



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

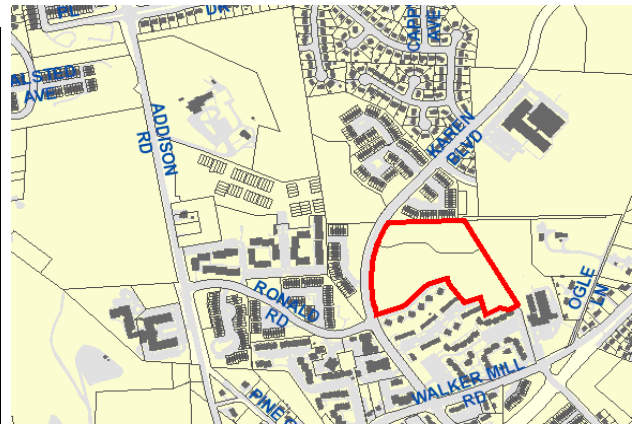
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Detailed Site Plan Departure of Parking and Loading Standards The Cassidy

DSP-21045
DPLS-22002

REQUEST	STAFF RECOMMENDATION
Development of 175 multifamily dwelling units within 3 buildings.	With the Conditions Recommended herein: <ul style="list-style-type: none"> • Approval of Detailed Site Plan DSP-21045 • Approval of Departure of Parking and Loading Standards DPLS-22002

Location: Approximately 70 feet east of the intersection of Ronald Road and Karen Boulevard	
Gross Acreage:	13.14
Zone:	RMF-20/MIO
Zone Prior:	R-18/M-I-O
Reviewed per Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	175
Gross Floor Area:	217,033 sq. ft.
Planning Area:	75A
Council District:	06
Municipality:	N/A
Applicant/Address: KCG SSP Capitol Heights GP, LLC 9333 N. Meridian Street, Suite 230 Indianapolis, IN 46260	
Staff Reviewer: Tierre Butler Phone Number: 301-780-2458 Email: Tierre.Butler@ppd.mncppc.org	



Planning Board Date:	09/15/2022
Planning Board Action Limit:	09/16/2022
Staff Report Date:	08/30/2022
Date Accepted:	06/07/2022
Informational Mailing:	01/20/2022
Acceptance Mailing:	05/20/2022
Sign Posting Deadline:	08/16/2022

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: Detailed Site Plan DSP-21045
Departure of Parking and Loading Standards DPLS-22022
Type II Tree Conservation Plan TCPII-077-04-03
The Cassidy

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

EVALUATION CRITERIA

The property is within the Residential, Multifamily-20 (RMF-20) Zone. This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1903(c) of the Zoning Ordinance, which allows for development proposals of any type to utilize the prior Zoning Ordinance for development of a property. The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for the Multifamily Medium Density Residential (R-18) Zone
- b. The requirements of Preliminary Plan of Subdivision 4-03084
- c. The requirements of the 2010 *Prince George's County Landscape Manual*
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance
- f. Referral comments

FINDINGS

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

1. **Request:** This detailed site plan (DSP) requests the development of 175 multifamily dwelling units within 3 buildings.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	RMF-20 (Prior R-18)	RMF-20 (Prior R-18)
Use(s)	Vacant	Residential
Total Gross Acreage	13.14	13.14
Total Gross Floor Area (GFA)		217,033 sq. ft.
Building 1	-	91,940 sq. ft.
Building 2	-	75,307 sq. ft.
Building 3	-	49,786 sq. ft.

Parking Spaces

Use	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
Multifamily residential 2.0 spaces per unit plus 0.5 per bedroom in excess of one per unit (175 units: 55 one bedroom, 79 two bedroom, 41 three bedroom)	431	263
Handicap-accessible spaces	9	8 (2 van accessible)
Total	431	263 (DPLS requested)

Loading Spaces

	Required	Provided
1.0 per 100-300 dwelling units	1	1
Total	1	1

3. **Location:** The subject site is located approximately 70 feet east of the intersection of Ronald Road and Karen Boulevard in Planning Area 75A and Council District 6. The site is zoned Residential, Multifamily-20 (RMF-20) and previously zoned Multifamily Medium Density Residential (R-18).

4. **Surrounding Uses:** The proposed development is located northeast of the intersection of Ronald Road and Karen Boulevard. The property is zoned RMF-20 (formerly R-18) and is currently vacant and vegetated. The subject property abuts Karen Boulevard on the west. Across Karen Boulevard is a cluster of 24 townhouses in the Residential, Single-Family-Attached (RSF-A) Zone (formerly the Townhouse (R-T) Zone). Located to the south is a multifamily development known as the Capitol Courts Apartments in the RMF-20 (formerly R-18) Zone. To the east of the site is John Bayne Elementary School, which is

zoned Residential, Single-Family-65 (formerly One-Family Detached Residential). To the north, the site abuts the Addison Woods townhouse development in the RSF-A (formerly R-T) Zone. Thus, the surrounding properties are predominantly a mix of multifamily and single-family, detached, residential buildings.

5. **Previous Approvals:** The subject property is located on Tax Map 73 in Grids D-3 and E-3 and consists of one parcel known as Parcel A, recorded among the Prince George’s County Land Records in Plat Book PM 220 at page 93, titled “Parcel A, Village at Lincolnshire” dated July 27, 2007. The property consists of 13.144 acres and is located within the RMF-20 Zone and Military Installation Overlay (MIO) Zone for height. The property is subject to Preliminary Plan of Subdivision (PPS) 4-03084, which was approved by the Prince George’s County Planning Board on January 8, 2004 (PGCPB Resolution No. 04-03). PPS 4-03084 approved 24 lots and 3 parcels for development of 24 townhouses and 262 multifamily units. The 24 townhouses have been developed with DSP-04012, which was approved by the Prince George’s County District Council on February 28, 2005. DSP-05001 was approved by the Planning Board on December 14, 2006, for development of 156 multifamily dwelling units under PGCPB Resolution No. 06-263 for Lincolnshire, Phase II. The prior development did not proceed and DSP-05001 expired on December 31, 2021. The development has an approved Stormwater Management (SWM) Concept Plan, 40921-2021-00.
6. **Design Features:** The proposed application is for development of 175 multifamily units within 3 buildings. Each building will be 4 stories and approximately 51 feet tall at its highest elevation. The site will be accessed from a single entrance along Karen Boulevard. Building 1 will contain a total of 77 dwelling units, Building 2 will contain a total of 63 dwelling units, and Building 3 will contain a total of 35 dwelling units. The clubhouse will be 3,596 square feet and located within Building 3. A total of 263 surface parking spaces are provided and the site will have 1 loading space. A companion Departure from Parking and Loading Standards (DPLS-22002) has been filed in conjunction with this DSP to allow for the reduction in 168 parking spaces. SWM facilities will be provided on-site near the entrance and adjacent to Karen Boulevard.

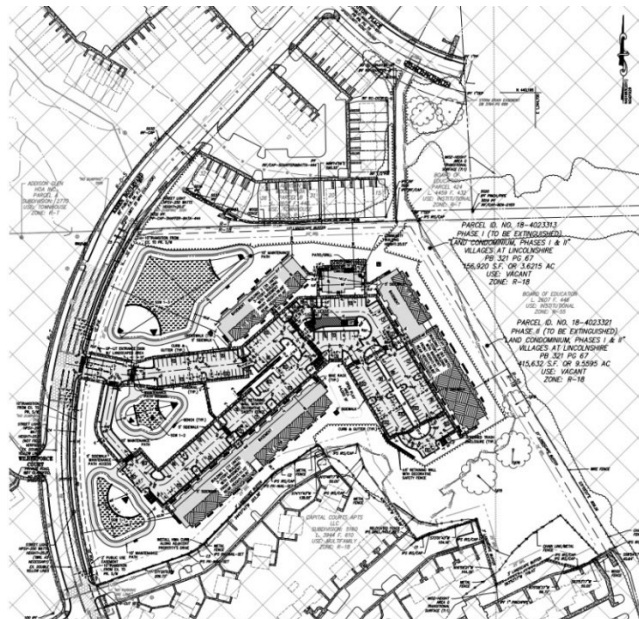


Figure 1: Site Plan

Signage

The site proposes one freestanding sign located at the entrance of the site along Karen Boulevard. The proposed sign will be 6 feet tall and 8 feet wide. The sign will contain a gray brick base and pier with gray asphalt framing and black dimensional metal lettering that will read "The Cassidy."

Lighting

Pole-mounted lighting is proposed throughout the parking lot, and building-mounted lights are provided at all doors. A photometric plan was submitted with this application and reflects adequate lighting throughout the site with minimal spillover onto adjacent neighboring properties. Staff recommends approval of the lighting, as proposed.

Architecture

The proposed buildings will consist of a combination of white and light gray facing brick with white cast stone. The building will have vertical siding and trim boards. Each building will be approximately 51 feet high from the tallest elevation and will contain a shingled roof.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the R-18 Zone of the prior Prince George's County Zoning Ordinance:
 - a. The subject application is in conformance with the requirements of Section 27-441 of the Zoning Ordinance, as multifamily residential uses are permitted in the R-18 Zone.
 - b. The DSP conforms with Section 27-442, Regulations for Residential Zones, of the Zoning Ordinance.
 - c. The DSP is in conformance with the applicable site design guidelines contained in Section 27-445 of the Zoning Ordinance.
 - d. **Military Installation Overlay Zone:** The project is also located within the M-I-O Zone. Under this zoning, the applicant must meet the requirement for height. The site is required to meet the applicable requirements for properties located in Transitional Surface (7:1). The proposed height of Buildings 1, 2, and 3 varies from front to rear elevations, but is 51 feet tall at its highest point and meets the height requirement.

8. **Departure from Parking and Loading Standards DPLS-22002:** The applicant is proposing a departure from Section 27-568(a) of the Zoning Ordinance, for a reduction of 168 parking spaces to allow 263 spaces as required by the new Zoning Ordinance. The applicant is requesting to utilize the 1.5 ratio parking space requirement that is outlined in the current Zoning Ordinance, which would require only 263 parking spaces. A parking analysis was conducted that supports that the proposed 263 spaces would provide

adequate parking. The required findings for the Planning Board to grant the departure in Section 27-588(b)(7) of the Zoning Ordinance, are as follows:

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

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;

The applicant cites guidance from the Institute of Traffic Engineers (ITE) Parking Generation Manual, 5th Edition in determining parking demand for the site. In evaluating parking requirements for multifamily projects, the ITE uses both the number of dwelling units and the number of bedrooms to determine parking adequacy. In evaluating the number of total units, the peak period demand for parking from Monday to Friday would result in 226 parking spaces and 214 on Saturdays. The applicant also evaluated the number of bedrooms, which resulted in 256 parking spaces from Monday to Friday and 259 on Saturdays. In providing sufficient off-street parking, there will be no need for any residents or visitors to use the public street to meet the parking demands. In addition to providing adequate parking, the property is within 1.1 miles of the Addison Road Metro Station and there are two bus stops within easy walking distance. The property is well served by public transit, which further reduces the need for parking. Thus, the purposes are satisfied by substantial evidence demonstrating that the number of spaces provided is sufficient to serve the parking needs of all buildings and uses proposed, therefore relieving congestion on the public streets abutting the property. Staff finds the applicant's request will serve the purposes of Section 27-550(e).

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

The applicant is seeking a reduction of 168 parking spaces to provide a total of 263 spaces. The applicant has conducted a parking analysis that demonstrated that the peak parking demand is 226 parking spaces Monday to Friday and 214 spaces on Saturdays. The parking analysis determined that the peak parking demand will be supported with the applicant's proposal of 263 parking spaces. The analysis provided that the parking needs of the proposed project range from a minimum of 226 spaces to a maximum of 259 parking spaces. The development proposes 263 spaces, which exceed the maximum demand according to the analysis. Transportation Planning Staff has reviewed and is in support of the departure. The parking provided is the amount necessary to serve the needs of the proposed uses and the departure requested is the minimum necessary given the specific circumstances of the request.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the

County which were predominantly developed prior to November 29, 1949;

The property contains environmental features that include extreme topography, which limits the ability to provide a larger number of parking spaces. In addition, stormwater retention occupies a substantial area of the site. As such, the specific circumstances of the subject site prevent additional parking from being provided, and a departure from the required parking is needed. It is the intention of the applicant to provide adequate parking for the site. This request is not premised on the need to alleviate circumstances which are prevalent in older areas of the County. The proposed project is new development and adequate parking will be provided based on the parking analysis.

- (iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

Based on the parking analysis, a reduction in spaces to serve the development is supported, and the ITE Parking Generation Manual has been used to factor in the number of dwelling units and the number of bedrooms to determine the parking demand. The parking and access to that parking is very proximate. The proposed reduction in spaces to serve the development is supported, and all methods of calculating the number of spaces have been used on the subject site.

- (v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

The site is surrounded by a mix of multifamily and single-family detached residential buildings. Each of the surrounding multifamily and townhouse developments provides off-street parking to serve the use. The parking analysis indicates that the site will meet the demand with on-site parking and will not infringe on adjacent properties. There will be no adjacent residential areas or other developments nearby that will be impacted by the proposed reduction in parking associated with this application, since the proposed amount of parking has been determined to be adequate parking for the use.

9. **Preliminary Plan of Subdivision 4-03084:** On January 8, 2004, the Planning Board approved PPS 4-03084, with 15 conditions (PGCPB Resolution No. 04-03). The relevant conditions are discussed, as follows:

2. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.**

Final Plat PM 220-93, Note 4 states that a homeowners association (HOA), "Lincolnshire Homeowners Association, Inc." has been established for this property.

Also, Note 5 indicates that Parcel A shall be conveyed to the HOA, prior to building permits. However, the submitted statement of justification states that Parcel A will be maintained by the owner of the multifamily project and therefore an HOA is not required to be established for Parcel A. The plat of correction should remove Note 5 following the approval of this DSP and prior to issuance of the building permit.

- 4. The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:**

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

PM 220-93 does not show the conservation easement and the above-referenced note is not reflected on the plat. The Type II tree conservation plan (TCPII) does not depict an area of conservation located on Parcel A. The Environmental Planning Section has reviewed this and recommends approval with conditions.

- 5. Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.**

The applicant submitted a copy of an approved SWM Plan 40921-2021-00 with the subject DSP, which shows three SWM ponds located along the front of the property. The SWM concept plan, landscape plan, and the DSP show a 10-foot-wide maintenance path around the three proposed SWM ponds, along with benches, as amenities to serve the community. The PPS designated a proposed Parcel B, contemplating that a SWM facility would be constructed on it and that it may be conveyed to an HOA, subject to an easement to the benefit of the County. Since that time, new SWM requirements were adopted. The proposed DSP includes SWM facilities which are now designed and will be constructed, in accordance with the Environmental Planning Section requirements set forth in Subtitle 32. These facilities are located at the entrance point and will be maintained in a manner to serve as an amenity and provide green space to benefit residents.

- 6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.**

The DSP shows standard sidewalks along both sides of internal streets. The Transportation Planning Section has reviewed this and stated that the condition of approval related to transportation has been addressed.

- 7. In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities**

shall be provided in accordance with the Parks and Recreational Facilities Guidelines on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.

8. **The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.**
9. **The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.**

A recreational facilities agreement (RFA) pursuant to Conditions 7 and 8 was recorded in Liber 28011 at folio 201, subsequent to prior DSP-05001, approved for Parcel A. The recorded RFA will need to be amended and the proposed recreational facilities bonded, in accordance with Condition 9, prior to building permit approval, to reflect the new proposal for on-site recreational facilities with this DSP. The list of proposed recreational facilities includes lounges in each of the multifamily buildings, a community building, outdoor patios with site amenities, an open play area, and a hiker/biker trail. The proposed recreational facilities have been reviewed and a condition has been added to establish triggers for construction of those facilities.

11. **Development of this site shall be in accordance with the approved Stormwater Management Concept Plan # 20523-2003-00.**

The applicant submitted an approved SWM Concept Plan 40921-2021-00 and letter with this subject DSP. The DSP shows the layout of the proposed buildings in conformance with the approved SWM concept plan.

14. **A Type II tree conservation shall be approved at the time of DSP.**

The applicant submitted a TCPII with the subject application. The Environmental Planning Section has reviewed this and recommends approval with conditions.

15. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/58/03). The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/58/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.”

The DSP reflects development in general compliance with the approved Type I tree conservation plan. PM 220-93 reflects the above-referenced note.

10. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.1 Residential Requirements; Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*. The landscape plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the current regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance). A Type I Tree Conservation Plan (TCPI-058-03) was approved with the PPS application for Phase I, which included the Lincolnshire and Cassidy sites. TCPII-077-04-01 was submitted with the prior DSP-05001 approval for Phase I. TCPII-077-04-02 was a stand-alone TCPII to modify the dwelling units to the two-over-two style. TCPII-077-04-03 was submitted with this DSP-21045 for Phase II, now identified as The Cassidy.

The TCPII for this site was phased with the majority of the required woodland conservation left for Phase II and this DSP. This 13.14-acre property contains no floodplain and has a total of 11.20 acres of woodlands. Phase I provided 1.28 acres of woodland conservation that will count towards the 7.73-acre requirement for Phase II. The subject site proposes to clear 9.88 acres of existing woodland. The woodland conservation worksheet shows the project meeting the 7.73-acre woodland conservation requirement with 1.32 acres on-site preservation, 2.24 acres of afforestation, and 2.89 acres of woodland preservation off-site. An update to the Phase II Reforestation Planting Schedules to reflect 1,000 seedlings per acre will be required. If larger plant material is proposed, then one seedling is equivalent to every 0.5-inch caliper. Each planting area shall be proposed with a minimum of five species.

12. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule demonstrating conformance to these requirements through new plantings on the subject property.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Subdivision**—In a memorandum dated August 15, 2022 (Vatandoost to Butler), the Subdivision Section noted that the DSP has been found to be in substantial conformance with the approved PPS. Technical conditions have been conditioned herein.
 - b. **Transportation**—In a memorandum dated August 12, 2022 (Ryan to Butler), the Transportation Planning Section determined that this plan is acceptable with conditions that are included herein.

- c. **Environmental Planning**—In a memorandum dated August 18, 2022 (Kirchhof to Butler), the Environmental Planning Section provided a discussion of various environmental issues and recommended approval of TCPII-077-04-03, with conditions included herein.
 - d. **Historic**—In a memorandum dated June 24, 2022 (Smith to Butler), it was noted that the subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
 - e. **Permits**—In a memorandum dated August 15, 2022 (Jacobs to Butler), it was noted that the plan was acceptable.
 - f. **Community Planning**—In a memorandum dated August 15, 2022 (White to Butler), it was noted that pursuant to Part 3, Division 9, Subdivision 3 of the prior Zoning Ordinance, master plan conformance is not required for this application.
 - g. **Prince George’s County Department of Parks and Recreation**—In a memorandum dated July 30, 2022 (Thompson to Butler), it was noted that the mandatory dedication requirements per Sections 24-134 and 24-135(b) of the Prince George’s County Subdivision Regulations are met by the provision of on-site private recreational facilities.
 - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In an email dated July 25, 2022 (Giles to Butler), DPIE provided standard comments on the subject DSP, which will be addressed through their own separate permitting process.
14. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

Based on the level of design information submitted with this application, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. No impacts to regulated environmental features are proposed with this DSP.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-21045, Departure of Parking and Loading Standards DPLS-22002, and Type II Conservation Plan TCPII-077-04-03, for The Cassidy, subject to the following conditions:

1. Prior to signature approval, the detailed site plan (DSP) shall be revised to replace the plat reference for the subject property on all sheets of the DSP listed as Plat Book 231 plat no. 67 with Plat Book PM 220 plat no. 93.
2. Prior to approval of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a plat of correction to correct the property's boundary bearings and distances and remove Note 5 of the existing Plat Book PM 220-93.
3. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval prior to a submission of a plat of correction. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to recordation.
4. Prior to approval of any building permits, the applicant, and the applicant's heirs, successors, and/or assignees shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, in an amount to be determined by DRD.
5. Provide the addition of a soft surface path/connection at the northeastern property boundary between the subject property and the Prince George's County Board of Education property (Walker Mill Middle School) to provide access to the school's outdoor recreational facilities.
6. Coordinate with staff to establish triggers for construction of the recreation facilities.

Prior to certification of the detailed site plan, the TCPII shall be revised as follows:

7. The woodland conservation worksheet shall be revised as follows:
 - a. Revise Line 6 to show Type II Tree Conservation Plan TCPII-077-04 for the TCPII number and indicate "3" for the revision number.
 - b. Add Type I Tree Conservation Plan TCPI-058-03 as the TCP1 number on Line 8.
 - c. Revise Line 17 to indicate Detailed Site Plan DSP-21045 for Phase II.

- d. Revise Line 18 to show that Detailed Site Plan DSP-05001 is associated with TCPII-077-04 Revision 1, and DSP-21045 is associated with TCPII-077-04 revision 3.
 - e. Correct Line 1 to show that under the prior Zoning Ordinance this site is zoned Multifamily Medium Density Residential.
8. Update the Phase II Reforestation Planting Schedules to reflect 1,000 seedlings per acre. If larger plant material is proposed, then one seedling is equivalent to every 0.5-inch caliper. Each planting area shall be proposed with a minimum of five species. The general notes shall be revised, as follows:
- a. Revise General Note 6 to indicate that the site is developed under the prior Multifamily Medium Density Residential Zone.
 - b. Combine General Notes 18 and 19 into one note, as shown in the 2018 Environmental Technical Manual.
 - c. Revise the Post Development Notes to follow the structural formatting, as shown in the 2018 Environmental Technical Manual.
 - d. Have the worksheet and plans signed by the qualified professional who prepared them.
 - e. Provide the general notes for the preservation of existing woodlands, as shown in the 2018 Environmental Technical Manual.
 - f. Provide the detail graphic for the permanent tree protection fence. Revise the approval block to the Development Review Division standard.

THE CASSIDY

DPLS-22002

Detailed Site Plan

Departure of Parking and Loading Standards DPLS- 2202

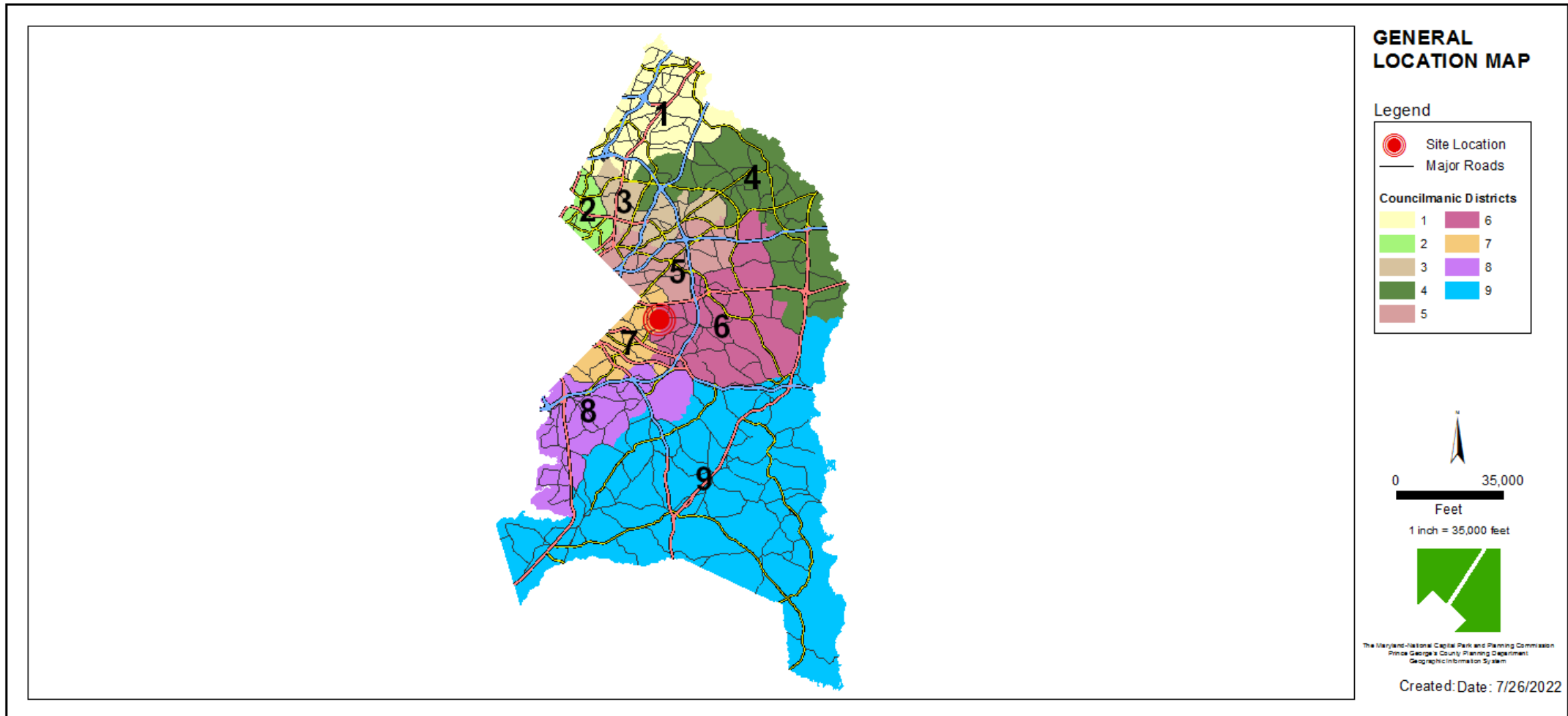
Staff Recommendation: APPROVAL with conditions]



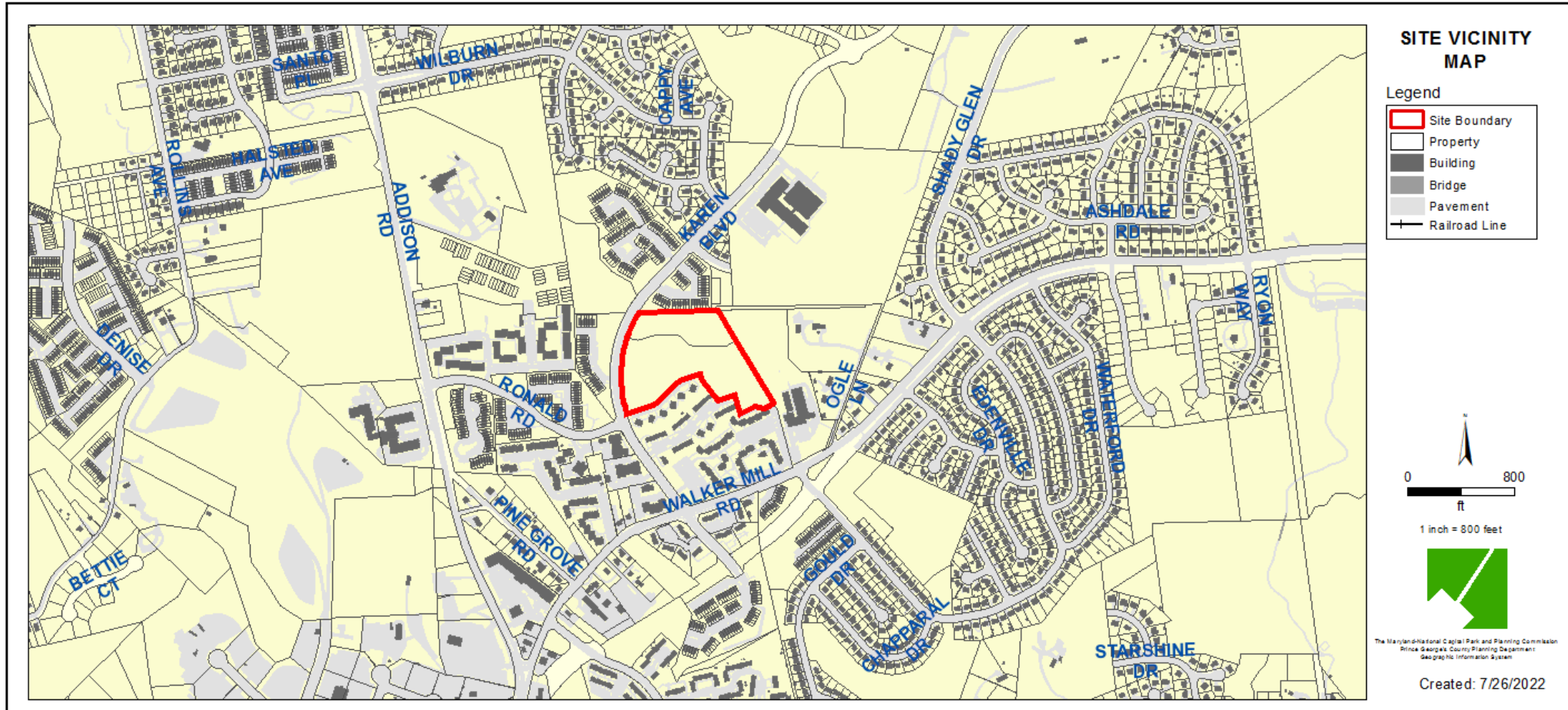
GENERAL LOCATION MAP

Council District: 06

Planning Area: 75A



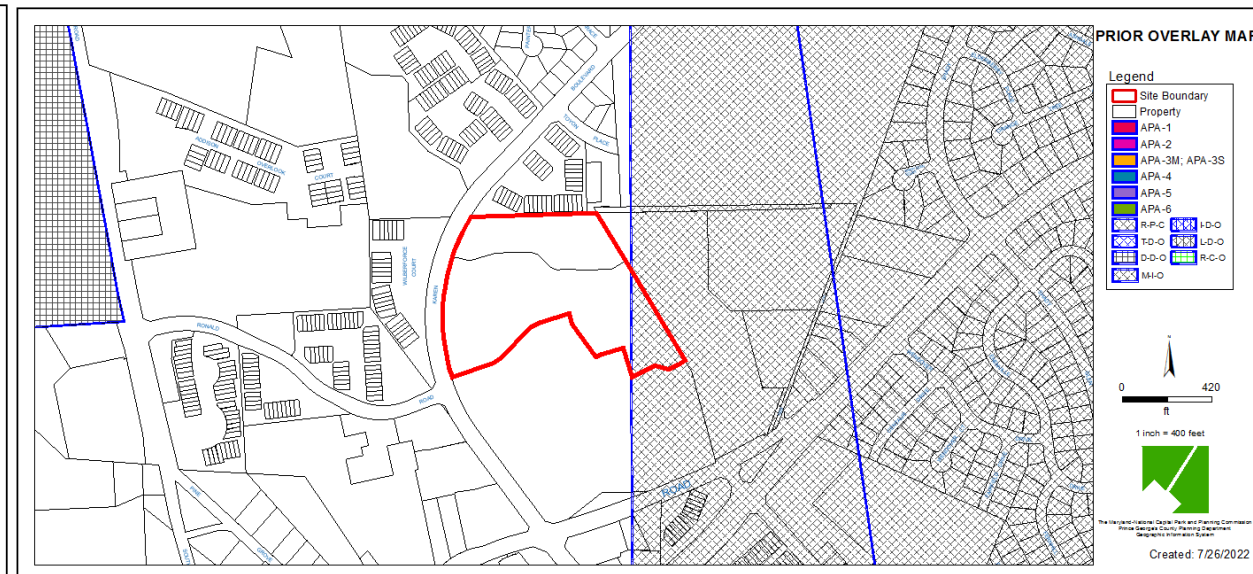
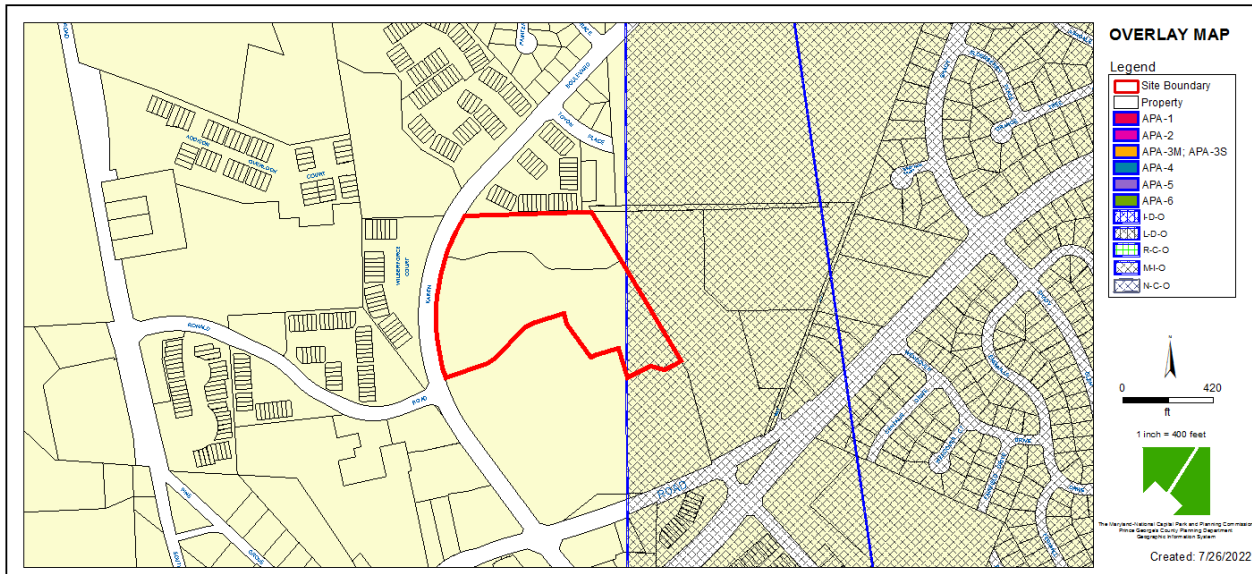
SITE VICINITY MAP



OVERLAY MAP

New Overlay Map

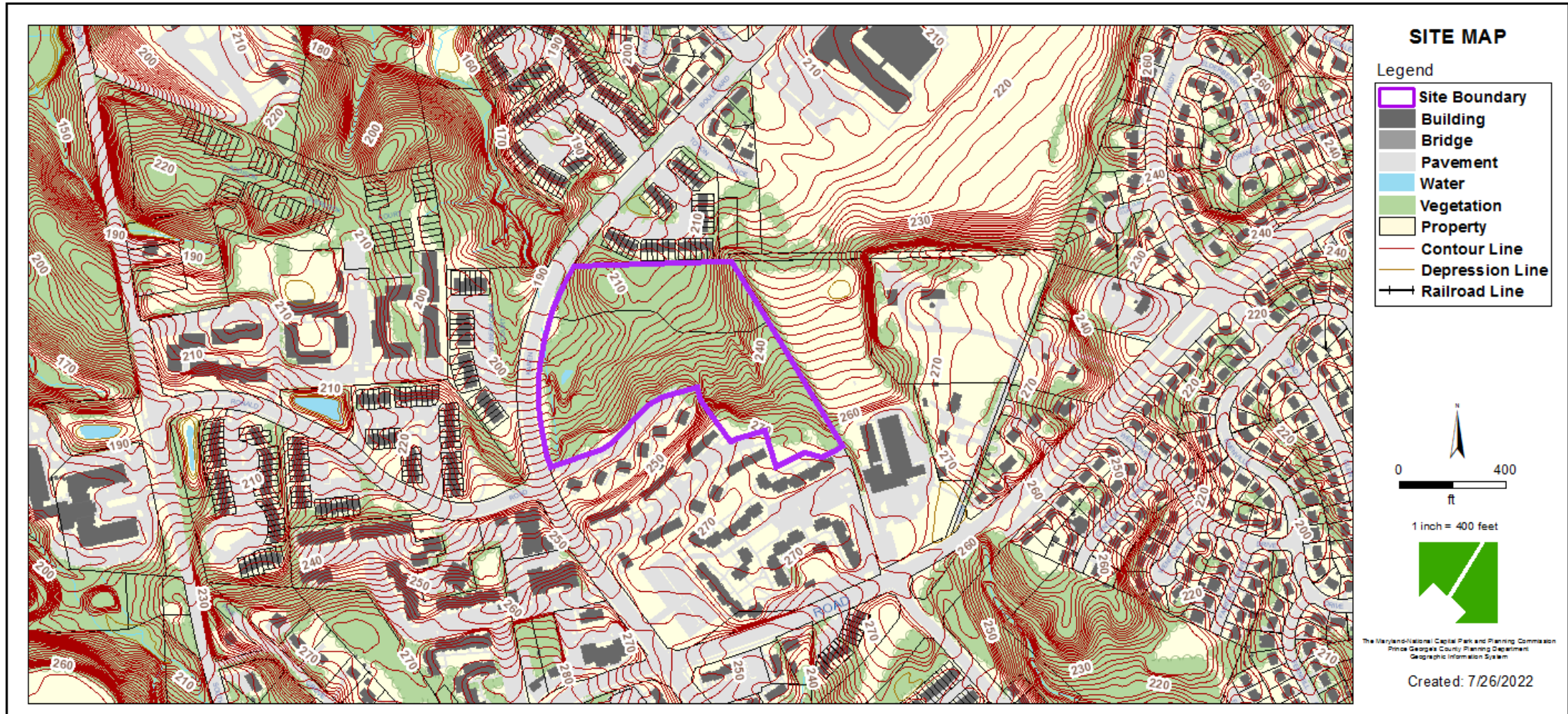
Prior Overlay Map



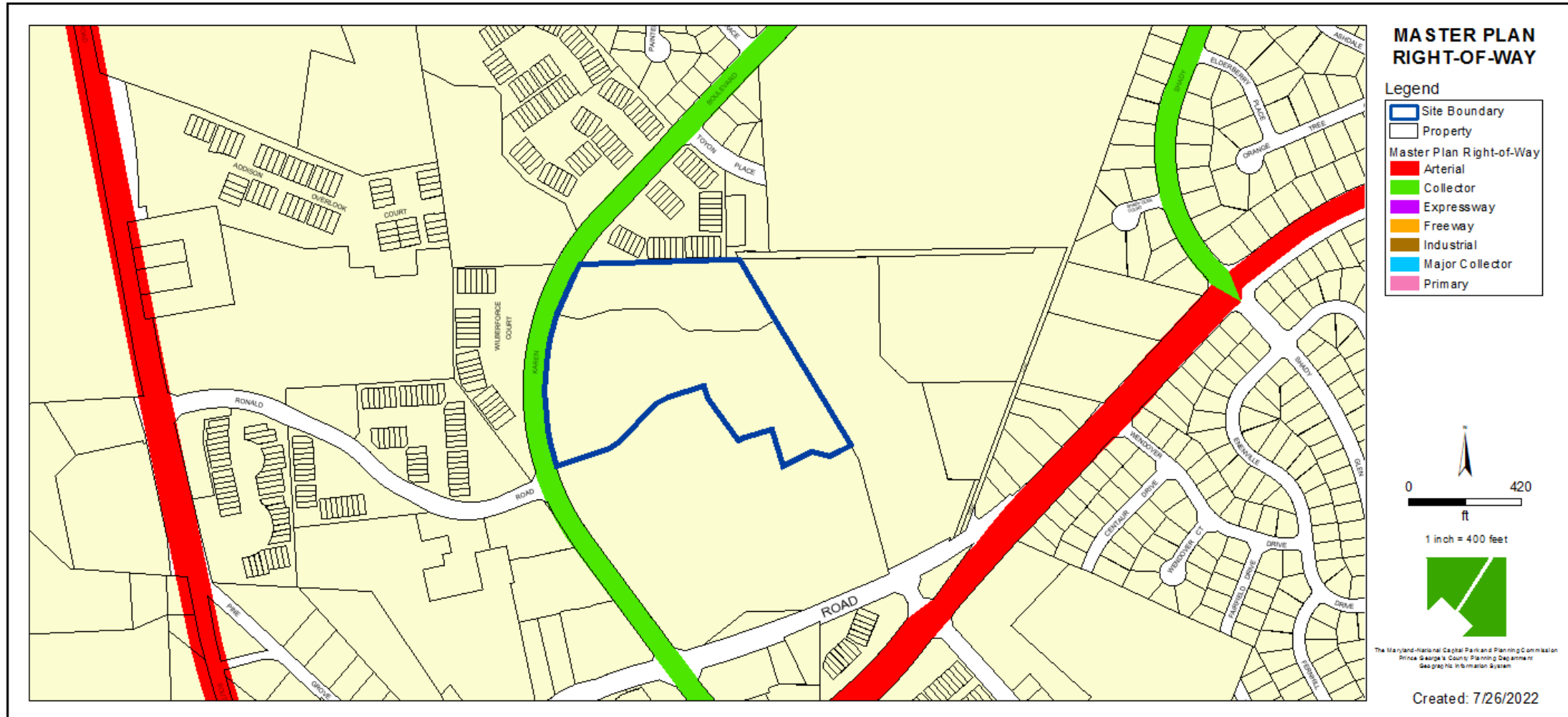
AERIAL MAP



SITE MAP



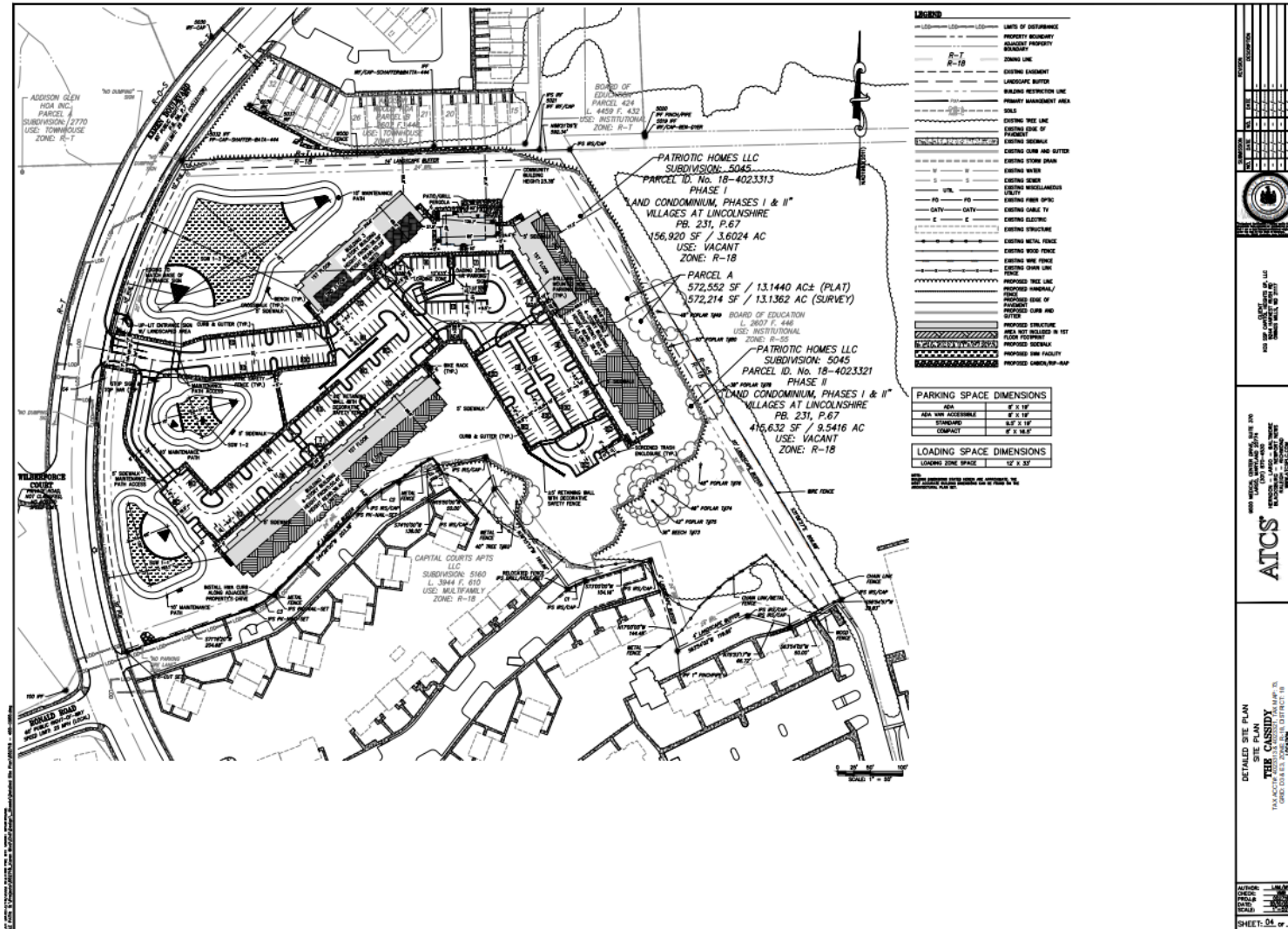
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SITE DEVELOPMENT CONCEPT PLAN

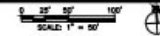


LANDSCAPE PLAN

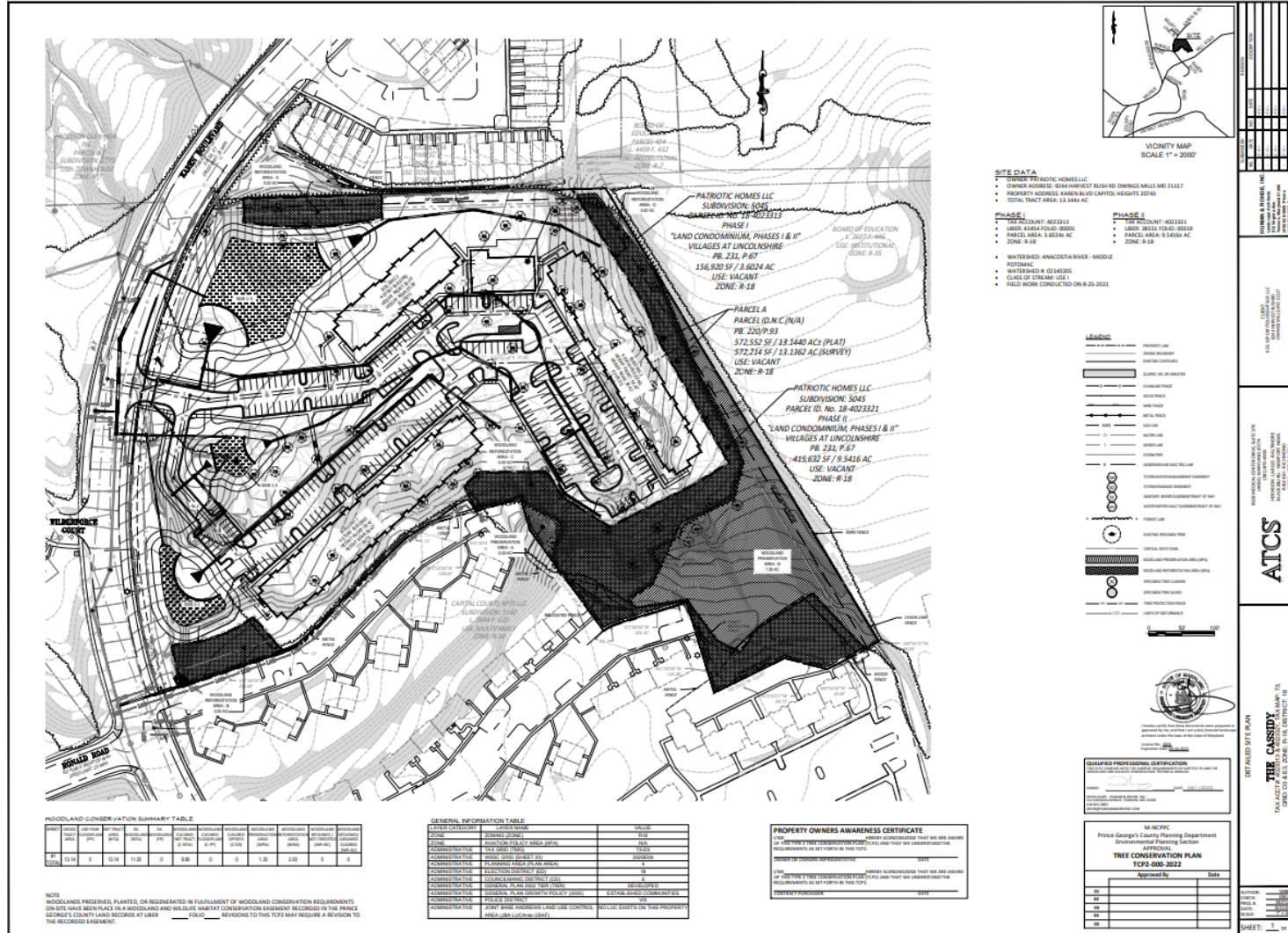


ATCS®

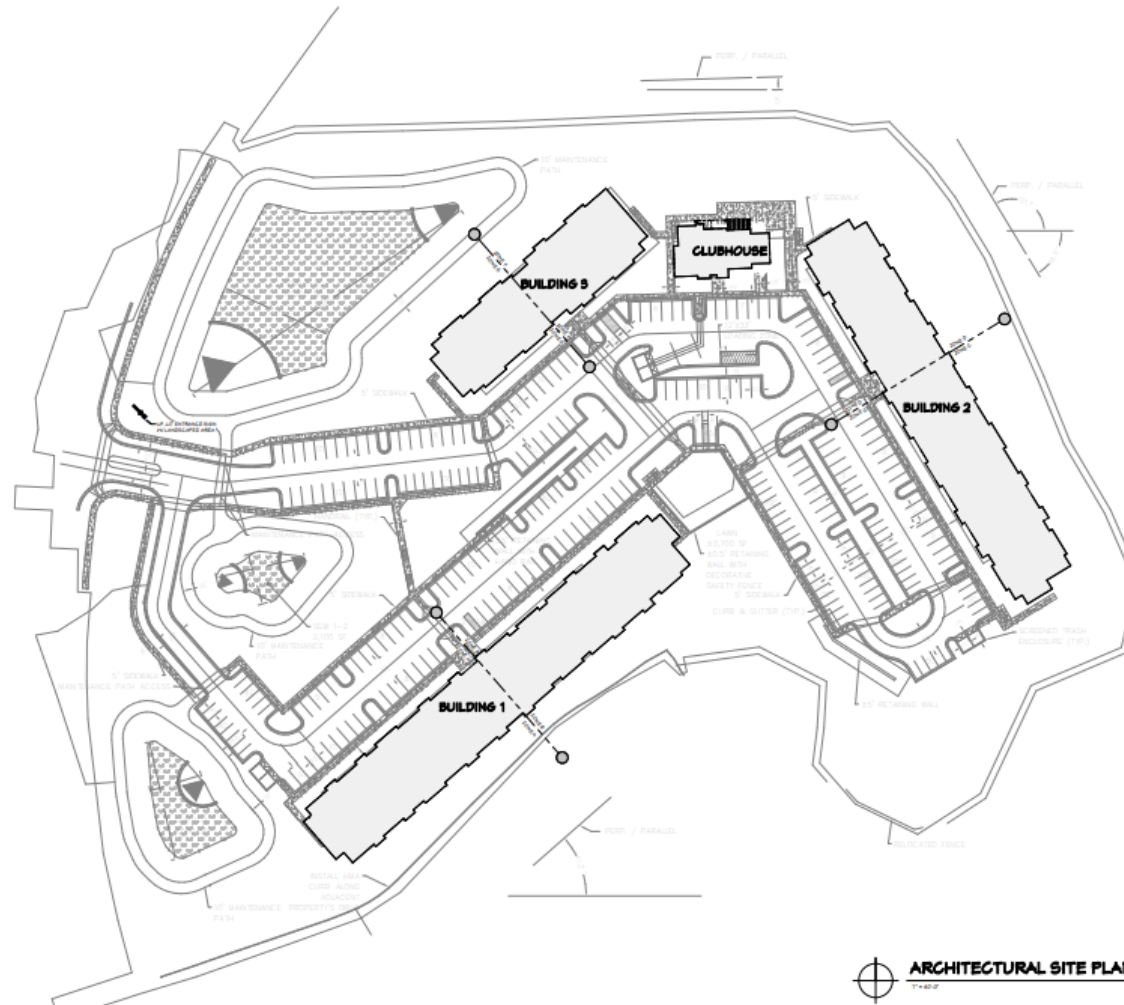
THE CASSIDY
CAPITAL HEIGHTS, MARYLAND



TYPE II TREE CONSERVATION PLAN



ARCHITECTURAL SITE PLAN



Hooker DeJong Inc.
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NEW CONSTRUCTION MULTI-FAMILY HOUSING
THE CASSIDY
with 100% affordable units
KCG SSP Capital Heights GP, LLC

Project Number: 2021-0033
Revision: 01
Date: 09/15/2022
Application
Preliminary



ARCHITECTURAL
SITE PLAN

A0.0

ELEVATIONS



CONCEPTUAL PERSPECTIVE: FOR REFERENCE ONLY



CONCEPTUAL PERSPECTIVE: FOR REFERENCE ONLY



CONCEPTUAL PERSPECTIVE: FOR REFERENCE ONLY



Hooker DeJong Inc.
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NEW CONSTRUCTION MULTI-FAMILY HOUSING
THE CASSIDY
 1000 10th Street, NE, Washington, DC 20003
 MCG SSP Capital Heights GP, LLC

Project No: 2221-0832

Revised: 11/18/22
 Date: 11/18/22
 1 - 2022-02-08 APPROVED FOR PERMITS



RENDERINGS - FOR REFERENCE ONLY

CS-3

ZONE A AND B – ELEVATIONS



2
ZONE B - EAST ELEVATION



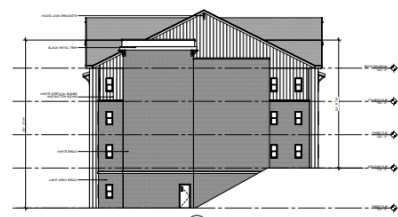
3
ZONE B - NORTH ELEVATION



4
ZONE B - WEST ELEVATION



5
ZONE A - EAST ELEVATION

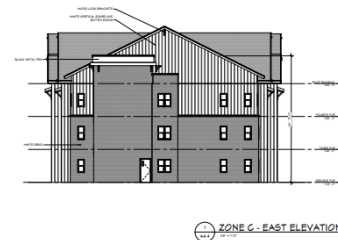
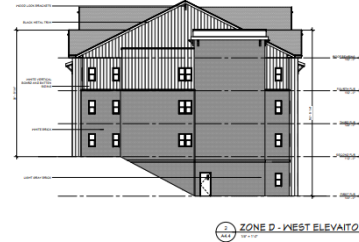


6
ZONE A - SOUTH ELEVATION



7
ZONE A - WEST ELEVATION

ZONE C AND D – ELEVATIONS



ZONE E – ELEVATIONS



4 ZONE E - WEST ELEVATION
A4.10 1/8" = 1'-0"



3 ZONE E - EAST ELEVATION
A4.11 1/8" = 1'-0"

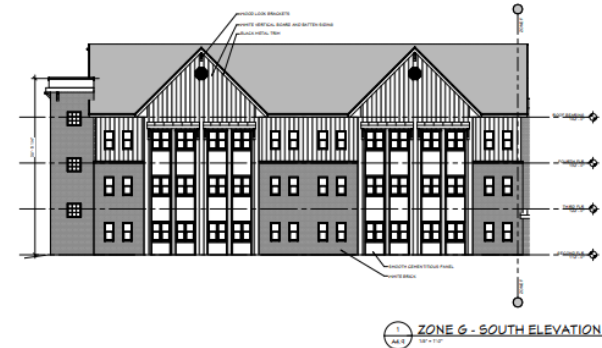
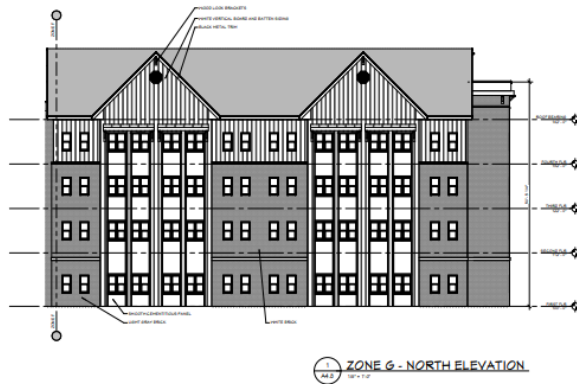
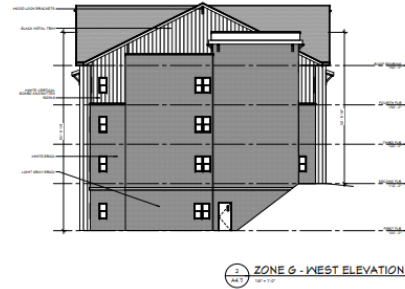


2 ZONE E - SOUTH ELEVATION
A4.12 1/8" = 1'-0"



1 ZONE E - NORTH ELEVATION
A4.13 1/8" = 1'-0"

ZONE F AND G – ELEVATIONS



STAFF RECOMMENDATION

APPROVAL with conditions

- DSP Conditions
- TCP II Conditions

Minor Issues:

- Technical Issues

Applicant Required Mailings:

- Requirement Satisfied

**STATEMENT OF JUSTIFICATION
DETAILED SITE PLAN DSP-21045
THE CASSIDY
FEBRUARY 8, 2022
REVISED MARCH 10, 2022
REVISED APRIL 11, 2022**



APPLICANT

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1.0 INTRODUCTION/OVERVIEW

The applicant for this Detailed Site Plan is KCG SSP Capitol Heights GP, LLC ("Applicant"). The Applicant is a joint venture between Streetscape Partners and KCG Development, LLC.

Streetscape Partners is a real estate development and investment firm focused on the residential and mixed-use sectors in the Washington, DC metropolitan area. KCG Development was founded in 2015 and has quickly amassed a portfolio of over 2,200 multifamily dwelling units. KCG Development brings experience in the development of affordable housing projects. These two experienced firms have teamed up to construct a high quality but affordable multifamily project to be known as The Cassidy. The project will be located in Capitol Heights.

The Cassidy will be the second project in Prince George's County which is the product of this partnership. A 150-unit multifamily age-restricted project known as Hill House was just approved in the Traditions at Beechfield Planned Retirement Community in Bowie. Prince George's County recently approved CR-83-2021 to approve the terms of a Payment in Lieu of Taxes agreement to support this project.

The Applicant is excited to bring this high quality, affordable multifamily project designed to provide housing to the "missing middle" of Prince George's County residents—including

public school teachers, police officers, social workers, dental hygienists, and other critical members of the County workforce.

2.0 SUBJECT PROPERTY

The property forming the subject matter of this application is a 13.14-acre parcel of land designated as Parcel "A", Villages at Lincolnshire, as per plat thereof recorded among the Land Records of Prince George's County, Maryland in Plat Book PM 220 at Plat No. 93 (the "Subject Property"). A copy of the Final Plat of Subdivision is marked Exhibit "A" and attached hereto. This plat was recorded in December, 2007. The Subject Property was also the subject of a plat of condominium related to a prior development proposal, discussed below. The condominium plat will be abandoned as part of the proposed development

The Subject Property is located on the east side of Karen Boulevard in Capitol Heights. It is located approximately 70 feet north of the intersection of Ronald Road and Karen Boulevard. The Subject Property is zoned RMF-20 (formerly R-18) and is currently vacant and vegetated. The Subject Property is abutted on the west by Karen Boulevard. Across Karen Boulevard is a cluster of 24 townhouses in the RSF-A (formerly R-T) zone. The property on which these townhouses are developed was part of a larger tract of land with the Subject Property subdivided pursuant to Preliminary Plan of Subdivision 4-03084. To the south is a multifamily development known as the Capitol Courts

Apartments in the RMF-20 (formerly R-18) zone. To the east is John Bayne Elementary School under the ownership of the Board of Education, which is zoned RSF-65 (formerly R-55). To the north, the Subject Property abuts the Addison Woods townhouse development in the RSF-A (formerly R-T zone). Thus, the surrounding properties are predominantly a mix of multifamily and single family detached homes.

3.0 JUSTIFICATION FOR FILING APPLICATION PURSUANT TO OLD ZONING ORDINANCE

The Zoning Ordinance which went into effect on April 1, 2022 permits applications to be filed pursuant to the provisions of the prior Zoning Ordinance. The Applicant submits this application pursuant to the provisions of the prior Zoning Ordinance. Section 27-1904(b) requires that a of Justification Statement be included with any application filed under the provisions of the prior Zoning Ordinance. In satisfaction of this requirement, the Applicant would submit that this application has been under design and preparation for several months with the intent of filing prior to the implementation of the current Zoning Ordinance. Due to delays in pre-application review outside the control of the Applicant, the application was not accepted prior to that date. Due to time constraints, the Applicant is not able to now redesign the site to conform with the requirements of the current Zoning Ordinance.

In addition to the above consideration, there are several provisions of the current Zoning Ordinance which would require a redesign of the Detailed Site Plan and may prevent the application from being approved as currently designed. For example, Section 27-6903(b)(1) requires that at least one secondary point of vehicular access to or from a site be provided for developments with 20 or more dwelling units "if feasible.". Due to site topography, only one point of vehicular access is provided. While the Applicant believes that the topography prevents a second access, such a requirement could severely impact the project.

Section 27-6903(b)(1) requires that for multifamily buildings, no more than 50 percent of off-street parking may be located between a building and the street unless the parking bays are screened from view from the street by another building. The Subject Property is topographically challenged, and the buildings area set back toward the rear of the site with parking between the buildings and Karen Boulevard. Although largely screened by the topography, they are not screened by another building.

Section 27-6903(c)(2) requires that multifamily developments with more than one building shall be configured so that primary building entrance are oriented towards external streets. In this instance, the buildings are angled as needed to work with the site topography and are not directly oriented toward Karen

Boulevard. It is not clear that this provision allows site topography to be taken into account when designing a multiple building development such as that proposed for the Subject Property.

Section 27-6903(d) states that the maximum length of any multifamily building in the RMF-20 Zone is 250 linear feet, regardless of the number of units. There are three buildings proposed and two of the three exceed 250 linear feet. Breaking the buildings up into smaller structures would require 5 buildings instead of three, and the site topography would not allow this to be done without a substantial loss of units.

The above constitute a summary of the reasons why the Applicant elected not to stop the application process and attempt to redesign the site at this stage in the process.

4.0 DEVELOPMENT HISTORY OF PROPERTY

The Subject Property is zoned RMF-20/M-I-O (formerly R-18/M-I-O). As noted above this application if filed under the provisions of the former Zoning Ordinance and all further references contained herein shall refer to the provisions of the prior Ordinance. Only the far eastern portion of the Subject Property is impacted by the Military Installation Overlay Zone, and only with regard to height. The height of the buildings conforms to the MIO regulations. The Subject Property was the subject of Preliminary Plan 4-03084, which was adopted on January

29, 2004 as PGCPB Resolution No. 04-03. The preliminary plan included two tracts of land, the Subject Property and the land on the west side of Karen Boulevard in the R-T zone. That land was the subject of Detailed Site Plan DSP-04012 and is developed. The Subject Property was the subject of Detailed Site Plan DSP-05001, which was approved on December 14, 2006 pursuant to Planning Board Resolution PGCPB No. 06-263. Filed as companion cases to the Detailed Site Plan were Parking and Loading Spaces DPLS-320 and Departure from Design Standards DDS-568. The DPLS and DDS applications were approved concurrent with the Detailed Site Plan pursuant to PGCPB No. 06-263, while DDS-568 was approved pursuant to Resolution PGCPB No. 06-265.

The development proposed pursuant to DSP-0501 consisted of 156 dwelling units. The type of unit proposed was similar to a two-over-two unit, but the architecture created a shared entry for four units in order to qualify as a multifamily unit. It was determined that a traditional two-over-two unit did not qualify as a multifamily dwelling and therefore, did not qualify for the 12-dwelling unit per acre base density permitted for multifamily units in the R-18 zone. Thus, the architecture was designed to qualify as a multifamily dwelling unit to allow for greater density. Ultimately the prior development approval did not proceed and DSP-05001 expired as of December 31, 2021.

5.0 DEVELOPMENT PROPOSAL

The proposed development consists of a traditional four-story multifamily building served by elevators. As such, the permitted density is 20 dwelling units per acre. Thus, a total 262 multifamily dwelling units are permitted. The Applicant is proposing 175 dwelling units. The property exhibits substantial topography, rising over 40 feet in elevation from its western boundary with Karen Boulevard to its eastern boundary with the elementary school. The project has been designed to accommodate the topography by proposing three buildings. The layout of the project is depicted on the rendered site plan below:



Building 1 contains a total of 77 dwelling units, Building 2 contains a total of 63 dwelling units and Building 3 contains a

total of 35 dwelling units. In addition, a clubhouse containing up to 3,500 square feet of indoor amenity space is proposed for use by the residents. A total of 263 surface parking spaces are provided to serve the development. As depicted on the site plan, a single entrance to the project is provided from Karen Boulevard. Stormwater management facilities will be provided on the low side of the site adjacent to Karen Boulevard. These facilities will be landscaped to provide a green open space as one enters the site. The parking is located to serve the buildings. All of the parking is provided in the front of the buildings, and pedestrian connections are provided to allow easy access to the front of the buildings.

The proposed development will include 55 one-bedroom units, 79 two-bedroom units and 41 three-bedroom units. Pursuant to Section 27-568, a total of 431 parking spaces would typically be required to serve the development. As noted above, the applicant is proposing 263 parking spaces. A companion Departure from Parking and Loading Standards (DPLS-22002) has been filed in conjunction with this Detailed Site Plan to allow for the reduction in parking.

The proposed architecture uses high quality materials and is very attractive, as can be seen on the rendering below:



The building will be predominantly white with black trim and a black roof. Gray brick is also utilized on the base and on vertical elements to add visual interest. White vertical board and batten siding and smooth cementitious panels provide variety and texture to the materials. Gables and dormers define the building sections, which are stepped back to break up the horizontal façade. As referenced above, a community building will be provided for use by the residents and it will also function as the leasing office. Within the community building will be a community room with kitchenette, a fitness center, a conference room, a mail room and a laundry room. The rear of the community building will feature a concrete patio with a pergola, game/picnic table and bike racks. In addition to the community building, an unprogrammed open space will also be provided on site for the residents to enjoy. The goal of the applicant is to

provide an affordable community that meets the needs of the residents and provides first class amenities expected in modern multifamily projects.

**6.0 CONFORMANCE WITH CONDITIONS OF PRELIMINARY
PLAN 4-03084**

Preliminary Plan of Subdivision 4-03084 was approved January 29, 2004 pursuant to Prince George's County Planning Board Resolution PGCPB No. 04-03, subject to 15 conditions. The property included in the Preliminary Plan included 18.73 acres and included land on both the east and west sides of Karen Boulevard, which had been previously dedicated. The 4.11 acres of the property on the west side of Karen Boulevard was zoned R-T and approved for the development of 24 townhouses. The 13.17 acres on the east side of Karen Boulevard, which is the property included in this DSP, was proposed for the development of 262 multifamily dwellings. The preliminary plan of subdivision depicts the 24 townhouse lots and three parcels. Parcel A included the common area associated with the townhouses on the east side of Karen Boulevard. Parcel B and Parcel C were located on the west side of Karen Boulevard, with Parcel B being depicted as the site of a stormwater management pond and Parcel C being the remainder of the property intended for development. Several of the conditions are relevant to the proposed development and will be addressed below.

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

- a. Revise General Note 16 to reflect that the mandatory dedication of parkland requirement is being met by private on-site recreational facilities.
- b. To provide reference to the approved Stormwater Management Concept Plan, # 20523-2003-00.

COMMENT: Private recreational facilities are provided to satisfy the requirement for mandatory dedication through the provision of a community building. An estimate of the cost of these facilities is provided to demonstrate that the facilities provided exceed the required expenditure. A revised Stormwater Concept Plan has been approved for the site, referenced as SDCP-409221-2021-00.

3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcels A, B and C. Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- i. There shall be no disturbance of any adjacent land that is owned by M-NCPPC, without the review and approval of DPR.
- j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

COMMENT: As noted above, Parcel A constituted the open space associated with the townhouse parcel on the east side of Karen Boulevard and this parcel was conveyed to the HOA at the time this property was developed. Parcel B was contemplated as a

potential stormwater management facility and Parcel C was the remaining development parcel. Had the land on the west side of Karen Boulevard been developed such that common area parcels were created, this condition would be applicable. However, the property was proposed for multifamily development and platted as a single lot at the time of Final Plat with no common area parcels created. The proposed development is also for multifamily development which will not require common area parcels. While stormwater management will be provided, the facility will be subject to an easement with Prince George's County and be maintained by the owner of the multifamily project. As a result, this condition is not applicable to the Proposed development on the Subject Property.

5. **Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.**

COMMENT: Originally, the Preliminary Plan designated a proposed Parcel B, contemplating that a stormwater management facility would be constructed on it and that it may be conveyed to an HOA subject to an easement to the benefit of the County. Since that time, new stormwater management requirements were adopted. The proposed DSP includes stormwater management facilities which are now designed and will be constructed in accordance with the ESD

requirements set forth in Subtitle 32. However, these facilities will not be placed in a separate parcel and the land will continue to be owned by the Applicant. Due to the prominent location of these facilities along Karen Boulevard and at the entrance to the project, it is important to the Applicant that they be landscaped and maintained in such a manner as to be an amenity to the community. They will serve to provide green space and will be maintained to ensure that they function as designed for the benefit of the residents. Additionally, the engineered maintenance paths around the facilities will serve as a robust network of walking paths for residents to enjoy, thus augmenting the utility of the stormwater management facilities to provide additional amenity space.

7. **In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the Parks and Recreational Facilities Guidelines on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.**
8. **The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.**

COMMENT: The Applicant is providing private on-site recreational facilities as required by Condition 7 which will be evaluated as part of this application. A Recreational Facilities Agreement

dated May 29, 2007 was recorded among the Land Records of Prince George's County at Liber 28011 folio 201. A copy of this document is attached hereto as Exhibit "B". This document was recorded prior to the final plat. For the Subject Property, the Recreational Facilities Agreement says that the Developer shall construct the recreational facilities in accordance with approved plan Lincolnshire Phase II DSP-05001. An amendment to the Recreational Facilities Agreement will be required to reflect the recreational facilities approved pursuant to DSP-21045.

Additional history regarding the provision of recreational facilities within the Subject Property may be helpful. As noted above, Condition 7 of the Preliminary Plan required that the private on-site recreational facilities be provided in accordance with Section 24-135(b). At the time the Detailed Site Plan for the Subject Property was filed, the Detailed Site Plan for the townhouse component of the development had already been approved and was subject to the same condition. In Finding 8 of Prince George's County Planning Board Resolution No. 06-263, the Planning Board notes that the District Council had not required private recreational facilities but instead has provided the applicant the option to pay a fee in lieu of recreational facilities. In DSP-05001 for the Subject Property, while a trail and gazebo were proposed, the Applicant indicated a desire to pay

a fee in lieu of any additional recreational facilities. The Planning Board found:

"It appears that the applicant is trying to fulfill the condition above with the provision of a fee-in-lieu, based on the District Council's previous action in the review and approval of Phase I of the project, approved under DSP-04012. This proposal by the applicant does not conform to the approved preliminary plan, therefore, staff recommends that the plans be revised prior to signature approval to include a tot-lot, a preteen lot, and a one-half multipurpose court."

As a result of this finding, the Planning Board adopted condition 2(c), which required the Detailed Site Plan to be revised prior to certificate approval "to include a tot-lot, a preteen lot, and a one-half multipurpose court" in addition to the trail and gazebo shown on the plan. Notwithstanding this condition, the Detailed Site Plan was reviewed and ultimately approved by the District Council. In the District Council's Notice of Final Decision dated April 23, 3007, it approved the Detailed Site Plan with revised conditions. A copy of the Notice of Final Decision is attached hereto as Exhibit "C". Condition 2(g) imposed by the District Council stated "the recreational facilities including the tot-lot, the pre-teen lot, and the half multipurpose court shall be removed from the plans. In lieu of these facilities, Condition 4 required that the applicant pay \$113,000 to the Development of Parks and Recreation to construct facilities in a park in the vicinity of the Addison Road and Wilburn Drive. For

this reason, the only recreational facilities shown on the certified Detailed Site Plan and referenced in the Recreational Facilities Agreement are the trail and gazebo referenced above.

12. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The applicant will be responsible for any additional pavement markings and signage at this location as determined by DPW&T.
13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:
 - a. The applicant shall extend the southbound left turn lane on Addison Road at Ronald Road based on DPW&T recommendations and guidelines to increase stacking distance a minimum of 175 feet. In addition, an acceleration lane shall be constructed along northbound Addison Road at Ronald Road. Any modifications to the traffic signal, new pavement markings, or signage will be the responsibility of the applicant.
 - b. At the intersection of Walker Mill Road and Addison Road, the applicant will modify the westbound approach of Walker Mill Road from one left turn lane and one right turn lane to one left turn lane and one shared left/right turn lane. This may require minor widening and reconstruction at the intersection.

- c. At the intersection of MD 214 and Addison Road, the applicant shall construct a free-flow, northbound, right-turn lane on Addison Road to eastbound MD 214 or construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.
- d. At the time of final plat approval, the applicant shall construct Karen Boulevard to connect with the existing portion of Karen Boulevard to the north at Walker Mill Middle School. These improvements shall include any signal, signage, and pavement marking modifications and additions to be determined by SHA and/or DPW.

COMMENT: Conditions 12 and 13 set forth several road improvements which were required to be addressed prior to the issuance of any building permits. As stated above, the preliminary plan of subdivision included 24 townhouses on the west side of Karen Boulevard which have now been constructed and are occupied. The Applicant has been in contact with both the Department of Permitting, Inspections and Enforcement ("DPIE") and with the Permit Review Division of the Maryland-National Capital Park and Planning Commission and has gathered information which demonstrates that these conditions have been satisfied. Attached hereto are two emails. The first email, dated July 15, 2021 from Thomas Haller, attorney for the Applicant, to Dawit Abraham and Mary Giles with DPIE, addresses each of the conditions, including evidence of conformance thereto. The second email, dated July 17, 2021, is a response from Mr. Abraham

indicating that the road improvements appear to have been addressed, except for Condition 13(d). A copy of these emails, with attachments, is attached hereto as Exhibit "D". In summary, each of the conditions has been addressed as follows:

- Condition 12: The traffic signal at Walker Mill Road and Karen Boulevard has been installed and is operational;
- Condition 13(a): the Applicant paid a fee in lieu to DPIE, as confirmed in a memorandum from Russell Carroll dated December 12, 2008;
- Condition 13(b): The Applicant paid a fee in lieu for construction of these improvements as confirmed in the December 12, 2008 memorandum from Russell Carroll. Further, it is noted that the County has approved and funded a CIP project to reconstruct this intersection which also includes the required improvements;
- Condition 13(c): The Applicant paid a fee in lieu for the construction of these improvements as confirmed in the memorandum from Russell Carroll dated December 12, 2008;
- Condition 13(d): Karen Boulevard was constructed but was closed to traffic until recently. Mr. Abraham notes that this still needs to be addressed. Subsequent to that email, the road was completed by the Department of Public Works and Transportation to allow for access to the Walker Mill Middle School property. The Applicant will work with DPIE to determine whether any additional work related to this roadway segment is required during the street construction permit process.

Based upon the above, the proposed Detailed Site Plan either conforms with the applicable condition of the Preliminary Plan of Subdivision or such conformance will be addressed through the processing of this application.

7.0 ZONING ORDINANCE SITE PLAN CRITERIA

Pursuant to Section 27-436(e) (1) of the Zoning Ordinance, "a Detailed Site Plan shall be approved for all attached and multifamily dwellings, including any associated community building or recreational facilities" in the R-18 Zone. This Detailed Site Plan is submitted in conformance with this requirement.

8.0 DETAILED SITE PLAN REQUIREMENTS

The general purposes of a Detailed Site Plan are set forth in Section 27-281 et. seq. of the Zoning Ordinance.

8.1 Section 27-281 - General Purposes of Detailed Site Plans

Section 27-281(b) (1) of the Zoning Ordinance sets forth the General Purposes of a detailed site plan. These are:

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

The Applicant's proposed use is in conformance with the Master Plan Plan and SMA. The Subject Property is located in an area where multifamily development is the predominant use. The existing multifamily development abutting the Subject Property and across Karen Boulevard are more than 40 years old. The proposed development will provide new multifamily dwellings

consistent with modern projects in the Washington Metropolitan area.

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

The purposes of the R-18 Zone are set forth in Section 27-436 of the Zoning Ordinance. This section provides as follow:

(a) **Purposes.**

(1) **The purposes of the R-18 Zone are:**

(A) To make available suitable sites for multifamily developments of low and moderate density and building bulk;

COMMENT: The proposed development clearly conforms to the purposes of the R-18 zone. One of the purposes is to make available sites for multifamily developments of low to moderate density and bulk. The proposed Detailed Site Plan includes three multifamily buildings, four stories in height, at a density of 13.32 dwelling units per acre, less than the 20 units per acre permitted in the R-18 zone.

(B) To provide for this type of development at locations recommended in a Master Plan, or at other locations which are found suitable by the District Council;

COMMENT: The Subject Property has been zoned R-18 for many years and this zoning was reaffirmed through the adoption of the Subregion 4 Master Plan and Sectional Map Amendment. Thus, the Subject Property has been recommended for multifamily development in the applicable Mater Plan.

(C) To provide for this type of development at locations in the immediate vicinity of the moderate-sized commercial centers of the County; and

COMMENT: The Subject Property has located approximately one mile from the Addison Road Metro Station and is in close proximity to the commercial area located at the intersection of Addison Road and Walker Mill Road. The Subject Property is surrounded by other multifamily developments and continues to be a suitable location for multifamily development.

(D) To permit the development of moderately tall multifamily buildings, provided they are surrounded by sufficient open space in order to prevent detrimental effects on the use or development of other properties in the general vicinity.

COMMENT: The Detailed Site Plan proposes the construction of four (4) story multifamily buildings, each of which will be served by an elevator. As can be seen from the rendering, the property will be surrounded by a sufficient open space network and will have no detrimental effect on the use or development of other properties in the general vicinity.

(2) To simplify review procedures for residential, commercial, and mixed residential and commercial development in established communities;

The review procedures in the M-U-I Zone as augmented by the Development District Standards in the DDOZ establish development guidelines. The applicant's proposed use predominantly satisfies the Development District Standards for the Subject Property which is located in the Established Communities.

(3) To encourage innovation in the planning and design of infill development.

As has been described above, the Subject Property drops topographically between its eastern property line and Karen Boulevard. The proposed development has been strategically designed to work with the slope to provide an attractive development which will contribute aesthetically to the larger community.

(4) To allow flexibility in the process of reviewing infill development;

The proposed development is a true infill development, in that all abutting properties are already developed and utilized. The site plan process provides the flexibility to design a site which is compatible with the surrounding development.

(5) To promote smart growth principles by encouraging efficient use of land and public facilities and services;

The development of the Subject Property constitutes infill development since it is the only undeveloped land in an area surrounded by existing improved properties. The property is also within a mile of the Addison Road Metro Station and within an area with existing public facilities. Not only does it abut the John Bayne Elementary School, the northeast corner of the Subject Property also abuts the rebuilt Walker Mill Middle School. This property is well served by public facilities and services.

- (6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses; and**

The proposed development conforms with the vision and recommendations of the Master Plan by placing multifamily development in close proximity to existing commercial uses and public facilities. This project will enhance the overall community fabric.

- (7) To permit redevelopment, particularly in areas requiring revitalization, of property owned by a municipality or the Prince George's County Redevelopment Authority.**

This purpose is inapplicable as the Subject Property is not owned by a governmental entity.

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

This project will be developed in accord with regulations applicable to multifamily development in the R-18 zone and the site design guidelines set forth in Section 27-285 and Section 27-274, which are addressed in greater detail below.

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

The approval procedures are clearly spelled out in the Zoning Ordinance. The review procedures regarding the approval of detailed site plans are also clearly set forth in the Zoning Ordinance. Detailed site plans are approved by the Prince

George's County Planning Board pursuant to Section 27-285 of the Zoning Ordinance.

8.2 SECTION 27-285(b)-DETAILED SITE PLANS

Section 27-285(b) of the Zoning Ordinance provides specific criteria which must be met and satisfied in order for a detailed site plan to be approved. The Zoning Ordinance, in Section 27-285(b), sets forth the specific requirements applicable to the approval of a detailed site plan. A point-by-point analysis of how this application complies with the criteria contained in Section 27-285(b) follows:

Required findings:

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

As can be seen from a review of the site plan package filed with this application, the multifamily residential building satisfies the site design guidelines and the regulations applicable to the R-18 zone. The building architecture is attractively designed, and construction materials are of the highest quality. The parking provided will serve the needs of the residents and landscaping is also provided to create an attractive view from the street and surrounding properties. Ample amenities are provided on site for the future residents.

The site design guidelines are set forth in Sections 27-283 and 27-274 of the Zoning Ordinance. Section 27-283 applies to Detailed Site Plans, and states that the site design guidelines are the same as those required for a Conceptual Site Plan, which are contained in Section 27-274. However, the guidelines shall only be used in keeping with the character and purpose of the proposed type of development.

The Site Design Guidelines address General Matters, Parking, Loading and Circulation, Lighting, Views, Green Area, Site and Streetscape Amenities, Grading, Service Areas, Public Spaces, Architecture and Townhouses. Those that are relevant are addressed below.

Section 27-274(a)(1) General. The proposed plan should promote the purposes of the Conceptual Site Plan. The purposes of Conceptual Site Plans are listed in Section 27-272. The General Purposes include providing for development in accordance with the Master Plan and helping fulfill the purposes of the zone in which the land is located. As noted above, the proposed development is proposed for multifamily residential development in the Master Plan and the Detailed Site Plan demonstrates conformance with this land use recommendation.

The Specific Purposes are set forth in Section 27-274 are addressed below.

Section 27-274(a) (2) Parking, Loading and circulation.

General guidance is given regarding the location of parking and loading facilities. Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. The proposed residential buildings are being oriented such that they are well set back from Karen Boulevard with the parking located in the central part of the site. Due to the site topography, the parking will be substantially screened from the road. The parking is located as near as possible to the uses they serve, which is important in rental housing. The pedestrian circulation on site is safe and efficient. The residents will have easy access to their units, with parking being provided in close proximity, while the recreational facilities are located to be easily accessed by all the residents.

The one required loading space is located in close proximity to the community building and will not be visible from the street. The loading space is clearly marked.

Pedestrian circulation on site is safe, efficient and convenient for both pedestrians and drivers.

Section 27-274(a) (3) Lighting. A photometric plan is included with the DSP and ensures that the lighting provided will

illuminate important on-site elements, such as the entrances, recreational areas and pedestrian pathways.

Section 27-274(a)(4) Views. The guidelines encourage creating scenic views from public areas. Given the site topography, the proposed buildings are located on a hill well set back from the public right of way. The stormwater management facilities required to serve the development will be designed, landscaped and maintained to be a visual asset to the community and will enhance the views from the public areas.

Section 27-274(a)(5) Green Area. Ample green area will be provided on site and will be accentuated by elements such as landscaping and recreational facilities. Street furniture is included with the DSP. Over 60% of the Subject Property will be retained as green area in accordance with the requirements of the R-18 zone.

Section 27-274(a)(6) Site and streetscape amenities. Site and streetscape amenities are addressed in DSP. The recreational amenities provided on site will be easily accessible to the residents. Bike racks will be provided at the community building.

Section 27-274(a)(7) Grading. The Detailed Site Plan was designed to work with the existing topography on the site to the extent possible. Upon completion of the development, areas will be reforested, landscaped and planted to enhance the views of the residents.

Section 27-274(a) (8) Service areas. The service areas are located such that they are located out of sight of Karen Boulevard and are located convenient to all of the buildings they will serve. The trash dumpsters will be adequately screened with concrete block walls and attractive landscaping.

Section 27-274(a) (9) Public spaces. The main public space associated with the development will be the community building which will provide the primary recreational amenities for the community. This clubhouse will be accessible to all of the residents and will have both indoor space and outdoor space for the residents to gather and recreate.

Section 27-274(a) (10) Architecture. As discussed in detail above, the architecture of the proposed multifamily buildings is attractive and includes a mixture of materials. The buildings are designed with multiple setbacks so that there is not a flat front or rear façade.

Section 27-274(a) (11) Townhouses and three family dwellings. This consideration is inapplicable to the proposed DSP as there are no townhouses or three family dwellings

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

This provision is inapplicable.

- (3) **The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents**

offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

This provision is inapplicable.

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

The property was approved pursuant to Preliminary Plan 4-03084 and environmental impacts were evaluated at that time. A new Natural Resources Inventory has been submitted referenced as NRI-192-2021. The updated NRI confirms that no regulated environmental features exist on site and thus, no impacts to regulated environmental features are proposed in conjunction with this Detailed Site Plan. A Site Development Concept Plan has also been filed (SDCP409221-2021-00). All applicable environmental regulations will be addressed as part of the development of this project.

9.0 CONCLUSION

As described above, the applicant submits that the proposed Detailed Site Plan for The Cassidy satisfies all of the approval criteria for detailed site plans as set forth in Sections 27-281 and 27-285 of the Zoning Ordinance. In addition, the proposed detailed site plan conforms with all of the applicable condition of the preliminary plan of subdivision. For these reasons, the

Applicant requests that this Detailed Site Plan be approved as submitted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'THH', enclosed in a rectangular box.

Thomas H. Haller
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

S:\Streetscape Partners/ DSP Justification Statement.wpd

OWNER'S DEDICATION

WE, PDC LINCOLNSHIRE, INC. OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, FURTHER WE GRANT TO THE PUBLIC UTILITIES, AND THEIR SUCCESSORS AND ASSIGNS, A TEN (10) FOOT WIDE "PUBLIC UTILITY EASEMENT" (PUE) SHOWN HEREON, WITH THE TERMS AND PROVISIONS OF AND SUBJECT TO "DECLARATIONS OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND, IN LIBER 3703 AT FOLIO 748. FURTHER WE GRANT TO THE WASHINGTON SUBURBAN SANITARY COMMISSION (W.S.S.C.) SUCH EXCLUSIVE RIGHTS AS NECESSARY FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF SANITARY SEWERS AND/OR WATER MAINS AND APPURTENANCES WITHIN THE WATER AND/OR SEWER RIGHTS OF WAY EASEMENTS AS SHOWN HEREON, SUBJECT TO AND TOGETHER WITH THE CONDITIONS IN A RIGHT OF WAY DOCUMENT FROM THE GRANTOR(S) THEIR SUCCESSORS OR ASSIGNS TO THE W.S.S.C. AND TO BE RECORDED HEREFTER. FURTHER WE CERTIFY THAT PROPERTY MARKERS WILL BE PLACED BY A MARYLAND REGISTERED SURVEYOR IN ACCORDANCE WITH SECTION 24-120(b)(6)(f)(ii) OF THE PRINCE GEORGE'S COUNTY CODE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, EXCEPT FOR A CERTAIN DEED OF TRUST RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 17104, FOLIO 602 AND ALL THE PARTIES OF INTEREST THERETO HAVE HEREON INDICATED THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

PDC LINCOLNSHIRE, INC. OWNER OF THE PROPERTY
Michael Carnock 4/12/07
 MICHAEL CARNOCK, PRESIDENT DATE

WITNESS
Jolanda Collins 4/12/07
 JOLANDA COLLINS DATE

CITIZENS NATIONAL BANK
Richard Ohnmacht 4/18/07
 RICHARD OHNMACHT, TRUSTEE DATE

WITNESS
Richard Ohnmacht DATE

MARYLAND NATIONAL PARK AND PLANNING CO.
 PARCEL C
 L. 7447 F. 441

ADDISON WOODS HOMEOWNERS ASSOCIATION
 PARCEL B
 L. 2607 F. 446

BOARD OF EDUCATION
 PARCEL 424
 L. 4459 F. 432

BOARD OF EDUCATION
 PARCEL A
 L. 3493 F. 713

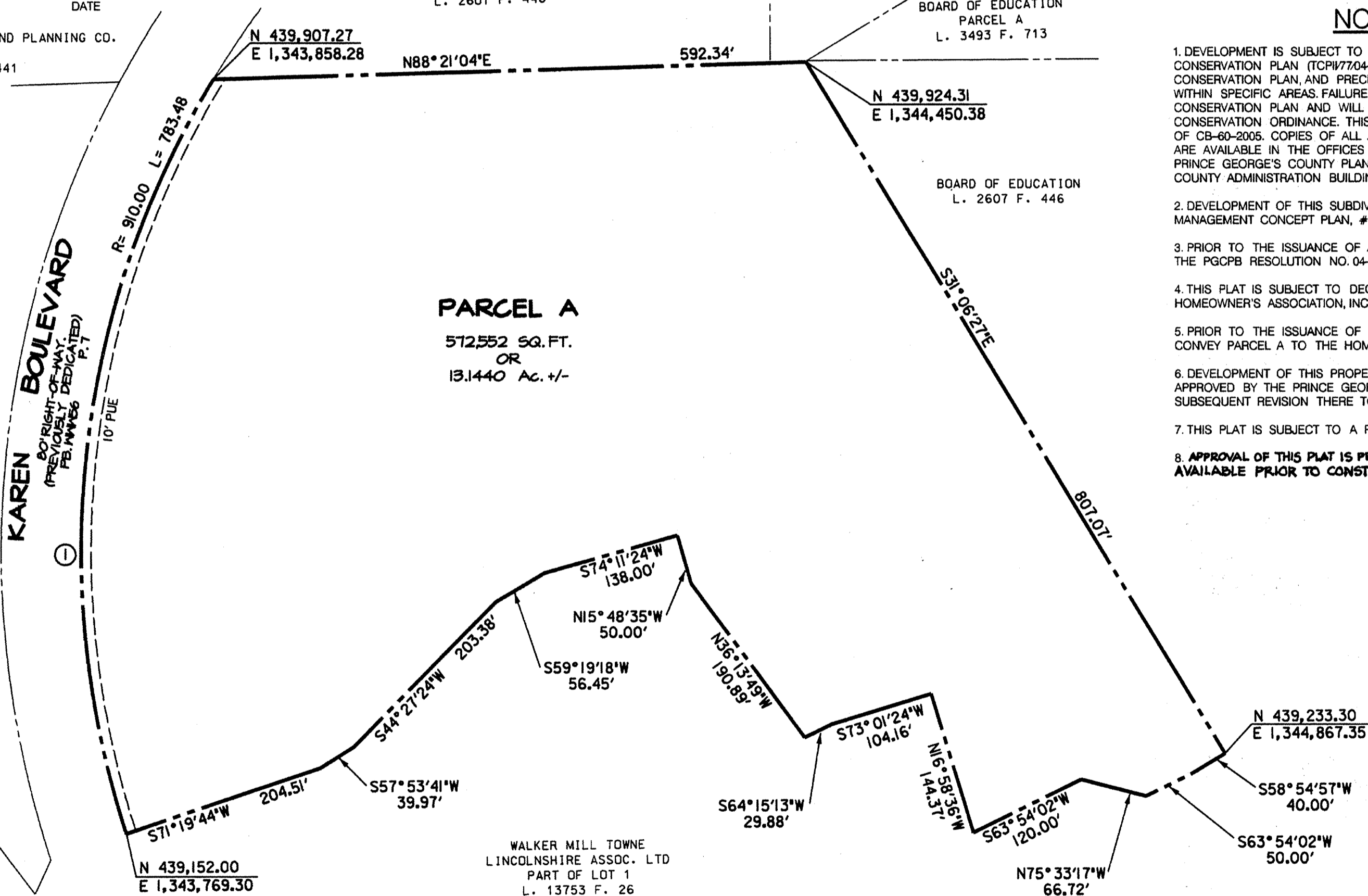
BOARD OF EDUCATION
 L. 2607 F. 446

FILED

LOTS 1 THROUGH 24, PARCEL A
 LINCOLNSHIRE
 PB REP 213 P 13

CURVE TABLE

NO.	RAD	ARC	TAN	DELTA	CHORD BEARING	CHORD DISTANCE
1	910.00	783.48	417.88	49°19'47"	N06°43'40"E	759.50'

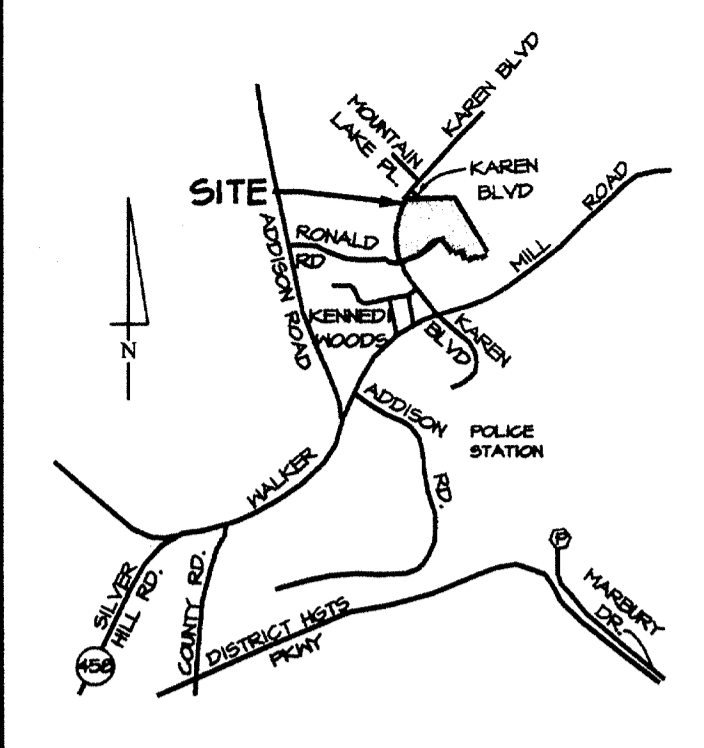


SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF PART OF THE LANDS CONVEYED BY LINCOLNSHIRE ASSOCIATES LTD TO PDC LINCOLNSHIRE, INC. BY DEED DATED FEBRUARY 4, 2004 AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY IN LIBER 19062 AT FOLIO 242, AND IS A RESUBDIVISION OF PART OF LOT 1 AS SHOWN ON A PLAN OF SUBDIVISION ENTITLED "LOTS 1, 2 AND 3, WALKER MILL TOWNE" AS RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK WWW56 AS PLAT NO. 7; THAT THERE IS NO STREET DEDICATION BY THIS PLAN AND THE TOTAL PLAT AREA INCLUDED IN THIS PLAN OF RESUBDIVISION AS NOW SURVEYED IS 572,552 SQUARE FEET OR 13.1440 ACRES OF LAND.

Gerald L. Bennett 04/11/2007
 GERALD L. BENNETT DATE
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 10743

MARYLAND STATE PLANE DATUM NAD 83/91

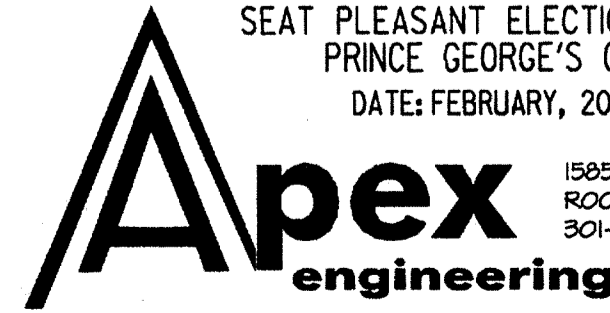


VICINITY MAP
 SCALE: 1"=2000'

NOTES

- DEVELOPMENT IS SUBJECT TO RESTRICTIONS SHOWN ON THE APPROVED TYPE II TREE CONSERVATION PLAN (TCP#7704-01), OR AS MODIFIED BY THE TYPE II TREE CONSERVATION PLAN, AND PRECLUDES ANY DISTURBANCE OR INSTALLATION OF ANY STRUCTURE WITHIN SPECIFIC AREAS. FAILURE TO COMPLY WILL MEAN A VIOLATION OF AN APPROVED TREE CONSERVATION PLAN AND WILL MAKE THE OWNER SUBJECT TO MITIGATION UNDER THE WOODLAND CONSERVATION ORDINANCE. THIS PROPERTY IS SUBJECT TO THE NOTIFICATION PROVISIONS OF CB-60-2005. COPIES OF ALL APPROVED TREE CONSERVATION PLANS FOR THE SUBJECT PROPERTY ARE AVAILABLE IN THE OFFICES OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT, ENVIRONMENTAL PLANNING SECTION, 4TH FLOOR, COUNTY ADMINISTRATION BUILDING, 14741 GOVERNOR ODEN BOWIE DRIVE, UPPER MARLBORO, MARYLAND.
- DEVELOPMENT OF THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH APPROVED STORMWATER MANAGEMENT CONCEPT PLAN, #20523-2003-02.
- PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, TRANSPORTATION CONDITIONS SPECIFIED IN THE PGCPB RESOLUTION NO. 04-03, SHALL BE SATISFIED.
- THIS PLAT IS SUBJECT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE LINCOLNSHIRE HOMEOWNER'S ASSOCIATION, INC.
- PRIOR TO THE ISSUANCE OF BUILDING PERMITS, THE APPLICANT, HIS SUCCESSORS AND/OR ASSIGNS SHALL CONVEY PARCEL A TO THE HOMEOWNER'S ASSOCIATION.
- DEVELOPMENT OF THIS PROPERTY MUST CONFORM TO THE DETAILED SITE PLAN, DSP-05001, WHICH WAS APPROVED BY THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL ON APRIL 23, 2007, OR AS AMENDED BY ANY SUBSEQUENT REVISION THERE TO.
- THIS PLAT IS SUBJECT TO A RECREATIONAL FACILITIES AGREEMENT RECORDED IN LIBER 28081 AT FOLIO 201.
- APPROVAL OF THIS PLAT IS PREDICATED UPON PUBLIC WATER AND SEWER BEING AVAILABLE PRIOR TO CONSTRUCTION.

PARCEL A
VILLAGES AT LINCOLNSHIRE
 SEAT PLEASANT ELECTION DISTRICT NUMBER 18
 PRINCE GEORGE'S COUNTY, MARYLAND
 DATE: FEBRUARY, 2007 SCALE: 1" = 100'



15850 GRABBS BRANCH WAY, SUITE 200
 ROCKVILLE, MARYLAND 20855-2622
 301-417-0200 FAX 301-475-0164

FOR PUBLIC WATER & SEWER ONLY
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 PRINCE GEORGE'S COUNTY PLANNING BOARD
 APPROVAL DATE: *June 21, 2007*
Samuel Parker CHAIRMAN
Frances J. Austin ASSISTANT SECRETARY
 M.N.C.P. & P.C RECORD FILE NO. *5-07292*

DEPARTMENT OF ENVIRONMENTAL RESOURCES
 PRINCE GEORGE'S COUNTY, MARYLAND
 APPROVAL DATE: *April 26, 2007*
Dawn Huskins-Nixon DIRECTOR OR DESIGNEE

PRELIMINARY PLAN:
 4-03084
 TAX MAP: 73 GRID: D3
 RECORDED: *7.27.07*
 PLAT BOOK: *PM 220*
 PLAT: *93*

R-18
 2025E06

EXHIBIT "A"

Maryland State Archives

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Subdivision Plats, PG) Plat Book PM 220, p. 93, MSA_51250_17203. Date available 2007/07/27. Printed 07/15/2021.

EXHIBIT "B"

28011 201

Private Recreation Facilities Agreement
Lincolnshire Phase II

THIS AGREEMENT made this 29 day of May, 2007
by and between The Maryland-National Capital Park and Planning Commission (hereinafter the
Commission), a public body corporate, and PDC Lincolnshire Inc., (hereinafter the Developer),
with its principal office located 5840 Banneker Road Suite 110, Columbia, MD 21044.

WHEREAS, the Commission is a public body corporate, created by the State of
Maryland and authorized by Article 28 of the Annotated Code of Maryland, to maintain and
operate a park system within the Metropolitan District; and

WHEREAS, the Commission has delegated authority over the operation of parks and
recreation in Prince George's County to the Prince George's County Planning Board (hereinafter
the Planning Board); and

WHEREAS, the Planning Board is charged by Article 28 of the Annotated Code of
Maryland, with the authority to approve subdivision plats for recordation in the designated
sections of the Maryland-Washington Regional District located in Prince George's County; and

WHEREAS, Section 24-135 of the Subdivision Regulations of the Prince George's
County Code provides that, in conjunction with certain types of development, recreation facilities
which equal or exceed the requirements for mandatory dedication may be provided by a
subdivision applicant to satisfy the mandatory dedication requirement of the Subdivision
Regulations; and

WHEREAS, the Developer is the current owner of certain property which is the subject
of Preliminary Plan 4-03084 and DSP-05001, as shown on a subdivision plat entitled
Lincolnshire Phase II. Said parcel being the same land conveyed by deed to PDC Lincolnshire
Inc., which is recorded in the Land Records of Prince George's County, Maryland, in Liber
19062, folio 242, comprising approximately 13.13 acres of land, being in the 18th Election
District, Prince George's County, Maryland; and

WHEREAS, the Developer has proposed to provide recreation facilities to meet
requirements of mandatory dedication; and

WHEREAS, the Commission has accepted the Developer's proposal.

NOW, THEREFORE, in consideration of the acceptance by the Commission of the
Developer's offer to provide private recreation facilities in lieu of mandatory dedication, the
mutual promises and obligations contained herein, and for other good and valuable consideration
which is hereby acknowledged, the parties hereto have agreed to the following provisions:

IMP FD SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00
Rest PCB3	Recpt # 34206
PM LJJ	Dir # 3209
Jun 07, 2007	10:54 am

CLERK OF THE
CIRCUIT COURT

2007 JUN -7 A 10:54

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) PM 28011, p. 0201, MSA_CE64_28316. Date available 06/18/2007. Printed 06/02/2021.

1. Recreation Facilities. The Developer shall construct on that portion of the property being subdivided, in accordance with approved plan Lincolnshire Phase II DSP-05001, the recreation facilities approved by the Planning Board as specified below:

(a) The recreation facilities to be constructed by the Developer and the location of same are as follows:

- 1 Asphalt Trail, 676 Linear Feet and 6 Feet Wide
- 1 Gazebo, 20 Feet in diameter

(b) Construction of the recreation facilities listed in sub-paragraph (a) above shall be completed as follows:

Per Condition Number 5 of the District Council's Final Decision for DSP-05001 Lincolnshire Phase II, dated April 23, 2007, or as otherwise amended by the Prince George's County Planning Board.

2. Performance Bonds for Private Recreation Facilities.

(a) To guarantee the prompt and satisfactory construction of the recreation facilities set forth in paragraph 1 above, the Developer, his heirs, successors and/or assigns, shall deliver to the Planning Department, prior to the application for any building permits, an irrevocable performance bond (i.e. surety bond, letter of credit or other suitable financial guarantee). The amount of the performance bond shall be determined by the Planning Department. The Developer shall request in writing from the Planning Department a determination as to the amount of the required performance bond not less than two weeks prior to filing an application for building permits.

(b) The performance bond shall run to the benefit of the Commission and not be conditional. It is agreed by the parties hereto that the Commission shall use the performance bond if it finds that the Developer has failed to satisfactorily construct the recreation facilities as required by this Agreement, and in accordance with the plans filed with the Commission. The Commission's decision as to the satisfaction of the construction or completion of the facilities shall be binding on all parties. All recreation facilities shall be constructed in accordance with the standards in the Parks and Recreation Facilities Guidelines, the manufacturer's specifications and the guidelines in the latest edition of the Handbook for Public Playground Safety published by the Consumer Products Safety Commission, American Society of Testing and Materials (ASTM) standards, and the Americans with Disabilities Act (ADA).

(c) In the event that the performance bond is used by the Commission for the failure to satisfactorily complete construction of any recreation facilities, the Commission shall not incur any liability for the construction or completion of said recreation facilities.

(d) At such time that the Commission determines the recreation facilities have been

completed, and the Developer has executed a Recreation Facility Certification, the performance bond or any remainder thereof shall be returned to the Developer.

(e) If the construction of the recreation facilities specified in paragraph 1, above, is not completed within five (5) years from the date the performance bond was issued, the Commission reserves the right to re-evaluate the amount of the performance bond and to require that the Developer post an additional bond amount.

(f) **Definition:** For purposes of this Agreement, Performance Bond shall mean surety bond, letter of credit, escrow agreement or other suitable financial guarantee as determined by the Commission's Office of the General Counsel.

3. Non-discrimination. The Developer shall not discriminate against any employee or applicant for employment due to age, sex, race, creed, color, national origin or disability.

4. Indemnification. The Developer shall indemnify and save harmless the Commission from and against all actions, liability, claims, suits, damages, cost or expense of any kind arising from the Developer's negligence or failure to perform any of the obligations under the terms of this Agreement.

5. Binding Covenant. The provisions of this Agreement shall be a covenant which runs with the lands and is binding on the Developer, his heirs, successors and/or assigns. In the event that the Developer assigns this RFA to more than one successor, the Commission reserves the right to require a new or amended RFA for each successor.

6. Recordation. This Agreement shall be recorded in the Land Records of Prince George's County prior to the acceptance of the above-referenced plat by the Development Review Division. All recording fees shall be paid by the Developer. The original recorded RFA shall be returned to the Development Review Division. The failure of the Developer to record this Agreement shall preclude the issuance of any building permits applied for in the above-named subdivision.

7. Modification. Any substantial modification to this Agreement, as determined by the Commission, shall be permitted only upon the filing of a new preliminary plat or site plan by the Developer, approval by the Planning Board or its designee, and the recording of an Amended Recreation Facilities Agreement.

8. Entire Agreement. This instrument contains the entire Agreement between the parties and shall not be modified except by written agreement signed by the parties and attached hereto.

9. Severability. The invalidity or illegality of any provision of this Agreement shall not affect the remainder of this Agreement or any other provision contained herein.

10. **Applicable Law and Forum.** This Agreement shall be interpreted and enforced in accordance with the laws of the State of Maryland.

11. **Waiver.** The failure of the Commission to enforce any part of this Agreement shall not be deemed as a waiver thereof.

12. **Termination.** This Agreement shall extend for twenty-five (25) years from the date of execution. All obligations of the Developer under this Agreement shall become due one (1) year prior to the expiration of this Agreement.

13. **Recitals.** The Recitals are hereby incorporated in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be properly executed on the day and year first written above.

SEAL/WITNESS:

[Handwritten signature]

PDC LINCOLNSHIRE INC.

[Handwritten signature]

Name: Michael A. Carnock
Title: President

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

[Handwritten signature]

for Patricia Colihan Barney
Secretary-Treasurer

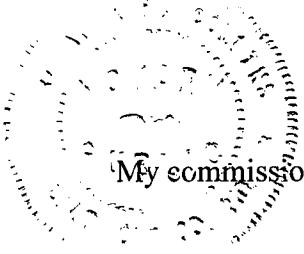
[Handwritten signature]

R. Bruce Crawford
Executive Director

STATE OF MARYLAND :
COUNTY OF Baltimore : ss

I hereby certify that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Michael A. Carnock, President who acknowledged that he/she is authorized to execute the above Agreement for the reasons and purposes stated therein.

Witness my hand and official seal this 4th day of May, 2007.



YOLANDA R. COLLINS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 24, 2007

[Handwritten signature]

Notary Public

My commission expires: _____

APPROVED AS TO LEGAL SUFFICIENCY.

[Handwritten signature]

M-NCPPC Legal Department

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) PM 28011, p. 0204, MSA_CE64_28316. Date available 06/18/2007. Printed 06/02/2021.

28011 2005
STATE OF MARYLAND Baltimore
COUNTY OF PRINCE GEORGE'S: ss

Brizendine
Acting

I hereby certify that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared R. Bruce Crawford, Executive Director, who acknowledged that she is authorized to execute the above Agreement for the reasons and purposes stated therein.

Witness my hand and official seal this 29 day of May, 2007.

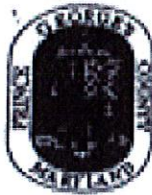
Cynthia L. Sennett
Notary Public

My commission expires: 5/4/09

CYNTHIA L. SENNETT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 4, 2009

Return To: Via Interoffice Mail
Brenda Otto
MNCPPC
Development Review Division

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) PM 28011, p. 0205, MSA_CE64_28316. Date available 06/18/2007. Printed 06/02/2021.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 25, 2007

RE: SP 05001 Lincolnshire, Phase II



**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 herewith a copy of the Council Order setting forth the action taken by the District Council in this case on April 23, 2007.



~~CERTIFICATE OF SERVICE~~

This is to certify that on April 25, 2007 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.



Redis C. Floyd
Redis C. Floyd
Clerk of the Council

(10/97)

County Administration Building - Upper Marlboro, Maryland 20772

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 06-263 to approve with conditions a detailed site plan for construction of 156 multifamily dwellings as condominium units, for a project referred to as Lincolnshire, Phase II, on property described as approximately 13.17 acres of land in the R-18 Zone, in the northeast quadrant of Karen Boulevard and Ronald Road, Capitol Heights, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

IT IS FURTHER ORDERED, that the Planning Board's decision to approve Variance Application No. VD-05001 is **AFFIRMED**, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council.

A. A variance from Section 27-441 (b), footnote 76, is hereby **APPROVED**, to allow the substitution of attached carports for a parking structure.

B. A variance from Section 27-442 (g) is hereby **APPROVED**, to allow the distance between unattached multifamily dwellings to be reduced from 70 feet to 31 feet.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, TCP II/77/04-01 shall be revised as follows:
 - a. Revise the TCP II to include both Phase I and II, which constitute the entire site in compliance with the approved Type I Tree Conservation Plan TCP I/58/03.

SP-05001

- b. Remove from the plan "Preliminary, not approved, not for construction."
- c. Revise Parcel "A" Conservation Area to reflect compliance with revised final plan.
- d. Eliminate the use of any woodland conservation area that is less than 35 feet in width.
- e. Revise the reforestation on Parcel A to reflect what was approved on the TCP I.
- f. Show correct amount of total clearing on Phase II (cumulative acres of net tract also changes).
- g. Mark all other changes and adjustments in the worksheet as required.
- h. Revise the worksheet accordingly to address any changes made to the plan.
- i. Have the plan signed and dated by the qualified professional who prepared the plan.

Prior to certificate approval of the detailed site plan, the following information shall be submitted or the plans shall be revised to provide:

- a. A copy of the approved stormwater management concept plan and letter shall be submitted. The stormwater management concept plan shall reflect the same limits of disturbance as the TCP II.
- b. A Phase I archeological investigation shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid, and probing should be conducted also to search for possible burials. Excavations should be clearly identified on a map to be submitted as part of the report.
- c. The architectural elevations shall be revised to include two story bay window feature for each increment of two multifamily buildings.
- d. The loading space shall be relocated to a more convenient place for use by the residents.

- a. The architectural elevations shall be revised to indicate that all front elevations and end walls of the buildings shall be 100 percent brick or stone.
 - b. A photometric lighting plan shall be submitted to demonstrate a minimum of 1.25 foot candles along all streets and parking areas. The light fixture shall be a type that will be acceptable to the utility company for purposes of maintenance.
 - c. The recreational facilities including the tot-lot, the pre-teen lot, and the half multipurpose court shall be removed from the plans.
 - d. A total of 42 visitor spaces shall be provided.
3. The plans shall be revised prior to signature approval as follows:
- a. Relocate the four-plex that was relocated to the southwest corner of the site, adjacent to the eleven-foot-high retaining wall, as shown in Exhibit 1.
 - b. The building located adjacent to the play area shall be rotated 90 degrees so the fronts of units will face the fronts of adjacent units. Additional guest parking shall be provided at the rear of the units.
 - c. The plans shall incorporate the details and specifications of the retaining walls and shall be reviewed for appropriate design and aesthetics by the Urban Design Section.
4. Prior to the approval of the final plat, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$113,000.00, for improvements/development of a park in the vicinity of Addison Road and Wilburn Drive.
5. Prior to the release of the 78th building permit for the project, the trail and the gazebo shall be constructed.

Ordered this 23rd day of April, 2007, by the following vote:

In Favor: Council Members Dean, Dernoga, Harrington, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Members Exum, Bland and Campos

Tom Haller

From: Abraham, Dawit A. <daabraham@co.pg.md.us>
Sent: Thursday, July 15, 2021 1:49 PM
To: Tom Haller
Cc: Giles, Mary C.; Ben Bulloch; Erica Meissner; De Guzman, Reynaldo S.
Subject: Re: Lincolnshire Development; Karen Boulevard; Capitol Heights

Tom,

It appears that you have covered all conditions that are germane to this development site and we will review and confirm your assessment and if necessary we will meet.

We will have to go thru all items but I know that condition 13d was not satisfied as the road connection work was done by the previous owner/developer without approved plans and permit(s). The work was not acceptable and the section still remains closed to traffic.

Thank you.

Sent from my iPhone

On Jul 15, 2021, at 12:56 PM, Tom Haller <thaller@gibbshaller.com> wrote:

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Dawit and Mary,

I represent Streetscape Partners regarding a property they are proposing to purchase, which is located on Karen Boulevard in Capitol Heights. The property is zoned R-18 and my client desires to construct 156 multifamily dwelling units on the property. As part of their due diligence in evaluating property, we are aware that the property is subject to an approved preliminary plan of subdivision referenced as 4-03084. That subdivision was approved for the construction of 24 townhouses to be constructed on the west side of Karen Boulevard and 262 multifamily dwelling units on the east side of Karen Boulevard. A copy of the Resolution approving the preliminary plan is attached. The property was platted in accordance with the approved preliminary plan and the 24 townhouse lots have been constructed. A copy of the two plats of subdivision for the project are also attached. The project is known as Lincolnshire. The property proposed for development by Streetscape Partners is referenced as Parcel A on Plat Book 220 Plat No. 93 (the "Subject Property").

The preliminary plan was approved subject to the requirement that certain road improvements be constructed prior to issuance of any building permits. Those road improvements are described in Conditions 12 and 13 of the Preliminary Plan and the plats contain a note requiring that these conditions be satisfied prior to the issuance of any building permits. Since the townhouse component of this development are constructed, we assume that these conditions have been satisfied. What triggered this request is the knowledge that some of the required improvements have not yet been constructed. The purpose of this email is to confirm that these Conditions 12 and 13 have been satisfied (based on the information below and attached) and that no additional road improvements or payments of fee-in-lieu are required to obtain permits in conjunction with the development of the Subject Property.

To assist in your review, set forth below is a summary of the conditions and a comment (in red) summarizing the current status. In addition, I have contacted the Information Division of MNCPPC to ask that they review the permit comments which allowed the permits for the townhouses to be released. The information they provided is also attached. It appears from this information that the applicant at the time the permits were issued agreed to, and paid, a fee in lieu of some of the improvement. Based upon our research, the status of the road improvements is as follows:

Condition 12 requires installation of traffic signal at Walker Mill and Karen Blvd if warranted. **A traffic signal was installed at this location in the 2012-2013 timeframe therefore this condition has been satisfied.**

Condition 13a requires the extension of the following improvements at Addison Road and Ronald Road.

- 1) A southbound left turn lane with a minimum of 175' of stacking distance.
- 2) An acceleration lane along northbound Addison Road from Ronald Road.
- 3) Modifications of signal as needed.

This improvement has not been constructed based upon a field survey. However, a fee in lieu was agreed to for these improvements as noted in the attached Lincolnshire Improvement Info provided by MNCPPC and, per the memo from Russell Carroll dated December 12, 2008, the DPW&T hold on the permits were released.

Condition 13b requires improvement at Walker Mill Rd & Addison Road to widen westbound Walker Mill from one left turn lane and one right turn lane to provide one left turn lane and one shared left/right lane. **The County has an approved/funded CIP to improve this intersection, and they will be widening Walker Mill to provide a double left turn lane and one right turn lane, therefore this condition is satisfied. In addition, the Lincolnshire Improvement Info provided by MNCPPC indicates that a fee in lieu was agreed to for this intersection improvement and, per the memo from Russell Carroll dated December 12, 2008, the DPW&T hold on the permits were released.**

Condition 13c requires improvements at MD 214 & Addison Road to be EITHER a northbound free flow right from Addison to MD 214, OR an eastbound right turn from MD 214 onto Addison. **This has not been completed. However, a fee in lieu was agreed to cover these improvements as reflected in the Lincolnshire Improvement Info provided by MNCPPC and, per the memo from Russell Carroll dated December 12, 2008, the DPW&T hold on the permits were released..**

Condition 13d requires the construction/connection of Karen Blvd. **This roadway connection has been constructed but is currently closed to traffic. I have attached an aerial photo. It is our understanding that this condition has also been satisfied. We understand that this section of Karen Boulevard extends along the frontage of the property and DPIE will evaluate whether any deficiencies exist along the property frontage. If you are aware of any existing deficiencies with this road section which will need to be addressed in conjunction with the development of the Subject Property, please let us know.**

Based upon the above, it is our understanding that all off site improvements required by Conditions 12 and 13 of Preliminary Plan 4-03084 have been satisfied.

We are happy to meet with you regarding this request. Thank you for your time and attention to this matter.

Tom

<image001.png>

Thomas H. Haller
1300 Caraway Court, Suite 102
Largo, MD 20774
(301)306-0033

<PPS Resolution 4-03084.pdf>
<Parcel A (Plat Book 220 Plat 93).pdf>
<PB 213 Plat 13 (Townhouses).pdf>
<Lincolnshire Traffic Improvement Info.pdf>
<Aerial of Karen Boulevard.pdf>

This E-mail and any of its attachments may contain Prince George's County Government or Prince George's County 7th Judicial Circuit Court proprietary information or Protected Health Information, which is privileged and confidential. This E-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this E-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this E-mail is strictly prohibited by federal law and may expose you to civil and/or criminal penalties. If you have received this E-mail in error, please notify the sender immediately and permanently delete the original and any copy of this E-mail and any printout.

RESOLUTION

WHEREAS, Lincolnshire Assoc., Ltd., is the owner of a 18.69-acre parcel of land known as Lincolnshire (Lot 2 and part of Lot 1), plat book WWW56@7, Tax Map 73, Grid D-3, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned R-T and R-18; and

WHEREAS, on August 18, 2003, PDC Lincolnshire, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 24 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03084 for Lincolnshire was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 8, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 8, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/58/03), and further APPROVED Preliminary Plan of Subdivision 4-03084, Lincolnshire, for Lots 1-24 and Parcels A-C, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise General Note 16 to reflect that the mandatory dedication of parkland requirement is being met by private on-site recreational facilities.
 - b. To provide reference to the approved Stormwater Management Concept Plan, # 20523-2003-00.
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcels A, B and C. Land to be conveyed shall be subject to the following:

- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by M-NCPPC, without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
4. The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation

requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

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

5. Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.
6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.
7. In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.
8. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
10. Prior to final plat, the applicant shall submit evidence from the Health Department that the tires and wrecked cars found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility or otherwise properly disposed.
11. Development of this site shall be in accordance with the approved Stormwater Management Concept Plan # 20523-2003-00.
12. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The applicant will be responsible for any additional pavement markings and signage at this location as determined by DPW&T.

13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:
 - a. The applicant shall extend the southbound left turn lane on Addison Road at Ronald Road based on DPW&T recommendations and guidelines to increase stacking distance a minimum of 175 feet. In addition, an acceleration lane shall be constructed along northbound Addison Road at Ronald Road. Any modifications to the traffic signal, new pavement markings, or signage will be the responsibility of the applicant.
 - b. At the intersection of Walker Mill Road and Addison Road, the applicant will modify the westbound approach of Walker Mill Road from one left turn lane and one right turn lane to one left turn lane and one shared left/right turn lane. This may require minor widening and reconstruction at the intersection.
 - c. At the intersection of MD 214 and Addison Road, the applicant shall construct a free-flow, northbound, right-turn lane on Addison Road to eastbound MD 214 or construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.
 - d. At the time of final plat approval, the applicant shall construct Karen Boulevard to connect with the existing portion of Karen Boulevard to the north at Walker Mill Middle School.

These improvements shall include any signal, signage, and pavement marking modifications and additions to be determined by SHA and/or DPW.

14. A Type II tree conservation shall be approved at the time of DSP.
15. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/58/03). The following note shall be placed on the Final Plat of Subdivision:

Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/58/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince

OWNER'S DEDICATION

WE, PDC LINCOLNSHIRE, INC. OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPT THIS PLAT OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, FURTHER WE GRANT TO THE PUBLIC UTILITIES AND THEIR SUCCESSORS AND ASSIGNS, A TEN (10) FOOT WIDE "PUBLIC UTILITY EASEMENT" (PUE) SHOWN HEREON, WITH THE TERMS AND PROVISIONS OF AND SUBJECT TO "DECLARATIONS OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND, IN LIBER 5703 AT FOLIO 746. FURTHER WE GRANT TO THE WASHINGTON SUBURBAN SANITARY COMMISSION (W.S.S.C.) SUCH EXCLUSIVE RIGHTS AS NECESSARY FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF SANITARY SEWERS AND/OR WATER MAINS AND APPURTENANCES WITHIN THE WATER AND/OR SEWER RIGHTS OF WAY EASEMENTS AS SHOWN HEREON, SUBJECT TO AND TOGETHER WITH THE CONDITIONS IN A RIGHT OF WAY DOCUMENT FROM THE GRANTORS OR THEIR SUCCESSORS OR ASSIGNS TO BE RECORDED HEREAFTER. FURTHER WE CERTIFY THAT PROPERTY MARKERS WILL BE PLACED BY A MARYLAND REGISTERED SURVEYOR IN ACCORDANCE WITH SECTION 24-202(b)(1) OF THE PRINCE GEORGE'S COUNTY CODE.

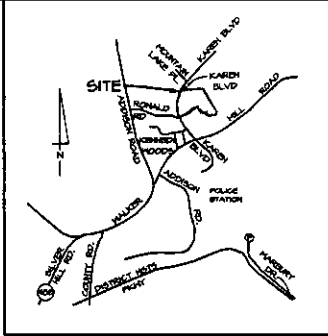
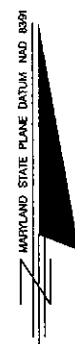
THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION, EXCEPT FOR A CERTAIN DEED OF TRUST RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 17104, FOLIO 822 AND ALL THE PARTIES OF INTEREST THEREIN HAVE HEREON INDICATED THEIR ASSENT TO THIS PLAT OF SUBDIVISION.

PDC LINCOLNSHIRE, INC. OWNER OF THE PROPERTY
M.G. Williams 4/12/07
 MICHAEL CASHOCK, PRESIDENT DATE
Jolanda Collins 4/12/07
 WITNESS DATE
 CITIZENS NATIONAL BANK
Richard ... 4/10/07
 RICHARD ... TRUSTEE DATE
 WITNESS DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF PART OF THE LANDS CONVEYED BY LINCOLNSHIRE ASSOCIATES LTD TO PDC LINCOLNSHIRE, INC. BY DEED DATED FEBRUARY 4, 2004 AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY IN LIBER 19062 AT FOLIO 242 AND IS A RESUBDIVISION OF PART OF LOT 1 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "LOTS 1, 2 AND 3, WALKER HILL TOWNE" AS RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK WW569 AS PLAT NO. 7; THAT THERE IS NO STREET DEDICATION BY THIS PLAT AND THE TOTAL PLAT AREA INCLUDED IN THIS PLAT OF RESUBDIVISION AS NOW SURVEYED IS 672,562 SQUARE FEET OR 13.1440 ACRES OF LAND.

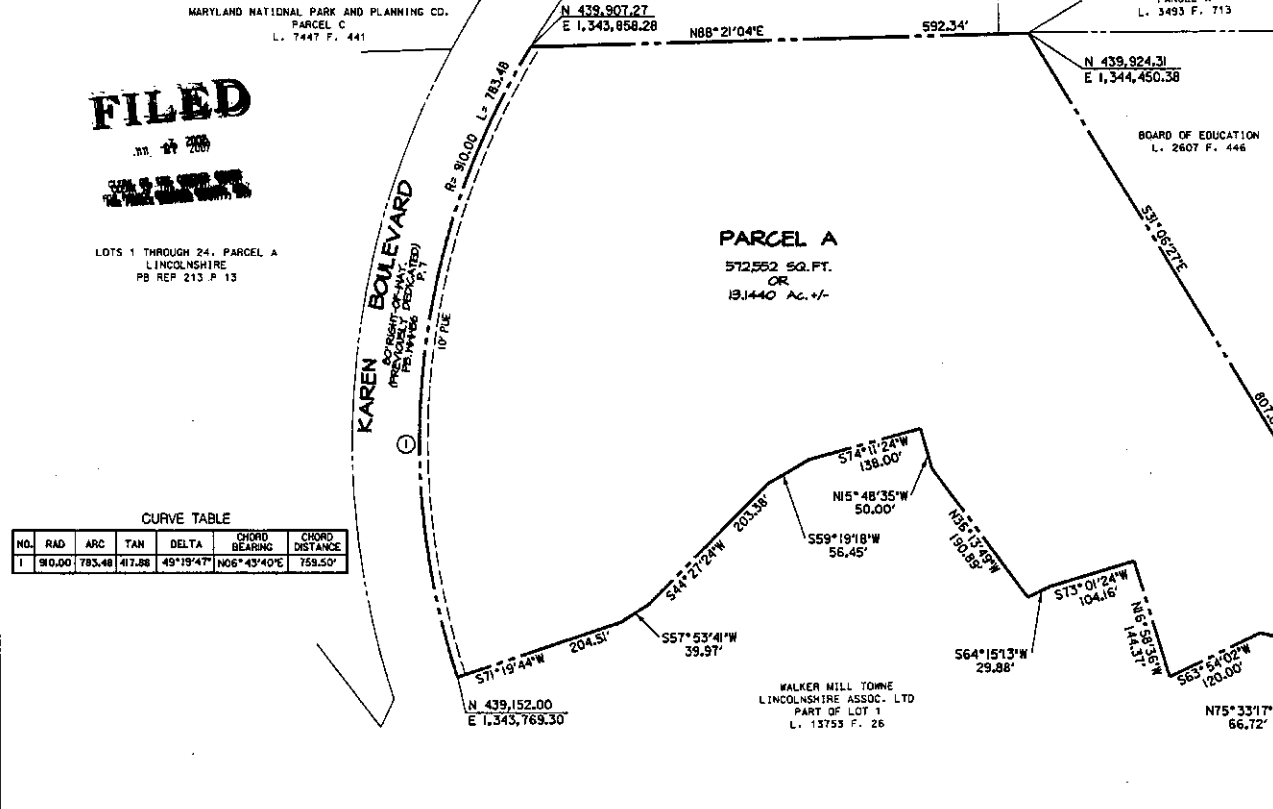
Gerald L. Bennett 04/11/2007
 GERALD L. BENNETT DATE
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 10743



VICINITY MAP
 SCALE: 1"=2000'

NOTES

1. DEVELOPMENT IS SUBJECT TO RESTRICTIONS SHOWN ON THE APPROVED TYPE II TREE CONSERVATION PLAN (TCP#7704-01), OR AS MODIFIED BY THE TYPE II TREE CONSERVATION PLAN, AND PRECLUDES ANY DISTURBANCE OR INSTALLATION OF ANY STRUCTURE WITHIN SPECIFIC AREAS FAILURE TO COMPLY WILL MEAN A VIOLATION OF AN APPROVED TREE CONSERVATION PLAN AND WILL MAKE THE OWNER SUBJECT TO MITIGATION UNDER THE WOODLAND CONSERVATION ORDINANCE. THIS PROPERTY IS SUBJECT TO THE NOTIFICATION PROVISIONS OF CS-80-2008. COPIES OF ALL APPROVED TREE CONSERVATION PLANS FOR THE SUBJECT PROPERTY ARE AVAILABLE IN THE OFFICES OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT, ENVIRONMENTAL PLANNING SECTION, 4TH FLOOR, COUNTY ADMINISTRATION BUILDING, 14741 GOVERNOR ODEN BOWIE DRIVE, UPPER MARLBORO, MARYLAND.
2. DEVELOPMENT OF THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH APPROVED STORMWATER MANAGEMENT CONCEPT PLAN, #20523-2003-02.
3. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, TRANSPORTATION CONDITIONS SPECIFIED IN THE PGPB RESOLUTION NO. 04-03, SHALL BE SATISFIED.
4. THIS PLAT IS SUBJECT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE LINCOLNSHIRE HOMEOWNERS ASSOCIATION, INC.
5. PRIOR TO THE ISSUANCE OF BUILDING PERMITS, THE APPLICANT, HIS SUCCESSORS AND/OR ASSIGNS SHALL CONVEY PARCEL A TO THE HOMEOWNERS ASSOCIATION.
6. DEVELOPMENT OF THIS PROPERTY MUST CONFORM TO THE DETAILED SITE PLAN, DSP-0600, WHICH WAS APPROVED BY THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL ON APRIL 23, 2007, OR AS AMENDED BY ANY SUBSEQUENT REVISION THERE TO.
7. THIS PLAT IS SUBJECT TO A RECREATIONAL FACILITIES AGREEMENT RECORDED IN LIBER 2001 AT FOLIO 201.
8. APPROVAL OF THIS PLAT IS PREDICATED UPON PUBLIC WATER AND SEWER BEING AVAILABLE PRIOR TO CONSTRUCTION.



CURVE TABLE

NO.	RAD.	ARC	TAN	DELTA	CHORD BEARING	CHORD DISTANCE
1	910.00	783.48	417.88	49°19'44"	N06°43'40"E	759.50'

FILED
 APR 24 2007
 PRINCE GEORGE'S COUNTY

LOTS 1 THROUGH 24, PARCEL A
 LINCOLNSHIRE
 PB REP 213 P. 13

FOR PUBLIC WATER & SEWER ONLY
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 PRINCE GEORGE'S COUNTY PLANNING BOARD
 APPROVAL DATE: *JUNE 21, 2007*
Thomas ... CHAIRMAN
Frances ... ASSISTANT SECRETARY

DEPARTMENT OF ENVIRONMENTAL RESOURCES
 PRINCE GEORGE'S COUNTY, MARYLAND
 APPROVAL DATE: *April 26, 2007*
Dawn ... DIRECTOR OR DESIGNEE

PRELIMINARY PLAN:
 4-03084
 TAX MAP: 73 GRID: D3
 RECORDED: *7.27.07*
 PLAT BOOK: *PM 220*
 PLAT: *93*

R-18
 202SE06

PARCEL A
VILLAGES AT LINCOLNSHIRE
 SEAT PLEASANT ELECTION DISTRICT NUMBER 18
 PRINCE GEORGE'S COUNTY, MARYLAND
 DATE: FEBRUARY, 2007 SCALE: 1" = 100'



18850 CRABBS BRANCH HAY SUITE 200
 ROCKYVILLE, MARYLAND 20850-2822
 301-417-0200 FAX 301-473-0161

1/1/01 - 3.15.06 5.27.04

REP 213-13

NOTES

- 1. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (DSP-0403) or as modified by the Type I Tree Conservation Plan, and prohibits any disturbance or installation of any structures with in specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/ Tree Preservation Policy and Subtitle 25.A Type I Tree Conservation Plan shall be approved prior to the issuance of any grading permits.
- 2. Development of this subdivision shall be in accordance with approved Stormwater Management Control Plan 2300-200-01.
- 3. Conservation Easements described on this plat and areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, or trunks is allowed.
- 4. Prior to the issuance of any building permits, Transportation conditions specified in the PCDE Regulation no. 04-03, shall be satisfied.
- 5. This Plat is subject to Declaration of Covenants and Restrictions for the Addison Green Homeowner's Association, Inc. recorded in Liber 241797 Folio 333.
- 6. Prior to the issuance of any permits which import vehicles, method buffers, streams or Waters of the U.S., copies of all Federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC Planning Department.
- 7. Prior to the issuance of building permits the applicant, his successors and/or assigns shall convey Parcel A

OWNER'S DEDICATION

POC LINCOLNSHIRE, INC., owners of the property shown and described hereon in the Surveyor's Certificate, hereby adopt this plat of subdivision, establish the minimum building restriction lines, and establish the Conservation Easements as shown hereon. Further we grant to the public utilities, and their successors and assigns, a ten foot wide Public Utility Easement (PUE) shown hereon, with the terms and provisions of the public utilities, and their successors and assigns, a ten foot wide Public Utility Easement (PUE) shown among the Land Records of Prince George's County, Maryland, in Liber 3703 of Folio 744. Further we grant to the Washington Suburban Sanitary Commission (WSSC) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of sanitary sewers and/or water mains and appurtenances within the water and/or sewer rights of easements as shown hereon, subject to and together with the conditions in a right of way document from the grantor to their successors or assigns to the W.S.S.C. and to be recorded hereafter. Further we certify that property markers will be placed by a Maryland registered surveyor in accordance with section 24-2606(d)(6)(ii) of the Prince George's County Code.

There are no suits, actions of law, leases, liens, mortgages, trusts, easements, or rights-of-way affecting the property included in this plat of subdivision. Except for a certain deed of trust recorded using the offsetted land records in Liber 1704, Folio 602, and all the parties of interest thereto have hereon indicated there consent to this plat of subdivision.

POC LINCOLNSHIRE, INC. of the property
 MICHAEL CARROCK, PRESIDENT Date 6/1/05
 MICHAEL CARROCK Date 6/1/05
 WITNESS: John Whitehall Date 6/2/05
 CITIZENS NATIONAL BANK Date 6/2/05
 RICHARD DINSMACHT Date 6/02/05
 BRIAN KNIGHT Date 6/02/05

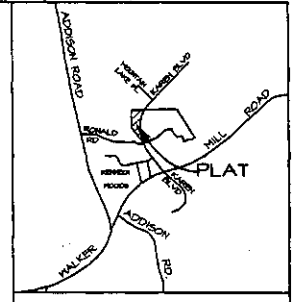
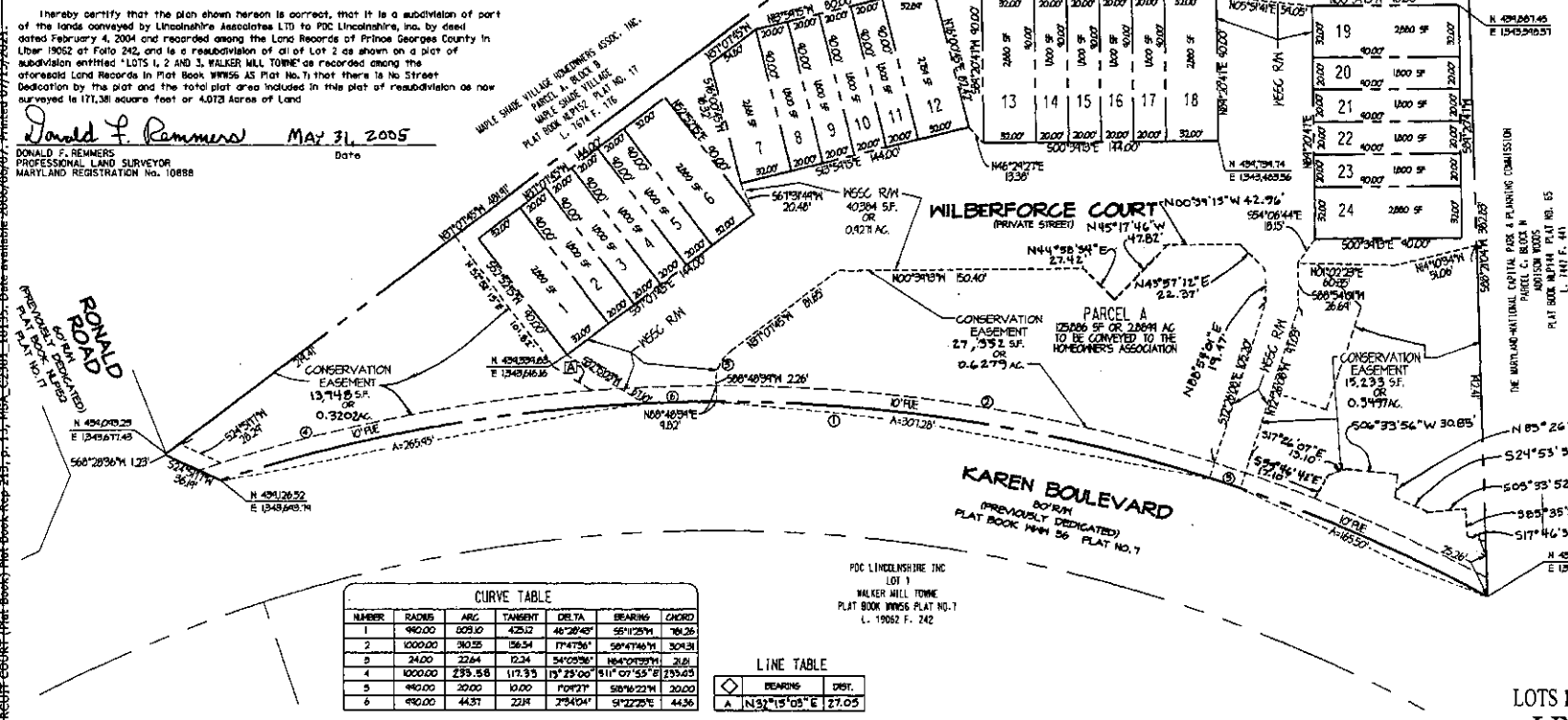
- 8. Development of this property must conform to the Detailed Site plan which was approved by the Prince George's County District Council on February 22, 2005, DSP-0402, or as amended by any subsequent revision. Thereof.
- 9. Prior to issuance of the first building permit, a financial contribution for the placement of sewage shall be provided in accordance with Condition 5 of District Council approval of DSP-0402.
- 10. Prior to building permit issuance, the developer, his heirs, successors and/or assigns must demonstrate compliance with Condition 2.5. of District Council approval of Detailed Site Plan DSP-0402, as established in their order dated February 22, 2005.

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the lands conveyed by Lincolnshire Associates LTD to POC Lincolnshire, Inc. by deed dated February 4, 2004 and recorded among the Land Records of Prince Georges County in Liber 19052 of Folio 242, and is a re-subdivision of all of Lot 2 as shown on a plat of subdivision entitled "LOTS 1, 2 AND 3, WALKER HILL TOWNE" as recorded among the aforesaid Land Records in Plat Book 89956 AS Plat No. 17. That there is no 31' street Dedication by the plat and the total plat area included in this plat of re-subdivision as now surveyed is 171,388 square foot or 4.072 Acres of Land.

Donald F. Remmers MAY 31, 2005
 DONALD F. REMMERS
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION No. 10888

APPROVED FOR THE
 MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 PLAT BOOK 89956 PLAT NO. 17



VICINITY MAP
1"=2000'



FILED

JUN 7 2008

CLERK OF THE CIRCUIT COURT
PRINCE GEORGES COUNTY, MD.

LOTS 1 THROUGH 24, PARCELA
 LINCOLNSHIRE
 SEAT PLEASANT ELECTION DISTRICT NUMBER 18
 PRINCE GEORGE'S COUNTY, MARYLAND
 DATE: MARCH, 2005 SCALE: 1" = 50'

APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT PUBLIC SEWER AND WATER SERVICES WILL BE AVAILABLE WHEN NEEDED AND IS CONDITIONED ON FULFILLING ALL OF THE WASHINGTON SUBURBAN SANITARY COMMISSION AUTHORIZATION NO. DA 39784 OF COMMITMENT, FOR PUBLIC WATER AND SEWER SYSTEMS ONLY.

The Maryland National Capital Park and Planning Commission
 Prince George's County Planning Board

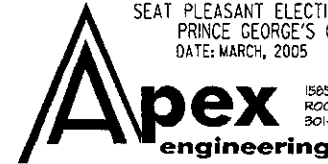
APPROVED: Francis A. Burtis
 Chairman
James J. ...
 Assistant Secretary

Department of Environmental Resources
 Prince George's County, Maryland

APPROVED: June 15, 2005
Max - ...
 Director of Design

RECORDED: 6.7.06
 PLAT BOOK: REP 213
 PLAT NO.: 13

R-T
 4- 03084



1550 CRABBS BRANCH WAY, SUITE 200
 ROCKVILLE, MARYLAND 20855-2622
 301-417-0200 FAX 301-475-0164

M.N.C.P.&P.C. Record File No. 5-06156

DSP-21 NGA DFC 2006 238-18125-165

8.5X11_Landscape



Department of Public Works and Transportation
Contributions/Fees

Subdivision	Lot/Block/Section	Resolution No. (Attached) Y/N	Description of Improvements	Payment Amount
Lincolnshire	1-24A	4-232 DSP-04012	Bikeway sign Karen Blvd.	\$420.00

10/18/06
Date

YOLANDA COLLINS / Yolanda Collins
Developer/or Representative

Date

410 740 9863
Developer/or Representative Tel. Number

RECEIVED
 \$420.00 10/18/06
 AMOUNT DATE
 BY: [Signature]
 CRIS CORTEZ
 Prince George's County, DPW & T

PDC LINCOLNSHIRE, INC.
 5840 Bancker Road, Suite 110
 COLUMBIA MD 21044

THE CITIZENS NATIONAL BANK
 MAIN OFFICE
 LAUREL, MARYLAND 20707
 65-77-560

10/16/2006

PAY TO THE ORDER OF DPW&T \$**420.00

Four Hundred Twenty and 00/100***** DOLLARS

DPW&T

MEMO KAREN BLVD BIKE SIGN

[Signature]

3) 952-3749 Will bins

Carroll, Russell J.

From: Carroll, Russell J.
Sent: Friday, December 12, 2008 11:09 AM
To: Branson, Vivian L.; Payne, Anthony M.
Cc: Byrd, David J.; Hijazi, Haitham A.; Issayans, Andre; Abraham, Dawit A.
Subject: Lincolnshire - Building Permits

Vivian

Please release the DPW&T hold on the following building permits within the Lincolnshire Development: 36858-2006-0, 36859-2006-0, 36860-2006-0, 36861-2006-0, 36862-2006-0, 36863-2006-0.

Thanks

12/17/2008

MC



Contractor's
Services, Inc.

3 Talbott Avenue, Suite 202A, Timonium, Maryland 21093

Phone: (410) 453-0925

Fax: (410) 453-0928

INVOICE

Date: 03/12/2008

Invoice Number: 7448

To: PDC, Inc.
5840 Banneker Rd. #110
Columbia, MD 21044-

<u>Principal Code:</u>	<u>Principal Name:</u>	<u>Bond Number</u>
P000023	PDC, Inc.	586879 S

Obligee:
Prince Georges County DPW&T

<u>Bond Amount:</u>	<u>Effective Date:</u>	<u>Expiration Date:</u>
\$ 150,000.00	04/20/2008	04/20/2009

Bond Description: Principal: PDC Lincolnshire, Inc.
Lincolnshire, Case No. 4160-2007-00 ****RENEWAL****

Billing Information:

<u>Transaction Date</u>	<u>Premium Due</u>
04/20/2008	\$1,800.00
Sub-Agent	0.00
Net Premium	1800.00
Total due this invoice	\$1,800.00

Payment is due 30 days from Invoice Date

FEE-IN-LIEU AMOUNT CALCULATED FOR OFFSITE IMPROVEMENTS AT
 INTERSECTION CENTRAL AV & ADDISON RD BASE ON APEX ROAD EXHIBIT
 AND COST ESTIMATE. 11-18-2008

Item	Unit	Qty	Price	Line Total
REMOVE CURB & GUTTER	LF	320	\$4.00	\$1,280.00
REMOVE CONCRETE SIDEWALK	SF	1200	\$16.00	\$19,200.00
8" GRADED AGGREGATE SUBBASE	SY	427	\$9.00	\$3,843.00
4 Inch HMA Base 25mm	SY	427	\$16.00	\$6,832.00
2 Inch HMA Surface 12.5mm	SY	427	\$8.00	\$3,416.00
2 Inch HMA Surface 12.5mm	SY	427	\$8.00	\$3,416.00
Mill/Overlay, 2-inch	SY	782	\$10.00	\$7,820.00
ROADWAY EXCAVATION	CY	200	\$22.00	\$4,400.00
CONCRETE SIDEWALK	SF	1200	\$16.00	\$19,200.00
CONCRETE CURB & GUTTER	LF	500	\$15.00	\$7,500.00
SODDING	SY	40	\$4.00	\$160.00
STRIPING LUMB SUM	EA	1	\$2,200.00	\$2,200.00
SILT FENCE	LF	300	\$4.00	\$1,200.00
Mill/Overlay, 2-inch	SY	427	\$10.00	\$4,270.00
ROW ACQUISITION COST LUMB SUM	EA	1	\$38,400.00	\$38,400.00
STREET TREES	EA	10	\$275.00	\$2,750.00
MAINTENANCE OF TRAFFIC	LS	1	\$10,000.00	\$10,000.00
PERCO UTILITY POLE RELOCATION LUMB SUM	AE		0	0
TRAFFIC POLE RELOCATION LUMB SUM	AE		0	0
SUBTOTAL				\$147,230
%10 ENGINEERING DESIGN				\$11,154
%25 CONTINGENCY				\$27,886
GRAND TOTAL				\$150,585

FEE-IN-LIEU AMOUNT CALCULATED FOR OFFSITE IMPROVEMENTS AT
 INTERSECTION WALKER MILL RD & ADDISON RD BASE ON APEX ROAD
 EXHIBIT AND COST ESTIMATE. 10-29-2008

Item	Unit	Qty	Price	Line Total
REMOVE CONCRETE ISLAND	SY	25	\$50.00	\$1,500.00
REMOVE CURB & GUTTER	LF	100	\$4.00	\$400.00
ROADWAY EXCAVATION	CY	25	\$172.00	\$4,300.00
SAWCUT	LF	175	\$2.00	\$350.00
MAINTENANCE OF TRAFFIC	CS	1	\$6,000.00	\$6,000.00
MODIFY TRAFFIC SIGNAL-ADD 7'S HEADS & LOOP	ES	1	\$30,000.00	\$30,000.00
INSTALL STREET SIGNAGE	EA	6	\$250.00	\$1,500.00
6" GRADED AGGREGATE SUBBASE	SY	25	\$7.00	\$175.00
4 Inch HMA Base 25mm	SY	25	\$18.00	\$450.00
2 Inch HMA Surface 12.5mm	SY	25	\$8.00	\$200.00
2 Inch HMA Surface 12.5mm	SY	25	\$8.00	\$200.00
Mill/Overlay, 2 Inch	SY	200	\$11.00	\$2,200.00
WHITE THERMOPLASTIC PAVEMENT MARKING ARROW	EA	1	\$300.00	\$300.00
24" THERMOPLASTIC STOP BAR	LF	24	\$6.00	\$144.00
5" THERMOPLASTIC WHITE/YELLOW PAVEMENT MARKING	LF	690	\$3.00	\$2,070.00
CONCRETE ISLAND	SY	17	\$50.00	\$850.00
SODDING	SY	90	\$7.00	\$630.00
SUBTOTAL				\$53,179.00
%10 ENGINEERING DESIGN				\$5,320.00
%25 CONTINGENCY				\$13,300.00
GRAND TOTAL				\$71,199.00

DPWT#4166-2007. FEE IN LIEU AMOUNT CALCULATED FOR INTERSECTION OF RONALD RD and ADDISON RD BASE ON OFF SITE APEX ENGINEERING PLAN AND COST ESTIMATE. 10-7-2008 ~~ETA~~

Qty = 10/0/08

Item Description	Unit	Qty	Price	Total
VARIABLE MESSAGE SIGN (RENT ONLY)	DAY	4	650.00	2600.00
WHITE THERMOPLASTIC PAVEMENT MARKING 'ONLY'	EA	4	350.00	1400.00
4" THERMOPLASTIC YELLOW PAVEMENT MARKING	LF	650	2.00	1300.00
Silt Fence	LF	300	4.00	1200.00
Concrete Sidewalk Ramp	SF	108	7.00	756.00
Concrete Curb and Gutter	LF	300	15.00	4500.00
A - 5 Inlet 3.5ft < = 3 vf	Each	1	2230.00	2230.00
36 Inch RCP CL IV	LF	110	121.00	13310.00
3 Inch HMA Base 19mm PG70-22	SY	360	11.00	3960.00
1.5 Inch HMA Surface 9.5mm PG64-22	SY	360	6.00	2160.00
Sawcut Existing Paving	LF	270	2.00	540.00
Street Sign	EACH	1	350.00	350.00
Lot Stakeout	EACH	1	250.00	250.00
Remove Curb & Cutter	LF	320	4.00	1280.00

Remove Inlet Or MH	Each	3	924.00	2772.00
SUBTOTAL				75320.00
%10 ENGINEERING DESIGN				\$7532.00
%15 CONTINGENCY				\$11298.00
GRAND TOTAL				\$94150.00

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

February 3, 2004

PDC Lincolnshire LLC
10451 Twin Rivers Road
Suite 240
Columbia, MD 21044

Re: Notification of Planning Board Action on
Preliminary Plan 4-03084
Lincolnshire

Dear Applicant:

This is to advise you that on **January 29, 2004** the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice (**February 3, 2004**).

Very truly yours,
Faroll Hamer
Development Review Division

By: 

Reviewer

c: Persons of Record

PGCPB No. 04-03

I:\forms\resolutions\resol.letter templates\preliminary

PGCPB No. 04-03

File No. 4-03084

RESOLUTION

WHEREAS, Lincolnshire Assoc., Ltd., is the owner of a 18.69-acre parcel of land known as Lincolnshire (Lot 2 and part of Lot 1), plat book WWW56@7, Tax Map 73, Grid D-3, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned R-T and R-18; and

WHEREAS, on August 18, 2003, PDC Lincolnshire, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 24 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03084 for Lincolnshire was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 8, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 8, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/58/03), and further APPROVED Preliminary Plan of Subdivision 4-03084, Lincolnshire, for Lots 1-24 and Parcels A-C, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise General Note 16 to reflect that the mandatory dedication of parkland requirement is being met by private on-site recreational facilities.
 - b. To provide reference to the approved Stormwater Management Concept Plan, # 20523-2003-00.
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcels A, B and C. Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by M-NCPPC, without the review and approval of DPR.

- j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
4. The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.
6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.
7. In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.
8. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
10. Prior to final plat, the applicant shall submit evidence from the Health Department that the tires and wrecked cars found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility or otherwise properly disposed.
11. Development of this site shall be in accordance with the approved Stormwater Management Concept Plan # 20523-2003-00.
12. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard. The applicant should utilize a new 12-hour count, and should analyze signal warrants

under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The applicant will be responsible for any additional pavement markings and signage at this location as determined by DPW&T.

13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:
 - a. The applicant shall extend the southbound left turn lane on Addison Road at Ronald Road based on DPW&T recommendations and guidelines to increase stacking distance a minimum of 175 feet. In addition, an acceleration lane shall be constructed along northbound Addison Road at Ronald Road. Any modifications to the traffic signal, new pavement markings, or signage will be the responsibility of the applicant.
 - b. At the intersection of Walker Mill Road and Addison Road, the applicant will modify the westbound approach of Walker Mill Road from one left turn lane and one right turn lane to one left turn lane and one shared left/right turn lane. This may require minor widening and reconstruction at the intersection.
 - c. At the intersection of MD 214 and Addison Road, the applicant shall construct a free-flow, northbound, right-turn lane on Addison Road to eastbound MD 214 or construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.
 - d. At the time of final plat approval, the applicant shall construct Karen Boulevard to connect with the existing portion of Karen Boulevard to the north at Walker Mill Middle School.

These improvements shall include any signal, signage, and pavement marking modifications and additions to be determined by SHA and/or DPW.

14. A Type II tree conservation shall be approved at the time of DSP.
15. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/58/03). The following note shall be placed on the Final Plat of Subdivision:

Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/58/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject properties are located on the west and east side of Karen Boulevard north of its intersection with Ronald Road in District Heights.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-T & R-18	R-T & R-18
Use(s)	Vacant	Townhouses & Multifamily
Acreage	17.28	17.28
Lots	2	24
Parcels	0	3
Dwelling Units:		286 Total
Detached	0	0
Townhouse	0	24
Multifamily	0	262

4. **Environmental**—The Environmental Planning Section has previously reviewed the subject property as a Preliminary Plan of Subdivision (4-87179). The previously approved Preliminary Plan of Subdivision for the townhouse lots on the subject property expired. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan (TCPI/58/03) was submitted and was found to meet the requirements of the Woodland Conservation Ordinance. The minimum woodland requirement for the site is 3.75 acres of the net tract. An additional 6.33 acres are required due to the removal of woodlands, for a total of 10.08 acres of woodland conservation. The plan shows the requirement being met with 0.83 acre of on-site woodland conservation, 0.59 acre of reforestation, and 8.66 acres of off-site mitigation for a total of 10.08 acres.

The site is characterized by terrain sloping toward the east and west of the property and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River basin. The predominant soil types on the site are Adelphia, Sandy Land, Chillum and Sassafras. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, impeded drainage and seasonally high water table. The site is undeveloped and fully wooded. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to

occur in the vicinity of this site. There are no floodplains, Marlboro clays, or scenic or historic roads located on or adjacent to the subject property. The subject property is located quite some distance away from any major noise generator. This property is located in the Developed Tier as delineated in the adopted General Plan.

There are streams and Waters of the U.S. on site. The preliminary plan as submitted proposes impacts to the stream in two separate areas. Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

All disturbances not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines, including sewer and stormwater outfalls, streets that are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds and parking areas that do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Ordinance.

The variation requests submitted for review on November 3, 2003, meet the minimum submission requirements. The variation request submitted identified individual impact areas and provided written justifications for each encroachment. The variation requests shown on the plan and identified as impact areas 1 and 2 respectively are specifically described below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;*
- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;*
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;*

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

Impact Area #1—To the west of the proposed connection of Karen Boulevard

Location of Impact Area: This area is the site of a proposed sewer line construction and stormdrain outfall with associated retaining wall to the west of the proposed connection of Karen Boulevard. It is adjacent to a stream buffer and Water of the U.S.

The proposed impacts consist of:

Minimal clearing (approximately 2,500 square feet) and excavation, and utility construction within the 50-foot stream buffer in order to construct a stormdrain outfall and associated retaining wall. Approximately 15 linear feet of the 130 linear feet of sewer main within the Extended Buffer is proposed to impact the Waters of the U.S. Because the existing sewer is to the east of the stream, a stream crossing is required.

In addition, minimal clearing (approximately 500 square feet) and excavation and utility construction within the 50 foot stream buffer is proposed to construct the outfall of the proposed stormwater management facility.

Impact Area #2—The Construction of Karen Boulevard

Location of Impact Area: The area is within the previously dedicated right-of-way for a master plan road, Karen Boulevard. It is adjacent to a 50-foot stream buffer and Waters of the U.S.

The proposed impacts consist of:

Clearing (approximately 28,500 square feet), fill operations, and wall construction to bring the grade of the road to match the existing portions of Karen Boulevard to the north and the south and utility construction (especially stormdrain and water and sewer connections to existing mains) 30 linear feet of sewer and 160 linear feet of water. The total disturbed area in the expanded buffer is approximately 55,000 square feet.

The following is an analysis of the variations requested. The text in bold represents the text from the Section 24-113 of the Subdivision Regulations.

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

The variations requested are associated with connections to a sewer main stormwater management outfall and the construction of an associated retaining wall, to the west of

Karen Boulevard. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property; and will provide the necessary utilities and structures to protect public safety, health and welfare.

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

The conditions of the property are unique with respect to the placement of the existing stream, the associated buffer, and the required placement of the necessary public utilities.

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

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and Waters of the U.S., the construction proposed does not constitute a violation.

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

Due to the configuration of this site, the location of the stream, and the 100-year floodplain, and the fact that no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations. The dedication of Karen Boulevard occurred in 1965 at the current location to provide a greater circulation and a connection from Walker Mill Road to the south to MD 214 to the north.

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

Staff recommends that the applicant demonstrate conformance to this criteria at the time of DSP for the construction of the multifamily dwelling units in the R-18 Zone to the east of Karen Boulevard. Because of the steep and severe slopes on the site, the extent of development will be determined at the time of review of the DSP.

Staff recommends approval of the variation requests. The impacts are for the connection and construction of Karen Boulevard and for the connections to a sewer main and stormwater management pond outfall with an associated retaining wall for the development of the site only.

5. **Community Planning**—The property is located within the limits of the 1985 *Suitland-District Heights Master Plan*, planning area 72 in the District Heights Community. The recommended land use is multifamily residential. The 2002 General Plan locates the property in the Developed Tier. The proposed preliminary plan is consistent with the recommendation of the master plan and the General Plan.

The subject property is outside the Addison Road Sector Plan study area but within a reasonable walking distance to the Addison Road Metro Station and the proposed town center. Since the property is within walking distance from the Addison Road Metro Station, pedestrian circulation within the site and adjoining neighborhoods should be addressed at the time of review of the detailed site plan.

6. **Parks and Recreation**—In accordance with Section 24-135(a) of the Subdivision Regulations the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities to fulfill the requirements of the mandatory dedication of parkland. Recreation facilities should be provided on both sides of Karen Boulevard and in accordance with the *Parks and Recreational Facilities Guidelines*.
7. **Trails**—There are no master plan trails issues identified in the *Adopted and Approved Suitland-District Heights and Vicinity Master Plan*. The sidewalk network as shown on the submitted plan is comprehensive and will adequately accommodate pedestrian movement along the proposed right-of-way. With the review of the required detailed site plans, a determination will be made regarding the internal circulation.
8. **Transportation**—The property is located east of Addison Road and within one mile of the Addison Road/Seat Pleasant Metro Station. The applicant proposes a residential subdivision consisting of 24 townhouses and 262 multifamily dwellings.

The applicant submitted a traffic study dated September 18, 2003. This study was revised and resubmitted, dated September 24, 2003. The revised traffic study included an analysis of 24 townhouses, 262 apartments, and the extension of Karen Boulevard from Ronald Road to Walker Mill Middle School. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county's Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are incorporated.

Growth Policy—Service Level Standards

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken during 2003. Due to the recent opening of the Ritchie-Marlboro interchange at I-95 and the planned opening of two new Metrorail stations, the applicant made adjustments to through movements during the AM and PM peak hours on MD 214. Through volumes were reduced by approximately 20 percent to account for the diversion of trips to the new interchange and the shifting of some trips to the new Metrorail stations (Morgan Boulevard and Largo Town Center) that will run parallel to Central Avenue by 2004. With the development of the subject property, the traffic consultant concluded that several off-site intersection improvements would be required to meet the threshold for intersections within the developed tier. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- MD 214/Shady Glen Road (signalized)
- MD 214/Pepper Mill Road/Karen Boulevard (unsignalized)
- MD 214/Addison Road (signalized)
- Addison Road/Ronald Road (signalized)
- Walker Mill Road/Addison Road (signalized)
- Walker Mill Road/Karen Boulevard (unsignalized)
- Walker Mill Road/Shady Glen Road (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,092	1,046	B	B
MD 214/Pepper Mill Road/Karen Boulevard	751	635	A	A
MD 214/Addison Road	1,102	1,262	B	C
Addison Road/Ronald Road	1,111	1,130	B	B
Walker Mill Road/Addison Road	1,513	1,480	E	E
Walker Mill Road/Karen Boulevard (unsignalized)	38.4*	91.4*	--	--
Walker Mill Road/Karen Boulevard (signalized)	571	641	A	A
Walker Mill Road/Shady Glen Road	615	707	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Background developments include over 450 townhouses, 300 apartments, and 700 single-family units. Nearby approved developments also include 150,000 square feet of office space, 300,000 square feet of warehouse space, and nearly 900,000 square feet of industrial space. Background traffic along MD 214, Addison Road, and Walker Mill Road was also increased by five percent to account for overall growth up to the design year 2008. This is the expected year of full build-out.

As assumed under existing traffic conditions, through volumes were reduced by approximately 20 percent to account for the diversion of trips to the new interchange and the shifting of some trips to the new Metro stations (Morgan Boulevard and Largo Town Center) that will run parallel to Central Avenue by 2004. There are no other funded capital improvements in the area. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,324	1,411	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,298	C	C
MD 214/Addison Road	1,352	1,794	D	F
Addison Road/Ronald Road	1,363	1,461	D	E
Walker Mill Road/Addison Road	1,792	1,732	F	F
Walker Mill Road/Karen Boulevard (unsignalized)	58.1*	237.3*	--	--
Walker Mill Road/Karen Boulevard (signalized)	653	752	A	A
Walker Mill Road/Shady Glen Road	779	894	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Based on background traffic conditions, two of the intersections will operate at LOS F, with a critical lane volume above 1,600. The intersection of MD 214/Addison Road operates at LOS F during the PM peak hour and the intersection of Walker Mill Road/Addison Road operates at LOS F during both peak hours. Vehicle delays of over 50.0 seconds occur at the intersection of Walker Mill Road and Karen Boulevard under background conditions indicating inadequate traffic operations.

The site is proposed for development as a residential subdivision, with 24 townhouses and 262 apartments. The trip rates were obtained from the guidelines. The resulting site trip generation would be 153 AM peak-hour trips (30 in, 123 out), and 176 PM peak-hour trips (114 in, 62 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,326	1,417	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,318	C	D
MD 214/Addison Road	1,372	1,818	D	F
Addison Road/Ronald Road	1,421	1,519	D	E
Walker Mill Road/Addison Road	1,808	1,751	F	F
Walker Mill Road/Karen Boulevard (unsignalized)	64.4*	337.6*	--	--
Walker Mill Road/Karen Boulevard (signalized)	689	805	A	A
Walker Mill Road/Shady Glen Road	787	917	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under total traffic conditions, all of the intersections operate at acceptable levels of service during the AM and PM peak hours with the exception of MD 214/Addison Road and Addison Road/Walker Mill Road. The applicant has proposed off-site intersection improvements at these two locations to mitigate site trips. Vehicle delays of over 50.0 seconds occur at the unsignalized intersection of Walker Mill Road and Karen Boulevard under total traffic conditions indicating inadequate traffic operations.

The following transportation improvements were recommended to provide adequacy:

At MD 214 and Addison Road, in response to the inadequacy, the applicant has proffered mitigation. This intersection is eligible for mitigation under the second criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The improvements include:

- a. Construct a free flow northbound right turn lane on Addison Road to eastbound MD 214;
- or
- b. Construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 214/Addison Road				
Background Conditions	D/1,352	F/1,794		
Total Traffic Conditions	D/1,372	F/1,818	+20	+24
Total Traffic Conditions w/Mitigation	D/1,372	F/1,650	-0	-168

As the CLV at MD 214/Addison is between 1,450 and 1,813 during the PM peak hour under background traffic, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the *Guidelines*. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the PM peak hour (it would provide LOS D during the AM peak hour). **Therefore, the proposed mitigation at MD 214 and Addison Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

The mitigation plan was reviewed by DPW&T and SHA, and neither agency raised an objection to the mitigation plan.

At Walker Mill Road and Addison Road, modify the westbound approach of Walker Mill Road from the existing one left turn lane and one right turn lane to one left lane and a shared left/right turn lane. This may require minor widening at the intersection.

DPW&T did not specifically comment on the proposed improvements at MD 214 and Addison Road and at Walker Mill Road and Addison Road. DPW&T's comments are summarized below:

1. Recommends that the applicant conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard using projected traffic volumes.
2. Recommends that the applicant extend the existing southbound left turn lane on Addison Road to achieve a total of 175 feet of stacking distance. In addition, an acceleration lane should be constructed along northbound Addison Road at Ronald Road to accommodate the heavy turning movements out of Ronald Road. Any modifications to the signal will be the responsibility of the applicant.

SHA concurred with the proposed improvements at the intersections of MD 214/Addison Road and Walker Mill Road/Addison Road. SHA recommends that staff condition the applicant to design and construct the proposed intersection improvements:

1. The applicant will be responsible for determining the feasibility of constructing the roadway improvement options identified at the MD 214/Addison Road intersection. (Option 1 is a northbound free flow right turn lane on Addison Road, Option 2 is an eastbound right turn lane on MD 214).
2. If both improvement options at the MD 214/Addison Road intersection are determined to be infeasible by the applicant, then SHA recommends that M-NCPPC require the applicant to explore alternative roadway improvements to meet M-NCPPC regulations for adequate public facilities.

With the applicant's proposed improvements in place, the following levels of service would occur:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,326	1,417	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,318	C	D
MD 214/Addison Road (Option 1)*	1,372	1,650	D	F
MD 214/Addison Road (Option 2)**	1,366	1,632	D	F
Addison Road/Ronald Road	1,421	1,519	D	E
Walker Mill Road/Addison Road	1,559	1,443	E	D
Walker Mill Road/Karen Boulevard (unsignalized)	64.4*	337.6*	--	--
Walker Mill Road/Karen Boulevard (signalized)	689	805	A	A
Walker Mill Road/Shady Glen Road	787	917	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

*Option 1 adds a northbound free flow right turn lane on Addison Road at MD 214.

**Option 2 adds a separate eastbound right turn lane on MD 214 at Addison Road.

Site Plan Comments

Access is provided to the property from Karen Boulevard, which is listed in the Suitland-District Heights Master Plan (1985) as a two- to four-lane collector (C-172) with an 80-foot ROW. Karen Boulevard intersects Walker Mill Road to the south. The multifamily dwellings (east side of Karen Boulevard) are proposed to be served by two entrances off of Karen Boulevard. This is shown as Street B on the plan with 36 feet of pavement. The townhouses (west side of Karen Boulevard) are proposed with access to Karen Boulevard via Street A. Access to the site and circulation within the site appears to be acceptable. A four-way intersection connecting Street B

and A at Karen Boulevard would be preferable but environmental constraints may prevent this connection. DPW&T did not comment on the extension of Karen Boulevard.

The applicant should be required to construct Karen Boulevard as part of this development. The site plan accurately demonstrates the existing 80-foot right-of-way that was dedicated in 1965 (WWW 56@7) for the extension of Karen Boulevard. This roadway is recommended in the Suitland-District Heights master plan and will provide a parallel route and option to Shady Glen Road and Addison Road. Streets A and B appear to be shown on the site plan as private streets.

The extension of Karen Boulevard is an important link. It will provide an additional point of access to points north and especially to the Walker Mill Middle School. This roadway is shown in the Suitland-District Heights master plan between Walker Mill Road and MD 214. The extension was assumed in the traffic study.

It should be noted that a development is planned to the north of Walker Mill Middle School. The development includes the construction of Karen Boulevard from the school to MD 214. A traffic study has been submitted relating to the development of a 121-acre, mixed-use site with a total of 612 residential units and 30,000 square feet of retail space. Access to this property (Glenwood Hills) is planned from MD 214 at Pepper Mill Drive to the north and from Karen Boulevard to the south.

Based on the preceding findings, that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

9. **Schools**—The subdivision plan has been reviewed for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002).

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between Interstate Highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

Multifamily

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 3.20 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 3.20 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 6.90 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 3.02 minutes, which is within the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

Single-family

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 2.93 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 2.93 minutes, which is within the 6.25 minutes travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service travel time of 6.63 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the travel area for Police District III-Landover. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Lincolnshire development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/02, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.

12. **Health Department**—The Health Department notes that numerous tires and wrecked vehicles were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including the numerous wrecked vehicles, must be removed and properly discarded.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 20523-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Urban Design**—The Urban Design Section notes that a detailed site plan (DSP) is required for the development of townhouses in the R-T Zone and multifamily dwellings in the R-18 Zone. The Urban Design Section has concerns with the applicant's ability to develop the property with the number of dwelling units proposed. The site contains steep slopes that may impact the development potential of the site. The ability of the applicant to develop the site as proposed shall be determined at the time of review of the DSP. As part of the submittal for the DSP, the applicant should submit a detailed site grading plan. The Department of Parks and Recreation has recommended that on-site recreational facilities be provided to serve the residences. The ability to provide facilities on Parcel A in conjunction with 24 townhouses may be difficult and could be an over-development of that portion of the site. The applicant may lose townhouse lots in order to appropriately provide land area to locate required recreational facilities. The applicant should provide pedestrian connection to the abutting school site if determined feasible and appropriate at the time of review of the DSP.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 8, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of January 2004.

Trudye Morgan Johnson
Executive Director

By *Frances J. Guertin*
Frances J. Guertin
Planning Board Administrator

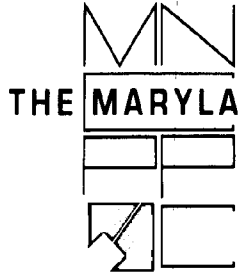
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APPROVED AS TO LEGAL SUFFICIENCY.

George Johns
M-NCPRC Legal Department

Date 1/23/04

Lincolnshue



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

September 29, 2003

NOTICE

Our records indicate that you were a party of record in a previous application pertaining to property that is the subject of a new application.

Previous Application: **4-87179 & SE-4447**

New Application: **4-03084**

Property Location: **The subject property is located on the northeast quadrant of the intersection of Karen Boulevard and Ronald Road.**

If you wish to become a party of record in the new application, you must make your request either in writing or in testimony before the close of the record of the case (generally before the end of the public hearing, if there is one). Please include your name, address, and a daytime phone number in your request.

It is important to become a party of record in the new application to ensure that you are sent copies of staff reports, decisions and other notices and to maintain "standing" to participate in any appeal process.

If you have any questions about the pending application, please contact the Development Review Division at 301-952-3530 and ask to speak with the staff person, Whitney Chellis, assigned to the new application.

R E S O L U T I O N

WHEREAS, Lincolnshire Assoc., Ltd., is the owner of a 18.69-acre parcel of land known as Lincolnshire (Lot 2 and part of Lot 1), plat book WWW56@7, Tax Map 73, Grid D-3, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned R-T and R-18; and

WHEREAS, on august 18, 2003, PDC Lincolnshire, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 24 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03084 for Lincolnshire was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 8, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 8, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/58/03), and further APPROVED Preliminary Plan of Subdivision 4-03084, Lincolnshire, for Lots 1-24 and Parcels A-C, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise General Note 16 to reflect that the mandatory dedication of parkland requirement is being met by private on-site recreational facilities.
 - b. To provide reference to the approved Stormwater Management Concept Plan, # 20523-2003-00.

- ✓ 2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

- ✓ 3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcels A, B and C. Land to be conveyed shall be subject to the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by M-NCPPC, without the review and approval of DPR.

- j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

4.
on west
side

The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

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

5. Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.
6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.
7. ✓ In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.
8. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
10. ✓ Prior to final plat, the applicant shall submit evidence from the Health Department that the tires and wrecked cars found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility or otherwise properly disposed.
11. Development of this site shall be in accordance with the approved Stormwater Management Concept Plan # 20523-2003-00.
12. ✓ Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard. The applicant should utilize a new 12-hour count, and should analyze signal warrants

under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The applicant will be responsible for any additional pavement markings and signage at this location as determined by DPW&T.

13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:
 - a. The applicant shall extend the southbound left turn lane on Addison Road at Ronald Road based on DPW&T recommendations and guidelines to increase stacking distance a minimum of 175 feet. In addition, an acceleration lane shall be constructed along northbound Addison Road at Ronald Road. Any modifications to the traffic signal, new pavement markings, or signage will be the responsibility of the applicant.
 - b. At the intersection of Walker Mill Road and Addison Road, the applicant will modify the westbound approach of Walker Mill Road from one left turn lane and one right turn lane to one left turn lane and one shared left/right turn lane. This may require minor widening and reconstruction at the intersection.
 - c. At the intersection of MD 214 and Addison Road, the applicant shall construct a free-flow, northbound, right-turn lane on Addison Road to eastbound MD 214 or construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.
 - d. At the time of final plat approval, the applicant shall construct Karen Boulevard to connect with the existing portion of Karen Boulevard to the north at Walker Mill Middle School.

These improvements shall include any signal, signage, and pavement marking modifications and additions to be determined by SHA and/or DPW.

14. A Type II tree conservation shall be approved at the time of DSP.
15. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/58/03). The following note shall be placed on the Final Plat of Subdivision:

Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/58/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject properties are located on the west and east side of Karen Boulevard north of its intersection with Ronald Road in District Heights.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-T & R-18	R-T & R-18
Use(s)	Vacant	Townhouses & Multifamily
Acreage	17.28	17.28
Lots	2	24
Parcels	0	3
Dwelling Units:		286 Total
Detached	0	0
Townhouse	0	24
Multifamily	0	262

4. **Environmental**—The Environmental Planning Section has previously reviewed the subject property as a Preliminary Plan of Subdivision (4-87179). The previously approved Preliminary Plan of Subdivision for the townhouse lots on the subject property expired. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan (TCPI/58/03) was submitted and was found to meet the requirements of the Woodland Conservation Ordinance. The minimum woodland requirement for the site is 3.75 acres of the net tract. An additional 6.33 acres are required due to the removal of woodlands, for a total of 10.08 acres of woodland conservation. The plan shows the requirement being met with 0.83 acre of on-site woodland conservation, 0.59 acre of reforestation, and 8.66 acres of off-site mitigation for a total of 10.08 acres.

The site is characterized by terrain sloping toward the east and west of the property and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River basin. The predominant soil types on the site are Adelphia, Sandy Land, Chillum and Sassafras. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, impeded drainage and seasonally high water table. The site is undeveloped and fully wooded. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to

occur in the vicinity of this site. There are no floodplains, Marlboro clays, or scenic or historic roads located on or adjacent to the subject property. The subject property is located quite some distance away from any major noise generator. This property is located in the Developed Tier as delineated in the adopted General Plan.

There are streams and Waters of the U.S. on site. The preliminary plan as submitted proposes impacts to the stream in two separate areas. Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

All disturbances not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines, including sewer and stormwater outfalls, streets that are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds and parking areas that do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Ordinance.

The variation requests submitted for review on November 3, 2003, meet the minimum submission requirements. The variation request submitted identified individual impact areas and provided written justifications for each encroachment. The variation requests shown on the plan and identified as impact areas 1 and 2 respectively are specifically described below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;*
- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;*
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;*

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

Impact Area #1—To the west of the proposed connection of Karen Boulevard

Location of Impact Area: This area is the site of a proposed sewer line construction and stormdrain outfall with associated retaining wall to the west of the proposed connection of Karen Boulevard. It is adjacent to a stream buffer and Water of the U.S.

The proposed impacts consist of:

Minimal clearing (approximately 2,500 square feet) and excavation, and utility construction within the 50-foot stream buffer in order to construct a stormdrain outfall and associated retaining wall. Approximately 15 linear feet of the 130 linear feet of sewer main within the Extended Buffer is proposed to impact the Waters of the U.S. Because the existing sewer is to the east of the stream, a stream crossing is required.

In addition, minimal clearing (approximately 500 square feet) and excavation and utility construction within the 50 foot stream buffer is proposed to construct the outfall of the proposed stormwater management facility.

Impact Area #2—The Construction of Karen Boulevard

Location of Impact Area: The area is within the previously dedicated right-of-way for a master plan road, Karen Boulevard. It is adjacent to a 50-foot stream buffer and Waters of the U.S.

The proposed impacts consist of:

Clearing (approximately 28,500 square feet), fill operations, and wall construction to bring the grade of the road to match the existing portions of Karen Boulevard to the north and the south and utility construction (especially stormdrain and water and sewer connections to existing mains) 30 linear feet of sewer and 160 linear feet of water. The total disturbed area in the expanded buffer is approximately 55,000 square feet.

The following is an analysis of the variations requested. The text in bold represents the text from the Section 24-113 of the Subdivision Regulations.

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

The variations requested are associated with connections to a sewer main stormwater management outfall and the construction of an associated retaining wall, to the west of

Karen Boulevard. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property; and will provide the necessary utilities and structures to protect public safety, health and welfare.

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

The conditions of the property are unique with respect to the placement of the existing stream, the associated buffer, and the required placement of the necessary public utilities.

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

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and Waters of the U.S., the construction proposed does not constitute a violation.

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

Due to the configuration of this site, the location of the stream, and the 100-year floodplain, and the fact that no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations. The dedication of Karen Boulevard occurred in 1965 at the current location to provide a greater circulation and a connection from Walker Mill Road to the south to MD 214 to the north.

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

Staff recommends that the applicant demonstrate conformance to this criteria at the time of DSP for the construction of the multifamily dwelling units in the R-18 Zone to the east of Karen Boulevard. Because of the steep and severe slopes on the site, the extent of development will be determined at the time of review of the DSP.

Staff recommends approval of the variation requests. The impacts are for the connection and construction of Karen Boulevard and for the connections to a sewer main and stormwater management pond outfall with an associated retaining wall for the development of the site only.

5. **Community Planning**—The property is located within the limits of the 1985 *Suitland-District Heights Master Plan*, planning area 72 in the District Heights Community. The recommended land use is multifamily residential. The 2002 General Plan locates the property in the Developed Tier. The proposed preliminary plan is consistent with the recommendation of the master plan and the General Plan.

The subject property is outside the Addison Road Sector Plan study area but within a reasonable walking distance to the Addison Road Metro Station and the proposed town center. Since the property is within walking distance from the Addison Road Metro Station, pedestrian circulation within the site and adjoining neighborhoods should be addressed at the time of review of the detailed site plan.

6. **Parks and Recreation**—In accordance with Section 24-135(a) of the Subdivision Regulations the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities to fulfill the requirements of the mandatory dedication of parkland. Recreation facilities should be provided on both sides of Karen Boulevard and in accordance with the *Parks and Recreational Facilities Guidelines*.
7. **Trails**—There are no master plan trails issues identified in the *Adopted and Approved Suitland-District Heights and Vicinity Master Plan*. The sidewalk network as shown on the submitted plan is comprehensive and will adequately accommodate pedestrian movement along the proposed right-of-way. With the review of the required detailed site plans, a determination will be made regarding the internal circulation.
8. **Transportation**—The property is located east of Addison Road and within one mile of the Addison Road/Seat Pleasant Metro Station. The applicant proposes a residential subdivision consisting of 24 townhouses and 262 multifamily dwellings.

The applicant submitted a traffic study dated September 18, 2003. This study was revised and resubmitted, dated September 24, 2003. The revised traffic study included an analysis of 24 townhouses, 262 apartments, and the extension of Karen Boulevard from Ronald Road to Walker Mill Middle School. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county's Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are incorporated.

Growth Policy—Service Level Standards

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken during 2003. Due to the recent opening of the Ritchie-Marlboro interchange at I-95 and the planned opening of two new Metrorail stations, the applicant made adjustments to through movements during the AM and PM peak hours on MD 214. Through volumes were reduced by approximately 20 percent to account for the diversion of trips to the new interchange and the shifting of some trips to the new Metrorail stations (Morgan Boulevard and Largo Town Center) that will run parallel to Central Avenue by 2004. With the development of the subject property, the traffic consultant concluded that several off-site intersection improvements would be required to meet the threshold for intersections within the developed tier. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- MD 214/Shady Glen Road (signalized)
- MD 214/Pepper Mill Road/Karen Boulevard (unsignalized)
- MD 214/Addison Road (signalized)
- Addison Road/Ronald Road (signalized)
- Walker Mill Road/Addison Road (signalized)
- Walker Mill Road/Karen Boulevard (unsignalized)
- Walker Mill Road/Shady Glen Road (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,092	1,046	B	B
MD 214/Pepper Mill Road/Karen Boulevard	751	635	A	A
MD 214/Addison Road	1,102	1,262	B	C
Addison Road/Ronald Road	1,111	1,130	B	B
Walker Mill Road/Addison Road	1,513	1,480	E	E
Walker Mill Road/Karen Boulevard (unsignalized)	38.4*	91.4*	--	--
Walker Mill Road/Karen Boulevard (signalized)	571	641	A	A
Walker Mill Road/Shady Glen Road	615	707	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Background developments include over 450 townhouses, 300 apartments, and 700 single-family units. Nearby approved developments also include 150,000 square feet of office space, 300,000 square feet of warehouse space, and nearly 900,000 square feet of industrial space. Background traffic along MD 214, Addison Road, and Walker Mill Road was also increased by five percent to account for overall growth up to the design year 2008. This is the expected year of full build-out.

As assumed under existing traffic conditions, through volumes were reduced by approximately 20 percent to account for the diversion of trips to the new interchange and the shifting of some trips to the new Metro stations (Morgan Boulevard and Largo Town Center) that will run parallel to Central Avenue by 2004. There are no other funded capital improvements in the area. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,324	1,411	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,298	C	C
MD 214/Addison Road	1,352	1,794	D	F
Addison Road/Ronald Road	1,363	1,461	D	E
Walker Mill Road/Addison Road	1,792	1,732	F	F
Walker Mill Road/Karen Boulevard (unsignalized)	58.1*	237.3*	--	--
Walker Mill Road/Karen Boulevard (signalized)	653	752	A	A
Walker Mill Road/Shady Glen Road	779	894	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Based on background traffic conditions, two of the intersections will operate at LOS F, with a critical lane volume above 1,600. The intersection of MD 214/Addison Road operates at LOS F during the PM peak hour and the intersection of Walker Mill Road/Addison Road operates at LOS F during both peak hours. Vehicle delays of over 50.0 seconds occur at the intersection of Walker Mill Road and Karen Boulevard under background conditions indicating inadequate traffic operations.

The site is proposed for development as a residential subdivision, with 24 townhouses and 262 apartments. The trip rates were obtained from the guidelines. The resulting site trip generation would be 153 AM peak-hour trips (30 in, 123 out), and 176 PM peak-hour trips (114 in, 62 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,326	1,417	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,318	C	D
MD 214/Addison Road	1,372	1,818	D	F
Addison Road/Ronald Road	1,421	1,519	D	E
Walker Mill Road/Addison Road	1,808	1,751	F	F
Walker Mill Road/Karen Boulevard (unsignalized)	64.4*	337.6*	--	--
Walker Mill Road/Karen Boulevard (signalized)	689	805	A	A
Walker Mill Road/Shady Glen Road	787	917	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under total traffic conditions, all of the intersections operate at acceptable levels of service during the AM and PM peak hours with the exception of MD 214/Addison Road and Addison Road/Walker Mill Road. The applicant has proposed off-site intersection improvements at these two locations to mitigate site trips. Vehicle delays of over 50.0 seconds occur at the unsignalized intersection of Walker Mill Road and Karen Boulevard under total traffic conditions indicating inadequate traffic operations.

The following transportation improvements were recommended to provide adequacy:

At MD 214 and Addison Road, in response to the inadequacy, the applicant has proffered mitigation. This intersection is eligible for mitigation under the second criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The improvements include:

- a. Construct a free flow northbound right turn lane on Addison Road to eastbound MD 214;
- or
- b. Construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 214/Addison Road				
Background Conditions	D/1,352	F/1,794		
Total Traffic Conditions	D/1,372	F/1,818	+20	+24
Total Traffic Conditions w/Mitigation	D/1,372	F/1,650	-0	-168

As the CLV at MD 214/Addison is between 1,450 and 1,813 during the PM peak hour under background traffic, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the *Guidelines*. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the PM peak hour (it would provide LOS D during the AM peak hour).

Therefore, the proposed mitigation at MD 214 and Addison Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

The mitigation plan was reviewed by DPW&T and SHA, and neither agency raised an objection to the mitigation plan.

At Walker Mill Road and Addison Road, modify the westbound approach of Walker Mill Road from the existing one left turn lane and one right turn lane to one left lane and a shared left/right turn lane. This may require minor widening at the intersection.

DPW&T did not specifically comment on the proposed improvements at MD 214 and Addison Road and at Walker Mill Road and Addison Road. DPW&T's comments are summarized below:

1. Recommends that the applicant conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard using projected traffic volumes.
2. Recommends that the applicant extend the existing southbound left turn lane on Addison Road to achieve a total of 175 feet of stacking distance. In addition, an acceleration lane should be constructed along northbound Addison Road at Ronald Road to accommodate the heavy turning movements out of Ronald Road. Any modifications to the signal will be the responsibility of the applicant.

SHA concurred with the proposed improvements at the intersections of MD 214/Addison Road and Walker Mill Road/Addison Road. SHA recommends that staff condition the applicant to design and construct the proposed intersection improvements:

1. The applicant will be responsible for determining the feasibility of constructing the roadway improvement options identified at the MD 214/Addison Road intersection. (Option 1 is a northbound free flow right turn lane on Addison Road, Option 2 is an eastbound right turn lane on MD 214).
2. If both improvement options at the MD 214/Addison Road intersection are determined to be infeasible by the applicant, then SHA recommends that M-NCPPC require the applicant to explore alternative roadway improvements to meet M-NCPPC regulations for adequate public facilities.

With the applicant's proposed improvements in place, the following levels of service would occur:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,326	1,417	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,318	C	D
MD 214/Addison Road (Option 1)*	1,372	1,650	D	F
MD 214/Addison Road (Option 2)**	1,366	1,632	D	F
Addison Road/Ronald Road	1,421	1,519	D	E
Walker Mill Road/Addison Road	1,559	1,443	E	D
Walker Mill Road/Karen Boulevard (unsignalized)	64.4*	337.6*	--	--
Walker Mill Road/Karen Boulevard (signalized)	689	805	A	A
Walker Mill Road/Shady Glen Road	787	917	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

*Option 1 adds a northbound free flow right turn lane on Addison Road at MD 214.

**Option 2 adds a separate eastbound right turn lane on MD 214 at Addison Road.

Site Plan Comments

Access is provided to the property from Karen Boulevard, which is listed in the Suitland-District Heights Master Plan (1985) as a two- to four-lane collector (C-172) with an 80-foot ROW. Karen Boulevard intersects Walker Mill Road to the south. The multifamily dwellings (east side of Karen Boulevard) are proposed to be served by two entrances off of Karen Boulevard. This is shown as Street B on the plan with 36 feet of pavement. The townhouses (west side of Karen Boulevard) are proposed with access to Karen Boulevard via Street A. Access to the site and circulation within the site appears to be acceptable. A four-way intersection connecting Street B

and A at Karen Boulevard would be preferable but environmental constraints may prevent this connection. DPW&T did not comment on the extension of Karen Boulevard.

The applicant should be required to construct Karen Boulevard as part of this development. The site plan accurately demonstrates the existing 80-foot right-of-way that was dedicated in 1965 (WWW 56@7) for the extension of Karen Boulevard. This roadway is recommended in the Suitland-District Heights master plan and will provide a parallel route and option to Shady Glen Road and Addison Road. Streets A and B appear to be shown on the site plan as private streets.

The extension of Karen Boulevard is an important link. It will provide an additional point of access to points north and especially to the Walker Mill Middle School. This roadway is shown in the Suitland-District Heights master plan between Walker Mill Road and MD 214. The extension was assumed in the traffic study.

It should be noted that a development is planned to the north of Walker Mill Middle School. The development includes the construction of Karen Boulevard from the school to MD 214. A traffic study has been submitted relating to the development of a 121-acre, mixed-use site with a total of 612 residential units and 30,000 square feet of retail space. Access to this property (Glenwood Hills) is planned from MD 214 at Pepper Mill Drive to the north and from Karen Boulevard to the south.

Based on the preceding findings, that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

9. **Schools**—The subdivision plan has been reviewed for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002).

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between Interstate Highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

Multifamily

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 3.20 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 3.20 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 6.90 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 3.02 minutes, which is within the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

Single-family

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 2.93 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 2.93 minutes, which is within the 6.25 minutes travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service travel time of 6.63 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the travel area for Police District III-Landover. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Lincolnshire development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/02, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.

12. **Health Department**—The Health Department notes that numerous tires and wrecked vehicles were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including the numerous wrecked vehicles, must be removed and properly discarded.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 20523-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Urban Design**—The Urban Design Section notes that a detailed site plan (DSP) is required for the development of townhouses in the R-T Zone and multifamily dwellings in the R-18 Zone. The Urban Design Section has concerns with the applicant's ability to develop the property with the number of dwelling units proposed. The site contains steep slopes that may impact the development potential of the site. The ability of the applicant to develop the site as proposed shall be determined at the time of review of the DSP. As part of the submittal for the DSP, the applicant should submit a detailed site grading plan. The Department of Parks and Recreation has recommended that on-site recreational facilities be provided to serve the residences. The ability to provide facilities on Parcel A in conjunction with 24 townhouses may be difficult and could be an over-development of that portion of the site. The applicant may lose townhouse lots in order to appropriately provide land area to locate required recreational facilities. The applicant should provide pedestrian connection to the abutting school site if determined feasible and appropriate at the time of review of the DSP.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 8, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of January 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on November 16, 2006, regarding Detailed Site Plan DSP-05001 for Lincolnshire, Phase II, the Planning Board finds:

1. **Request**—The subject application proposes to construct 156 multifamily dwellings as condominium units. The plan includes site, landscape, and tree conservation plans and architecture. Companion to this case are Variance VD-05001 and Departures from Parking and Loading Spaces DPLS-320 and Departure from Design Standards DDS-568.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Vacant	multifamily dwellings
Acreage	13.17	13.17
Lots	1	1
Parcels	0	0
Dwelling Units:		
Attached	0	0
Detached	0	0
Multifamily	0	156

Other Development Data

Gross Site Area	13.17 acres
100-year floodplain	0 acres
Net Tract Area	13.17 acres
Dwelling Units permitted (12 du./ac.)	158 units
Dwelling Units proposed	156 units
Maximum Lot Coverage	40 percent
Proposed Lot Coverage	38.5 percent
Minimum Green area	60 percent
Green area proposed	61.5 percent

Parking Required (156 x 3.00)	468 spaces
*Parking Provided	336 spaces
Loading required (1 space per 100-300 DU)	1 space
***Loading provided	1 space

*Parking provided has been designed as tandem parking spaces, i.e., one space under a carport behind a garage space. According to Section 27-552(e)(1), parking for one-family dwellings is the only type of dwelling that allows for parking spaces to be located one behind the other. The design shown on the plans is not permitted in conjunction with either two-family dwellings or multifamily. In order to modify this requirement, the applicant has filed a Departure from Design Standards (DDS-568) application. Also, there is a shortage of parking proposed for the site. A Departure from the number of Parking and Loading Standards (DPLS-320) has been submitted for the project.

***Loading calculations are provided on the site plan, and one space has been provided on the site plan. The loading space is not near any of the units, so it should be relocated to a more convenient location for use by the residents.

3. **Location**—The subject application is located on the east side of Karen Boulevard extended, north of its intersection with Ronald Road within Planning Area 75A.
4. **Surroundings and Use**—To the north is an existing townhouse development in the R-T Zone, to the east is John Bayne Elementary School, to the south is an existing multifamily development, and to the west is the proposed Karen Boulevard and Lincolnshire Phase I, a 24-unit townhouse development recently approved as Detailed Site Plan DSP-04012.
5. **Design**—The proposed subdivision will have a single vehicular access point from the proposed extension of Karen Boulevard, which will be constructed as part of the project to the north, approved as DSP-04012. The plan proposes a two-part stormwater management pond, separated by a minor embankment created by the road entrance into the subdivision. The facility expands across the entire frontage of the property, with Karen Boulevard acting as the major embankment. The units across the stormwater management pond will front toward the pond and will be served by alleys in the rear of the dwellings. Steep slopes are proposed throughout the development, a result of the existing topography and the proposed unit type, which does not allow for the transitioning of grades from one building pad to another.
6. **Previous Approvals**—The property is the subject of Preliminary Plan 4-03084, which was adopted on January 29, 2004 as PGCPB Resolution No. 04-03. On October 27, 2005, the Planning Board granted a three-month extension. On April 20, 2006, the Planning Board approved a one-year extension to Preliminary Plan 4-03084. The subject preliminary plan is valid until April 29, 2007.

The preliminary plan included two tracts of land. On the west side of Karen Boulevard is R-T-zoned land that is not the subject of this detailed site plan, but was approved by the District Council as DSP-04012. The remaining portion is on the east side of Karen Boulevard and is zoned R-18, which is the subject of this application.

7. **Definition of Unit Type**—The preliminary plan was approved for the development of multifamily dwelling units with an allowed density of 20 dwelling units per acre, because the buildings were proposed to be four stories with an elevator (27-442(h) Footnote 20). The approved density, based on that proposal, was 262 dwelling units. However, the applicant has since changed the design of the unit type, is no longer proposing an elevator in the units, and therefore, cannot develop with a density of 20 dwelling units per acre. The allowed density for a building without an elevator is 12 units per acre (27-442(h) Table VII, Density, footnotes 3 and 4.)

The detailed site plan originally proposed an architectural product type commonly known as two-over-two or stacked townhouses. The Zoning Ordinance classifies this product as a two-family dwelling. Stacked townhouses are four stories with one family living on the first and second floors and one family living on the third and fourth floors. The original units proposed separate entrances for each of the units. The exterior appearance of the two-over-two unit looks like four-story townhouses. The Associate General Counsel of M-NCPPC opined that “two-over-two” units are not multifamily dwellings as defined by Section 27-107.01(a)(75), but are two-family dwellings as defined by Section 27-107.01(a)(80). In an e-mail dated January 17, 2006, Green to Lareuse, she stated the following:

“Generally speaking any type of building, as defined under the code, that is not designed for one single family is considered multifamily. However the Zoning Ordinance, definitionally and in the use tables, carves out certain types of multiple dwellings under the multifamily umbrella, i.e., duplex, three-family and quads, and treats those types of dwellings differently. The type of dwelling unit described (two-over twos) below is one of those exceptions to the multifamily umbrella. This type of multiple family dwelling is carved out and specifically listed in the definition table and the use table as a ‘two-family dwelling.’ The Zoning Ordinance pursuant to section 27-107.01(a)(1) states that the particular and the specific control the general. In this particular case the general is ‘multifamily’ and the particular and specific is ‘two-family dwelling’.”

The Zoning Ordinance allows the use of two-family dwellings in the R-18 Zone, however, at a much lower density than that which was proposed for the subject site at the time of the preliminary plan. Two-family dwellings in the R-18 Zone can be developed in accordance with applicable R-T regulations as stated in Section 27-441(b) footnote 2. However, the maximum density of development in the R-18 Zone for two-family dwellings is eight units per acre. At the time of the preliminary plan of subdivision, the applicant proposed multifamily units with an elevator, which allows a density of 20 units per acre.

Based on the Associate General Counsel’s opinion regarding two-family dwellings and the applicant’s desire to increase the density on the property, the applicant revised the architecture to

create a shared entry for four units, which qualifies the product type as a multifamily unit, thus allowing for the density of 12 units per acre (without an elevator), as stated in the density table. This revision to the architectural floor plans and elevations allows the category of multifamily to apply to the unit type; however, the final product could be deemed less desirable than the previously proposed traditional two-family dwelling, which had individual entrances to each of the units.

8. **Previous Approvals**—The property is the subject of Preliminary Plan 4-03084, which was adopted on January 29, 2004 as PGCPB Resolution No. 04-03. Two extensions to the preliminary plan have been granted for this project.

The approved preliminary plan included the following conditions of approval that warrant discussion pertaining to conformance of the detailed site plan to the approved preliminary plan:

5. **Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.**

Comment: The plan proposes a large stormwater management pond at the front of the project. The plan proposes a two-part stormwater management pond, separated by the embankment created by the road entrance into the subdivision. The facility extends across the entire frontage of the property. The units across the stormwater management pond will front toward the pond. Landscaping is minimal along the road edge because it is an embankment and the Department of Environmental Resources (DER) prohibits planting on embankments. However, street trees are proposed along the street line and the plans propose larger beds of ornamental grasses along the embankment and the street edge. These plantings should provide a visual softening to the edge of the streetscape and filter rain into the stormwater management pond.

6. **The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.**

Comment: The site plan shows sidewalks on both sides of the road.

7. **In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.**

Comment: Parcel A for the townhouses has an approved detailed site plan, DSP-04012 which was approved by the Planning Board with a tot-lot shown on the plan. The plan was subsequently reviewed by the District Council, whose action on the case deleted the tot-lot due to concerns of attracting undesirable criminal activity. The applicant provided a letter dated December 19, 2005, that stated the following:

“Please be advised that the District Council requested in Condition No. 7 [for DSP-04012] that there be three options for recreational facilities: (1) clear and grade the area and leave an open space, (2) pay a fee in lieu, or (3) provide recreational facilities in accord with the DPR guidelines.

“It is my client’s decision that he will pay a fee in lieu. It is my client’s understanding that the District Council with respect to Districts 5, 6, and 7 are looking for a central park in the vicinity of the site. Therefore, we believe the fee in lieu option is the appropriate option for recreational facilities, especially given that the property adjoins public park land.”

Comment: It appears that the applicant is trying to fulfill the condition above with the provision of a fee-in-lieu, based on the District Council’s previous action in the review and approval of Phase I of the project, approved under DSP-04012. This proposal by the applicant does not conform to the approved preliminary plan, therefore, staff recommends that the plans be revised prior to signature approval to include a tot-lot, a preteen lot, and a one-half multipurpose court. In order to achieve the provision of recreational facilities on site, a reduction in the number of units would be required to create space for the facilities.

9. **Variance—Conformance to the Requirements of the Zoning Ordinance in the R-18 Zone—**

The proposed plan is not in conformance with the development regulations for the R-18 Zone in two (2) respects. The application includes a variance from a footnote in the use table and a variance from the distance required between unattached multifamily buildings.

- a. When the applicant changed the architectural product type from two-family dwellings to a multifamily product type, as described earlier in this report, this triggered the Zoning Ordinance requirements for multifamily units, to which this architectural product does not easily conform. The most important of these is the requirements of the Table of Uses, Section 27-441 of the Zoning Ordinance, for multifamily units in the R-18 Zone, provided below:

USE	ZONE R-18
(A) In general (CB-67-2003; CB-109-2004)	P ⁷⁶
(B) Subject to applicable bedroom percentages	P
(C) In excess of applicable bedroom percentages	SE
(D) Restricted to one-bedroom and efficiency apartments	X
(E) Higher than 110 feet (CB-85-1988)	X
(F) Up to six dwelling units in a building of no more than two stories, where the first story was previously used for commercial purposes (CB-91-2004)	X

⁷⁶ Provided:

- (A) A condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or a housing cooperative is established to own the dwelling units; and
- (B) At least ninety percent (90%) of all required parking spaces are provided in a parking structure.

(CB-109-2004)

The Zoning Ordinance excerpt above lists the types of multifamily units that are permitted in the R-18 Zone. The staff is of the opinion that the proposed architectural product is only permitted as a special exception, as stated in (C) above.

However, the applicant filed a variance from footnote 76 of the use table to allow at least 90 percent of all the required parking spaces to be in a carport, rather than a typical parking structure, in order to conform to category (A) above, and to allow the case to be processed as a detailed site plan. The applicant provides the following justification statement, dated November 1, 2006:

“I. Introduction

“PDC Lincolnshire, LLC (the ‘Applicant’) proposes a variance from Section 27-442(b), footnote 76¹, of the Prince George’s County Zoning Ordinance (the ‘Zoning Ordinance’) and as permitted through Sections 27-230, 27-239.03 and 27-239.04 of the Zoning Ordinance in conjunction with Detailed Site Plan No. DSP-05001 (the ‘DSP’). The subject property is located on the east side of Karen Boulevard Extended, north of its intersection with Ronald Road, in Capitol Heights, Maryland and is more specifically known as Lot 1 and consisting of 13.14 acres of land (the ‘Site’). The Applicant is filing this proposed variance from the 90% structured parking requirement of footnote 76. As interpreted by the Urban Design Staff the term “structured parking” is synonymous with the defined term ‘parking garage.’ While the Applicant disagrees with this strict interpretation it has agreed to file this variance request to allow the substitution of attached parking structures as illustrated on the plans submitted under separate cover. These attached parking structures would be completely covered with a weatherproof roof, separated by brick wing walls between pairs of parking spaces and enclosed on each end by brick end walls.

¹ 76 provided:

- (A) A condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or a housing cooperative is established to own the dwelling units; and
- (B) At least ninety percent (90%) of all required parking spaces are provided in a parking structure.

(CB-109-2004)

“II. Required Findings under the Zoning Ordinance

“In Prince George’s County, a final decision involving a zoning case must be based only on the evidence in the record, and must be supported by written findings of basic facts and written conclusions. Md. Ann. Code art. 28, § 8-123 (2004); see also Zoning Ordinance §27-141. The basic facts and conclusions required in order to approve a variance request are found in Zoning Ordinance §27-230, as permitted by §27-239.03. See also Cromwell v. Ward, 102 Md. App. 691, 701, 651 A.2d 424, 429 (1995) (stating that a zoning board has authority to grant variances from the strict application of regulations when by reason of exceptional narrowness, shallowness, or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations of specific parcels of property, the strict application would result in unusual practical difficulties to, or exceptional or undue hardship); Dolan v. City of Tigard, 512 U.S. 374, 380 (1994)(variances are granted only where it can be shown that, owing to special circumstances related to a specific piece of the land, the literal interpretation of the applicable zoning provisions would cause ‘an undue or unnecessary hardship’ unless the variance is granted); see generally Mastandrea v. North, 361 Md. 107, 760 A.2d 677 (2000); McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1983).

“The Applicant hereby presents evidence that the proposed variance is justified based on the standards and requirements of §27-230 of the Zoning Ordinance. The requirements, as applicable, are addressed in turn below:

“Section 27-230. Criteria for granting appeals involving variance.

“(a) A variance may only be granted when the Board of Appeals finds that:

“(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

“COMMENT: The Site is irregularly shaped and possesses significant topographic relief and other extraordinary conditions which necessitate the need for the requested variance. The existing slope of the adjacent roadway, Karen Boulevard, and the limited sight distances severely restrict the location and number of ingress and egress points. Karen Boulevard drops from elevation 228.00 down thirty-two feet (32’) to elevation 194.00 at the site entrance drive. This driveway elevation is at or near the lowest existing grade of the subject site. In addition to the slope of Karen Boulevard the development is encumbered with a large on-site storm water management facility which can only be located along the entire eastern edge of the site between Karen Boulevard and the proposed multifamily dwellings. From the low point of elevation 192.00 the topography rises eighty (80) feet in elevation to a high point of 272.00 at the western tip of the site. The existing site is also irregularly shaped with its widest dimension running along Karen

Boulevard the north property line leaves Karen Boulevard running to the east and then doglegs south. The southern property line leaves Karen Boulevard running east in a series of switch backs (north and east) to meet the northern property line.

“As a result of the existing road grades and sight distances, the existing steep topography and the large, required on-site storm water management facility, and the irregular shape of the property, the possible locations and orientations of the multifamily buildings and associated structured parking are limited.² The buildings must run roughly parallel to the slope and Karen Boulevard in order to create the level parking courts which contain the attached parking structures between the rears of the buildings.

“The uniqueness and peculiarity of the Site in comparison to the surrounding properties causes Section 27-442(b), Footnote 76 to impact the Site in a disproportionate manner.

“(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional hardship upon, the owner of the property; and

“COMMENT: In light of the uniqueness and physical characteristics of the Site, as described above strict compliance with the requirements of § 27-442(b), Footnote 76 would result in an unreasonable hardship and undue burden on the Applicant. Were the Applicant to comply with the regulations set forth in §27-442(b), Footnote 76, the lot yield would be reduced in order to make land area available for the provision of additional parking garages. Keeping in mind that the approved density of development is 262 dwelling units, as established by Preliminary Plan 4-03084, the current proposal of 156 dwelling units already represents a 40% reduction in density. A further reduction in approved density due to the rigid application of the undefined term “structured parking” would constitute an exceptional and undue hardship.

“(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

“COMMENT: The proposed use is in conformance with the 2002 Prince George’s County General Plan (the “General Plan”) and the 1985 Suitland-District Heights Approved master Plan & Adopted sectional Map Amendment (the “Master Plan”). The Site is located within the “Developed Tier” of the General Plan and situated within walking distance of the Addison Road Metro.

“The requested variance from the traditional parking garage to attached parking structures as designed will not impair the primary intent of the General Plan Developed Tier’s policies, which is to encourage and facilitate medium to high density, quality infill

² Applicant has filed a DDS to permit “tandem” parking due to these same extraordinary site constraints.

development. In fact, grant of this variance will promote the General Plan policies by providing flexibility and innovation necessary to develop infill sites.

“The Master Plan and SMA designated the subject property R-18 (Multifamily Medium Density Residential). The proposed multifamily two-over-two units, with structured parking, meet the intent and purpose of the Master Plan and preserve its integrity.

“III. Conclusion

“The unique and unusual conditions of the Site, create a disproportionate impact to the Applicant if §27-442(b), Footnote 76 of the Zoning Ordinance is strictly applied. This impact in turn creates an unreasonable hardship for the Applicant in development of the Site. As such, pursuant to §§27-230 and 27-239.03 we would respectfully request that a variance be granted to accept the attached parking structures as shown in lieu of parking garage spaces as illustrated on the plans submitted by Applicant.”

- b. The applicant filed a variance from the regulations governing the distance required between unattached multifamily buildings. Section 27-442(g) requires 70 feet between the buildings and the application reflects 31 feet between end units. A variance of 39 feet is requested and the applicant provides the following justification dated August 21, 2006:

“PDC Lincolnshire, LLC (the applicant) proposes a variance from Section 27-442(g) of the Prince George’s County Zoning Ordinance (the ‘Zoning Ordinance’) and as permitted through Sections 27-230, 27-239.03 and 27-239.04 of the Zoning Ordinance in conjunction with Detailed Site Plan No. DSP-05001 (the ‘DSP’). The subject property is located on the east side of Karen Boulevard Extended, north of its intersection with Ronald Road, in Capitol Heights, Maryland and is more specifically known as Lot 1 and consisting of 13.14 acres of land (the ‘Site’). The applicant is filing this proposed variance for the allowance of less than the required distance between unattached multifamily dwellings and courts as set forth in Section 27-442(g).

“The DSP application for the Site was accepted for review by the Maryland-National Park and Planning Commission (the ‘M-NCPPC’) on or about November 9, 2005. Prior to the scheduled September 14, 2006 Prince George’s County Planning Board hearing on the matter, it was questioned during review whether the distance between buildings was less than what is permitted in the R-18C Zone. As a result, the Technical Staff recommended that the instant variance request be filed in order to justify the distance (side of building to side of building) between unattached multifamily dwellings.

“In Prince George’s County, a final decision involving a zoning case must be based only on the evidence in the record, and must be supported by written findings of basic facts and written conclusions. Md. Ann. Code art. 28, § 8-123 (2004); see also Zoning Ordinance §27-141. The basic facts and conclusions required in order to approve a variance request are found in Zoning Ordinance §27-230, as permitted by §27-239.03. See also Cromwell

v. Ward, 102 Md. App. 691, 701, 651 A.2d 424, 429 (1995) (stating that a zoning board has authority to grant variances from the strict application of regulations when by reason of exceptional narrowness, shallowness, or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations of specific parcels of property, the strict application would result in unusual practical difficulties to, or exceptional or undue hardship); Dolan v. City of Tigard, 512 U.S. 374, 380 (1994)(variances are granted only where it can be shown that, owing to special circumstances related to a specific piece of the land, the literal interpretation of the applicable zoning provisions would cause ‘an undue or unnecessary hardship’ unless the variance is granted); see generally Mastandrea v. North, 361 Md. 107, 760 A.2d 677 (2000); McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1983).

“The applicant hereby presents evidence that the proposed variance is justified based on the standards and requirements of §27-230 of the Zoning Ordinance. The requirements, as applicable, are addressed in turn below:

“Section 27-230. Criteria for granting appeals involving variance.

“(a) A variance may only be granted when the Board of Appeals finds that:

“(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

“The Site is uniquely shaped and possesses significant topographic relief and other extraordinary conditions which necessitate the need for the requested variance. The existing slope of the adjacent roadway, Karen Boulevard, and limited sight distances severely restrict the location and number of ingress and egress points. This situation is further exacerbated by the requirement for a large on-site storm water management facility which can only be located along the entire eastern edge of the site between Karen Boulevard and the proposed multifamily dwellings.

“As a result of the existing road grades, the existing topography and the large, required on-site storm water management facility the possible areas, the locations and orientations of the multifamily buildings and the associated parking are limited. The uniqueness and peculiarity of the Site in comparison to the surrounding properties causes §27-442(g) to impact the Site disproportionately.”

Staff comment: Staff agrees with the applicant’s assertion that the topography of Karen Boulevard and the onsite topography are “exceptional topographic conditions” that justify the distance between the buildings to be reduced from that distance required by the Zoning Ordinance. The property is steep; the unit type proposed for the site is one that requires a flat parcel of land in order to build. Also, the unit type is most closely related in style and bulk to a townhouse product,

as opposed to multifamily. The building sticks are substantially less massive than a traditional multifamily product.

“(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

“In light of the uniqueness and characteristics of the Site, as described above and which results in a disproportionate impact for the use of the Site, compliance with the regulations of §27-442(g) would result in an unreasonable hardship and undue burden on the applicant. Were the applicant to comply with the regulations set forth in §27-442(g), the lot yield would be significantly reduced thus placing an undue hardship on the property owner. Keeping in mind that the approved density of development is 262 dwelling units, as established by Preliminary Plan 4-03084, the current proposal of 156 dwelling units already represents a 40% reduction in density. Any further reduction in approved density due to the rigid application of the distance between buildings would constitute an exceptional and undue hardship.”

Staff comment: The applicant’s argument that the project has suffered a reduction of 40 percent in density from the approval of the preliminary plan is not a viable argument. At the time of the preliminary plan for this case, the proposal was for multifamily units with elevators, which allows for a density of 20 units per acre. The applicant has changed the development concept of the property by proposing the modification to the two-family dwelling type, also know as two-over-twos or stacked townhouses, to qualify the product as a multifamily unit category for the purpose of allowing a greater density than is allowed under the R-18 Zone for two-family dwellings. When analyzed in this way, the property would have only yielded eight units per acre, or 105 dwelling units. By altering the floor plan of the units, deleting the separate entrance for each of the units, and combining the entrances into one to serve four units, the applicant has qualified the unit as a multifamily product and gained an increase in density of 51 units over the two-family dwellings originally proposed. Therefore, staff disagrees with the applicant’s argument that the project has suffered a loss of units since the approval of the preliminary plan; the applicant’s choice of unit type is entirely responsible for the decrease in density. Any hardship resulting from a loss of density is entirely self-imposed.

“(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

“In terms of the Master Plan, the proposed use will be in conformance. The Site is within Planning Area 75A, which is guided by the 2002 *Prince George’s County General Plan* (the “General Plan”) and the 1985 *Suitland-District Heights Approved Master Plan & Adopted Sectional Map Amendment* (the “Master Plan”). The Site is within the Developed Tier of the General Plan and situated within walking distance of the Addison Road Metro.

“The variance from the distance (side of building to side of building) between unattached multifamily dwellings will not impair the primary intent of the General Plan Developed Tier’s policies which is encourage and facilitate medium to high density, quality infill development. In fact, grant of this variance will promote the General Plan policies by providing flexibility and innovation when redeveloping infill sites.

“The Master Plan and SMA designated the subject property R-18 (Multifamily Medium Density Residential). The proposed multifamily two-over-two units, with structured parking, meet the intent and purpose of the Master Plan and preserve its integrity

“Due to the unique and unusual conditions of the Site, a disproportionate impact to the applicant results upon application of §27-442(g) of the Zoning Ordinance, which in turn creates an unreasonable hardship for the applicant in development of the Site. As such, pursuant to §§27-230 and 27-239.03 we would respectfully request that a variance be granted to lessen the distance between multifamily buildings as illustrated on DSP-05001.”

Staff comment: Staff supports the applicant’s requested variance to allow the distance between the end units of buildings to be reduced from 70 feet to 39 feet for the project, primarily for the reasons stated above, under the first criterion. The applicant submitted a revised justification statement dated October 31, 2006 (attached) and clearly indicated that the variance request was for 39 feet and only applies to the relationship of end unit to end unit.

10. **Conformance to the Requirements of the Prince George’s County *Landscape Manual***—This development proposal is subject to Sections 4.1, Residential Requirements, and 4.7, Buffering Incompatible Uses.

In regard to Section 4.1 of the *Landscape Manual*, the plans indicate the minimum number of trees required for the development is 217 shade trees. The plant schedule indicates that this requirement was met.

Section 4.7 of the *Landscape Manual*, Buffering Incompatible Uses, is required between the proposed development and the adjacent townhouse site and the adjacent school site. The required buffer between the subject property and the townhouses to the north is a minimum 10-foot-wide landscaped strip and 20-foot-wide building setback, both of which have been provided. The required number of plant units has been provided. The required buffer yard between the subject property and the adjacent school site (John H. Bayne Elementary) is a 20-foot-wide landscaped yard and a 30-foot-wide building setback. The plans provide for the requirements above.

11. **Conformance to the Requirements of the Woodland Conservation Ordinance**—The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it has a previously approved tree conservation plan. A Type II Tree Conservation Plan (TCPII/77/04) was previously approved in conjunction with DSP-04012. A revised Type II Tree Conservation Plan (TCPII/77/04-01) in conjunction with the current application has been reviewed

and was found to require minor revisions in order to be in conformance with TCPII/77/04. The revised Type II tree conservation plan as submitted must be revised to clearly identify each phase of development.

Recommended Condition: Prior to certificate approval of the detailed site plan, TCPII/77/04-01 shall be revised as follows:

- a. Revise the TCPII to include both Phase I and II, which constitute the entire site in compliance with the approved Type I Tree Conservation Plan TCPI/58/03.
 - b. Remove from the plan "Preliminary, not approved, not for construction."
 - c. Revise Parcel "A" Conservation Area to reflect compliance with revised final plat.
 - d. Eliminate the use of any woodland conservation area that is less than 35 feet in width.
 - e. Revised the reforestation on Parcel A to reflect what was approved on the TCPI.
 - f. Show correct amount of total clearing on Phase II (cumulative acres of net tract also changes).
 - g. Make all other changes and adjustments in the worksheet as required.
 - h. Revise the worksheet accordingly to address any changes made to the plan.
 - i. Have the plan signed and dated by the qualified professional who prepared the plan.
12. **Archeological Review**—Phase I (Identification) archeological investigations are recommended on the above-referenced property. According to the 1861 Martenet map, members of the Berry family including Thomas Berry, Albert Berry, and J.E. Berry, Jr., had residences to the north and east of the property. The Berrys were slaveholders in the county, and archeological remains of slave quarters or burials may be present on the property.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid, and probing should be conducted also to search for possible burials. Excavations should be clearly identified on a map to be submitted as part of the report.

Comment: This requirement should be fulfilled prior to the issuance of a grading permit for the subject site.

13. **Environmental Review**—The Environmental Planning Section originally reviewed the subject property as Preliminary Plan 4-87179 and Special Exception SE-4447. The previously approved preliminary plan of subdivision for the townhouses lots on the subject property has expired without recordation. The Environmental Planning Section last reviewed the subject property in 2003 as Preliminary Plan 4-03084 in conjunction with TCPI/58/03, which were approved with conditions. The subject property has an approved Conceptual Stormwater Drain Plan, CSD 20523-2003-01, dated September 16, 2004.

The subject property is located in the northeast quadrant of the intersection of Karen Boulevard and Ronald Road, approximately 1,000 feet north of Walker Mill Road. The surrounding properties are residentially zoned. The site is characterized by terrain sloping toward the east and west of the property, and drains into unnamed tributaries of the Lower Beavertown Creek watershed in the Anacostia River basin. The predominant soil types on the site are Adelphia, Sandy Land, Chillum, Beltsville and Sassafras. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, impeded drainage, and seasonally high water table. The site is undeveloped and fully wooded. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this Site. There are streams, waters of the US, and wetlands associated with the site. There are no floodplains, Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The subject property is located quite some distance away from any major noise generator. This property is located in the Developed Tier as delineated on the approved General Plan.

A forest stand delineation (FSD) was reviewed with the preliminary plan submittal and was generally found to address the requirements for detailed FSD in compliance with the requirements of the Woodland Conservation Ordinance. No further action is required with regard to the detailed FSD.

A stormwater management concept approval letter (CSD 20523-2004-01) dated September 16, 2004, was submitted with the review package. A copy of the approved stormwater management concept plan is required for the office file, and is in conformance with the detailed site plan.

Recommended Condition: Prior to certificate approval of the detailed site plan, a copy of the approved stormwater management concept plan shall be submitted. The stormwater management concept plan shall reflect the same limits of disturbance as the TCPII.

14. **Transportation**—The subject application was referred to and reviewed by the Transportation Planning Section. The transportation staff commented that the widening of the proposed street at Karen Boulevard to at least 36 feet and the prohibition on on-street parking along the same street is appropriate.

15. By telephone call from Rick Thompson, Department of Environmental Resources (DER) to Susan Lareuse, DER acknowledged that the proposed stormwater management ponds shown on the plans are in conformance to the concept plan approval.
17. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Variance Application No. VD-05001 as follows:

- a. A variance from Section 27-442(b), footnote 76 to allow the substitution of attached car ports for a parking structure; and
- b. A variance from Section 27-442(g) to allow the distance between unattached multifamily dwellings to be reduced from 70 feet to 31 feet; and

APPROVED the Type II Tree Conservation Plan (TCPII/77/04/01) and further APPROVED Detailed Site Plan DSP-05001 subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, TCPII/77/04-01 shall be revised as follows:
 - a. Revise the TCPII to include both Phase I and II, which constitute the entire site in compliance with the approved Type I Tree Conservation Plan TCPI/58/03.
 - b. Remove from the plan "Preliminary, not approved, not for construction."
 - c. Revise Parcel "A" Conservation Area to reflect compliance with revised final plat.
 - d. Eliminate the use of any woodland conservation area that is less than 35 feet in width.
 - e. Revised the reforestation on Parcel A to reflect what was approved on the TCPI.
 - f. Show correct amount of total clearing on Phase II (cumulative acres of net tract also changes).
 - g. Make all other changes and adjustments in the worksheet as required.
 - h. Revise the worksheet accordingly to address any changes made to the plan.
 - i. Have the plan signed and dated by the qualified professional who prepared the plan.

2. Prior to certificate approval of the detailed site plan, the following information shall be submitted or the plans shall be revised to provide:
 - a. A copy of the approved stormwater management concept plan and letter shall be submitted. The stormwater management concept plan shall reflect the same limits of disturbance as the TCPII.
 - b. A Phase I archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid, and probing should be conducted also to search for possible burials. Excavations should be clearly identified on a map to be submitted as part of the report.
 - c. The plan shall be revised to include a tot-lot, a preteen lot, and a one-half multipurpose court.
 - d. The loading space shall be relocated to a more convenient place for use by the residents.
 - e. The architectural elevations shall be revised to indicate that all front elevations of the buildings shall be a minimum of 80 percent brick and all end walls shall be brick up to the second floor.
3. The plans shall be revised prior to signature approval as follows:
 - a. Relocate the four-plex which was relocated and to the south west corner of the site adjacent to the eleven foot tall retaining wall as shown in applicant's Exhibit #1.
 - b. The building located adjacent to the play area shall be rotated 90 degrees so the fronts of units will face the fronts of adjacent units. Additional guest parking shall be provided at the rear of the units.
 - c. Conform to the Parks and Recreational Facilities Guidelines.
 - d. The plans shall incorporate the details and specification of the retaining walls for the site and shall be reviewed for appropriate design and aesthetics by the Urban Design Section.
 - e. The retaining walls located in and around the central recreational facilities shall be designed to provide a ball-wall as an additional recreational facility associated with the multipurpose court, if possible.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Squire, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, November 16, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of December 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:SL:bjs

FINAL PLAT REVIEW/RETURN PLAT FORM

Date 2.23.07

To: Jeff Hammond, Apex Engineering

From: Cheryl Bressler

Subject: VILLAGES AT LINCOLNSHIRE

Fee check returned Returning pre-review prints only Returning mylar

We are returning the attached subdivision plat(s) for reasons checked below:

- For corrections/revisions indicated in red
- Submit completed application form
- Submit check for processing fee payable to M-NCPPC (\$750 per plat)
- Submit tax Certification Letter from Treasurer's Office
- Submit Fee in Lieu check payable to M-NCPPC for 5% of Full Market Value (see attached computation sheet)
- Submit Recreation Facilities Agreement draft Declaration of Covenants

NOTE: Acceptance of the Final Plat must occur within the validity period of the Preliminary Plan.
The Preliminary Plan for this subdivision expires on 4.29.07

For acceptance of the above referenced plats and further processing, resubmit the revised final plats and the above checked items.

Remarks: Additional comments may be generated from Urban Design referral and District Council



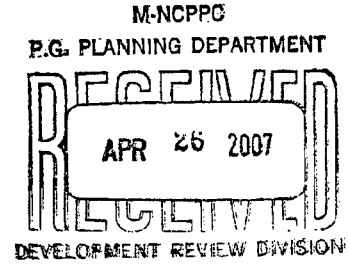
THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

Ausan Tarouse

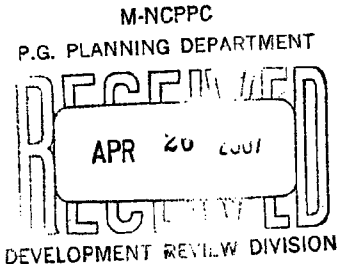
April 25, 2007

RE: SP 05001 Lincolnshire, Phase II



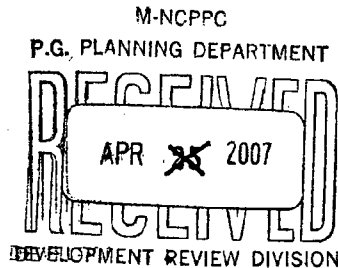
NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

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 herewith a copy of the Council Order setting forth the action taken by the District Council in this case on April 23, 2007.



CERTIFICATE OF SERVICE

This is to certify that on April 25, 2007 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.



Redis C. Floyd

Redis C. Floyd
Clerk of the Council

(10/97)

Case No. SP-05001

Applicant: PDC Lincolnshire, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 06-263 to approve with conditions a detailed site plan for construction of 156 multifamily dwellings as condominium units, for a project referred to as Lincolnshire, Phase II, on property described as approximately 13.17 acres of land in the R-18 Zone, in the northeast quadrant of Karen Boulevard and Ronald Road, Capitol Heights, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

IT IS FURTHER ORDERED, that the Planning Board's decision to approve Variance Application No. VD-05001 is AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council.

A. A variance from Section 27-441 (b), footnote 76, is hereby APPROVED, to allow the substitution of attached carports for a parking structure.

B. A variance from Section 27-442 (g) is hereby APPROVED, to allow the distance between unattached multifamily dwellings to be reduced from 70 feet to 31 feet.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, TCP II/77/04-01 shall be revised as follows:
 - a. Revise the TCP II to include both Phase I and II, which constitute the entire site in compliance with the approved Type I Tree Conservation Plan TCP I/58/03.

- b. Remove from the plan "Preliminary, not approved, not for construction."
 - c. Revise Parcel "A" Conservation Area to reflect compliance with revised final plat.
 - d. Eliminate the use of any woodland conservation area that is less than 35 feet in width.
 - e. Revise the reforestation on Parcel A to reflect what was approved on the TCP I.
 - f. Show correct amount of total clearing on Phase II (cumulative acres of net tract also changes).
 - g. Mark all other changes and adjustments in the worksheet as required.
 - h. Revise the worksheet accordingly to address any changes made to the plan.
 - i. Have the plan signed and dated by the qualified professional who prepared the plan.
2. Prior to certificate approval of the detailed site plan, the following information shall be submitted or the plans shall be revised to provide:
- a. A copy of the approved stormwater management concept plan and letter shall be submitted. The stormwater management concept plan shall reflect the same limits of disturbance as the TCP II.
 - b. A Phase I archeological investigation shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid, and probing should be conducted also to search for possible burials. Excavations should be clearly identified on a map to be submitted as part of the report.
 - c. The architectural elevations shall be revised to include two story bay window feature for each increment of two multifamily buildings.
 - d. The loading space shall be relocated to a more convenient place for use by the residents.

- e. The architectural elevations shall be revised to indicate that all front elevations and end walls of the buildings shall be 100 percent brick or stone.
 - f. A photometric lighting plan shall be submitted to demonstrate a minimum of 1.25 foot candles along all streets and parking areas. The light fixture shall be a type that will be acceptable to the utility company for purposes of maintenance.
 - g. The recreational facilities including the tot-lot, the pre-teen lot, and the half multipurpose court shall be removed from the plans.
 - h. A total of 42 visitor spaces shall be provided.
3. The plans shall be revised prior to signature approval as follows:
- a. Relocate the four-plex that was relocated to the southwest corner of the site, adjacent to the eleven-foot-high retaining wall, as shown in Exhibit 1.
 - b. The building located adjacent to the play area shall be rotated 90 degrees so the fronts of units will face the fronts of adjacent units. Additional guest parking shall be provided at the rear of the units.
 - c. The plans shall incorporate the details and specifications of the retaining walls and shall be reviewed for appropriate design and aesthetics by the Urban Design Section.
4. Prior to the approval of the final plat, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$113,000.00, for improvements/development of a park in the vicinity of Addison Road and Wilburn Drive.
- * 5. Prior to the release of the 78th building permit for the project, the trail and the gazebo shall be constructed.

Ordered this 23rd day of April, 2007, by the following vote:

In Favor: Council Members Dean, Dernoga, Harrington, Knotts, Olson and Turner


Opposed:

Abstained:


Absent: Council Members Exum, Bland and Campos

Vote: 6-0

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: 
Camille A. Exum, Chair

ATTEST:


Redis C. Floyd
Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

PGCPB No. 04-03

File No. 4-03084

RESOLUTION

WHEREAS, Lincolnshire Assoc., Ltd., is the owner of a 18.69-acre parcel of land known as Lincolnshire (Lot 2 and part of Lot 1), plat book WWW56@7, Tax Map 73, Grid D-3, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned R-T and R-18; and

WHEREAS, on august 18, 2003, PDC Lincolnshire, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 24 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03084 for Lincolnshire was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 8, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 8, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/58/03), and further APPROVED Preliminary Plan of Subdivision 4-03084, Lincolnshire, for Lots 1-24 and Parcels A-C, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise General Note 16 to reflect that the mandatory dedication of parkland requirement is being met by private on-site recreational facilities.
 - b. To provide reference to the approved Stormwater Management Concept Plan, # 20523-2003-00.
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

OK

3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcels A, B and C. Land to be conveyed shall be subject to the following:

OK
note 7

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- i. There shall be no disturbance of any adjacent land that is owned by M-NCPPC, without the review and approval of DPR.

j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

4. The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

OK

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

5. Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community. DSP-04012

OK

6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.

7. In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units. (R-18 zone)

Need

8. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.

9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.

Need

10. Prior to final plat, the applicant shall submit evidence from the Health Department that the tires and wrecked cars found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility or otherwise properly disposed.

11. Development of this site shall be in accordance with the approved Stormwater Management Concept Plan # 20523-2003-00. OK

12. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard. The applicant should utilize a new 12-hour count, and should analyze signal warrants. OK

under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The applicant will be responsible for any additional pavement markings and signage at this location as determined by DPW&T.

- OK 13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:
- a. The applicant shall extend the southbound left turn lane on Addison Road at Ronald Road based on DPW&T recommendations and guidelines to increase stacking distance a minimum of 175 feet. In addition, an acceleration lane shall be constructed along northbound Addison Road at Ronald Road. Any modifications to the traffic signal, new pavement markings, or signage will be the responsibility of the applicant.
 - b. At the intersection of Walker Mill Road and Addison Road, the applicant will modify the westbound approach of Walker Mill Road from one left turn lane and one right turn lane to one left turn lane and one shared left/right turn lane. This may require minor widening and reconstruction at the intersection.
 - c. At the intersection of MD 214 and Addison Road, the applicant shall construct a free-flow, northbound, right-turn lane on Addison Road to eastbound MD 214 or construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.
 - d. At the time of final plat approval, the applicant shall construct Karen Boulevard to connect with the existing portion of Karen Boulevard to the north at Walker Mill Middle School.

These improvements shall include any signal, signage, and pavement marking modifications and additions to be determined by SHA and/or DPW.

- OK 14. A Type II tree conservation shall be approved at the time of DSP.

15. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/58/03). The following note shall be placed on the Final Plat of Subdivision:

OK Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/58/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject properties are located on the west and east side of Karen Boulevard north of its intersection with Ronald Road in District Heights.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-T & R-18	R-T & R-18
Use(s)	Vacant	Townhouses & Multifamily
Acreage	17.28	17.28
Lots	2	24
Parcels	0	3
Dwelling Units:		286 Total
Detached	0	0
Townhouse	0	24
Multifamily	0	262

4. **Environmental**—The Environmental Planning Section has previously reviewed the subject property as a Preliminary Plan of Subdivision (4-87179). The previously approved Preliminary Plan of Subdivision for the townhouse lots on the subject property expired. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan (TCPI/58/03) was submitted and was found to meet the requirements of the Woodland Conservation Ordinance. The minimum woodland requirement for the site is 3.75 acres of the net tract. An additional 6.33 acres are required due to the removal of woodlands, for a total of 10.08 acres of woodland conservation. The plan shows the requirement being met with 0.83 acre of on-site woodland conservation, 0.59 acre of reforestation, and 8.66 acres of off-site mitigation for a total of 10.08 acres.

The site is characterized by terrain sloping toward the east and west of the property and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River basin. The predominant soil types on the site are Adelphia, Sandy Land, Chillum and Sassafras. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, impeded drainage and seasonally high water table. The site is undeveloped and fully wooded. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to

occur in the vicinity of this site. There are no floodplains, Marlboro clays, or scenic or historic roads located on or adjacent to the subject property. The subject property is located quite some distance away from any major noise generator. This property is located in the Developed Tier as delineated in the adopted General Plan.

There are streams and Waters of the U.S. on site. The preliminary plan as submitted proposes impacts to the stream in two separate areas. Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

All disturbances not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines, including sewer and stormwater outfalls, streets that are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds and parking areas that do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Ordinance.

The variation requests submitted for review on November 3, 2003, meet the minimum submission requirements. The variation request submitted identified individual impact areas and provided written justifications for each encroachment. The variation requests shown on the plan and identified as impact areas 1 and 2 respectively are specifically described below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;*
- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;*
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;*

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

Impact Area #1—To the west of the proposed connection of Karen Boulevard

Location of Impact Area: This area is the site of a proposed sewer line construction and stormdrain outfall with associated retaining wall to the west of the proposed connection of Karen Boulevard. It is adjacent to a stream buffer and Water of the U.S.

The proposed impacts consist of:

Minimal clearing (approximately 2,500 square feet) and excavation, and utility construction within the 50-foot stream buffer in order to construct a stormdrain outfall and associated retaining wall. Approximately 15 linear feet of the 130 linear feet of sewer main within the Extended Buffer is proposed to impact the Waters of the U.S. Because the existing sewer is to the east of the stream, a stream crossing is required.

In addition, minimal clearing (approximately 500 square feet) and excavation and utility construction within the 50 foot stream buffer is proposed to construct the outfall of the proposed stormwater management facility.

Impact Area #2—The Construction of Karen Boulevard

Location of Impact Area: The area is within the previously dedicated right-of-way for a master plan road, Karen Boulevard. It is adjacent to a 50-foot stream buffer and Waters of the U.S.

The proposed impacts consist of:

Clearing (approximately 28,500 square feet), fill operations, and wall construction to bring the grade of the road to match the existing portions of Karen Boulevard to the north and the south and utility construction (especially stormdrain and water and sewer connections to existing mains) 30 linear feet of sewer and 160 linear feet of water. The total disturbed area in the expanded buffer is approximately 55,000 square feet.

The following is an analysis of the variations requested. The text in bold represents the text from the Section 24-113 of the Subdivision Regulations.

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

The variations requested are associated with connections to a sewer main stormwater management outfall and the construction of an associated retaining wall, to the west of

Karen Boulevard. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property; and will provide the necessary utilities and structures to protect public safety, health and welfare.

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

The conditions of the property are unique with respect to the placement of the existing stream, the associated buffer, and the required placement of the necessary public utilities.

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

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and Waters of the U.S., the construction proposed does not constitute a violation.

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

Due to the configuration of this site, the location of the stream, and the 100-year floodplain, and the fact that no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations. The dedication of Karen Boulevard occurred in 1965 at the current location to provide a greater circulation and a connection from Walker Mill Road to the south to MD 214 to the north.

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

Staff recommends that the applicant demonstrate conformance to this criteria at the time of DSP for the construction of the multifamily dwelling units in the R-18 Zone to the east of Karen Boulevard. Because of the steep and severe slopes on the site, the extent of development will be determined at the time of review of the DSP.

Staff recommends approval of the variation requests. The impacts are for the connection and construction of Karen Boulevard and for the connections to a sewer main and stormwater management pond outfall with an associated retaining wall for the development of the site only.

5. **Community Planning**—The property is located within the limits of the 1985 *Suitland-District Heights Master Plan*, planning area 72 in the District Heights Community. The recommended land use is multifamily residential. The 2002 General Plan locates the property in the Developed Tier. The proposed preliminary plan is consistent with the recommendation of the master plan and the General Plan.

The subject property is outside the Addison Road Sector Plan study area but within a reasonable walking distance to the Addison Road Metro Station and the proposed town center. Since the property is within walking distance from the Addison Road Metro Station, pedestrian circulation within the site and adjoining neighborhoods should be addressed at the time of review of the detailed site plan.

6. **Parks and Recreation**—In accordance with Section 24-135(a) of the Subdivision Regulations the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities to fulfill the requirements of the mandatory dedication of parkland. Recreation facilities should be provided on both sides of Karen Boulevard and in accordance with the *Parks and Recreational Facilities Guidelines*.
7. **Trails**—There are no master plan trails issues identified in the *Adopted and Approved Suitland-District Heights and Vicinity Master Plan*. The sidewalk network as shown on the submitted plan is comprehensive and will adequately accommodate pedestrian movement along the proposed right-of-way. With the review of the required detailed site plans, a determination will be made regarding the internal circulation.
8. **Transportation**—The property is located east of Addison Road and within one mile of the Addison Road/Seat Pleasant Metro Station. The applicant proposes a residential subdivision consisting of 24 townhouses and 262 multifamily dwellings.

The applicant submitted a traffic study dated September 18, 2003. This study was revised and resubmitted, dated September 24, 2003. The revised traffic study included an analysis of 24 townhouses, 262 apartments, and the extension of Karen Boulevard from Ronald Road to Walker Mill Middle School. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county's Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are incorporated.

Growth Policy—Service Level Standards

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken during 2003. Due to the recent opening of the Ritchie-Marlboro interchange at I-95 and the planned opening of two new Metrorail stations, the applicant made adjustments to through movements during the AM and PM peak hours on MD 214. Through volumes were reduced by approximately 20 percent to account for the diversion of trips to the new interchange and the shifting of some trips to the new Metrorail stations (Morgan Boulevard and Largo Town Center) that will run parallel to Central Avenue by 2004. With the development of the subject property, the traffic consultant concluded that several off-site intersection improvements would be required to meet the threshold for intersections within the developed tier. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- MD 214/Shady Glen Road (signalized)
- MD 214/Pepper Mill Road/Karen Boulevard (unsignalized)
- MD 214/Addison Road (signalized)
- Addison Road/Ronald Road (signalized)
- Walker Mill Road/Addison Road (signalized)
- Walker Mill Road/Karen Boulevard (unsignalized)
- Walker Mill Road/Shady Glen Road (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,092	1,046	B	B
MD 214/Pepper Mill Road/Karen Boulevard	751	635	A	A
MD 214/Addison Road	1,102	1,262	B	C
Addison Road/Ronald Road	1,111	1,130	B	B
Walker Mill Road/Addison Road	1,513	1,480	E	E
Walker Mill Road/Karen Boulevard (unsignalized)	38.4*	91.4*	--	--
Walker Mill Road/Karen Boulevard (signalized)	571	641	A	A
Walker Mill Road/Shady Glen Road	615	707	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Background developments include over 450 townhouses, 300 apartments, and 700 single-family units. Nearby approved developments also include 150,000 square feet of office space, 300,000 square feet of warehouse space, and nearly 900,000 square feet of industrial space. Background traffic along MD 214, Addison Road, and Walker Mill Road was also increased by five percent to account for overall growth up to the design year 2008. This is the expected year of full build-out.

As assumed under existing traffic conditions, through volumes were reduced by approximately 20 percent to account for the diversion of trips to the new interchange and the shifting of some trips to the new Metro stations (Morgan Boulevard and Largo Town Center) that will run parallel to Central Avenue by 2004. There are no other funded capital improvements in the area. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,324	1,411	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,298	C	C
MD 214/Addison Road	1,352	1,794	D	F
Addison Road/Ronald Road	1,363	1,461	D	E
Walker Mill Road/Addison Road	1,792	1,732	F	F
Walker Mill Road/Karen Boulevard (unsignalized)	58.1*	237.3*	--	--
Walker Mill Road/Karen Boulevard (signalized)	653	752	A	A
Walker Mill Road/Shady Glen Road	779	894	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Based on background traffic conditions, two of the intersections will operate at LOS F, with a critical lane volume above 1,600. The intersection of MD 214/Addison Road operates at LOS F during the PM peak hour and the intersection of Walker Mill Road/Addison Road operates at LOS F during both peak hours. Vehicle delays of over 50.0 seconds occur at the intersection of Walker Mill Road and Karen Boulevard under background conditions indicating inadequate traffic operations.

The site is proposed for development as a residential subdivision, with 24 townhouses and 262 apartments. The trip rates were obtained from the guidelines. The resulting site trip generation would be 153 AM peak-hour trips (30 in, 123 out), and 176 PM peak-hour trips (114 in, 62 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,326	1,417	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,318	C	D
MD 214/Addison Road	1,372	1,818	D	F
Addison Road/Ronald Road	1,421	1,519	D	E
Walker Mill Road/Addison Road	1,808	1,751	F	F
Walker Mill Road/Karen Boulevard (unsignalized)	64.4*	337.6*	--	--
Walker Mill Road/Karen Boulevard (signalized)	689	805	A	A
Walker Mill Road/Shady Glen Road	787	917	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under total traffic conditions, all of the intersections operate at acceptable levels of service during the AM and PM peak hours with the exception of MD 214/Addison Road and Addison Road/Walker Mill Road. The applicant has proposed off-site intersection improvements at these two locations to mitigate site trips. Vehicle delays of over 50.0 seconds occur at the unsignalized intersection of Walker Mill Road and Karen Boulevard under total traffic conditions indicating inadequate traffic operations.

The following transportation improvements were recommended to provide adequacy:

At MD 214 and Addison Road, in response to the inadequacy, the applicant has proffered mitigation. This intersection is eligible for mitigation under the second criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The improvements include:

- a. Construct a free flow northbound right turn lane on Addison Road to eastbound MD 214;
- or
- b. Construct an exclusive eastbound right turn lane on MD 214 to southbound Addison Road.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 214/Addison Road				
Background Conditions	D/1,352	F/1,794		
Total Traffic Conditions	D/1,372	F/1,818	+20	+24
Total Traffic Conditions w/Mitigation	D/1,372	F/1,650	-0	-168

As the CLV at MD 214/Addison is between 1,450 and 1,813 during the PM peak hour under background traffic, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the *Guidelines*. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the PM peak hour (it would provide LOS D during the AM peak hour). **Therefore, the proposed mitigation at MD 214 and Addison Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

The mitigation plan was reviewed by DPW&T and SHA, and neither agency raised an objection to the mitigation plan.

At Walker Mill Road and Addison Road, modify the westbound approach of Walker Mill Road from the existing one left turn lane and one right turn lane to one left lane and a shared left/right turn lane. This may require minor widening at the intersection.

DPW&T did not specifically comment on the proposed improvements at MD 214 and Addison Road and at Walker Mill Road and Addison Road. DPW&T's comments are summarized below:

1. Recommends that the applicant conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard using projected traffic volumes.
2. Recommends that the applicant extend the existing southbound left turn lane on Addison Road to achieve a total of 175 feet of stacking distance. In addition, an acceleration lane should be constructed along northbound Addison Road at Ronald Road to accommodate the heavy turning movements out of Ronald Road. Any modifications to the signal will be the responsibility of the applicant.

SHA concurred with the proposed improvements at the intersections of MD 214/Addison Road and Walker Mill Road/Addison Road. SHA recommends that staff condition the applicant to design and construct the proposed intersection improvements:

1. The applicant will be responsible for determining the feasibility of constructing the roadway improvement options identified at the MD 214/Addison Road intersection. (Option 1 is a northbound free flow right turn lane on Addison Road, Option 2 is an eastbound right turn lane on MD 214).
2. If both improvement options at the MD 214/Addison Road intersection are determined to be infeasible by the applicant, then SHA recommends that M-NCPPC require the applicant to explore alternative roadway improvements to meet M-NCPPC regulations for adequate public facilities.

With the applicant's proposed improvements in place, the following levels of service would occur:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/Shady Glen Road/Hill Road	1,326	1,417	D	D
MD 214/Pepper Mill Road/Karen Boulevard	1,220	1,318	C	D
MD 214/Addison Road (Option 1)*	1,372	1,650	D	F
MD 214/Addison Road (Option 2)**	1,366	1,632	D	F
Addison Road/Ronald Road	1,421	1,519	D	E
Walker Mill Road/Addison Road	1,559	1,443	E	D
Walker Mill Road/Karen Boulevard (unsignalized)	64.4*	337.6*	--	--
Walker Mill Road/Karen Boulevard (signalized)	689	805	A	A
Walker Mill Road/Shady Glen Road	787	917	A	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

*Option 1 adds a northbound free flow right turn lane on Addison Road at MD 214.

**Option 2 adds a separate eastbound right turn lane on MD 214 at Addison Road.

Site Plan Comments

Access is provided to the property from Karen Boulevard, which is listed in the Suitland-District Heights Master Plan (1985) as a two- to four-lane collector (C-172) with an 80-foot ROW. Karen Boulevard intersects Walker Mill Road to the south. The multifamily dwellings (east side of Karen Boulevard) are proposed to be served by two entrances off of Karen Boulevard. This is shown as Street B on the plan with 36 feet of pavement. The townhouses (west side of Karen Boulevard) are proposed with access to Karen Boulevard via Street A. Access to the site and circulation within the site appears to be acceptable. A four-way intersection connecting Street B

and A at Karen Boulevard would be preferable but environmental constraints may prevent this connection. DPW&T did not comment on the extension of Karen Boulevard.

The applicant should be required to construct Karen Boulevard as part of this development. The site plan accurately demonstrates the existing 80-foot right-of-way that was dedicated in 1965 (WWW 56@7) for the extension of Karen Boulevard. This roadway is recommended in the Suitland-District Heights master plan and will provide a parallel route and option to Shady Glen Road and Addison Road. Streets A and B appear to be shown on the site plan as private streets.

The extension of Karen Boulevard is an important link. It will provide an additional point of access to points north and especially to the Walker Mill Middle School. This roadway is shown in the Suitland-District Heights master plan between Walker Mill Road and MD 214. The extension was assumed in the traffic study.

It should be noted that a development is planned to the north of Walker Mill Middle School. The development includes the construction of Karen Boulevard from the school to MD 214. A traffic study has been submitted relating to the development of a 121-acre, mixed-use site with a total of 612 residential units and 30,000 square feet of retail space. Access to this property (Glenwood Hills) is planned from MD 214 at Pepper Mill Drive to the north and from Karen Boulevard to the south.

Based on the preceding findings, that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

9. **Schools**—The subdivision plan has been reviewed for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002).

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between Interstate Highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

Multifamily

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 3.20 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 3.20 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 6.90 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 3.02 minutes, which is within the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

Single-family

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 2.93 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road has a service travel time of 2.93 minutes, which is within the 6.25 minutes travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service travel time of 6.63 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the travel area for Police District III-Landover. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Lincolnshire development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/02, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.

12. **Health Department**—The Health Department notes that numerous tires and wrecked vehicles were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including the numerous wrecked vehicles, must be removed and properly discarded.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 20523-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Urban Design**—The Urban Design Section notes that a detailed site plan (DSP) is required for the development of townhouses in the R-T Zone and multifamily dwellings in the R-18 Zone. The Urban Design Section has concerns with the applicant's ability to develop the property with the number of dwelling units proposed. The site contains steep slopes that may impact the development potential of the site. The ability of the applicant to develop the site as proposed shall be determined at the time of review of the DSP. As part of the submittal for the DSP, the applicant should submit a detailed site grading plan. The Department of Parks and Recreation has recommended that on-site recreational facilities be provided to serve the residences. The ability to provide facilities on Parcel A in conjunction with 24 townhouses may be difficult and could be an over-development of that portion of the site. The applicant may lose townhouse lots in order to appropriately provide land area to locate required recreational facilities. The applicant should provide pedestrian connection to the abutting school site if determined feasible and appropriate at the time of review of the DSP.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 8, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of January 2004.

Trudye Morgan Johnson
Executive Director

By *Frances J. Guertin*
Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg

APPROVED AS TO LEGAL SUFFICIENCY.

George Johns
M-NCP&P Legal Department

Date 1/23/04

SUSA



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

Final plat review!

March 4, 2005

RE: SP 04012 Lincolnshire



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 herewith a copy of the Council Order setting forth the action taken by the District Council in this case on February 28, 2005.

CERTIFICATE OF SERVICE

This is to certify that on March 4, 2005 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

Comments

Redis C. Floyd
Redis C. Floyd
Clerk of the Council

(10/97)

County Administration Building - Upper Marlboro, Maryland 20772

Case No. SP-04012

Applicant: PDC Lincolnshire, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 04-232(C), to approve with conditions a detailed site plan for the construction of 24 townhouses on property described as approximately 4.11 acres of land in the R-T Zone, in the northwest corner of Karen Boulevard and Ronald Road, Capitol Heights, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certification of the detailed site plan, the plan and TCPII shall be revised to clearly delineate how stormwater management will be addressed per stormwater management concept approval letter #32398-2004-00.
2. Prior to certificate approval of the detailed site plan, TCPII/77/04 shall be revised as follows:
 - a. Include both Phase I and II, which constitute the entire site, in compliance with approved Type I Tree Conservation Plan TCPI/58/03.
 - b. In the forest conservation notes, remove references to M-NCPPC and insert Department of Environmental Resources.
 - c. Clearly delineate phase boundaries.
 - d. Fix the worksheet to show total amount of woodland as 17.28 acres.

- e. Show correct amount of total clearing on Phase II (cumulative acres of net tract, also changes).
 - f. Make all other changes and adjustments in the worksheet as required.
 - g. Do reforestation as landscaping in highly visible areas of reforestation areas A and B, such as at the entrance to the subdivision, and the remaining areas shall be planted with 1-inch caliper trees and shall include species such as dogwood, redbud, and serviceberry.
 - h. Revise the worksheet accordingly to address any changes made to the plan.
 - i. Have the plan signed and dated by the qualified professional who prepared the plan.
3. Prior to certificate approval, the following modifications or revisions shall be made to the detailed site plan, or the following information shall be provided:
- a. Provide the typical house templates and identify all architectural options, including dimensions.
 - b. Provide dimensions of all proposed recreational equipment with the required fall zones. Provide specifications, model numbers, manufacturer, and details for surface installation and for all proposed recreational equipment. Wood components will not be allowed. An ADA accessible route shall be provided.
 - c. Indicate on the site plan 100% of the units shall have brick front façades.
 - d. Identify on the site plan a minimum of two potentially barrier-free accessible units.
 - e. Provide details and specifications and identify the location, type of fixture, and pole height of the proposed lighting. The lighting plan to be submitted to and approved by Urban Design shall include security lights providing appropriate lighting for side units.
 - f. The landscape plans shall be changed so that the ornamental trees meet the minimum size requirement of six to eight feet in height; the plans shall incorporate one ornamental tree in the front yard of every interior unit and a shade tree in the front yard of each end unit; and *Picea glauca* shall be changed to *Ilex opaca*.
 - g. The architectural elevations shall be revised to indicate a minimum of 20-foot-wide units.

- h. The applicant shall submit the statements of finished square footage minimums and demonstrate that all units met or exceed 1,250 square feet.
- i. Either the site plan shall be changed to indicate the "F" unit as the end units or the applicant shall submit the architectural elevations for the "A" unit as an end unit.
- j. The end wall elevations shall be revised to indicate a minimum of two end wall features, with an optional third feature, to be standard on Lots 1, 6, 13 and 18. The plans shall also indicate brick end walls as an optional feature, to be standard on Lots 1, 6, 13, and 18.
- k. A note shall be added to the site plan indicating a minimum two-foot offset on the units.
- l. The site plans shall include a template footprint indicating the unit types and all options proposed.
- m. Provide details and specifications and identify the location of trash facilities and the associated screening.
- n. The applicant shall consider the use of underground stormwater management facilities, if deemed feasible by the Department of Environmental Resources.

Must provide evidence of D.C. determination in writing

add as note on final plat

- o. Prior to building permit issuance, the District Council will determine whether:
 - (1) The applicant should install off-site recreational facilities on the public parkland;
 - (2) The applicant should contribute a fee-in-lieu equal to the cost of the proposed tot lot, so that the Department of Parks and Recreation may construct facilities on public parkland; *\$45,000.00*
 - (3) The applicant should grade the proposed tot lot area for open play or other recreational uses.

4. The developer, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, site plan, landscape plan, and plans for recreational facilities.

5. The approved Addison Road Metro Town Center and Vicinity Sector Plan recommends that Karen Boulevard be designated as a Class III bikeway with appropriate signage. Because Karen Boulevard is a County right-of-way, the applicant and the applicant's



heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

Ordered this 28th day of February, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent:

Vote: 9-0

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: Samuel H. Dean
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Redis C. Floyd
Clerk of the Council

August 15, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Design Section
VIA: Mridula Gupta, Planner III, Subdivision Section *MG*
FROM: Mahsa Vatandoost, Planner II, Subdivision Section *MV*
SUBJECT: DSP-21045; The Cassidy

The property considered in this Detailed Site Plan DSP-21045 is located on Tax Map 73 in Grids D-3 and E-3 and consists of one parcel known as Parcel A recorded among the Prince George's County Land Records in Plat Book PM 220 at page 93 titled "Parcel A, Village at Lincolnshire" dated July 27, 2007. The property consists of 13.144 acres and it is located within the Residential, Multifamily-20 (RMF-20) Zone and Military Installation Overlay (M-I-O) Zone for height. This application, however, is reviewed pursuant to the prior Multifamily Medium Density Residential (R-18) zoning of the subject property and pursuant to the prior Prince George's County Zoning Ordinance and Subdivision Regulations.

The applicant has submitted DSP-21045 for the development of 175 multifamily dwelling units in three buildings (77, 63 and 35 dwelling units respectively in buildings 1, 2 and 3) along with the associated parking spaces.

The property is subject to Preliminary Plan of Subdivision (PPS) 4-03084 which was approved by the Prince George's Planning Board on January 8, 2004 (PGCPB Resolution No. 04-03). PPS 4-03084 approved 24 lots and three parcels for development of 24 townhouses and 262 multifamily units. The 24 townhouses have been developed with DSP-04012 which was approved by the Prince George's District Council on February 28, 2005. The proposed development of 175 multifamily dwelling units in this DSP is in conformance with the 262 multifamily dwelling units approved with the PPS.

PPS 4-03084 was approved subject to 15 conditions of approval. The conditions relevant to the subject application are shown below in **bold** text. Staff analysis of the project's conformance to the relevant conditions follows each one in plain text.

2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or

assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

Plat (PM 220-93) Note 4 states that a homeowners association, "Lincolnshire Homeowners Association, Inc", has been established for this property. Also, plat Note 5 indicates that Parcel A shall be conveyed to the HOA prior to building permits. However, the submitted statement of justification (SOJ) states that Parcel A will be maintained by the owner of the multifamily project and therefore an HOA is not required to be established for Parcel A. The plat of correction should remove plat note 5 following the approval of this DSP and prior to the issuance of the building permit.

- 4. The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:**

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

Final plat PM 220-93 does not show the conservation easement. Also, the above-referenced note is not reflected on the plat. The Type 2 tree conservation plan does not depict an area of conservation located on Parcel A. Conformance with this condition should be further reviewed by the Environmental Planning Section.

- 5. Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.**

The applicant submitted a copy of an approved Stormwater Management (SWM) Plan 40921-2021-00 with the subject DSP, which shows three SWM ponds located along the front of the property. The SWM Concept Plan, Landscape Plan, and the DSP show a 10-foot-wide maintenance path around the three proposed SWM ponds along with benches as amenities to serve the community. Conformance with this condition should be further reviewed by the Urban Design Section.

- 6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.**

The DSP shows standard sidewalks along both sides of internal streets. Conformance with this condition should be further reviewed by the Transportation Planning Section.

- 7. In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.**

8. **The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.**
9. **The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.**

A recreational facilities agreement (RFA) pursuant to the Conditions 7 and 8 was recorded in Liber 28011 at folio 201 subsequent to a prior DSP-05001 approved for Parcel A. The recorded RFA will need to be amended, and the proposed recreational facilities bonded in accordance with Condition 9 prior to building permit approval, to reflect the new proposal for onsite recreational facilities with this DSP. The list of proposed recreational facilities includes lounges in each of the multifamily buildings, a community building, outdoor patios with site amenities, open play area, and a hiker/biker trail. Urban Design should review the proposed facilities in accordance with the *Parks and Recreational Facilities Guidelines*, and establish appropriate triggers for construction of the recreational facilities with this DSP.

11. **Development of this site shall be in accordance with the approved Stormwater Management Concept Plan # 20523-2003-00.**

The applicant submitted an approved SWM Concept Plan 40921-2021-00 and approval letter with this subject DSP. The DSP shows the layout of the proposed buildings in conformance with the approved SWM Concept Plan. Conformance with this condition should be reviewed by the Environmental Planning Section.

14. **A Type II tree conservation shall be approved at the time of DSP.**

The applicant submitted a Type 2 tree conservation plan (TCP2) with the subject. The TCP2 should be reviewed and approved by the Environmental Planning Section.

15. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/58/03). The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/58/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.”

The DSP reflects development in general compliance with the approved Type I tree conservation plan. Plat Book PM 220-93 reflects the above-referenced note as Note 1. The plat of correction should also include this note.

Additional Comments:

1. A recreational facilities agreement (RFA) pursuant to Condition 8 of the PGCPB Resolution No. 04-03 was recorded in Liber 28011 at folio 201 subsequent to approval of a prior DSP-05001 for Parcel A. The recorded RFA will need to be amended prior to approval of the building permits to reflect the new proposal for the onsite recreational facilities with this DSP.
2. Bearings and distances shown on the site plans for the southern and eastern property lines of Parcel A do not conform to the record plat. The applicant stated that the record plat incorrectly depicted the property's bearings and distances. A plat of correction will be required following the approval of this DSP and prior to the issuance of the building permit, to correct the property line bearings and distances which will be approved with this DSP.
3. Plat Note 5 indicates that Parcel A shall be conveyed to the homeowners association (HOA) prior to building permits. However, the DSP does not reflect this and the submitted statement of justification (SOJ) states that Parcel A will be maintained by the owner of the multifamily project. The required plat of correction should remove the referenced Note 5.

Recommended Conditions:

1. Prior to signature approval, the detailed site plan shall be revised as follows:
 - a. Replace the plat reference for the subject property on all sheets of the detailed site plan listed as Plat Book 231 plat no. 67 with Plat Book PM 220 plat no. 93.
2. Prior to approval of any building permit, the applicant's heirs, successors, and/or assignees shall submit a plat of correction to correct the property's boundary bearings and distances and remove Note 5 of the existing Plat Book PM 220-93.
3. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval prior to a submission of a plat of correction. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to recordation.
4. Prior to the approval of any building permits, the applicant, and the applicant's heirs, successors, and/or assignees shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, in an amount to be determined by DRD.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The DSP has been found in substantial conformance with the approved preliminary plan of subdivision with the recommended conditions. A plat of correction will be required following this DSP approval to correct the property

bearings and distances or permits will be placed on hold. There are no other subdivision issues at this time.

August 18, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Design Section, DRD
VIA: Tom Burke, Supervisor, Environmental Planning Section, CWPD *TB*
FROM: Alexander Kirchhof, Planner I, Environmental Planning Section, CWPD *ANK*
SUBJECT: The Cassidy; DSP-21045 and TCPII-077-04-03

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan (DSP-21045) accepted for review on June 7, 2022. Comments were delivered to the applicant at the Subdivision and Development Review Committee (SDRC) meeting on June 24, 2022. Revised plans were submitted in response to these comments by the applicant and logged in for review on August 12, 2022. The EPS recommends approval of DSP-21045 and TCPII-077-04-03, subject to the conditions found 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 Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
4-03084	TCPI-058-03	Planning Board	Approved	1-29-2004	04-03
DSP-04012	TCPII-077-04	Planning Board	Approved	10-21-2004	04-232(C)
DSP-05001	TCPII-077-04-01	Planning Board	Approved	12-14-2006	06-263
N/A	TCPII-077-04-02	Staff	Approved	6-3-2010	N/A
N/A	NRI-192-2021	Staff	Approved	2-14-2021	N/A
DSP-21045	TCPII-077-04-03	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

The DSP application proposes development on three currently undeveloped parcels for the construction of three multifamily buildings and associated parking areas. The current zoning for the site is RMF-20 (Residential, Multifamily-20); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Multifamily Medium Density Residential (R-18) Zone.

GRANDFATHERING

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27, and Subtitle 25, as the site has previously approved Type I and II tree conservation plans.

SITE DESCRIPTION

The 13.14-acre site consists of three parcels located due north of the intersection of Ronald Road and Karen Boulevard. The current zoning for the site is Residential Multifamily-20 (RMF-20); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Multifamily Medium Density Residential (R-18) Zone. The site is bounded to the north by the Addison Woods Subdivision and to the south by the Walker Mill Subdivision. This site was part of a two-phase project, originally identified as Lincolnshire. Phase I is located to the west of Karen Boulevard and remains as Lincolnshire. Phase I was subject to a prior preliminary plan of subdivision (PPS) and DSP approval. Phase II, now identified as The Cassidy, lies east of Karen Boulevard. No streams exist on-site. Steep slopes are present throughout the site, but there are no highly erodible soils. The site is not adjacent to any roadways designated as scenic or historic, and is not within a Sensitive Species Project Review Area (SSPRA). According to the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan (May 2017)*, the majority of the site is within Evaluation Area. Regulated Area is mapped along Karen Boulevard; however, this is where a stormwater management (SWM) device is shown to have once existed. The site is located within the Established Communities Area of the Growth Policy Map. The property has a General Plan Generalized Future Land Use (2035) of Commercial and is in Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*.

PRIOR APPROVALS

The following text addresses previously approved environmental conditions applicable to the subject application:

A Preliminary Plan of Subdivision (PPS 4-03084) was approved by the Prince George's County Planning Board on January 21, 2004. The environmental conditions of approval found in PGCPB Resolution No. 04-03 have been addressed with the signature approval of TCPI-058-03.

Detailed Site Plan DSP-04012 was approved by the Prince George's County Planning Board on October 21, 2004 for Phase I, Lincolnshire, located to the west of Karen Boulevard. The environmental conditions of approval found in PGCPB Resolution No. 04-232(C) have been addressed with the signature approval of TCPII-077-04.

Detailed Site Plan DSP-05001 was approved by the Prince George's County Planning Board on December 14, 2006. The environmental conditions of approval found in PGCPB Resolution No. 06-263 have been addressed with the signature approval of TCPII-077-04-01.

TCPII-077-04-02 was approved by staff June 3, 2010, to modify the proposed residential to be the two-over-two unit style. This TCPII was not associated with a DSP.

ENVIRONMENTAL REVIEW

Natural Resource Inventory (NRI)/Environmental Features

The application has an approved Natural Resource Inventory (NRI-192-2021). The TCPII and the DSP show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

The project is subject to the current regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance). A Type I Tree Conservation Plan (TCP1-058-03) was approved with the PPS application for Phase I which included Lincolnshire and The Cassidy sites. A Type II Tree Conservation Plan (TCPII-077-04-01) was submitted with the prior DSP-05001 approval for Phase I. TCPII-077-04-02 was a standalone TCPII to modify the dwelling units to the two-over-two style. TCPII-077-04-03 was submitted with this DSP-21045 for Phase II, now identified as The Cassidy.

The TCPII for this site was phased with the majority of the required woodland conservation left for Phase II and this DSP. This 13.14-acre property contains no floodplain, and has a total of 11.20 acres of woodlands. Phase I provided 1.28 acres woodland conservation with Phase II required to provide 7.73 acres. The subject site proposes to clear 9.88 acres of existing woodland. The woodland conservation worksheet shows the project meeting the 7.73-acre woodland conservation requirement with 1.32 acres on-site preservation, 2.24 acres of afforestation, and 2.89 acres of woodland preservation off-site. An update to the Phase II Reforestation Planting Schedules to reflect 1,000 seedlings per acre will be required. If larger plant material is proposed, then one seedling is equivalent to every half inch caliper. Each planting area shall be proposed with a minimum of five species.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), are Adelphia-Homdel complexes, Collington-Wist-Urban land complexes, Croom-Marr complexes, Croom-Marr-Urban land complexes, and Sassafras-Urban land complexes. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on this site. The Department of Permitting, Inspections and Enforcement (DPIE) may require a Soils Report to address on-site conditions, prior to the issuance of a grading and/or building permits. This information is provided for the applicant's benefit. A review of geotechnical conditions specific to the site follows.

Specimen, Champion, or Historic Trees

According to the NRI, 85 specimen trees have been noted on the site. Specimen trees ST-1 through ST-75 and ST-77, ST-79, and ST-81 though ST-85 were approved for removal as they were within the prior limits of disturbance of DSP-05001. No additional specimen trees were requested for removal with this application.

Preservation of Regulated Environmental Features/Primary Management Area

There are no areas of regulated environmental features (REF) or primary management area (PMA) located on this site.

Stormwater Management

A SWM Concept Approval Letter (#40921-2021-00) and associated plan were submitted with the application for this site. The approval letter was issued from DPIE on April 26, 2022 and expires on April 26, 2025. The approved plan proposes standard SWM conditions for the site and shows submerged gravel wetlands utilized to meet on-site requirements. No further action regarding SWM is required at this time.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The EPS recommends approval of DSP-21045 and TCPII-077-04-03, subject to the following recommended findings and conditions.

Recommended Findings:

1. No regulated environmental features are recorded on the subject property.

Recommended Conditions:

1. Prior to certification of the detailed site plan, the TCPII shall be revised as follows:
 - a. The woodland conservation worksheet shall be revised as follows:
 1. Revise Line 6 to show TCPII-077-04 for the TCPII number and indicate "3" for the revision number.
 2. Add TCPI-058-03 as the TCP1 number on Line 8.
 3. Revise Line 17 to indicate DSP-21045 for Phase II.
 4. Revise Line 18 to show that DSP-05001 is associated with TCPII-077-04 revision 1, and DSP-21045 is associated with TCPII-077-04 revision 3.
 5. Correct Line 1 to show that under the prior zoning ordinance this site is zoned R-18.
 - b. Update the Phase II Reforestation Planting Schedules to reflect 1,000 seedlings per acre. If larger plant material is proposed, then one seedling is equivalent to every half inch caliper. Each planting area shall be proposed with a minimum of five species.
 - c. The general notes shall be revised as follows:
 1. Revise General Note 6 to indicate that the site is developed under the prior R-18 Zone.
 2. Combine General Notes 18 and 19 into one note, as shown in the *Environmental Technical Manual (2018)*.

3. Revise the Post Development Notes to follow the structural formatting, as shown in the *Environmental Technical Manual (2018)*.
 4. Have the worksheet and plans signed by the qualified professional who prepared them.
 4. Provide the general notes for the preservation of existing woodlands, as shown in the *Environmental Technical Manual (2018)*.
- d. Provide the detail graphic for the permanent tree protection fence.
 - e. Revise the approval block to the Development Review Division standard.



Countywide Planning Division
Historic Preservation Section

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

301-952-3680

June 24, 2022

MEMORANDUM

TO: Tierre Butler Urban Design Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**

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

SUBJECT: DSP-21045 and DPLS-22002 The Cassidy

The subject property comprises 13.00-acres and is located east of the intersection of Wilberforce Court and Karen Boulevard. The subject application proposes 175 multifamily dwelling units in three buildings, which includes affordable housing units, a community center building, site amenities, and associated parking. The subject property is Zoned RSF-A.

The subject property is within the *2010 Approved Subregion 4 Master Plan* area. The master plan contains goals and policies related to Historic Preservation (pages 287-296). However, these are not specific to the subject site or applicable to the proposed development.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources. Historic Preservation Section staff recommend approval of DSP-21045 and DPLS-22002 The Cassidy, without conditions.

August 15, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Design Section

FROM: Alice Jacobs, Planning Technician III, Permit Review Section 

SUBJECT: DSP-21045 & DPLS-22002 – The Cassidy

1. The departure must be approved along with this detailed site plan to validate the parking proposed on site.
2. The Permit Review Section offers no comments on this development application for three multifamily buildings with clubhouse.

August 15, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Section, Development Review Division

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

FROM: Samuel L. White, Jr., Planner II, Neighborhood Revitalization Section, Community Planning Division *SW*

SUBJECT: DSP-21045; DPLS -22002 The Cassidy

DETERMINATIONS

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

BACKGROUND

Application Type: Detailed Site Plan outside of an Overlay Zone

Location: The subject site is located east of the intersection at Wilberforce Court and Karen Boulevard

Size: 13.14 acres

Existing Uses: Vacant Lot

Proposal: The applicant is proposing to construct 175 multifamily units in three four-story buildings. One of the three four-story buildings will contain affordable housing units, community center, site amenities, and parking. The applicant is also requesting a departure from the parking and loading space standards to reduce the number of parking spaces from 431 to 263.

GENERAL PLAN, MASTER PLAN, AND SMA

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

Master Plan: The 2010 *Approved Subregion 4 Master Plan* recommends residential medium high land uses on the subject property.

Planning Area 75A

Community: Suitland-District Heights & Vicinity

Aviation/MIOZ: A portion of this property is located in the Military Installation Overlay-Height: Transitional Surface (7:1)- Left Runway, Label G. The maximum building heights on the subject site should not exceed 57 feet.

SMA/Zoning: The 2010 *Approved Subregion 4 Sectional Map Amendment* retained the subject property in the R-18 (Multifamily Medium Density Residential) zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from R-18 (Multifamily Medium Density Residential) zone to RMF-20 (Residential, Multifamily-20) zone effective April 1, 2022.

MASTER PLAN CONFORMANCE ISSUES:

There are no master plan issues.

cc: Frederick Stachura, J.D., Supervisor, Neighborhood Revitalization Section, Community Planning Division
Long-range Agenda Notebook

MEMORANDUM

DATE: July 30, 2022

TO: Terre Butler, Senior Planner
Urban Design Section
Development Review Division
Planning Department

VIA: Sonja Ewing, Assistant Division Chief *SE*
Department of Parks and Recreation

FROM: Dominic Quattrocchi, Planning Supervisor *DQ*
Ivy R. Thompson, AICP, Planner III *IRT*
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: DSP-21045 & DPLS-22002, The Cassidy

The staff of the Department of Parks and Recreation (DPR) has reviews and evaluates Development Review applications for conformance with the requirements and recommendations of Area Master Plans, the Land Preservation, Parks and Recreational Program for Prince George's County, Plan 2035, the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space as they pertain to public parks and recreation.

The proposed development is located on the east side of Karen Boulevard, approximately 70 feet north of Ronald Road in Capital Heights. The property is bounded at the northeast and east by property owned by the Prince George's County Board of Education. The proposal is to develop three multifamily buildings with a total of 175-units, a community building, open space, landscaped stormwater management facilities, accessible pedestrian connections, and requisite parking.

This application is required to provide on-site private recreational facilities, in accordance with Planning Board Resolution #04-03 (PPS 4-03084) Conditions 7-9. The applicant has identified a list of recreational amenities that include a community building that will house leasing offices, a fitness center, laundry room, mail room, conference room and community room with a kitchenette. The exterior of the community building will feature an outdoor patio area featuring a pergola, game/dining tables, bike racks and unprogrammed open space. DPR staff is recommending the addition of a connection at the northeastern property boundary between the subject property and the Prince George's County Board of Education property (Walker Mill Middle School) to provide access to the school recreational facilities by future residents.

DPR staff has determined that the applicant's proposal meets the mandatory dedication requirements per Section 24-134) of the Prince George's County Subdivision Regulations and the requirements of mandatory dedication are met by the provision of on-site private recreational facilities per Section 24-135(b) of the Prince George's County Subdivision Regulations subject to final review by Planning Department Development Review Division staff.

Recommendation:

1. DPR staff recommends the addition of a soft surface path/connection at the northeastern property boundary between the subject property and the Prince George's County Board of Education property (Walker Mill Middle School) to provide access to the school's outdoor recreational facilities.

cc: Bridget Stesney
Christian Gabriel

MEMORANDUM

July 25, 2022

TO: Tierre Butler, Urban Design Section
Development Review Division, M-NCPPC

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

Re: The Cassidy, DSP- 21045 and DPLS-22002

CR: Ronald Road (County)
CR: Karen Boulevard (County)

This is in response to Detailed Site Plan No. DSP-21045 and DPLS-22002 referral. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The proposed subdivision is located at east of the intersection at Ronald Road and Karen Boulevard.
- The applicant proposes a residential development consisting of 175 multifamily dwelling units in three building.
- Regarding Departure from Parking and Loading Standards, DPLS-22002, a total of 431 parking spaces are required to serve the development. The applicant is proposing 263 parking spaces. DPIE does not support the DPLS-22002.
- The following are DPIE Traffic comments:
 - Entrance width is shown as 34' on the plans. Widen the 34' width entrance to 36' (two (2) 11' wide lanes for exiting the site and one (1) 14' wide lane for entering the site).
 - Provide 5' sidewalk up to end of property line on the northern side of the site.
 - Widen the outbound lanes to 11' during grading permit stage.
 - Provide frontage improvement including bike accommodation.
 - Provide ADA compliant ramps at the entrance.

- DSP-21024 is consistent with the Site Development Concept Plan 40921-2021 which was approved April 26, 2022.

If you have any questions or require additional information, please contact Mr. Steve Snyder, P.E, the District Engineer for the area, at (301) 883-5710.

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
Patriotic Homes LLC, 9224 Harvest Rush Road, Owings Mills, Maryland, 21117
Victoria Ballesterro, ATCS, PLC, 9500 Medical Center Drive, Suite 370, Largo MD
20774

Additional Back-up

For

DSP-21045 & DPLS-22002
The Cassidy

GIBBS and HALLER
ATTORNEYS AT LAW
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301)306-0033
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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

JUSTIN S. KORENBLATT

September 12, 2022

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital Park
and Planning Commission
County Administration Building
Upper Marlboro, Maryland 20772

Re: The Cassidy; DSP-21045

Dear Chairman Shapiro:

I represent the Applicant, KCG SSP Capitol Heights GP, LLC in the referenced Detailed Site Plan case which is scheduled to be considered by the Planning Board on September 15, 2022.

We appreciate the staff's recommendation of approval subject to conditions. We have discussed the conditions with staff and have some proposed revisions. A full set of the conditions contained in the staff report, annotated to show one change proposed by the Applicant, is attached to this correspondence. I will be present at the Planning Board hearing on September 15 to further explain the change, if necessary. Thank you for your consideration of this request.

Very truly yours,

GIBBS AND HALLER



Thomas H. Haller

Enclosure
cc: Tierre Butler

APPLICANT’S PROPOSED REVISIONS TO CONDITIONS
THE CASSIDY
DETAILED SITE PLAN DSP-21045

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-21045, Departure of Parking and Loading Standards DPLS-22002, and Type II Conservation Plan TCPII-077-04-03, for The Cassidy, subject to the following conditions:

1. Prior to signature approval, the detailed site plan (DSP) shall be revised to replace the plat reference for the subject property on all sheets of the DSP listed as Plat Book 231 plat no. 67 with Plat Book PM 220 plat no. 93.
2. Prior to approval of any building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall submit a plat of correction to correct the property’s boundary bearings and distances and remove Note 5 of the existing Plat Book PM 220-93.
3. The applicant, and the applicant’s heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George’s County Planning Department for construction of on-site recreational facilities, for approval prior to a submission of a plat of correction. Upon approval by DRD, the RFA shall be recorded among the Prince George’s County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to recordation.
4. Prior to approval of any building permits, the applicant, and the applicant’s heirs, successors, and/or assignees shall submit to the Development Review Division (DRD) of the Prince George’s County Planning Department a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, in an amount to be determined by DRD.

~~5. Provide the addition of a soft surface path/connection at the northeastern property boundary between the subject property and the Prince George’s County Board of Education property (Walker Mill Middle School) to provide access to the school’s outdoor recreational facilities.~~

6.5. Coordinate with staff to establish triggers for construction of the recreation facilities.

Prior to certification of the detailed site plan, the TCPII shall be revised as follows:

7.6. The woodland conservation worksheet shall be revised as follows:

- a. Revise Line 6 to show Type II Tree Conservation Plan TCPII-077-04 for the TCPII number and indicate “3” for the revision number.
- b. Add Type I Tree Conservation Plan TCPI-058-03 as the TCP1 number on Line 8.
- c. Revise Line 17 to indicate Detailed Site Plan DSP-21045 for Phase II.

- d. Revise Line 18 to show that Detailed Site Plan DSP-05001 is associated with TCPII-077-04 Revision 1, and DSP-21045 is associated with TCPII-077-04 revision 3.
- e. Correct Line 1 to show that under the prior Zoning Ordinance this site is zoned Multifamily Medium Density Residential.

8.7. Update the Phase II Reforestation Planting Schedules to reflect 1,000 seedlings per acre. If larger plant material is proposed, then one seedling is equivalent to every 0.5-inch caliper. Each planting area shall be proposed with a minimum of five species. The general notes shall be revised, as follows:

- a. Revise General Note 6 to indicate that the site is developed under the prior Multifamily Medium Density Residential Zone.
- b. Combine General Notes 18 and 19 into one note, as shown in the 2018 Environmental Technical Manual.
- c. Revise the Post Development Notes to follow the structural formatting, as shown in the 2018 Environmental Technical Manual.
- d. Have the worksheet and plans signed by the qualified professional who prepared them.
- e. Provide the general notes for the preservation of existing woodlands, as shown in the 2018 Environmental Technical Manual.
- f. Provide the detail graphic for the permanent tree protection fence. Revise the approval block to the Development Review Division standard.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Countywide Planning Division
Transportation Planning Section

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August 25, 2022

MEMORANDUM

TO: Tierre Butler, Urban Design Review Section, Development Review Division

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


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

SUBJECT: DSP-21045 / DPLS-22002: The Cassidy

Proposal:

The subject Detail Site Plan (DSP) application proposes the construction of 175 multifamily dwelling units (within three buildings) and an associated community building. The DSP includes a companion Departure from Parking and Loading Standards (DPLS) application, DPLS-22002, which seeks a reduction of 168 total parking spaces.

The project is located along the east side of Karen Boulevard, directly north of its intersection with Ronald Road. The Transportation Planning review of this DSP and companion DPLS applications were evaluated using the standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

The subject property falls under the purview of PPS 4-03084. The following transportation conditions are related to the subject application:

12. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Walker Mill Road and Karen Boulevard. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic in the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The applicant will be responsible for any additional pavement markings and signage at this location as determined by DPW&T.

13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for

construction, and (c) have an agreed-upon timetable for construction with the SHA and/or DPW&T:

- a. The applicant shall extend the southbound left turn lane on Addison Road at Ronald Road based on DPW&T recommendations and guidelines to increase stacking distance to a minimum of 175 feet. In addition, an acceleration lane shall be constructed along northbound Addison Road at Ronald Road. Any modifications to the traffic signal, new pavement markings, or signage will be the responsibility of the applicant.
- b. At the intersection of Walker Mill Road and Addison Road, the applicant will modify the westbound approach of Walker Mill Road from one left turn lane and one right turn lane to one left turn lane and one shared left/right turn lane. This may require minor widening and reconstruction at the intersection.
- c. At the intersection of MD 214 and Addison Road, the applicant shall construct a free-flow, northbound, right-turn lane on Addison Road to eastbound MD 214 or construct an exclusive eastbound right-turn lane on MD 214 to southbound Addison Road.
- d. At the time of final plat approval, the applicant shall construct Karen Boulevard to connect with the existing portion of Karen Boulevard to the north at Walker Mill Middle School.

These improvements shall include any signal, signage, and pavement marking modifications and additions to be determined by SHA and/or DPW.

Comment: All relevant conditions of approval related to transportation access or adequacy have been addressed. The applicant has provided email correspondence from the Prince George's County Department of Permits, Inspections, Enforcement (DPIE) noting that all necessary improvements related to conditions 12 and 13 have been completed.

While not listed as a condition of approval, p.12 of the approved Planning Board resolution, PGCPB No 04-03, contains the following finding related to peak-hour trips:

The site is proposed for development as a residential subdivision, with 24 townhouses and 262 apartments. The trip rates were obtained from the guidelines. The resulting site trip generation would be 153 AM peak-hour trips (30 in, 123 out), and 176 PM peak-hour trips (114 in, 62 out).

Comment: While no traffic study was submitted with the subject application, the applicant notes a finding from Lenhart Traffic Consultants that the proposed 175 multifamily dwelling units, which is significantly lower than the number of multifamily dwelling units approved under 4-03084, will generate 91 trips in the morning peak hour (18 in & 73 out) and 105 trips in the evening peak hour (68 in & 37 out). Taking into consideration that the 24 townhouses approved with 4-03084 have achieved full buildout, staff finds the subject DSP is consistent with the land use and development program for the residential dwelling units approved in the PPS and therefore is within the peak-hour trip cap approved in PPS 4-03084.

Master Plan Compliance

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Subregion 4 Master Plan and Sectional Map Amendment*.

Master Plan Roads

The subject property has frontage on Karen Boulevard (C-429) along the western bounds of the site. Per the 2009 *MPOT* and the 2010, *Subregion 4 Master Plan and Sectional Map Amendment*, the portion of Karen Boulevard that fronts the subject property is designated as a collector roadway with an ultimate right-of-way of 80 feet. The subject application accurately displays this information which is consistent with Master Plan recommendations.

Master Plan Pedestrian and Bike Facilities

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommends the following facilities:

Side Path: Karen Boulevard

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

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

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

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

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

Comment: The subject application conforms to MPOT and Sector Plan policies and goals by providing a network of sidewalks separated from the roadway by landscaping within the right of way along the frontage of Karen Boulevard. A future side path may be considered by the Prince George's County Department of Public Works and Transportation (DPWT) as appropriate or provided as part of a capital improvement project by DPWT.

Transportation Planning Review

Zoning Ordinance Compliance

Section 27-283 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for detailed site plans. The section references the following design guidelines described in Section 27-274(a):

(2) Parking, loading, and circulation

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:

(ix) Pedestrian and vehicular routes should generally be separate and clearly marked.

(x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques

(xi) Barrier-free pathways to accommodate the handicapped should be provided

(6) Site and streetscape amenities

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture should be coordinated to enhance the visual unity of the site.

Additionally, the property falls within the R-18 (Multifamily Medium Density Residential) Zone. Section 27-436(1) (a-d) discuss the purposes of the R-18 Zone and is copied below.

(1) The purposes of the R-18 Zone are:

(A) To make available suitable sites for multifamily developments of low and moderate density and building bulk.

(B) To provide for this type of development at locations recommended in a Master Plan, or at other locations which are found suitable by the District Council.

(C) To provide for this type of development at locations in the immediate vicinity of the moderate-sized commercial centers of the County; and

(D) To permit the development of moderately tall multifamily buildings, provided they are surrounded by sufficient open space to prevent detrimental effects on the use or development of other properties in the general vicinity.

Comment: The applicant proposes a single point of vehicle access along Karen Boulevard which will allow for full turning movements to/from the site. Upon initial receipt of the subject application, staff expressed concerns that the single point of access may be insufficient for the development proposal and requested the applicant demonstrate that the single access point would be adequate to serve the site. The applicant's response staff's comments (Ballesterio to Butler, August 12, 2022) contains the following response regarding the proposed single point of access:

"Per Mike Lenhart, with Lenhart Traffic Consultants, 175 multifamily dwelling units will generate 91 trips in the morning peak hour (18 in & 73 out) and 105 trips in the evening peak hour (68 in &

37 out). While a Traffic Impact Study was not conducted with this Detailed Site Plan, it should be noted that the Transportation Review Guidelines have a three-step process for evaluating unsignalized intersections. The second step of this three-step process evaluates the number of trips on the stop-controlled approach during the AM and PM peak hours, and if the volume of trips on the stop-controlled approach are less than 100 vehicles/hour, then the intersection is deemed adequate and no further analysis is required. This single access point will have a maximum of 73 exiting vehicles in the AM peak and 37 exiting vehicles in the PM peak, therefore the intersection is adequate.”

Staff finds this explanation to be suitable and agrees with the methodology used for this determination.

In addition, staff raised concerns during the initial review of the DSP application regarding the distance of the immediate internal drive aisle (that provides access to Building 1) to the site access driveway along Karen Boulevard. Given the drive aisle’s close proximity to the site access point, staff was concerned that any queueing at this location will result in stacking along Karen Boulevard and requested that the applicant demonstrate that the drive aisle conformed to the County or State’s throat length requirement. In a response to staff’s comment the applicant indicated that the proposed throat length from the site access to the immediate drive aisle is 70 feet which conforms to the Maryland State Highway Administration (SHA) requirement of 30 feet.

In regards to site circulation, the internal layout provides a continuous road network that allows vehicles to easily enter and exit the site, and provide adequate circulation to the proposed buildings and facilities onsite. The latest DSP submission displays a sidewalk along the site’s frontage along Karen Boulevard and also shows a crosswalk provided along the site access driveway to facilitate safe pedestrian connection along the site’s frontage. A series of crosswalks are also provided within the parking area to provide safe pedestrian crossing locations throughout the site. The proposal also features an extensive sidewalk network throughout the site, providing a continuous path along the frontage of all three multifamily buildings as well as the community building. The site also features three 10-foot-wide pedestrian paths which surround the submerged gravel wetland areas. Staff finds that the site access and circulation are sufficient and meet the required findings of section 27-274(a)(2)(c) of the Ordinance which examines vehicular and pedestrian circulation as part of a detailed site plan.

Departure from Parking and Loading Standards – DPLS-22002

As mentioned above, this application also considers Departure from Parking and Loading Standards, DPLS-22022. Pursuant to Section 27-568 a total of 431 parking spaces are required to serve the development. The applicant is proposing 263 parking spaces, resulting in a proposed reduction of 168 required parking spaces.

The applicant’s development proposal notes that due to environmental features and site topography, only 175 dwelling units are being pursued. Typically, a multifamily project would allow for 20 units per acre, which would technically allow for 262 units.

The applicant cites guidance from the Institute of Traffic Engineers (ITE) Parking Generation Manual, 5th edition in determining parking demand for the site. In evaluating parking requirements for multifamily projects, ITE uses both the number of dwelling units and the number of bedrooms to determine parking adequacy. In evaluating the number of total units, the peak period demand for

parking from Monday to Friday would result in 226 parking spaces and 214 on Saturdays. The applicant also evaluated the number of bedrooms, which resulted in 256 parking spaces from Monday to Friday and 259 on Saturdays. In both scenarios, the peak parking demand will be supported with the applicant's proposal of 263 parking spaces. Staff finds the applicant's parking proposal detailed within DPLS-22002 to be acceptable and recommends approval based on the criteria submitted with the subject application.

Lastly, bicycle parking is adequately provided at locations convenient to the entrance of all three multifamily buildings along with the community building

Conclusion:

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable.