's frontage of Marlboro Pike in accordance with condition 19-a of 4-21010 or provide documentation by the operating agency indicating a modification to this facility.
  - c. Update the DSP to display long-term bicycle parking at each multifamily building in accordance with condition 20 of 4-21010.
  
3. Prior to approval of the first building permit, the applicant and the applicant's heirs, successors, and/or assigns shall:
  - a. Demonstrate that any road improvement to offset the site's access impact to Marlboro Pike as described in condition 1 has (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency
  - b. Demonstrate that a mid-block crosswalk is warranted, will be permitted, and have financial assurances for construction. If the mid-block crosswalk is not warranted by the operating agency, then the applicant shall instead provide written correspondence with this information at the time of permit.
  - c. Provide a fee of \$55,126.50 to the County's Capital Improvement Project for improvements along US 301 for the phased development approved with Detailed Site Plan, DSP-22019. This fee shall be paid to Prince George's County (or its designee) and will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections, and Enforcements (DPIE) at the time of issuance of building permit.





Countywide Planning Division  
Environmental Planning Section

301-952-3650

January 23, 2023

**MEMORANDUM**

**TO:** Mridula Gupta, Planner III, Urban Design Section, DRD

**VIA:** Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *MM*

**FROM:** Mary Rea, Planner II, Environmental Planning Section, CWPD *MAR*

**SUBJECT: Marlboro Gateway; DSP-22019 and TCP2-046-2022**

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan (DSP-22019) initially received on December 6, 2022. Comments were provided to the applicant at the Subdivision and Development Review Committee (SDRC) meeting on December 23, 2022. Revised plans and documents were received on January 20, 2023, in response to these comments. The EPS recommends approval of DSP-22019 and TCP2-046-2022, with recommended findings and conditions listed at the end of this memorandum.

**BACKGROUND**

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
NRI-093-2018	N/A	Staff	Approved	8/3/2018	N/A
CSP-19001	TCP1-011-2020	Planning Board	Approved	7/23/2020	2020-128
4-21010	TCP1-011-2020-01	Planning Board	Approved	7/7/2022	2022-83
DSP-22019	TCP2-046-2022	Planning Board	Pending	Pending	Pending

**PROPOSED ACTIVITY**

The applicant is requesting approval of a DSP and a Type 2 Tree Conservation Plan (TCP2-046-2022) for the construction of a mixed-use development consisting of multifamily residential units and commercial/retail space. The TCP2 shows four proposed structures (residential and commercial), infrastructure (road layout, surface level parking, water and sewer lines, and outfall locations), woodland conservation areas, specimen trees, and proposed clearing.

The current zoning for the site is Residential, Multifamily-48 (RMF-48); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Mixed-Use Transportation Oriented (M-X-T) Zone.

### **GRANDFATHERING**

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27 and current Subtitle 25 that came into effect on September 1, 2010, because the project is subject to Preliminary Plan 4-21010.

### **REVIEW OF PRIOR APPROVALS**

Conceptual Site Plan CSP-19001 was approved by the Planning Board by PGCPB Resolution No. 2020-128 on July 23, 2020. The conditions of approval, which are environmental in nature, are shown in **bold** and are addressed below.

1. **Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:**
  - c. **Revise the Type 1 tree conservation plan (TCP1), as follows:**
    1. **Add the assigned plan number, TCP1-011-2020, to the approval block, woodland conservation worksheet and all appropriate areas where the TCP1 is listed.**
    2. **Revise the approval block on both sheets to be slightly larger for a readable signature.**
    3. **Revise the legend to remove label and symbol “cleared (woodlands cleared).”**
    4. **Revise the legend wording from “specimen tree to be retained” to “specimen tree proposed for removal- not with this CSP/TCP1.”**
    5. **Revise the legend and plan view to show a bright colored symbol for “Marlboro Clay.”**
    6. **Add a label for “north” and “south” bound Robert Crain Highway.**
    7. **Revise the stream buffer to stop at the wetland buffer.**
    8. **Revise the revise the limits of disturbance and specimen tree table to show all specimen trees as saved**
    9. **Add a revision date to the TCP1 and have the revised plan signed and dated by the qualified professional who prepared it.**

This condition was addressed at the time of the certification of TCP1-011-2020.

2. **Prior to acceptance of the preliminary plan of subdivision for this site, the applicant shall:**

- a. **Submit an approved stormwater management concept plan and approval letter.**

This project has an approved stormwater management (SWM) concept plan and approval letter (#2715-2020), which was approved on July 30, 2020. However, the project layout changed and an approved revision to the SWM concept plan (#2715-2020-01) that matches the revised layout shown on TCP1-011-2020-01 was provided with the acceptance of the DSP.

- b. **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 with this application and was reviewed by the Commission's Geotechnical Expert instead of the Geotechnical Engineer at Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE). The Geotechnical Planner was satisfied with the information provided regarding the elevation of the Marlboro clay and the slope stability factor.

- c. **Revise the Type 1 tree conservation plan to include the limits of the Marlboro clay and the 1.5 factor of safety line, if any, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections and Enforcement.**

The revised TCP1 showed the mitigated 1.5 factor of safety line as determined by an approved evaluation by the Commission's Geotechnical Expert.

5. **Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be met at the time of the first permit.

#### **Preliminary Plan of Subdivision 4-21010**

Preliminary Plan of Subdivision PPS 4-21010 was approved by the Planning Board by PGCPB Resolution No. 2022-83 on July 7, 2022. The conditions of approval, which are environmental in nature, are shown in **bold** and are addressed below.

21. **Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:**

- a. **The TCP1 shall show all the stormwater structures as shown on the revised stormwater management concept plan.**

- b. **Correct the TCP1 plan and Specimen Tree Table to show specimen trees ST-30 and ST-31 as being retained, not removed.**

**c. Revise the worksheet to reflect that the project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and not the 1991 Woodland Conservation Ordinance.**

**d. Revise Type 1 tree conservation note No. 8 to reflect Marlboro Pike is a historic roadway.**

**e. Revise Type 1 tree conservation note No. 9 to reflect that Robert Crain Highway is an arterial roadway.**

**f. Add the following note below the specimen tree table:  
"This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-6, 7, 8, 9, 16, 17, 18, 19, 20, 33, 42, 43, 44, 46, 47, 48, and 49."**

**g. Have the plans signed and dated by the qualified professional who prepared them.**

This condition was addressed at the time of the certification of TCP1-011-2020-01.

**22. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-011-2020-01). 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 (TCP1-011-2020-011) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."**

This condition will be met at the time of the plat review.

**23. Prior to the issuance of permits for this subdivision, a TCP2 shall be approved. The following note shall be placed on the final plat of subdivision:**

**"This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."**

This condition will be met prior to permit approval, and the note shall be added to the plat.

- 24. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section 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."**

This condition shall be met at the time of the final plat.

- 25. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be met at the time of the first permit

- 26. Prior to the acceptance of the detailed site plan, the revised stormwater concept plan shall be approved and included in the acceptance package.**

The revised SWM concept plan was approved and included in the acceptance package.

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory/Existing Conditions Plan**

A Natural Resource Inventory (NRI-093-2018) was approved on August 3, 2018, and was provided with this application. The site contains a 100-year floodplain, a stream, wetlands, and their associated buffers, which comprise the primary management area (PMA). A long stream system is located in a large valley formation in the southern portion of the site. This stream has been shown as ephemeral on the NRI and TCP2, and is therefore not considered a regulated environmental feature (REF). The on-site floodplain area is associated with Collington Branch to the west. There are 49 specimen trees scattered throughout the site. The approved NRI also includes Parcel 101, which is not part of the PPS. The TCP2 and the DSP show all the required information correctly in conformance with the NRI.

### **Woodland Conservation**

This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual (ETM) because the application was subject to a new PPS. A Type 2 Tree Conservation Plan (TCP2-046-2022) has been submitted for review that covers the area of this DSP.

Based on the TCP2 submitted with this application, the site's gross area is 19.76 acres, contains 10.95 acres of woodland in the net tract, 3.68 acres of wooded floodplain, resulting in a woodland conservation threshold of 1.74 acres (15 percent). The woodland conservation worksheet proposes the removal of 6.31 acres in the net tract area for a woodland conservation requirement of 3.32



acres. According to the worksheet, the requirement is proposed to be met with 3.49 acres of woodland preservation and 0.05 acres of reforestation on-site. The forest stand delineation (FSD) has identified 49 specimen trees on-site and one specimen tree on the adjacent Parcel 101. This application proposes the removal of 17 specimen trees.

Technical revisions to the TCP2 are required and included in the recommended conditions listed at the end of this memorandum.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone 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 (ETM)."

A total of 49 on-site specimen trees were identified on the approved NRI. At the time of PPS 4-21010 review, 17 trees were approved for removal by the Planning Board. The Planning Board made the finding for approval of the removal of Specimen Trees 6, 7, 8, 9, 16, 17, 18, 19, 20, 33, 42, 43, 44, 46, 47, 48, and 49. No additional trees were requested for removal with DSP-22019

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

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: "The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5)."

Impacts to REF on this DSP are consistent with those previously approved by the Planning Board with PPS 4-21010. Staff finds that the REF have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Section 27-285(b)(5).

### **Soils**

The predominant soils found to occur on-site according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey (WSS) are Adelphia-Holmdel complex, Collington-Wist complex, Collington-Wist-Urban land complex, Marr-Dodon complex, Udorthents-Urban land complex, and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay has been identified throughout the eastern half of the project area.

Marlboro Clay 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. A geotechnical report is required for the subject property in order to evaluate the areas of the site that are unsuitable for development without mitigation.

A geotechnical report dated October 20, 2021, and revised on March 18, 2022, was submitted with this application. The Commission's Geotechnical Expert has reviewed the document and has found that the information provided meets the County's requirements for the proposed development. Based on the information in the report, the 1.5 factor of safety line was added to the TCP2 and verified by the Geotechnical Expert to be correct.

**Stormwater Management**

An approved SWM concept letter and plan (#2715-2020-01) was submitted with this application. The SWM concept plan shows the use of nine micro-bioretenion facilities and two underground storage facilities to meet the current requirements of environmental site design to the maximum extent practicable. No further information is required regarding SWM with this application.

**SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS**

The EPS recommends approval of DSP-22019 and TCP2-046-2022, subject to the following findings and conditions.

**Recommended Findings:**

1. The regulated environmental features (REF) on the subject property were preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the current Type 2 tree conservation plan (TCP2). No additional impacts to REF are proposed with this application.
2. A variance for the removal of specimen trees was approved with the preliminary plan of subdivision.

**Recommended Conditions:**

1. Prior to certification of the DSP, the TCP2 shall be revised as follows:
  - a. Have the owner sign the Owner’s Awareness Certificate on the plan.
  - b. The qualified professional must sign and date their certification on the TCP2.
2. Prior to the certification of the TCP2 for this site, documents for the required woodland conservation easements shall be prepared and submitted to the EPS for review by the Office of Law and submitted to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ folio\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
3. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams, Waters of the United States, or 100-year floodplain, the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.

January 12, 2023

**MEMORANDUM**

TO: Mridula.Gupta, Urban Design Section  
FROM: Michelle Meneely, Permit Review Section  
SUBJECT: DSP-22019 – Marlboro Gateway

*MEM*


1. Per Section 21-548(c) of the Prior Zoning Ordinance, 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.
2. Per Section 21-548(d) of the Prior Zoning Ordinance, Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual.
3. The Permit Review Section offers no further comments for this development application.



*Division of Environmental Health/Disease Control*

Date: December 15, 2022

To: Mridula Gupta, Urban Design, M-NCPPC

From:  Adebole Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-22019 (Marlboro Gateway)

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Marlboro Gateway Property (Birchwood at Upper Marlboro and Willows) and has the following comments/recommendations:

1. Health Department permit records indicate there are approximately 5 existing carry-out/convenience store food facilities and two markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
2. The public health value of access to active recreational facilities has been well documented. Indicate the location of active recreational facilities within ¼ mile of the proposed residences. ***The plans indicate the construction of outdoor recreational facilities and a fitness center that may resulting in improved health outcomes.***
3. As pet ownership increases by 35 % in the US, plans should consist of open spaces or “pet friendly” amenities for pets and their owners. The designated parks consist of the appropriate safe playing grounds, signs, fencing, and water source.
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



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Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
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*Division of Environmental Health/Disease Control*

activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepoju@co.pg.md.us](mailto:aoadepoju@co.pg.md.us).



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## Gupta, Mridula

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**From:** Holley, Edward  
**Sent:** Wednesday, December 14, 2022 3:28 PM  
**To:** Gupta, Mridula; PPD-PGReferrals  
**Cc:** Thompson, Ivy; Quattrocchi, Dominic  
**Subject:** DSP-22019 (Marlboro Gateway) PP&D 1st Referral (Edward Holley - Reviewer)

Good afternoon Mridula, The following comments are provided in reference to DSP-22019 Marlboro Gateway:

DPR staff has reviewed and evaluated DSP-22019 for conformance with the requirements considered in our recommendations of PPS-21010; as they pertain to public parks and recreation. This approximately 5.36 acre parcel, zoned Residential, Multifamily-48 (RMF-48), is located .10 miles west of the intersection MD 725 (Marlboro Pike) and US 301 (Crain Highway). The property is being developed per the standards of the old Zoning Ordinance for M-X-T. This application is for the development of 150 walk-up apartments, which comprise of (90) age-restricted units and (60) non-restricted units. Preliminary Plan of Subdivision (PPS) 4-21010 was approved by the Prince George's County Planning Board on July 7, 2022. Conditions 7-10 of PGCPB Resolution No. 2022-83 require onsite private recreational facilities to be reviewed by the Urban Design Section of the Development Review Division (DRD). DPR has no additional comments.

Please feel free to contact us if you have any additional questions or concerns.

Have a great day.

### Edward Holley

Planning Technician III  
Park Planning & Development Division  
The M-NCPPC - Prince George's County Department of Parks and Recreation  
6600 Kenilworth Avenue, Suite 301  
Riverdale, MD 20737

[Edward.Holley@pgparks.com](mailto:Edward.Holley@pgparks.com)

DIRECT: 301-699-2518 MAIN: 301-699-2525 FAX: 301-277-9041

Stay connected:





## Gupta, Mridula

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**From:** Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>  
**Sent:** Thursday, February 2, 2023 8:03 AM  
**To:** Gupta, Mridula; Capers, William  
**Cc:** Peter Campanides; John Vranish; Felix Lenhart; Nathaniel Forman  
**Subject:** Re: Marlboro Gateway (20APPG011XX) - DSP-22019

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good morning Mridula/ William,

I discussed the subject project internally and wanted to follow up with you on MDOTSHA's position as it relates to condition 19 of the resolution and our review of the TIS. I've also copied Mr. Lenhart and his client, so they are aware of our position on these matters.

1. Condition 19a-d from the preliminary plan require the following, *unless modified by the operating agency with written comments*. The following is MDOTSHA's position on these items.
  - 19a: *Provide a shared use path with a minimum of 11 feet and 2 feet clear space on either side of the pathway, consistent with the 2012 AASHTO Guide for the Development of Bicycle Facilities along MD 725.* **SHA supports the provision of a 5' sidewalk along the property's frontage.**
  - 19b: *Provide marked bike lanes along MD 725 consistent with the 2009 Approved Countywide Master Plan of Transportation.* **SHA supports the provision of a 4' shoulder to be used as a bike lane, but not marked or signed as MDOTSHA's Bike Policy states that on-street bike facilities are only signed when they are more than 2,500 feet long. Additionally, a bike lane does not currently exist to the east or west of the site.**
  - 19c: *Provide a sidewalk or shared use path along US 301 abutting the subject site.* **MDOTSHA recommends that the need for sidewalk or side path along US 301 should be evaluated if when the two parcels along US 301 develop as this is when the access to US 301 would be pursued, and it is recommended the US 301 improvements be constructed in conjunction with the access to US 301 to avoid any potential conflicts and ensure the US 301 frontage improvements are provided in a holistic and comprehensive manner.**

- 19d: *The applicant shall provide marked bike lane signage and pavement markings on the US 301 shoulder and bikes may use full lane signage.* **MDOTSHA recommends that the need for bike lanes and markings along US 301 should be evaluated if when the two parcels along US 301 develop as this is when the access to US 301 would be pursued, and it is recommended the US 301 improvements be constructed in conjunction with the access to US 301 to avoid any potential conflicts and ensure the US 301 frontage improvements are provided in a holistic and comprehensive manner.**

2. Traffic Study / Access Design / Queuing

- SHA has reviewed and approved the traffic impact study associated with this Detailed Site Plan.
- The applicant has proposed extension of the “Two-Way Left-Turn Lane” (TWLTL) from its current terminus (just east of the site) westerly through the site access and terminating at the McDonald’s driveway. The SHA concurs with the applicant’s queuing analysis that there will be adequate storage to accommodate the 95<sup>th</sup> percentile queues. The FHWA’s discussion on TWLTL states that “*A TWLTL is provided to remove left-turning vehicles from the through lanes and store those vehicles in the median area until an acceptable gap in opposing traffic is available.*” The proposed plan provides the ability to accommodate those left turning vehicles as they await gaps in opposing traffic.
- The applicant has submitted access permit plans for review.
- Based on the plans and studies reviewed to date, the SHA is comfortable with the design as proposed, and will continue to work with the applicant on the plan review and permitting process.

Thanks, Kwesi

**Kwesi Woodroffe**  
**Regional Engineer**  
**District 3 Access Management**  
**MDOT State Highway Administration**  
[KWoodroffe@mdot.maryland.gov](mailto:KWoodroffe@mdot.maryland.gov)

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**Office Hours**

**M-Thurs.: 6:30a-3:30p**

**Fr: 6:30a-10:30a**

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<http://www.roads.maryland.gov>





RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on July 23, 2020, regarding Conceptual Site Plan CSP-19001 for Marlboro Gateway, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) for development of 100-265 multifamily dwelling units, 1,200–75,000 square feet of commercial/retail space, and 5,000–30,000 square feet of office space.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential, Office, Commercial/Retail
Gross Acreage	20.98	20.98
Floodplain Acreage	8.13	8.13
Net Acreage	12.85	12.85
Total Gross Floor Area (GFA) (sq. ft.)		206,200–635,000
Of which Commercial GFA	-	1,200–75,000
Residential GFA	-	200,000–530,000
Office GFA	-	5,000–30,000
Total Multifamily Dwelling Units	-	100–265

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

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.37–1.13 FAR

**Note:** \*Maximum density allowed, in accordance with Section 27-545(b)(4) of the Prince George’s County Zoning Ordinance, Optional method of development, for providing 20 or more residential units.

3. **Location:** The subject property is located on the north side of MD 725 (Marlboro Pike) and the west side of US 301 (Robert Crain Highway), in Planning Area 79, Council District 6.

4. **Surrounding Uses:** The subject site is located in the northwestern quadrant of the intersection of MD 725 and US 301. The subject site is bounded to the north by the approved Townes at Peerless project, which is a mixed-use development consisting of residential and commercial uses, and existing single-family detached homes in the Mixed Use-Transportation Oriented (M-X-T) Zone; to the east, by the right-of-way (ROW) of US 301, an existing single-family detached home, and a gas station with a Dunkin Donuts store in the M-X-T Zone; to the south by the ROW of MD 725, and various commercial uses in the Light Industrial (I-1) Zone beyond; to the west by existing single-family detached homes and an existing pond in the M-X-T Zone.
5. **Previous Approvals:** The subject property was rezoned to the M-X-T Zone as part of Change Number 4 of the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA).
6. **Design Features:** The subject site is irregular in shape and is predominantly wooded with regulated environmental features and a manmade pond in the northwest part of the site. The subject site has frontages on both MD 725 to the south and US 301 to the east. There are five single-family detached residences fronting along MD 725 that will be demolished and an outdoor advertising/billboard sign, which is currently pending Certification as a Nonconforming Use (CNU-32866-2019). The gross floor area information of the existing buildings should be provided on the plan. A condition requiring this has been included in this resolution.

Two development envelopes are identified on the CSP. The larger one for multifamily and/or commercial development has frontages on both MD 725 and US 301, with an access point from each of the roadways. In accordance with the illustrative plan, there are three buildings shown in this envelope with surface parking lots. One building is fronting on MD 725, one building is oriented north-south with a side fronting onto US 301, the third building is located in the northwest corner of the envelope, adjacent to woodlands to be preserved. The smaller envelope for commercial uses, with one building, is fronting on MD 725 and located to the western end of the property, adjacent to an existing single-family detached house.

According to the applicant, the project will be developed in two phases. The larger envelope will be developed in Phase 1, and the smaller envelope will be developed in Phase 2. However, no tract size information has been provided. A condition to require the applicant to provide the acreage for each development envelope has been included in this resolution.

Given the scale and multiple phases of the proposed development, there are plenty of opportunities for the application of sustainable site and green building techniques in the development. The applicant should apply those techniques, as practical, at time of the detailed site plan (DSP). A condition has been included in this resolution requiring the applicant to provide sustainable site and green building techniques that will be used in this development with the submittal of the DSP.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547, Use Permitted, of the Prince George's County Zoning Ordinance, which governs uses in all mixed-use zones, as follows:
- (1) The proposed multifamily residential, commercial/retail, and office uses are permitted 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 CSP approval. Therefore, development of this property would be limited to the numbers and types, as proposed in this CSP that cannot exceed 265 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 proposes three types of uses, as required, including residential, commercial/retail, and office uses. These proposed uses, in the amount shown, satisfy the mixed-use requirement of Section 27-547(d).
- b. Section 27-548 of the 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 floor area ratio (FAR) range of 0.37–1.13 is proposed in this CSP. However, this project can be developed up to the maximum allowed 1.40 FAR, in accordance with Section 27-545(b)(4), Optional Method of Development, of the Zoning Ordinance, which allows an additional FAR of 1.0 on top of the base 0.4 FAR to be permitted where 20 or more dwelling units are proposed. In this CSP, a total of 265 dwelling units are proposed.

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

The applicant proposes to include the uses on the M-X-T-zoned property in multiple buildings on more than one lot, as permitted.

**(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 proposed CSP is 1.13. This will be refined further at the time of DSP, relative to the final proposed 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.**

The proposed two development envelopes are accessed from the public streets of MD 725 and US 301. At the time of preliminary plan of subdivision (PPS), appropriate frontage and vehicular access for all lots and parcels will be properly addressed.

- (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 (1/2) mile of an existing or planned mass transit rail station site operated by the**

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

The subject CSP proposes no townhouses.

- (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 will be further evaluated with the DSP for the proposed multifamily buildings.

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

The subject property was placed in the M-X-T Zone through the sectional map amendment of the Subregion 6 Master Plan and SMA approved after October 1, 2006. However, no specific design guidelines were approved with the master plan for this property. As discussed below, the master plan has a specific vision for this property that is consistent with the proposed development of this CSP.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Prince George's County 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 proposed 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 orderly development of land in the vicinity of major intersections to enhance the economic status of Prince George's County. The proposed development, consisting of residential, office, and retail uses, will provide increased economic activity proximate to the intersection of MD 725 and US 301. It also allows for the reduction of the number and distance of automobile trips by constructing residential and nonresidential uses near each other. This CSP, in general, promotes the purposes of the M-X-T Zone and contributes to the orderly implementation of the *Plan Prince George's 2035 Approved General Plan*. However, 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. The CSP shows a small commercial/retail area in an isolated smaller envelope; but is unclear in the provision of commercial/retail uses along the larger envelope's frontage onto MD 725, adjacent to other existing commercial uses. Commercial/retail uses should be provided, at least at the street level, in the building fronting MD 725 in the larger development envelope, to create an active street front that can synergize with the existing commercial/retail uses across MD 725. Given the nature of this review, the applicant is encouraged to address the noted deficiencies in creating active street fronts at the time of DSP. A condition has been included in this resolution requiring the applicant to consider creating active street fronts for the larger development envelope along the MD 725 frontage at the time of DSP.

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

The subject site was rezoned to the M-X-T Zone through the Sectional Map Amendment of the Subregion 6 Master Plan, which does not specifically provide design guidelines for the subject property; however, the master plan identified the subject site within a mixed-use area and a gateway to the Town of Upper Marlboro, as follows:

The Future Land Use Map designates a mixed-use area in this quadrant north of MD 725 and west of US 301. This area represents an opportunity to promote new development in close proximity to the interchange of MD 4 and US 301. The proposed CSP development would provide an attractive gateway as well as new retail, office, and residential uses. This new development would also serve the increased demand generated from the new residential developments north of Upper Marlboro in Beechtree, Balmoral, and Locust Hill.

This property is identified as part of Development Bay 5 (page 203), which is located directly behind (to the north and west of) the existing Dunkin' Donuts store. As an adjunct to that property, its proximity to US 301 and the gateway of the US 301/MD 725 intersection, the Subregion 6 Master Plan and SMA states that this parcel would best be served by extending the existing commercial development into it. Preliminary studies suggest that two outparcels appropriate for restaurants (one adjacent to US 301 and the other to MD 725) could be developed with an interior retail building of approximately 26,000 square feet.

This CSP is one step further to implementing the vision of the Subregion 6 Master Plan and SMA; however, the placement of commercial uses along US 301 and MD 725 are critical to remain in conformance with the development concepts 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 outward oriented. Multifamily residential and commercial buildings will be oriented toward the site's frontage along MD 725. However, as discussed above, the Planning Board finds that the applicant should consider providing active street fronts by locating the commercial/retail uses or other public oriented functions close to MD 725 and by providing active storefronts at ground level in the Phase I development envelope, in order to allow synergy among different commercial/retail uses. How buildings relate to the street and other urban design considerations will be addressed at the time of DSP to ensure continued conformance with this requirement.

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

The proposed development is the second mixed-use development at this location since the approval of the Subregion 6 Master Plan and SMA that rezoned the general vicinity of the site to the M-X-T Zone. The surrounding areas are developed with various auto-oriented, commercial, and residential uses that are older. The proposed development will improve the general appearance of the area and will set a high standard for future developments in the vicinity. The design of the large building along MD 725 should include landmark elements that will be further reviewed at time of DSP.

- (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 mix of uses, arrangement of buildings, and other improvements and amenities produce a cohesive development capable of sustaining an independent environment of continuing quality and stability, except for creating active storefronts for the larger development envelope. The proposed development concept includes a mix of residential, office and commercial/retail uses and associated on-site improvements. Indoor amenities will be provided in the multifamily building(s).



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

A phasing plan consisting of two phases is presented with this CSP, as described in Finding 6 above. Each phase is designed as a self-sufficient entity, allowing for effective integration of subsequent phases. The phasing plan is acceptable.

- (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. The illustrative plan submitted with the CSP shows sidewalks, adjacent to roadways, connecting to each part of the development. An additional conceptual pedestrian connection should also be provided, as required by the Planning Board, and conditioned herein.

- (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 should 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 subject property was placed in the M-X-T Zone through the sectional map amendment of the Subregion 6 Master Plan and SMA. The applicant submitted a traffic impact study (TIS) dated March 31, 2020 with this CSP and it was

reviewed and analyzed in accordance with Transportation Review Guidelines, Part 1 (Guidelines). A memorandum dated June 22, 2020 (Burton to Zhang) concluded that adequate transportation facilities will be available to support the proposed development, subject to certain conditions. The table below shows the intersections deemed to be critical, as well as the levels of service (LOS) representing existing conditions:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
MD 725 @ MD 202	A/801	B/1145
<b>US 301 @ MD 725</b>	C/1189	<b>E/1512</b>

Background traffic has been developed for the study area using four approved but un-built/partially built developments within the study area. A 1.0 percent annual growth rate for a period of six years has been assumed for through movements along the primary routes. The TIS also assumed improvements along US 301, which are listed as 100 percent full funding in the current capital improvement program (CIP) for the County. The critical intersections, when analyzed with background traffic and CIP-funded lane configurations, operate as follows:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
MD 725 @ MD 202	A/863	C/1236
<b>US 301 @ MD 725</b> <i>With CIP improvements</i>	D/1306 <i>A/909</i>	<b>F/1642</b> <i>B/1052</i>

While the applicant's statement of justification (SOJ) proposed a range of uses and densities, the TIS assumed specific density based on applicable rates from the Guidelines, as shown:

<b>Trip Generation Summary</b>						
<b>Land Use</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
	In	Out	Total	In	Out	Total
254 garden apartments	26	106	132	99	53	152
1,500 square feet retail (ITE-820)	1	0	1	12	12	24
<i>Less pass-by</i>	<i>-1</i>	<i>0</i>	<i>-1</i>	<i>-7</i>	<i>-7</i>	<i>-14</i>
Total new trips	26	106	132	104	58	162

Under total traffic, the following critical intersections identified above, when analyzed with the programmed improvements and total future traffic, as developed using the Guidelines, including the site trip generation as described above, operate as follows:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
MD 725 @ MD 202	A/884	C/1263
<b>US 301 @ MD 725</b> <i>With CIP improvements</i>	D/1328 A/927	<b>F/1663</b> B/1070
<b>MD 725 @ main site access (residential) *</b> <i>Tier 3 – CLV Test</i>	74.1 seconds B/1110	99.9 seconds <100**
<b>MD 725 @ secondary site access (retail) *</b>	0.0 seconds	31.7 seconds
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition. ** The approach volume is projected to be 54 PM peak trips.</p>		

The results of the analyses show that all of the intersections will operate adequately under total traffic. The analyses for the MD 725/US 301 intersection were predicated on funded improvements in the County’s CIP. However, there is a provision in the CIP that the funding will consist of monetary contributions from the development community. To that end, at the time of the PPS phase of this development, the applicant’s share of that funding will be determined.

- (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 measures 20.98 acres and does not meet the above acreage requirement. Furthermore, this CSP does not propose development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance. The proposed development concept provides a mix of new multifamily housing, office, and commercial/retail uses designed to front on roadways. A connected circulation system for vehicles and pedestrians is proposed. In addition, the CSP notes that architecture for residential, office, and commercial buildings will provide a variety of architectural elements to convey the individuality of units, while providing for a cohesive design. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed at the time of DSP.

Specifically, the CSP anticipates and aims to achieve the following design options:

- The parking lot has been designed to provide safe and efficient vehicular and pedestrian circulation within the site;
- Parking spaces have been designed to be located near the use that it serves;
- Parking aisles have been oriented and designed to minimize the number of parking lanes crossed by pedestrians;
- Plant materials will be added to the parking lot for the commercial use to avoid large expanses of pavement;
- The loading space(s) will be located to avoid conflicts with vehicles or pedestrians;
- The loading area will be clearly marked and separated from parking areas;
- Light fixtures will be designed to enhance the site's design character by using full cut-off light fixtures throughout the development;
- Luminosity and location of exterior fixtures will enhance user safety and minimize vehicular/pedestrian conflicts;

- Lighting will be designed to enhance building entrances and pedestrian pathways;
- The pattern of light pooling will be directed to the site to ensure that no excessive lighting spills over to the adjacent properties;
- The site landscaping will comply with all requirements of the Landscape Manual, and native species will be used throughout the development; and
- Public amenities including outdoor seating, bike racks, benches, etc. will be proposed.

In addition, all buildings will be designed to provide a modern, clean, and strong presence along road frontages. The proposed site and streetscape amenities in this project will contribute to an attractive, coordinated development. The CSP envisions attractive site fixtures that will be made from durable, high-quality materials and will enhance the site for future residents and patrons. The CSP includes some possible examples of site fixtures and streetscape amenities. Conformance with site design guidelines will be further reviewed at time of DSP when all required information is available.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). At the time of DSP review, demonstration of adequacy of proposed parking, including visitor parking and loading configurations, will be required for this development.

**8. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:**

The property 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 contains more than 10,000 square feet of existing woodland. As required by Section 25-119(a)(2)(A) of the WCO, Type 1 Tree Conservation Plan TCP1-011-2020 was included with the CSP.

- a. A Natural Resources Inventory, NRI-093-2018, was approved on August 3, 2018, and provided with this application. The site contains 100-year floodplain, a stream, wetlands, and their associated buffers which comprise the primary management area (PMA). A long stream system is located in a large valley formation in the southern portion of the site. This stream has been shown as ephemeral on the NRI and TCP1 and is therefore not considered a regulated environmental feature at this time; however, further discussion regarding this stream is provided in Finding 10e. The on-site floodplain area is associated with Collington Branch to the west. There are 50 specimen trees scattered throughout the property. The TCP1 and the CSP show all the required information correctly, in conformance with the NRI.



The subject property also contains five single-family residences situated on the north side of MD 725. The applicant proposes to demolish all of the existing structures on the subject property. Therefore, prior to the demolition of these structures, the buildings should be thoroughly documented on a Maryland Inventory of Historic Properties form. These twentieth century houses were part of an African American community that settled in the area shortly after the Civil War. Background historic research should attempt to establish which families built and occupied these structures.

Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required, prior to signature approval of the PPS.

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

- (1) Evaluating the resource at the Phase II level, or
- (2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

Depending upon the significance of the findings (at Phase I, II, or III level), the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of DSP and shall be subject to approval by the staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur, prior to issuance of the final building permit for the development.

- b. **Community Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 16, 2020 (White to Zhang), which stated that, pursuant to Part 3, Division 9, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this application. Master Plan recommendations are discussed in Finding 7 above and compliance to those will be required at the time of PPS.
- c. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 22, 2020 (Burton to Zhang), which provided comments are summarized, as follows:

The property is in an area where the development policies are governed by the Subregion 6 Master Plan and SMA, as well as the 2009 *Approved Countywide Master Plan of*



*Transportation.* The subject property currently fronts on US 301, which is designated as a master plan arterial road (A-61). The future upgrade will be contained within the existing ROW. The property also fronts on MD 725, which is a master plan primary residential road (P-608), and no additional ROW will be required for either road.

The plan proposes two points of access on MD 725; one access will serve the development pod towards the westernmost end of the site, while the second and primary access, will be located to the east and closer to the intersection with US 301. The location where the primary access is being proposed, represents a section of MD 725 where the road transitions from two to one westbound lane. Furthermore, the primary access location is not in alignment with any existing driveways on the south side of MD 725. The Planning Board recommends that the proposed main entrance driveway be shifted further to the west, where it can be in alignment with an existing driveway on the south side of MD 725, and beyond the merge lane. This relocation to the west is also being recommended by the Maryland State Highway Administration (SHA). The Planning Board also shares SHA's recommendation that the stand-alone driveway for the proposed retail component should be consolidated with the rest of the development, given the limited trip generation of this component.

With the recommended relocation of the access point, the overall site may have to be redesigned to facilitate better on-site circulation. This issue will have to be demonstrated at the time of PPS.

- d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated June 22, 2020 (Ryan to Zhang), which provided a comprehensive review of this application and concluded that this CSP meets the necessary findings and approval criteria, from the perspective of nonmotorized transportation. Details regarding pedestrian, bicyclist, and transit improvements will be addressed at the time of PPS and DSP review.

The Planning Board recommends that the applicant provide a conceptual pedestrian crossing of MD 725, conceptual pedestrian access between the development pods on the site, and to adjacent properties along MD 725, as well as conceptual pedestrian access along both sides of the internal driveways or roads, and between the buildings and parking lots on the subject site.

- e. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 22, 2020 (Schneider to Zhang), which provided the following summarized comments on the subject application:

**Specimen Trees**

Section 25-122(b)(1)(G) of the WCO 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 50 specimen trees with the ratings of good (Specimen Trees 2, 6, 43, and 47), fair (Specimen Trees 1, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 35, 37, 39, 40, 41, 42, 45, 46, and 48), and poor (Specimen Trees 3, 4, 8, 17, 20, 21, 32, 33, 34, 36, 38, 44, 49, and 50). The current design proposes to remove 10 specimen trees throughout the project area. A full evaluation of the need to remove specimen trees has not been completed with the current CSP application. This should be provided at a later stage of development review when more detail with regard to the necessary infrastructure to develop the site can be provided, such as building locations and location of stormwater management (SWM) facilities, as well as an evaluation of any soils restrictions that may be necessary due to the presence of Marlboro clay.

Since no variance to remove specimen trees was provided, prior to certification, the TCP1 shall be revised to show all specimen trees being saved in the specimen tree table and legend.

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

The site contains regulated environmental features. According to the applicant, no impacts to the PMA are proposed for a road crossing, utility extensions, or for SWM outfalls. A further review of the TCP1 shows that there is a proposed water line impacting the PMA, adjacent to US 301. No SOJ has been received for the proposed impact. The site design is conceptual in nature, but the proposed development envelope has been shown abutting the PMA limits. There are several retaining walls adjacent to the PMA shown on the TCP1. These wall structures are required to be installed 10 feet away from the PMA. No PMA impacts are being approved with this TCP1 and CSP. More detailed information is required to be submitted during the PPS process, when the PMA impacts can be reviewed in more detail.

The southern portion of the site has a valley with a water course starting from an outfall structure near US 301 and draining in an easterly direction, until it is slowed by a flat wetland and floodplain system associated with Collington Branch. This swale has been identified as an ephemeral stream channel by the applicant. The stream system appears to change hydrology features throughout the watercourse. The applicant was requested to provide verification from the Maryland Department of the Environment (MDE) regarding the stream classification (intermittent or ephemeral) of the stream. On June 15, 2020, the applicant provided a more in-depth study of the stream section and still identifies the stream system as an ephemeral channel. Staff has reviewed the additional stream information and is satisfied with the applicant's analysis at this time.

### **Soils**

The predominant soils found to occur on-site according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelpia-Holmdel complex, Collington-Wist complex, Collington-Wist-Urban land complex, Marr-Dodon complex, Udorthents-Urban land complex and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay has been identified throughout the eastern half of the project area.

Marlboro clay 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. A geotechnical report is required for the subject property, in order to evaluate the areas of the site that are unsuitable for development without mitigation.

Because a detailed structure configuration and grading studies are not required with this phase of the development process, it is not practical to discuss specific details with respect to grading, or the placement of structures, infrastructure, and SWM devices at this time. A geotechnical soils report dated September 18, 2017 was submitted for review on June 15, 2020. This report has been provided to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for further review and comments. DPIE released a techno-gram entitled "Geotechnical Guidelines for Soil Investigations and Reports" for site/road grading permits in, near, or over consolidated clays for guidance on how to evaluate and work within Marlboro clay. No DPIE comments about the presence of Marlboro clay or the report have been received at this time.

### **Stormwater Management**

An unapproved SWM Concept Plan, 2715-2020, was submitted with the subject application and is under review by DPIE. Proposed SWM features include one grass swale, pervious pavers and 14 micro-bioretenion facilities. Submittal of an approved SWM concept plan and approval letter showing the proposed buildings, interior roads, and surface parking will be required with the PPS.

The Planning Board approved CSP-19001 and TCP1-011-2020 with conditions that have been included in this resolution.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated June 29, 2020 (Sun to Zhang), DPR stated that since the development contains a residential component, mandatory dedication of parkland will be required at the time of PPS. The current analysis by DPR staff indicates that this development is subject to a mandatory dedication requirement of 2.79 acres of parkland.

DPR staff has no objection to the approval of this CSP with the understanding that the final determination of mandatory dedication of parkland, private on-site recreational facilities, or fee-in-lieu will be determined at the time of the PPS approval.

- g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 5, 2020 (Giles to Zhang), DPIE stated their normal requirements for a project like this, including new sidewalks along the road frontages, private roads to be 22 feet in width, and conformance with the Prince George’s County Department of Public Works and Transportation’s utility policy, SWM facilities, and drainage system specifications and standards. The site layout and impervious area is consistent with Site Development Concept Plan 2715-2020, which is currently under review. DPIE also requires a 100-year floodplain delineation and soil investigation report, among other requirements, which will be enforced through later review processes.
  - i. **Prince George’s County Police Department**—In a memorandum dated May 28, 2020 (Contic to Zhang), the Police Department did not have comments on the subject application.
  - j. **Prince George’s County Health Department**—In a memorandum dated June 17, 2020 (Adepoju to Zhang), the Health Department provided several comments on this proposal. Those comments have been transmitted to the applicant who is aware of the health-related requirements. Comments on creating a high-quality pedestrian environment have been reflected in the conditions requiring the applicant to create an active street frontage along MD 725 at the time of DSP. Other comments, such as an increase of impervious surface, fine particulate air pollution, and noise related to traffic, will be further evaluated at the time of PPS and DSP, when detailed information on the site will be available.
  - k. **Maryland State Highway Administration (SHA)**—, SHA did not offer separate comments on the subject application.
  - l. **Town of Upper Marlboro**—The Town of Upper Marlboro did not offer comments on the subject application.
- 11.** As required by Section 27-276(b)(1) of the Zoning Ordinance, if approved with the conditions below, the CSP represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- 12.** Section 27-276(b)(4), for approval of a CSP, requires that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. The Planning Board finds no impacts are proposed with this application. The regulated environmental features on the subject property have been preserved to the fullest extent possible, based on the limits of disturbance shown on the TCP1-011-2020.

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 TCP1-011-2020, and further APPROVED Conceptual Site Plan CSP-19001 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
  - a. Provide the acreage information of each development envelope in the site development data table.
  - b. Provide the existing gross floor area and net acreage on the plan.
  - c. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Add the assigned plan number, TCP1-011-2020, to the approval block, woodland conservation worksheet, and all appropriate areas where the TCP1 is listed.
    - (2) Revise the approval block on both sheets to be slightly larger for a readable signature.
    - (3) Revise the legend to remove label and symbol “cleared (woodlands cleared).”
    - (4) Revise the legend wording from “specimen tree to be retained” to “specimen tree proposed for removal-not with this CSP/TCP1.”
    - (5) Revise the legend and plan view to show a bright colored symbol for “Marlboro Clay.”
    - (6) Add a label for “north” and “south” bound US 301 (Robert Crain Highway).
    - (7) Revise the stream buffer to stop at the wetland buffer.
    - (8) Revise the limits of disturbance and specimen tree table to show all specimen trees as saved.
    - (9) Add a revision date to the TCP1 and have the revised plan signed and dated by the qualified professional who prepared it.
  - d. Show conceptual pedestrian access arrows crossing MD 725 (Marlboro Pike) at the conceptual entrance of the proposed development, and between all pods on the site and adjacent properties along MD 725 (Marlboro Pike), subject to the final locations and design at the time of DSP and subject to applicable permitting agency approval.
  - e. Provide conceptual pedestrian access along both sides of the internal driveways and roads, and between the buildings and the parking lots on the subject site.

2. Prior to acceptance of the preliminary plan of subdivision for this site, the applicant shall:
  - a. Submit an approved stormwater management concept plan and approval letter.
  - b. 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.
  - c. Revise the Type 1 tree conservation plan to include the limits of the Marlboro clay and the 1.5 factor of safety line, if any, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections and Enforcement.
  - d. Submit an approved Phase I archeology report, in accordance with the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), on the above-referenced property to determine if any cultural resources are present.
  - e. Consider relocating the eastern access driveway to MD 725 (Marlboro Pike) to the west, beyond the termination of the merge lane.
3. At the time of detailed site plan, the applicant shall:
  - a. Submit a list of sustainable site and green building techniques that will be used in this development.
  - b. Consider providing commercial/retail, office uses, and/or other public-oriented functions at the street level fronting MD 725 (Marlboro Pike) to activate the street.
4. Prior to the approval of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

US 301 @ MD 725 intersection

- a. Provide three through lanes, a double left-turn lane, and a right turn lane, at the northbound approach.
- b. Provide four through lanes, a left-turn lane, and a right-turn lane, at the southbound approach.
- c. Provide two through lanes, a right turn, and a left-turn lane, at the westbound approach.

- d. Provide two left-turn lanes, a shared left-through lane, and a right-turn lane, at the eastbound approach.
- 5. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

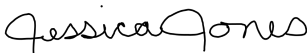
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 23, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 10th day of September 2020.

Elizabeth M. Hewlett  
Chairman

  
By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY  
David S. Warner /s/  
M-NCPPC Legal Department  
Date: July 30, 2020



R E S O L U T I O N

WHEREAS, Green Century Partners is the owner of a 19.76-acre parcel of land known as Parcels 102, 103, 104, 106, 107, 108, and 146, as well as part of three lots known as Lots 1 and 2 and Lot 17, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned Residential, Multifamily-48 (RMF-48); and

WHEREAS, on May 2, 2022, MBID of Delaware, LLC filed an application for approval of a Preliminary Plan of Subdivision for five parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21010 for Marlboro Gateway was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 7, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(b) of the Subdivision Regulations, a subdivision application submitted in accordance with a conceptual site plan approved under the prior Zoning Ordinance and still valid pursuant to the time limit specified under 24-1703(b), must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the conceptual site plan; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on July 7, 2022, 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 TCP1-011-2020-01, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21010, including a Variation from Section 24-121(a)(3), for five parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:

- a. Show a 10-foot-wide public utility easement along Parcel 1's frontage of US 301 (Robert Crain Highway).
  - b. Identify the ownership and recording reference of the triangle of land north of Parcel 1 and south of abutting Outparcel 1 along US 301 (Robert Crain Highway).
  - c. Remove the offset between the boundaries of Parcels 3 and 4 and the boundary of the US 301 (Robert Crain Highway) right-of-way.
  - d. Show a single access easement serving all five parcels rather than one access easement serving Parcels 1, 2, and 5 and one easement serving Parcels 3 and 4.
2. A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
  3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 2715-2020-00, and any subsequent revisions.
  4. Prior to approval, the final plat of subdivision shall include:
    - a. The granting of public utility easements along the public rights-of-way.
    - b. The delineation of the access easement approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, with locations as shown on the approved detailed site plan.
    - c. Labels showing denial of access to MD 725 (Marlboro Pike) and US 301 (Robert Crain Highway), except at the single approved driveway access location on each street.
    - d. Dedication of 35 feet of public right-of-way from the centerline of MD 725 (Marlboro Pike), as shown on the approved preliminary plan of subdivision.
    - e. A note reflecting the granting of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for one direct access to US 301 (Robert Crain Highway).
  5. Prior to approval of a raze permit for any of the four single-family residences located at 15402, 15404, 15406, and 15408 Marlboro Pike, the structures shall be thoroughly documented on a Maryland Inventory of Historic Properties form.
  6. Because of the significance of the archaeological findings at the Phase I level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided at the time of detailed site plan and shall be subject to approval by the staff archeologist. The

installation of the signage and the implementation of public outreach measures shall occur prior to issuance of the final building permit for the development.

7. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees, shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
8. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall be determined at the time of DSP.
9. Prior to submission of the final plat of subdivision for any residential parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
10. Prior to approval of building permits for residential development, 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 construction of recreational facilities.
11. The detailed site plan shall show the position of the driveways and private access easements approved pursuant to Section 24-128(b)(9) of the prior Prince George's County Subdivision Regulations, which serve the development.
12. Prior to approval of a final plat for the development, a draft access easement or covenant over the driveway extending from US 301 (Robert Crain Highway) to MD 725 (Marlboro Pike) and serving the parcels in the subdivision shall be reviewed and approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. The limits of the easement shall be reflected on the final plat. The easement shall be recorded in the Prince George's County Land Records, and the Liber/folio of the easement shall be indicated on the final plat, prior to recordation.
13. Total development within the subject property shall be limited to uses which generate no more than 249 AM peak hour trips and 212 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
14. Prior to issuance of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of

- \$361.50 (in 1999 dollars) per dwelling unit for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.
15. Prior to issuance of any commercial building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$29.52 per square foot of gross floor area for nonresidential uses (in 1999 dollars), up to a maximum total fee of \$295,155.39 (in 1999 dollars) for the overall commercial development. The fee is for the purpose of contributing to the FY 2022-2027 County Capital Improvement Project. This cost will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.
  16. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each detailed site plan.
  17. Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a signal warrant analysis for the site access and MD 725 (Marlboro Pike) intersection. If the signal is deemed warranted and approved, a signal shall be provided in accordance with the Maryland State Highway Administration standards.
    - a. If the development is phased, the applicant shall provide a phasing plan (with adequate justification), as part of future detailed site plans, to show the phasing of the aforementioned transportation improvement relative to the development of the site. The phasing plan shall also show, in support of the determination of whether the signal is warranted, when each access point to the site will be provided. A determination shall be made at the time detailed site plan as to when the access points will be provided and when the signal improvement shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.
  18. Prior to the acceptance of the detailed site plan, the applicant shall provide an analysis to demonstrate that the proposed access driveway connection along MD 725 (Marlboro Pike) conforms to the Maryland State Highway Administration (SHA) access management standards. The exact details of the access connection and its conformance to SHA access management standards will be evaluated at the time of detailed site plan.
  19. Prior to the approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency. The details of the following facilities shall be provided as part of the detailed site plan:

- a. The applicant shall provide a shared-use path with a minimum width of 11 feet and 2 feet of clear space on either side of the pathway, consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities* along MD 725/Marlboro Pike abutting the subject property, per the 2009 *Approved Countywide Master Plan of Transportation*.
- b. The applicant shall provide marked bike lanes along MD 725/Marlboro Pike consistent with the 2009 *Approved Countywide Master Plan of Transportation*.
- c. The applicant shall provide either a sidewalk or a shared-use path along US 301 (Robert Crain Highway) abutting the subject site.
- d. The applicant shall provide marked bike lane signage and pavement marking within the US 301 (Robert Crain Highway) shoulder abutting the subject project, as well as a R4-11/Bicycles May Use Full Lane sign on the portion of southbound US 301 after the shoulder ends.

These improvements may be modified by the operating agency with written correspondence.

20. The applicant shall provide short-term bicycle parking facilities at the proposed retail and commercial uses and long-term bicycle parking facilities for the multifamily housing units consistent with the 2012 *AASHTO Guidelines for the Development of Bicycle Facilities*. These facilities shall be shown on the detailed site plan prior to its acceptance.
21. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. The TCP1 shall show all the stormwater structures as shown on the revised stormwater management concept plan.
  - b. Correct the TCP1 plan and Specimen Tree Table to show specimen trees ST-30 and ST-31 as being retained, not removed.
  - c. Revise the worksheet to reflect that the project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and not the 1991 Woodland Conservation Ordinance.
  - d. Revise Type 1 tree conservation note No. 8 to reflect that Marlboro Pike is a historic roadway.
  - e. Revise Type 1 tree conservation note No.9 to reflect that Robert Crain Highway is an arterial roadway.
  - f. Add the following note below the specimen tree table:

“This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-6, 7, 8, 9, 16, 17, 18, 19, 20, 33, 42, 43, 44, 46, 47, 48, and 49.”

- g. Have the plans signed and dated by the qualified professional who prepared them.
22. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-011-2020-01). 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 (TCP1-011-2020-011) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
23. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
- “This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
24. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section 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.”
25. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
26. Prior to the acceptance of the detailed site plan, the revised stormwater management concept plan shall be approved and included in the acceptance package.

27. Prior to approval of building and/or occupancy permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the premises will be solely occupied by elderly persons for 90 of the multifamily housing units, unless the overall unit count is respectively reduced.
28. Prior to acceptance of a detailed site plan for the residential development, the applicant shall submit a noise study either demonstrating all outdoor recreation areas will not be exposed to noise levels above 65 dBA Ldn or recommending noise mitigation measures to reduce noise levels to below 65 dBA Ldn. The noise study shall also recommend noise mitigation measures to reduce interior noise levels to below 45 dBA Ldn for all residential buildings exposed to noise levels above 65 dBA Ldn.
29. Prior to approval of a building permit for any residential building identified on the detailed site plan as being exposed to noise levels above 65 DBA Ldn, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn or less.

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 site is located northwest of the intersection of US 301 (Robert Crain Highway) and MD 725 (Marlboro Pike). The site consists of seven acreage parcels known as Parcels 102, 103, 104, 106, 107, 108, and 146, as well as part of three lots known as Lots 1 and 2 and Lot 17 (previously recorded in Plat Book LIB A at page 123), which are recorded in Liber 40122 folio 396 of the Prince George's County Land Records. The 19.76-acre property is in the Residential, Multifamily-48 (RMF-48) Zone. However, this preliminary plan of subdivision (PPS) was reviewed according to the prior Mixed Use-Transportation Oriented (M-X-T) zoning standards for the subject property, pursuant to the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required in accordance with Section 24-1703(b) of the Subdivision Regulations. The site is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan). The site is currently improved with four single-family detached dwellings and their accessory structures, which are to be razed.

This PPS allows subdivision of the property into five parcels for development of 150 multifamily dwelling units and 10,000 square feet of commercial development. During the Subdivision and Development Review Committee (SDRC) meeting, the applicant stated that all the multifamily units would be affordable housing units, and that out of that total, 90 units would also be senior housing units. Of the five parcels, Parcels 1, 2, and 5 are to be used for residential multifamily development, while Parcels 3 and 4 are to be used for commercial development. The PPS



identifies the commercial development as consisting of two 5,000-square-foot fast food restaurants (eating or drinking establishments), each with their own drive-through; however, this is subject to change at the time of detailed site plan (DSP) because users have not yet been identified for the commercial parcels.

The property is the subject of a previous Conceptual Site Plan, CSP-19001 (PGCPB Resolution No. 2020-128), approved in July 2020. There are no previous PPS applications that apply to the site. A PPS is required to construct multiple dwelling units and more than 5,000 square feet of nonresidential gross floor area.

The applicant filed a request for a variation from Section 24-121(a)(3) of the prior Subdivision Regulations, to allow a shared direct access from Parcels 3 and 4 to US 301, which is an arterial roadway abutting the site. This request is discussed further in the Site Access and Layout finding of this resolution.

The applicant also filed a request for a variance to Section 25-122(b)(1)(G) of the Prince George's County Code, for the removal of 17 specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 93 in Grids A-4 and B-4 and is within Planning Area 79. North of the project site are the approved Townes at Peerless mixed-use project (PPS 4-18004) and existing single-family detached homes. Like the subject property, these properties to the north are in the RMF-48 Zone and formerly in the M-X-T Zone. The site is bound to the east by US 301, with a single-family detached home and an industrial use beyond, in the Agriculture Residential and the Commercial Service Zones, respectively (formerly in the Residential-Agricultural and Commercial Miscellaneous Zones). The site is bound to the south by MD 725, with various commercial uses in the Industrial Employment (formerly in the Light Industrial) Zone beyond. Southeast of the site between the site boundary and the intersection of US 301 and MD 725 are a single-family detached dwelling, a food or beverage store, and a gas station, all in the RMF-48 Zone (formerly in the M-X-T Zone). To the west of the site are single-family detached homes and a pond, which are also in the RMF-48 Zone and formerly in the M-X-T Zone. Part of the pond extends onto the subject site.
4. **Development Data Summary**—The following information relates to the subject PPS and approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zones	RMF-48	RMF-48 (reviewed per M-X-T standards)
Use(s)	Single-family residential	Multifamily residential, commercial
Acreage	19.76	19.76
Parcels	7	5
Lots	3	0
Dwelling Units	4	150
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	Yes (Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the SDRC meeting on May 13, 2022. Along with the PPS, the requested variation from Section 24-121(a)(3) was accepted on May 2, 2022, and also heard at the SDRC meeting on May 13, 2022, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The subject property was rezoned to the M-X-T Zone as part of Change Number 4 of the sectional map amendment of the 2013 master plan (Prince George’s County Council Resolution CR-83-2013).

The site is subject to CSP-19001 (PGCPB Resolution No 2020-128), which was approved by the Prince George’s County Planning Board on July 23, 2020. The Prince George’s County District Council elected not to review the CSP. The CSP covers 20.98 acres and approved 100 to 265 multifamily dwelling units, 1,200 to 75,000 square feet of commercial gross floor area, and 5,000 to 30,000 square feet of office gross floor area. The development in this PPS falls within the approved ranges and utilizes 19.76 acres of the 20.98 acres included in the CSP. Parcel 101, an existing acreage parcel between the site and the intersection of US 301 and MD 725, was included in the CSP, but is not included in this PPS.

CSP-19001 was approved subject to five conditions, of which the following are relevant to the review of this PPS:

1. **Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:**
  - d. **Show conceptual pedestrian access arrows crossing MD 725 (Marlboro Pike) at the conceptual entrance of the proposed development, and between all pods on the site and adjacent properties along MD 725 (Marlboro Pike), subject to the final locations and design at the time of DSP and subject to applicable permitting agency approval.**
  - e. **Provide conceptual pedestrian access along both sides of the internal driveways and roads, and between the buildings and the parking lots on the subject site.**

The DSP for this project should show the conceptual pedestrian improvements described by the above conditions. The Type 1 tree conservation plan (TCP1) submitted with this PPS shows that sidewalks are proposed on both sides of the internal driveways, and between the buildings and the parking lots, for the residential development only. The plans do not show any pedestrian crossing of MD 725 at the southern site entrance. At the time of DSP, when the positions of the internal driveways, parking lots, and buildings are known, the DSP will be evaluated to determine if the conceptual pedestrian access shown on the CSP can be provided.

**2. Prior to acceptance of the preliminary plan of subdivision for this site, the applicant shall:**

**a. Submit an approved stormwater management concept plan and approval letter.**

This project has an approved stormwater management (SWM) concept plan and approval letter (2715-2020), which was approved on July 30, 2020. However, the project layout has changed, and so a revision to the SWM concept plan that matches the revised layout shown on TCP1-011-2020-01 will be required with the acceptance of the DSP. The applicant provided a draft update to the SWM concept plan with the PPS submission.

**b. 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 with this PPS and was reviewed by the Commission's geotechnical expert. The geotechnical planner was satisfied with the information provided regarding the elevation of the Marlboro clay and the slope stability factor.

The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) reviewed a geotechnical report for the project alongside the approved SWM concept plan discussed above, and upon approval of that plan there were no outstanding geotechnical issues. Any updated comments would be provided with their review of the updated SWM concept plan.

**c. Revise the Type 1 tree conservation plan to include the limits of the Marlboro clay and the 1.5 factor of safety line, if any, as determined by an approved evaluation by the Prince George's County Department of Permitting, Inspections and Enforcement.**

DPIE stated by email (Labban to Diaz-Campbell dated June 16, 2022, incorporated by reference herein) that the Maryland-National Capital Park and Planning Commission (M-NCPPC) should perform any evaluation of the 1.5 factor of safety line. The revised TCP1 shows the mitigated 1.5 factor of safety line as determined by an approved evaluation by the M-NCPPC's geotechnical expert. This evaluation serves to meet the purpose of this condition.

- d. Submit an approved Phase I archeology report, in accordance with the Prince George's County Planning Board's Guidelines for Archeological Review (May 2005), on the above-referenced property to determine if any cultural resources are present.**

A Phase I archeology survey was conducted, and the report was completed in June of 2020. The report was submitted with the subject PPS. Further discussion is contained in the Historic Preservation finding of this resolution.

- e. Consider relocating the eastern access driveway to MD 725 (Marlboro Pike) to the west, beyond the termination of the merge lane.**

This issue was discussed with the applicant, and they agreed to some relocation to the west in order to move the entrance away from the boundary of abutting Parcel 101, pending agreement by the Maryland State Highway Administration (SHA). The final position of the entrance will be subject to SHA approval and will need to meet SHA's access management standards. Further discussion is contained in the Site Access and Layout finding of this resolution.

- 4. Prior to the approval of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision, pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

**US 301 at MD 725 intersection**

- a. Provide three through lanes, a double left-turn lane, and a right turn lane, at the northbound approach.**
- b. Provide four through lanes, a left-turn lane, and a right-turn lane, at the southbound approach.**
- c. Provide two through lanes, a right turn, and a left-turn lane, at the westbound approach.**

- d. Provide two left-turn lanes, a shared left-through lane, and a right-turn lane, at the eastbound approach.**

All the improvements in this condition are incorporated in the County’s FY 2022-2027 Capital Improvement Project (CIP) for road improvements along sections of US 301. There is a provision in the CIP where any applicant can use these CIP-funded improvements to offset traffic impacts by paying a pro-rata share contribution of the overall cost. The applicant has agreed to pay into this CIP fund, and consequently, providing these improvements is no longer necessary for this applicant.

6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) is evaluated, and conformance with the master plan is evaluated, as follows:

**Plan 2035**

This PPS is located within the Established Communities policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to-medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met (page 20).

**Master Plan**

The master plan recommends mixed-use future land use on the subject property. The property is identified as “Development Bay 5” 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 (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 4: Develop a secondary road network to provide access to development bays west of US 301 and minimize traffic impacts to US 301/MD 725 intersection (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 202).

The master plan includes this description of Development Bay 5: “This bay is located directly behind (to the north and west) of the existing Dunkin Donuts store. As an adjunct to that property, its proximity to US 301 and the gateway US 301/MD 725 intersection, this parcel would best be served by extending the existing commercial development into it. Preliminary studies suggest that two outparcels appropriate for restaurants (one adjacent to US 301 and the other to MD 725)

could be developed with an interior retail building of approximately 26,000 square feet” (page 203).

The PPS conforms to the relevant policy discussed above and follows the related strategies as appropriate. The project includes a mix of development opportunities in the M-X-T Zone, as well as different types of housing including affordable and senior housing units. Though no new public roads are included in the plan, a system of connected driveways between two access points is included, which will allow continuous travel between the residential and commercial uses and between MD 725 and US 301 and act as a secondary road network. The driveways, compared to public streets which would occupy more space, will ensure there is enough space to develop the site given that much of it is covered by regulated environmental features. The two access points will reduce residents and visitors’ reliance on the US 301/MD 725 intersection because the whole site can be accessed from either entrance. These factors will allow the PPS to promote high-quality development near the intersection because they lay the groundwork for an interconnected mixed-use development with a range of development opportunities.

Based on the foregoing, pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the land use recommendations of the master plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM concept letter and plan (2715-2020) were submitted with the PPS application; however, since the approval of the concept, the project layout has changed. A copy of an unapproved SWM concept plan showing the revised layout was also submitted. The revised SWM concept plan shows the use of nine micro-bioretenion facilities and two underground storage facilities to meet the current requirements of environmental site design to the maximum extent practicable. The SWM concept plan shall be approved prior to acceptance of the DSP.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, ensuring that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the previously approved CSP-19001, the requirements and recommendations of the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* (Formula 2040), and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities. The 2017 *Land Preservation, Parks and Recreation Plan for Prince George’s County* was also evaluated for this PPS.

The subject property is not adjacent to any M-NCPPC parkland and is located in Park Service Area 6. The subject property is located in between two community centers: Patuxent Community Center (approximately three miles to the northeast) and Upper Marlboro Community Center (approximately 1 mile southwest). Developed parks in proximity include Beechtree West Park, which contains a football/soccer field and a small parking lot; and Marlboro Meadows Park,

which includes a playground, two tennis courts, a full basketball court, two softball fields, and a football/soccer field. The property is also located approximately one mile from School House Pond; and 1.5 miles from Sasscer Park, which contains a lighted track and football field, two softball fields, a lighted baseball field and a multipurpose football/soccer field.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) calls for a planned side path along MD 725 at the southern boundary of the property. This side path will connect with a planned side path along the Collington Branch Stream Valley Park heading toward the Balmoral and Beechtree communities. The side path will also connect with a planned bike route along MD 725 leading toward the Town of Upper Marlboro and a planned side path along the Western Branch. The trails will help connect the subject property with local parks.

The master plan indicates that there is currently an excess of regional parkland due largely to the Patuxent River Park area, Rosaryville State Park, and the other stream valley parks (Charles Branch, Collington Branch, Western Branch). However, the master plan indicates that local parkland should still be pursued. The 2022 *Land Preservation, Parks and Recreation Plan* (LPPRP) notes that Park Service Area 6 meets the Prince George's County Department of Parks and Recreation's (DPR) guidelines for adequate parkland. The data from the LPPRP shows that there are 79.8 acres of parkland per 1,000 persons, which is more than double DPR's guideline (contained in Formula 2040) of 35 acres of parkland per 1,000 persons.

Per Section 24-134(a)(1) of the Subdivision Regulations, development of a residential subdivision with the current density shown by the PPS, on the subject property, would require 2.64 acres of land to meet the mandatory dedication of parkland requirement. On a conceptual basis, the applicant has indicated there will be on-site recreational facilities provided with the development of this property, such as: a fitness center, community rooms, a tot lot and walking paths, benches, and bicycle racks. Per Section 24-135 of the Subdivision Regulations, the Planning Board may approve on-site recreational facilities, in lieu of Parkland dedication. The applicant's proposal of on-site recreational facilities is appropriate for this development, due to the proximity of nearby public parks and the unsuitability of the land on the subject property for dedication.

Future residents will be best served by the provision of on-site recreation facilities, and the facilities will meet the requirements of mandatory parkland dedication. The PPS is in conformance with the applicable master plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

9. **Transportation**—This PPS was reviewed for conformance with the MPOT, the master plan, and the Subdivision Regulations to provide the appropriate transportation recommendations.

#### **Master Plan Conformance**

#### **Master Plan Roads**

The subject property is governed by the approved master plan as well as the MPOT. This development fronts on the following master plan roads:



MD 725, an ultimate 2-4-lane primary road (P-608) that is currently built with two lanes within a variable width right-of-way. The master plan recommends a widening of MD 725 to up to four lanes, in the vicinity of the development, within 70 feet of right-of-way. As a condition of approval, dedication of 35 feet shall be provided from the centerline of MD 725.

US 301 (A-61) is a four-lane existing arterial road built within the existing variable width right-of-way. The master plan recommendation is for this road to be converted to a service road, running parallel to the planned F-10 freeway further to the east. No additional right-of-way will be required for either A-61 or F-10.

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

The MPOT includes the following goal and policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 7 and 8):

**Goal: Provide a continuous network of sidewalks, bikeways and trails that provide opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.**

**Policy 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas and employment centers.**

**Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**Policy 4: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers to provide safe routes to school, pedestrian access to mass transit and more walkable communities.**

**Policy 5: Plan new development to help achieve the goals of this master plan.**

In light of these policies, the following improvements are required, to ensure conformance:

- The applicant shall provide short-term bicycle parking facilities at the proposed retail and commercial uses, and long-term bicycle parking facilities for the affordable senior multifamily housing units, consistent with the 2012 *AASHTO Guidelines for the Development of Bicycle Facilities*.
- The applicant shall provide a shared-use path with a minimum width of 11 feet and 2 feet of clear space on either side of the pathway, consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities* along MD 725/Marlboro Pike abutting the subject property, per the MPOT.
- The applicant shall provide marked bike lanes along MD 725/Marlboro Pike, consistent with the MPOT.

- The applicant shall provide either a sidewalk or a shared-use path along US 301 abutting the subject site.
- The applicant shall provide marked bike lane signage and pavement marking within the US 301 shoulder abutting the subject project, as well as a R4-11/Bicycles May Use Full Lane sign on the portion of southbound US 301 after the shoulder ends.

The master plan provides the following supportive language regarding these recommendations:

- **Within the Developing Tier, roadways must include safe accommodations for bicyclists and pedestrians. Continuous sidewalks are necessary to provide safe access to schools and parks, link communities with commercial areas, and achieve the goal of providing “walkable” communities (page 105).**
- **Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes (page 107).**
- **Strategies**
  1. **Incorporate bicycle-compatible road improvements with future frontage improvements or road construction projects (page 107).**

The improvements listed above will address the relevant bicycle and pedestrian policies of the MPOT and the master plan.

#### **Analysis of Bicycle and Pedestrian Impacts**

This development is not located within any established center or corridor. Therefore, it is not subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines – Part 2”.

#### **Traffic Evaluation**

The development is projected to generate greater than 50 new trips in either peak hour, consequently, a traffic impact study was provided. The findings outlined below are based upon the review and analysis of materials, consistent with the “Transportation Review Guidelines – Part 1” (Guidelines).

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

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

**Links and Signalized Intersections:** Level-of-Service D, with signalized intersections operating at a critical lane volume of 1,450 or less. Per Section 24-124(a)(6) of the Subdivision Regulations, mitigation is permitted at signalized intersections within any transportation service area, subject to meeting the geographical criteria in the Guidelines.

**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:

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

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

The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions.

<b>EXISTING CONDITIONS</b>		
<b>Intersections</b>	<b>AM</b>	<b>PM</b>
	(Level-of-Service / critical lane volume)	(Level-of-Service / critical lane volume)
MD 202 & MD 725	A/578	A/918
US 301 & MD 725	A/983	E/1473

The traffic impact study identified the following developments as part of the background analysis:

- Balmoral/Buck Property (15 single-family detached units remaining)
- Towns at Peerless (24 townhouse units and 38 multifamily units)
- 4400 Largo Road (15 single-family detached units)
- Forest Hills (116 single-family detached units)
- 301 Upper Marlboro (99,720-square-foot warehouse)

Using the trip rates from the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), the study has indicated that the subject PPS represents the following trip generation:

Proposed uses	Units	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Garden Apartments (County)	60	6	25	31	23	13	36
Senior Adult Housing (County)	90	5	7	12	9	5	14
Fast Food Rest - Drive Thru ITE-934	10k sq. ft.	206	196	402	170	156	328
<i>Pass-by 49% AM, 50% PM</i>		-100	-96	-196	-86	-78	-164
Net Primary – Fast Food		106	100	206	84	78	162
<b>TOTAL NEW TRIPS (Trip Cap)</b>		117	132	<b>249</b>	116	98	<b>212</b>

The table above indicates that the development will be adding 249 AM, and 212 PM new peak trips. The trip cap threshold is based on the total development on site to include the existing and proposed densities. A second analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(Level-of-Service / critical lane volume)	(Level-of-Service / critical lane volume)
MD 202 & MD 725	A/653	B/1005
US 301 & MD 725	B/1084	E/1569
<i>With CIP Imp.</i>	A/893	C/1261
MD 725 & Site Access *		
Tier 1: HCS Delay test	39.7 seconds	247.9 seconds
Tier 2: Minor Street Volume	-	>100 vehicles
Tier 3: critical lane volume	-	C/1194
US 301 & Site Access *	17.1 seconds	27.7 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume 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 critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition. However, if the critical lane volume is 1151 or greater, a traffic signal warrant study must be done.		

The results under total traffic conditions show that all signalized intersections will operate adequately. The intersection of US 301 and MD 725 will operate adequately, but only with the inclusion of improvements funded under the FY 2022-2027 CIP. The unsignalized site access on MD 725 failed the three-step test for unsignalized intersection adequacy. Consequently, a traffic signal warrant analysis will be required, pursuant to the Guidelines. If the development is phased,

a phasing plan shall be provided with each DSP, in order to determine whether the traffic signal is warranted at the time of the phase shown on that DSP. The phasing plan will also need to show when each of the two access points will be provided (in the current or in a future phase), in order to support the determination of whether the traffic signal is warranted at the time of the current phase.

The traffic impact study was referred out to SHA and DPIE. As of the approval of the PPS, neither agency had provided any feedback.

The traffic impact study concluded that the intersection of US 301 and MD 725 will operate adequately under total traffic conditions based on the implementation of the County's CIP. This finding was predicated on the applicant's reliance on developer-funded improvements along US 301, as outlined in the CIP. The following represents the methodology that was used in the traffic impact study to calculate the applicant's pro-rata share of the CIP cost:

- Length of US 301 in scoped study area = 0.76 miles
- Length of US 301 in CIP covered area = 5.8 miles (MD 214 to MD 725)
- Proportion of scoped study area to CIP area =  $0.76/5.8 = 13.1$  percent
- Cost of CIP = \$24,780,000
- Proportional cost of CIP within traffic impact study scope =  $(13.1 \text{ percent} \times \$24.78\text{m}) = \$3,247,034.00$
- Average (AM+PM) reserve capacity created by CIP improvements – 418 critical lane volume
- Average reserve capacity used by the proposed development – 45 (approximately 10.76 percent)
- Proportion of cost to be borne by applicant =  $0.1076 \times \$3,247,034.00 =$   
**\$349,380.86**
- Average reserve capacity used by the **residential** development – 7 (approximately 1.67 percent)
- Average reserve capacity used by the **commercial** development – 38 (approximately 9.09 percent)
- Proportional cost for residential =  $0.0167 \times \$3,247,034 = \$54,225.47$
- Proportional cost for commercial =  $0.0909 \times \$3,247,034 = \$295,155.39$

- Pro-rated fee per residential unit =  $\$54,225.47/150 = \$361.50$
- Pro-rated fee per nonresidential square foot =  $\$295,155.39/10,000 = \$29.52$

Based on the above calculations, the applicant shall, prior to issuance of each residential building permit, pay to the County a fee of \$361.50 (in 1999 dollars) per dwelling unit, in order to contribute to the CIP improvements relied upon by this development. The applicant shall also, prior to issuance of any commercial building permit, pay to the County a fee of \$29.52 (in 1999 dollars) per square foot of gross floor area for nonresidential uses, up to a maximum total fee of \$295,155.39 (in 1999 dollars). These costs will be adjusted based on an inflation cost index factor to be determined by DPIE at the time of issuance of each permit. If the development is phased, the applicant should provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each DSP.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, in accordance with Subtitle 24.

10. **Site Access and Layout**—The subdivision has three parcels (Parcels 1, 2, and 5) for residential multifamily development and two parcels (Parcels 3 and 4) for commercial development. Access to the residential parcels is shown via one full-movement shared access driveway to MD 725, covered by a private access easement. Access to the commercial parcels is shown via one right-in/right-out shared access driveway to US 301, also covered by a private access easement. The two driveways (and easements) meet at the border of Parcel 5 with Parcels 3 and 4, which should allow movement of traffic between the residential and commercial parts of the site. Because commercial users for Parcels 3 and 4 are not yet known, the precise route of the driveway and access easement serving Parcels 3 and 4 between the site access and Parcel 5 may need to be adjusted at the time of the DSP(s) for the commercial parcels.

Despite the connected driveways, the easements may not allow residents of Parcels 1, 2, and 5 passage over the commercial parcels to US 301; or allow visitors of Parcels 3 and 4 passage over the residential parcels to MD 725; if each easement exclusively serves its own half of the site. To ensure connectivity and circulation throughout the site, rather than two easements, there shall be only one (which may be of variable width) which serves all five parcels, extending from US 301 to MD 725.

Section 24-128 of the Subdivision Regulations generally requires that all parcels proposed to be developed have both frontage on and direct access to a public street. All five parcels on this PPS do have frontage on a public street, but Parcels 1 and 2 lack direct access, relying on the driveway on Parcel 5. Parcels 3 and 4 also rely on a single shared driveway. Therefore, provisions for private access must be made pursuant to Section 24-128(b) of the Subdivision Regulations.

The applicant proposed private access easements, pursuant to Section 24-128(b)(9) of the Subdivision Regulations, which provides that where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic

situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.

Based on the site layout, the applicant's use of an access easement, in accordance with Section 24-128(b)(9), is appropriate. US 301 is an arterial roadway with large, fast moving traffic volumes, and therefore, it is appropriate to limit Parcels 3 and 4 to one shared driveway access in order to reduce access locations onto the arterial roadway. MD 725, while only a primary road, already features three closely spaced commercial driveway access locations across from the subject property. Rather than add three more access driveways from Parcels 1, 2, and 5, it would be appropriate to limit the residential development to one driveway access, in order to limit conflicts between vehicles accessing the residential development and vehicles accessing the commercial development across the street.

The finding above notwithstanding, the single access driveway onto MD 725 may not conform to SHA access management requirements given the offsets and distance to the adjacent driveways along MD 725. The applicant provided via email and associated exhibit (Forman to Diaz-Campbell dated June 17, 2022, incorporated by reference herein) that the driveway would have to shift some distance to the west in order to meet Code of Maryland standards for minimum distances between property lines and driveways, due to the proximity of abutting Parcel 101 to the driveway. However, it was unclear if this change would address SHA's access management standards. As a condition of approval, the applicant shall provide an analysis, at the time of DSP, demonstrating conformance to SHA's access management standards. SHA will have final approval authority over the access onto MD 725; however, because the DSP is the permit plan for the development, the DSP will also need to show the final position of the access driveway.

### **Variation**

While the easement on Parcels 3 and 4 is appropriate under Section 24-128(b)(9), the access driveway itself does not conform to the requirements of Section 24-121(a)(3). This section requires that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. The PPS does not include an interior street nor a service road, and Parcels 3 and 4 are instead designed to front on and take access from US 301. To allow the proposed configuration, the applicant has requested a variation from Section 24-121(a)(3) and submitted a statement of justification (SOJ) in support of the variation.

Section 24-113 of the Subdivision Regulations requires that the following criteria be met for the Planning Board to approve a variation. The criteria are in **bold** text below, while findings for each criterion are in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that**



**substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

Without a right-in/right-out access point onto US 301, all access to the commercial parcels will need to be via MD 725, and commercial traffic from US 301 will need to utilize the US 301/MD 725 intersection and MD 725 before reaching the site access. The proposed access point will reduce congestion on US 301 and MD 725 and the intersection shared by those two roadways; thereby, improving their safety. In addition, the design of the proposed US 301 access point will be required to be consistent with all SHA regulations and design standards. Following these standards will ensure the access point provides safe ingress and egress to the development. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The property is unique in that while it has frontage on two public roads, there is existing development at the street corner (on Parcels 101 and 69) that limits direct access to the eastern portion of the property from MD 725. Any access to the eastern part of the property from MD 725 would have to be routed around this existing development. The PPS and TCP1 show that it is possible to do this, but only by routing the access through the residential portion of the development, which may make access to and visibility of the commercial development more difficult, limiting its potential success. The property is also unique in that the master plan has specific recommendations, which affect development of the subject site; specifically, a strategy to “develop a secondary road network to provide access to development bays west of US 301 and minimize traffic impacts to US 301/MD 725 intersection” (page 206). While the two proposed connected driveways meet the intent of this strategy (see the Community Planning finding of this resolution), having access to the site only from MD 725 would not meet it, and would not reduce traffic impacts to the US 301/MD 725 intersection. For the foregoing reasons, the conditions on which the variation is based are unique to the property for which the variation is sought and are generally not applicable to other properties.

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

There are no known applicable laws, ordinances, or regulations that will be violated if this variation is granted. As previously stated, the applicant has provided that the design of the access point onto US 301 will be consistent with all SHA regulations and design standards.

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

The property has a unique shape based on the presence of surrounding development at the US 301/MD 725 intersection, and as previously discussed this gives rise to the need for the variation. The property also has topographic conditions which have placed most of the land area in the primary management area (PMA), limiting the developable area of the site. Under the strict letter of Section 24-121(a)(3), the applicant could provide a public street connecting between MD 725 and US 301 instead of the two connected driveways, which would remove the need for the variation. However, based on the larger land area a public street would need, compared to the driveways, and the limited developable land area that would be served by this public street, it would be a particular hardship to the owner to require the site be served in this manner. Alternatively, requiring all access to the property to be from MD 725 alone would be a hardship to the owner because doing so would limit the visibility and potential success of the commercial development, and substantially increase the traffic burden on the remaining access point in a location where there are already several other access points to other properties.

**(5) In the R-30, R-30C, R-18, R-18C, R-IOA, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This criterion is not applicable because the property is not in any of the above listed zones under the current or prior Zoning Ordinance.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations. Therefore, the variation to

allow Parcels 3 and 4 to front on and take access from US 301, using one shared access driveway, is approved.

11. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the prior Subdivision Regulations, and in accordance with CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. Per Section 24-122.02(a)(2) of the Subdivision Regulations, the subdivision is considered adequate when the future student enrollment does not exceed 105 percent of the state rated capacity. The subject property is located within Cluster 4, as identified in the *Pupil Yield Factors and Public-School Clusters 2020 Update*.

This project includes a total of 150 multifamily units and the applicant has indicated that, out of that total, 90 units will be senior adult housing units. Per Section 24-122.02(b)(2) of the Subdivision Regulations, “a subdivision for elderly housing operated in accordance with State and Federal Fair Housing law” shall be exempt from the adequacy of school facilities test in Section 24-122.02(a) of the Subdivision Regulations. Therefore, only the 60 remaining apartment units were used in the school facilities test. The results of the school facilities test are as follows:

**Impact on Affected Public School Clusters by Dwelling Units**

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Multifamily (MF) Dwelling Units	60 DU	60 DU	60 DU
Pupil Yield Factor (PYF) – Multifamily (MF)	0.119	0.070	0.081
MF x PYF = Future Subdivision Enrollment	7	4	5
Adjusted Student Enrollment 9/30/19	12,730	10,182	7,914
Total Future Student Enrollment	12,737	10,186	7,919
State Rated Capacity	17,095	10,737	8,829
Percent Capacity	75%	95%	90%

Per Section 24-114.01, School Planning Capacity Analysis, of the Subdivision Regulations, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities; it is not a condition of approval for a subdivision. A new PPS and new adequacy analysis will be required if fewer than 90 of the units are to be used for elderly housing, unless the overall unit count is also reduced, respectively.

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located outside the Capital Beltway; thus, the surcharge fee is \$17,451 per dwelling unit.

Per Section 10-192.01(b)(2) "The school facilities surcharge does not apply to a mixed retirement development or elderly housing." Therefore, the school facilities surcharge does not apply to the 90 senior adult housing units, however the surcharge does apply to the remaining 60 multifamily dwelling units. The fee is to be paid to DPIE at the time of issuance of each building permit.

The PPS is found to conform to the sector plan recommendations for schools, as discussed in the Public Facilities finding below.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated May 11, 2022 (Perry to Diaz-Campbell), incorporated by reference herein.

This PPS was reviewed for conformance to the master plan in accordance with Section 24-121(a)(5). The master plan provides goals and policies related to public facilities (pages 119–144), including goals to "Provide residents of Subregion 6 needed public facilities in locations that serve existing and future populations" and "Maintain the high level of service by providing essential equipment and professional training for personnel." However, the subject property is not identified as a location on which public facilities are to be provided, nor is it affected by any schools, libraries, police, fire and rescue, parks and recreation, solid waste management/recycling, or water and sewer service strategies, as provided and/or located in the master plan. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities; this plan does not contain any recommendations which affect the subject property.

13. **Use Conversion**—The total development included in this PPS is for 150 multifamily dwellings, including 90 senior housing units, and 10,000 square feet of commercial development in the former 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 (including a change to the number of senior housing units that affects the school planning capacity analysis), as set forth in the resolution of approval and reflected on the PPS, 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**—In accordance with Section 24-122(a) of the Subdivision Regulations, 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 subject site fronts on the existing public rights-of-way of MD 725 to the south and US 301 to the east. The PPS shows PUEs along the entire frontages of these rights-of-way, except for Parcel 1’s frontage on US 301. Prior to certification of the PPS, the plan shall be corrected to include a PUE in this area.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the subject property was high. The subject property was once part of the Compton Bassett or Woodland plantation. This plantation was established on the Patuxent River by the Hill family in 1699, and remained in the family until the Compton Bassett Historic Site (79-063-10) was purchased by M-NCPPC in 2010. A Phase I archeology survey was conducted, and the report was completed in June of 2020. No further archeological investigations are required.

Because of the significance of the findings at the Phase I level, the applicant shall provide interpretive signage. The location and wording of the signage shall be provided, at the time of DSP, and shall be subject to approval by the staff archeologist. Installation of the signage and implementation of public outreach measures shall occur, prior to issuance of the final building permit for the development.

The subject property also contains four single-family residences situated on the north side of MD 725. The PPS shows that all the existing structures on the subject property are to be demolished. These twentieth century houses were part of an African American community that settled in the area shortly after the Civil War. Background historic research should attempt to establish which families built and occupied these structures. Prior to demolition of these four residences, the structures shall be thoroughly documented on a Maryland Inventory of Historic Properties form.

The master plan includes goals and policies related to historic preservation (pages 161 through 174). However, these are not specific to the subject site or applicable to this development.

16. **Environmental**—The subject PPS was received on May 2, 2022. Environmental comments were provided in an SDRC meeting on May 13, 2022. Revised information was received on May 27, 2022.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-093-2018	N/A	Staff	Approved	8/3/2018	N/A
CSP-19001	TCP1-011-2020	Planning Board	Approved	7/23/2020	2020-128
4-21010	TCP1-011-2020-01	Planning Board	Pending	Pending	Pending

**Grandfathering**

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27, and Subtitle 25 that came into effect on September 1, 2010, because it is a new PPS.

**Site Description**

A review of the available information indicates that regulated environmental features, such as 100-year floodplain, a stream and its buffer, and wetlands with associated buffers, are present on-site. A large on-site swale is currently shown as an ephemeral stream system. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program and used on PGAtlas, there are rare, threatened, or endangered species found to occur on or near this property; however, during the natural resources inventory (NRI) review process, a letter from the Maryland Department of Natural Resources Wildlife and Heritage Service stated that there are no known rare, threatened, or endangered species found to occur on or near this property. There is a long flat area located in the eastern portion of the site that falls to the north and south into two large stream valleys. These two valleys empty out to a large wetland and floodplain system associated with Collington Branch to the west. The portion of the site located along MD 725 contains a ridgeline which drains to MD 725 on one southeast side and to the wetland and floodplain system mentioned above on the northwest. This site is in the Collington Branch sub-watershed that flows into the Western Branch watershed, located within the Patuxent River basin. The site has frontage on US 301, which is identified as a master plan arterial roadway, and MD 725, which is identified as a primary collector roadway. MD 725 is also identified as an historic roadway. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the majority of the project area, except for several small areas along MD 725, is identified as either regulated or evaluation areas.

**Master and Functional Plan Conformance**

**Master Plan**

The following policies and strategies from the master plan are relevant to environmental review. The text in **bold** is from the master plan and the plain text provides comments on plan conformance.

**Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.**

**Strategies:**

- 1. Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**
- 2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- 3. Preserve and connect habitat areas to the fullest extent possible during the land development process.**
- 4. Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**
- 5. Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- 6. Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**

The development site is not located in a special conservation area, but is near a primary corridor, Collington Branch, and contains regulated and evaluation areas designated in the Green Infrastructure Plan. There are no impacts to the wetlands or areas located in the floodplain.

**Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.**

**Strategies:**

- 1. Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**
- 3. Require retrofitting of locations without stormwater management or with poorly performing facilities as they are identified during the development review process.**

4. **Define and identify operations and activities that create stormwater management “hotspots” to adjust development and enforcement as necessary for pollution prevention.**
5. **Require private developers to perform stream corridor assessments where one has not already been conducted when development along stream corridors without completed assessments is proposed. Use the outcome of these assessments to guide restoration requirements upon which development approval will be contingent.**
7. **Require environmentally sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

Wetlands and wetland buffers on-site will be protected to the fullest extent possible during local review of development projects, and by state and federal review and permitting authorities. The site is a new/re-development and will comply with the state environmental site design (ESD) requirements in the design and review of SWM facilities for the site.

**Policy 4: Protect, restore, and enhance the Chesapeake Bay Critical Area.**

**Strategies:**

1. **Ensure that the primary buffers and secondary buffers are protected and enforced to the fullest extent possible.**
2. **Increase enforcement activities as needed within the critical area.**

The subject project is not located within the Chesapeake Bay Critical Area.

#### **Conformance with the Green Infrastructure Plan**

According to the Green Infrastructure Plan, there are regulated and evaluation areas on the subject site. Approximately 60 percent of the site is located in the regulated area, due to the presence of open water, wetland, and floodplain on the western portion of the site, and an intermittent stream along the northern portion of the site. Approximately 30 percent of the site is located in the evaluation area, with the remainder of the site outside of the green infrastructure. The conceptual design, as reflected on the PPS and the TCP1, meets the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site.

#### **Environmental Review**

##### **Natural Resources Inventory**

NRI-093-2018 was approved on August 3, 2018 and provided with the PPS. The site contains 100-year floodplain, a stream, wetlands, and their associated buffers, which comprise the PMA. A long stream system is located in a large valley formation in the southern portion of the site. This stream has been shown as ephemeral on the NRI and TCP1, and therefore, is not considered a



regulated environmental feature. The on-site floodplain area is associated with Collington Branch to the west. There are 49 specimen trees scattered throughout the site. The approved NRI also includes Parcel 101, which is not part of the PPS. The TCP1 and the PPS show all the required information correctly in conformance with the NRI.

### **Woodland Conservation**

This site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS. The project is also subject to the Environmental Technical Manual (ETM).

TCP1-011-2020-01 has been submitted with the PPS and requires minor revisions, to be found in conformance with the WCO.

Based on the TCP1 submitted with the PPS, the site's gross area is 19.76 acres, contains 10.95 acres of woodland in the net tract, 3.68 acres of wooded floodplain, and has a woodland conservation threshold of 1.74 acres (15 percent). The woodland conservation worksheet shows the removal of 6.31 acres in the net tract area, for a woodland conservation requirement of 3.32 acres. According to the worksheet, the requirement is to be met with 3.48 acres of woodland preservation and 0.05 acre of reforestation on-site. The forest stand delineation has identified 49 specimen trees on-site and one specimen tree on the adjacent Parcel 101. This PPS includes the removal of 17 specimen trees which is further detailed below.

Technical revisions to the TCP1 are required, as conditioned in this approval.

### **Soils**

The predominant soils found to occur on-site according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex, Collington-Wist-Urban land complex, Marr-Dodon complex, Udorthents-Urban land complex and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay has been identified throughout the eastern half of the project area.

Marlboro clay 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. A geotechnical report was required for the subject property to evaluate the areas of the site that are unsuitable for development without mitigation.

A geotechnical report dated October 20, 2021, and revised on March 18, 2022, was submitted with this PPS. The Commission's geotechnical expert has reviewed the document and has found that the information provided meets the County's requirements for the proposed development. Based on the information in the report, the 1.5 factor of safety line was added to the TCP1 and verified by the geotechnical expert to be correct.

### **Specimen, Champion, or Historic Trees**

Tree conservation plans are required to meet all the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees in accordance with Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance to Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of Division 2 of Subtitle 25 (the WCO), provided all the required findings in Section 25-119(d) of the WCO can be met. An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 variance application and a letter of justification in support of a variance, dated May 18, 2022, were submitted.

The approved NRI identifies a total of 50 specimen trees; one tree is considered off-site with 49 on-site. The following analysis is the review of the request to remove 17 specimen trees located on-site.

The SOJ requests the removal of 17 of the existing 49 specimen trees located on-site. Specifically, the applicant seeks to remove specimen trees ST-6, 7, 8, 9, 16, 17, 18, 19, 20, 33, 42, 43, 44, 46, 47,48, and 49. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the buildings and associated infrastructure. Grading near specimen trees ST-16, 17, 18, and 19 will impact approximately 50 percent of the critical root zone. The area of these four trees will be replanted upon final grading of the site. The plan and Specimen Tree Table on the TCP1 show specimen trees ST-30 and ST-31 to be removed; however, these trees are outside of the development envelope and are not included in the SOJ for removal. A condition to correct the TCP1 is provided in the conditions of approval.

**Specimen Tree Schedule Summary  
 For 17 Trees Proposed for Removal on TCP1-011-2020-01**

<b>No.</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>DBH (Inches)</b>	<b>Condition Rating</b>
ST-6	Tulip Tree	<i>Liriodendron tulipifera</i>	44	Good
ST-7	Tulip Tree	<i>Liriodendron tulipifera</i>	33	Fair
ST-8	Southern Red Oak	<i>Quercus falcata</i>	44	Poor
ST-9	American Sycamore	<i>Platanus occidentalis</i>	30	Fair
ST-16	White Oak	<i>Quercus alba</i>	38	Fair
ST-17	White Oak	<i>Quercus alba</i>	32	Poor
ST-18	Tulip Tree	<i>Liriodendron tulipifera</i>	32	Fair
ST-19	White Oak	<i>Quercus alba</i>	41	Fair
ST-20	Red Oak	<i>Quercus rubra</i>	32	Poor
ST-33	American Sycamore	<i>Platanus occidentalis</i>	32	Poor
ST-42	Southern Red Oak	<i>Quercus falcata</i>	36	Fair
ST-43	Southern Red Oak	<i>Quercus falcata</i>	44	Good
ST-44	Southern Red Oak	<i>Quercus falcata</i>	46	Poor
ST-46	American Sycamore	<i>Platanus occidentalis</i>	34	Fair
ST-47	American Sycamore	<i>Platanus occidentalis</i>	39	Good
ST-48	American Sycamore	<i>Platanus occidentalis</i>	44	Fair
ST-49	Southern Red Oak	<i>Quercus falcata</i>	44	Poor

Removal of the 17 specimen trees requested by the applicant is approved, based on the findings below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain specimen trees ST-6, 7, 8, 9, 16, 17, 18, 19, 20, 33, 42, 43, 44, 46, 47, 48, and 49. Three of the trees are in good condition, eight are in fair condition, and six are in poor condition. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 19.76 acres and contains approximately 12.10 acres of PMA, comprised of open water, streams, wetlands, floodplain, and associated buffers, steep slopes, as well as the unsafe soil Marlboro clay, which all together take up a significant portion of the property and limit the developable areas of the site. These existing conditions are peculiar to the property.

The proposed use, multifamily dwelling units and retail, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without additional variances. Development cannot occur on the portions of the site containing PMA, which limits the site area available for development. Requiring the applicant to retain the 17 specimen trees on the site would further limit the area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

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

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

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied other applicants. If other properties contained regulated environmental features, Marlboro clay, and specimen trees in a similar condition and location on a site, the same considerations would be provided during the review of the required variance application. This is not a special privilege that would be denied other applicants.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the 17 specimen trees would be the result of the grading required for the development to achieve optimal development for the multifamily site. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

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

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

The project is subject to SWM regulations, as implemented locally by DPIE. The project is subject to ESD to the maximum extent practicable. Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. SWM, erosion, and sediment control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state standards. State standards are set to ensure that no degradation occurs. The removal of 17 specimen trees will not directly affect water quality.

The required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees ST-6, 7, 8, 9, 16, 17, 18, 19, 20, 33, 42, 43, 44, 46, 47, 48, and 49. The requested variance for the removal of 17 specimen trees is approved for construction of a new multifamily development and associated grading and SWM.

**Preservation of Regulated Environmental Features**

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible, under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include open water, streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and associated steep slopes.

Section 24-130(b)(5) states:

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

Impacts to regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code.

#### **Statement of Justification**

An SOJ was received May 27, 2022, for the proposed impacts. The letter is dated May 18, 2022.

The PPS includes impacts to the PMA. The current SOJ and associated exhibit reflect two impacts to regulated environmental features associated with the development, totaling approximately 0.11 acre. One impact will be a permanent impact and the second impact will be a temporary impact.

#### **Analysis of Impacts**

**Impact 1 – Stormwater outfall:** This permanent impact is for a stormwater outfall. The total impact to the PMA will be approximately 0.06-acre. The stormwater outfall meets best management practices for discharging water back into the stream while limiting erosion at the discharge points. The stormwater outfall is required by County Code.

**Impact 2 -Grading/removal of impacted specimen trees:** This temporary impact is for grading and the removal of specimen trees ST-16, 17, 18, and 19, whose critical roots will be damaged/removed by the installation of a multifamily dwelling unit. The total impact to the PMA is approximately 0.05-acre. Upon the completion of final grading in this area, trees will be replanted.

After evaluation of the applicant's SOJ for impacts to regulated environmental features, the impacts are approved. The PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The TCP1 shows the preservation and enhancement of the PMA to the fullest extent practicable.

Based on the level of design information available at the present time, 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 TCP1.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the master plan and Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24 and 25.

17. **Urban Design**—The development project will be subject to DSP review.

**Conformance with the Requirements of the Prince George’s County Zoning Ordinance**

The subdivision will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, at the time of DSP review, including but not limited to the following:

- a. Sections 27-544, 27-546, and 27-548 requirements for the M-X-T Zone, as applicable;
- b. Part 11 Off-Street Parking and Loading; and
- c. Part 12 Signs.

**Conformance with the 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 building and grading permits and propose 5,000 square feet or greater of gross floor area or disturbance. Properties in the M-X-T Zone are required to provide a minimum of ten percent of the gross tract area, to be covered by tree canopy. In this case, the applicant is required to provide a minimum of 1.976 acres in TCC. Conformance with this requirement will be evaluated at the time of DSP.

**Conformance with the Requirements of the Prince George’s County Landscape Manual**

Pursuant to Section 27-124.03 of the Zoning Ordinance, the development is subject to the 2010 *Prince George’s County Landscape Manual*. Specifically, the site is subject to 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 Streets. Conformance with these requirements will be evaluated at the time of DSP.

18. **Town of Upper Marlboro**—The Town of Upper Marlboro submitted a letter dated June 17, 2022 (incorporated by reference herein) indicating their general support for the project. The letter stated that the Town officials had concerns about traffic, public safety, tree conservation, and affordable housing unit percentages, but that they had a chance to speak with the project representatives about their concerns. The letter did not recommend any conditions of approval. The letter also specified that the property was expected to be annexed into the Town, though no timeframe was given for this annexation.

19. **Noise**—The site abuts US 301, an arterial roadway, which may be a significant noise generator. The commercial development lies between US 301 and the residential development. However, the PPS shows that the unmitigated 65 dBA Ldn line lies 373 feet from the centerline of US 301,

putting it on residential Parcel 5. The PPS also shows that there is a proposed outdoor recreation area close to the unmitigated 65 dBA Ldn line. Therefore, at the time of DSP, the applicant shall submit a noise study to determine the noise impacts of US 301 upon Parcel 5. The noise study shall demonstrate that all outdoor recreation areas will be exposed to noise levels no greater than 65 dBA Ldn, or that if any outdoor recreation areas are exposed to noise levels greater than 65 dBA Ldn, that the noise will be mitigated to be below 65 dBA Ldn through the site design.

If any residential buildings are exposed to noise levels greater than 65 dBA Ldn, the noise study shall demonstrate that noise levels interior to the buildings will be mitigated to be no greater than 45 dBA Ldn and shall explain any architectural materials or building techniques needed to accomplish the interior mitigation. The building permits for those buildings shall also include a certification by a professional engineer with competency in acoustical analysis stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn or less, prior to the permits' approval.

20. **Planning Board Hearing of July 7, 2022**—At the Planning Board meeting on July 7, 2022, one member of the public voiced concerns over whether this site was appropriate for residential development and expressed a desire to see more commercial development in the area. This same member of the public also asked how many people were expected to live in the residential portion of the development.

The applicant responded to the question by saying that they do not yet have an estimate of how many people will live in the development, as they have yet to determine the mix of unit types. All that is known at the time of this PPS is that 90 of the units will be reserved for senior housing. The applicant also noted that this PPS does include commercial uses, although a timeframe for development of the commercial portion has yet to be determined.

This resolution notes that the PPS was reviewed according to the standards of the M-X-T Zone. Pursuant to Section 27-547(d) of the Zoning Ordinance, the M-X-T Zone requires at least two use categories to be provided. The applicant's proposal to provide residential and commercial uses meets the requirements of this section. In addition, the policies and recommendations of the master plan applicable to this site support mixed-use development, as discussed in the Community Planning finding. The applicant's proposal to use the site for residential and commercial development is therefore found to be appropriate.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 7, 2022, in Upper Marlboro, Maryland.

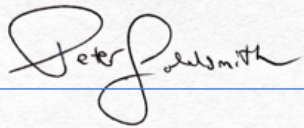
Adopted by the Prince George's County Planning Board this 28th day of July 2022.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:EDC:jah

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department  
Date: July 22, 2022

# **Additional Back-up**

**For**

# **DSP-22019 Marlboro Gateway**

**Applicant's Proposed Revised Conditions  
DSP-22019**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-22019, and Type 2 Tree Conservation Plan TCP2-046-2022, for Marlboro Gateway, subject to the following conditions:

1. Prior to signature approval of the detailed site plan (DSP), the applicant and the applicant's heirs, successors, and/or assignees shall:

...

~~g. Remove the notation which reads "possible point of vehicle and pedestrian access for future development" from the DSP.~~

~~h. Update plans to show the shared-use path along the subject property's frontage of MD 725 (Marlboro Pike), in accordance with Condition 19a of Preliminary Plan of Subdivision 4-21010, or provide documentation by the operating agency indicating a modification to this facility.~~

i. Update the site plan to display long-term bicycle parking **for 4-6 bicycles** at each multifamily building, in accordance with Condition 20 of Preliminary Plan of Subdivision 4-21010.

...

t. Revise the proposed recreational amenity list located on the coversheet, to remove the seating area located between Building 1 and MD 725 (Marlboro Pike), add **a fitness room for Buildings 2 and 3**, ~~the fitness rooms in the three multifamily buildings~~, and add **the fitness room** and community room, ~~game/meeting room, library, and craft room~~ in Building 1. Update the total value of the proposed on-site recreational facilities. Revise the trigger for construction for all recreational facilities provided internal to the buildings, prior to issuance of the final certificate of occupancy for each of the respective buildings in which they are located. For the outdoor seating area and the play area, revise the trigger for construction prior to issuance of the final certificate of occupancy for Building 2 or Building 3, whichever comes first.