



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

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

Conceptual Site Plan Conservation Plan National View

CSP-21004
CP-21006

REQUEST	STAFF RECOMMENDATION
<p>CSP: Mixed-use development consisting of up to 1,870 multifamily dwellings, and up to 289,000 square feet of commercial/retail, and office space</p> <p>CP: 1.73 acres in the Chesapeake Critical Bay Area</p>	<p>With the Conditions Recommended herein:</p> <ul style="list-style-type: none"> •Approval of Conceptual Site Plan CSP-21004 •Approval of Conservation Plan CP-21006 •Approval of Type 1 Tree Conservation Plan TCP1-009-2022

Location: Approximately 1,000 feet north of the Capital Beltway between the Wilson Bridge and MD 210 (Indian Head Highway).



Gross Acreage:	20.09
Zone:	RMF-48/IDO
Zone Prior:	M-X-T/I-D-0
Reviewed per prior Zoning Ordinance:	Section 27-1703(a)
Dwelling Units:	1,870
Gross Floor Area:	289,000 sq. ft.
Planning Area:	76A
Council District:	08
Municipality:	Forest Heights

Applicant/Address:
 Harbor View Development, LLC
 1875 Connecticut Avenue NW
 Washington, DC 20009

Staff Reviewer: Henry Zhang, AICP LEED AP
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Planning Board Date:	05/26/2022
Planning Board Action Limit:	05/31/2022
Staff Report Date:	05/11/2022
Date Accepted:	03/22/2022
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Acceptance Mailing:	03/17/2022
Sign Posting Deadline:	04/26/2022

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/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-21004
Conservation Plan CP-21006
Type 1 Tree Conservation Plan TCP1-009-2022
National View

The Urban Design Section has completed the review of the subject application under the prior zoning requirements and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL of the conceptual site plan and the conservation plan, 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. This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1703(a) of the Zoning Ordinance. This conceptual site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment A-10055
- b. The requirements of the prior Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance
- d. The requirements of other site-related regulations
- e. Referral comments.

This conservation plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Intensely Development Overlay (I-D-O) Zone of the Chesapeake Bay Critical Area Ordinance (Subtitle 5B).
- b. The requirements of the Chesapeake Bay Critical Area Overlay Zones of the prior Zoning Ordinance (Subtitle 27).

FINDINGS

Based upon the analysis of the subject applications, the Urban Design staff recommends the following findings:

1. **Request:** The subject application is a conceptual site plan (CSP) for a mixed-use development consisting of up to 1,870 multifamily dwelling units, including up to 485 units for seniors, and approximately 289,000 square feet of office and commercial/retail space.

Conservation Plan CP-21006 is also filed for the 1.73-acre portion of the property in the Intensely Development Overlay (I-D-O) Zone of the Chesapeake Bay Critical Area (CBCA), where only a 12-foot-wide shared-use path, with two-foot cleared space on either side, one stormwater management (SWM) facility, existing utility easements, proposed utility connections, and a picnic pavilion are proposed.

2. **Location:** The subject site is located approximately 1,000 feet north of I-95/495 (Capital Beltway) between the Woodrow Wilson Bridge and MD 210 (Indian Head Highway), and on the west side of Bald Eagle Drive. The northern portion of the site is within the municipal boundary of the Town of Forest Heights.

3. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	RMF-48 (prior M-X-T)/ I-D-O	RMF-48 (prior M-X-T)/ I-D-O
Use(s)	Vacant	Residential, Commercial/retail, and Office
Gross Acreage	20.09	20.09
Of which in CBCA	1.73	1.73
Net Acreage	18.36	18.36
Total Gross Floor Area (GFA)(sq. ft.)	-	1,926,000
Of which Office & Commercial	-	289,000
Residential	-	1,637,000
Total Multifamily Dwelling Units	-	1,465-1,870
Of which Senior living	-	485

Floor Area Ratio in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Outdoor Plaza Optional:	1.16 FAR
Total FAR Permitted:	2.56 FAR*
Total FAR Proposed:	2.41 FAR

Note: *Maximum density allowed, in accordance with Section 27-545(b)(4), Optional method of development, of the Prince George’s County Zoning Ordinance, for providing 20 or more residential units and outdoor plaza. Exact floor area ratio to be determined at the time of detailed site plan.

4. **Surrounding Uses:** The subject property, consisting of two sites, Forest Heights Subdivision, Section 16, within the Town of Forest Heights, and the adjoining Butler property to the south, is located on the west side of Bald Eagle Drive. The generally triangular site is bounded to the north by existing single-family detached homes in the Forest Heights Subdivision in the Residential, Single-Family-65 Zone, to the east by National Park Service property in the Agriculture and Preservation Zone, and to the west by National Park Service property in the Reserved Open Space Zone.

5. **Previous Approvals:** The Forest Heights Subdivision, Section 16, within the Town of Forest Heights, in the northern part of the site, was platted in April 1956 and is comprised of Lots 61–91 in Block 122, Lots 13–24 in Block 123, and Lots 8–14 in Block 124, recorded in the Prince George’s County Land Records as Forest Heights, Section 16 at Plat Book 28, Page 5. The single-family lots on this site were never developed and the site has remained vacant.

The Butler House property, in the southern part of the site, is mostly wooded but has two historic residences and an existing electric utility right-of-way. The site is comprised of Parcels 26, 32, 33, 35, 36, and 37, which are not mapped within the Forest Heights municipal boundary. This section contains the Butler House (PG:76A-014/National Register), a Prince George’s County historic site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George’s County historic site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003. At least four outbuildings were located on the subject property from approximately 1965 until 1998, when the outbuildings were demolished.

On October 26, 2021, the Prince George’s County District Council approved (via Zoning Ordinance No. 6-2021) Zoning Map Amendment A-10055, to rezone the subject site from One-Family Detached Residential (R-55) and Rural Residential (R-R) to the Mixed Use-Transportation Oriented (M-X-T) Zone, with five conditions.

6. **Design Features:** The narrow triangular site is on the west side of the constructed Bald Eagle Drive, which provides direct vehicular access to the proposed conceptual seven buildings. From north to south, the property depth increases, and the building footprints become larger. Buildings A, B, and C occupy the southern portion of the site with a rear loop road and a shared private street between Buildings B and C. Moving further to the north are Buildings D and E, with a private street between them. In the northern part, outside of the I-D-O Zone, is Building F, which is connected to Building E, and shares a looped road with Building G. The northernmost tip of the site is located in the I-D-O Zone and is preserved as open space with only a 12-foot-wide shared-use path running through it, connecting to an off-site trail system. The buildings range from 5 to 18 stories high and conceptually indicate roof decks, rooftop amenity spaces, outdoor plazas, internal parking garages, trash, and loading spaces.

Shade and viewshed studies have been provided with this application. The possible shadows created by the proposed development have been simulated at various times (9:00 a.m., 12:00 p.m., and 3:00 p.m.) on the days of Summer Solstice (June 21), Equinox (March/September 21) and Winter Solstice (December 21). With the exception of the shadow after 3:00 pm on the Winter Solstice, the adjoining existing single-family residences to the northeast of the site are completely outside the shadow of the proposed development. Only a few of the existing single-family detached residences are within the shadow of the proposed development on Winter Solstice after 3:00 p.m.

A viewshed study has also been performed at four vantage points, including viewpoints from the Capital Beltway Overpass, Cree Drive's highest and lowest points, and Mt. Welby Hill. The proposed development is dominating in the views from Cree Drive, where the existing single-family detached residences are located. The proposed development is slightly visible above the tree lines from the other two viewpoints. Due to the inherent difference in building massing between the existing single-family detached houses and the proposed mid- to high-rise buildings, it is difficult to minimize the visual impact of the proposed buildings on the views from Cree Drive. At the time of detailed site plan (DSP), the applicant should exercise various design techniques, such as vertical division of the elevations into smaller modules, with a combination of building finish materials and architectural vocabularies, plus landscaping treatment of the northeastern boundary area, to minimize the visual impact of the proposed development on the existing single-family detached residences.

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 the time of DSP. A condition has been included in the Recommendation section of this report requiring the applicant to provide sustainable site and green building techniques that will be used in this development with the submittal of the DSP.

For CP-21006, except for the 12-foot-wide shared-use path, a 300-square-foot picnic pavilion, and a stormwater management (SWM) facility, most of the 1.73-acre part of the site is preserved as open space. Total lot coverage in this area is proposed at 12.1 percent. Since there is no maximum lot coverage regulation in the I-D-O Zone, this proposed lot coverage is acceptable. The lot coverage information in Table A of the CP, regarding the underlay zoning requirements, is not right, because the M-X-T Zone does not have a lot coverage requirement. All development standards will be approved with the DSP. A condition has been included in the Recommendation section requiring the applicant to correct the lot coverage information on Table A, prior to certification of CP-21006.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. The Requirements of Chesapeake Bay Critical Area Ordinance (Subtitle 5B) and the Chesapeake Bay Critical Area Overlay Zones (Subtitle 27):** The site is located within the I-D-O Zone and is therefore subject to CBCA regulations. The purposes of the I-D-O Zone, as outlined in Section 27-548.13 of the Zoning Ordinance, are to maintain or, if possible, improve the quality of runoff and groundwater entering the tributaries of the

Chesapeake Bay from developed areas; conserve and enhance fish, wild and plant habitats; promote new residential, commercial, and industrial land uses in accordance with development intensity limits designated for the I-D-O Zone, and to accommodate existing residential, commercial, or industrial land uses within the Chesapeake Bay Critical Area. Since there is only one shared-use path, one SWM facility, existing utility easements, proposed utility connections, and a picnic pavilion in the 1.73-acre I-D-O Zone area, the proposed development meets the purposes for the zone.

- a. **Chesapeake Bay Critical Area Ordinance (Subtitle 5B):** The regulations concerning the impervious surface, stormwater, slopes, and other provisions for new development in the I-D-O Zone are contained in Subtitle 5B of the Prince George’s County Code, as follows:

Section 5B-113, Intensely Development Overlay (I-D-O) Zones

- (e) **Development standards. The following development standards must be demonstrated within the I-D-O Zone:**

- (1) **For redevelopment plans, opportunities to reduce impacts on water quality generated by existing development shall be analyzed;**

This project is a new development and not a redevelopment plan. However, all development proposed on the portion of the property is outside of the I-D-O Zone. No regulated environmental features or primary or secondary buffers are located within the CBCA portion of the property. One specimen tree, a 30-inch diameter at breast height White Oak, which is in poor condition, is proposed to be removed and has no impacts on water quality.

- (2) **Urban (BMPs) for stormwater treatment shall be considered and, where appropriate, implemented as part of all plans for development and redevelopment;**

The portion of the site within the I-D-O Zone will have stormwater facilities. The impervious surface area will be approximately 12.1 percent.

- (3) **Stormwater shall be addressed in accordance with the following provisions:**

- (A) **Development or redevelopment projects shall use technologies as required by applicable ordinances in order to minimize adverse impacts to water quality caused by stormwater.**

- (B) **In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment,**

then offsets shall be provided. Guidance for compliance with this requirement is provided in the Critical Area 10% Rule Guidance Manual - Fall 2003 and as may be subsequently amended.

- (C) In the case of new development, offsets shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance - Fall 2003 and as may be subsequently amended.**
- (D) Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures. Guidance regarding offsets is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance - Fall 2003.**

An unapproved SWM concept plan was submitted with the subject application. Currently, SWM Concept Plan, 49501-2021-00, is under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) Site Road Section. Since this site is located within the I-D-O Zone, DPIE is required to review for the 10 percent pollutant reduction requirement. The SWM concept plan within the CBCA proposes stormwater to be directed to an underground storage treatment facility and into grass swales. Submittal of an approved SWM concept plan and approval letter showing the proposed buildings, interior roads, and surface parking will be required, prior to Type 1 tree conservation plan (TCP1) and CP certification.

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded, prior to certification approval for development of the site. Review of the Conservation and Planting agreement falls under the purview of DPIE.

A conservation easement will be required for this site to preserve the existing developed woodlands and the mitigation plantings area. A metes and bounds description must accompany the easement. Review of the easement falls under the purview of DPIE.

- (4) There is no Critical Area lot coverage maximum in the I-D-O, however, where practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution.**

A review of the plan and Tables B and B-1 (CBCA Lot Coverage) demonstrates that the development proposes 9,836 square feet of lot coverage, which is 12.1 percent of the site. There is no lot coverage maximum in the I-D-O Zone, therefore, the proposed lot coverage is acceptable.

- (5) Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within the I-D-O.**

The site is sandwiched between the existing residential neighborhood and Oxon Cove Park. There is no shoreline, nor access to it located on this property.

- b. **Chesapeake Bay Critical Area Overlay Zones (Subtitle 27):** Section 27-548.16 and Section 27-548.17 establish requirements regarding uses and regulations in the CBCA Overlay Zones.

Specifically, Section 27-548.16 states that uses allowed in the CBCA are the same as those allowed in the underlying zones, except as modified in the Table of Uses. The proposed commercial/retail component is not water-dependent and is located outside of the I-D-O Zone; therefore, it is permitted.

Section 27-548.17 establishes additional regulations on density, maximum impervious surface ratio, and slopes. For the I-D-O Zone, the density and maximum impervious surface ratio are the same as underlying zone, and there is no regulation for slopes. In this case, all proposed uses are outside of the I-D-O Zone and the proposal meets all requirements.

- 8. Zoning Map Amendment A-10055:** The District Council approved A-10055 on October 26, 2021, to rezone approximately 20.01 acres of R-55 and R-R-zoned land to the M-X-T Zone, with five conditions. The conditions of approval that are relevant to the review of this CSP warrant the following discussion:

- (1) Prior to Conceptual Site Plan review and the issuance of any permit Applicant shall submit written evidence from the SHA indicating its approval of the proposed access to the property via the state-owned right of-way and with Mr. Lenhart's March 16, 2021 response to SHA's concerns with the Traffic Study (Exhibit 72).**

Evidence has been provided indicating that the Maryland State Highway Administration (SHA) has determined that the roundabout proposed by the applicant for access is not only acceptable, but is the preferred option. Furthermore, SHA issued a letter dated November 5, 2021, that acknowledges the proposed access and provides no further comments on this intersection. While the letter did include three remaining bullet points related to the MD 414 corridor, the study indicates that the intersections along the MD 414 corridor were projected to

operate at a LOS (level of service) A or LOS B during the review of the zoning map amendment (ZMA). A new traffic study will be prepared and reviewed during the preliminary plan of subdivision (PPS), and that is the appropriate time to address any outstanding SHA concerns.

- (2) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement). Additionally, special attention should be given to the development's compatibility with the surrounding area and any restrictions associated with the I-D-O Zone, as well as some appropriate recognition of the historic Butler House property.**

This CSP and CP are submitted in fulfillment of this condition. Compatibility studies are discussed in Finding 6 above and conformance with the I-D-O Zone is discussed in Finding 7. In addition, the CSP shows a space for a Butler House exhibit, in conformance with this condition.

- (3) The Conceptual Site Plan shall include the following:**
- (a) A general description of the pedestrian system proposed;**
 - (b) The proposed floor area ratio;**
 - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;**
 - (d) A general description of any incentives to be used under the optional method of development;**
 - (e) Areas proposed for landscaping and screening;**
 - (f) The proposed sequence of development; and**
 - (g) The physical and functional relationship of the project uses and components.**

The above seven elements are included in the submittal package of this CSP. A complete pedestrian system that connects to the off-site areawide system is proposed. Additional assessment will be carried out at time of subsequent reviews.

The proposed floor area ratio (FAR) is at 2.4 by using the optional method of development with a discussion of incentive factors, including multiple dwelling units and public plazas, in findings below. The eastern boundary area, where the site is adjacent to the existing single-family detached residences, is proposed to be both woodland preservation (as not credited on TCP1) and landscaping areas.

The CSP proposes to develop this property in four phases, as follows:

- Phase 1: Residential Buildings E, F, and G along with main access private road, necessary off-site road improvements, including the

proposed traffic circle within the SHA right-of-way, associated utilities to serve the site, and a pedestrian connection to the Town of Forest Heights

Phase 2: Mixed-use Buildings A and B

Phase 3: Mixed-use Building C

Phase 4: Residential Building D

The proposed development phasing may be further modified with the changing market conditions as the development project progresses.

The CSP also shows the physical and functional relationship among the proposed five development envelopes.

(5) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement), the Planning Board shall also find that:

- (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance (2019 Edition, 2020 Supplement);**
- (b) 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;**
- (c) The proposed development is compatible with existing and proposed development in the vicinity;**
- (d) 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;**
- (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**
- (f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated;**
- (g) 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, in areas adjacent to existing homes or the adjacent park adequate attention has been paid to minimize any adverse impact of design or other amenities on these areas;

- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and**
- (i) 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).**

This condition includes all required findings for approval of a site plan in the M-X-T Zone. Detailed discussion on the CSP's conformance with each finding can be found in Finding 9 below.

9. Prior 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 prior Zoning Ordinance.

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

(1) The proposed multifamily residential units, including units for seniors, 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 1,870 multifamily units, of which 485 are for senior living, with up to 289,000 square feet of office and commercial/retail space.

(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 up to 1,870 multifamily dwellings and up to 289,000 square feet of commercial/retail, and office spaces, satisfying the requirement of Section 27-547(d). The proposed amount of multifamily dwellings, commercial/retail, and office space will complement the existing development in the vicinity of this site including those development projects in the National Harbor area.

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

(a) Maximum floor area ratio (FAR):

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

An FAR up to 2.41 is proposed in this CSP because the applicant elects to use the optional method of development, in accordance with Section 27-545(b)(4), Optional Method of Development, of the Zoning Ordinance. Specifically, the applicant intends to use Bonus Incentives (b)(4), Residential Use and (b)(6) Outdoor plaza, to achieve the FAR increment, as follows:

- (4) Residential use.**
 - (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

This subject CSP proposes 1,870 multifamily dwelling units that earns an FAR of 1.0 for this project.

- (6) Outdoor plaza.**
 - (A) Eight (8) gross square feet shall be permitted to be added to the gross floor area of the building for every**

one (1) square foot of outdoor plaza provided. The plaza shall be open to the sky, except for street furniture, landscaping, or similar items, or any sun or rain shades (not including open arcades) which cover not more than twenty percent (20%) of the plaza area. The plaza shall reflect a high degree of urban design which encourages a variety of human activities, such as walking and sitting in a pleasant public space. The plaza, and any buildings on the south side of the plaza, shall be arranged and designed to admit sunlight to the plaza. The plaza shall contain extensive plantings, a range of seating options, other street furniture, and works of art or water features, such as statuary, fountains, and pools. The plaza shall be surfaced in textured concrete, masonry, ceramic paving units, wood, or other approved special surfacing material. Lighting shall be furnished which provides for both safety and visual effect. The minimum size of a plaza shall be eighty (80) feet by one hundred (100) feet.

The CSP shows areas of outdoor plaza proposed for the project up to 116,875 square feet, which includes the proposed “woonerf treatment” areas, or shared space of 20,000 square feet at drop off areas at various intersections. These areas are envisioned as being an integral part of a long, dynamic outdoor plaza area along the western building façades that are larger than 80 by 100 feet. The 116,875 square feet multiple by 8 (Optional Method Bonus) would equate to an additional 1.16 FAR. Total FAR for this project with the credits earned by the two incentives, as discussed, is up to 2.56 and this CSP proposes an FAR of 2.41, which is below the maximum allowed density. Further details in conformance with this requirement will have to be provided at the time of DSP.

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

The applicant proposes to include the uses 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*. 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 and the existing single-family detached residences from the proposed 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 of gross floor area of 1,926,000 square feet on the net 18.36-acre property is 2.41. 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 subject site is in a roughly triangular shape with a shallow lot depth on the west side of Bald Eagle Drive that provides direct vehicular access to all proposed seven buildings. Access and frontage will be further reviewed and approved at the time of PPS.

- (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 ($\frac{1}{2}$) 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°). 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 only multifamily dwelling units and does not include any 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.**

Given the nature of this CSP, no multifamily building architecture is included. This requirement will be further evaluated at time of DSP when detailed information is available.

- (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 A-10055. Therefore, this requirement does not apply.

- 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 up to 1,870 multifamily dwelling units, including senior living units, and up to 289,000 square feet of office and commercial/retail space, will provide additional housing types in the National Harbor area and increase economic activity proximate to the major intersection of MD 210 and the Capital Beltway. 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 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035).

- (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 M-X-T through A-10055, not through a sectional map amendment.

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

The proposed development will be outwardly oriented toward Bald Eagle Drive. The subject site is located at the southernmost edge of an established community. The proposed development in this CSP will be physically and visually close to the interchange of the Capital Beltway and MD 210 and will serve as a barrier between the transportation facilities and the adjacent neighborhood to the north. Additional attention will be given to the design of the buildings at time of DSP to minimum visual impacts on the neighboring single-family detached homes. Given the mixed-use nature of the proposed development, this project will inject new economic vitality in the community.

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

The proposed development is compatible with the development in the vicinity, which includes an existing established neighborhood of single-family detached houses that is in close proximity to the intersection of the Capital Beltway and MD 210. The proposed development consists of larger building massing and volume that must be skillfully designed at later stages in order to minimize the visual impact on the existing homes. According to the shade and viewshed studies submitted with this CSP, the possible impact of the project on the existing homes, due to the proposed larger building massing, will be limited in terms of shadow and visuals of the buildings through design techniques. If the project is designed correctly in subsequent stages, plus sufficient buffering being added, a compatible and

greatly improved built environment can be achieved that will provide an organic barrier for the existing neighborhood from the busy interchange of the Capital Beltway and MD 210.

- (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;**

Once the proposed development of this CSP is in place, the mix of uses, arrangement of buildings, and other improvements and amenities will produce a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed development concept of multifamily dwellings, commercial/retail, and office uses will create new market synergy in the close vicinity of the National Harbor area.

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

Due to the shallow, triangular shape of the site, the development is envisioned to be carried out in four phases, which may be further adjusted to fit the market variations. According to the phasing plan, the construction will start with Residential Buildings E, F, and G, then gradually evolve into Mixed-use Buildings A, B, and C, and finish with Residential Building D. Each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

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

This requirement will be further evaluated in detail, at the time of both PPS and DSP. The illustrative pedestrian and bicycle exhibit, submitted with the CSP, shows sidewalks adjacent to roadways, connecting to each section of the development.

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

The above finding is not applicable because the subject application is a CSP.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated**

Transportation Program, 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 A-10055, not through a sectional map amendment. Therefore, this finding is not applicable.

- (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.

- (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 20.09 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 residential, commercial/retail, and office uses served by a spine road for vehicles and a parallel pedestrian network that is proposed to further connect to the areawide trail system. In addition, the CSP notes that architecture for the buildings will provide a variety of architectural elements to convey the individuality of each, while providing for a cohesive design. Detailed designs of all buildings, site infrastructure, recreational facilities, and amenities will be further reviewed at the time of DSP.

Specifically, the CSP anticipates adequate levels of lighting for safe vehicular and pedestrian movement, while not causing glare or spillover onto adjoining properties

by using full cut-off light fixtures throughout the development. The CSP is designed to preserve, create, and emphasize views from public roads and minimize visual impact on the adjoining properties. All buildings will be designed to provide a modern, clean, and strong presence along the Bald Eagle Drive frontage.

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.

Landscaping will be provided in common areas, such as open plazas, along with street trees along the private roads, and extensive landscape planting in the eastern boundary area will further screen the development from views of the adjacent residential neighborhood to the northeast. It is anticipated and expected that the future builder of the residential units will provide high-quality architecture that will include a variety of architectural elements and articulation, to promote individuality and aesthetically pleasing appearances.

In addition to a centrally located plaza between Buildings C and B, additional open spaces and traffic circles branch out from the spine road, which will be designed with extra amenities and special paving. Many segments of the roadway will have the woonerf treatment that creates a very pedestrian friendly walking environment. Those design issues will be further evaluated at time of PPS and DSP when detailed 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.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The property, except for the 1.73 acres in the I-D-O Zone, 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 the WCO, TCP1-009-2022 was submitted with the CSP.

- a. Through various past proposals, a natural resources inventory (NRI) was submitted on the single lot area (north) and just recently with the Butler Tract (south).

The single lot area inside and outside the CBCA has an approved NRI (184-14) that expires on August 30, 2022. The NRI correctly shows the existing conditions of the property. There are specimen trees throughout this NRI study area. The site does not contain wetlands, streams, or 100-year floodplain. The CP shows all the required information correctly, in conformance with the NRI.

The Butler Tract, located outside the CBCA, has an approved NRI (146-2019) that expires on March 25, 2025. The site does not contain wetlands, streams, or 100-year

floodplain; however, this portion of the site contains steep slopes, and specimen trees are located throughout the site. The TCP1 shows all the required information correctly, in conformance with the NRI.

- b. The TCP1 shows the proposed development with buildings, interior roadways, SWM structures, utilities, and woodland preservation areas. Based on the revised TCP1, the overall site contains a total of 14.69 acres of net tract woodlands. The plan shows a proposal to clear 11.44 acres of on-site woodland, for a woodland conservation requirement of 5.61 acres. Currently, the plan view and woodland conservation worksheet shows 2.56 acres of on-site preservation to meet the woodland requirement. The worksheet must show the remaining 3.05 acres of woodland requirement as “off-site woodland credits required.” The applicant needs to purchase the woodland credits within the Potomac River watershed before the first permit. The proposed development is in general conformance with the WCO, subject to some technical revisions, as conditioned herein.
- c. 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 application area has had two full NRI investigations on the platted and Butler areas. The NRI’s were completed by two different companies, and some specimen tree identification numbers overlap. The platted NRI has specimen trees with no letters before the numbers, and the Butler NRI has “ST” before the specimen tree number.

The site contains 35 specimen trees, of which five are located within the CBCA. Specimen trees within the CBCA are not applicable to Subtitle 25 of the WCO and are not reviewed as part of this specimen tree removal variance. The 30 specimen trees located outside the CBCA have condition ratings of excellent (ST-12), good (ST-9, ST-13, ST-14, ST-15, 8, 11, and 17), fair (ST-2, ST-3, ST-11, ST-19, ST-39, 9, 13, and 19), good/fair (12 and 14), fair/poor (10), and poor (ST-1, ST-4, ST-5, ST-6, ST-7, ST-8, ST-10, ST-18, ST-20, ST-21, ST-38, and 18). The current design proposes to remove 21 specimen trees total with condition ratings as follows: excellent (one tree), good (four trees), fair (six trees), good/fair (two trees), and poor (eight trees) conditions.

A Subtitle 25 variance application dated April 19, 2022, was received for review with this application.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the 21 specimen trees, and details specific to individual trees have been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	LOCATED ON WHICH NRI	COMMON NAME	Diameter (in inches)	CONDITION	TREE WITHIN CBCA	RETAIN/REMOVE
ST-1	146-2019	Willow Oak	59	Poor		Retain
ST-2	146-2019	White Oak	43	Fair		Remove
ST-3	146-2019	White Oak	41	Fair		Remove
ST-4	146-2019	S. Red Oak	42	Poor		Remove
ST-5	146-2019	White Oak	42	Poor		Remove
ST-6	146-2019	S. Red Oak	42	Poor		Remove
ST-7	146-2019	Black Walnut	34	Poor		Remove
ST-8	146-2019	White Oak	40	Poor		Remove
ST-9	146-2019	Tulip Poplar	39	Good		Remove
ST-10	146-2019	Tulip Polar	35	Poor		Remove
ST-11	146-2019	Tulip Poplar	42	Fair		Remove
ST-12	146-2019	Tulip Poplar	35	Excellent		Remove
ST-13	146-2019	Tulip Poplar	39	Good		Retain
ST-14	146-2019	Tulip Poplar	43	Good		Remove
B14	184-14					
ST-15	146-2019	S. Red Oak	36	Good		Remove
B15	184-14					
ST-18	146-2019	White Oak	36	Poor		Remove
B18	184-14					
ST-19	146-2019	Tulip Polar	30	Fair		Remove
B19	184-14					
ST-20	146-2019	White Oak	38	Poor		Retain
B20	184-14					
ST-21	146-2019	American Beech	37	Poor		Retain
B21	184-14					
ST-38	146-2019	American Beech	33	Poor		Remove
B38	184-14					
ST-39	146-2019	Tulip Polar	32	Fair		Remove
B39	184-14					
1	184-14	Post Oak	37	Good	*	Retain
2	184-14	Black Oak	34.5	Fair	*	Retain
5	184-14	Blackjack Oak	30	Good	*	Retain
6	184-14	White Oak	30	Poor	*	Remove
8	184-14	Red Maple	32	Good		Retain
9	184-14	White Oak	34	Fair		Retain
10	184-14	White Oak	56	Fair/Poor	*	Retain
11	184-14	Tulip Poplar	32	Good		Remove
12	184-14	Tulip Poplar	36	Good/Fair		Remove
13	184-14	Tulip Poplar	34	Fair		Remove
14	184-14	Black Cherry	34	Good/Fair		Remove
17	184-14	White Oak	50	Good		Retain
18	184-14	Oak	42	Poor		Retain
19	184-14	White Oak	31	Fair		Retain

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the 22 specimen trees on-site. The site consists of 20.09 acres and is within the prior M-X-T Zone. The current proposal for this application area outside the CBCA is to construct a mixed-use development consisting of residential, retail/commercial, and

office uses with surface parking, and various SWM facilities. This variance is requested to the WCO, which requires, under Section 25-122 of the Zoning Ordinance, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle 25 Variance Application Form requires a statement of justification of how the findings are being met.

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

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

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain these 21 specimen trees identified as ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019; and specimen trees 11, 12, 13, and 14, as shown on NRI-184-14. Most of the application area is wooded, and in order to develop the site, woodland clearing is required. The property was rezoned M-X-T by the District Council. To achieve the development potential of the site, not all of the on-site woodland and specimen trees can be preserved. Steep slopes are located throughout the site, requiring significant grading to allow the proposed development. Retaining these 21 specimen trees would make this proposed development impossible. The remaining nine specimen trees will be preserved within the on-site woodland preservation areas, with condition ratings of good (three specimen trees), fair (two specimen trees), and poor (four specimen trees). The proposed use, as a mixed-use development, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without the requested variance. Development cannot occur on the portions of the site containing primary management area, which limits the site area available for development. Requiring the applicant to retain the 21 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. The site contains 30 specimen trees outside the CBCA, and the applicant is proposing to remove 21 of these trees. These 21 trees are being removed due to their central location within the proposed development area. The applicant is preserving 2.56 acres for their woodland conservation requirements on-site, and the nine specimen trees are located within this preservation area. This application is saving more specimen trees and on-site woodland preservation than similar developments in the prior M-X-T Zone.

(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 for properties in the prior M-X-T Zone. This is not a special privilege that would be denied to other applicants. If other similar developments in the prior M-X-T Zone were fully wooded with specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The removal of the 21 specimen trees is the result of the trees being located throughout the application area, and the allowable density to achieve optimal development of the prior M-X-T Zone.

(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, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate water quality standards nor cause measurable degradation in water quality. The project is subject to SWM regulations, as implemented by DPIE. The project is subject to environmental site design, to the maximum extent practicable. The removal of the 21 specimen trees will not directly affect water quality. The unapproved SWM concept plan shows the use of 18 bioretention facilities and 6 storm filters.

Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards, which are set to ensure that no degradation occurs.

Specimen Tree Removal Summary

The application proposes the removal of 21 specimen trees (ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019, and Specimen Trees 11, 12, 13, and 14, as shown on NRI-184-14), all located outside the CBCA. A variance was submitted for the

removal of these trees and required findings of Section 25-119(d) have been adequately addressed. Staff recommends approval of this variance request.

11. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:
 - a. **2010 Prince George’s County Landscape Manual:** The application is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, of the 2010 *Prince George’s County Landscape Manual*. Conformance with the applicable landscaping requirements will be reviewed at time of DSP.
 - b. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 20.09 acres in size and the required TCC is 2.01 acres, or 87,556 square feet. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation**—In a memorandum dated April 20, 2022 (Stabler and Smith to Zhang), incorporated herein by reference, the Historic Preservation Commission reviewed the subject application at its April 19, 2022 meeting and voted 5-0 to forward the conclusions and recommendations to the Planning Board for its review, as follows:
 - The Butler House is in ruinous condition. Nevertheless, the applicant will need to apply for an Historic Area Work Permit to demolish and remove the Butler House ruins, prior to development. The ruins should be removed in a careful manner to allow for possible archeological investigations of the area below and around the house.
 - To mitigate for the loss of the Butler House Historic Site and its historic context, the applicant will be required to develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House in whole or in part, as means of telling the unique story of the property.
 - The existing environmental setting of the historic site includes all 2.23 acres that make up Parcel 35. This environmental setting should remain in place throughout the development process and may be reduced and relocated by the Historic Preservation Commission to facilitate development and to aid in

the commemoration of the property. The Historic Preservation Commission (HPC) does not have the authority to eliminate the environmental setting in its entirety. The applicant should work with the HPC on the ultimate character and location of the environmental setting as part of the interpretive and mitigative measures that will commemorate the Butler House Historic Site, as well as the history of the other African American occupants of the property. The interpretive measures to be developed by the applicant and reviewed by the HPC will require approval through the Historic Area Work Permit process if they are located within the existing environmental setting. If they are to be located outside the environmental setting, the applicant will be required to complete those plans and potentially complete the interpretive measures, prior to the potential reduction and relocation of the environmental setting.

- The proposed development will be highly visible from the Mt. Welby Historic Site. Through the DSP process, the applicant should work with the Prince George's County Planning Department and HPC staff to reduce the visibility of proposed construction from the Mt. Welby Historic Site, as well as to address the effects of scale and massing of the development on the adjacent national park, Oxon Cove Park and Oxon Hill Farm.
- Bald Eagle Road, which extends north-south through the subject property, was a main artery of the north-south postal roads running from the New England colonies through New York, Philadelphia, and Baltimore to a point near Bladensburg. The branch that ran to the early settlements in Southern Maryland through the subject property was known as River Road. During the Civil War, Union troops and their provisions were moved up and down the road and cut it up so badly that a new road had to be built around and bypassing it. The road was then only used to access the Butler, Gray, and Hatton residences. As much of this historic road as possible should be preserved within the development, possibly as a trail, and interpretive measures should discuss the significance of this ancient route.
- Due to the lack of intact cultural features and diagnostic artifacts found in the Phase II archeological investigations at sites 18PR1152 and 18PR1153, no further work was recommended on either site. Historic Preservation staff concurs with the report's findings and conclusions that no further work is necessary on sites 18PR1152 and 18PR1153. Staff also concurs that, if possible, the brick-lined well within site 18PR1151 should be filled and capped and preserved in place. If this is not possible, additional investigations may be requested. Staff also concurs with the report's findings and conclusions that the area of the site containing periwinkle should be investigated by mechanical means to determine if any human burials are present on the property. The applicant's consultant archeologist should also examine the areas below the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.
- After a discussion regarding the applicant's proposed changes to staff's Condition 2, the HPC voted to forward staff's recommendation as originally

written to the Planning Board for its review. The HPC noted that the main concern was the viewshed of the Butler House, but impacts to the entire site, including its environmental setting should be taken into account during review of subsequent applications.

The HPC recommends to the Planning Board approval of CSP-21004 and CP-21006 for National View, subject to three conditions that have been included in the Recommendation section of this report.

- b. **Community Planning**—In a memorandum dated April 27, 2022 (Tariq to Zhang), incorporated herein by reference, the Community Planning Section stated that, pursuant to Part 3, Division 9, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this CSP application.

The subject property is located within Plan 2035’s designated established communities policy area. Plan 2035’s vision for the established communities is “context-sensitive infill and low- to medium-density development,” (page 20). The proposed high-density, mixed-use development is not supported by the recommended land use for the Established Communities Growth Policy area.

The 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity* (Planning Area 76A) (The Heights and Vicinity Master Plan and SMA) does not recommend mixed land uses for the subject property similar to those recommended in the M-X-T Zone. The proposed high-density mixed-use development does not conform to the recommended infill development that is compatible with the low-density character of the surrounding neighborhoods (The Heights and Vicinity Master Plan and SMA, page 13).

However, the District Council approved A-10055 rezoning the subject property to the M-X-T Zone that permits the development included in this CSP.

- c. **Transportation Planning**—In a memorandum dated April 29, 2022 (Masog to Zhang), incorporated herein by reference, the Transportation Planning Section provided a review of the subject application for conformance with previously approved A-10055 and governing plans, including the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*, the 2009 *Approved Countywide Master Plan of Transportation*, and The Heights and Vicinity Master Plan and SMA. The review of adequacy will occur with the review of the PPS, and at that time, a trip cap will be established to limit the off-site traffic impact of the overall project.

The Transportation Planning Section concludes that from the standpoint of transportation, it is determined that this plan is acceptable, meets the required findings, and therefore recommends approval of this CSP with conditions that have been included in the Recommendation section of this report.

- d. **Subdivision**—In a memorandum dated April 28, 2022 (Gupta to Zhang), incorporated herein by reference, staff provided plan comments, as follows:

- The CSP and CP depicts seven development parcels, one private road parcel, and two open space parcels for illustrative purposes; however, the lotting pattern will be determined at the time of PPS review.
- Several public streets (Chippewa Drive, Crow Way, and Bald Eagle Drive) are proposed to be vacated by this proposal. All of these streets are currently unimproved. Vacation of these streets shall be complete, prior to filing of final plats.
- The CSP identifies multiple locations, evenly distributed within the residential areas, for provision of on-site recreational facilities. Adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be determined at the time of PPS review.
- Pursuant to Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations, residential lots adjacent to an existing or planned roadway of freeway or higher classification, shall be platted with a depth of 300 feet. It is recommended that any future parcels with residential use be provided in accordance with the Subdivision Regulations and that appropriate mitigation be provided to protect dwellings from traffic noise and nuisances, which will be further evaluated at the time of PPS. The CSP includes residential development area within 300 feet of the right-of-way line for the Capital Beltway. A Phase 1 noise study should be provided at the time of PPS so that the placement of residential development parcels and any planned outdoor recreation areas are located and/or mitigated to avoid adverse traffic impacts. The CP and CSP site plans show an unmitigated 65dBA noise contour line along the southern portion of the site.
- Access to the property is proposed from Bald Eagle Drive located to the south, which is a state road. No right-of-way dedication is proposed along the property's frontage of Bald Eagle Drive. Private streets with varying rights-of-way and pavement widths are shown. Section 24-128(b)(7) of the prior Subdivision Regulations permits private streets in the M-X-T-Zone only for attached single-family dwellings, two-family dwellings, and three-family dwellings. Private streets in the M-X-T-Zone are not permitted for multifamily dwellings or any other nonresidential development. The lotting and circulation pattern, and any required street right-of-way dedication will be reviewed further with the PPS application.

A seven-foot-wide public utility easement (PUE) is shown on the CSP, as proposed along private streets. The location of required PUEs will be determined along all public and private streets with the PPS. Section 24-128(b)(12) requires a 10-foot-wide public utility easement along one side of all private rights-of-way. The applicant may request and provide justification for a variation at the time of PPS for PUEs which are proposed to be less than 10-feet-wide.

- Parcels 26, 27, 32, 33, 35, 36, and 37 are located in Water/Sewer Category 6. Before a PPS can be approved, a water and sewer category change for these parcels to be located in Category 4 will be required.

The Subdivision Section recommends approval of this CSP, subject to conditions that have been included in the Recommendation section of this report.

- e. **Environmental Planning Section**—In a memorandum dated April 25, 2022 (Schneider to Zhang), incorporated herein by reference, the Environmental Planning Section provided a review of CSP-21004, TCP1-009-2022, and CP-21006 for conformance with requirements of the I-D-O Zone and the provisions of the WCO. Some findings have been included above and additional findings are summarized, as follows:

Soils/Unsafe Soils: According to the U.S. Department of Agriculture, Natural Resources Conservation Service, and Web Soil Survey, the Butler Tract area contains the following soil types: Beltsville silt loam, Beltsville–Urban land complex, Sassafras and Croom soils, and Sassafras sandy loam series. Neither Marlboro clay nor Christiana complex occur in this area.

The single lot area in the north contains the following soil types Croom–Urban land complex, Sassafras and Croom soils, and Udorthents soil series. Neither Marlboro clay nor Christiana clay occur in this area.

The site elevation varies significantly, sloping down toward north in elevation, approximately elevation 196 to elevation 40. Mass grading and site retaining walls are proposed. In communication with DPIE reviewers, a geotechnical report is required to verify the subsoil conditions and the slope stability. A global stability analysis on cross sections of the proposed retaining walls is required if the wall height is taller than 10 feet, or taller than 6 feet with 3H:1V backslope. Because of the mass grading of the site, the subject application area is required to submit a geotechnical soils investigation report, prior to CSP and CP certification.

Stormwater Management: An unapproved SWM Concept Plan (49501-2021-00) was submitted with the subject application. Currently, the SWM concept plan is under review by the DPIE Site Road Section. The SWM concept plan proposes stormwater to be directed into 18 bioretention facilities and 6 storm filters. Submittal of the approved SWM concept plan and letter showing the proposed buildings, interior roads, and surface parking will be required, prior to TCP1 certification.

The Environmental Planning Section recommends approval of CSP-21004, TCP1-009-2022, and CP-21006, subject to conditions that have been included in the Recommendation section of this report.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated April 29, 2022 (Sun to Zhang), incorporated herein by reference, DPR noted multiple developed Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned parks, in proximity of the proposed development.

A segment of the Oxon Hill Farm Trail runs behind Bell Acres Park. Funding was approved in the FY21–FY26 CIP for rehabilitation and extension of the Oxon Run Trail in this location. The Potomac Heritage Trail also connects to the Oxon Hill Farm Trail, crossing the Capital Beltway and heading south along Oxon Hill Road.

The 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* encourages building upon the existing pathways and completion of the trail network in the area. The applicant has indicated plans to promote walking through new connections to the established trail system from the proposed future development.

The Heights and Vicinity Master Plan and SMA recommends the acquisition by M-NCPPC of a 10-acre parcel on a portion of the applicant’s property near the historic Butler House (76A-014). The master plan recommends acquisition for passive parkland uses as well as community gardens. The applicant proposes interpretation of the Historic Butler property and the creation of rooftop community gardens as part of the development plan. DPR staff has no issues with the applicant’s current proposal to provide the historic interpretation on the Butler Property. Further details shall be provided with the future development plans for this project.

Because a portion of development consists of residential uses, mandatory dedication of parkland is required at the time of PPS. Due to the large numbers of new residents proposed by this development, the mandatory dedication requirements and options for this development will be fully evaluated with the submission of the PPS.

The applicant has provided conceptual information on trail connections, on-site recreational facilities, covered public pavilions, and community gardens, which may be sufficient in meeting mandatory dedication requirements. DPR staff recommends that the applicant look at creating a centralized open green space (with a public use easement) to serve not just the residential community but the entire development. The details of the proposed facilities will be reviewed with future applications.

- g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this report, a memorandum had not been provided by DPIE.
- h. **Prince George’s County Health Department**—In a memorandum dated March 29, 2022 (Adepoju to Zhang), included herein by reference, the Health Department provided eight comments, as follows:
 - Health Department permit records indicate there are approximately three carryout/convenience store food facilities and no markets/grocery stores within a 0.5-mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The developer should designate some commercial space for a food facility that provides healthy food options such as fruits and vegetables for the surrounding community.

- The applicant should apply for a raze permit with DPIE for removal of the existing houses on the lot.
- The current water and sewer category is W-6 and S-6 for the proposed development for individual systems. The applicant must contact the Water and Sewer coordinator at DPIE to apply for the water and sewer category changes to W-3 and S-3 for community systems.
- Ensure all well and septic structures that are discovered on the property are to be abandoned and backfilled according to regulatory standards prior to construction.
- Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community. Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities.
- The comprehensive design plans should include “pet friendly” amenities for pets and their owners. Pet refuse disposal stations and water sources are strongly recommended at strategic locations.

The above comments have been transmitted to the applicant. Issues such as pedestrian network and pet-friendly amenities, such as a dog park are noted in this CSP and will be provided in the subsequent DSP.

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

Those two comments will need to be included in the site plan notes on the DSP.

- i. **Critical Area Commission (CAC)**—The Environmental Planning Section received an email from the CAC, dated April 25, 2022, in response to the revised plans submitted by the applicant. The email is incorporated herein by reference.

The April 25, 2022 CAC letter does not oppose the application, and gives the following comments:

“The project must comply with all IDO requirements, including the 10% pollutant reduction requirement.”

13. Based on the foregoing and as required by Section 27-276(b)(1) of the prior Zoning Ordinance, the CSP, if approved with the proposed conditions below, 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.
14. 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 prior Prince George's County Subdivision Regulations. The subject CSP proposes no impacts to regulated environmental features and, therefore, this finding can be made with the proposed development.

RECOMMENDATION FOR CONSERVATION PLAN CP-21006

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Conservation Plan CP-21006 for National View, subject to the following condition:

1. Prior to certification of the conservation plan (CP), the applicant shall:
 - a. Correct the lot coverage information of the underlying zone on Table A of Chesapeake Bay Critical Area Overlay Zone.
 - b. Have the applicant sign the owner notification block.
 - c. Revise tables and plan view to show the same consistent Chesapeake Bay Critical Area, proposed woodland clearing, and preservation area totals throughout the plan.
 - d. Revise General Note 19 to reference only specimen trees located within the Chesapeake Bay Critical Area.
 - e. Revise General Note 21 to read, "No increase in lot coverage within the 100-foot critical area buffer. No critical area buffers are located on-site."
 - f. Update the revision blocks.
 - g. Execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County, prior to recordation. The applicant shall provide a copy of the recorded agreement to the Prince George's County Department of Permitting, Inspections and Enforcement, and the Liber/folio shall be shown above the site plan approval block in the following note: "The Chesapeake Bay Conservation and Planting Agreement for this property is found in Plat No. L. __F. ___."
 - h. Record a conservation easement for the proposed mitigation plantings and the existing developed woodland preservation area in the Prince George's County Land Records. The easement document shall be reviewed by the County, prior to

recordation. The Liber/folio shall be shown above the site plan approval block in the following note: "The conservation easement for this property is found in Plat No. L. ___ F. ___."

RECOMMENDATION FOR CONCEPTUAL SITE PLAN CSP-21004

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-21004 for National View, including Type 1 Tree Conservation Plan TCP1-009-2022, subject to the following conditions:

1. Prior to certification of the conceptual site plan (CSP), the applicant shall:
 - a. Remove any proposed public utility easements from the plans.
 - b. Revise Type 1 tree conservation plan, as follows:
 - (1) Revise the Woodland Conservation Worksheet to add 3.05 acres of off-site woodland credits.
 - (2) Update any number changes that occur after conservation plan revisions.
 - (3) Update the revision blocks.
 - c. Submit a geotechnical soils investigation report of the proposed retaining walls and building areas where significant grading is proposed.
 - d. Submit a copy of the approved stormwater management concept letter and plan associated with this site, and the facilities shall be correctly reflected on the CSP and TCP1.
2. At time of preliminary plan of subdivision, the applicant shall:
 - a. Provide a vertical grade plan along the length of the main access roadway. In consideration of the varying grades on this site, this plan shall be reviewed for the purpose of determining where bicycle lanes are needed to ensure safe and efficient traffic flow for vehicles and bicycles.
 - b. Provide a standard sidewalk along the west side of the main access roadway (Bald Eagle Drive).
 - c. Submit a Phase 1 noise study. The noise study shall define the unmitigated and mitigated 65 dBA Ldn noise contour on the subject property and identify any impacted residential lots or parcels that need further noise mitigation.
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.

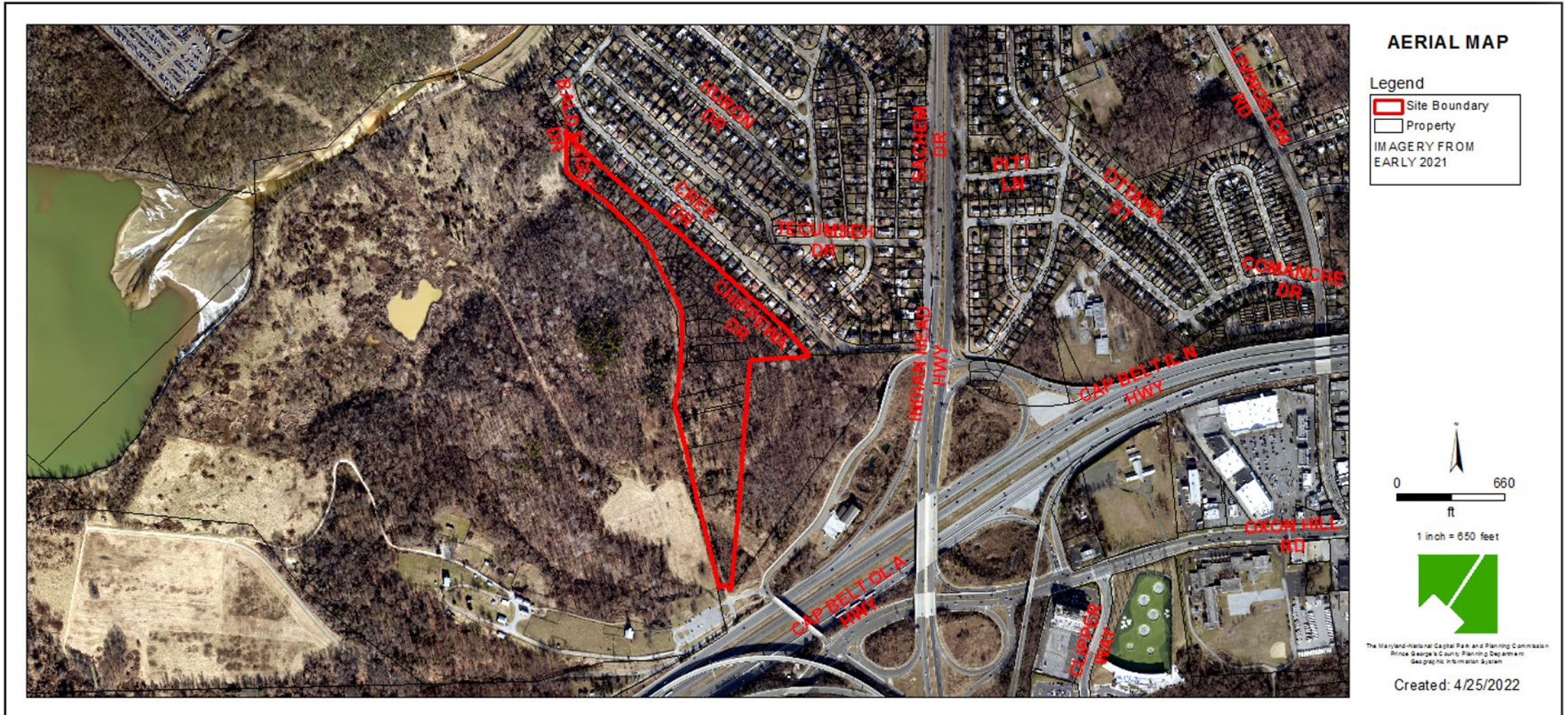
- b. Utilize various design techniques, including in building massing and volume, finish materials and architectural vocabulary, in the design of all western elevations of the proposed buildings, plus landscaping treatments along the eastern boundary areas, to minimize visual impact on the existing single-family detached residences.
 - c. Conduct Phase III archeological investigations on the brick-lined well and in the location of a possible burial ground associated with the Butler House Historic site, (76A-014). The applicant's consultant archeologist shall also examine the areas below and around the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.
 - d. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mount Welby Historic Site (76A-013) is compatible with the Oxon Cove National Park.
 - e. Develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House, in whole or in part, as means of telling the unique story of the property. The location, character, and wording of any signage or commemorative features and any other educational or public outreach measures shall be reviewed by the Historic Preservation Commission and approved by Historic Preservation staff. The comprehensive plan shall include the timing for installation and/or launch for the commemorative measures.
4. Prior to approval of any grading permit, the applicant shall provide a final report detailing the Phase III archeological investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

STAFF RECOMMENDS:

- Approval of Conceptual Site Plan CSP-21004
- Approval of Conservation Plan CP-21006
- Approval of Type 1 Tree Conservation Plan TCP1-009-2022

NATIONAL VIEW

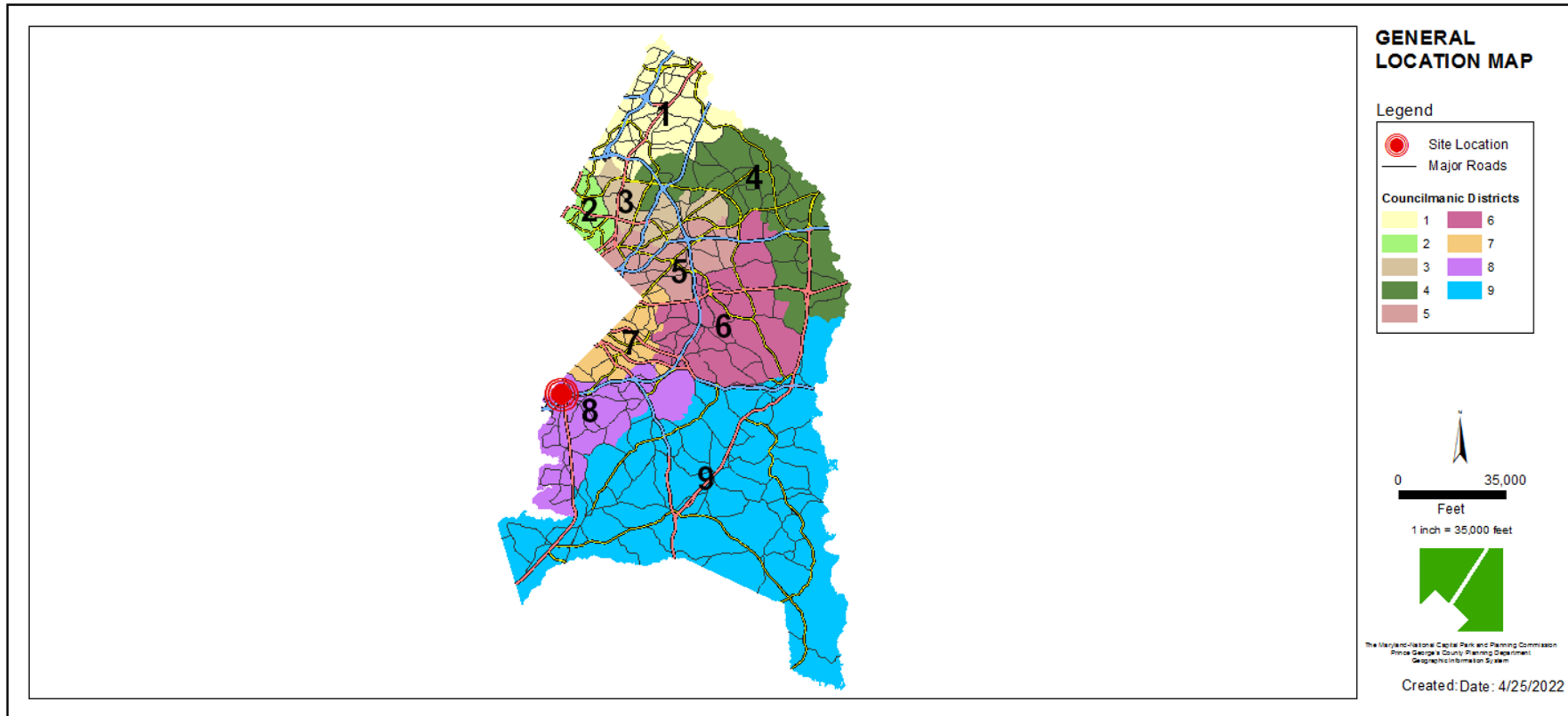
Conceptual Site Plan and Conservation Plan
Staff Recommendation: APPROVAL with conditions



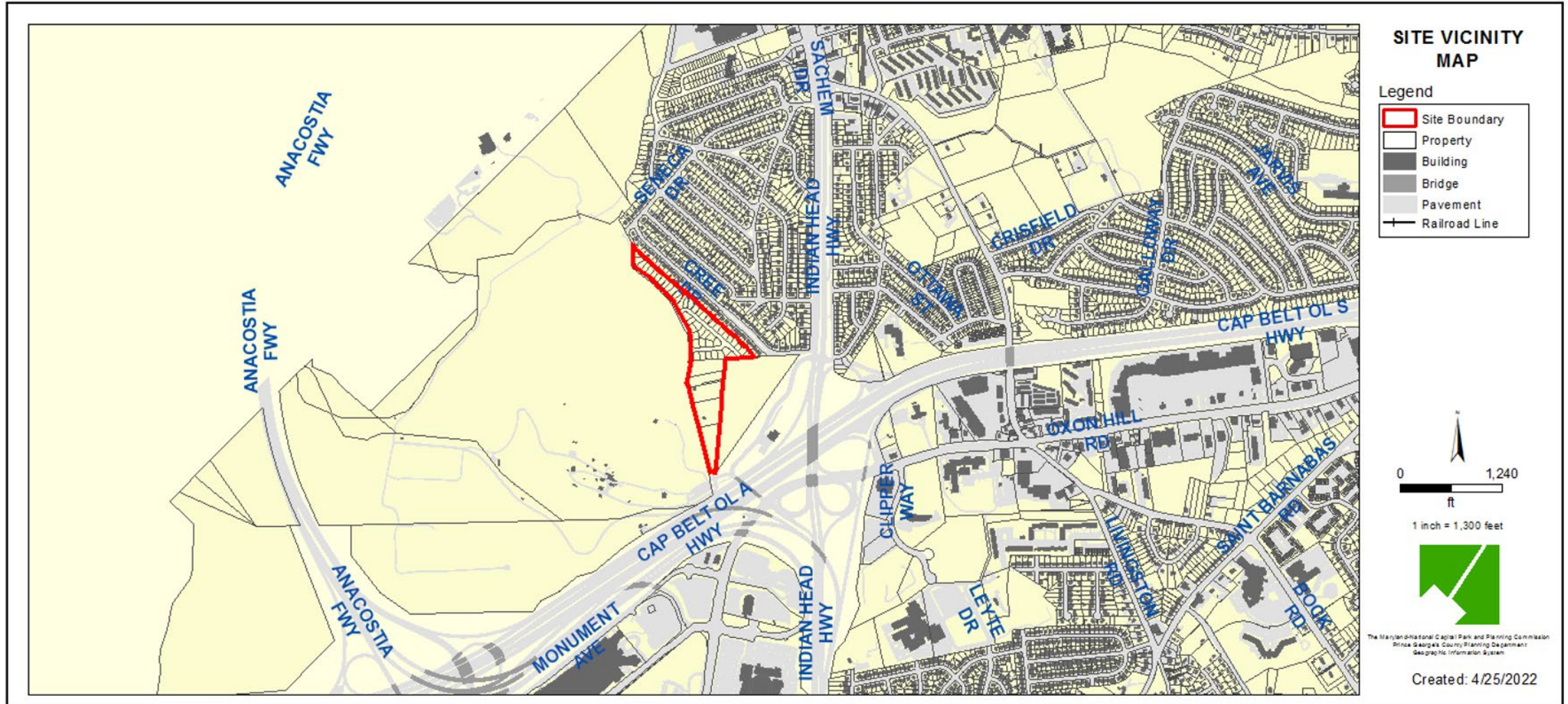
GENERAL LOCATION MAP

Council District: 08

Planning Area: 76A



SITE VICINITY MAP



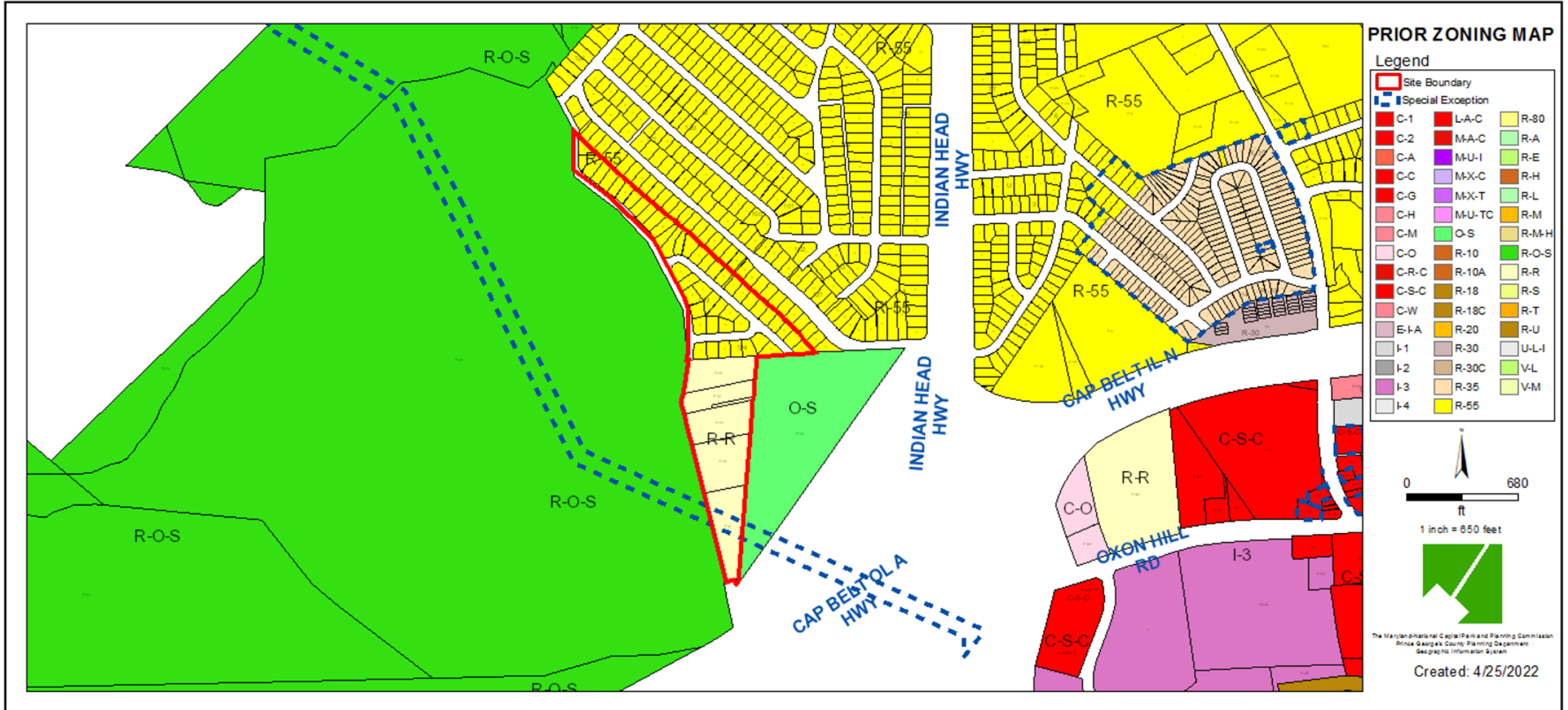
NEW ZONING MAP

Property Zone: RMF-48/IDO

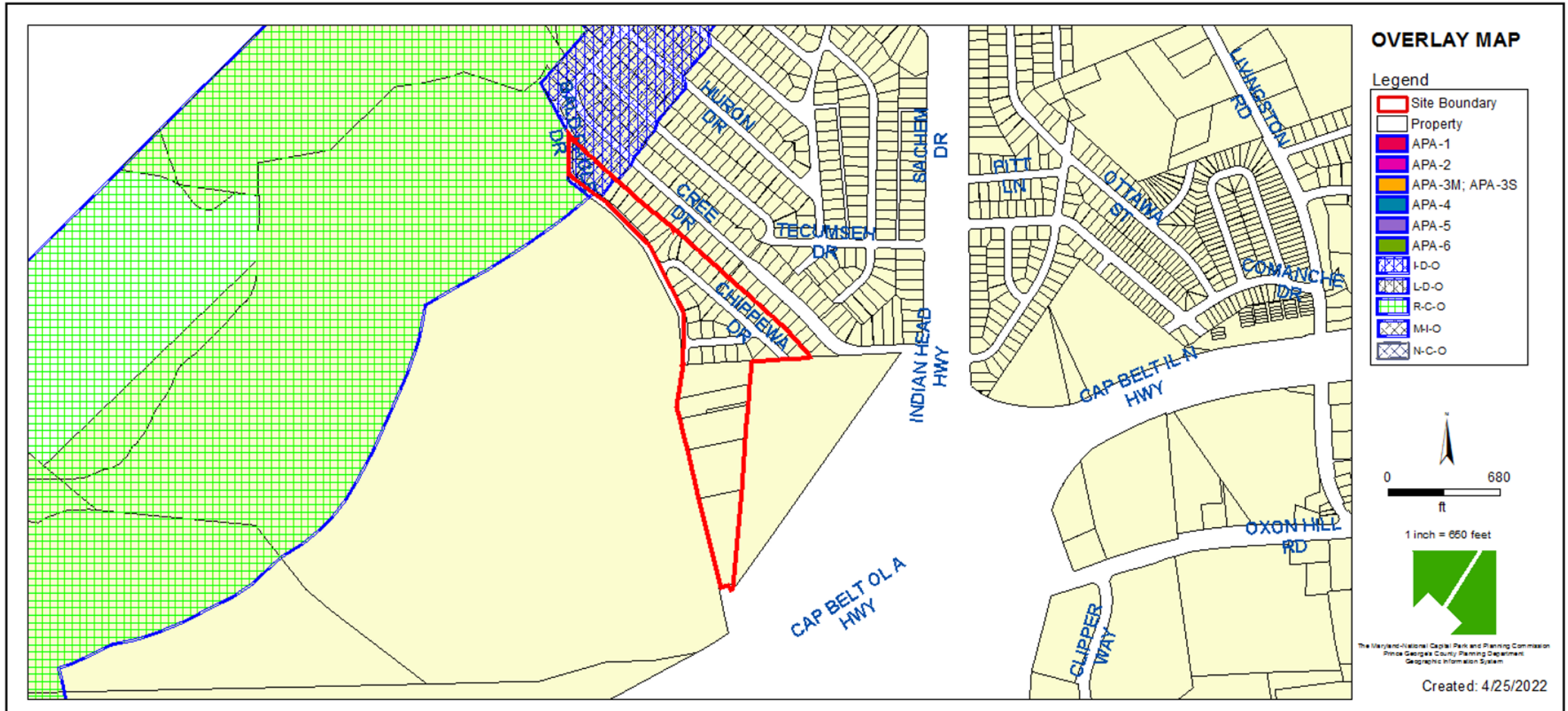


PRIOR ZONING MAP

Property Zone: M-X-T/I-D-O



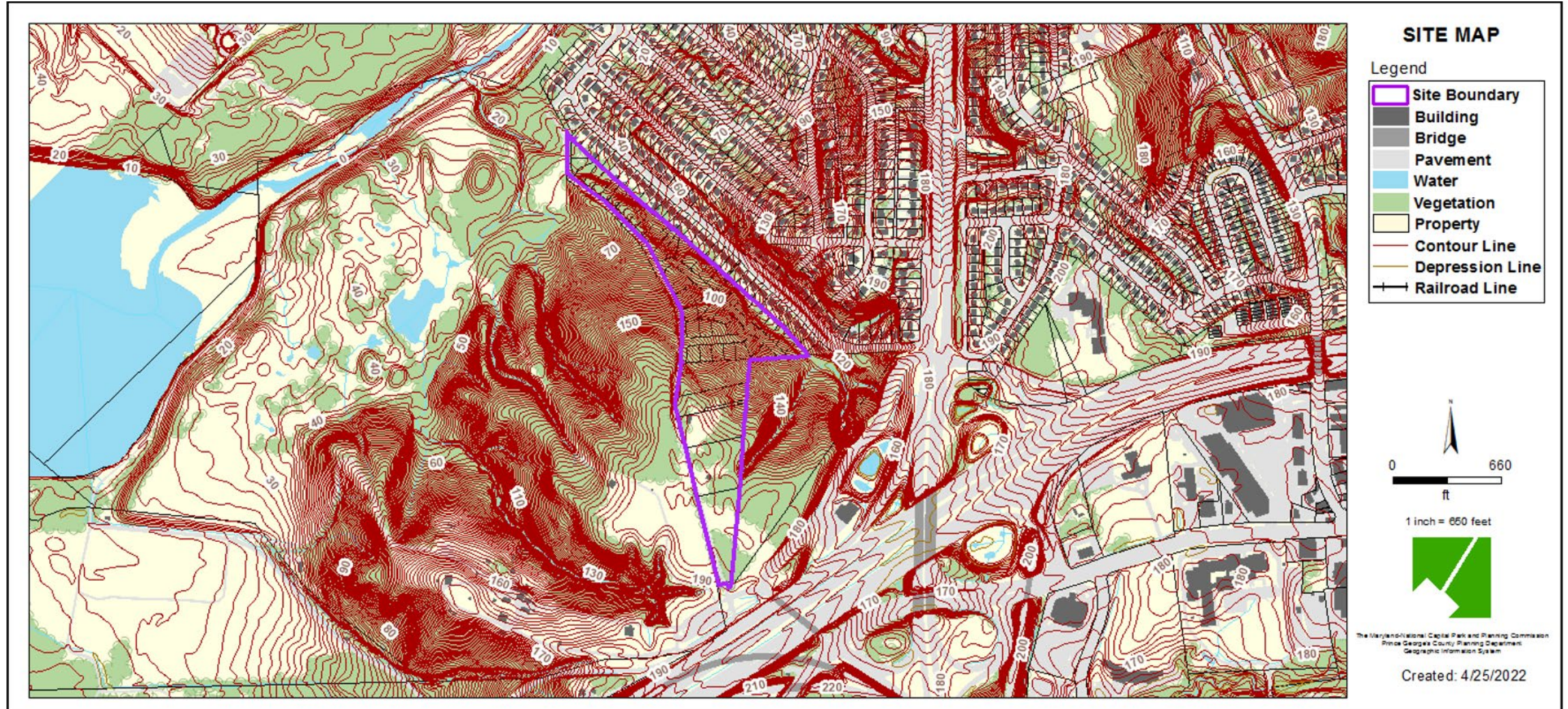
OVERLAY MAP



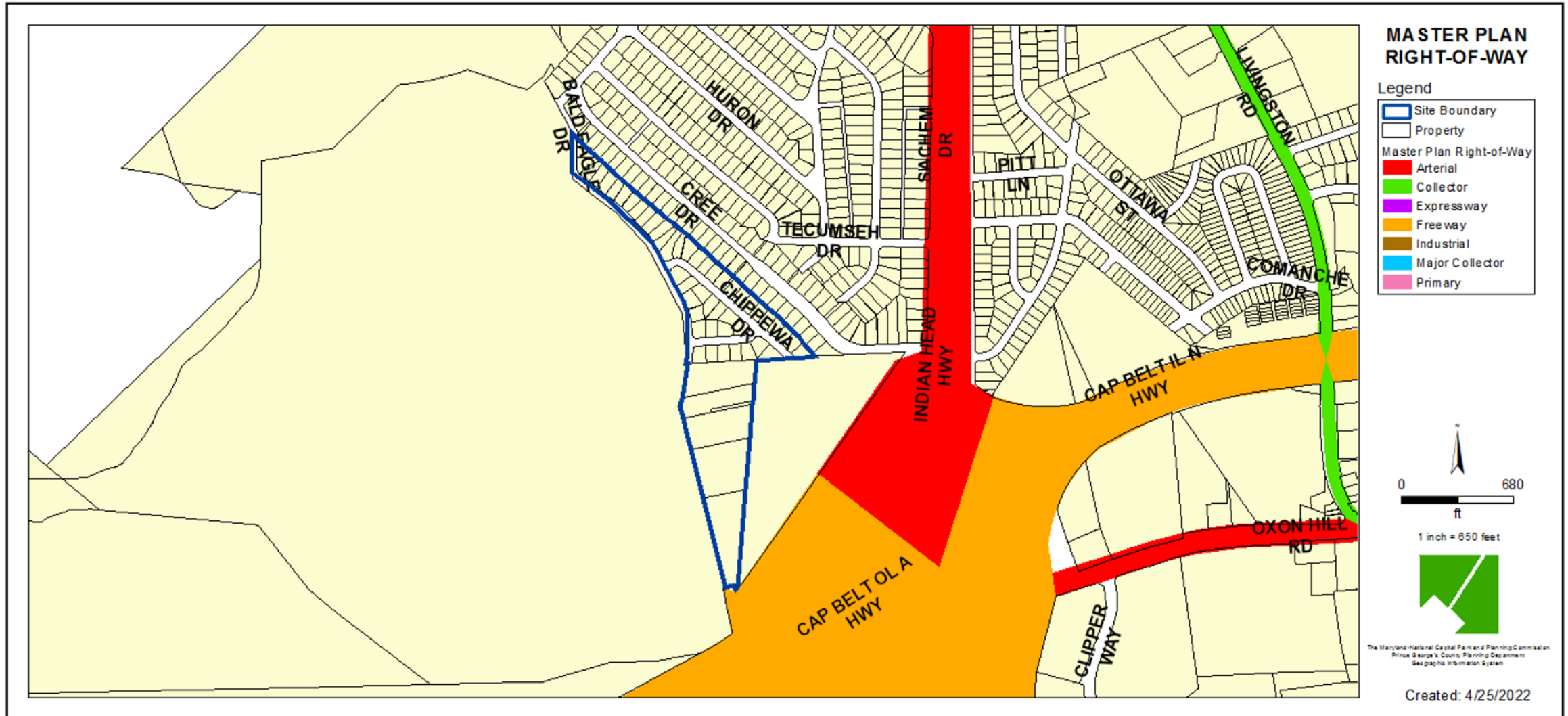
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE
SITE BOUNDARY OUTLINED



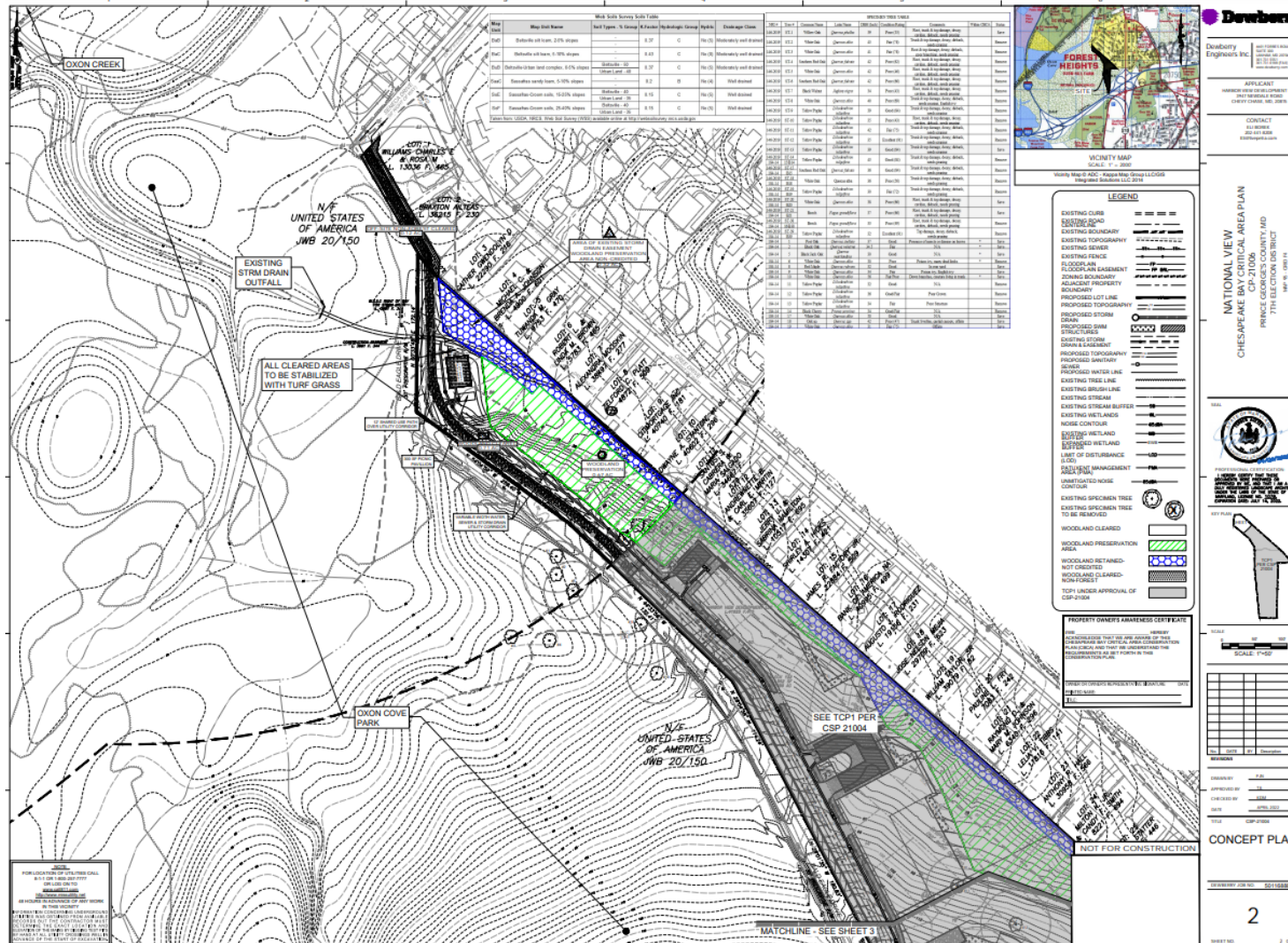
CONCEPTUAL SITE PLAN



CHESAPEAKE BAY CRITICAL AREA PLAN



CHESAPEAKE BAY CRITICAL AREA PLAN



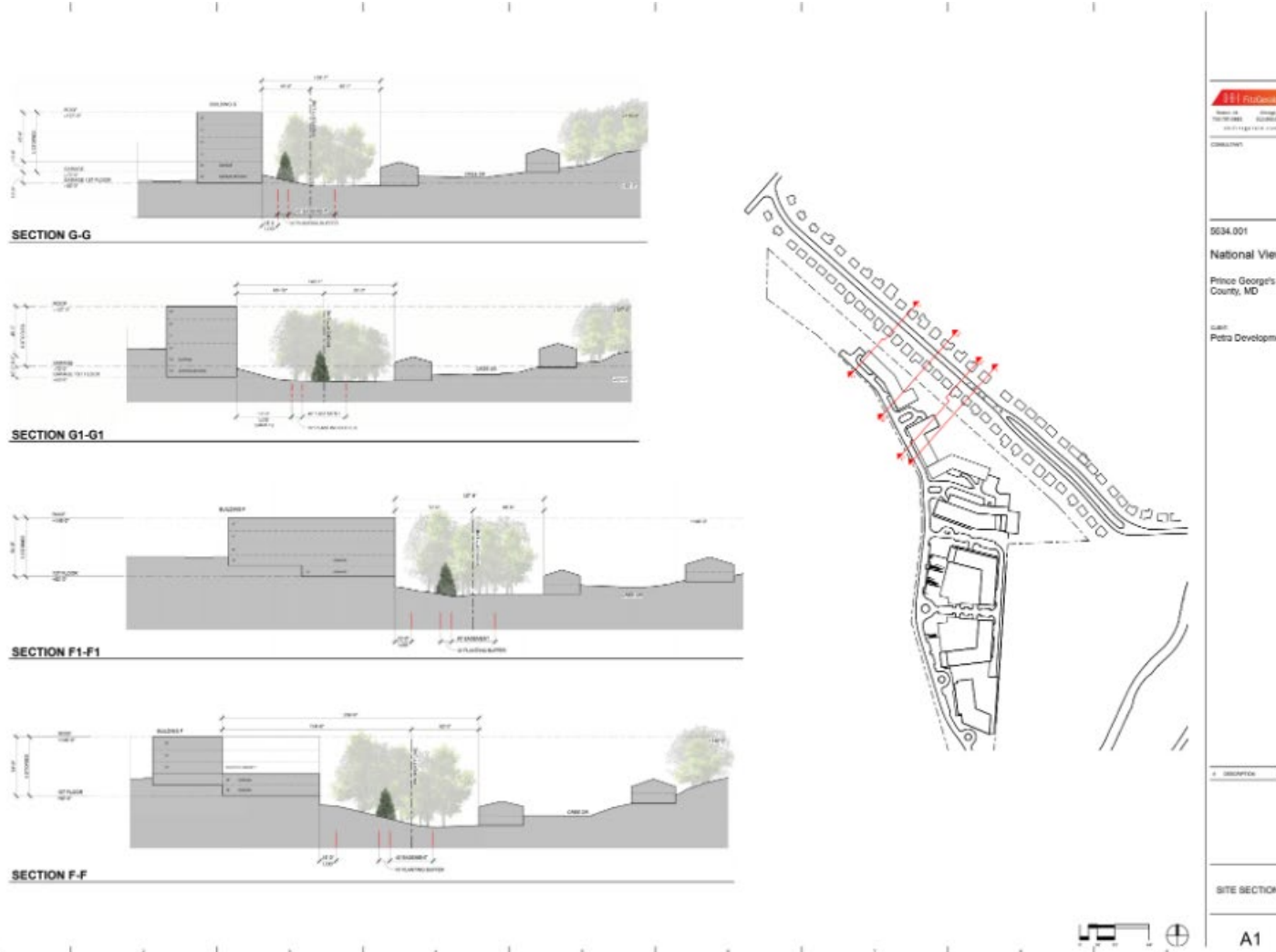
SITE SECTION PLAN A-A THROUGH C-C



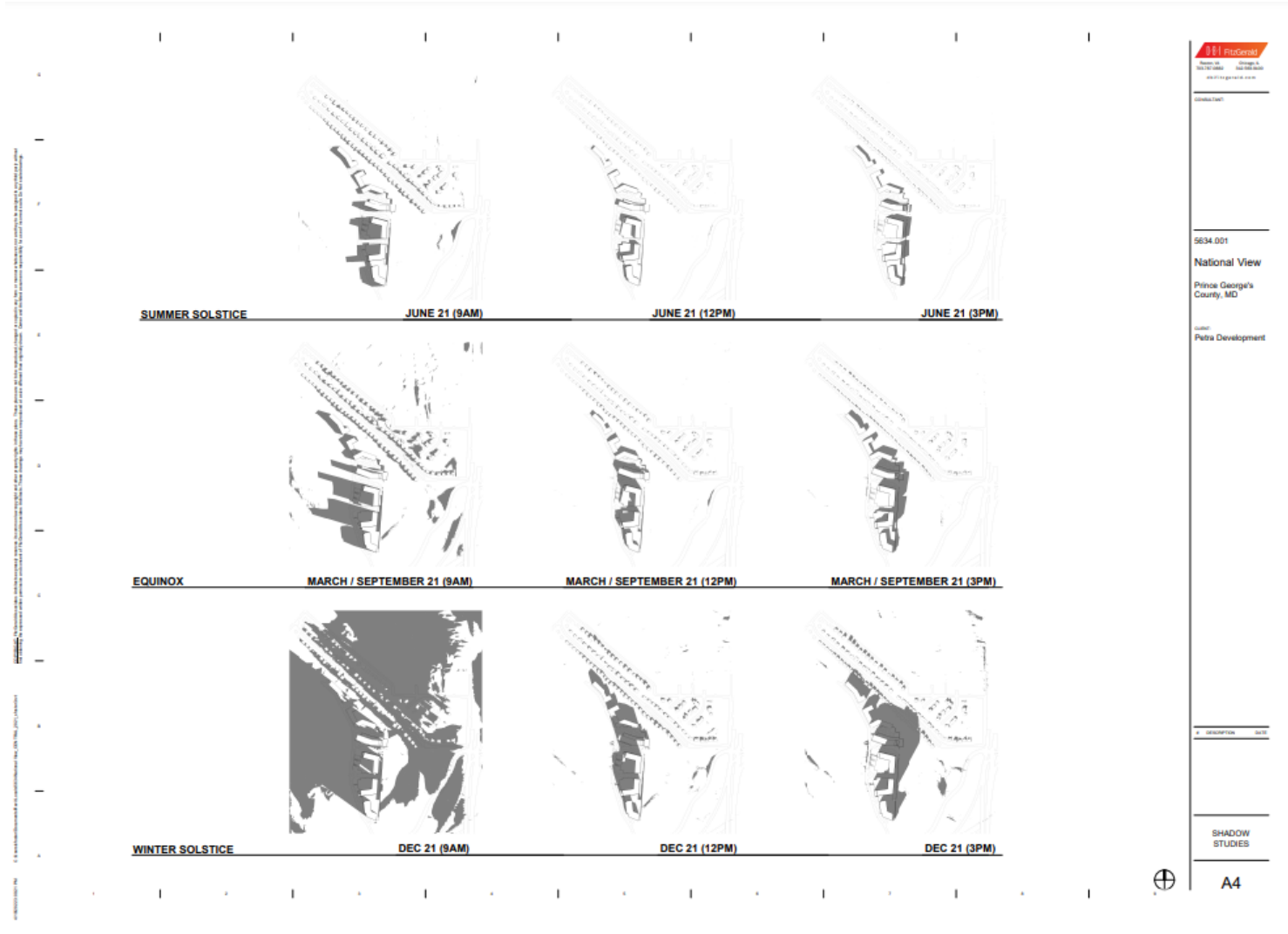
SITE SECTION PLAN D-D THROUGH E1-E1



SITE SECTION PLAN F-F THROUGH G-G



SHADOW STUDY

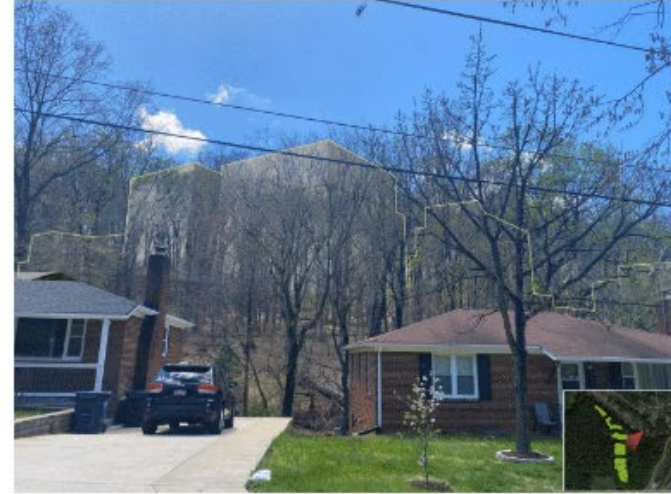


VIEWSHED STUDY



BELTWAY OVERPASS TOWARDS DEVELOPMENT

KEY PLAN



CREE DR. HIGHEST POINT TOWARDS MIXED-USE

KEY PLAN



MT. WELBY HILL TOWARDS DEVELOPMENT

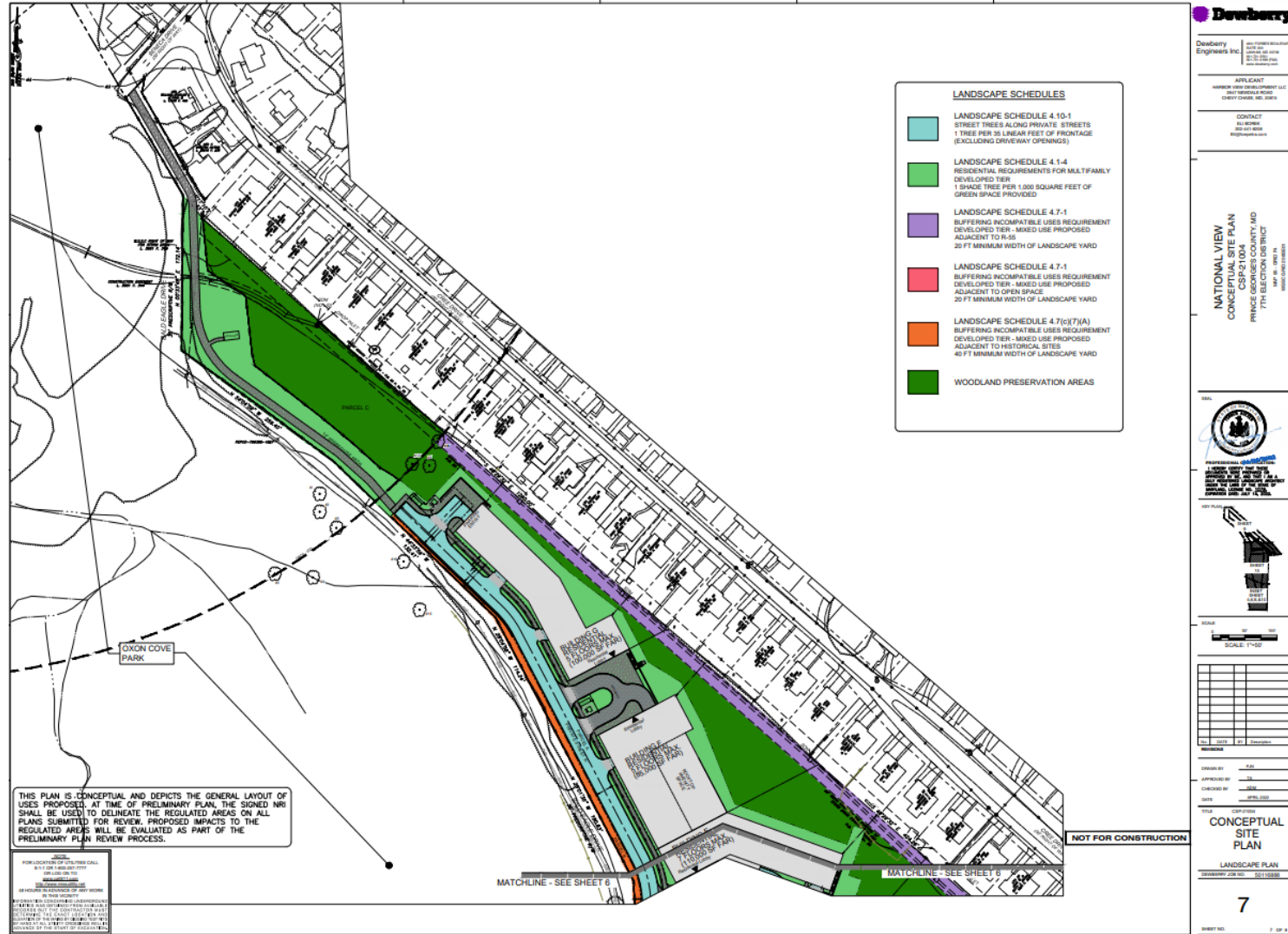
KEY PLAN



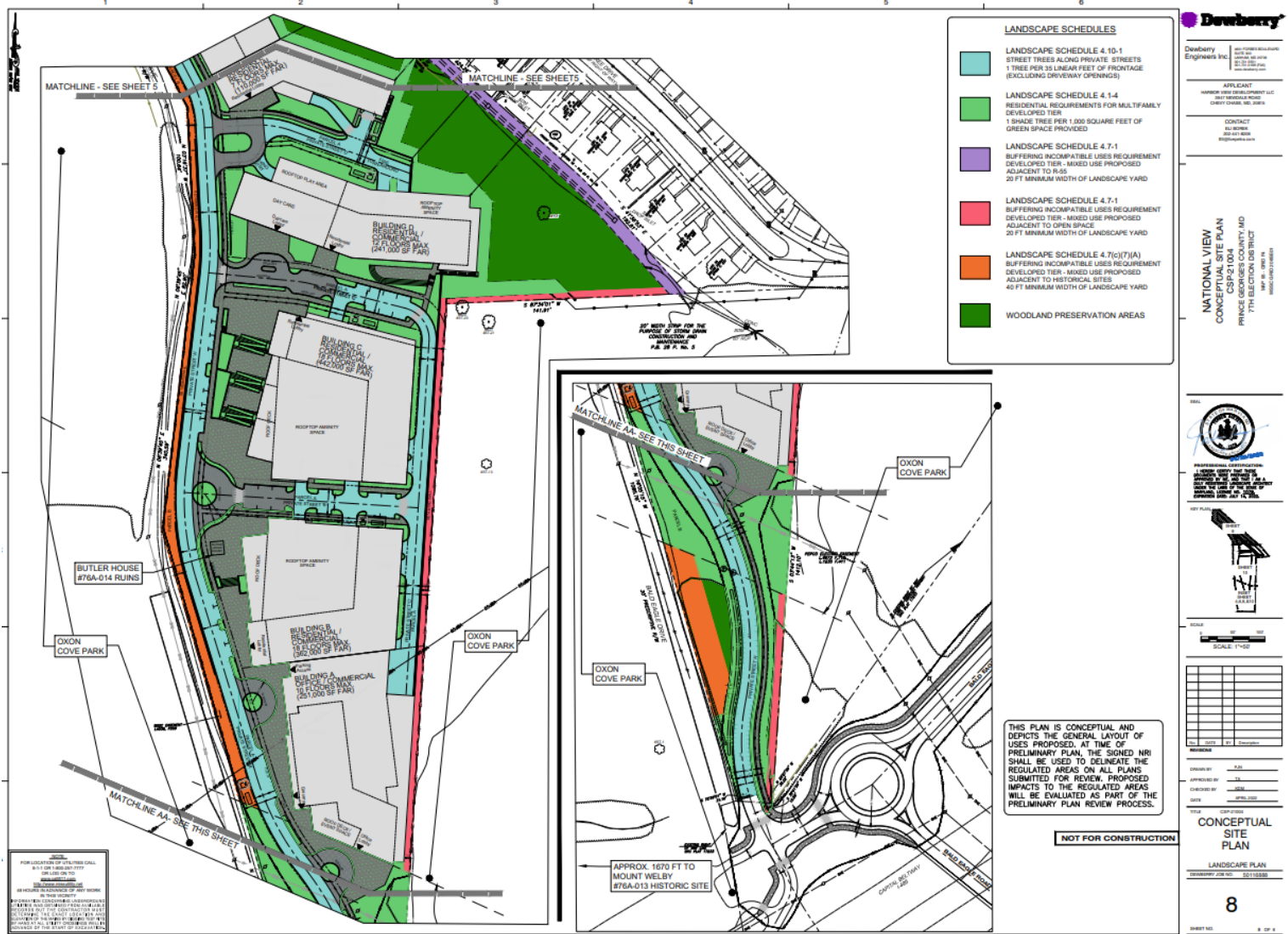
CREE DR. LOWEST POINT TOWARDS RESIDENTIAL

KEY PLAN

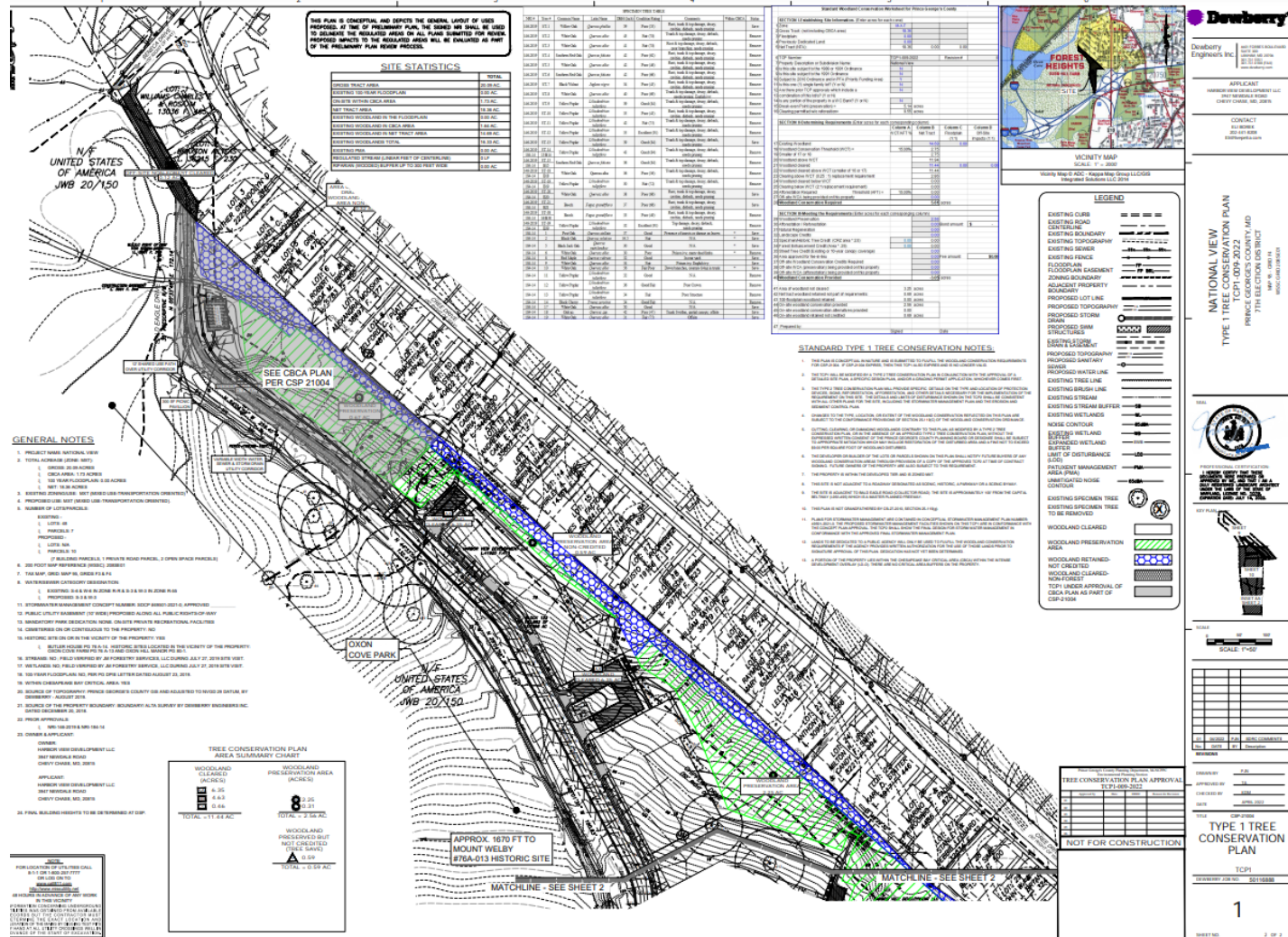
LANDSCAPE PLAN



LANDSCAPE PLAN



TYPE I TREE CONSERVATION PLAN



TYPE I TREE CONSERVATION PLAN



STAFF RECOMMENDATION

APPROVAL with 4 conditions

Issues:

- No

Applicant Community Engagement:

-

Case No.: A-10055-C
National View

Applicant: Harbor View Development, LLC

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the Applicant's acceptance of conditional zoning approved in Zoning Ordinance No. 6 -2021, and to grant final conditional zoning approval in Application No. A-10055-C.

WHEREAS, the District Council in enacting Zoning Ordinance 6 -2021, approved the Applicant's request to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone. A portion of the property also lies within the Chesapeake Bay Critical Area and is zoned I-D-O (Intensely Developed Overlay). The subject property is located on the north side of the Capital Beltway (I-495) , adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8; and

WHEREAS, the District Council, pursuant to its decision in Zoning Ordinance 6 - 2021, deems it appropriate to accept Applicant's consent to the conditions in Zoning Ordinance 6 - 2021; and approve final conditional zoning.


NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Zoning Ordinance 6 - 2021, is hereby granted. Applicant's written acceptance of the conditions in Zoning Ordinance 6 -2021, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property, as conditionally reclassified, shall be subject to all requirements in the applicable zone and conditions referenced above. Failure to comply with the conditions of rezoning shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective October 27, 2021, the date of receipt of the Applicant's acceptance of the conditions in Zoning Ordinance 6 -2021.

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

By: 
Calvin S. Hawkins, II, Chair

ATTEST:


Donna J. Brown
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

October 27, 2021

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, a copy of Zoning Ordinance No. 6 - 2021 granting preliminary conditional zoning approval of A-10055-C National View, is attached.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on January 24, 2022.

CERTIFICATE OF SERVICE

This is to certify that on October 27, 2021, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

October 27, 2021

**RE: A-10055-C National View
Harbor View Development, LLC, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 6 - 2021 setting forth the action taken by the District Council in this case on October 26, 2021.

CERTIFICATE OF SERVICE

This is to certify that on October 27, 2021 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**

Case No.: A-10055-C
National View

Applicant: Harbor View Development, LLC

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

ZONING ORDINANCE NO. 6 –2021

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by an individual Zoning Map Amendment.

WHEREAS, Zoning Map Amendment Application No. 10055 (A-10055) is a request to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone. A portion of the property also lies within the Chesapeake Bay Critical Area and is zoned I-D-O (Intensely Developed Overlay). The subject property is located on the north side of the Capital Beltway (I-495), adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8; and

WHEREAS, the application was advertised and the property was posted prior to public hearings, in accordance with all requirement of law; and

WHEREAS, the application was reviewed by the Planning Department's Technical Staff and;

WHEREAS, Technical Staff recommended disapproval of the application; and

WHEREAS, the Planning Board adopted Technical Staff's recommendation of disapproval; and

WHEREAS, on February 10, 2021, March 24, 2021, April 28, 2021 and May 5, 2021, the Zoning Hearing Examiner held evidentiary hearings on the application; and

WHEREAS, several individuals appeared in support of and in opposition to the Application; and

WHEREAS, at the conclusion of the final hearing the record was left open to allow Applicants to submit additional information. These items were submitted on May 14, 2021 and the record was closed at that time; and

WHEREAS, on July 20, 2021, the Examiner recommended that the application request, to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone, be approved subject to conditions; and

WHEREAS, a hearing was held before the District Council on October 25, 2021; and

WHEREAS, having carefully considered the issues raised by the opposition at oral argument on October 25, 2021, the District Council adopts, and incorporates by reference, the Examiner’s findings and conclusions on each issue raised by the opposition; and

WHEREAS, as a basis for this final decision, the District Council adopts, and incorporates by reference, the Examiner’s recommendation as its own to conditionally rezone the subject property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George’s County, Maryland, is hereby amended to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone, located on the north side of the Capital Beltway (I-495),

adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8.

SECTION 2. The request to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone, located on the north side of the Capital Beltway (I-495), adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8, is hereby APPROVED, subject to the following conditions:

- (1) Prior to Conceptual Site Plan review and the issuance of any permit Applicant shall submit written evidence from the SHA indicating its approval of the proposed access to the property via the state-owned right-of-way and with Mr. Lenhart's March 16, 2021 response to SHA's concerns with the Traffic Study (Exhibit 72).
- (2) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement). Additionally, special attention should be given to the development's compatibility with the surrounding area and any restrictions associated with the I-D-O Zone, as well as some appropriate recognition of the historic Butler House property.
- (3) The Conceptual Site Plan shall include the following:
 - (a) A general description of the pedestrian system proposed;
 - (b) The proposed floor area ratio;
 - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;
 - (d) A general description of any incentives to be used under the optional method of development;

- (e) Areas proposed for landscaping and screening;
 - (f) The proposed sequence of development; and
 - (g) The physical and functional relationship of the project uses and components.
- (4) The following information shall be included on the Detailed Site Plans:
- (a) The proposed drainage system;
 - (b) All improvements and uses proposed on the property;
 - (c) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used; and
 - (d) Supporting evidence which shows that the proposed 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 or within 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 a specific public facilities financing and implementation program, 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 plan approval, whichever occurred last.
- (5) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement), the Planning Board shall also find that:
- (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance (2019 Edition, 2020 Supplement);
 - (b) 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;

- (c) The proposed development is compatible with existing and proposed development in the vicinity;
- (d) 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;
- (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;
- (f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated;
- (g) 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, in areas adjacent to existing homes or the adjacent park adequate attention has been paid to minimize any adverse impact of design or other amenities on these areas;
- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and
- (i) 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).

SECTION 3. A building permit, use permit, or subdivision permit may not be issued or approved for the subject property except in accordance with the conditions set forth in this Ordinance.

SECTION 4. If the Applicant fails to accept the land use classification conditionally approved in this Ordinance, in writing, within ninety (90) days, the subject property shall revert to the R-55 (One-Family Detached Residential) and R-R (Rural Residential) Zones.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

ENACTED this 26 day of October, 2021, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Hawkins, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Members Anderson-Walker, Dernoga, Ivey, and Streeter.

Vote: 7-0.

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

By: Calvin S. Hawkins, II
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council



PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

County Administration Building • 14741 Governor Oden Bowie Drive, 4th Floor, Upper Marlboro, Maryland 20772
pgplanning.org/HPC.htm • 301-952-3680

April 20, 2022

MEMORANDUM

TO: Henry Zhang, Urban Design Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

FROM: Historic Preservation Commission

SUBJECT: CSP-21004 & CP-21006 National View
(contains Butler House, Historic Site 76A-014; adjacent to Mount Welby, Historic Site (76A-013))

The Historic Preservation Commission reviewed the subject application at its April 19, 2022, meeting and voted 5-0 to forward the following findings, conclusions, and recommendations to the Planning Board for its review.

Background

The subject property comprises 20.10-acres and is located approximately 1,000 feet north of the capital Beltway between the Wilson Bridge and Indian Head Highway. The subject property contains Butler House (76A-014) a County designated Historic Site and is adjacent Mount Welby (Historic Site 76A-013) that is part of the Oxon Cove Farm National Park. The subject application proposes a Mixed-Use development consisting of residential, retail, and commercial uses. The subject property is Zoned M-X-T.

The Historic Preservation Commission reviewed the rezoning application (A-10055) as part of its November 17, 2020, public meeting agenda. The Historic Preservation Commission received a presentation from staff that included a PowerPoint presentation based on the staff memorandum dated November 10, 2020, as well as a presentation from the applicant that included a PowerPoint presentation on the project. After discussion with staff and the applicant, the Historic Preservation Commission voted on a staff-generated draft recommendation to the Planning Board. This recommended motion did not pass. After further discussion, the Historic Preservation Commission determined that it would not comment on the subject rezoning application.

The subject property was rezoned from R-55 and R-R to M-X-T. The subject CSP application will be followed by a Preliminary Plan of Subdivision and a Detailed Site Plan.

Findings

Historic Preservation

1. The subject property contains the Butler House (PG:76A-014/National Register) a Prince George's County Historic Site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George's County Historic Site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003.
2. The Butler House is a three-bay, 2 ½-story wood-frame-and-log dwelling with a steeply pitched side-gable roof and a large, shed addition. It stands on a triangular piece of land between Forest Heights, the Capital Beltway, and the Oxon Hill Children's Farm/Oxon Cove Farm in the Oxon Hill vicinity. The Butler House is significant for its association with the themes "African American experience, 1660-1865" and "The Freedmen's Bureau, 1865-1872" as set forth in the Multiple Property Documentation for African American Historic Resources in Prince George's County, Maryland. Henry Alexander Butler, a free African American from Charles County, moved with his family to the property around 1853, and completed construction of the house. The property had been continuously associated with the Butler family since that time and until its recent sale to the applicant for the subject application (Prince George's County Deed Records, Liber 41808 page 190).

The Butler House, now in ruinous condition, and its associated property are nevertheless rare surviving examples of a documented pre-Civil War landholding/farmstead inhabited by a free African American family. Until recently, the house was covered in cast stone, although wood lap siding was visible on the gable ends. The steeply pitched, side-gable roof was covered in metal panels and wood shake. The main entry was in the south bay of the west (front) elevation and has a mid-20th century, half-glass door. The window openings contained mid-20th century metal sash. A large, 1 1/2-story shed addition containing a kitchen extended from the north gable end. A parged brick chimney rose between the north gable end and the shed addition. A 1-story screen porch was added to the east elevation.

According to Butler family oral history, the Butler house was begun in 1851 as a post office. Henry Alexander Butler, a free African American man from Charles County, moved with his family to the property in 1853 and completed construction of the house. The Butler family possesses receipts for taxes paid on the property by Henry Butler in 1859 and 1860. However, the property was not legally deeded to Butler until 1873. The Butlers turned their property into a small farm that included a chicken house, meat house, barns, and other agricultural buildings. The Butler House faced the main road from Washington, D.C., through Prince George's County. During the Civil War, Union officers are said to have stopped at the house when traveling through the area. Family photographs indicate that the Butlers lived a comfortable, middle-class life. They also enjoyed high status in the African American community. Henry Butler became a Reconstruction-era community leader, serving as trustee of the Freedmen's Bureau school near Oxon Hill. The Butlers associated

with prominent African American Washingtonians including the first African American priest and a Mr. Lewis, master barber at the U.S. Capitol.

The 1938 aerial photographs show another house to the south of the Butler House, which was demolished between 1984 and 1993. A third Cape Cod style house, to the south of the second house, was built on the Butler property in the 1940s. That house is still standing in ruinous condition. The property remained in the Butler family until it was sold to Harbor View Development, LLC in 2019.

The property also holds potential to yield information about African American material culture. The Butler House meets Criterion A for listing in the National Register of Historic Places: It is associated with events that have made a significant contribution to the broad patterns of history.

3. The northern portion of the subject property was owned by several other African American families, including the Hattons and the Proctors. Henry Hatton acquired 21 acres of Mt. Welby from Joseph H. Bowling on January 9, 1868. Hatton had a blacksmith shop in Oxon Hill. This tract was to the north and west of the Butler property. Two of Hatton's sons, Henry and George W. Hatton joined the U.S. Colored Troops during the Civil War. The 1860 Census shows the Butlers, Hattons, and Proctors residing near one another. The Hattons and Butlers continued to reside near each other through the 1880s. The 1880 Census shows Henry Hatton's daughter, Sarah Gray, her husband Ned Gray, and several members of the Proctor family residing between Henry Hatton and Henry Butler. The 1894 Hopkins Map shows the Butler House and four houses owned by Hattons and Proctors along Bald Eagle Road, which extends through the subject property to the north.

Henry Hatton died in 1896 and in his will devised portions of his Oxon Hill farm to his children, Martha Harris, Sarah L. Gray, Susanna Ayers, Josephine E. Carroll, and his grandson George C. Hatton. The Gray and Ayers families appear in the 1900, 1910 and 1920 Census records near the Butler family.

Henry A. Butler died in 1904 and devised 1 acre lots to his children, Amelia, Ellen, Louisa, Sarah's daughter, Charles, William, James, John, and Julia. Several of Henry Butler's children and grandchildren continued to live in the Butler House through the late twentieth century. The Hatton property appears to have been abandoned in the 1940s to 1950s when the Forest Heights housing development was platted.

4. The Mount Welby Historic Site/Oxon Cove Farm Historic District (76A-013) is adjacent to the subject property. Oxon Cove Farm is an agricultural complex, encompassing 14 buildings and two structures, which occupies a rural site in Prince George's County, Maryland, approximately ten miles south of Washington, D.C. in the vicinity of Oxon Hill, Maryland. The property is currently part of a living farm museum operated by the National Park Service. The resources encompassed in the historic district are associated with the property's sequential development as a plantation, an institutional agricultural complex, and a farm museum, during the nineteenth and twentieth centuries. The area surrounding the historic district is utilized for pasture, cultivation, and passive recreation. The following historic resources are included within the boundaries of the district: a brick masonry house; hexagonal wooden-frame outbuilding; brick root cellar; wooden-frame hog house; wooden-

frame horse and pony barn; wooden-frame chicken house; steel-frame implement shed; wooden-frame visitor barn; steel-frame windmill; wooden-frame hay barn; wooden-frame feed building; brick masonry stable; wooden-frame tool shed; wooden-frame "sorghum sirup" shed; and wooden-frame dairy barn, and tile silo.

The Oxon Cove Farm historic district is located on the crest of a ridge overlooking the east bank of the Potomac River, north of U.S. Interstate 95. The complex is oriented to the south and commands a view of the river valley, including views of the municipal jurisdictions of Alexandria and Arlington, Virginia, and Washington, D.C. The agricultural complex is spatially divided into two areas, defined by the farmstead and farmyard. The dwelling and domestic area dominates the complex from the crest of the ridge; the majority of the outbuildings lie in a swale east of the dwelling and define the farmyard. Access to the district is by way of a straight gravel drive that extends approximately 0.2 mi. past the dairy barn and the "sorghum sirup" shed to the main complex of outbuildings. This complex consists of the visitor barn, windmill, hay barn, feed building, tool shed, stable, implement shed, and chicken house. The drive continues beyond this area to the farm dwelling, approximately 370 ft. to the west. Northwest of the outbuilding core are the horse and pony barn, hog house, and root cellar. Turn-of-the-century farm implements, and machines are scattered throughout the park grounds. The buildings that comprise the historic district date from the early nineteenth to the late twentieth centuries.

The Oxon Cove Farm historic district is a 16-element agricultural complex encompassing 14 buildings, two structures, and associated landscape features. The eight contributing elements constitute a recognizable agricultural complex that is significant for its association with mental health care. Buildings included within the district are associated with two time periods and two principal themes. The time periods are ca. 1800-1850, and 1891-1943. The historic themes important to the district include agriculture and mental health care. Oxon Cove Farm historic district was among the first agricultural complexes to be used as a therapeutic treatment center for the mentally ill. This innovative approach marked a change in patient therapy for the mentally ill, from warehousing of patients to treatment within an active work atmosphere. Under the ownership of St. Elizabeth's Hospital, Oxon Cove Farm, then known as Godding Croft, provided innovative treatments for the mentally ill within an active agricultural context.

Mount Welby was determined eligible for listing in the National Register under Criterion A for its association with St. Elizabeth's Hospital in Washington, D.C. Mount Welby was used by the hospital as a farm where mental patients could be helped in their treatment by honest labor in fresh air. The farm provided not only beneficial labor for the patients, but also helped to make the hospital self-sufficient by providing food for patients and staff.

The property was also determined eligible under Criterion C for architecture. The house, (Mount Welby), which was constructed in 1811 and substantially altered in the last quarter of the 19th century (c. 1891), is an unusual melding of a Federal-period house with the urban row house aesthetic of the Victorian period. In addition, the farmstead encompasses a fairly complete grouping of agricultural buildings dating from the early to late 19th century and is a rare reminder of the area's agricultural past. The property includes eight buildings: a two-story brick house, a two-story brick barn, a wood framed barn, a granary, root cellar, implement shed, cattle shed, and hexagonal outbuilding, and occupies a prominent site overlooking the Potomac River across from Alexandria, Virginia.

Archeology

5. Phase I archeology survey was conducted on the subject property in October and November 2019. The fieldwork consisted of a pedestrian survey and shovel testing as the subsurface investigation. The fieldwork was initiated with a pedestrian survey in which several bottle and container glass dumps were identified. Several trash dumps were noted along the ravine to the east of the Butler houses. A large modern scatter of materials around the Butler houses are possibly associated with their abandonment in the late 20th century. Similar modern dump areas were identified within the area subdivided for the Forest Heights property and near the residences on Cree Drive. No historic artifact concentrations or scatters were noted on the surface.

Subsurface investigations comprised a shovel test pit (STP) survey with a spacing interval of 50 feet. A total of 196 STPs were laid out in a grid and 20 of those STPs were not excavated. Artifacts were recovered from 55 of the STPs. Most of the positive STPs were concentrated around the two extant Butler houses. An overlying plow zone stratum was noted in most of the STPs and contained artifacts from different time periods that were mixed. Due to the sloping topography, many of the soils had eroded over time.

Artifacts recovered date from the prehistoric to modern periods. Prehistoric artifacts include debitage and non-debitage of local quartz related to tool making. One quartzite fire-cracked rock was recovered. The prehistoric artifacts were not found in any concentration and were scattered over an area 600 feet in length. A site was not designated for this diffuse artifact scatter. Modern material recovered includes artifacts from the architecture, clothing, domestic, fauna, and miscellaneous categories. Most of the historic artifacts recovered date to the twentieth century occupation of the property.

Cultural features identified include a combination well house and adjacent well east of the Butler House. A buried septic tank was partially exposed on the west side of the Butler House. Both features are constructed of concrete and are likely related to the last occupation of the Butler House. An area to the southwest of the Butler House and to the east of the entry road was indicated to be a possible burial ground. Several large specimen oak and cedar trees surround the area, along with a line of boxwood bushes and patchy ground cover of periwinkle. A buried impermeable surface was also encountered running along the rear of the 1853 Butler House and extending to the mid-20th century house to the south. This likely represents a driveway that can be seen extending off Bald Eagle Hill Road in the aerial photographs.

Three additional features were noted to the north of the Butler House property on land owned by the Hatton and Proctor families. These include a possible trash pit, a large anomalous depression or pit, and a pile of disarticulated field stone. These features possibly represent the remnants of buildings depicted on the 1894 Hopkins Map that were likely occupied from the 1870s to the 1950s.

Two ruinous houses remain on the portion of the property formerly occupied by the Butler family. One is the 1853 Butler House (76A-014), with more modern additions. The house

fronts on Bald Eagle Hill Road and has collapsed in the early 21st century. The 1940s house is located to the south of the Butler House and is a Cape Cod style building. All windows and doors are missing, and the interior is exposed to the elements.

6. The Phase II archeological investigation was conducted on sites 18PR1150, 18PR1152, and 18PR1153 between November 2021 and February 2022. Historic research established that the three sites were associated with the Henry Butler and Henry Hatton families, both of whom were free blacks prior to the Civil War. The Butler family owned the southern 10-acre portion of the site containing site 18PR1150 and the Hattons the northern 12-acre portion, associated with sites 18PR1152 and 18PR1153.

The fieldwork consisted of a combination of intensive shovel testing and test unit excavation. Eight test units measuring 3 feet square were placed within site 18PR1150. Overall, 5,161 artifacts were recovered from the excavation of site 18PR1150. Several above ground features were noted within site 18PR1150, including a cinder block septic tank (F1), a modern concrete well (F2), a historic brick-lined well (F3), and a domestic midden (F4). The first three features were concentrated in the front and side yards of the Butler House, while the domestic midden was situated near the northern boundary of the Butler's property. Since the burial place of the original Butler occupants is not known, it is possible that they may be buried on the property in the vicinity of a patch of periwinkle, mature boxwood, and some large oak trees.

The only intact features that may remain within site 18PR1150 on the Butler property and that may provide significant information on the Butler family are a brick-lined well to the northwest of the Butler House and a possible burial ground to the southwest of the house that is covered with periwinkle. The report recommends that if the brick well feature cannot be preserved, then the feature should be excavated to determine if it may hold significant information. The report also recommends additional investigation of a possible burial ground to the southwest of the Butler House through the excavation of mechanical trenches across the area.

Site 18PR1152 is in the southern portion of the Forest Heights property and to the north of site 18PR1151, on a narrow forest ridge nose fronting Bald Eagle Drive. A 25-foot grid was laid out over the site and included nine STPs. Only three STPs contained cultural material, comprised of domestic glass, including aqua-tinted embossed bottle glass and clear container glass. The size of the site was estimated to be at least 25 feet north-south by 50 feet east-west. Because of the lack of intact cultural features and buried artifact deposits, no further work was recommended on site 18PR1152.

Site 18PR1153 is located north of site 18PR1152 at the northern extent of the Forest Heights property. It is situated on a very narrow forested ridge nose along Bald Eagle Drive. A grid of shovel test locations was placed over the estimated boundary of the site at a 25-foot spacing increment. A total of 13 shovel test locations was mapped and 11 were excavated. Six of the 11 STPs contained cultural material, encompassing an area measuring 75 feet N-S by 25 feet E-W. Twenty-two artifacts were recovered from the six positive STPs. The artifact assemblage consisted of a wire nail, aqua tinted window glass, clear window glass, a brick fragment and clear container glass. No cultural or foundation features for a dwelling were noted. No further work was recommended on site 18PR1153.

The report recommends that the older brick well be capped, protected, and preserved in place, as it may contain nineteenth and early twentieth century artifact deposits related to the Butler family. If this feature will be destroyed by the proposed development, then a mitigation plan may be necessary to recover any significant deposits that are at the bottom of the well.

The other significant feature identified is a possible burial ground for the Butler family located to the southwest of the house and next to Bald Eagle Road where there is a patch of periwinkle. The burial locations of members of the Butler family are unknown, so it is possible that some of them may have been buried on the property. Further investigation of this area with mechanical equipment is proposed to determine if a burial ground is present.

7. The Butler House and Mount Welby Historic Sites are located within *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*. The master plan includes goals and policies related to historic preservation.

The Heights and Vicinity Approved Master Plan and Sectional Map Amendment recommends that a program be developed to rehabilitate and reuse the Butler House. The Butler House was designated as a Historic Site in 1981 for its significance as representing the home and farm of a free black family of comfortable means. The home of generations of the Henry Butler family since the Civil War period, it has not been occupied for years and suffers from severe deterioration. The property is proposed for parkland with the underlying residential zone being R-55; the house itself and its immediate setting could be rehabilitated or rebuilt and used as an interpretive center to demonstrate aspects of mid-nineteenth century farm life of free blacks; the surrounding land could be used to reestablish farm gardens/orchard mid-nineteenth century landscape. (If it becomes parkland, along with other passive parkland uses, community gardens could be established on part of the land.)*

The project could be set up so that children could experience farm life as part of school classes or scout projects. The interpretation of the mid-nineteenth century farm life of free blacks would round out the County's farm interpretation: from the plantation economy interpretation of Montpelier in Laurel or Marietta in Glenn Dale, or interpretation of life of an average farmer in colonial days as at the National Colonial Farm in Accokeek. All other properties associated with African-American history in the County date from the late-nineteenth-century or later, with the exception of the Northampton Site, a slave quarter ruins dating from the early nineteenth century.

8. At the hearing, the applicant's legal counsel agreed with staff's recommendations except for the working of staff's proposed Condition 2. The applicant's legal counsel requested that staff's proposed condition 2 be changed to read: "Prior to the approval of any detailed site plan, the applicant, his heirs, successors and/or assigns shall ensure that give special attention to the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the *Mount Welby Historic House*."

Conclusions

1. The Butler House is in ruinous condition. Nevertheless, the applicant will need to apply for a Historic Area Work Permit to demolish and remove the Butler House ruins prior to development. The ruins should be removed in a careful manner to allow for possible archeological investigations of the area below and around the house.
2. To mitigate for the loss of the Butler House Historic Site and its historic context, the applicant will be required to develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House in whole or in part, as means of telling the unique story of the property.
3. The existing Environmental Setting of the Historic Site includes all 2.23 acres that make up Parcel 35. This Environmental Setting should remain in place throughout the development process and may be reduced and relocated by the Historic Preservation Commission to facilitate development and to aid in the commemoration of the property. The Historic Preservation Commission does not have the authority to eliminate the Environmental Setting in its entirety. The applicant should work with the Historic Preservation Commission on the ultimate character and location of the Environmental Setting as part of the interpretive and mitigative measures that will commemorate the Butler House Historic Site as well as the history of the other African American occupants of the property. The interpretive measures to be developed by the applicant and reviewed by the Historic Preservation Commission will require approval through the Historic Area Work Permit (HAWP) process if they are located within the existing Environmental Setting. If they are to be located outside the Environmental Setting, the applicant will be required to complete those plans and potentially complete the interpretive measures, prior to the potential reduction and relocation of the Environmental Setting.
4. The proposed development will be highly visible from the Mt. Welby Historic Site. Through the detailed site plan process, the applicant should work with Planning Department and Historic Preservation Commission staff to reduce the visibility of proposed construction from the Mt. Welby Historic Site, as well as to address the effects of scale and massing of the development on the adjacent National Park.
5. Bald Eagle Road, which extends north-south through the subject property, was a main artery of the north-south postal roads running from the New England colonies through New York, Philadelphia, and Baltimore to a point near Bladensburg. The branch that ran to the early settlements in Southern Maryland through the subject property was known as the River Road. During the Civil War Union troops and their provisions were moved up and down the road and cut it up so badly that a new road had to be built around and bypassing it. The road was then only used to access the Butler, Gray and Hatton residences. As much of this historic road as possible should be preserved within the development, possibly as a trail, and interpretive measures should discuss the significance of this ancient route.
6. Due to the lack of intact cultural features and diagnostic artifacts found in the Phase II archeological investigations at sites 18PR1152 and 18PR1153, no further work was

recommended on either site. Historic Preservation staff concurs with the report's findings and conclusions that no further work is necessary on sites 18PR1152 and 18PR1153. Staff also concurs that, if possible, the brick-lined well within site 18PR1151 should be filled and capped and preserved in place. If this is not possible, additional investigations may be requested. Staff also concurs with the report's findings and conclusions that the area of the site containing periwinkle should be investigated by mechanical means to determine if any human burials are present on the property. The applicant's consultant archeologist should also examine the areas below the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.

7. After a discussion regarding the applicant's proposed changes to staff's condition 2, the HPC voted to forward staff's recommendation as originally written to the Planning Board for its review. The HPC noted that the main concern was the viewshed of the Historic House, but impacts to the entire site, including its environmental setting should be taken into account during review of subsequent application.

Recommendations

The Historic Preservation Commission recommends to the Planning Board that CSP-21004 and CP-21006 National View be approved with the following conditions:

1. Prior to approval of a detailed site plan, the applicant shall:
 - a. conduct Phase III archeological investigations on the brick-lined well and in the location of a possible burial ground associated with the Butler House Historic site, (76A-014). The applicant's consultant archeologist shall also examine the areas below and around the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.
 - b. the applicant shall develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House in whole or in part, as means of telling the unique story of the property. The location, character, and wording of any signage or commemorative features and any other educational or public outreach measures shall be reviewed by the Historic Preservation Commission and approved by M-NCPPC Historic Preservation staff. The comprehensive plan shall include the timing for the installation and/or launch for the commemorative measures.
2. Prior to the approval of any detailed site plan, the applicant, his heirs, successors and/or assigns shall ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mount Welby Historic Site (76A-013) is compatible with the Oxon Cove National Park.
3. Prior to the issuance of any grading permit, the applicant shall provide a final report detailing the Phase III archeological investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

April 27, 2022

MEMORANDUM

TO: Henry Zhang, AICP, Planner IV, Urban Design Section, Development Review Division

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

FROM: Maha Tariq, Planner II, Neighborhood Revitalization Section, Community Planning Division *Maha Tariq*

SUBJECT: **CSP-21004 and CP-21006 - National View**

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Conceptual Site Plan outside of an overlay zone. The District Council Approved A-10055 rezoning the subject property to M-X-T zone.

Location: 6403 Oxon Hill Road, Oxon Hill, MD 20745

Size: 20.1 acres

Existing Uses: Vacant

Proposal: Mixed-use development consisting of residential, retail/commercial, office and medical uses.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: The subject property is located within the 2014 *Plan Prince George's 2035 Approved General Plan's* designated Established Communities policy area. Plan 2035's vision for the Established Communities is "context-sensitive infill and low- to medium-density development" (p. 20). The proposed high-density mixed-use development is not supported by the recommended land use for Established Communities Growth Policy Area.

Master Plan: The 2000 *Approved Master Plan for The Heights and Vicinity* does not recommend mixed land uses for the subject property similar to those recommended in the M-X-T (Mixed Use-Transportation Oriented) zone. The proposed high-density mixed-use development does not conform to the recommended infill development that is compatible with the low-density character of the surrounding neighborhoods (The Heights p. 13).

Planning Area: 76A

Community: The Heights

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

SMA/Zoning: The District Council Approved A-10055 rezoning the subject property to M-X-T.

c: Long-range Agenda Notebook

Fred Stachura, JD, Planning Supervisor, Neighborhood Revitalization Section, Community
Planning Division

April 28, 2022

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section
VIA: Sherri Conner, Planning Supervisor, Subdivision Section *SC*
FROM: Mridula Gupta, Planner III, Subdivision Section *MG*
SUBJECT: CSP-21004 & CP-21006; National View

The subject site considered in this Conceptual Site Plan CSP-21004 and Conservation Plan CP-21006 is an approximately 20.01-acre property located in Tax Map 95 in Grid F4. The subject property consists of Lots 61-91, Block 122; Lots 13-24, Block 123; and Lots 8-14, Block 124; and rights-of-way for Bald Eagle Drive, Chippewa Drive, and Crow Way as shown on the plat titled "Record Plat of Forest Heights Subdivision, Section 16, Amended" recorded in the Land Records of Prince George's County, Maryland at Plat Book 28, page 5 dated 1956; and deed Parcels 26 and 27 as described in Liber 41840 folio 235; Parcel 32 as described in Liber 42799 folio 255; Parcels 33, 35, and 37 as described in Liber 41808 folio 190; and Parcel 36 as described in Liber 41808 folio 154. The property is zoned Residential, Multifamily-48 (RMF-48), and partially located in the Intense Development Overlay (I-D-O) Zone. Specifically, approximately 1.7-acres of the northern portion of the site is located in the Chesapeake Bay Critical Area (CBCA) I-D-O Zone. The applicant proposes a mixed-use development consisting of multifamily residential and commercial uses, including senior housing. The subject site was rezoned from the prior Rural Residential (R-R) and One-Family Detached Residential (R-55) zones to the Mixed Use Transportation Oriented (M-X-T) Zone via Zoning Map Amendment A-10055, approved by the District Council on October 27, 2021. This application for a conceptual site plan (CSP) and conservation plan (CP) is being reviewed pursuant to this prior M-X-T zoning of the subject property, and pursuant the prior Zoning Ordinance and Subdivision Regulations as allowed in accordance with Section 27-1703 of the Zoning Ordinance.

There are no prior preliminary plan of subdivision (PPS) approvals for the subject property. The proposed development will require a PPS in accordance with Section 24-107 of the prior Subdivision Regulations. A CSP must be approved prior to approval of a PPS for the subject site. In addition, no application for a PPS for land within a CBCA Overlay Zone shall be approved without an approved CP prepared in accordance with Subtitle 5B of the County Code.

Recordation of a final plat of subdivision is required following approval of a PPS and a detailed site plan (DSP), prior to the approval of building permits for the subject property.

Plan Comments

1. The CSP and CP depicts seven development parcels, one private road parcel, and two open space parcels for illustrative purposes, however, the lotting pattern will be determined at the time of PPS review. The CSP and CP depict the approximate location for commercial and residential development, layout of buildings, vehicular and pedestrian circulation, and conceptual location of recreational facilities. No structures are proposed within the I-D-O zoned area.
2. Several public streets (Chippewa Drive, Crow Way, and Bald Eagle Drive) are proposed to be vacated by this proposal. All of these streets are currently unimproved. Vacation of these streets shall be complete prior to filing of final plats.
3. The CSP identifies multiple locations, evenly distributed within the residential areas, for provision of on-site recreational facilities. Adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be determined at the time of PPS review.
4. Pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations, residential lots adjacent to existing or planned roadway of freeway or higher classification, shall be platted with a depth of 300 feet. It is recommended that any future parcels with residential use be provided in accordance with the Subdivision Regulations and that appropriate mitigation be provided to protect dwellings from traffic noise and nuisance, which will be further evaluated at the time of PPS. The CSP includes residential development area within 300 feet of the right-of-way line for I-495. A Phase 1 noise study should be provided at the time of PPS so that the placement of residential development parcels and any planned outdoor recreation areas are located and/or mitigated to avoid adverse traffic impacts. The CP and CSP site plans show a 65dBA noise contour line along the southern portion of the site. This line is labeled on the CP site plan as the unmitigated noise contour line. However, similar labeling is not provided on the CSP site plan to identify the noise contour line.
5. Access to the property is proposed from Bald Eagle Road located to the south, which is a state road. No right-of-way dedication is proposed along the property's frontage with Bald Eagle Road. Private streets with varying right-of-way and pavement widths are shown. Section 24-128(b)(7) of the prior Subdivision Regulations permits private streets in the M-X-T-Zone only for attached single-family dwellings, two-family dwellings, and three-family dwellings. Private streets in the M-X-T-Zone are not permitted for multifamily dwellings or any other non-residential development. The lotting and circulation pattern, and any required street right-of-way dedication, will be reviewed further with the PPS application.

A seven-foot-wide public utility easement (PUE) is shown on the CSP as proposed along private streets. The location of required PUEs will be determined along all public and private streets with the PPS. Section 24-128(b)(12) of the prior Subdivision Regulations requires a 10-foot-wide public utility easement along one side of all private rights-of-way. The applicant may request and provide justification for a variation at the time of PPS for PUEs which are proposed to be less than 10-feet-wide.

6. Parcels 26, 27, 32, 33, 35, 36, 37 are located in Water/Sewer Category 6. Before a PPS can be approved, a W and S category change for these parcels to be located in Category 4 will be required.

Recommended Conditions

1. Prior to certification of the conceptual site plan, the following revisions shall be made:
 - a. Label the 65dBA noise contour line as mitigated or unmitigated noise contour line.
 - b. Remove any proposed public utility easements from the plans.
2. At the time of acceptance of the preliminary plan of subdivision application, a Phase 1 noise study shall be submitted. The noise study shall define the unmitigated 65 dBA Ldn noise contour on the subject property, and how any impacted residential lots or parcels may be mitigated.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All bearings and distances must be clearly shown on the conceptual site plan and the conservation plan at the time of building permit and must be consistent with the record plat, or permits will be placed on hold. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: April 29, 2022

TO: Henry Zhang, Planner IV
Urban Design Section
Development Review Division

VIA: Sonja Ewing, Land Acquisition, Planning Program Manager *SME*
Park Planning and Development Division
Department of Parks and Recreation

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **CSP- 21004- National View**

The Department of Parks and Recreation (DPR) staff has reviewed and evaluated this Conceptual Site for conformance with the requirements and regulations of: The Heights & Vicinity Master Plan (Planning Area 76) along with the surrounding Sector Plans, the Formula 2040: Functional Master Plan for Parks, Recreation and Open Space, as they pertain to public parks and recreation.

BACKGROUND & ANALYSIS

The applicant is proposing to create an assemblage of properties totaling 20.1 acre on the north side of the Capital Beltway (I-495/I-495) at its interchange with Indian Head Highway (MD Route 210). The subject property is bordered on its east and west sides by federal parkland, and by existing residential development in the Town of Forest Heights. With this application is providing conceptual information on the proposed mixed-use development consisting of residential, retail/commercial, and medical uses. On a conceptual basis the development will consist of 1,500-1,700 multi-family units, four (4) assisted living buildings, 200,000 square feet of retail/commercial/office space, and a 50,000 square-foot medical building

DPR staff has analyzed the area and offer the following information on existing parks and recreation opportunities within the surrounding area. Developed M-NCPPC owned parks in proximity of the proposed development (within a 3-mile radius) consist of:

- Forest Heights Park (approximately 1.5 miles east of Indian Head Highway) which contains a playground, basketball courts and picnic areas.
- Birchwood City Park, which contains a park building, ballfields, playground, and picnic areas.
- Glassmanor Community Center which is located adjacent to Glassmanor Elementary School.
- Southern Regional Technology and Recreation Complex & Southern Regional Aquatic Wellness Center (Approximately 3 miles to the northwest) which the as the closest multigenerational facility to the development.
- Oxon Hill Manor Historic Site (Approximately 2.5 miles to the northwest) The existing sidewalk that runs along the property frontage at Oxon Hill Manor has a direct connection to the Woodrow Wilson Bridge Trail and National Harbor

As previously noted, the subject property is bordered on its east and west sides by federal parkland, known as Oxon Hill Farm, which is managed by the National Park Service. The property also borders existing residential lots located in the Town of Forest Heights approximately 1/2 mile from Bell Acres Park. A segment of the Oxon Hill Farm Trail runs behind Bell Acres Park. Funding was approved in the FY21 - FY26 CIP for rehabilitation and extension of the Oxon Run Trail in this location. The Potomac Heritage Trail also connects to the Oxon Hill Farm Trail crossing the Capital Beltway and heading south along Oxon Hill Road.

The Eastover/Forest Heights/Glassmanor Sector Plan encourages building upon the existing pathways and completion of the trail network in the area. The applicant has indicated plans to promote walking through new connections to the established trail system from the proposed future development.

The Heights & Vicinity Master Plan recommends the acquisition by M-NCPPC of a 10-acre parcel on a portion of the Applicant's property near the historic Butler House (76A-014). The master plan recommends acquisition for passive parkland uses as well as community gardens. The Applicant proposes interpretation of the Historic Butler property and the creation of rooftop community gardens as part of the development plan. DPR staff has no issues the applicant's current proposal to provide the historic interpretation on the Butler Property. Further details of the applicant's shall be provided with the future development plans for this project.

Because a portion of development consists of residential uses, future subdivision of the property will require Mandatory Dedication of Parkland at the time of Preliminary Plan of Subdivision (PPS). Due to the large numbers of new residents proposed by this development, the Mandatory Dedication requirements and options for this development will be fully evaluated with the submission of the PPS for this development.

The applicant has provided conceptual information on trail connections, on-site recreational facilities, covered public pavilions, community gardens, along with interpretation of the Butler House, which may be sufficient in meeting Mandatory Dedication requirements. The

DPR staff recommends that the applicant look at creating a centralized open green space (with a public use easement) to serve not just the residential community but the entire development. The details of the proposed facilities will be reviewed with the submissions on this project.

Summary

The staff of the Department of Parks and Recreation recommends that the above-referenced CSP-21004 be approved, subject to the following conditions:

1. Final determination of Mandatory Park Dedication shall be made with the review of the Preliminary Plan of Subdivision.

March 9, 2022

Mr. Mike Lenhart
Lenhart Traffic Consulting, Inc.
645 Baltimore Annapolis Blvd, Suite 214
Severna Park, MD, 21146

Dear Mr. Lenhart:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by Lenhart Traffic Consulting, dated July 16, 2020, for the Zoning Map Amendment for National View (SHA Tracking #20-ap-pg-023-xx) in Prince George's County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 374 bed assisted living; 1402 high-rise apartments; 120,000 SF retail; and 204 room hotel is via one (1) full movement site access to Oxon Hill Farm (a County road).
- The following intersections were analyzed under existing, background and future conditions:
 - MD 210 & Southbound I-95 / I-495 Off Ramp & Bald Eagle Rd
 - Bald Eagle Rd & Park Driveway
 - MD 414 & SB MD 210 On / Off Ramps & Bald Eagle Rd
 - MD 414 & Northbound I-95 / I-495 On / Off Ramps
 - Park Driveway & Site Access
- It is recommended that the intersections of: (1) MD 414 at NB Indian Head Highway off-ramp and (2) MD 414 at Clipper Way be included in any follow up study.
- The report concludes that although the study intersections will continue to operate at acceptable levels of service under future conditions for CLV analyses, queuing along critical corridors may be indicative of constrained corridors and need to be investigated further.

SHA has completed our review of the Traffic Impact Study and associated point by point comments and generally concurs with the findings of the study. Since it is understood that this property will require a Preliminary Plan of Subdivision which will require a new Traffic Impact Study and Adequate Public Facilities assessment at that time, no further comments are deemed necessary for this Traffic Impact Study associated with the Zoning Map Amendment. Based on the information provided, please include the following information in any future study.

Travel Forecasting and Analysis Division (TFAD) Comments (By: Rafey Subhani):

1. MDOT SHA is requesting the Synchro files for the MD 414 corridor be included with any future studies to better understand the extent of the queuing, congestion and operations within the study area along with any improvements that may be proposed at that time.

District 3 Traffic Comments (By: Alex Yelin):

2. District 3 traffic engineering staff has completed its review and has no comments.

This Traffic Impact Study is considered approved and no further responses are necessary at this time. We look forward to reviewing a future Traffic Impact Study at the time of Preliminary Plan. For electronic submissions create an account with our new online system <https://mdotsha.force.com/accesspermit>. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513- 7347, by using our toll free number in Maryland only at 1-800-876-4742 (x7347) or via email at kwoodroffe@sha.state.md.us.

Sincerely,



for Erica Rigby,
District Engineer, District 3, SHA

ER/ts

cc: Thomas Sievers, MNCPPC Thomas.Sievers@ppd.mncppc.org
Rafey Subhani, SHA – TFAD
Alex Yelin, SHA – District Traffic

Countywide Planning Division
Prince George's County Planning Department

301-952-3650

April 25, 2022

MEMORANDUM

TO: Henry Zhang, Planner IV, Urban Design Section, DRD

VIA: Thomas Burke, Supervisor, Environmental Planning Section, CWPD *TB*

FROM: Chuck Schneider, Planner III, Environmental Planning Section, CWPD *CS*

SUBJECT: **National View; CSP-21004, TCP1-009-2022 and CP-21006**

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan (CSP), Type 1 Tree Conservation Plan (TCP1), and Chesapeake Bay Critical Area Conservation Plan (CP), stamped as received on March 22, 2022. Verbal and written comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on April 1, 2022. Revised information was received on April 21, 2022. The EPS recommend approval of CSP-21004, TCP1-009-2022, and CP-21006, based on the conditions listed at the end of this memorandum.

Background

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

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
NRI-184-14	N/A	Staff	Approved	8/30/2022	N/A
NRI-146-2019	N/A	Staff	Approved	3/25/2000	N/A
A-10055	N/A	County Council	Approved	10/21/2021	Z.O. 06-21
CSP-21004	TCP1-009-2022	Planning Board	Pending	Pending	Pending
CP-21006	N/A	Planning Board	Pending	Pending	Pending

Proposed Activity

This CSP proposes a mixed-use development consisting of residential, retail/commercial, and medical uses with surface parking, and various stormwater management (SWM) facilities.

The accompanying CP proposes a 12-foot shared asphalt emergency road/trail, picnic shed, underground SWM, utility connections, and woodland preservation.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010, and February 1, 2012. The portion of the site located in the Chesapeake Bay Critical Area (CBCA) is subject to Subtitle 5B.

Site Description

The subject application area is 20.09 acres. 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, located in the northwest quadrant of the interchange of the Capital Beltway (Interstate 495) and Indian Head Highway (Maryland Route 210). Approximately 1.73 acres of the site is within the CBCA-Intense Development Overlay (I-D-O) Zone. The application area is divided into two areas the “Butler Tract” (south) and the single lot area (north).

The Butler Tract is located on the southern half of the overall site, consisting of six parcels and zoned M-X-T. This portion of the site contains no regulated environmental features (REF), but is adjacent to an extensive ephemeral stream channel and contains specimen trees. This stream was investigated during the natural resource inventory (NRI) review and was determined to be ephemeral. This area is mostly wooded and contains mapped Forest Interior Dwelling Species (FIDS) Bird Habitat. According to the *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan* (May 2017), the Butler Tract is mostly located within a regulated area, with the southernmost area of the site located in the evaluation areas. Parcel 35 of the Butler Tract is located within a historic site environmental setting, that is associated with the Butler residence (#76A-014). The Capital Beltway (Interstate 495) is adjacent to the southern portion of the site, and is identified as a master planned freeway.

The north area consists of 48 platted single-family detached lots that are undeveloped. The north area is zoned M-X-T. This northern area does not contain any mapped REFs, but contains specimen trees, FIDS habitat, and is entirely wooded. The northwest corner of the site is within the CBCA – IDO Overlay Zone. According to the *Countywide Green Infrastructure Plan* (May 2017), the platted lot area is entirely within the regulated area. No master planned roads are mapped adjacent to this northern section of the application.

An unimproved road, Bald Eagle Drive, extends through the site north to south, eventually connecting with MD 210. This road provided a historical connection between Oxon Hill and Washington, DC, dating to 1850, however, this roadway is not identified as historic or scenic. Adjoining the property to the west of Bald Eagle Drive is the historic setting for Mount Welby residence (#76A-013), and Oxon Cove Park and Oxon Hill Farm owned by the National Park Service. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of the application area.

The application area is located within two different master plan areas. The north area consisting of single-family lots is located within the *Approved Eastover/Forest Heights/Glassmanor Sector Plan* (2014) and the south area (Butler Tract) is within *the Approved Master Plan for the Heights and Vicinity* (2000). The site is located within Environmental Strategy Areas 1 (formerly the Developed Tier), and 4 (Chesapeake Bay Critical Area), of the Regulated Environmental Protection Areas Map and has a Growth Policy of Established Communities, as designated by *Plan Prince George’s 2035 Approved General Plan*.

Review of Previously Approved Conditions

There are no previously approved environmental conditions related to the subject application.

CHESAPEAKE BAY CRITICAL AREA PORTION OF THE SITE - Conservation Plan Review

Natural Resource Inventory Plan - CBCA

The single lot area has an approved Natural Resources Inventory Plan (NRI-184-14) covering both inside and outside the Chesapeake Bay Critical Area. See the **Existing Conditions/Natural Resource Inventory** below for description.

Chesapeake Bay Critical Area Conservation Plan

The plans labeled as a “National View Chesapeake Bay Critical Area – CP-21006” contain the information such as the proposed 12-foot shared use path, SWM facilities, existing utility easements, proposed utility connections, and picnic pavilion as part of the overall review of the CP for this site. The 12-foot shared use path will be used as a hiking trail, emergency access road, and for maintenance vehicle usage. No REFs or Primary or Secondary buffers are located within the critical area portion of the property. One specimen tree, which is in poor condition, a 30-inch DBH White Oak, is proposed to be removed.

This application area is within the Intense Development Overlay (I-D-O) District within the CBCA. This designation does not have a required maximum impervious threshold or clearing limit. The proposed impervious surface areas for the application are 300 square-feet for the picnic pavilion and 9,536 square-feet for the 12-foot path, totaling 12.1 percent impervious surface area. The 1.72 acres application area contains 1.64 acres of developed woodland and proposes to remove 0.71 acre of developed woodlands. The CP shows 0.32-acre of existing woodland within the existing SWM easement area, and 0.67-acre within the remaining preservation woodland area. These on-site numbers are located on the plan view and various tables, and need to be consistent in both locations.

On-site planting (reforestation or landscape) is not proposed for the cleared areas. These areas will be stabilized with turf grass.

Technical revisions to the CP are required prior to certification.

Department of Permitting, Inspections and Enforcement (DPIE) – CBCA Review

An unapproved SWM concept plan was submitted with the subject application. Currently, the SWM concept plan (#49501-2021-00) is under review by the DPIE Site Road Section. Since this site is located within the I-D-O overlay, DPIE is required to review for the 10 percent pollutant reduction requirement. The SWM concept plan within the critical area proposes stormwater to be directed to an underground storage treatment facility and into grass swales. Submittal of an approved SWM concept plan and approval letter showing the proposed buildings, interior roads, and surface parking will be required prior to TCP1 and CP certification.

Chesapeake Bay Conservation and Planting Agreement

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded prior to certification approval for development of the site. Review of the Conservation and Planting Agreement falls under the purview of DPIE.

Chesapeake Bay Conservation Easement

A Conservation Easement will be required for this site to preserve the existing developed woodlands and the mitigation plantings area. A metes and bounds description must accompany the easement. Review of the easement falls under the purview of DPIE.

Critical Area Commission (CAC) Review

The EPS received an email from the Critical Area Commission (CAC) dated April 25, 2022, in response to the revised plans submitted by the applicant. The email is attached to this memorandum.

The April 25, 2022, the CAC letter does not oppose the application, and gives the following comments:

“The project must comply with all IDO requirements, including the 10% pollutant reduction requirement.”

Area Outside Chesapeake Bay Critical Area - Tree Conservation Plan Environmental Review

Existing Conditions/Natural Resource Inventory

Through various past proposals, an NRI was submitted on the single lot area (north) and just recently with the Butler Tract (south).

The single lot area inside and outside the CBCA has an approved NRI Plan (NRI-184-14) that expires on August 30, 2022. The NRI correctly shows the existing conditions of the property. There are specimen trees throughout this NRI study area. The site does not contain wetlands, streams, or 100-year floodplain. The CP shows all the required information correctly in conformance with the NRI.

The Butler Tract, located outside the CBCA, has an approved NRI (146-2019) that expires on March 25, 2025. The site does not contain wetlands, streams, or 100-year floodplain, however, this portion of the site contains steep slopes, and specimen trees are located throughout the site. The TCP1 shows all the required information correctly in conformance with the NRI.

Woodland Conservation

The site is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square-feet in size, and it contains more than 10,000 square-feet of existing woodland.

The TCP1 shows the proposed development with buildings, interior roadways, SWM structures, utilities, and woodland preservation areas. Based on the revised TCP1, the overall site contains a total of 14.69 acres of net tract woodlands. The plan shows a proposal to clear 11.44 acres of on-site woodlands, for a woodland conservation requirement of 5.61 acres. Currently, the plan view and woodland conservation worksheet show 2.56 acres of on-site preservation to meet the woodland requirement. The worksheet must show the remaining 3.05 acres of woodland requirement as “off-site woodland credits required.” The applicant needs to purchase the woodland credits within the Potomac River watershed before the first permit.

Technical revisions are required to the TCP1, which are included in the conditions listed at the end of the 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.”

The application area has had two full NRI investigations on the platted and Butler areas. The NRI’s were completed by two different companies, and some specimen tree identification numbers overlap. The platted NRI has specimen trees with no letters before the numbers, and the Butler NRI has “ST” before the specimen tree number.

The site contains 35 specimen trees, of which five are located within the CBCA. Specimen trees within the CBCA are not applicable to Subtitle 25, and are not reviewed as part of this specimen tree removal variance. The 30 specimen trees located outside the CBCA have condition ratings of excellent (ST-12), good (ST-9, ST-13, ST-14, ST-15, 8, 11, and 17), fair (ST-2, ST-3, ST-11, ST-19, ST-39, 9, 13, and 19), good/fair (12 and 14), fair/poor (10), and poor (ST-1, ST-4, ST-5, ST-6, ST-7, ST-8, ST-10, ST-18, ST-20, ST-21, ST-38, and 18). The current design proposes to remove 21 specimen trees with excellent (one tree), good (four trees), fair (six trees), good/fair (two trees), and poor (eight trees) conditions.

Review of Subtitle 25 Variance Request

A Subtitle 25 Variance application and a in support of a variance dated April 19, 2022, was received for review with this application.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the 21 specimen trees, and details specific to individual trees have been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	LOCATED ON WHICH NRI	COMMON NAME	Diameter (in inches)	CONDITION	TREE WITHIN CBCA	RETAIN/ REMOVE
ST-1	146-2019	Willow Oak	59	Poor		Retain
ST-2	146-2019	White Oak	43	Fair		Remove
ST-3	146-2019	White Oak	41	Fair		Remove
ST-4	146-2019	S. Red Oak	42	Poor		Remove
ST-5	146-2019	White Oak	42	Poor		Remove
ST-6	146-2019	S. Red Oak	42	Poor		Remove
ST-7	146-2019	Black Walnut	34	Poor		Remove
ST-8	146-2019	White Oak	40	Poor		Remove
ST-9	146-2019	Tulip Poplar	39	Good		Remove
ST-10	146-2019	Tulip Polar	35	Poor		Remove
ST-11	146-2019	Tulip Poplar	42	Fair		Remove
ST-12	146-2019	Tulip Poplar	35	Excellent		Remove
ST-13	146-2019	Tulip Poplar	39	Good		Retain

ST #	LOCATED ON WHICH NRI	COMMON NAME	Diameter (in inches)	CONDITION	TREE WITHIN CBCA	RETAIN/ REMOVE
ST-14 B14	146-2019 184-14	Tulip Poplar	43	Good		Remove
ST-15 B15	146-2019 184-14	S. Red Oak	36	Good		Remove
ST-18 B18	146-2019 184-14	White Oak	36	Poor		Remove
ST-19 B19	146-2019 184-14	Tulip Polar	30	Fair		Remove
ST-20 B20	146-2019 184-14	White Oak	38	Poor		Retain
ST-21 B21	146-2019 184-14	American Beech	37	Poor		Retain
ST-38 B38	146-2019 184-14	American Beech	33	Poor		Remove
ST-39 B39	146-2019 184-14	Tulip Polar	32	Fair		Remove
1	184-14	Post Oak	37	Good	*	Retain
2	184-14	Black Oak	34.5	Fair	*	Retain
5	184-14	Blackjack Oak	30	Good	*	Retain
6	184-14	White Oak	30	Poor	*	Remove
8	184-14	Red Maple	32	Good		Retain
9	184-14	White Oak	34	Fair		Retain
10	184-14	White Oak	56	Fair/Poor	*	Retain
11	184-14	Tulip Poplar	32	Good		Remove
12	184-14	Tulip Poplar	36	Good/Fair		Remove
13	184-14	Tulip Poplar	34	Fair		Remove
14	184-14	Black Cherry	34	Good/Fair		Remove
17	184-14	White Oak	50	Good		Retain
18	184-14	Oak	42	Poor		Retain
19	184-14	White Oak	31	Fair		Retain

Statement of Justification Request:

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the 21 specimen trees on-site. The site consists of 20.09 acres, and is within the prior M-X-T Zone. The current proposal for this application area outside the CBCA is to construct a mixed-use development consisting of residential, retail/commercial, and medical uses with surface parking, and various SWM facilities. This variance is requested to the WCO, which requires, under Section 25-122 of the Prince George’s County Zoning Ordinance, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance Application Form requires a Statement of Justification of how the findings are being met.

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

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

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain these 21 specimen trees identified as ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019; and specimen trees 11, 12, 13, and 14, as shown on NRI-184-14. Most of the application area is wooded and in order to develop the site, woodland clearing is required. The property was approved for the M-X-T Zone by the District Council, with Zoning Ordinance 06-21. To achieve the development potential the site, not all of the on-site woodlands and specimen trees cannot be preserved. Steep slopes are located throughout the site, requiring significant grading to allow the proposed development. Retaining these 21 specimen trees would make this proposed development impossible. The remaining nine specimen trees will be preserved within the on-site woodland preservation areas, with condition ratings of good (three specimen trees), fair (two specimen trees), and poor (four specimen trees). The proposed use, as a mixed-use development, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without the requested variance. 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 21 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. The site contains 30 specimen trees outside the CBCA, and the applicant is proposing to remove 21 of these trees. These 21 trees are being removed due to their central location within the proposed development area. The applicant is preserving 2.56 acres their woodland conservation requirements on-site, and the nine specimen trees are located within this preservation area. This application is saving more specimen trees and on-site woodland preservation than similar developments in the prior M-X-T Zone.

(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 as properties in the prior M-X-T Zone. This is not a special privilege that would be denied to other applicants. If other similar developments in the prior M-X-T Zone were fully wooded with specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The removal of the 21 specimen trees would be the result of the trees being located throughout the application area, and the allowable density to achieve optimal development of the prior M-X-T Zone.

(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, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions, and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate water quality standards nor cause measurable degradation in water quality. The project is subject to SWM regulations, as implemented locally DPIE. The project is subject to environmental site design (ESD), to the maximum extent practicable (MEP). The removal of the 21 specimen trees will not directly affect water quality. The unapproved SWM concept plan shows the use of 18 box bioretention facilities and six storm filters.

Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the states standards. State standards are set to ensure that no degradation occurs.

Specimen Tree Removal Summary

The application proposes the removal of 21 specimen trees (ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019, and specimen trees 11, 12, 13, and 14, as shown on NRI-184-14), all located outside the CBCA. A variance was submitted for the removal of these trees, and required findings of Section 25-119(d) have been adequately addressed.

There is one specimen tree (ST-6) proposed for removal within the CBCA. Specimen trees within the CBCA are not applicable to Subtitle 2,5 and are not reviewed as part of this specimen tree removal variance.

Staff Recommendation

Soils/Unsafe Soils

According to the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (USDA NRCS), and Web Soil Survey (WSS), the Butler Tract area contains the following soil types: Beltsville silt loam, Beltsville – Urban land complex, Sassafras and Croom soils, and Sassafras sandy loam series. Neither Marlboro clay nor Christiana complex occur in this area.

The single lot area in the north contains the following soil types Croom – Urban land complex, Sassafras and Croom soils, and Udorthents soil series. Neither Marlboro clay nor Christiana clay occur in this area.

The site elevation varies significantly sloping down toward north in elevation, approximately elevation 196 to elevation 40. Mass grading is proposed. Site retaining walls are proposed. In communications with DPIE reviewers, a geotechnical report is required to verify the subsoil conditions and the slope stability. A global stability analysis on cross-sections of the proposed retaining walls is required if the wall height is taller than 10 feet or taller than six feet, with 3H:1V backslope. Because of the mass grading of the site, the subject application area is required to submit a geotechnical soils investigation report prior to CSP and CP certification.

Stormwater Management

An unapproved SWM concept plan (#49501-2021-00) was submitted with the subject application. Currently, the SWM concept plan is under review by the DPIE Site Road Section. The SWM concept plan proposes stormwater to be directed into 18 box bioretention facilities and six storm filters. Submittal of the approved SWM concept plan and letter showing the proposed buildings, interior roads, and surface parking will be required prior to TCP1 certification.

Summary of Recommended Findings and Conditions

The EPS recommend approval of CSP-21004, TCP1-009-2022, and CP-21006, subject to the following recommended findings and conditions:

Recommended Findings

1. The required findings of Section 25-119(d) have been adequately addressed for the removal of 21 specimen trees identified as ST-2, ST-3, ST-4, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-12, ST-14, ST-15, ST-18, ST-19, ST-38, and ST-39, as shown on NRI-146-2019; and specimen trees 11, 12, 13, and 14, as shown on NRI-184-14.
2. Based on the level of design information currently available, the limits of disturbance shown on the Type 1 tree conservation plan (TCP1), no REF are located on the subject property.

Recommended Conditions

1. Prior to certification of the Conservation Plan (CP) and TCP1, the following information and plan revisions shall be provided:

Conservation Plan

- a. Have the applicant sign the owner notification block.
- b. Revise tables and plan view to show the same consistent CBCA area, proposed woodland clearing, and preservation area totals throughout the plan.
- c. Revise General Note 19 to reference only specimen tree located within the CBCA.
- d. Revise General Note 21 to “No increase in lot coverage within the 100-foot critical area buffer. No critical area buffers are located on-site”.
- e. Update the revision blocks.

Tree Conservation Plan

- a. Revise the Woodland Conservation Worksheet to add 3.05 acres of off-site woodland credits.
 - b. Update any number changes that occur after CP revisions.
 - c. Update the revision blocks.
2. Prior to signature approval of the conceptual site plan (CSP), submit a geotechnical soils investigation report of the proposed retaining walls and building areas where significant grading is proposed.
 3. Prior to signature approval of the CSP, a copy of the approved stormwater management concept letter and plan associated with this site shall be submitted, and the facilities shall be correctly reflected on the TCP1.
 4. Prior to certification of the CP, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County prior to recordation. The applicant shall provide a copy of the recorded agreement to DPIE, and the Liber/Folio shall be shown above the site plan approval block in the following note: The Chesapeake Bay Conservation and Planting Agreement for this property is found in Plat No. L. __F. ____.
 5. Prior to the certification of the CP, a conservation easement for the proposed mitigation plantings and the existing developed woodland preservation area shall be recorded in the land records. The easement document shall be reviewed by the County prior to recordation. The liber/folio shall be shown above the site plan approval block in the following note: The conservation easement for this property is found in Plat No. L. __ F. ____.

If you have any questions, please contact Chuck Schneider by email at Alwin.Schneider@ppd.mncppc.org, or call 301-952-4534.



CONCEPTUAL SITE PLAN APPLICATION (CSP-21004)
STATEMENT OF JUSTIFICATION

1. DESCRIPTION AND HISTORY OF THE PROPERTY

Harbor View Development, LLC a/k/a Petra Development (hereinafter, the “Applicant”) is the owner and developer of the properties which are the subject of this conceptual site plan application. The subject properties that comprise the proposed mixed-use development, National View, consist of approximately 20.1 +/- acres (hereinafter, the “Property”). The property is located on the north side of the Capital Beltway (I-95/I-495), at its interchange with Indian Head Highway (Maryland Route 210). The subject site is bordered on its east and west sides by federal parkland, and by existing residential development in the Town of Forest Heights. Across the Capital Beltway to the south is National Harbor. The Tanger Outlets at National Harbor is also close by, southeast of the subject Property.

Access to the subject property is by Bald Eagle Road, which is a part of the complex interchange of the Beltway, Indian Head Highway and Oxon Hill Road. Bald Eagle Road, together with Oxon Hill Farm Road, links the ramp exiting the westbound lanes of the Beltway to both directions of Indian Head Highway and bridging the Beltway to connect southbound Indian Head Highway to southbound Oxon Hill Road. The site will have direct and efficient connection directly to the interstate highway system.

Historically, the area immediately surrounding the site contained open land, farms, undeveloped woods and scattered residences. The surrounding setting generally remains the same today, but now there is National Harbor and MGM, directly across the Beltway from the site.

The assembling of the land included a collection of undeveloped lots formerly known as the Habib property, which forms the northern part of the National View property assembly. These lots run along the east side of the northern portion of Bald Eagle Drive and parallel to Cree Drive on the northeast side of the Property. The former Habib property was previously subdivided into 48 recorded lots several years ago but new homes have never been constructed.

The former Habib property is comprised of Lots 61-91, inclusive, Block 122, Lot Nos. 13-24, inclusive, Block 123, and Lot Nos. 8 through 14, inclusive, block 124, all as shown on the attached combined boundary plat entitled "Record plat of Forest Heights Subdivision, Section 16, Amended" recorded in the Land Records of Prince George's County, Maryland at Plat Book 28, page 5. The total acreage of the former Habib property is 11.06 +/-, which includes 2.3148 +/- acres of rights-of-way to be added when its plat is abandoned. The SDAT records also identify the Habib property at the addresses 1-9, and 101-121 Chippewa Drive, 100-110 Crow Way, and 5808-6008 Bald Eagle Drive. It should be noted that the properties that comprise this portion of the site are located with the Town of Forest Heights.

Additionally, the property formerly known as the Butler property consists of approximately 9.0242 +/- acres which contain several parcels (Parcels 26-27, 32-33, and 36-37), each containing approximately 1-2 +/- acres. The property is mostly wooded, but has two dilapidated residences and an electric utility right-of-way. The Butler House (76A-014) on the Butler property is a designated Historic Site.

Historically, one of the residences has been located on the northern portion on the subject property since the 1850s. It is a 2 ½ story residence (6403 Oxon Hill Road) that appears to be of masonry and wood frame construction, with a faux stone façade. This residence is in extremely poor condition, with its roof collapsed inwards.

A second dilapidated residence is located on the central portion of the subject property and was reportedly constructed in the 1940s. It is a 1 ½ story residence (6407 Oxon Hill Road) that is made of masonry construction, also in very poor condition. These two residences were abandoned by 1990. At least four outbuildings were located on the subject property from at least 1965 until prior to 1998, when the outbuildings were demolished.

In total, the Applicant has assembled approximately 20.1 +/- acres which are the subject of this application. The site forms the shape of a wide triangle nestled in the northwest quadrant of the interchange of Indian Head Highway and Interstate 495.

2. APPLICANT'S REQUEST

The Applicant hereby submits the subject CSP application which demonstrates that the proposed development is a reasonable alternative for satisfying site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use.

3. FINDINGS REQUIRED FOR THE PLANNING BOARD TO APPROVE THE CONCEPTUAL SITE PLAN

27-276(b) Required findings:

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

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

RESPONSE: *As demonstrated by the Applicant’s conceptual site plan, and as discussed herein, the proposed development is a reasonable alternative for satisfying the site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use. Additionally, Applicant’s site plan demonstrates the preservation of the regulated environmental features in a natural state to the fullest extent possible.*

4. THIS REQUEST IS IN HARMONY WITH THE PURPOSES OF THE M-X-T ZONE (27-542)

- (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, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

RESPONSE: *The process the Applicant must engage to bring the proposed National View development to fruition will include approval of a Preliminary Plan of Subdivision, Conceptual Site Plan, Detailed Site Plan and building permits. Obtaining these approvals will ensure orderly development of the subject property. Further, the proposed mixed-use will enhance the economic status of the County and provide an expanding source of desirable employment. National View is projected to have a mixture of commercial/retail space to be occupied by various employers who will be providing desirable employment to residents of the County. A major commonality between Plan 2035’s framework, which is organized around the themes of Work, Live, and Sustain, is that National View incorporates these themes. The proposed mixed-use development will foster job creation, and deliver a walkable urban place, which will meet the needs of the County’s changing population, while preserving valuable natural and historical resources.*

- (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.**

RESPONSE: In line with the recommendations of the approved General Plan, Master Plan and Sector Plan, the Applicant’s proposal for a mix of residential, commercial and retail uses meets this purpose. The Applicant will develop plans through the Conceptual and Detailed site plan approval process required in the M-X-T Zone. The Applicant’s plans

will demonstrate a compact mixed-use development that will complement the nearby residential community with a variety of mixed commercial uses and services as well as amenities. This development will also include appropriate areas of open space and recreational amenities that will enhance pedestrian connections and promote walkability.

(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;

RESPONSE: *Plan 2035 recommends a certain community design in these growth areas, which is compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options. The Applicant is pleased to present a development proposal that does not sprawl outside of the Capital Beltway away from a transit network, but rather capitalizes on a major transit network, and is also within a ½ mile of the location where a new Metro station has been contemplated. We know that much of the residential growth in the County has occurred in communities outside of the Capital Beltway far away from good transit networks or transit stations. National View, as proposed, is in the right location, next to a major transit network and possibly a future Metro stop.*

Further, National View will be a continuation of the concept that has already begun to materialize in the area, a walkable community that preserves the vehicular and pedestrian circulation patterns. By expanding the variety of residential units available at this location, along with all the other mix of uses and site improvements that the Applicant is proposing, the goal of conserving the value of land and buildings by maximizing the private development potential will be furthered.

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

RESPONSE: *The proposed National View development is located only miles from the Southern Avenue Metro Station. The Applicant will endeavor to establish a shuttle system that will be provided for the residents of the development, which will transport them to and from the Metro Station 20 hours a day, this development will certainly capitalize on transit usage in a very effective way.*

Additionally, the proposed development is located at a major interchange off the Capital Beltway. Metro Bus Routes along Oxon Hill Road will also serve future residents. Facilities for pedestrians and bicyclists will be proposed in later development phases. Also, not only is the site just across the Capital Beltway from the NH Regional Transit District, it is also in close proximity to the Oxon Hill Neighborhood Center. It is literally between these two centers. The NH Regional Transit District and the Oxon Hill Neighborhood Center are growth areas, which are defined in Plan 2035 as areas where growth is concentrated in existing population and business centers, areas adjacent to these centers, or strategically selected new centers. National View is located adjacent to the NH Regional Transit District, only separated by the Capital Beltway and is also in proximity to the Oxon Hill Neighborhood Center. In fact, the site is situated between these Centers.

- (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;**

RESPONSE: *Many of the commercial uses, such as the proposed restaurants and other businesses, will be open well past workday hours and therefore facilitate a twenty-four (24) hour environment for those who live, work in, or visit the area.*

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

RESPONSE: *National View will present a number of individual uses within a distinctive visual character. The Applicant will present sketches, photographs, landscape treatment and parking lot/garage design in upcoming approval applications. The proposed National View development will have a distinctive visual character and identity. Development of the subject property will further the goal of creating dynamic, functional relationships among individual uses by remaining in character with the adjacent uses and developing the site in a manner that will further build upon the functional relationships already in place. This purpose will be further implemented during the Conceptual and Detailed Site Plan review process.*

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

RESPONSE: *National View will present a number of individual uses within a distinctive visual character. It will be a continuation of the distinctive visual character and identity that has already been established through the neighboring developments. Development of the subject site will further the goal of creating dynamic, functional relationships among individual uses by remaining in character with the adjacent uses and developing the site in a manner that will further build upon the functional relationships already in place. Connecting road networks and pedestrian walkways will go a long way in creating the dynamic and functional relationships among the individual uses that will make this community a great place to live.*

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

RESPONSE: *The Applicant's Conceptual Site Plan application furthers the goal of promoting optimum land planning. To be sure, the Conceptual Site Plan process involves various agencies and departments having the ability to comment and make recommendations that serve to improve and optimize land use.*

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

RESPONSE: As discussed above, the current market demand for the type of affordable, upscale mixed-use community with senior units at this location is, at least partially, due to the following factors: (1) proximity to National Harbor; (2) Amazon's headquarters in northern Virginia; and (3) housing shortages throughout the region.

Further, the current market demand for the type of affordable, upscale mixed-use community proposed is also due to the resurgence of the D.C. real estate market, which has resulted in prices that mid-income professionals can no longer afford. Condos in D.C. that are located near Metro Stations are currently selling for prices that exceed \$500,000. Many people in the D.C. work force can no longer afford to reside in the District and are looking for alternative places to live that are close to where they work. Prince George's County looks very attractive to buyers right now, especially locations that provide quality mixed-use development. National View presents an opportunity to capture this market and bring hundreds of tax paying families to the County.

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

RESPONSE: National View will be designed as a high-quality community, and architecturally it will live up to the expectations of today's homebuyer and renter.

5. SECTION 27-544 – M-X-T REGULATIONS

(a) Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

RESPONSE: Division 3 contains the Table of Uses (b) for the M-X-T Zone. Only uses that are permitted or permitted by Special Exception are being proposed. Table of Uses (d) requires at least two (2) of the following three (3) uses (retail; office, research, industrial; and dwellings, hotel or motel) be shown on a subsequent Conceptual Site Plan and provided in the ultimate development. It is anticipated that the proposed development will provide at least two (2) of the three (3) categories. Division 4 of this Part sets forth regulations for development in the M-X-T Zone and provides as follows:

Section 27-548 – M-X-T Zone

(a) Maximum floor area ration (FAR):

- (1) Without the use of the optional method of development –0.40 FAR; and**
- (2) With the use of the optional method of development –8.00 FAR.**

RESPONSE: *There are two distinct methods of development in an M-X-T Zone, the Standard Method and the Optional Method. Under the Standard Method of Development, the M-X-T Zone allows a maximum floor area ratio (FAR) of 0.40. The Optional Method allows an accumulation of density bonus amenities to allow the FAR to go as high as 8.0. The proposed development will utilize the optional method of development and will have its floor area ratio determined at the time of Detailed Site Plan review.*

- (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.**

RESPONSE: *The uses proposed at National View will be located in more than one (1) building, and on more than one (1) lot.*

- (c) **Except as provided for in this Division, the dimension 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.**

RESPONSE: *These standards will be addressed at the time of Detailed Site Plan review.*

- (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.**

RESPONSE: *The Applicant will comply with all landscaping requirements.*

- (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.**

RESPONSE: *Gross floor area will be determined during Detailed Site Plan review.*

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

RESPONSE: *No such structures are being proposed at this development.*

- (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.

RESPONSE: *This standard can be met.*

- (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 (16) 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.

RESPONSE: *Townhouses are not being proposed at this development.*

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

RESPONSE: *The Applicant takes note of the height requirement.*

- (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).**

RESPONSE: *The proposed development is not based on any comprehensive land use planning study conducted by the Technical Staff prior to or concurrent to initiation of the sector plan.*

6. THE APPLICANT'S CSP IS CONSISTENT WITH THE CONDITIONS OF APPROVAL OF A-10055

A-10055 is subject to the following conditions:

- (1) **Prior to Conceptual Site Plan review and the issuance of any permit Applicant shall submit written evidence from the SHA indicating its approval of the proposed access to the property via the state-owned right-of-way and with Mr. Lenhart's March 16, 2021 response to SHA's concerns with the Traffic Study (Exhibit 72).**

RESPONSE: *The requested documentation is enclosed herewith.*

- (2) **The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement). Additionally, special attention should be given to the development's compatibility with the surrounding area and any restrictions associated with the I-D-O Zone, as well as some appropriate recognition of the historic Butler House property.**

RESPONSE: *The Applicant's Conceptual Site Plan is in compliance with this condition. The proposed independent and assisted living at this location are less intense uses that will blend harmoniously with the surrounding area. Special attention has been given to the single-family homes in the neighboring community. Most of the development will be inward facing, due to the narrowness of the site. Non-residential will be in the interior of the site. Signage lights will face inward. The massing is articulated so that it is not this continuous mass of buildings, but varies based on how far a building is set back from the neighboring community's property line. With the development layout of buildings, there is sort of a rising up as ground rises, and a fall when the ground falls. The Butler house is discussed in further detail below at Section 7.*

- (3) **The Conceptual Site Plan shall include the following (Section 27-547(b)):**
- (a) **A general description of the pedestrian system proposed;**
 - (b) **The proposed floor area ratio;**
 - (c) **The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;**
 - (d) **A general description of any incentives to be used under the optional method of development;**
 - (e) **Areas proposed for landscaping and screening;**
 - (f) **The proposed sequence of development; and**
 - (g) **The physical and functional relationship of the project uses and components.**

RESPONSE: *Items (a)-(g) above are shown on the Applicant's Conceptual Site Plan. With regard to item (g), which is about the physical and functional relationship of the project uses, and as described herein, the Applicant is proposing a mixture of both retail and residential uses, as well as a mix of housing types to accommodate all age groups and income levels. Close attention has been paid to the physical and functional relationship of these uses, such as placing housing over retail, surface parking adjacent to retail spaces, mixing in the daycare center with the housing for the elderly, with a focus on achieving a generational experience with meaningful interactions between the young and the elderly residents. Community gardens and pedestrian systems that connect well to the spaces and uses within the development are also ways in which attention has been given to the physical and functional relationships of the project. Further, there is a vertical integration of uses, coupled with a central boulevard where all activities occur but with a service road around perimeter where such things as loaded docks occur but out of view. Buildings are oriented on the new main street and we have wrapped garage parking with residential uses or retail uses along the central boulevard. Parking is either below grade or interior. There is limited on-grade parking and most is garage parking, helping to create an urban*

environment.

- (4) **The following information shall be included on the Detailed Site Plans:**
- (a) **The proposed drainage system;**
 - (b) **All improvements and uses proposed on the property;**
 - (c) **The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used;**
 - (d) **Supporting evidence which shows that the proposed 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 or within 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 a specific public facilities financing and implementation program, 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 plan approval, whichever occurred last.**

RESPONSE: *This condition will be addressed at the time of Detailed Site Plan review.*

- (5) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement), the Planning Board shall also find that (Section 27-547(d)):**

- (a) **The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance (2019 Edition, 2020 Supplement);**

RESPONSE: *The Applicant's Conceptual Site Plan is in conformance with the purposes as demonstrated on pages 4-7 of this Statement of Justification, as well as other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance.*

- (b) **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;**

RESPONSE: *The proposed development has an outward orientation that is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation. The Applicant has provided site sections which show maximum building heights. The building height of Building G which is the building that is closest to the single-family homes, drops down.*

We believe that the proposed development will catalyze adjacent community improvement and rejuvenation. The development of National View will result in major improvements to

infrastructure, roads, water, sewer and Storm Water Management. It will also be a boost the Town of Forest Heights' commitment to make further progress under its Sustainable Communities designation.

National View will provide a space for a Municipal Police Station for the Forest Heights Police force. The Applicant will also endeavors to implement a shuttle service for the residents of National View, which will provide transportation to and from the Southern Avenue Metro Station. Space is also planned for a Post Office.

Further, the Applicant's pedestrian system will offer a public amenity, by installing a trail that runs through National View, and completes a connection into an existing trail network on the northern and southern ends of the site. This will be a public amenity that can be enjoyed by not only the residents of National View but the public as well.

Moreover, the Applicant is proposing new uses that will certainly rejuvenate the area. An array of commercial uses are proposed, to include a grocery store, day care and other retail space, as well as office space. Additionally, this development will offer an assortment of housing types, to include market rate apartments, senior units, condominiums, affordable units and assisted living.

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

RESPONSE: *As demonstrated by the Applicant's Conceptual Site Plan, the proposed development is compatible with existing and proposed development in the vicinity. The proposed development is in the vicinity of the MGM, Tanger Outlets and the National Harbor. National View is a natural fit in this area, and will be designed to not only meet the needs of its residents but the surrounding, existing neighborhood as well. National View will have neighborhood-serving amenities and retail. It will be a short walk from the neighborhood next door to reach the grocery store at National View as well as the shops. We believe that National View will also be easily accessible all who live in the vicinity, and in proximity to this development.*

(d) 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;

RESPONSE: *The Applicant is proposing a mix of uses, that includes residential units of various types; senior and independent living units of various types; office, commercial and retail uses. National View is proposed as a cohesive development capable of sustaining an independent environment of continuing quality and stability. The big draw will be its ability to meet the basic needs of its residents, by providing an array of neighborhood serving retail and amenities. The arrangement and design of buildings and other improvements have been well thought out. For example, the Applicant places an emphasis on creating synergy among all of the proposed uses. The assisted living building, for example, will be located next to the day care center, creating a natural interaction and*

dynamic between the very young and the elderly.

Courtyards between senior living buildings will also create an interplay between the residents of the buildings through place-making techniques that encourage and enhance socializing, exercising and relaxing.

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

RESPONSE: *This condition is understood by the Applicant and will be satisfied. Each building at National View is designed as a self-sufficient entity, allowing for effective integration of subsequent phases.*

(f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated.

RESPONSE: *The Applicant's Conceptual Site Plan is in compliance with this condition and has been specifically designed to encourage pedestrian activity throughout the development and the immediate area surrounding. Sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties are all proposed as part of the development of this site.*

(g) 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, in areas adjacent to existing homes or the adjacent park adequate attention has been paid to minimize any adverse impact of design or other amenities on these areas.

RESPONSE: *The Applicant's Conceptual Site Plan is in compliance with this condition and includes all of the above-listed items.*

(h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and

RESPONSE: *The Applicant will submit a noise study at the time of detailed site plan.*

(i) 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).

RESPONSE: *This is understood by the Applicant.*

7. BUTLER FAMILY PROPERTY PRESERVATION PLAN: HONORING HISTORY

The southern section of the proposed site is known as the Butler property. The property is mostly wooded but has two dilapidated historic residences and an existing electric utility right-of-way. The Butler House (PG:76A-014/National Register) is a Prince George's County historic site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George's County historic site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003. At least four outbuildings were located on the subject property from approximately 1965 until 1998, when the outbuildings were demolished.

We believe that the proposed development can effectively bring the history of the property and its relationship with the Butler family alive, and bring that history to the public. Our plan is not just a static, sterile monument, inaccessible and invisible to most of the public. We want to create a living story. In the surrounding area, even the neighboring park property, there is a distinct lack of historic context, preservation, and storytelling in relation to the African American and Native American inhabitants of the area. We are trying to not only preserve the history of this group, and in particular the Butler family, we are trying to bring it alive, and bring it to people from around the world in a respectful way.

On multiple occasions we reached out to the direct descendants of Henry Alexander Butler and we were able to gain valuable knowledge about the history of the Property and their family's stewardship of it. We spoke to people who actually have lived on and spent time at the Property when it was still being used as a farm; and they possess both knowledge and materials and expressed they would like to see some of that history included in the historic storytelling that we are proposing on the site.

We propose the following ideas as potential means by which to preserve this history. We ask that members of the Butler family prioritize the following options so that the project team can work towards implementing the most desirable features.

The Applicant's viewshed analysis presents various potential historic interpretation options. It is not the Applicant's intent to preserve a ruin, as we believe this tells the wrong story.

We want to tell a fascinating story of American heritage. We believe that to preserve these artifacts in their current state falls way short of anything satisfactory to tell future generations the story of the area.

The number of visitors to Oxon Hill Farm is only a slight trickle presently. We propose including within the public area of national view, a plaza or open space feature that tells the story of Mt. Welby, the Hatton, Proctor and the Butler houses in dramatic and effective ways that it is not presently being told.

One such idea comes from Benjamin Franklin's "outline or ghost house" in Philadelphia, PA by Robert Venturi. Around or near that structure might be the views from the original Butler House so that, not just the Butler House is memorialized but also the environment in which this house once existed. This we believe is far better as a storyteller, than the dilapidated original would ever be which only serves to show that the memory of the Butler family was allowed to deteriorate. So the creation of a Butler Plaza or park as a place to relax, have a lunch and learn, with an "outline or ghost house" as the centerpiece, integrated into national view, is one approach.

We should also note an important feature of the option above and those that follow is signage and chronology. It can be part of an outline house, a memorial plaza, a commercially scaled series of wall graphics and additionally, can be used to help connect National View to the adjacent trail network and residential neighborhood.

Another option is the creation of a public plaza such as freedom plaza at 14th and Pennsylvania Avenues in Washington, DC, which was created in honor of Martin Luther King. This plaza concept will allow the history of the area to be told in a site plan format upon which visitors can read and study, or have children play make believe upon the site plan surface. A variation on a memorial plaza is a permanent outdoor memorial in which the focus is on the families of this immediate area, rather than, or in addition to, the houses of the area. The Pentagon Memorial, for instance, honors the 184 persons who died as victims of the September 11 tragedy. This memorial likewise, can honor dozens of family members that settled and successfully worked the area.

Another important feature that can be part of the others or a stand-alone memorial is the creation of vintage wall murals with painted graphics that tell the historic tale. The graphics might even be styled in the form of the old Coca-Cola graphics that graced the walls of nearly every historic downtown in America, 100 years ago. The murals might even be the views from the original Butler Bouse so that the entire visual environment is captured.

Archeology and artifacts also help to tell the story of an area in an authentic/graphic way with which no other method can compete. We envision that these artifacts will be part of any historical construct, memorial plaza, signage and chronology system or wall murals/graphics that is ultimately created to tell the Mt. Welby/Butler House story both now and in the future.

Food for thought- branding is always of critical importance. We have discussed internally

that the National Park Service might even rename the Oxon Cove Park as Butler Park in order to further brand the area and honor the family.

Finally, we all know that people gain much of their knowledge from the internet today. The National View team proposes that it might contribute to the “Aerial America” Smithsonian channel series for a specific program on Mt. Welby and the Butler house area. This, we believe, will be far more effective in the education of future generations than again, views of the dilapidated original.

8. HOW THE NATIONAL VIEW DEVELOPMENT IS COMPATIBLE WITH ADJACENT MOUNT WELBY, OXON COVE PARK AND OXON HILL FARM HISTORIC SITES, AND COMPATIBLE WITH THE VIEWSHEDS IN PARTICULAR

The enclosed Power Point show the environmental setting of the historic Oxon Cove Park and Oxon Hill Farm. The Power Point slides illustrate the de minimus impact that National View could have on their viewsheds. An enclosed 360-degree panoramic photo shows the distance between Mount Welby House and National View - approximately 1,700 feet. The slides further show the possible maximum height of buildings within the development, and how much of these buildings can be seen from various vantage points. It shows a 360-degree panoramic photo standing close to the Mt. Welby house looking towards the National View development. As noted above, the Mt. Welby house is approximately 1700’ from National View.

Another slide shows the overall panoramic view. Starting with the Mt. Welby house on the left and then rotating 360 degrees back to the Mt. Welby house on the right. In the middle you see a narrow sliver of the overall view where the tops of some of the National View buildings could be visible.

Another slide represents a map of the vantage point for the second viewshed. We took another 360-degree panoramic photo standing at the entrance to the park, looking towards the MGM hotel across the beltway. The hotel is approximately 1900’ from where the photo was taken. This particular slide also shows the overall panoramic view. Starting on the left with the parking lot and park entrance and rotating 360 degrees around to the parking lot and entrance on the right. In the middle you see a view of the MGM hotel.

Another slide is a close up of the panoramic view showing the impact of the MGM hotel on the park’s viewshed and entrance experience. And another slide shows the current viewshed of the Oxon Hill Manor now that the MGM hotel has been built. As you can see, the addition of the hotel, in this case, dominates the viewshed of the manor house. We expect that the viewshed impact of National View on the historic structures can be minimal, as you have seen. In conclusion, we believe the historic structures and National View can co-exist visually, very well.

9. SUSTAINABLE SITE FEATURES

Many of the sustainable features proposed by the Applicant will be implemented under the Landscaping Plan. The Applicant's goal is sustainable landscaping to provide or support water resource protection. The Applicant's proposal demonstrates the benefits of environmentally responsible landscape design in an urban environment. There are both natural and cultural ways to incorporate sustainable features, including the Applicant's proposed use of native plantings to minimize watering and mowing. Also the Applicant will encourage recycling throughout the development. Through sustainable landscaping and site design, such as native planting, tree planting, porous paving, bioswales/rain gardens and other techniques, the Applicant will place great emphasis on sustainable practices at National View.

Below is a summary of the sustainable site techniques that are proposed:

- Vegetative cover proposed on all pervious areas.
- Align all proposed open channels sod.
- The use of erosion and sediment control measures during construction to limit erosion.
- The use of energy dissipator at point discharge location.
- Grass swale.
- Micro-Bioretenion.
- Underground stormwater storage facilities and storm filters.
- Minimize impact to existing ecosystem, wetlands and Chesapeake Bay Critical Area – Intense Development Overlay (CBCA-IDO) zone.

10. CONCLUSION

For all of the foregoing reasons, the Applicant respectfully requests approval of CSP-21004.

Respectfully submitted,

Traci Scudder

February 25, 2022

By: _____

Traci R. Scudder

SCUDDER LEGAL

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Division of Environmental Health/Disease Control

Date: March 29, 2022

To: Rachel Guinn, Urban Design, M-NCPPC

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

Re: CSP-21004 (CP-21006) NATIONAL VIEW

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the conceptual site plan submission for the National View project and has the following comments / recommendations:

1. Health Department permit records indicate there are approximately 3 carry-out/convenience store food facilities and no markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. ***The developer should designate some commercial space for a food facility that provides healthy food options such as fruits and vegetables for the surrounding community.***
2. The applicant should apply for a raze permit with the Department of Permits Inspection and Enforcement (DPIE) for the removal of the existing houses on the lot, located at 9400 Peppercorn Place in Largo, Maryland 20774.
3. The current water and sewer category is W-6 and S-6 for the proposed development for individual systems. The applicant must contact the Water and Sewer coordinator at the DPIE offices to apply for the water and sewer category changes to W-3 and S-3 for community systems.
4. Ensure all well and septic structures that are discovered on the property are to be abandoned and backfilled according to regulatory standards prior to construction.
5. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community. Scientific research has demonstrated that a high quality



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Division of Environmental Health/Disease Control

pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities.

6. The comprehensive design plans should include “pet friendly” amenities for pets and their owners. Pet refuse disposal stations and water sources are strongly recommended at strategic locations.
7. 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.
8. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

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



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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division
Transportation Planning Section


301-952-3680

April 29, 2022

MEMORANDUM

TO: Henry Zhang, Urban Design Review Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

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

SUBJECT: CSP-21004 & CP-21006: National View

Proposal

The applicant proposes Conceptual Site Plan (CSP) and Conservation Plan (CP) for a mixed-use development consisting of multifamily housing and commercial space.

Prior Conditions of Approval:

The subject property is subject to Zoning Map Amendment A-10055. A-10055 was approved by the District Council on October 27, 2021 (Zoning Ordinance 6 -2021). The Council approved A-10055 with three transportation-related conditions or sub-conditions which are applicable to the review of this plan and warrant discussion, as follows:

- 1. Prior to Conceptual Site Plan review and the issuance of any permit Applicant shall submit written evidence from the SHA indicating its approval of the proposed access to the property via the state-owned right-of-way and with Mr. Lenhart's March 16, 2021, response to SHA's concerns with the Traffic Study (Exhibit 72).**

Comment: Evidence has been provided indicating that the Maryland State Highway Administration (SHA) has determined that the roundabout proposed by the applicant for access is not only acceptable but is the preferred option. Furthermore, SHA has issued a letter dated November 5, 2021. That letter acknowledges the proposed access and provides no further comments on this intersection. While the letter did include three remaining bullet points related to the MD 414 corridor, the study intersections along the MD 414 corridor were projected to operate at a LOS A or LOS B during the review of the zoning map amendment. A new traffic study will be prepared and reviewed during the review of the preliminary plan of subdivision, and that is the appropriate time to address any outstanding SHA concerns.

- 3. The Conceptual Site Plan shall include the following:**
 - a. A general description of the pedestrian system proposed.**

Comment: The plan includes a depiction and description of the pedestrian system.

5. In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement), the Planning Board shall also find that:

f. The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated.

Comment: The plan includes a depiction and description of the pedestrian system, and it has been evaluated as a part of this review as described below.

It is therefore determined that all prior conditions are met or will otherwise be addressed with future applications.

Master Plan Compliance

Master Plan Rights-of-Way: The subject property is not within or adjacent to any roadway facilities recommended on the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*.

Master Plan Pedestrian and Bicycle Facilities

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.

The 2014 *Eastover Forest Heights Glassmanor Approved Sector Plan and Sectional Map Amendment* includes the following recommendations applicable to the subject site:

Recommendation 1: Include pedestrian infrastructure such as sidewalks, crosswalks, including pedestrian/bicycle refuge islands and raised crosswalks or speed tables;

accessible pedestrian signals, including audible cues for people with low vision and push buttons reachable by wheelchair user; and sidewalk curb extensions.

Recommendation 2: Incorporate traffic calming measures to lower driving speeds and define the edges of vehicle travel lane (sic), incorporating road diets, center medians, short curb turning radii to eliminate free flow right turn lanes, street trees, planter strips and ground cover.

Recommendation 3: Include transit accommodations, bus pull-outs or special bus lanes, or other mass transit alternatives such as light rail.

Recommendation 4: Offer safe, accessible, and efficient transit service that provides regular service to destinations that provide employment, services, or access to goods.

Recommendation 5: Evaluate transit service routes, schedules, facilities, and efficiency routinely to ensure the service is consistent with changing trend and needs.

Recommendation 6: Provide bicycle accommodations such as dedicated bicycle lanes, cycle tracks, side paths or wide-street shoulders.

Recommendation 7: Develop a comprehensive and accessible trail network, designed to meet the recreational needs of all trail groups including equestrians, mountain bikers, pedestrians, and bicyclists.

Recommendation 8: Incorporate appropriate pedestrian-and transit-oriented features to the extent practical and feasible, in all new development within the plan area.

The 2000 Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity/Planning Area 76A includes the following recommendations and guidelines applicable to the subject site:

Recommendation – Oxon Cove Park Trail. This trail recommendation extends the existing trail located on National Park Service property at Oxon Cove Park through Forest Heights municipal parkland and M-NCPPC parkland near the Eastover Shopping Center.

Guidelines:

1. A system of trails and walks for pedestrians, bicyclists, and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and transit facilities.
2. Where remaining opportunities exist, bikeways, equestrian and pedestrian trails should be located as far from conflict with the automobile as possible.
3. In order to save public funds and make the best use of available land, trails should utilize existing rights-of-way, whenever possible, including those of existing roads, water, sewer and power lines.
4. As the local road system is expanded and improved, highway designs should incorporate

appropriate clearances, grades, and paving to accommodate trails.

5. Applications for preliminary subdivision plans should show interior trails and proposed connections with the planned trails system.

6. Trails provided privately within subdivisions shall be encouraged to connect with the planned trails system.

7. When and where feasible, all trails and sidewalks are to be handicapped accessible.

Comment: A detailed layout of pedestrian, bicycle, and transit facilities are typically beyond the scope of a conceptual site plan. The plan as presented provides reasonable connectivity for pedestrians and bicycles. Staff have commented, however, that standard sidewalks are not provided along both sides of the main access roadway for the site. In response, the applicant states that “Due to the adjacent property to the west being National Park property which will not be developed in future, and no connections to the adjacent park property will be provided along the length of the road, providing sidewalks on the west side of the street is unnecessary and not desirable.” Staff believe that having a sidewalk on the west side of the access roadway is desirable; it would provide residents and visitors to this very dense development to have an extended walk next to permanent wooded space on the National Park property. The applicant avidly promotes this setting as one of the desirable features of the property and having sidewalks on both sides of the access roadway will allow residents to better enjoy and appreciate the setting.

Beyond this issue, the Oxon Cove Park Trail is reflected on this plan. The plan shows this facility as a 12-foot-wide shared-use path with 2-foot-cleared space on either side so that the trail can double as emergency vehicle access. The applicant has added street cross sections for the main access roadway. Given the ranging topography within the site and understanding that bicyclists typically move more slowly when pedaling uphill, having a bike lane on one side of the access roadway or the other seems inadequate for general traffic flow. As a means of understanding where a bike lane might be necessary, staff are requesting that a vertical grade plan for the main access roadway be provided and reviewed with the preliminary plan of subdivision.

Transportation Planning Review

Zoning Ordinance Compliance

This site is being reviewed pursuant to the old Zoning Ordinance in effect prior to April 1, 2022.

Section 27-274 provides guidance for conceptual site plans. The section includes design guidelines addressing parking, loading, and circulation (Section 27-274(a)(2)), and also site and streetscape amenities (Section 27-274(a)(6)) which are the focus of the transportation review of the plan. In summary, the transportation staff find the plan to be consistent with the design guidelines.

Section 27-546(d)(9) requires a finding of adequate transportation facilities at the time of conceptual site plan for properties placed in the M-X-T Zone by a sectional map amendment. The subject property was placed in the M-X-T Zone by a zoning map amendment during which transportation adequacy was tested; therefore, the requirement for traffic review during review of this plan is not applicable. The subject plan will be required to have a preliminary plan of subdivision, and the review of adequacy will be completed concurrently with that plan.

The table below is presented for informational purposes only, and it summarizes trip generation in each peak hour for the proposed uses as described on the conceptual site plan:

Trip Generation Summary, CSP-21004, National View									
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily Trips
			In	Out	Tot	In	Out	Tot	
Senior Living	485	Units	24	39	63	49	29	78	1,688
Multifamily	1,385	Units	83	333	416	360	194	554	5,540
Retail/Commercial	69,000	Square Feet	115	71	186	207	225	432	4,671
Office	220,000	Square Feet	269	40	309	48	272	320	3,271
Total Trips			491	483	974	664	720	1384	15,170

It is noted that the use quantities have shifted slightly from the time of rezoning. All uses shown on the plan are subject to a range, with the maximum of the range reflected in the table above. The above table does not reflect pass-by or internal trip reductions, which are routinely computed during an adequacy analysis. Once again, the review of adequacy will occur concurrently with the review of the preliminary plan of subdivision. At that time, a mix uses will be established and analyzed, and a trip cap will be recommended to limit the offsite traffic impact of the overall project.

Chesapeake Bay Critical Area Plan (CP)

A conservation plan review is conducted within the Chesapeake Bay Critical Area, and consists of a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and such other plans relating to environmental systems as may be required. As such, the transportation staff offer no comment on this plan. Essential comments are typically made within other stages of review such as the preliminary plan or building permit processes.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a conceptual site plan as described in the Zoning Ordinance with the following condition:

1. At the time of preliminary plan of subdivision, the applicant shall provide a vertical grade plan along the length of the main access roadway. In consideration of the varying grades on this site, this plan shall be reviewed for the purpose of determining where bicycle lanes are needed to ensure safe and efficient traffic flow for vehicles and bicycles alike.
2. Prior to certification of the CSP, a standard sidewalk shall be provided along the west side of the main access roadway. The design and details shall be reviewed and accepted by the Transportation Planning Section.

Additional Back-up

For

CSP-21004 & CP-21006

National View

**National View
(Conceptual Site Plan &
Conservation Plan)
CSP-21004
CP-21006**

Proposed Condition Revisions

2. At time of preliminary plan of subdivision, the applicant shall:
 - b. Provide a standard sidewalk along the west side of the main access roadway (Bald Eagle Drive). Notwithstanding, the design and feasibility of the sidewalk along the west side of the main access road can be evaluated as part of the preliminary plan or detailed site plan.

3. At the time of detailed site plan, the applicant shall:
 - d. Give special attention to ~~Ensure that~~ the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mount Welby Historic Site (76A-013) ~~is compatible with the Oxon Cove National Park.~~

4. Prior to approval of any grading permit, the applicant shall provide a final report detailing the Phase III archeological investigations and ensure that all artifacts are made available for curation ~~curated~~ at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

~~Strikethrough~~ represents deleted language 1
Underline represents added language



Angela D. Alsobrooks
County Executive

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



MEMORANDUM

May 23, 2022

TO: Henry Zhang, Urban Design Review
Development Review Division, M-NCPPC

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

RE: National View, Mixed Use
Conceptual Site Plan No. CSP-21004
Conservation Plan No. CP-21006

In response to Conceptual Site Plan No. CSP-21004 and Conservation Plan CP-21006 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The subject property is approximately 20.1 acres and is located on the north side of the Capital Beltway (I-95/I-495), at its interchange with Indian Head Highway (Maryland Route 210). The site is bordered on its east and west sides by federal parkland, and by existing residential development in the Town of Forest Heights. Across the Capital Beltway to the south is National Harbor. The Tanger Outlets at National Harbor is also close by, southeast of the property. 1.7 acres of the northern portion is located within the Chesapeake Bay Critical Area – I.D.0. zone. A-10055 was approved by the District Council October 27, 2021, to rezone from R-R and R-55 to M-X-T.
- The subject request is for a mixed-use development consisting of residential, office and commercial space and senior housing.
- The site is proposing access from Bald Eagle Road (which is a part of the complex interchange of the Beltway), Indian Head Highway, and Oxon Hill Road. The applicant shall determine if this roadway is controlled by Maryland State Highway Administration or the Federal Government (US Park Service), and confirm from either MSHA or US Park Service if access, as proposed is feasible.
- All accesses are from either Federal or State-maintained roadways; therefore, coordination with the Federal Government and Maryland State Highway Administration (MSHA) will be necessary.

- Prior to Conceptual Site Plan review and the issuance of any permit the applicant shall submit written evidence from the Federal Government and/or SHA indicating its approval of the proposed access to the property via the federal or state-owned right-of-way.
- All other roads to be proposed within the site require coordination with Forest Heights Municipality and Prince George's County.
- A new recorded plat to the proposed development is required prior to technical approval. Previously dedicated streets and lots are required to be vacated or otherwise re-subdivided, since the public road network on the previously recorded plats is no longer proposed for this site development.
- The applicant needs to provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for all proposed access points within the site. All roadway sections, curves are to be designed per the Department of Public Works and Transportation (DPW&T) Specifications and Standards.
- The applicant will be required to construct all private roads and alleys to 22 feet in width, unless otherwise approved in writing from the Prince George's County Fire and Code Officials. All onsite roads are proposed to be private roads and shall be designed and constructed as per county code.
- All storm drainage systems and facilities are to be in accordance with DPW&T Specifications and Standards.
- Conformance with DPW&T street tree, street lighting, and parking lot lighting Specifications and Standards is required.
- The Site Development Concept Plan case number 49501-2021-0 is under review and approval is required. This Concept may be updated at Preliminary Plan or Detailed Site Plan to address road alignments, private road access, right-of-way dedication for public streets, public utility easements, detailed analysis of stormwater management, outfall analysis, and private roads designed as per Code 24-128.
- A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for site grading, site construction, public streets and proposed buildings is required at the time of submittal for site development grading permits. Slope stability analysis shall be provided to demonstrate stable slopes.
- Utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- All improvements within the CBCA are subject to an approved conservation plan, Site Development concept and TCP2.

- The applicant shall coordinate further with DPIE, WSSC and other County officials regarding the feasibility of water and sewer category amendments for this property.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

MCG:Nf:ag

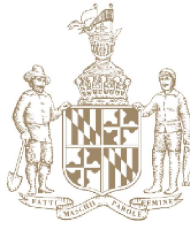
cc: Nanji Formukong, District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE

OBIE PATTERSON
Legislative District 26
Prince George's County

DEPUTY MAJORITY WHIP

Education, Health, and
Environmental Affairs Committee

Joint Committee on Gaming Oversight



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 201
Annapolis, Maryland 21401
410-841-3092 · 301-858-3092
800-492-7122 Ext. 3092
Fax 410-841-3410 · 301-858-3410
Obie.Patterson@senate.state.md.us

District Office
10905 Fort Washington Rd., Suite 211
Fort Washington, Maryland 20744
240-493-7222

May 20, 2022

The Honorable Peter A. Shapiro, Chairman
Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: National View (CSP-21004 and CP-21006)

Dear Chairman Shapiro:

I have had the occasion to speak with Petra Development Messrs. Rashid Salem and Eli Borek, and their counsel, Ms. Traci Scudder, regarding the proposed development, "National View". As you probably are aware, I do not automatically stand behind every proposed development project in my district. My support for any development is always driven first and foremost by the best interests of my constituents. Indeed, I have been known to fight big business when I believed it would have a detrimental impact on the people and/or businesses I was elected to serve. That said, I believe National View will be a game changer for Prince George's County and the Town of Forest Heights.

When completed National View will provide an economic shot in the arm to Forest Heights and by extension, the County. National View will attract the kind of commercial and retail business that has historically eluded the Town of Forest Heights. Additionally, the project will provide much needed housing options for the area. I note that currently the Town's tax base and related revenue is almost entirely dependent upon the collection of residential property tax. While there is a small commercial node along the south side of Livingston Road and a small commercial strip along the west side of Highway 210 in the vicinity of Eastover Shopping Center, such commercial activity represents approximately five percent (5%) of the Town's land use. Suffice it to say existing commercial options are extremely limited. National View's intentional commitment to bring retail and other commercial activity to the area will allow the Town to broaden its tax base and provide much needed infrastructure repairs and upgrades including a new police station. Indeed, National View's proposed mix of residential, retail and commercial development represents a once-in-a generation economic development opportunity.

This large-scale mixed-use development will not only bring the type of commercial businesses and amenities that have been very much lacking in the area, and that our residents would support and enjoy, but as alluded to above, which will house the Town of Forest Heights' police force, assisting the Town in meeting its goal of growing its police force to provide security to the Town 24/7.

Moreover, I believe National View represents the kind of respect for environmental sustainability we should expect from those who choose to build in Prince George's County. The development plans shared with me reflect a commitment to pursue responsible initiatives and implement green techniques such as vegetative green roofs and community gardens. It is clear to me that National View's developers share our collective vision regarding the obligation and need to create truly sustainable communities.

On a final though no less important note, it is no secret that there is a dearth of senior housing in the County. We as public servants are all dedicated to ensuring that our seniors are able to "age in place." However, there are currently no senior housing, assisted living or elderly care facilities located inside the Town of Forest Heights or the vicinity. National View will provide senior housing along with a significant senior lifestyle component when completed.

I am convinced National View when completed will enhance the lives of our County's residents and provide much needed residential, recreational, transportation and economic development opportunities, and accordingly, I urge the Council to be mindful of all the benefits this development will offer as it contemplates the rezoning request currently pending. I am very familiar with this property and believe that in order to maximize the project's utility, National View must be built as a high-density Mixed-Use development. This site not only has frontage on the Capital Beltway but sits directly across from the MGM at the heart of the mixed-use boom that the National Harbor has experienced. I am convinced that there is no better location for what Petra is proposing.

In light of the foregoing, I urge the Council to grant the developer's request for approval of the pending Conceptual Site Plan application. Thank you for your attention to this matter. I would welcome the opportunity to discuss this matter with you further. If you wish to discuss this matter further or if I can be of assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Obie Patterson". The signature is written in black ink and is positioned above a horizontal line.

Senator Obie Patterson



Town of Forest Heights

5508 ARAPAHOE DRIVE
FOREST HEIGHTS, MARYLAND 20745-1998
(301) 839-1030
Fax (301) 839-9236

Calvin Washington
Mayor

COUNCIL MEMBERS

Robert O. Barnes – Ward I
Troy Lilly -- Ward I
Jonathon Kennedy II – Ward II
Clifton Atkinson – Ward II
Taunya Hines – Ward III
Paula Noble – Ward III

May 23, 2022

The Honorable Peter A. Shapiro, Chairman
Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: National View (CSP-21004 and CP-21006)

Dear Chairman Shapiro:

I write to voice the Town of Forest Heights' enthusiastic support for the Conceptual Site Plan for the proposed National View Project. As you know, the developer, Harbor View LLC, now owns two significant properties, one of which is located in the Town of Forest Heights (the "Town"), and the other adjacent property, formerly owned by the Butler family, which is not within the Town limits. These parcels have been rezoned to the M-X-T zoning category to effectuate this project.

As you may know, Forest Heights is more or less bounded to the North by Audrey Lane, to the East by Livingston Road, to the South by Oxon Hill Road and nearby properties, and to the West by Oxon Creek and federal lands known as the Oxon Hill Farm. Forest Heights is uniquely situated geographically to take advantage of the existing transportation networks close to the Town limits. The Washington, DC city limits, southern Prince George's County and Virginia are all located minutes away. The proposed National View development site is also situated geographically to take advantage of these transportation networks. This 20.1 +/- acre development site is located just north of the Capital Beltway, directly across from the MGM Hotel/Casino and right next to the Oxon Hill Farm.

This project checks many boxes for the Town. We worked closely with the Maryland-National Capital Park & Planning Commission (M-NCPPC) as they drafted the 2014 Eastover-Forest Heights-Glassmanor Sector Plan and Sectional Map Amendment which was published. At that time, this site was under the private ownership of two families, and therefore, the land was not taken into consideration as we worked on the Sector Plan.

National View will address many needs of the Town, and bring much-needed services, amenities, retail and commercial options to our Town residents. One noteworthy feature of

their plans is to build an approximately 1,400 square foot police substation. Our police force needs this, as it is now operating out of limited office space, and at a time when the Town is currently growing its police department and provides 24hour patrol coverage for the first time in history.

Historically, the Town of Forest Heights has had an interest in seeing the subject property developed. Consequently, we strongly supported this developer's request to rezone the site. We also support the proposed conceptual site plans they have presented to the Town.

The CSP was recently presented to me and our Town Council at a Town Council meeting earlier this month. During the development of the CSP, the applicant has been responsive to consider and include the concerns of our town and the surrounding residents as much as possible. We are grateful for their inclusionary posture.

We believe the applicant shares the Town's vision in creating true sustainable communities and their development concepts reflect responsible initiatives to implement green techniques, such as vegetative green roofs, community gardens, and use of pervious materials where appropriate. They also understand the importance of health and wellness and are implementing and connecting walking trails and other amenities to advance the health of residents who will live, work and play there. Neighboring residents will also be able to walk safely from this development site along a connecting trail that leads across the Beltway to the National Harbor and beyond.

As much as we support Smart Growth, our Town's relative lack of an economic base has been a Smart Growth barrier. Forest Heights has accomplished quite a bit in terms of Smart Growth using grant monies and partnerships with other public and private sector organizations. However, virtually our entire tax base and related revenue is dependent upon the collection of residential property tax. The National View project will allow the Town to significantly broaden its tax base, and the development of these properties is crucial to this effort. For our town, National View's proposed mix of residential, retail and office development represent a once-in-a generation economic development opportunity. The proposed development will result in a necessary enhancement of the Town's housing options, as well as attract the kind of commercial and retail business mix we seek for our residents.

Further, this project will go a long way in relieving our residents of the heavy tax burden they endure. The Town consists of relatively little retail or commercial properties, and they make up approximately five percent of the total land use. There is also a lack of sit-down restaurants and upscale brand name retailers within the Town limits. In fact, the Town exists in a "food desert". There are approximately 15 retail establishments offering services to the residents of the town. With such a small number of retail establishments, the primary tax base in the town is derived by way of residential tax collection. This is a barrier to our economic competitiveness. Also, the fact that 95% of the land in the Town is currently residential does not allow for much redevelopment because the existing neighborhoods are already established.

We also want our seniors to be able to "age in place" so that it will not be necessary for them to leave the community as the aging process progresses. Relieving some of the tax burden from the backs of our residents will allow our seniors to stay in their community as they age. I would also like to point out that the senior population demographic is significant within the Town and there is currently no senior housing, assisted living or elderly care facilities located inside the town limits. Consistent with the Town's current Sustainable

Communities Plan, we highly support future development that includes a senior housing and senior lifestyle component, which National View proposes to offer.

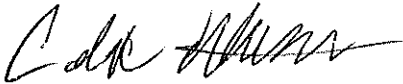
Lastly, the Town and the applicant (Harbor View Development, LLC) are currently putting the finishing touches on a Pre-Annexation Agreement between both parties with regards to the portion of the site not currently located within our town boundaries. The Agreement will solidify many of the aforementioned and other agreed upon site development factors for this project.

In short, the proposed uses and conceptual design layout presented in the applicant's Conceptual Site Plan are supported by the Town of Forest Heights.

The Town of Forest Heights hereby supports application number CP-21006 and CSP-21004.

Thank you for your attention to this matter. I would welcome the opportunity to discuss this matter with you further. If you have any questions, please contact me at 301-839-1030.

Sincerely,



Calvin J. Washington, Mayor
Town of Forest Heights, Maryland

Cc: The Honorable Edward Burroughs III
Council Member District 8

Cc: Ms. Donna Brown
Clerk of the Prince George's County Council

Richard A,Walsh Sr

10915 Old Fort Road
Fort Washington
Maryland
20744-2626

May 17th,2022

The Honorable Peter A,Shapiro,Chairman

Prince George's County Planning Board
11741 Governor Oden Bowie Dr
Upper Marlboro Maryland 20772

Re: National View(CSP-21004 and CP-21006)

Dear Mr,Shapiro,

I'm writing to you and The Planning Board today in regards to The National View site plans before you seeking the Boards approval of the same..

As my previous letter to The Chief Zoning Hearing Examiner stated.I have lived my whole adult life in close proximity to this site. I continue to call Prince George's County my home in my retirement Years.

I have seen many changes in Princes Georges County especially in the Southern Part of the County, We have gone from The Farms of my youth to Housing developments. We have seen commercial development in years past..We hope to gain more active development in the future..We are in need of new development to serve our present residents and our future growth..

I for one wholeheartedly support Petra Development in getting the approval of the Board. So We can move forward in seeing this project build to serve the people of Forest Heights and The surrounding areas of Southern Prince George's County for Generations to com

Sincerely,

Richard A.Walsh Sr

NFFWCD Member

Your Name

Regarding Conceptual Site Plan for CSP-21004 & CP-21006, National View

Tuesday, May 24th, 2022

Alexandra Mooskin

The proposed National View development received conditional approval for the rezoning of the property from open space and low-density residential zoning to MXT zoning. Despite recommendations for disapproval for rezoning by the M-NCPPC Technical Staff in November of 2020, the Zoning Hearing Examiner and County Council allowed this project to move forward with conditionally approved zoning in late 2021. Reasons for this conditional approval of the rezoning included concerns about the impact of this development on the character and quality of life in the surrounding established neighborhood, as well as the incompatibility of development at this location with the County's 2000 approved Master Plan for the Heights Area. The 2000 approved Master Plan did not recommend rezoning for that area, and all of the County's current Master Plans maintain a goal of **reducing the fragmentation of commercial development and increasing pedestrian orientation of the county**. Due to the nature of this site's location, it is effectively blocked off from other existing or potential commercial development sites on all sides: Oxon Cove Park to the west, the Town of Forest Heights to the east, and the Beltway to the south. With the current pedestrian infrastructure and roadways that exist, the development at this site will primarily require the use of cars for patrons who live outside of the development itself to access and benefit from any businesses that operate there.

At a minimum, for this site to meet the County's development goals and to effectively serve the residents of Prince George's County, significant upgrades to the pedestrian infrastructure in the surrounding area are needed. I believe that the council should require as a condition for continued approval of the rezoning that the development provide funding and oversee the construction of the pedestrian infrastructure necessary to allow existing residents of the surrounding neighborhoods (most notably, Forest Heights and Glassmanor) to easily access this development on foot, so that the site can be developed in a manner that is compatible with the County's Master Plan goals. **The pedestrian infrastructure upgrades should include (but not be limited to):**

- Sidewalks installed throughout the Town of Forest Heights
- Improvements to the pedestrian feel and scale throughout the Town of Forest Heights (tree plantings, landscaping, appropriately scaled sidewalk lighting, etc.)
- Upgrade and maintenance of the existing walking path running along the west side of Forest Heights, to connect the proposed National View development to the Eastover Shopping Center (thus reducing the fragmentation of commercial development in the area)
- Repair, upgrades, and maintenance of the foot bridge portion of the National View-Eastover walking path
- Installation of a pedestrian bridge to connect the west and east sides of Forest Heights across 210, providing greater access for Forest Heights, Glassmanor, and other area residents to the National View site
- Installation and upgrade of crosswalks at appropriate intervals along the Forest Heights stretch of 210

In addition, to ensure the future positive development of the surrounding area, the developers of the National View site should enter into a formal partnership with the Town of Forest Heights leadership, as well as leadership of the surrounding area, to ensure the appropriate revitalization of the Eastover Shopping Complex and Eastover Corridor along 210. **This partnership is necessary to ensure that this new development does not lead to further fragmentation of other commercial enterprises in the area, and to ensure that high-quality progress is made for the revitalization of the area and the benefit of existing area residents.** The developers of the National View site should also enter into a formal partnership with the leadership of the Oxon Cove

Park in order to develop a plan for the developers to pay for the upgrade, maintenance, and installation of new and existing hiking, walking, and biking trails throughout the Oxon Cove Park. **Increasing the quality of the Park's trails and improving access to the Park will provide valuable benefits to existing and new area residents alike, including residents and patrons of the proposed new National View development;** access to such high-quality natural resources as this park land will be a large draw for improving visitor flow to the area, thus increasing the commercial viability of any enterprises within the National View site and also surrounding areas.

Furthermore, I would ask the developers and the hearing examiners to consider the following points and questions that I have regarding the Conceptual Plan they have presented:

Site Plan Layout & Scale Questions:

- With the size and number of the buildings and how the buildings are grouped, this site plan effectively creates "superblocks" and maximizes the massing of the buildings with no variation at a pedestrian scale (meaning, variation of building massing within the individual blocks). More variation in massing at a building-level scale is needed for a good pedestrian experience.
- The blocks themselves are too massive; they've maximized the floor-area ratio with each block indicated on the site plan map, and because the footprints of the blocks are so large, they've decreased the pedestrian ease of use for the area. Research provides an ideal block length for pedestrians (300-400 feet, blocks with a length of 500-600 feet or more should provide a mid-block crossing for pedestrian access). The average block length in Manhattan is 264 feet; by comparison, the buildings here all have a length in excess of 500 feet or more.
- Instead of utilizing the forest on both sides of the development for pedestrian-friendly uses, the back (interior) of the development is devoted to parking access and "loading space". Parking is utilized for such a small portion of the day, but it sacrifices a huge amount of the street fabric.
- Where is the "surface parking adjacent to retail" supposed to be in that map? They referred to it on the plan (on sheet 5 of the CSP, which is page 14 of the PDF package Tina passed along), but surface parking doesn't appear to be indicated on the map.
- On sheet 5 of the CSP, the plan describes the benefits of having a "service road around perimeter" where such things as "loaded docks occur but out of view"; however, the orientation of the site and having this service road along the interior side of the site causes those loading docks to be located most adjacent to the back of people's homes. The "wrapped garage parking" (also described on sheet 5) with "residential or retail uses" for the parking also fronts on the Forest Heights side of the development, adjacent to people's backyards. It is troubling that all of the land uses most directly adjacent to Forest Heights residents appear to be reserved for car-centric purposes, despite the professed desire of the developers for this site to serve as a catalyst and strong start to improving the walkability and decreasing the car-focused design of the surrounding area.
- The current plan for vehicular access at the southeast opening of the site does not appear to be sufficient for traffic to the area, and creates concerns about a potential increase in traffic at the intersection of Bald Eagle Road and southbound 210. During commuting hours, traffic entering southbound 210 from Bald Eagle Road could create a significant impact to traffic.

Site Plan Appearance & Usage Questions:

- There is a need for greater facade articulation throughout the site, because the current level of facade articulation indicated is insufficient to provide a good pedestrian experience. By contrast, the MGM building has predominantly one large smooth facade; nobody standing at the base of

the MGM is going to feel that the scale of it is comfortable to their body, and it is not conducive to creating an inviting outdoor space. It is critical for the facades in this site to have more articulation and a diverse use of building material types, in order to ensure a good street-feel experience that leads to vibrant, well-utilized outdoor public spaces.

- Multiple entry points are needed for the grocery store and other commercial spaces (a lack of multiple entry points will create a dead space of facade, decreasing the access to those commercial spaces and reducing the quality of the pedestrian experience). Currently there seems to be only one entry area for the grocery space in Building A, which is inadequate.
- There is almost no ground-level commercial use of the various buildings in the site plan, so all of the viable usage of the property for anyone outside of the development will be concentrated at the entrance (which is also the most difficult part of the site to access from Forest Heights, as the entrance is furthest away and commercial buildings will be concentrated at that far end of the site). This creates pedestrian dead zones in all other parts of the development with nothing but parking lot access and residential lobbies at the ground floor of most buildings.

Other Questions:

- Please illustrate and label on the concept plan the locations of the pedestrian use areas that are described on sheet 1; currently, it is unclear where the space exists for these pedestrian use areas described as "incentives to occur under the optional method" within the site. From the current concept site plan it seems that all of the land usage has already been designated for either private roadways, woodland preservation areas, or as buildings. There doesn't appear to be any space designated for the listed "outdoor public spaces", "covered outdoor public pavilions", "Public dog park and potential public play area", etc. (these uses are all listed on sheet 1 of 8 on Conceptual Site Plan).
- On sheet 1 of the site plan, the plan indicates that "design parameters may alter the CSP due to environment, transportation or other market conditions". Please clarify the extent to the types of changes that might occur in terms of development type (commercial vs. residential) and location. This site plan only designates a very broad and overview of the site uses, and we need to see more details about the mix of uses within each block and building, and any potential changes that could take place as a result of the "environment, transportation, or other market conditions". We desire an outline or illustration of both the horizontal and vertical mix of uses at the block and building level, in order to have a better sense of the pedestrian/consumer experience across the site.

Thank you for your time and careful attention to these questions, concerns, and issues. Area residents deserve high-quality urban development and access to high-quality amenities. This is a large opportunity for the new development of raw land, and should not be rushed or taken lightly. **Our County Council is responsible for safeguarding the interests of the citizens that elect them; I hope that this conceptual site plan is considered carefully, and that special attention is given to determining what conditions must be placed upon this development to ensure the benefit of all area residents, and the future development of Prince George's County.**

Sincerely,

Alexandra Mooskin

TINA S. MCDOWELL
5909 BLACK HAWK DR.
FOREST HEIGHTS, MD 20745

RE: NATIONAL VIEW CP-21006 AND CSP-21004 SITE PLAN

Development Review Division, PG County Planning Department
14741 Governor Oden Bowie Dr.
Upper Marlboro, MD 20772

Dear PG Planning Department:

I am a resident of Forest Heights, MD, next to the site of the proposed development for National View. I am a person of record and have been following the development of this project since before the zoning hearings. I have been opposed to the project from the beginning for reasons I outlined and submitted to the public record.

One of the biggest issues, to my mind, is the potential height of the buildings of the project and their destruction of the view shed shared by many residents of the Town of Forest Heights and visitors to the Oxon Hill National Park. However, on the cover page of the Conceptual Site Plan of April 12, 2022, (Page 10 of the applicant's submission), number 24 states that "Final Building Heights to be Determined at DSP."

I am perplexed that the Conceptual Site Plan documentation does not address the building height at all and the compatibility conditions with the surrounding area. There are no high rises in Forest Heights or on the National Park. Introducing such would significantly degrade the area.

I want to emphasize that the PG Park and Planning Commission cited in their report of 12-17-20, that residents of Forest Heights and surrounding areas would be adversely impacted from increases in traffic, increases noise and light pollution, woodland loss, erosion, **viewshed destruction**, among other adverse impacts. The ZHE's approval with conditions, acknowledged a number of such "valid concerns" (page 33 of that decision).

In fact, the Park and Planning Commission of 12-17-20 noted that "The proposed development will be commanding, dominating and overwhelming, and overshadowing the existing neighborhood to the east that will create a stark visual contrast between the low, tiny single-family detached homes and the tall, massive mid-to high-rise buildings." (page 21 Staff Report). **They recommended AGAINST the rezoning.**

However, the PG Council approved the rezoning for this project with conditions on October 27, 2021. Those conditions included "compatibility with the surrounding area." On page 3 condition (2) states: "Additionally special attention should be given to the development's compatibility with the surrounding area."

Without some indication of the buildings' heights now, it is impossible to gauge whether these conditions will be met.

I further note on the Conceptual Site Plan 5, (page 14 of the total document), the last bullet notes that the plan will "Minimize impact to existing ecosystem, wetlands, and Chesapeake Bay Critical Area—Intense Development (CBCA-IDO) Overlay Zone." **Nothing is said about minimizing the impact to the view shed enjoyed by Forest Heights residents and visitors to the National Park.**

I want the negative impact of large buildings from the development on the surrounding to be treated equally to other impacts noted as this project progresses.

Sincerely,

Tina McDowell