



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.igmp2.com/Citizens/Default.aspx>

Conceptual Site Plan CSP-22001

Carozza Property

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of December 8, 2022 to February 2, 2023.</p> <p>A mixed-use development consisting of 199 townhouse units, 401 multifamily units, and 50,000 square feet of commercial space.</p>	<p>With conditions recommended herein:</p> <ul style="list-style-type: none"> • APPROVAL of Conceptual Site Plan CSP-22001 • APPROVAL of Type 1 Tree Conservation Plan TCP1-016-2022
Variance request to Section 25-122(b)(1)(G) for the removal of specimen trees.	<ul style="list-style-type: none"> • APPROVAL

Location: In the Southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), north of Marlboro Pike.

Gross Acreage:	59.93
Zone:	CGO/MIO
Zone Prior:	M-X-T/M-I-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	600
Gross Floor Area:	1,088,000 sq. ft.
Planning Area:	77
Council District:	09
Municipality:	N/A

Applicant/Address:
Global City Communities, LLC
801 Brickwell Avenue, Suite 2360
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Planning Board Date:	02/02/2023
Planning Board Action Limit:	02/02/2023
Staff Report Date:	11/21/2022
Date Accepted:	07/26/2022
Informational Mailing:	03/17/2022
Acceptance Mailing:	07/14/2022
Sign Posting Deadline:	11/08/2022

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

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-22001
 Type 1 Tree Conservation Plan TCP1-016-2022
 Carozza Property

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION CRITERIA

This property is within the Commercial, General and Office (CGO) Zone; however, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) of the Zoning Ordinance, which allows an application for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations, to be reviewed and approved under the prior Zoning Ordinance. This conceptual site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-10051-C;
- b. The requirements of the prior Prince George's County Zoning Ordinance, specifically for the Mixed Use-Transportation Oriented (M-X-T) Zone, and the site design guidelines;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. The requirements of other site-related regulations; and
- e. Referral comments.

FINDINGS

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

1. **Request:** This application requests approval of a conceptual site plan (CSP) for development of a mixed-used development consisting of 199 townhouse units, 401 multifamily units, and 50,000 square feet of commercial space.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	CGO/MIO	M-X-T/M-I-O
Use(s)	Vacant	Residential, Commercial/Retail
Gross Acreage	59.93	59.93
Floodplain Acreage	0	0
Net Acreage	59.93	59.93
Total Gross Floor Area (GFA) (sq. ft.)		1,088,000*
Of which Commercial GFA	-	50,000
Residential GFA	-	1,038,000
Total Multifamily Dwelling Units	-	401
Total Townhouse Units	-	199

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

Base Density Allowed:	0.40 FAR
Total FAR Permitted:	0.40 FAR
Total FAR Proposed:	0.417 FAR**

Note: *The GFA on the Proposed FAR Table in the plans submitted with the application adds to 1,098,000 GFA. A condition has been provided herein to correct this tabulation error.

**The applicant is not proposing the use of an optional method; however, the proposed FAR is still greater than the maximum of 0.40 FAR. Refer to Finding 8 in this report for further discussion.

3. **Location:** This property is located on the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), and the north side of Marlboro Pike. The site is within the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA), and Conical Surface (Right Runway) Area E and the Noise Intensity Zone (60 db–74 db) of the Military Installation Overlay (M-I-O) Zone.
4. **Surrounding Uses:** This site is located to the south of MD 4, with Westphalia Town Center in the Town Activity Center – Edge (TAC-E) Zone beyond; to the west of Woodyard Road with a vacant property in the CGO and Legacy Comprehensive Design (LCD) Zones beyond; to the north of Marlboro Pike with residential development in the Residential, Rural (RR) Zone beyond; and to the east of a commercial/warehouse use in the CGO Zone.
5. **Previous Approvals:** On February 8, 2022, the County Council of Prince George’s County, Maryland, sitting as the District Council, signed into law the Final Conditional Approval, an Ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and to grant final conditional zoning approval in Zoning Map Amendment

A-10051-C. This action conditionally approved A-10051-C to rezone this property from the Rural Residential (R-R) Zone to the M-X-T Zone.

6. **Design Features:** This site is long and narrow, mostly wooded, contains regulated environmental features (REF), and is currently undeveloped.

The CSP identifies three distinct development pods divided along the site's length, with the commercial use on the east side, the multifamily buildings in the center, and the townhouse units on the west side. Each pod will have direct access from an internal road that runs through the middle of the site's length, with the exception of a section of the townhouses on the western side of the property. Due to environmental constraints, the townhouse pod will only have vehicular access to Woodyard Road and an internal bicycle/pedestrian trail connecting this section to the eastern section of the property. The internal road will have a total of four access points on Woodyard Road, including access to the isolated townhouse pod. The illustrative plan below shows three multifamily buildings, a cluster of commercial units, the townhouse units, three recreation areas, stormwater management (SWM) devices, environmental preservation interspersed throughout the site, and the internal network of roads, alleys, parking, and trails.

Given the scale, configuration, and unit type of the proposed development, there are ample opportunities for sustainable and green building techniques. The applicant should apply those techniques, as practical, at time of the detailed site plan (DSP). A condition has been included in the Recommendation section of this report requiring the applicant to provide details on sustainable site and green building techniques that will be used in this development, at the time of the DSP.



Illustrative Plan

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-10051-C:** The District Council approved A-10051-C on February 8, 2022, to rezone this property from the R-R Zone to the M-X-T Zone, with four conditions. Conditions 1 and 2 are relevant to the review of this CSP and warrant the discussion below. Condition 3 is relevant to the DSP review and will be

evaluated at that time. Condition 4 is relevant to the CSP; however, the condition contains findings that were extracted from Section 27-548 of the prior Zoning Ordinance and are evaluated in Finding 8(b) of this report.

- (1) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance.**

This application for a CSP serves to contribute to fulfilling this condition and was provided in accordance with Part 3, Division 9, of the Zoning Ordinance.

- (2) The Conceptual Site Plan shall include the following:**

- (a) A general description of the pedestrian system proposed;**

This CSP shows separate vehicular and pedestrian circulation systems that minimize conflicts. To facilitate connectivity with the surrounding community, the site has been designed with a bikeway through the subject property, with connectivity to Marlboro Pike and Woodyard Road. Also provided are pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations are being coordinated with the Prince George's County Department of Public Works and Transportation (DPW&T) and shall be designed to comply with the Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors Bill and meet or exceed County and state standards. Details will be provided for review at the time of the DSP.

- (b) The proposed floor area ratio;**

The proposed floor area ratio (FAR) was provided with this application, showing an FAR of 0.417.

- (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;**

The location, range, and square footage of the various uses are provided within the CSP.

- (d) A general description of any incentives to be used under the optional method of development;**

The applicant is not utilizing any optional methods of development; however, the CSP represents a FAR greater than the maximum of 0.40. This is discussed further in Finding 8, below.

- (e) Areas proposed for landscaping and screening;**

The CSP contains plans that show landscape buffers and streetscapes proposed along the subject site's perimeter and parking areas, in accordance with the design standards defined in the 2010 *Prince George's County*

Landscape Manual (Landscape Manual). These will be evaluated in further detail with the DSP.

(f) The proposed sequence of development; and

According to the applicant's statement of justification (SOJ), phasing of development is not anticipated. However, should the applicant choose to phase this project, the SOJ states that each phase will be managed to be self-sufficient, while also allowing integration with subsequent construction phases.

(g) The physical and functional relationship of the project uses and components.

The CSP illustrates the physical and functional relationships of land uses and other components.

8. Prince George's County Zoning Ordinance: The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the prior Zoning Ordinance.

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

(1) The proposed residential and commercial/retail uses are permitted in the prior M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, development of this property would be limited to the numbers and types, as proposed in this CSP, that cannot exceed 401 multifamily dwelling units and 199 townhouses.

(2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

(d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

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

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

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

(a) Maximum floor area ratio (FAR):

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

An FAR of 0.417 is proposed in this CSP. The optional method of development, which allows additional FAR on top of the base 0.40 FAR, was not utilized with this application; however, the plan is showing an FAR greater than the maximum of 0.40. A condition is provided herein to either exercise the options enumerated in Section 27-545 of the prior Zoning Ordinance, to allow development in excess of 0.40 FAR, or reduce the FAR to 0.40. This will be evaluated further, at the time of DSP.

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

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

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

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

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

The development is subject to the requirements of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone, and to protect the character of the M-X-T Zone from adjoining and interior incompatible land uses, at the time of DSP.

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

The FAR for the proposed development, of up to 1,088,000 square feet on the 59.93-acre property, is 0.417. This will be refined further, at the time of DSP, relative to the final proposed gross floor area of the buildings, in conformance with this requirement.

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

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

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

The CSP includes four access points along Marlboro Pike. Within the site, the proposed main roadway proposes a 52-foot right-of-way and 20- to 22-foot-wide alleyways. The proposed right-of-way is sufficient to provide all internal sidewalks and streetscape amenities. However, staff recommends that all intersections within the site are perpendicular and properly aligned. A condition is provided herein to provide appropriate frontage and vehicular access for all lots and parcels, at the time of preliminary plan of subdivision (PPS).

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

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

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

This CSP proposes 199 townhouse units. Conformance with these specific townhouse requirements will be reviewed at the time of PPS and DSP, when detailed lot and building information is available.

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

The height limit will be further evaluated with the DSP for the proposed multifamily buildings.

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

This property was placed in the M-X-T Zone through a Council resolution adopted in February 2022, for which there was no comprehensive land use planning study conducted by technical staff. Therefore, this requirement does not apply.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the prior Zoning Ordinance, which requires additional findings for the Prince George's County Planning Board to approve a CSP in the M-X-T Zone, as follows:

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

The proposed development is in conformance with the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote the orderly development of land in the vicinity of major intersections, to enhance the economic status of the County. The proposed development,

consisting of residential and retail uses, will provide increased economic activity proximate to the intersection of Woodyard Road, Marlboro Pike, and Pennsylvania Avenue. It also allows for a reduction of the number and distance of automobile trips, by constructing residential and nonresidential uses near each other. This CSP promotes the purposes of the M-X-T Zone and contributes to the orderly implementation of the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). However, one of the purposes of the M-X-T Zone is to create compact, mixed-use, and walkable communities that emphasize pedestrian experience with active street fronts. This CSP shows the commercial/retail area in the eastern corner of the property. The proposed internal street frontage is activated by the placement of townhouse, multifamily, and retail uses and allows for a potential reduction of automobile trips, by constructing residential and nonresidential uses in close proximity to each other.

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

The Prince George's County Zoning Hearing Examiner and the County Council, sitting as the District Council, found in the final A-10051-C remand decision that the application furthers the purposes of the M-X-T Zone, since the subject property lies within the vicinity of a major interchange; it can be developed in a manner to support Plan 2035 and the Subregion 6 Master Plan and SMA goals by providing compact, mixed-use, and internally walkable design; and it can encourage a robust, high-quality environment.

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

The details of the orientation are not fully available at the time of CSP; however, based on conceptual plans provided, the proposed development will be partially outwardly oriented, with side townhouse units facing Marlboro Pike, the main road of access for this community. At the time of PPS, the applicant will be encouraged to orient the townhouses to be front-facing onto Marlboro Pike. Visually, this community will be integrated with existing surrounding communities and may serve to catalyze development on other undeveloped M-X-T-zoned properties nearby.

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

The surrounding areas are developed with various auto-oriented, commercial, and residential uses. The CSP is visually integrated with existing and future uses through the use of connecting streets, pedestrian systems,

open space buffers, and landscaping, elements that will be illustrated at the time of DSP review.

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

Due to the long, narrow configuration of this site and being surrounded on three sides by roadways, the applicant is faced with challenges in bringing cohesion to the mix of uses. As proposed, the development is separated into three different sections, with the commercial, multifamily, and townhouse uses all separate and distinct. An internal road and sidewalk/trail network will connect all the uses internally and will provide safe, internal access to the public amenities. The location and design of the buildings will be evaluated at the time of DSP review.

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

The applicant indicated, in the SOJ, that phasing this development is not anticipated.

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

This requirement will be evaluated in detail at the time of PPS and DSP. An illustrative plan submitted with the CSP shows sidewalks, adjacent to roadways, connecting to each part of the development.

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

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

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club),**

or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

This site was not placed in the M-X-T Zone via an SMA, but through a Zoning Map Amendment, A-10051-C. At the time of rezoning, a traffic study was submitted to evaluate the impacts of the site with the proposed zoning change. The study found that, with several offsite improvements, the surrounding road network would operate at acceptable levels. Per Condition 3 of A-10051-C, supporting evidence of adequacy shall be provided at the time of the DSP; however, an adequacy determination will be made at the time of PPS and will be evaluated based on the proposed uses with the application.

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

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

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

The subject property measures 59.93 acres and does not meet the above acreage requirement. Furthermore, this CSP does not propose development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The proposed development concept provides a mix of new multifamily housing, townhouses, and commercial/retail uses designed to front on roadways. A connected circulation system for vehicles and pedestrians is proposed. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed at the time of DSP.

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

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Environmental Technical Manual (ETM) and the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Type 1 Tree Conservation Plan TCP1-016-2022 has been submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The site contains a total of 57.40 acres of woodlands and no wooded floodplain. The woodland conservation threshold is 15 percent, or 8.99 acres. The applicant is proposing to clear 46.74 acres of woodland, resulting in a total woodland conservation requirement of 22.35 acres, which will be met with 10.26 acres of on-site preservation, 2.57 acres of reforestation, and 9.52 acres of off-site credits. There is a discrepancy between the existing woodland shown on the natural resources inventory (NRI) and the TCP1. Therefore, the NRI plan shall be revised to identify the same existing woodland total as the TCP1. In addition, technical revisions are required to the TCP1, prior to certification of the CSP, in conformance with the conditions provided herein.

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

- a. **2010 Prince George's County Landscape Manual**—This development in the prior M-X-T Zone will be subject to the requirements of the Landscape Manual, at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees Along Private Roads, of the Landscape Manual.
- b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 59.93 acres in size and the required TCC is 6.00 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured, at the time of DSP.

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

- a. **Historic Preservation**—In a memorandum dated November 17, 2022 (Stabler, Smith to Burke), the Historic Preservation Section noted that the property was once part of Melwood Farm, a documented property (77-002) with a farmhouse that was constructed circa 1813 and demolished between 1980 and 1984. A Phase I archeology survey was completed on the undisturbed portion of the property by Applied Archaeology and History Associates, and a draft report Phase I survey of the Carozza Property was submitted with the subject application. The draft report identified no significant sites and no further work was recommended.
- b. **Community Planning**—In a memorandum dated August 27, 2022 (White to Bishop), the Community Planning Section stated that, pursuant to Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application. Master Plan recommendations are discussed in Finding 7 above and compliance to those will be required at the time of PPS.
- c. **Subdivision Review**—In a memorandum dated November 4, 2022 (Diaz-Campbell to Burke), incorporated herein by reference, the Subdivision Section evaluated this proposal and the conditions of Basic Plan A-10051-C, and offer the following comments:
 - (1) The configuration of all proposed lots and parcels will be determined at the time of PPS review. The CSP depicts the approximate location for commercial and residential development, layout of buildings, vehicular and pedestrian circulation, and conceptual location of recreational facilities. It is noted that Conditions 4(b) and 4(c) of A-10051-C impose broad requirements for the site layout to have an outward orientation and be integrated with/compatible with adjacent development. The lotting pattern will be evaluated with the PPS for conformance to these conditions.
 - (2) The CSP identifies the locations for proposed on-site recreational facilities spread throughout the development, though no specific facilities are identified. The adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be evaluated at the time of PPS and DSP review. Recreational facilities should include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.
 - (3) The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets, internal to the development, will also be determined at the time of the PPS. The location of public utility easements required, along all public and private streets, will be determined with the PPS.
 - (4) A noise study was submitted with the subject CSP application, to fulfil the requirements of Condition 4(h) of A-10051-C. Noise will be further evaluated with the PPS, when the positions of lots and approximate positions of recreation facilities are known, as well as at the time of DSP when the positions of dwellings and details of the recreation facilities are known. Phase I and Phase II noise studies will be required with these plans,

respectively. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to be no higher than that level. All dwellings exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.

- (5) At the time of PPS, all residential lots and parcels must meet a minimum 300-foot lot depth requirement from master-planned freeway MD 4 (Pennsylvania Avenue) and a minimum of 150-foot lot depth from master-planned arterial MD 223 (Woodyard Road), pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations.
- (6) The property is entirely within the M-I-O Zone for height and the western portion of the property is within the M-I-O Zone for noise. Conformance with the requirements of Part 10C- Military Installation Overlay Zone of the prior Zoning Ordinance will be evaluated at the time of PPS and DSP.
- (7) The property is within water and sewer Category 5, which is not within the appropriate service area of the County Water and Sewer Plan needed for approval of a PPS, pursuant to Section 24.122.01 of the prior Subdivision Regulations. The property must attain at least Category 4 through the next cycle of amendments to the Water and Sewer Plan, prior to approval of a PPS.

- d. **Transportation Planning**—In a memorandum dated November 14, 2022 (Smith to Burke), the Transportation Planning Section provided an evaluation of the conditions of A-10051-C and the following summarized comments on the subject application.

Master Plan Compliance

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The subject property fronts the recommended 80-foot master-planned right-of-way of Marlboro Pike, which also recommends a shared roadway facility.

Though staff acknowledges that, at the time of PPS, the appropriate right-of-way dedication will be addressed, but requests that the applicant update the CSP to show the extent and limits of the master plan ultimate right-of-way along the subject property's frontage of Marlboro Pike.

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

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

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation.

Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

This development is also subject to the Subregion 6 Master Plan, which also recommends an 80-foot right-of-way along Marlboro Pike, and recommends the following policies regarding multi-modal transportation (page 105):

Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities.

Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.

Policy 9: Provide multiuse trails accommodating hikers, bikers and equestrians along major stream valley corridors.

Staff recommends a minimum of 5-foot-wide sidewalk be provided along both sides of all internal roadways and provide associated crosswalks and Americans with Disabilities Act (ADA) compliant curb ramps throughout the site. In addition, Marlboro Pike is a planned shared roadway facility, to which staff recommends a minimum 10-foot-wide shared-use path, shared roadway pavement markings, and signage to be provided along the property frontage, with concurrence from the operating agency. Designated space for short-term bicycle parking is also recommended in recreational and commercial areas, while both short- and long-term bicycle parking is recommended at proposed multifamily buildings. Conditions are provided herein.

- e. **Environmental Planning**—In a memorandum dated November 14, 2022 (Kirchhof to Burke), the Environmental Planning Section provided the following summarized comments on the subject application:

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The approved Natural Resources Inventory (NRI-016-2021) identifies a total of 31 specimen trees, and the applicant provided an analysis of the request to remove 22 specimen trees located on-site.

A Subtitle 25 variance was submitted for review with this application. The TCP1 shows the removal of ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30, for a total of 22 specimen trees. The condition of trees proposed for removal ranges from poor to excellent.

**SPECIMEN TREE SCHEDULE SUMMARY FOR TWENTY-TWO TREES PROPOSED FOR
REMOVAL ON TCP1-016-2022**

Specimen Tree #	Species	Condition	DBH (inches)	Reason for Removal	Applicant's Disposition
1	Yellow Poplar	Fair	34	Townhouse	Remove
6	Beech	Fair	34	Townhouse and Roadway	Remove
7	Beech	Fair	34	Townhouse	Remove
8	Beech	Fair	31	Townhouse and Roadway	Remove
11	Beech	Poor	30	Stormwater Management	Remove
12	Red maple	Poor	32	Stormwater Management	Remove
14	White oak	Fair	40	Parking and Retaining Wall	Remove
15	Yellow poplar	Excellent	31	Parking and Multifamily	Remove
16	Beech	Fair	42	Parking and Multifamily	Remove
17	Yellow poplar	Fair	31	Multifamily	Remove
18	Sweetgum	Good	34	Stormwater Management	Remove
20	Hickory	Poor	31	Stormwater Management	Remove
21	Sweetgum	Good	31	Stormwater Management	Remove
22	Sweetgum	Good	30	Stormwater Management	Remove
23	Beech	Fair	40	Parking and Multifamily	Remove
24	Beech	Fair	33	Multifamily	Remove
25	Beech	Excellent	31	Multifamily and Roadway	Remove
26	Beech	Good	34	Parking and Roadway	Remove
27	Black Walnut	Poor	37	Roadway	Remove
28	Beech	Excellent	37	Townhouse and Roadway	Remove
29	Beech	Fair	39	Townhouse and Roadway	Remove
30	Beech	Good	30	Townhouse and Roadway	Remove

The removal of 22 specimen trees requested by the applicant is supported, based on the findings below.

Evaluation

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain the 22 specimen trees. Of the 22 trees requested for removal, 4 are in poor condition, 10 are in fair condition, 5 are in good condition, and 3 are considered in excellent condition. The majority of the specimen trees on-site are considered fair. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 59.93 acres, and the TCP1 shows approximately 2.51 acres of primary management area (PMA) comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 4 percent of the overall site area. The applicant is proposing to preserve the site’s PMA, to the fullest extent practicable, and is proposing woodland conservation and afforestation to further protect the PMA.

The specimen trees are located across the entire site, with some within proximity to the PMA. The specimen trees proposed for removal are located in the areas of the site most suited for development. This site contains steep slopes, wetlands, streams, and floodplains, which restrict development potential. Complete retention of these trees would severely limit the developable area of the site. The site is fully wooded, and the specimen trees have grown to size across the property, as a whole.

The proposed use of the site is reasonable for a property in the prior M-X-T Zone, and development cannot be accomplished elsewhere on the site without additional variances, including the areas of the site containing regulated environmental features (REF) and PMA, which limit the site area available for development. Of the 22 specimen trees proposed for removal, 12 trees are identified as Beech and 3 are Poplar. Both Beech and Poplar have poor construction tolerances and vary in condition from poor to excellent. If these 15 trees were retained, the trees could become hazardous due to the stresses imposed by construction. The remaining seven trees vary in condition from poor to good and are located within the central developable portion of the site. Requiring the applicant to retain the 22 specimen trees on the site, by designing the development to avoid impacts to the critical root zone (CRZ) would further limit the area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential and commercial development is a use that aligns with the uses permitted in the M-X-T Zone. The specimen trees requested for removal are located within the developable parts of the site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of 22 specimen trees would be the result of the grading required for the development. Most of the specimen trees proposed for removal are Beech and Poplar, which have poor construction tolerances. Retaining these trees during development could result in hazardous situations. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size, based on

natural conditions, and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by the Prince George's County Department of Permitting Inspections, and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state standards, which are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of 22 specimen trees, identified as ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30. Staff recommends that the Planning Board approve the requested variance for the removal of 22 specimen trees, for the construction of mixed-use development.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains REF, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA.

Section 27-273(e)(15) of the prior Zoning Ordinance requires that CSP applications include: "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible."

Section 27-276(b)(4) of the prior Zoning Ordinance states that for all CSP applications: "The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5)."

Section 24-130(b)(5) of the prior Subdivision Ordinance states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to [prior] Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient

development of this property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate, if placed at the location of an existing crossing or at the point of least impact to REF. Stormwater management outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code. Impacts to REF must first be avoided and then minimized.

A letter of justification (LOJ) and exhibit for PMA impacts were provided with the Subdivision and Development Review Committee submittal of this application. A revised LOJ was submitted in the November 3, 2022 submittal. This LOJ identifies eight impacts, with one additional unlisted impact to REF. PMAs are identified, in accordance with the reviews conducted by other agencies, the Army Corps of Engineers and the Maryland Department of the Environment. An additional revised LOJ was submitted on November 7, 2022, which provided minor revisions to several impacts. A detailed summary of each impact is below.

Impact 1

Impact 1 proposes 5,500 square feet (0.13 acre) of permanent impacts for a pedestrian walkway stream crossing, which connects the western and central sections, and for a sanitary sewer pipe. In order to promote connectivity between the sections to be developed, the applicant has elected to construct a walking path, instead of a roadway. The utility connection will be co-located with the walkway, to minimize PMA impacts. This impact is supported, as proposed.

Impact 2

Impact 2 proposes 185 square feet (0.004 acre) of impacts for a retaining wall associated with the proposed townhouses in the central phase. This impact could be avoided by tightening grading, and is not supported. The revised LOJ for PMA impacts, submitted on November 7, 2022, removes this impact and renumbers the following impacts. This impact is no longer requested, and the LOJ shall be revised to indicate this.

Impact 3

Impact 3 proposes 2,432 square feet (0.06 acre) of impacts for SWM and associated grading. This location was chosen to tie into an existing culvert under MD 4. Currently, the SWM plan is in review with DPIE. This impact to PMA for SWM will be evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

Impact 4

Impact 4 proposes 4,372 square feet (0.10 acre) of impacts for SWM and associated grading. Similar to Impact 3, Impact 4 proposes to connect to the existing culvert. At this time, the SWM plan is in review with DPIE. This impact to PMA for SWM will be

evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

Impact 5

Impact 5 proposes 4,661 square feet (0.11 acre) of impacts for building and grading. The LOJ states that this impact is the result of relocating the site access to align with Marwood Boulevard, across Marlboro Pike. Due to the grading required, this PMA area will be heavily disturbed. It is also central to the site. The TCP1 shows a proposed utility connection through this area to service the development, and townhomes are proposed within the PMA. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is supported, as proposed. The LOJ shall be revised to indicate that the impact is due to grading for units and utilities. The LOJ shall indicate that this disturbance eliminates impacts to larger wetland areas on-site.

Impact 6

Impact 6 proposes 5,558 square feet (0.13 acre) of impacts for a public utility easement, sanitary sewer, roadway, sidewalk, and grading. This impact serves to connect the eastern portion of the development to the central section. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is otherwise supported, as proposed, as this alignment reduces impacts to other wetland areas.

Impact 7

Impact 7 proposes 2,215 square feet (0.05 acre) of impacts for construction of a SWM facility. As with Impacts 3 and 4 above, this location proposes to tie into the culvert under MD4. At this time, the SWM plan is in review with DPIE. This impact to PMA for SWM will be evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

Impact 8

Impact 8 proposes 6,914 square feet (0.16 acre) of impacts for a parking lot, drive aisle, sidewalks, SWM, and grading for the commercial area. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is supported, as proposed.

Impact 9

The LOJ mentions 300 square feet (0.007 acre) of wetland buffer impacts to a wetland located in the eastern portion of the site. This disturbance is not identified as an impact within the LOJ. Impacts to REF, including buffers, shall be requested as proposed impacts. In order to retain the numbering system, this impact shall be identified as Impact 9. Impact 9 is not supported and can be avoided.

Summary of Proposed Impacts

With CSP-22001, nine impacts to PMA are proposed, totaling 31,952 square feet (0.73 acre). Impacts 1, 5, 6, and 8 are supported; Impacts 3, 4, and 7 for SWM will be evaluated with a subsequent application; Impact 2 is no longer requested; and Impact 9 is not supported. Impact 9 is not identified as a requested impact, but is called out as impacting wetland buffers within the LOJ and shall be considered an impact. With the elimination of Impact 2, all impacts in the LOJ have been renumbered. The PMA LOJ shall be revised to retain a consistent numbering system.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include the Marr-Dodon complex, Sassafras sandy loam, Sassafras-Urban land complex, Udorthents – highway, and Udorthents – reclaimed gravel pits. According to available mapping information, unsafe soils containing Marlboro clay or Christiana clay do not occur on this property. This information is provided for the applicant's benefit.

Stormwater Management

An unapproved Site Development Concept Plan (16177-2022) was submitted with the current application. Impacts to PMA for SWM are not supported, at this time, and will be evaluated with a subsequent application. Submittal of an approved SWM concept letter and plan will be required for subsequent development review applications. No further information pertaining to SWM is required, at this time.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—At the time of the writing of this technical staff report, DPR did not offer comments on the subject application.
 - g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 14, 2022 (Giles to Bishop), DPIE provided standard requirements for road frontage improvements, including new sidewalks, private roadways shall be at least 22 feet wide, and conformance with DPW&T's utility policy, stormwater management facilities, and drainage system specifications and standards. The site layout and impervious area shall be consistent with Site Development Concept Plan 16177-2022-0, which is currently under review.
 - h. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
 - i. **Prince George's County Health Department**—In a memorandum dated August 17, 2022 (Adepoju to Zhang), the Health Department provided several comments on this proposal. Those comments have been transmitted to the applicant who is aware of the health-related requirements. Comments such as an increase of impervious surface, fine particulate air pollution, and noise related to traffic will be further evaluated at the time of PPS and DSP, when detailed information on the site will be available.
 - j. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer separate comments on the subject application.
12. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, if approved with the conditions below, the CSP represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

13. Section 27-276(b)(4) of the prior Zoning Ordinance requires that, for approval of a CSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. According to the review by the Environmental Planning Section (Kirchhof to Burke, November 14, 2022), impacts are proposed to PMAs on-site; however, the regulated environmental features on the subject property have been preserved, to the fullest extent possible, based on the limits of disturbance shown on TCP1-016-2022.

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 Conceptual Site Plan CSP-22001 and Type 1 Tree Conservation Plan TCP1-016-2022 for Carozza Property, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
 - a. Correct the gross floor area (GFA) tabulations on the Proposed FAR table to represent the 1,088,000 GFA, consistent with the application.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of Marlboro Pike.
 - c. Revise Natural Resources Inventory NRI-016-2021 to indicate the isolated wetland areas as primary management area, per the Army Corps of Engineers and the Maryland Department of the Environment recommendations.
 - d. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Identify TCP1-016-2022 in the approval block.
 - (2) Identify TCP1-016-2022 on line 6 of the Woodland Conservation Worksheet.
 - (3) Identify TCP1-016-2022 within the plan title on the first sheet.
 - (4) Revise the TCP1 for general technical conformance with the Environmental Technical Manual (2018).
 - (5) Revise the disposition of Specimen Tree ST-1 in the specimen tree table as "Removed."
 - (6) Confirm the values for woodland clearing and conservation required. When calculated by staff, the worksheet does not match. Required woodland conservation for this site, based on clearing, is 20.67 acres.

2. At the time of preliminary plan of subdivision, design all intersections within the site to be perpendicular and properly aligned.
3. At the time of detailed site plan, the applicant shall:
 - a. Provide details on the sustainable site and green building techniques that will be used in this development.
 - b. Either reduce the floor area ratio (FAR) to 0.40 or exercise optional methods to allow development in excess of 0.40 FAR.
 - c. Provide the following facilities on a pedestrian and bikeway facilities plan:
 - (1) A minimum 10-foot-wide shared-use path, shared roadway pavement markings, and signage along the property frontage of Marlboro Pike, unless modified by the operating agency with written correspondence.
 - (2) A minimum 5-foot-wide sidewalk along both sides of all internal roadways.
 - (3) Americans with Disabilities Act compliant curb ramps and crosswalks crossing all vehicular access points.
 - (4) Designated pathways for pedestrians throughout the site to all uses and through surface parking lots.
 - (5) Streetscape amenities to be accessible and functional throughout the site to accommodate the mixed-use community.
 - (6) Long-term bicycle parking within the multifamily building and short-term bicycle near the building entrance, in accordance with American Association of State Highway and Transportation Officials guidelines.
 - (7) Short-term bicycle for the commercial areas, at a location convenient to the buildings, in accordance with American Association of State Highway and Transportation Officials guidelines.
 - (8) Dedicated space for rideshare activities.
 - d. Provide a plan for any interpretive signage to be erected and public outreach measures, based on the findings of the Phase I archeological investigations. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
4. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

CAROZZA PROPERTY

Conceptual Site Plan

TCP1-016-2022

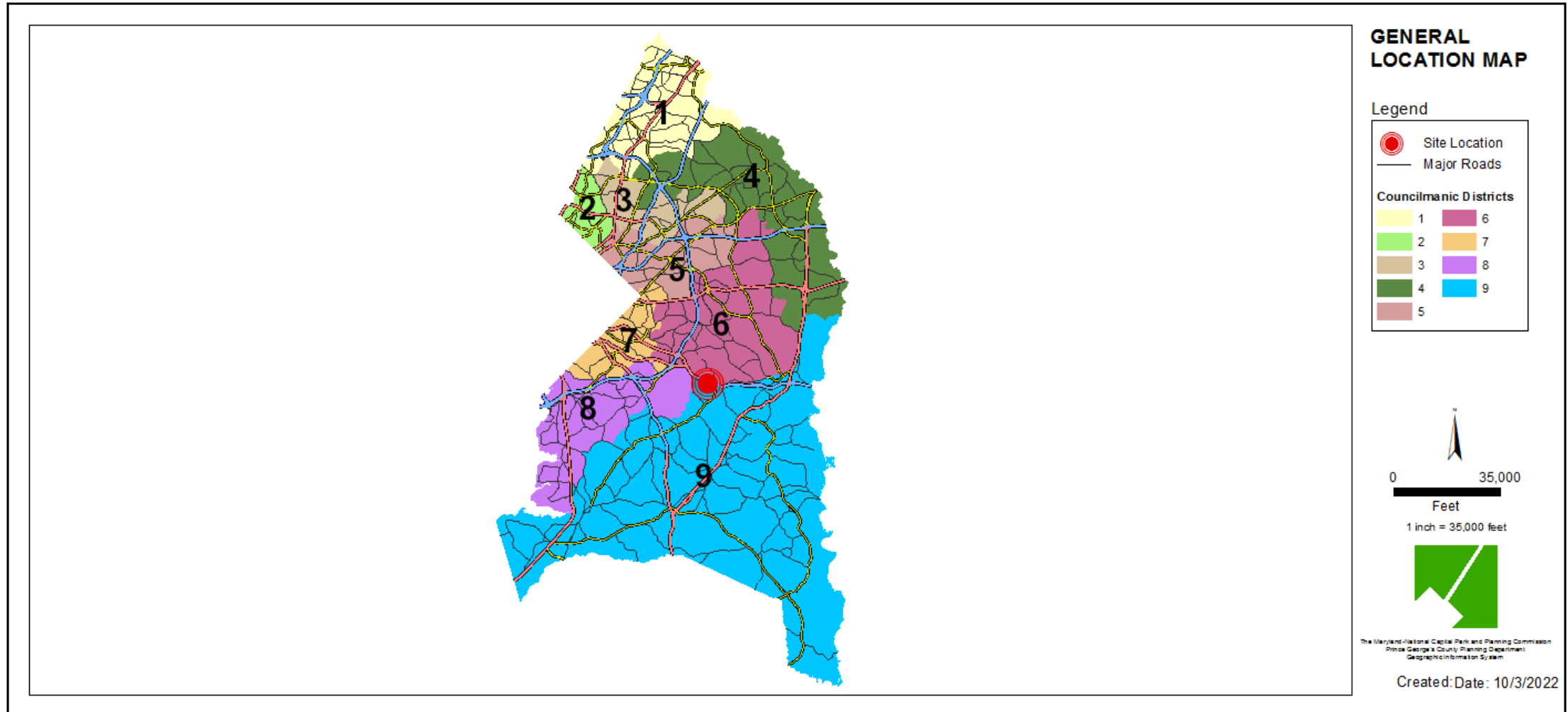
Staff Recommendation: APPROVAL with conditions



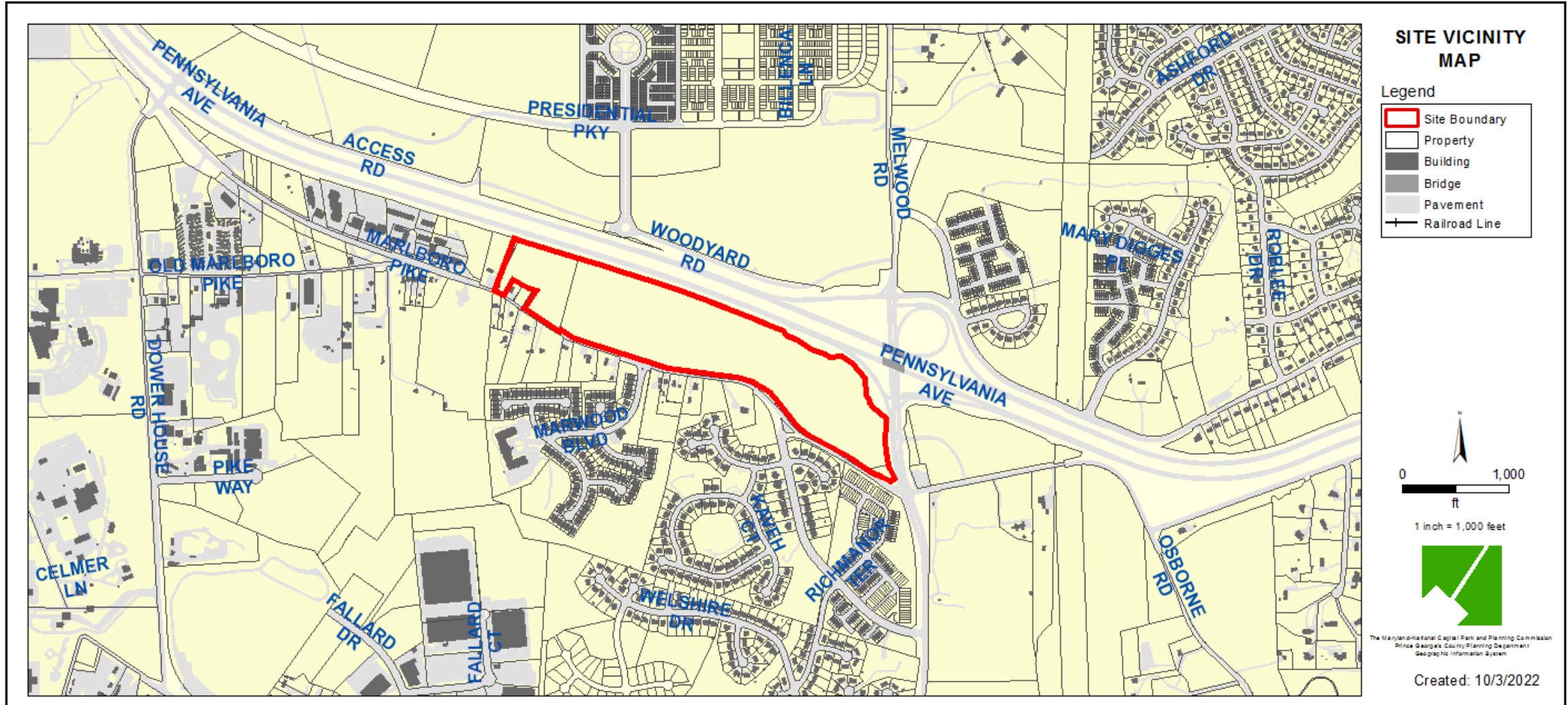
GENERAL LOCATION MAP

Council District: 09

Planning Area: 77



SITE VICINITY MAP

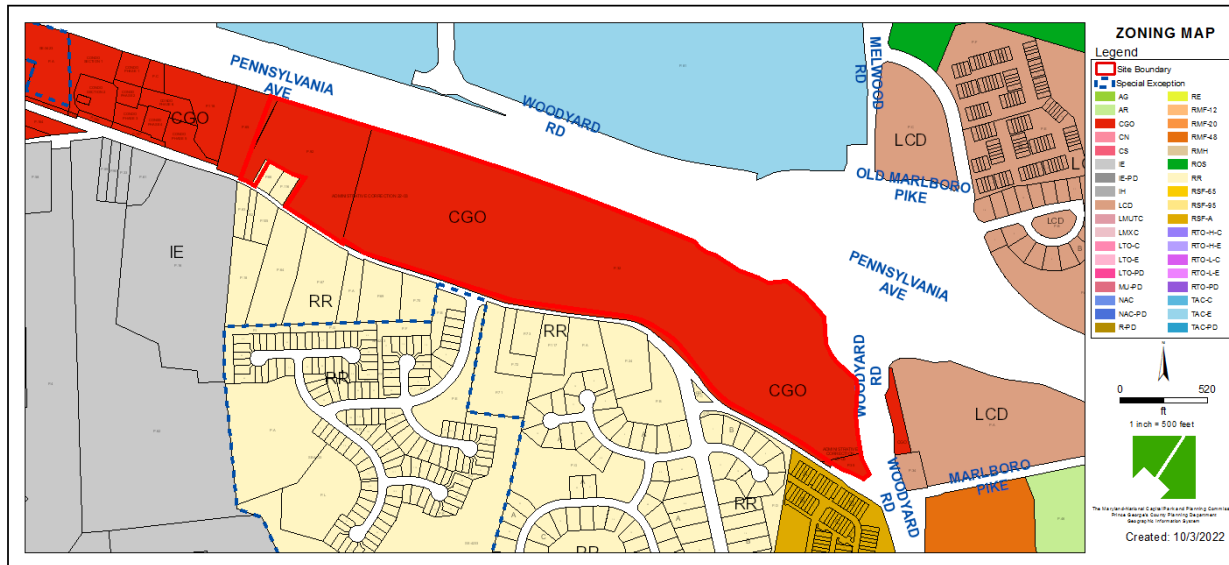


ZONING MAP (CURRENT & PRIOR)

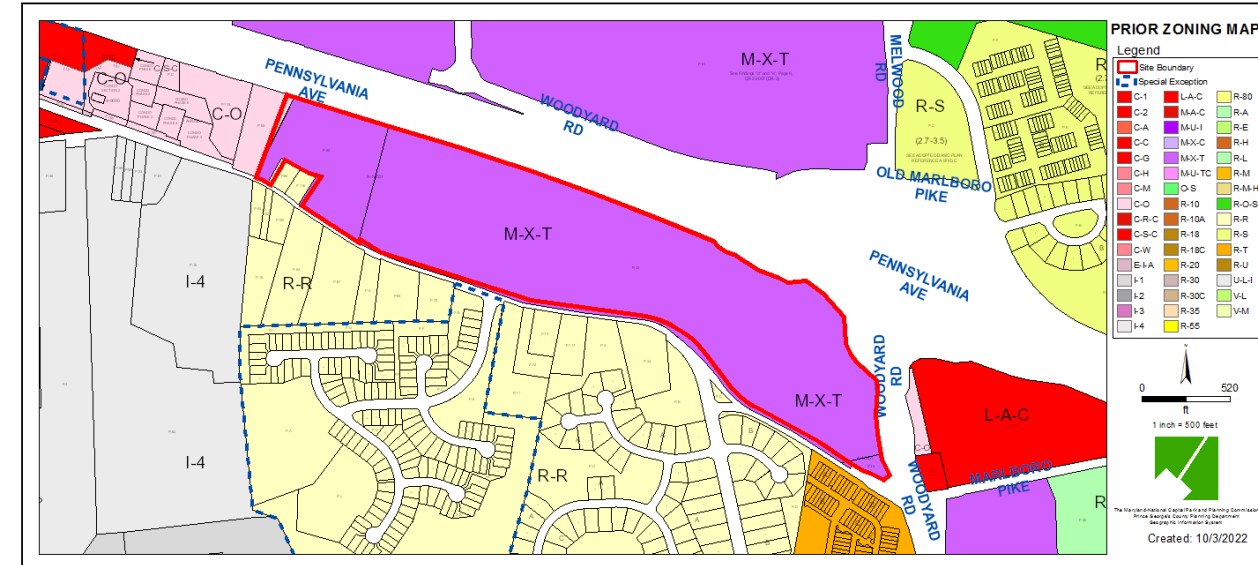
Property Zone: CGO/MIO

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

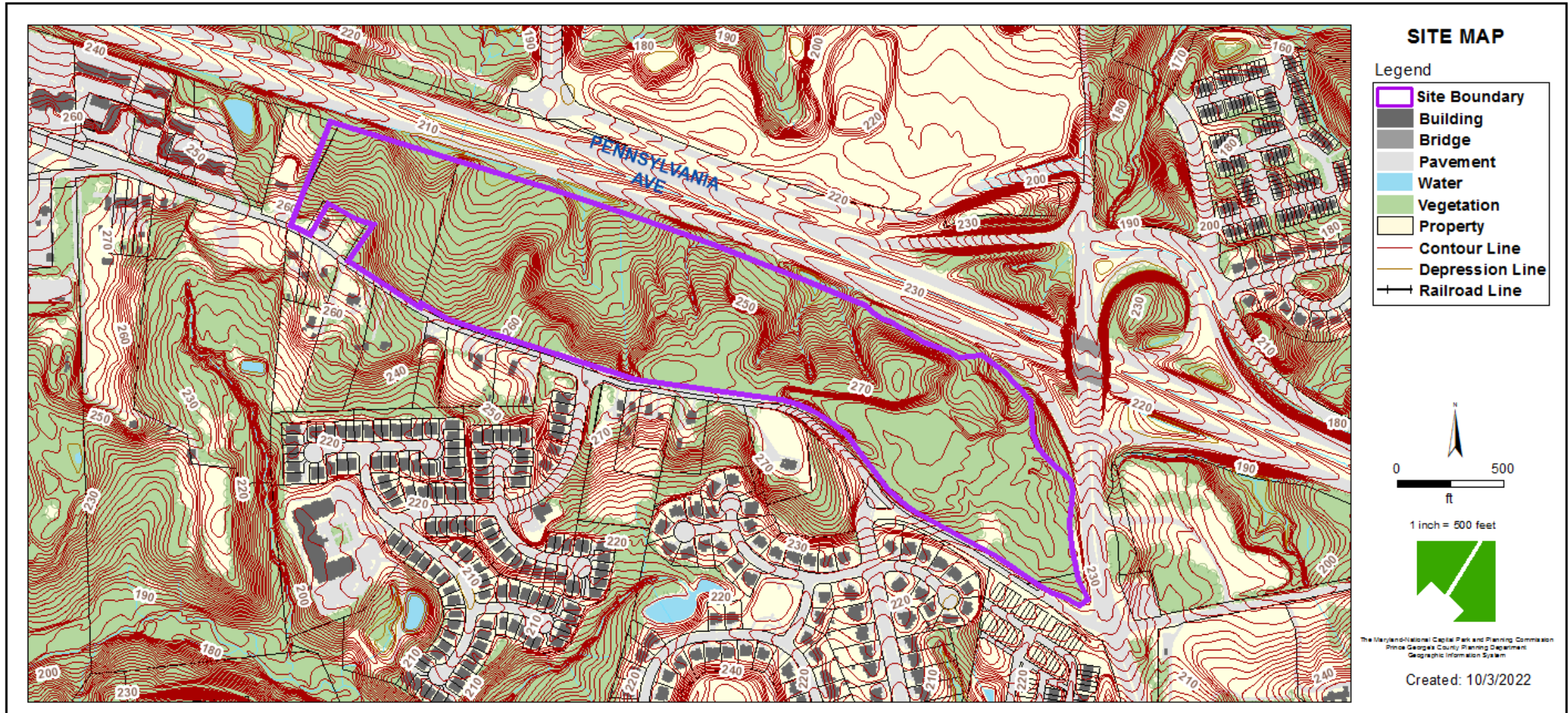
CURRENT ZONING MAP



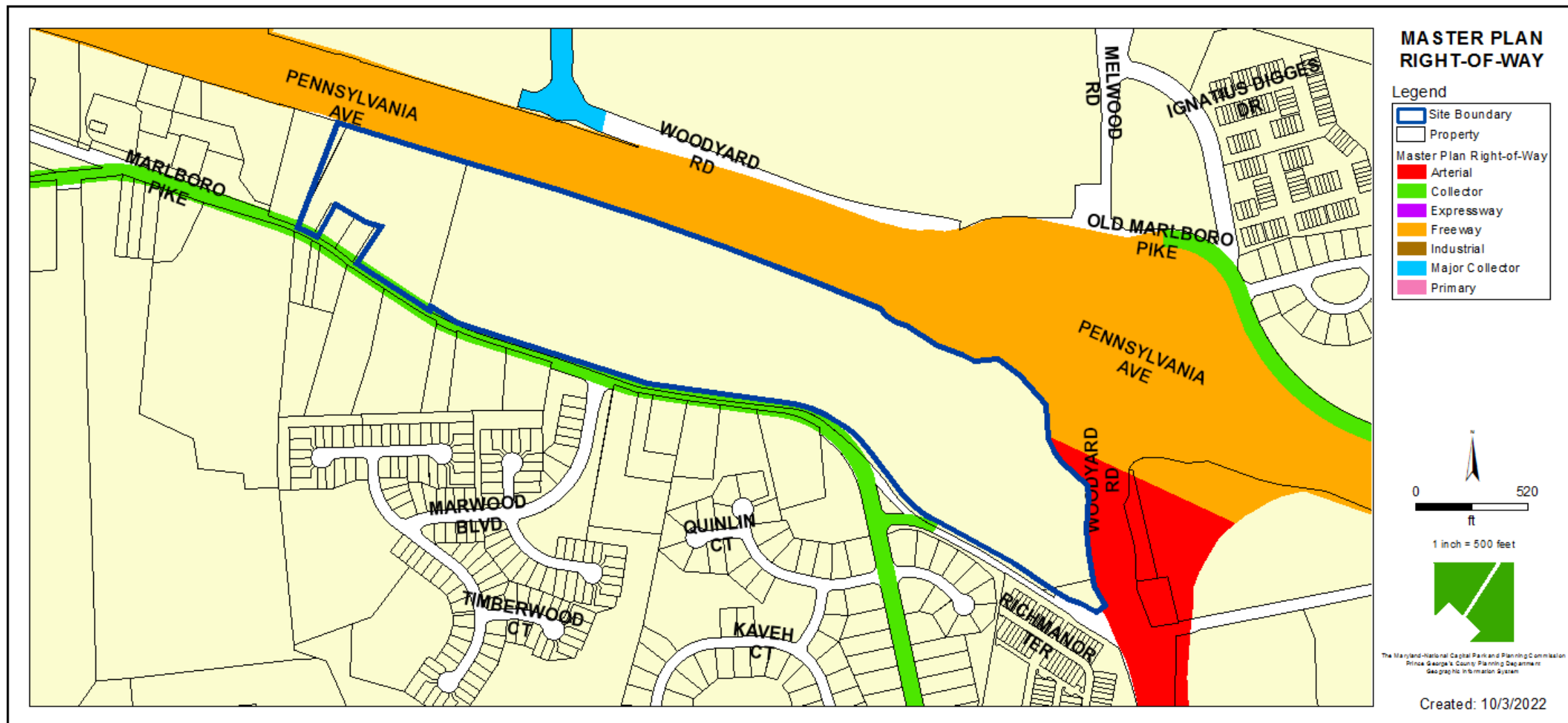
PRIOR ZONING MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



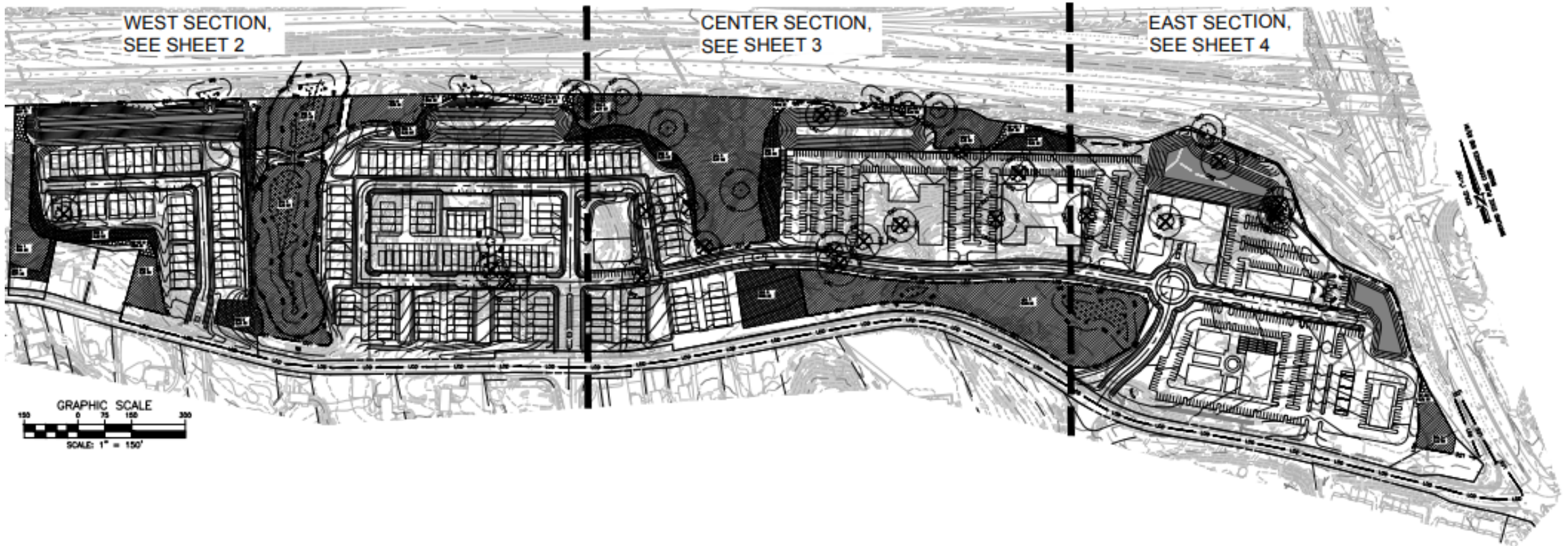
CONCEPTUAL SITE PLAN



LANDSCAPE & CIRCULATION PLAN



TYPE I TREE CONSERVATION PLAN



fill the unrolland conservation requirements for Conventional Rate Plan #23001. If Conventional Rate Plan #23001

ILLUSTRATION PLAN



STAFF RECOMMENDATION

APPROVAL with conditions
APPROVAL with Conditions

Conceptual Site Plan CSP-22001
Type 1 Tree Conservation Plan TCP1-016-2022

[Major/Minor] Issues:
N/A

Applicant Required Mailings:

- Information Mailing: 3/17/2022
- Acceptance Mailing: 7/14/2022

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Bradley S. Farrar
L. Paul Jackson, II*
*Also admitted in the District of Columbia

March 29, 2022
Revised: November 2, 2022

VIA HAND DELIVERY

Thomas Burke
Urban Design Section
Development Review Division
Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

**RE: Statement of Justification for Carozza Property Conceptual
Site Plan (CSP-22001)**

Dear Mr. Burke:

On behalf of our client, Global City Communities, LLC (Applicant), and Shipley and Horne, P.A., hereby submits this Statement of Justification in support of a proposed Conceptual Site Plan (CSP) application. The ranges of uses proposed in this mixed-use development application include open space, pedestrian ways, townhouses and multifamily residential, and various retail and commercial uses on approximately 59.932 acres of M-X-T (Mixed Use – Transportation Oriented) Zoned land.

This CSP application is submitted pursuant to the requirements of Section 27-273 and in accordance with the required findings contained in Section 27-276 of the Zoning Ordinance for Prince George's County. The proposal also reflects substantial conformance with the suggested development concepts and exhibits contained within the *2013 Subregion 6 Master Plan and Sectional Map Amendment (SMA)* and is consistent with the purposes and regulations in the M-X-T Zone as amended by Zoning Map Amendment A-10051-C for the Carozza Property.

I. Election to Utilize the M-X-T Zoning Procedures (Section 27-1704 (b))

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) became effective and rezoned the property to the newly created LCD Zone. Notwithstanding, the Applicant elects to utilize the applicable provisions of the prior zoning ordinance pursuant to Section 27-1704(b), which states in pertinent part:

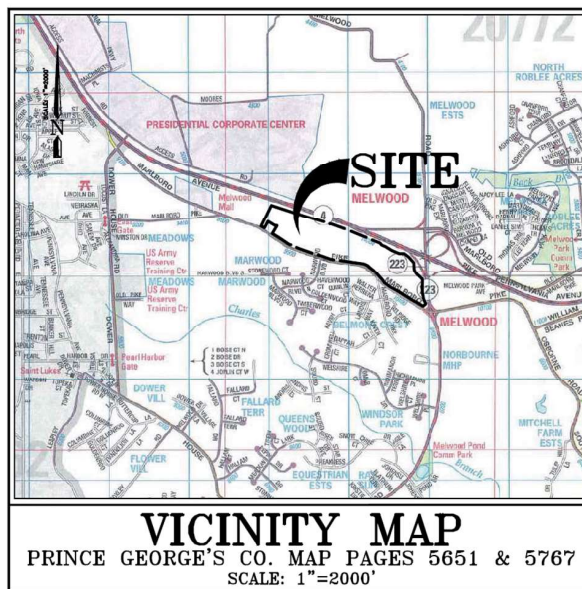
Section 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance

- (b) *Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.*

On February 8, 2022, the County Council of Prince George's County, Maryland, Sitting as the District Council signed into Law the Final Conditional Approval, an Ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and grant final conditional zoning approval in Zoning Map Amendment A-10051-C. Since these underlying approvals are currently valid, the Applicant can proceed with applications utilizing the provisions of the zoning ordinance that existed prior to April 1, 2022, per Section 27-1704(b) of the New Zoning Ordinance. The Applicant hereby elects to pursue the processing of their CSP-22001 using the provisions of the former zoning ordinance.

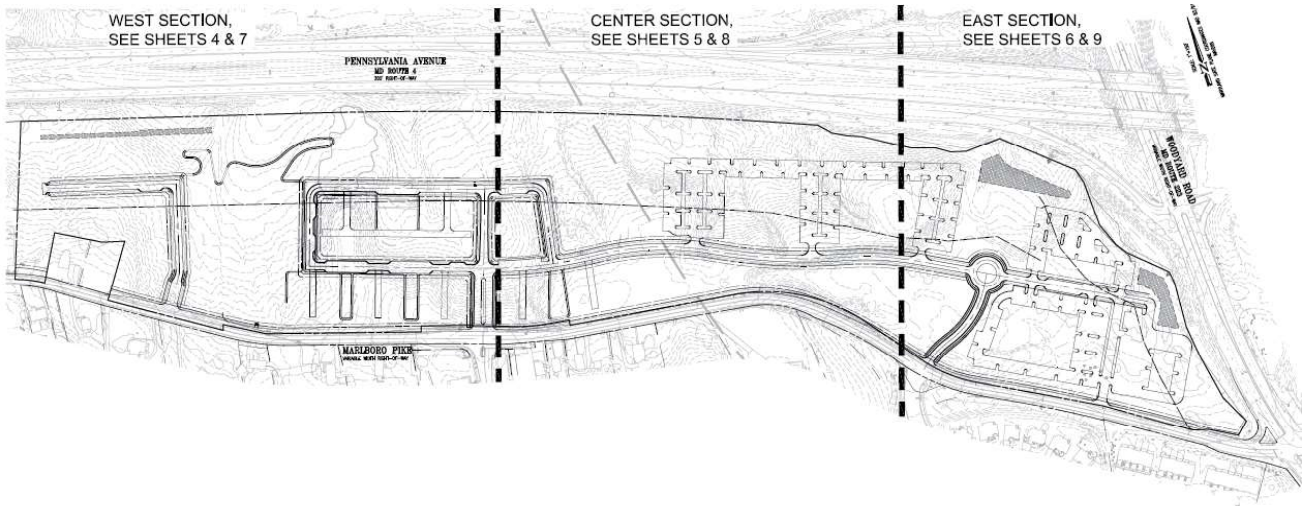
II. Description of Subject Property and Nature of Request:

The approximately 59.932-acre property is in the southwest quadrant of the intersection of MD 4 (Pennsylvania Avenue and MD 223 Woodyard Road) at the Marlboro Pike intersection. There are two dilapidated residences on the property with street addresses of 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland 20772.



Access to the Property is from Marlboro Pike, which affords linkage to the exiting ramp to MD 223 (Woodyard Road) and MD 4 (Pennsylvania Avenue) interchange and the nearby interstate

highway system to the west. The proper arrangement and mixing of these uses will promote maximum interaction. This Conceptual Site Plan (“CSP”) submission is required to be submitted for review under the M-X-T Zone.



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

The Applicant is seeking approval of the subject CSP to allow a mixed-use development consisting of:

- 199 townhouse units,
- 401 multifamily units in two (2) buildings,
- 50,000 square feet of retail commercial,

	Proposed CSP-22001 Plan
Zone	M-X-T
Use(s)	Residential, retail commercial
Acreage of CSP Application	59.932
Area within floodplain	0.000
Townhouse Residential	638,000 GSF
Multifamily Residential	200,000 GSF
Multifamily Residential	200,000 GSF
Commercial /Retail	50,000 GSF
Clubhouse	<u>10,000 GSF</u>
Total =	1,088,000 GSF
FAR =	0.417

Surrounding Uses:

- North:** Pennsylvania Avenue (MD 4), and across MD 4 to the north, the property is being developed as the Westphalia Town Center in the M-X-T Zone; to the northeast, the interchange between MD 4 and MD 223.
- South** Marlboro Pike and south of Marlboro Pike, single-family detached dwellings in the R-R Zone and townhouses in the R-T Zone.
- East:** Woodyard Road (MD 223) and east of MD 223, vacant L-A-C (Local Activity Center) and M-X-T zoned property. Final approval of the Detailed Site Plan by the District Council occurred on April 26, 2021, for the construction of a 4,650 square foot food and beverage store.
- West:** A vacant commercial building on a 2-acre C-O (Commercial Office) zoned parcel and, further west, commercial uses in the C-O and C-S-C (Commercial Shopping Center) zones.

III. Previous Approvals:

On February 8, 2022, the County Council of Prince George's County, Maryland, Sitting as the District Council signed into Law the Final Conditional Approval, an Ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and grant final conditional zoning approval in Zoning Map Amendment A-10051-C. Said action conditionally approve Zoning Map Amendment A-10051-C to rezone the subject approximately 59.932 acres from R-R (Rural Residential) Zone to M-X-T (Mixed Use-Transportation Oriented) Zone, located in the southwest quadrant of the intersection of Pennsylvania Avenue (MD4) and Woodyard Road, identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, Council District 9. As a basis of their final decision, the District Council adopted and incorporated by reference, except as otherwise stated within their decision, the Hearing Examiner's findings and conclusions to rezone the subject property.

Following are the A-10051-C conditions of approval:

- (1) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance.***
- (2) The Conceptual Site Plan shall include the following:***
 - (a) A general description of the pedestrian system proposed;***
 - (b) The proposed floor area ratio;***
 - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;***

- (d) A general description of any incentives to be used under the optional method of development;*
 - (e) Areas proposed for landscaping and screening;*
 - (f) The proposed sequence of development; and*
 - (g) The physical and functional relationship of the project uses and components*
- (3) The following information shall be included on the Detailed Site Plans:*
 - (a) proposed drainage system;*
 - (b) All improvements and uses proposed on the property;*
 - (c) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used;*
 - (d) Supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or with the current State Consolidated Transportation Program, will be provided by the Applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club) or are incorporated in a specific public facilities financing and implementation program, if more than six (6) years have elapsed since a finding of adequacy was Made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plan approval, whichever occurred last; and*
 - (e) Supporting evidence of the preservation of the scenic corridor buffer along Pennsylvania Avenue (MD 4)*
- (4) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:*
 - (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision I of the Zoning Ordinance;*
 - (b) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;*
 - (c) The proposed development is compatible with existing and development in the vicinity;*
 - (d) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;*
 - (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;*
 - (t) The pedestrian system is convenient and is comprehensively designed to*

encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated.

- (g) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban, design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial);*
- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and*
- (i) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, with the current State Consolidated Transportation Program, or to be provided by the Applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).*

Response: The Applicant's detailed Responses to the above enumerated A-10051-C conditions of approval are provided in detail later in **VIII Section 27-546 – M-X-T Zone Site Plans** of this statement of justification.

IV. Relationship to County Plans and Policies:

2035 General Plan and 2013 Subregion 6 Master Plan and Sectional Map Amendment (SMA) –

The Zoning Hearing Examiner and the Prince George's County District County found in her final A-10051 Remand decision that the Application furthers the purposes of the M-X-T Zone since the subject property lies within the vicinity of a major interchange (MD 4 and MD 223); it can be developed in a manner to support the General Plan 2035 and Subregion 6 Master Plan goals of compact, mixed-use, and internally walkable design; it can encourage a robust (if not quite 24-hour) environment. In support of those goals, the range of uses proposed in this mixed-use development application includes open space, pedestrian ways, townhouses and multifamily residential, and supporting retail and commercial uses in a design with a distinctive visual character and identity.

This proposal is consistent with the vision, policies, and strategies contained within the 2002 Prince George's County Approved General Plan and the Plan Prince George's 2035 Approved General Plan (Plan Prince George's 2035). The subject property in this application is in the Developed Tier of the 2002 General Plan. The Plan Prince George's 2035 land use map identifies the subject property as vacant land.

Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan (May 2017) – The 2017 Prince George's County Resource Conservation Plan combined three plans, including an update to the Green Infrastructure Plan, the Agriculture Conservation Plan, and the Rural Character Conservation Plan. (2017 Resource Conservation Plan, pp. 6-8). The Resource Conservation Plan “supports the general vision and goal of Plan 2035, and specifically the environmental goal” which urges that growth be directed “to the designated Downtowns, Regional Transit Districts, the Innovation Corridor, and Local Centers” by “providing general direction on where development should not occur in order to protect the precious remaining resources.” (2017 Resource Conservation Plan, pg. 9). According to the Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan, the majority of the site falls within regulated areas and evaluation areas. Based on available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the primary management area (PMA). The evaluation areas adjacent to regulated environmental features provide opportunities for building larger riparian buffers and habitat corridors, and opportunities to provide linkages between environmental features.

The development of the Subject Property was reviewed in conjunction with the zoning map amendment case that was litigated in multiple public hearings both before the Zoning Hearing Examiner and the Prince George's County District Council in Case No.: A-10050-C; the Hearing Examiner found that she “...since the Applicants were able to prepare a Natural Resource Inventory that satisfied the approving authorities regulated environmental features are shown and will be protected.” The Natural Resource Inventory Case Number: NRI-016-2021 approved on March 9, 2019, confirm the environmental site feature will be protected.

Woodland and Wildlife Habitat Conservation Ordinance –The US Fish & Wildlife Service's National Wetland Inventory map shows no wetlands mapped within the study area. Based on the Natural Resource Conservation Service's soil survey, there are no hydric soils mapped within the study area and all soil series are well drained. According to available mapping information, Marlboro clay or Christiana complexes do not occur on or in the vicinity of this property. A review of available mapping information indicates the subject area is not within a Sensitive Species Project Review Area (SSPRA) and does not contain potential forest interior dwelling species (FIDS) habitat. The site is located within the Western Branch, a stronghold sub-watershed within the Patuxent River basin. The Applicant's environmental design team are in the process of finalizing their studies of the site's environmental characteristics and reporting on their findings in conjunction with this CSP-22001 application.

County's Ten-Year Water and Sewerage Plan – The 2010 Water Resources Functional Master Plan amends the 2002 General Plan and provides growth guidance expressed as goals, policies, and strategies to address water quality impacts associated with land use in the County. The Plan references the Ten-year Water and Sewer Plan and addresses specifically: Drinking Water Supply, Water Treatment, and Stormwater Management. The subject property is within water and sewer categories W-5 and S-5, which will require both legislative and administrative approvals to extend the nearby WSSC operated public water and sewer system to the property. Said applications for an

extension cannot be made until after Planning Board approval of the 4-22033 preliminary plan of subdivision.

Woodland Conservation Ordinance – Easement—Section 25-122(d)(1)(B) requires that woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the provisions of the state Forest Conservation Act, which requires that woodland conservation areas have long-term protection measures in effect at all times.

2009 Master Plan of Transportation – The Zoning Ordinance 27-546(d)(9) requires a Transportation Improvement Analysis (TIA) for properties placed in M-X-T zone by a Sectional Map Amendment, but for property that were rezoned to M-X-T by a Zoning Map Amendment, a TIA is not required at time of CSP application review. The TIA submitted as part of the Subject Property's A-10051 Zoning Map Amendment case was found to support that A-10051 Application. A TIA will be required and presented at the time of Preliminary Plan of Subdivision application review.

V. Compliance With Evaluation Criteria:

The Site Plan, discussed in Section I of this statement of justification, has been prepared in accordance with the following criteria:

1. The requirements of the Zoning Ordinance for development of an office building in the M-X-T Zone;
2. The requirements for parking and loading in the M-X-T Zone (Sections 27-547 and 27-583);
3. The Woodland Conservation and Tree Preservation Ordinance;
4. The requirements of the *Landscape Manual*;
5. The anticipated conditions of approval of the Stormwater Management Concept Plan that has been submitted to and reviewed by DPW&T. The DPW&T approval of the SWM Concept plan is pending the NRI approval that is currently under review by MNCPPC;
6. The requirements will be provided with the Detailed Site Plan application.

VI. Zoning Ordinance Standards:

Requirements of the Zoning Ordinance –

The subject application is in conformance with the provisions of the Zoning Ordinance. The proposed mixed multifamily, townhome residential, commercial-retail buildings, and structured parking garage are defined as permitted use pursuant to the M-X-T Zone.

VII. Relationship to Requirements of the Zoning Ordinance:

PART 3 ADMINISTRATION.

DIVISION 9. SITE PLANS.

**SUBDIVISION 2. REQUIREMENTS FOR CONCEPTUAL SITE
PLAN**

Section 27-272 - Purpose of Conceptual Site Plans.

(b) General purposes.

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

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plan;***
- (B) To help fulfill the purposes of the zone in which the land is located;***
- (C) To provide for development in accordance with the site design guidelines established in this Division; and***
- (D) To provide approval procedures that are easy to understand and consistent for all types of Conceptual Site Plans.***

Response: The Application furthers the purposes of the M-X-T Zone since the subject property lies within the vicinity of a major interchange (MD 4 and MD 223); it can be developed in a manner to support the General Plan and Subregion 6 Master Plan goals of compact, mixed-use, and internally walkable design; it can encourage a robust (if not quite 24-hour. In support of those goals, the range of uses proposed in this mixed-use development application includes open space, pedestrian ways, townhouses, and multifamily residential, and supporting retail and commercial uses or services in a design with a distinctive visual character and identity.

(c) Specific purposes.

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

- (A) To explain the relationships among proposed uses on the subject site, and between the uses on the site and adjacent uses;***
- (B) To illustrate approximate locations where buildings, parking lots, streets, green areas, and other similar physical features may be placed in the final design for the site;***
- (C) To illustrate general grading, woodland conservation areas, preservation of sensitive environmental features, planting, sediment control, and storm water management concepts to be employed in any final design for the site; and***

- (D) To describe, generally, the recreational facilities, architectural form of buildings, and street furniture (such as lamps, signs, and benches) to be used on the final plan.***

Response: The proposed CSP has been designed and developed in accordance with these specific purposes utilizing the findings of the Tree Conservation Plan, Stormwater Management Concept Plan, Sediment Control Plan, and Natural Resources Inventory, i.e., NRI-016-2021 approved on March 9, 2021, for the subject site.

Section 27-273. Submittal requirements.

Response: The CSP and supporting documentation and plans have been submitted pursuant to all requirements in this section.

Section 27-274. Design Guidelines.

- (a) The Conceptual Site Plan shall be designed in accordance with the following guidelines:***

(1) General.

- (A) The Plan should promote the purposes of the Conceptual Site Plan.***

Response: The proposed CSP has been designed and developed in accordance with many of the following design guidelines.

- (B) The Applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.***

Response: As discussed above, the proposed CSP demonstrates compliance with the general and specific purposes for CSP applications. Details will be shown at the time of the Detailed Site Plan review.

(2) Parking, loading, and circulation.

- (A) 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. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:***

- (i) *Parking lots should generally be provided to the rear or sides of structures;*
 - (ii) *Parking spaces should be located as near as possible to the uses they serve;*
 - (iii) *Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;*
 - (iv) *Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and*
 - (v) *Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.*
- (B) *Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:*
 - (i) *Loading docks should be oriented toward service roads and away from major streets or public view; and*
 - (ii) *Loading areas should be clearly marked and should be separated from parking areas to the extent possible.*
- (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:*
 - (i) *The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;*
 - (ii) *Entrance drives should provide adequate space for queuing;*
 - (iii) *Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;*
 - (iv) *Parking areas should be designed to discourage their use as through-access drives;*
 - (v) *Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;*
 - (vi) *Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;*
 - (vii) *Parcel pick-up areas should be coordinated with other on-site traffic flows;*

- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;*
- (ix) Pedestrian and vehicular circulation routes should generally be separated 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; and*
- (xi) Barrier-free pathways to accommodate the handicapped should be provided.*

Response: The proposed CSP plans and exhibits included with this application have been prepared in recognition of the above guidelines; details will be provided for review at the time of the Detailed Site Plan.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:*
 - (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;*
 - (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;*
 - (iii) The pattern of light pooling should be directed on-site;*
 - (iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;*
 - (v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and*
 - (vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.*

Response: Lighting standards to be utilized will be designed to use energy-efficient LED full cut-off optics lighting fixtures, with details to be provided at the time of Detailed Site Plan review.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.*

Response: The Applicant's proposal demonstrates a compact mixed-use development capable of complementing nearby residential, commercial, and employment areas with a variety of residential and mixed commercial uses. The project will provide appropriate open space and recreational amenities that will enhance pedestrian connections to existing and future trail systems and promote walkability to and from the subject property and among the variety of mixed land uses located therein.

(5) Green area.

- (A) *On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:***
- (i) *Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;***
 - (ii) *Green area should link major site destinations such as buildings and parking areas;***
 - (iii) *Green area should be well-defined and appropriately scaled to meet its intended use;***
 - (iv) *Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;***
 - (v) *Green area should be designed to define space, provide screening and privacy, and serve as a focal point;***
 - (vi) *Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and***
 - (vii) *Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.***
- (B) *The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b) (5).***

Response: The CSP application presents a development that is well-positioned to integrate the subject property's existing vegetative tree cover into the project's overall landscaping, both within the development and along the periphery, to help soften view from adjacent roadways and surrounding development.

The project site is divided into five (5) drainage areas: [1] runoff from that section of the site located in the western-most area is being directed to a combination of Micro-scale Environmental Site Design (ESD) facilities and proposed stormwater management dry pond. [2] runoff from that project area is located in the midwestern portion of the site to be directed to a combination of Micro-scale ESD facilities and a proposed dry pond. [3] runoff from that section is located in the mid-eastern

portion of the site to be directed to a combination of Micro-scale ESD facilities and a proposed dry pond. [4] runoff from that section is located in the northeastern corner of the project site to be treated by Micro-scale ESD facilities. [5] runoff from that section is located in the southeastern corner of the project site to be treated by Micro-scale ESD facilities. Landscaping and other green areas are being considered as an integral element of the walkway throughout the project site.

(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 in order to enhance the visual unity of the site;**
- (ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;**
- (iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;**
- (iv) Amenities should be functional and should be constructed of durable, low maintenance materials;**
- (v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;**
- (vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and**
- (vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.**

Response: The proposed CSP plans and exhibits included with this Application have been prepared in recognition of the above guidelines; details will be provided for review at the time of the Detailed Site Plan.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:

- (i) *Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;*
- (ii) *Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;*
- (iii) *Grading and other methods should be considered to buffer incompatible land uses from each other;*
- (iv) *Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and*
- (v) *Drainage devices should be located and designed so as to minimize the view from public areas.*

Response: The proposed CSP has been designed and developed in accordance with these specific purposes utilizing the findings of the Tree Conservation Plan, Stormwater Management Concept Plan, Sediment Control Plan, and Natural Resources Inventory, i.e., NRI-016-2021 approved on March 9, 2021, for the subject site.

As discussed previously, the site will be buffered by an appropriate landscape as required by the Landscape Manual. This residential portion of the site will be developed using Environmental Site Design (ESD) techniques that dictate that stormwater management is provided in multiple small facilities. These facilities will be visible from the public areas but will be small and landscaped to provide a more pleasing view than traditional stormwater management facilities.

(8) Service areas.

- (A) *Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:*
 - (i) *Service areas should be located away from primary roads, when possible;*
 - (ii) *Service areas should be located conveniently to all buildings served;*
 - (iii) *Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and*
 - (iv) *Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.*

Response: Service areas details will be provided for review at the time of Detailed Site Plan approval.

(9) Public spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:**
- (i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;**
 - (ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;**
 - (iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;**
 - (iv) Public spaces should be readily accessible to potential users; and**
 - (v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation. Response: Open space is provided throughout the development and will incorporate natural areas, as well as a linear park with plazas, walkways, and seating areas. Details for the open space system and public spaces details will be provided for review at the time of the Detailed Site Plan.**

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

Response: Architectural details and materials will be provided for review at the time of the Detailed Site Plan.

(11) Townhouses and three-family dwellings.

- (A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained,**

the Applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

- (B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.*
- (C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.*
- (D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.*
- (E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the Applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.*

Response: Townhouses have been arranged to maximize access to open space. Lots front onto private streets and are buffered from public rights of way and parking lots. Landscaping will be provided, and both natural areas and planned trails and plazas are easily accessible through a network of sidewalks and trails. Architectural details and materials will be reviewed at the time of the Detailed Site Plan.

Section 27-276. Planning Board procedures.

(b) Required Findings.

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

Response: The Conceptual Site Plan proposal satisfies this criterion. The proposed site plan has been designed and developed in accordance with these specific purposes with the intent to implement the recommendations and conditions of the Zoning Hearing Examiner's A-10051 approval for meeting the standards of the Zoning Ordinance and fulfilling the purposes of the M-X-T Zone.

- (2) *The Planning Board may approve a Conceptual Site Plan for a Mixed-Use Planned Community in the E-I-A or M-X-T Zone if it finds that the property and the Plan satisfy all criteria for M-X-T Zone approval in Part 3, Division 2; the Plan and proposed development meets the purposes and applicable requirements of the M-X-T Zone; the Plan meets all requirements stated in the definition of the use; and the Plan shows a reasonable alternative for satisfying, in a high-quality, well-integrated mixed-use community, all applicable site design guidelines.*

Response: The Applicant is proposing a well-integrated and mixed-use development that does comply with M-X-T Zone criteria, purposes, requirements, and use definitions.

- (3) *The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meet the purposes and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code.*

Response: A Regional Urban Community is not proposed in this Application.

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

Response: As discussed previously in the justification statement, the proposed CSP has been designed and developed in accordance with these specific purposes utilizing the findings of the Tree Conservation Plan, Stormwater Management Concept Plan, and Natural Resources Inventory, i.e., NRI-016-2021 approved on March 9, 2019, for the subject site.

This residential portion of the site will be developed using Environmental Site Design (ESD) techniques that dictate that stormwater management is provided in multiple small facilities. These facilities will be visible from the public areas but will be small and landscaped to provide a more pleasing view than traditional stormwater management facilities. The site will be buffered by an appropriate landscape as required by the Landscape Manual.

VIII. Section 27-542 - Purpose of M-X-T Zones

- (a) *The purposes of the M-X-T Zone are:*

- (1) *To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated*

General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

Response: Consolidation of the subject property into the M-X-T Zone by the recent zoning map amendment (A-10051-C) ensures orderly and balanced development of the subject property that is located at the intersection of two major arterial highways and in an area identified as the terminus of the General Plan's Woodyard (MD 223) Road Corridor. Moreover, immediately north across Pennsylvania Avenue (MD 4), the area is identified in the Westphalia Sector Plan for intensive mixed-use development as part of the urban corridor node concept. While it may have been debatable as to the proper zone to place the property in during the prior Sector Map Amendment and Zoning Map Amendment proceedings, there remains no doubt that the M-X-T Zone is a viable and realistic zone in which the development of this property can be vetted with the community through this Conceptual Site Plan and Preliminary Plan of Subdivision application and subsequent Detailed Site Plan development review procedures. The M-X-T Zone enables the Applicant to immediately begin a mixed-use residential and commercial development that will contribute to expanding desirable employment and housing opportunities.

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

Response: As discussed above, the Zoning Hearing Examiner found in her final A-10051 Remand decision that the Application furthers the purposes of the M-X-T Zone since the subject property lies within the vicinity of a major interchange (MD 4 and MD 223); it can be developed in a manner to support the General Plan and Subregion 6 Master Plan goals of compact, mixed-use, and internally walkable design; it can encourage a robust (if not quite 24-hour) environment. In support of those goals, the range of uses proposed in this mixed-use development application includes open space, pedestrian ways, townhouses, and multifamily residential, and supporting retail and commercial uses in a design with a distinctive visual character and identity.

The Applicant's proposal demonstrates a compact mixed-use development capable of complementing nearby residential, commercial, and employment areas with a variety of mixed commercial uses and expanded quality housing opportunities. The subdivision process will ensure the adequacy of public facilities and services, and the subsequent DSP process will ensure a high-quality design. The project will provide appropriate open space and recreational amenities that will enhance pedestrian connections and promote walkability to and from the subject property and among the variety of mixed land uses located therein.

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

Response: The recently approved rezoning of the subject property to the M-X-T Zone increases the value and tax base of the subject property by providing a properly sized development envelope at a location capable of accommodating more intensive development. The Subject Property ideally is

suited to flexibly respond to market and economic variability in that it allows a variety of building forms and a mix of uses.

- (4) *To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;***

Response: The Applicant is confident that the location of residential, commercial retail uses provide for sustainable community identity and provides for a broad range of development opportunities. The rezoning of the subject property will facilitate opportunities for future development that will provide an effective transition between Pennsylvania Avenue.

- (5) *To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;***

Response: The ranges of uses proposed are anticipated to include open space, recreation, office, hotel, and various retail and entertainment uses. The proper arrangement and mixing will these uses will promote maximum interaction of uses within the proposed development and the surrounding community.

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

Response: As discussed previously, the Application furthers the purposes of the M-X-T Zone since the subject property lies within the vicinity of a major interchange (MD 4 and MD 223); it can be developed in a manner to support the General Plan and Subregion 6 Master Plan goals of compact, mixed-use, and internally walkable design; it can encourage a robust (if not quite 24-hour) environment. In support of those goals, the range of uses proposed in this mixed-use development application includes open space, pedestrian ways, townhouses, and multifamily residential, and supporting retail and commercial uses in a design with a distinctive visual character and identity.

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

Response: The proposed CSP illustrates how the site can be developed to enhance functional relationships between uses and provide distinctive open space amenities that link the various uses and provide a distinctive visual character and identity. Details of these relationships will be demonstrated at the time of the Detailed Site Plan review.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;***

Response: The Applicant is confident that the subject CSP application clearly supports the M-X-T zoning in the area furthers this purpose, and the subject proposal is being designed to maximize these stated efficiencies.

The proposed development incorporates a comprehensively-planned design that includes a mix of uses that, when considered in the context of nearby residential, office, and employment land uses, will increase opportunities for around-the-clock activities as envisioned by the Sector Plan. Also, the site will be developed with appropriate sidewalks and pedestrian connections to adjacent land uses and will incorporate open space elements geared to enhancing the pedestrian experience. Moreover, the site will be developed in a manner that will enhance stormwater management in the area. In furtherance of the environmental goals, the project plan incorporates ESD techniques which dictate that stormwater management is provided in multiple small facilities.

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

Response: The M-X-T Zone ideally is suited to flexibly respond to market and economic variability in that it allows a variety of building forms and a mix of uses.

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

Response: Approval of the M-X-T Zone will finally allow the Applicant to begin designing implementing many of the development concepts and guidelines in the sector plan. The proposed CSP is compatible with all of the above purposes for the M-X-T Zone as discussed herein. Greater architectural details will be provided at the time of the DSP application.

Section 27-547 (b) - TABLE OF USES:

Both residential and commercial uses are proposed and are required uses in the M-X-T Zone.

Section 27-544 Regulations:

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

Response: Division 3 contains the Table of Uses (b) for the M-X-T Zone. Only uses that are permitted or permitted by Special Exception will be proposed during subsequent review processes. Table of Uses (d) requires at least two (2) of the following three (3) uses (retail businesses; office, research, or industrial; and dwellings, hotel, or motel) to be shown on a subsequent Conceptual Site Plan and provided in the ultimate development. The subject property is anticipated to include uses from at least two (2), if not all three (3) categories. The proposed CSP has been prepared to be consistent with the above regulations to the extent they are not affected by requirements in Subsection (b) below).

(b) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:

(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

Response: As stated above, on February 8, 2022, the County Council of Prince George's County, Maryland, Sitting as the District, signed into Law the Final Conditional Approval, an Ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and grant final conditional zoning approval in Zoning Map Amendment A-10051-C. Said action conditionally approve Zoning Map Amendment A-10051-C to rezone the subject approximately 59.932 acres from R-R (Rural Residential) Zone to M-X-T (Mixed Use-Transportation Oriented) Zone, located in the southwest quadrant of the intersection of Pennsylvania Avenue (MD) and Woodyard Road, identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, Council District 9. As a basis of their final decision, the District Council adopted and incorporated by reference, except as otherwise stated within their decision, the Hearing Examiner's findings and conclusions to rezone the subject property.

(2) The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

Response: The CSP is proposing the following unique and urban-oriented elements that will be reviewed during the Detailed Site Plan review:

- 20' wide rear-loading townhouse units.
- 22'-24' wide front-loading townhouse units.
- Minimum Net Lot Area Townhouse lot size of 1,200 square feet - the minimum lot size proposed is 1,200 square feet.
- 22' Wide Paved Private Streets within 50'-52' wide ROW's - Private Streets have been proposed to serve as access to the fronts of the proposed townhouse dwelling units.
- The use of private streets to access lots that do not have frontage on a public right-of-way.

(c) Notwithstanding the provisions of Section 27-270, a grading permit may be issued as long as it is in conformance with an approved Conceptual Site Plan.

Response: The Applicant has not determined if they will pursue this option but wishes to have the flexibility in the future should they choose to do so.

(d) Mixed-Use Planned Community Regulations.

Response: The entirety of the subject property is within the M-X-T Zone. The overall property is not designated as a Mixed-Use Planned Community (pursuant to Section 27-107.01 (151.01) of the Zoning Ordinance. However, the Applicant is proposing a well-integrated and mixed-use development that does comply with M-X-T Zone criteria, purposes, requirements, and use definitions.

(e) Regional Urban Community Regulations.

Response: Subsection (e) is not applicable because the subject property is not proposed as a component of a Regional Urban Community (pursuant to Section 27-107.01 (197.1) of the Zoning Ordinance.

IX. Conditions of Zoning Map Amendment A-10051-C Approval.

(1) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance.

(2) The Conceptual Site Plan shall include the following:

(a) A general description of the pedestrian system proposed;

Response: The proposed CSP incorporates separate vehicular and pedestrian circulation systems that minimize conflicts. Parking areas are provided through the use of surface parking. Details of each element will be provided for review at the time of the Detailed Site Plan. Furthermore, to facilitate connectivity with the surrounding community, the site has been designed with a bikeway through the

subject property with connectivity to Marlboro Pike and Woodyard Road (MD 223). Also provided are pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. A cross-section of the proposed bikeway is provided in this submittal. All bikeway location recommendations are being coordinated with the Department of Public Works and Transportation (DPW&T) and shall be designed to comply with the Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors Bill (CB-2-2012), and meet or exceed County and State standards.

(b) The proposed floor area ratio;

Response: The proposed CSP Floor Area Ratio (FAR) for the property is 0.417.

(c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;

Response: The location of uses ranges of square footages for the various uses are provided within the General Notes on the CSP-22001 Conceptual Site Plan.

(d) A general description of any incentives to be used under the optional method of development;

Response: The proposed development will not utilize the optional method of development will have an overall floor area of 0.125 or less which will be determined at time of Detailed Site Plan.

(e) Areas proposed for landscaping and screening;

Response: The CSP-22001 Conceptual Site Landscape Plan (Drawings No. 7, 8, and 9) is prepared with landscape buffers/streetscape proposed along the subject site's perimeter; and, parking areas and remainder of the interior of the site all designed in accordance with the design standards defined in the 2010 Prince George's County Landscape Manual indicate all areas proposed for landscaping and screening.

(f) The proposed sequence of development; and

Response: It is not anticipated that development will be phased. However, If phasing occurs, it will be geared to market conditions, but each building phase will be managed to be a self-sufficient entity while allowing for effective integration with subsequent construction phases.

(g) The physical and functional relationship of the project uses and components.

Response: The CSP plan sheets illustrate the physical and functional relationships of land uses and other components. Details will be demonstrated at the time of the Detailed Site Plan review.

(3) In addition to the information required by Part 3, Division 9, for Detailed Site Plans, the following information shall be included on Plans in the M-X-T Zone:

(a) The proposed drainage system;

Response: The proposed drainage system is defined on the Stormwater Concept Plan.

(b) All improvements and uses proposed on the property;

Response: The Applicant is seeking approval of the subject CSP to allow a mixed-use development consisting of:

- 199 townhouse units,
- 401 multifamily units in two (2) buildings,
- 50,000 square feet of retail commercial.

	Proposed CSP-22001 Plan
Zone	M-X-T
Use(s)	Residential, retail commercial
Acreage of CSP Application	59.932
Area within floodplain	0.000
Townhouse Residential	638,000 GSF
Multifamily Residential	200,000 GSF
Multifamily Residential	200,000 GSF
Commercial /Retail	50,000 GSF
Clubhouse	10,000 GSF
Total =	1,088,000 GSF
FAR =	0.417

(c) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used; and

Response: The proposed CSP floor area ratio for the commercial component is 37,000. The Applicant is not requesting the approval of any bonus incentives.

(d) Supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or with the current State Consolidated Transportation Program, will be provided by the Applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club) or are incorporated in a specific public facilities financing and implementation program,

if more than six (6) years have elapsed since a finding of adequacy was Made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plan approval, whichever occurred last; and

Response: The Zoning Ordinance 27-546(d)(9) requires a Transportation Improvement Analysis (TIA) for a property placed in M-X-T zone by a Sectional Map Amendment, but for properties that were rezoned to M-X-T by a Zoning Map Amendment. A TIA is not required at time of CSP application review because the TIA submitted as part of the Subject Property's A-10051 Zoning Map Amendment case was found to support that A-10051 Application. A TIA will be will be required at the time of Preliminary Plan of Subdivision application review.

The TIA date, August 27, 2019, prepared for the A-10051 Zoning Map Ament case, reported that the Application satisfied the provisions of §27-213 of the Zoning Ordinance. In particular, the report provided information confirming:

(A) Prior to approval, the Council shall find that transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, will be funded by a specific public facilities financing and implementation program established for the area, or provided by the Applicant, will be adequate to carry anticipated traffic for the proposed development.

(B) The finding by the Council of adequate transportation facilities at this time shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

Based on the information and analyses contained therein, that report found:

- The property satisfies Section 27-213(a)(1)(A)(i) (Criteria 1) in that the property is located adjacent to the interchange of MD 4 (a Master Plan freeway) and MD 223 (a Master Plan arterial).
- The approval of the rezoning will not impair the integrity of the General Plan or Master Plan as it relates to the transportation network.
- This Traffic Impact Analysis shows that existing transportation facilities are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, will be funded by a specific public facilities financing and implementation program established for the area, or provided by the Applicant, will be adequate to carry anticipated traffic for the proposed development, subject to the following considerations:

- MD 223 & Marlboro Pike – Modify the traffic signal operations to an east/west split phased traffic signal.
- MD 223 & Dower House Road - Construct a free right-turn lane along eastbound Dower House Road.
- MD 4 at Dower House Road – Ultimately, this intersection will be upgraded to a grade-separated interchange. The Prince George’s County CIP includes an interchange at this location, along with interim improvements involving two additional thru lanes along both east- and westbound MD 4 in the vicinity of Dower House Road. In addition, Dower House Road northbound will be widened to provide double left-turn lanes, one thru lane, and a right-turn lane. It is recommended that a prorated payment be made into the CIP fund only for the site uses that generate more than 20% of site traffic thru the intersection.
- With the proposed improvements as discussed above, all signalized study intersections will operate within acceptable thresholds (CLV <1450), and all unsignalized intersections meet the requirements of the three-tier method with either a delay of less than 50 seconds, a minor street volume of less than 100 vehicles, or a CLV of less than 1,150.

(e) Supporting evidence of the preservation of the scenic corridor buffer along Pennsylvania Avenue (MD 4).

Response: The Applicant proposes to preserve and buffer the Pennsylvania Avenue (MD 4) corridor from the site and related activities through a combination of woodland preservation and reforestation.

(4) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

(a) The proposed development is in conformance with the purposes and other provisions of this Division of Part 10, Division 2, Subdivision I of the Zoning Ordinance;

Response: The proposed CSP has been prepared in accordance with the purposes of this Division and the purposes of the M-X-T Zone. The Applicant is confident the proposed CSP also conforms to the regulations in the M-X-T Zone, and all uses proposed are permitted within the zone.

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

Response: As discussed above, the Application furthers the purposes of the M-X-T Zone since the subject property lies within the vicinity of a major interchange (MD 4 and MD 223); it can be developed in a manner to support the General Plan and Subregion 6 Master Plan goals of compact, mixed-use, and internally walkable design; it can encourage a robust (if not quite 24-hour) environment. In support of those goals, the range of uses proposed in this mixed-use development application includes open space, pedestrian ways, townhouses, and multifamily residential, and supporting retail and commercial uses in a design with a distinctive visual character and identity. As such, the preparation of this CSP has been guided by the concepts and design principles contained in said sector plan. Details of compliance will be demonstrated during the Detailed Site Plan review.

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

Response: The proposed development is designed to be physically integrated with both existing and future adjacent development and will be a catalyst to spur further development in the area. The CSP is visually integrated with existing and future uses through the use of connecting streets, pedestrian systems, open space buffers, and landscaping, elements that will be illustrated at the time of the Detailed Site Plan review.

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

Response: As explained in Items (b) and (c) above, the proposed CSP is designed to be compatible with surrounding land uses.

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

Response: The proposed CSP strives to organize a complimentary mix and cohesive arrangement of uses and amenities that contribute to a vibrant community by locating residences proximate to locally servicing commercial uses and recreational amenities.

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

Response: It is not anticipated that development will be phased. If phasing occurs, it will be geared to market conditions, but each building phase will be managed to be a self-sufficient entity while also allowing for effective integration with subsequent construction phases.

(f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk

improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated;

Response: The proposed CSP strives to enhance pedestrian-friendly circulation and is designed to increase outdoor interaction and activity by conveniently connecting various land uses.

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

Response: The proposed CSP design guidelines envision human-scaled open space amenities and pedestrian connections using a variety of hard and soft scape features and materials. Details will be provided at the time of Detailed Site Plan review.

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

Response: The noise study prepared by Polysonics Acoustics & Technology Consulting is included with this application submission.

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

Response: This finding pertains to the Preliminary Plan of Subdivision and Detailed Site Plan and is not applicable. Responses to these conditions will be provided with the Preliminary Plan of Subdivision and Detailed Site Plan applications.

X. Section 27-548 – M-X-T Zone

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

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

Response: As noted previously in this statement, the proposed development will not utilize the optional method of development will have an overall floor area of 0.417 or less, which will be determined at the time of the Detailed Site Plan review.

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

Response: Proposed uses will be located in more than one (1) building and on more than one (1) lot.

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

Response: These bulk requirements will be provided at time of Detailed Site Plan review.

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

Response: This is understood. Landscaping, buffering, and screening will be in accordance with all requirements of the 2010 Landscape Manual.

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

Response: This is understood, the gross floor area will be determined during the Detailed Site Plan review.

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

Response: No such structures are proposed.

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

Response: The proposed CSP incorporates separate vehicular and pedestrian circulation systems that minimize conflicts. Parking areas are provided through the use of surface parking. The details of each element will be provided for review at the time of the Detailed Site Plan.

(h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the Applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the Applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or

freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.

Response: The CSP is proposing the following unique and urban-oriented elements that will be reviewed during the Detailed Site Plan review.

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

Response: The Applicant acknowledges this requirement. Architectural elevations for proposed multifamily buildings will be provided at the time of the Detailed Site Plan application.

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

Response: The proposal for mixed-use development in the M-X-T Zone is not based on any comprehensive land use planning study conducted by the Technical Staff prior to or concurrent to the initiation of the sector plan. The sector plan contains illustrations and planning principles that will help inform the development as the project moves through the Conceptual and Detailed Site Plan review processes.

XI. Conclusion:

As demonstrated by the Statement of Justification, the accompanying Site Plan, and other documents filed herein, our client respectfully requests approval of the Conceptual Site Plan CSP-22001 application for the Carozza Property. The proposed mixed-use development implements the

March 29, 2022

Revised: November 2, 2022

CSP-22001

Page 33 | of 33

purposes of the M-X-T Zone and is consistent with various approval conditions imbodyed within the A-10051-C Carozza Property Zoning Map Amendment approval.

Your favorable consideration of this request is greatly appreciated.

Respectfully Submitted,



Arthur J. Horne, Jr.

AJH/fms

cc: Anne Fothergill
Adam Alder
Brian Pearl
Jeffrey Ludwig
Sally Ludwig
Haitham Hijazi
Phillip Hughes
Amy Sommer
David Carter
Michael Lenhart

Case No.: A-10051-C
Carozza Property

Applicant: Maria Volpe and Sandra Carey

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and to grant final conditional zoning approval in Zoning Map Amendment A-10051-C.¹

WHEREAS, on February 8, 2022, the District Council enacted Zoning Ordinance No. 1-2022, to conditionally approve Zoning Map Amendment A-10051-C, to rezone approximately 60.02 acres from R-R (Rural Residential) Zone to M-X-T (Mixed Use-Transportation Oriented) Zone, located in the southwest quadrant of the intersection of Pennsylvania Avenue (MD4) and Woodyard Road, identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, Council District 9; and

WHEREAS, the District Council deems it appropriate to accept Applicant's consent to the conditions of rezoning of the subject property as enacted in Zoning Ordinance No. 1-2022; and approve final conditional zoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval in Zoning Ordinance 1-2022, is hereby granted. Applicant's written acceptance of the conditions in Zoning Ordinance 1-2022, is hereby

¹ The "C" at the end of the application number indicates that the District Council imposed "conditions" on rezoning of the property. PGCC § 27-157(b).

incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

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

SECTION 3. This Ordinance is effective March 1, 2022, the date of receipt of the Applicant's acceptance of the conditions in Zoning Ordinance 1-2022.

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

By: 
Calvin S. Hawkins, II, Chair

ATTEST:


Donna J. Brown
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

February 15, 2022

**RE: A-10051 (Remand) Carozza Property
Maria Volpe and Sandra Carey, Trustees/Carozza Property, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 1 - 2022 setting forth the action taken by the District Council in this case on February 8, 2022.

CERTIFICATE OF SERVICE

This is to certify that on February 15, 2022 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

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

Case No.: A-10051
Carozza Property

Applicants: Maria Volpe and Sandra Carey

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

ZONING ORDINANCE NO. 1 –2022

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

WHEREAS, Zoning Map Amendment Application No. 10051 (A-10051) is a request to rezone approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation Oriented) Zone located in the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road, and is identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, Councilmanic District 9; and

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

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

WHEREAS, Technical Staff recommended disapproval of the application; and

WHEREAS, the Planning Board did not hold a hearing on the application but elected to adopt Technical Staff's recommendation of disapproval; and

WHEREAS, on January 15, 2020, the Examiner held an evidentiary hearing on the application; and

WHEREAS, at the close of the hearing, the record was left open to allow the Applicant additional time to submit certain documents; and

WHEREAS, on January 27, 2020, the Examiner closed the record; and

WHEREAS, on March 16, 2020, the Examiner recommended that the application be remanded with conditions; and

WHEREAS, on January 25, 2021, the District Council remanded the case in accordance with the Examiner's recommendation and agreed to by the applicants; and

WHEREAS, on February 9, 2021, the District Council adopted the prepared Order of Remand to the Examiner in accordance with the Examiner's recommendation; and

WHEREAS, on April 14, 2021, the Examiner held an evidentiary hearing on the remand; and

WHEREAS, at the close of the hearing, the record was left open to allow the Applicant additional time to submit certain documents; and

WHEREAS, on May 3, 2021, the Examiner closed the record; and

WHEREAS, on July 9, 2021, the Examiner recommended approval with conditions; and

WHEREAS, on August 3, 2021, opposition to the application filed exceptions and requested Oral Argument; and

WHEREAS, on January 10, 2022, the District Council held Oral Argument and the case was taken under advisement; and

WHEREAS, on January 25, 2022, the District Council voted to refer item for preparation of an approving document; and

WHEREAS, as a basis of this final decision, the District Council adopts and incorporates by reference, except as otherwise stated herein, the Examiner's findings and conclusions to rezone the subject property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to rezone approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation Oriented) Zone, located at the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road, part of Tax Parcel 99 and 100 recorded in the Land Records for Prince George's County in Liber 13557 at Folio 730, and identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland.

SECTION 2. The request to rezone approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation) Zone¹, located at the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road, part of Tax Parcel 99 and 100 recorded in the Land Records for Prince George's County in Liber 13557 at Folio 730, and identified as 9702 and 10200 Marlboro Pike, Upper Marlboro Maryland, Councilmanic District 9, is hereby APPROVED, subject to the following conditions:

- (1) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance.
- (2) The Conceptual Site Plan shall include the following:
 - (a) A general description of the pedestrian system proposed;
 - (b) The proposed floor area ratio;
 - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;
 - (d) A general description of any incentives to be used under the optional method of development;
 - (e) Areas proposed for landscaping and screening;

¹ Council may take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances, and regulations. It shall give effect to the rules of privileges recognized by law, Council may exclude incompetent, immaterial, or unduly repetitious evidence. District Council Rules of Procedure Rule 6.5(f).

Council acknowledges the approval of the Countywide Map Amendment (CMA), effective April 1, 2022, and the property should be adjusted to the appropriate corresponding zone based on the Council's approved Decision Matrix.

- (f) The proposed sequence of development; and
 - (g) The physical and functional relationship of the project uses and components
- (3) The following information shall be included on the Detailed Site Plans:
- (a) proposed drainage system;
 - (b) All improvements and uses proposed on the property;
 - (c) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used;
 - (d) Supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or with the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club) or are incorporated in a specific public facilities financing and implementation program, if more than six (6) years have elapsed since a finding of adequacy was Made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plan approval, whichever occurred last; and
 - (e) Supporting evidence of the preservation of the scenic corridor buffer along Pennsylvania Avenue (MD 4)
- (4) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:
- (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance;
 - (b) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;
 - (c) The proposed development is compatible with existing and development in the vicinity;
 - (d) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

- (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;
- (f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated.
- (g) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban, design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial);
- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and
- (i) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, with the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).

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

SECTION 4. If the Applicant fails to accept the land use classifications conditionally approved in this Ordinance in writing within ninety (90) days, the 60.02 acres of the subject

property shall revert to the Rural Residential (R-R) Zone.

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

ENACTED this 8th day of February, 2022, by the following vote:

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

Opposed: Council Members Dernoga and Ivey.

Abstained: Council Members Glaros and Hawkins.

Absent:

Vote: 6-2-2.

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

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

ATTEST:

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



Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

301-952-3680

November 17, 2022

MEMORANDUM

TO: Thomas Burke, Urban Design Section, Development Review Division

VIA: Howard Berger, Supervisor, 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**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

SUBJECT: CSP-22001 Carozza Property

The subject property comprises 60.02 acres and is in the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road) at the Marlboro Pike intersection. The subject property is zoned Commercial, General and Office (CGO) and Military Installation Overlay (MIO), and is located within the 2013 *Approved Subregion 6 Master Plan* area. The subject application proposes a mixed-use development consisting of 199 townhouse units, 401 multifamily units, and 40,000 square feet of commercial space.

The 2013 *Approved Subregion 6 Master Plan* includes goals and policies related to historic preservation (pages 161-174). However, these are not specific to the subject site.

There are no historic sites or resources on or adjacent to the subject property. One documented property, Melwood Farm (77-002), was located in the eastern portion of the subject property. The house on Melwood Farm was constructed circa 1813 and was a two-story frame structure with a five-bay main (south) façade. There was an external chimney on the west gable end. The east wing was thought to be older than the west end and had double end chimneys. A 1 ½-story addition was located on the east end and had a small external end chimney. The house was demolished between 1980 and 1984.

Part of the property was used as a sand and gravel mine for materials to construct Pennsylvania Avenue; however, the portion of the property where Melwood Farm was located was not disturbed. Several other houses and barns appear in the 1938 aerial photograph in areas that were not mined for sand and gravel. A Phase I archeology survey was completed on the undisturbed portion of the property by Applied Archaeology and History Associates and a draft report *Phase I Survey of the Carozza Property* was submitted with the subject application. The draft report identified no significant sites and no further work was recommended.


Historic Preservation Section staff recommends approval of CSP-22009, Carozza Property, with the following condition:

1. Prior to the approval of the first detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures based on the findings of the Phase I archeological investigations. The location and wording of the signage and the public outreach measures shall be subject to approval by the M-NCPPC staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.

August 27, 2022

MEMORANDUM

TO: Andrew Bishop, Planner II, Urban Design Section, Development Review Division

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

FROM: Samuel L. White, Jr., Planner II, Neighborhood Revitalization Section, Community Planning Division ^{sw}

SUBJECT: CSP-22001 Carozza Property

FINDINGS

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

BACKGROUND

Application Type: Conceptual Site Plan outside of an overlay zone.

Location: The site is located on the northwest quadrant on the intersection of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road)

Size: 60.02 acres

Existing Uses: Vacant

Proposal: The applicant proposes to construct a mixed-use development with 199 townhouse units, 401 multifamily dwelling units, and 40,000 square feet of commercial space.

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. (Page 20)

Master Plan: The 2013 *Approved Subregion 6 Master Plan* recommends residential low future land use on the subject property.

Planning Area: PA 77

Community: Melwood

Aviation/MIOZ: This subject property is in the Military Installation Overlay Zone-Height, Inner Horizontal Surface- Right Runway Area Label D and Conical (20:1) Surface- Right Runway Area Label E. The maximum building heights should not exceed 150 feet for Label D and 250 feet for Label E. The subject property is also in Military Installation Overlay-Noise, Noise Intensity Zone Area Label 60db -74db.

SMA/Zoning: The 2013 Approved Subregion 6 Sectional Map Amendment retained the subject property into the R-R (Rural Residential) zone. On February 8, 2022, the subject property was rezoned to M-X-T (Mixed Use Transportation Oriented) by Zoning Map Amendment A-10051-C. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment ("CMA") which reclassified the subject property to CGO (Commercial, General, and Office) zone effective April 1, 2022.

MASTER PLAN CONFORMANCE ISSUES:

There are no master plan issues.

cc: Long-range Agenda Notebook
Frederick Stachura, J.D., Supervisor, Neighborhood Revitalization Section, Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

November 4, 2022

MEMORANDUM

TO: Thomas Burke, Acting Planner IV, Urban Design Section

VIA: Mridula Gupta, Planner III, Subdivision Section *MG*

FROM: Eddie Diaz-Campbell, Planner II, Subdivision Section *EDC*

SUBJECT: CSP-22001; Carozza Property

The subject 59.93-acre property is located in Tax Map 99, Grids F1 and F2, as well as Tax Map 100, Grids A2 and A3. The property consists of three acreage parcels known as Parcels 92, 32, and 35. Parcels 92 and 32 are recorded in the Prince George's County Land Records in Liber 13557 folio 730, while Parcel 35 is recorded in Liber 34621 folio 147. The property is zoned Commercial, General, and Office (CGO) and is also subject to the Military Installation Overlay (MIO) Zone for height and noise. However, this conceptual site plan (CSP) application was submitted for review under the prior Zoning Ordinance and Subdivision Regulations. This application is therefore reviewed pursuant to the standards of the prior Mixed-Use Transportation Oriented (M-X-T) Zone and Military Installation Overlay (M-I-O) Zone which were in effect prior to April 1, 2022. The property was rezoned to the M-X-T Zone via Zoning Map Amendment A-10051-C.

The applicant proposes a mixed-use development consisting of up to 199 townhouse dwelling units, 401 multifamily dwelling units, and 50,000 square feet of commercial uses. There are no prior preliminary plans of subdivision (PPS) approved for the subject property. The proposed development will require a PPS in accordance with Section 24-107 of the prior Subdivision Regulations, because the development proposal includes the division of land, the construction of multiple dwelling units, and the construction of more than 5,000 square feet of non-residential uses. A CSP must be approved prior to approval of a PPS for the subject site.

There are no prior plats of subdivision recorded for this property. A final plat of subdivision is required following approval of a PPS before building permits may be approved for the subject property.

Plan Comments

1. The configuration of all proposed lots and parcels will be determined at the time of PPS review. The CSP depicts the approximate location for commercial and residential development, layout of buildings, vehicular and pedestrian circulation, and conceptual

location of recreational facilities. It is noted that Conditions 4b and 4c of A-10051-C impose broad requirements for the site layout to have an outward orientation and be integrated with/compatible with adjacent development. The lotting pattern will be evaluated with the PPS for conformance to these conditions.

2. The CSP identifies locations for proposed on-site recreational facilities spread throughout the development, though no specific facilities are identified. Adequacy of any on-site recreational facilities to satisfy the mandatory parkland dedication requirement will be evaluated at the time of PPS and detailed site plan (DSP) review. Recreational facilities should include a mix of active and passive recreation, indoor and outdoor, for all seasons, and age groups.
3. The lotting and circulation pattern, and any required right-of-way dedication, will be reviewed further with the PPS application. Right-of-way widths for any private streets internal to the development will also be determined at the time of the PPS. The location of public utility easements required along all public and private streets will be determined with the PPS.
4. A noise study was submitted with the subject CSP application to fulfil the requirements of Condition 4(h) of A-10051-C. Noise will be further evaluated with the PPS when the positions of lots and approximate positions of recreation facilities are known, as well as at the time of DSP when the positions of dwellings and details of the recreation facilities are known. Phase I and Phase II Noise Studies will be required with these plans, respectively. Mitigation will be required for all exterior noise-sensitive areas exposed to traffic noise levels above 65 dBA Ldn, to ensure traffic noise is reduced to be no higher than that level. All dwellings exposed to noise levels above 65 dBA Ldn must achieve an interior noise level no higher than 45 dBA Ldn.
5. At the time of PPS, all residential lots and parcels must meet a minimum 300-foot lot depth requirement from master planned freeway MD 4 (Pennsylvania Avenue) and a minimum of 150-foot lot depth from master planned arterial MD 223 (Woodyard Road) pursuant to Section 24-121(a)(4) of the prior Subdivision Regulations.
6. The property is entirely within the M-I-O for height and the western portion of the property is within the M-I-O for noise. Conformance with the requirements of Part 10C- Military Installation Overlay Zone of the prior Zoning Ordinance will be evaluated at the time of PPS and DSP.
7. The property is within Water and Sewer Category 5, which is not within the appropriate service area of the County Water and Sewer Plan needed for approval of a PPS, pursuant to Section 24.122.01 of the prior Subdivision Regulations. The property must attain at least Category 4 through the next cycle of amendments to the Water and Sewer Plan prior to approval of a PPS.

Recommended Conditions

None.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. A preliminary plan of subdivision and final plat will be required. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Countywide Planning Division
Transportation Planning Section

301-952-3680

November 14, 2022

MEMORANDUM

TO: Thomas Burke, Urban Design Review Section, Development Review Division

FROM: *NS* Noelle Smith, AICP Transportation Planning Section, Countywide Planning Division

VIA: *(WTC)* William Capers III, PTP, Transportation Planning Section, Countywide Planning Division

SUBJECT: CSP-22001 Carozza Property

Proposal

The subject Conceptual Site Plan (CSP) application proposes a mixed-used development consisting of 199 townhouse units, 401 multi-family dwelling units, 40,000 square feet of commercial retail uses, and a 10,000 square-foot clubhouse. The Transportation Planning Section's (TPS) review of the subject application has been evaluated under the prior Zoning Ordinance, Subtitle 27.

Prior Conditions of Approval

The site is subject to the prior approved zoning amendment A-10051 which includes the following conditions that relate to transportation:

A-10051

- (2) The Conceptual Site Plan shall include the following:
- (a) A general description of the pedestrian system proposed;
- (3) The following information shall be included in the Detailed Site Plans:
- (b) All improvements and uses proposed on the property;
 - (d) Supporting evidence that shows that the proposed development will be adequately served within a reasonable period with existing or programmed public facilities shown in the adopted County Capital Improvement Program or with the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club) or are incorporated in a specific public facilities financing and implementation program, if more than six (6) years have elapsed since a finding of adequacy was Made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plan approval, whichever occurred last; and

Comment: The latest site plan submission shows the general pedestrian circulation of the site. In regard to condition 3, at the time of rezoning, a traffic study was submitted to evaluate the impacts of the site with the proposed zoning change. The study found that with several offsite improvements, the surrounding road network would operate at acceptable levels. Per the condition above, supporting evidence of adequacy shall be provided at the time of the detailed site plan, however, an adequacy determination will be made at the time of the preliminary plan of subdivision (PPS) and will be evaluated based on the proposed uses of the application.

Master Plan Compliance

This application is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The subject property fronts the recommended 80-foot master planned right-of-way of Marlboro Pike which also recommends a shared roadway facility.

Comment: Though staff acknowledges that at the time of PPS, the appropriate right-of-way dedication will be addressed, but requests the applicant update the CSP to show the extent and limits of the master plan ultimate right-of-way along the subject property's frontage of Marlboro Pike.

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

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

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

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

This development is also subject to 2013 *Approved Subregion 6 Master Plan*, which also recommends an 80-foot right-of-way along Marlboro Pike and recommends the following policies regarding multi-modal transportation (pg 105):

Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities.

Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.

Policy 9: Provide multiuse trails accommodating hikers, bikers and equestrians along major stream valley corridors.

Comment: Staff recommends a minimum of five-foot-wide sidewalk be provided along both sides of all internal roadways and provide associated crosswalks and ADA-compliant curb ramps throughout the site. Additionally, Marlboro Pike is a planned shared roadway facility to which staff recommends a minimum 10-foot-wide shared-use path and shared roadway pavement markings and signage to be provided along the property frontage, with concurrence from the operating agency. Designated space for short-term bicycle parking is also recommended in recreational and commercial areas, while both short- and long-term bicycle parking is recommended at proposed multifamily buildings.

Zoning Ordinance Compliance

Mixed-Use-Transportation Zone

The subject site is located within the Mixed-Use-Transportation (M-X-T) Zone. Section 27-546, Site Plans, provides additional requirements for a conceptual site plan.

Section 27-546(d)(9) discusses anticipated transportation adequacy for a CSP for property placed in the M-X-T Zone by a Sectional Map Amendment and is copied below:

(d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

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

Comment: The subject site was not placed in the M-X-T Zone via a Sectional Map Amendment but through a zoning map amendment, A-10051. At the time of rezoning, a traffic study was submitted to evaluate the impacts of the site with the proposed zoning change. The study found that with several offsite improvements, the surrounding road network would operate at acceptable levels. Per condition 3 in the above A-10051, supporting evidence of adequacy shall be provided at the time of the detailed site plan, however, an adequacy determination will be made at the time of the preliminary plan of subdivision (PPS) and will be evaluated based on the proposed uses with the application.

The section also emphasizes the need for comprehensive pedestrian connections within a mixed-use community. The submitted site plan proposes a sidewalk throughout the site and along the property frontage to detail an interconnected system that provides general circulation for pedestrians. Staff recommends as a condition of approval, that internal connection are provided

throughout the site to all uses creating continuous, convenient, and comprehensive connections to encourage alternative modes of transportation.

The site must also comply with Section 27-274 which provides requirements regarding parking, loading, and circulation. These requirements include ensuring parking lots are designed to provide safe and efficient circulation for both pedestrians and vehicles to minimize conflicts. Designated areas for vanpooling, carpooling, and visitor parking should be provided at convenient locations. Safe transitions for vehicular access should be provided throughout the site. Additionally, the design of streetscape amenities should be visible, accessible, and functional.

Comment: Staff recommends that the site is developed with clearly marked and visible pathways for pedestrians throughout all parking areas to separate vehicular and pedestrian routes. The site shall also be served by designated parking spaces for rideshare, carpool activities and visitor parking are to be provided at all multifamily buildings.

Transportation Planning Review:

The latest site plan submission includes four access points along Marlboro Pike. Within the site, the proposed main roadway proposes a 52-foot right-of-way and 20-22-foot-wide alleyways. The proposed right-of-way is sufficient to provide all internal sidewalks and streetscape amenities. However, staff recommends that all intersections within the site are perpendicular and properly aligned.

Additionally, the site plan does include a comprehensive pedestrian system that consists of connections throughout the site to all uses and additional connections to the frontage of Marlboro Pike. The pedestrian network will be evaluated further with subsequent applications. Staff recommends all pedestrian and bicycle facilities be provided and included in the site plan. Staff finds that the overall circulation and proposed roadway configurations are acceptable.

Recommendations

Based on the findings presented above, staff concludes that the multimodal transportation facilities will exist to serve the proposed subdivision as required under Subtitle 27, and will conform to the 2009 *Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan* if the following conditions are met:

1. Prior to certification of the conceptual site plan, the applicant, and the applicant's heirs, successors, and/or assigns shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of Marlboro Pike.
2. The applicant and the applicant's heirs, successors, and/or assigns shall construct the following facilities and show these facilities on a pedestrian and bikeway facilities plan as part of the site plan prior to its acceptance:
 - a. A minimum 10-foot-wide shared use path and shared roadway pavement markings and signage along the property frontage of Marlboro Pike, unless modified by the operating agency with written correspondence.

- b. A minimum five-foot-wide sidewalk along both sides of all internal roadways.
 - c. Provide ADA-compliant curb ramps and crosswalks crossing all vehicular access points.
 - d. Provide designated pathways for pedestrians throughout the site to all uses and through surface parking lots.
 - e. Provide streetscape amenities to be accessible and functional throughout the site to accommodate the mixed-use community.
 - f. Long-term bicycle parking within the multifamily building and short-term bicycle near the building entrance in accordance with AASHTO guidelines.
 - g. Short-term bicycle for the commercial areas at a location convenient to the buildings in accordance with AASHTO guidelines.
3. At the time of the site plan, the applicant shall provide dedicated space for rideshare activities.

November 14, 2022

MEMORANDUM

TO: Tom Burke, Planner IV, Urban Design Section, DRD

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

FROM: Alex Kirchhof, Planner I, Environmental Planning Section, CWPD *ANK*

SUBJECT: **Carozza Property; CSP-22001 and TCP1-016-2022**

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan (CSP-22001) and Type 1 Tree Conservation Plan (TCP1-016-2022) received on July 26, 2022. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on August 5, 2022. Revised materials were received on November 3, 2022. The EPS recommends approval of CSP-22001 and TCP1-016-2022, subject to findings and conditions recommended 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 #	Authority	Status	Action Date	Resolution Number
NRI-016-2021	N/A	Staff	Approved	3/9/2021	N/A
A-10051	N/A	Staff	Approved	2/8/2022	N/A
CSP-22001	TCP1-016-2022	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

This CSP application is for the development of a townhouse and multifamily community, with 50,000 square feet of retail on a 59.93-acre site, identified as Parcel 32. The current zoning for the site is Commercial General and Office (CGO); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the M-X-T (Mixed Use Transportation Oriented) Zone.

GRANDFATHERING

The project is subject to the environmental regulations contained in prior Subtitles 24, 27, and Subtitle 25 that came into effect on September 1, 2010, because the application will require a new preliminary plan of subdivision (PPS).

SITE DESCRIPTION

This 59.93-acre site is located just west of the MD-4 (Pennsylvania Avenue) and Marlboro Pike intersection. The site is bounded to the north by Pennsylvania Avenue and to the south by Marlboro Pike. A review of the available information indicates that streams, wetlands, and steep slopes occur on the property. There is no potential forest interior dwelling species (FIDS) habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. There is one stream system on-site that drains to the north. The site has frontage on Marlboro Pike, which is not identified as a master plan roadway. Pennsylvania Avenue is a traffic noise generator, and the site lies within the military instillation overlay. The property is not adjacent to any roadways indicated as scenic or historic. The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map and in the Established Communities of the General Plan Growth Policy (2035) map, as designated by *Plan Prince George's 2035 Approved General Plan* (2014). The CSP is shown on the General Plan Generalized Future Land Use (2035) map as Residential Low. According to the *Approved Countywide Green Infrastructure Plan* (2017), the site contains both Regulated and Evaluation Areas.

ENVIRONMENTAL REVIEW

Natural Resource Inventory/Environmental Features

An approved Natural Resource Inventory (NRI-016-2021) was submitted with the application. The site contains regulated environmental features (REF), steep slopes, streams, wetlands and their associated buffers, which comprise the primary management area (PMA). The site also contains specimen trees. The site statistics table on the NRI shows 2.51 acres for the PMA for the site, with 751 linear feet of regulated streams. A jurisdictional determination (JD) from the Army Corps of Engineering (Corps), as well as a follow-up from the Maryland Department of the Environment (MDE), was submitted with this application. These materials are jurisdictional documents based on the on-site natural resources. The documents report that the Corps and MDE have expanded the on-site PMA beyond what was originally reported on the NRI plan. Prior to certification of the CSP, the NRI shall be revised to identify the on-site streams and wetlands as PMA area. The TCP1 shall conform with the REF on the revised NRI.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual (ETM). Type 1 Tree Conservation Plan TCP1-016-2022 has been submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The site contains a total of 57.40 acres of woodlands and no wooded floodplain. The site has a woodland conservation threshold of 15 percent, or 8.99 acres. The TCP1 proposes to clear 46.74 acres of woodland resulting in a total woodland conservation requirement of 22.35 acres. The woodland conservation requirement is proposed to be met with 10.26 acres on-site preservation, 2.57 acres reforestation, and 9.52 acres of off-site credits. There is a discrepancy between the existing woodland shown on the NRI and the TCP1. The NRI plan shall be revised to identify the same existing woodland total as the TCP1. Technical revisions are required to the TCP1 prior to

certification of the CSP in conformance with the conditions provided at the end of this memorandum.

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone (CRZ) of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The approved NRI identifies a total of 31 specimen trees. The following analysis is the review of the request to remove 22 specimen trees located on-site.

A Subtitle 25 variance was submitted for review with this application. The TCP1 shows the removal of ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30 for a total of 22 specimen trees. The condition of trees proposed for removal ranges from poor to excellent.

SPECIMEN TREE SCHEDULE SUMMARY FOR TWENTY-TWO TREES PROPOSED FOR REMOVAL ON TCP1-016-2022

Specimen Tree #	Species	Condition	DBH (inches)	Reason for Removal	Applicants Disposition
1	Yellow Poplar	Fair	34	Townhouse	Remove
6	Beech	Fair	34	Townhouse and Roadway	Remove
7	Beech	Fair	34	Townhouse	Remove
8	Beech	Fair	31	Townhouse and Roadway	Remove
11	Beech	Poor	30	Stormwater Management	Remove
12	Red maple	Poor	32	Stormwater Management	Remove
14	White oak	Fair	40	Parking and Retaining Wall	Remove
15	Yellow poplar	Excellent	31	Parking and Multifamily	Remove
16	Beech	Fair	42	Parking and Multifamily	Remove
17	Yellow poplar	Fair	31	Multifamily	Remove
18	Sweetgum	Good	34	Stormwater Management	Remove
20	Hickory	Poor	31	Stormwater Management	Remove
21	Sweetgum	Good	31	Stormwater Management	Remove
22	Sweetgum	Good	30	Stormwater Management	Remove
23	Beech	Fair	40	Parking and Multifamily	Remove
24	Beech	Fair	33	Multifamily	Remove
25	Beech	Excellent	31	Multifamily and Roadway	Remove
26	Beech	Good	34	Parking and Roadway	Remove

Specimen Tree #	Species	Condition	DBH (inches)	Reason for Removal	Applicants Disposition
27	Black Walnut	Poor	37	Roadway	Remove
28	Beech	Excellent	37	Townhouse and Roadway	Remove
29	Beech	Fair	39	Townhouse and Roadway	Remove
30	Beech	Good	30	Townhouse and Roadway	Remove

The removal of the 22 specimen trees requested by the applicant is supported based on the findings below.

Evaluation

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the 22 specimen trees. Of the 22 trees requested for removal, 4 are in poor condition, 10 are in fair condition, 5 are in good condition, and 3 are considered in excellent condition. The majority of specimen trees on-site are considered fair. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 59.93 acres, and the TCP1 shows approximately 2.51 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately four percent of the overall site area. The applicant is proposing to preserve the site’s PMA to the fullest extent practicable and is proposing woodland conservation and afforestation to further protect the PMA. Due to the history of the site, as a construction staging area for Pennsylvania Avenue, the specimen trees are located across the entire site with some within proximity to the PMA. The specimen trees proposed for removal are located in the areas of the site most suited for development. This site contains steep slopes, wetlands, streams, and floodplains, which restrict development potential. Complete retention of these trees would severely limit the developable area of the site. The site is fully wooded, and the specimen trees have grown to size across the property as a whole.

The proposed use, as residential and commercial development, is a reasonable use for the mixed-use zoned site, and it cannot be accomplished elsewhere on the site without additional variances. Development cannot occur on the portions of the site containing REF and PMA, which limit the site area available for development. Of the 22 specimen trees proposed for removal, 12 trees are identified as Beech and three are Poplars. Both Beech and Poplars have poor construction tolerances and vary in condition from poor to excellent. If these 15 trees were retained, the trees could become hazardous due to the stresses imposed by construction. The remaining seven trees vary in condition from poor to good and are located with the central developable portion of the site. Requiring the applicant to retain the 22 specimen trees on the site by designing the development to avoid impacts to the critical root zones (CRZ) would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential and commercial development is a use that aligns with the uses permitted in the M-X-T Zone. The specimen trees requested for removal are located within the developable parts of the site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the 22 specimen trees would be the result of the grading required for the development. The majority of the specimen trees proposed for removal are Beech and Poplar, which have poor construction tolerances. Retaining these trees during development could result in hazardous situations. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

There are no existing conditions relating to land, or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding stormwater management (SWM) will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control

requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of 22 specimen trees, identified as ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30. Staff recommends that the Planning Board approve the requested variance for the removal of 22 specimen trees for the construction of mixed-use development.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains REF, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA.

Section 27-273(e)(15) of the Zoning Ordinance requires that conceptual site plan (CSP) applications include: "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible."

Section 27-276(b)(4) of the Zoning Ordinance states that for all CSP applications: "The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5)."

Section 24-130(b)(5) of the Subdivision Ordinance states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REF. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to REF must first be avoided and then minimized.

A letter of justification (LOJ) and exhibit for PMA impacts were provided with the SDRC submittal of this application. A revised LOJ was submitted in the November 3, 2022, submittal. This LOJ identifies eight impacts with one additional unlisted impact to REF. Primary management areas are identified in accordance with the reviews conducted by other agencies, the Corps and MDE. An

additional revised LOJ was submitted on November 7, 2022, which provided minor revisions to several impacts. A detailed summary of each impact is below.

Impact 1

Impact 1 proposes 5,500 square feet (0.13 acres) of permanent impacts for a pedestrian walkway stream crossing, which connects the western and central sections, and for a sanitary sewer pipe. In order to promote connectivity between the sections to be developed, the applicant has elected to construct a walking path instead of a roadway. The utility connection will be co-located with the walkway to minimize PMA impacts. This Impact is supported as proposed.

Impact 2

Impact 2 proposes 185 square feet (0.004 acres) for a retaining wall associated with the proposed townhouses in the central phase. This Impact could be avoided by tightening grading and is not supported. The revised LOJ for PMA Impacts submitted November 7, 2022, removes this Impact and renumbers the following impacts. This Impact is no longer requested, and the LOJ shall be revised to indicate this.

Impact 3

Impact 3 proposes 2,432 square feet (0.06 acres) of impacts for SWM and associated grading. This location was chosen in order to tie into an existing culvert under Pennsylvania Avenue. Currently, the SWM plan is in review with DPIE. Impacts to PMA for SWM will be evaluated with a subsequent application. The PMA LPJ shall be revised to retain a consistent numbering system.

Impact 4

Impact 4 proposes 4,372 square feet (0.10 acres) of impacts for SWM and associated grading. Similar to Impact 3, Impact 4 proposes to connect to the existing culvert. At this time, the SWM plan is in review with DPIE. Impacts to PMA for SWM will be evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

Impact 5

Impact 5 proposes 4,661 square feet (0.11 acres) of impacts for building and grading. The LOJ states that this impact is the result of relocating the site access aligns to Marwood Boulevard across Marlboro Pike. Due to the grading required, this PMA area will be heavily disturbed. It is also central to the site. The TCP1 shows a proposed utility connection through this area to service the development, and townhomes are proposed within the PMA. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is supported as proposed. The LOJ shall be revised to indicate the impact is due to grading for units and utilities. The LOJ shall indicate that this disturbance eliminates impacts to larger wetlands areas on-site.

Impact 6

Impact 6 proposes 5,558 square feet (0.13 acres) of impacts for a public utility easement, sanitary sewer, roadway, sidewalk, and grading. This impact serves to connect the eastern portion of the development to the central section. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is supported as proposed, as this alignment reduces impacts to other wetland areas.

Impact 7

Impact 7 proposes 2,215 square feet (0.05 acres) of impacts for the construction of a SWM facility. As with Impacts 3 and 4 above, this location proposes to tie into the culvert under Pennsylvania Avenue. At this time, the SWM plan is in review with DPIE. Impacts to PMA for SWM will be

evaluated with a subsequent application. The PMA LOJ shall be revised to retain a consistent numbering system.

Impact 8

Impact 8 proposes 6,914 square feet (0.16 acres) of impacts for a parking lot, drive aisle, sidewalks, SWM, and grading for the commercial area. The PMA LOJ shall be revised to retain a consistent numbering system. This impact is supported as proposed.

Impact 9

The LOJ mentions 300 square feet (0.007) of wetlands buffer impacts to a wetland located in the eastern portion of the site. This disturbance is not identified as an impact within the LOJ. Impacts to REF, including buffers, shall be requested as proposed impacts. In order to retain the numbering system, this impact shall be identified as Impact 9. Impact 9 is not supported and could be avoided.

Summary of Proposed Impacts

With CSP-22001, nine impacts to PMA are proposed, totaling 31,952 square feet (0.73 acres). Impacts 1, 5, 6, and 8 are supported; Impacts 3, 4, and 7 for SWM will be evaluated with a subsequent application; Impact 2 is no longer requested; and Impact 9 is not supported. Impact 9 is not identified as a requested impact but is called out as impacting wetland buffers within the LOJ and shall be considered an impact. With the elimination of Impact 2, all impacts in the LOJ have been renumbered. The PMA LOJ shall be revised to retain a consistent numbering system.

Soils

The predominant soils found to occur according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Marr-Dodon complex, Sassafras sandy loam, Sassafras-Urban land complex, Udorthents – highway, and Udorthents – reclaimed gravel pits. According to available mapping information, unsafe soils containing Marlboro clay or Christiana clay do not occur on this property. This information is provided for the applicant's benefit.

Stormwater Management

An unapproved Site Development Concept Plan (#16177-2022) was submitted with the current application. Impacts to PMA for SWM will be evaluated with a subsequent application. Submittal of an approved SWM Concept Letter and plan will be required for subsequent development review applications. No further information pertaining to SWM is required at this time.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

The Environmental Planning Section recommends approval of Conceptual Site Plan CSP-22001 and Type 1 Tree Conservation Plan TCP1-016-2022, subject to the following findings and conditions:

Recommended Findings:

1. Nine impacts are proposed to the regulated environmental features (REF) on the subject property. Impacts 1, 5, 6, and 8 are supported; Impacts 3, 4, and 7 will be reviewed with a subsequent application, pending review of the stormwater management (SWM) plan; Impact 2 is no longer requested; and Impact 9 is not supported. Regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations.

2. Twenty-two specimen trees are proposed for removal with this application. These trees have been identified on the TCP1 as ST-1, ST-6 through ST-8, ST-11, ST-12, ST-14 through ST-18, and ST-20 through ST-30. The submitted variance request provides sufficient support for removal and is recommended for approval.

Recommended Conditions:

1. Prior to certificate approval of the CSP, the natural resource inventory (NRI) shall be revised as to indicate the isolated wetlands areas as primary management area (PMA), per the Army Corps of Engineers and Maryland Department of the Environment recommendations.
2. Prior to certification of the CSP, the TCP1 shall be revised as follows:
 - a. Identify TCP1-016-2022 in the approval block.
 - b. Identify TCP1-016-2022 along line 6 of the woodland conservation worksheet.
 - c. Identify TCP1-016-2022 within the plan title on the first sheet.
 - d. Revise the TCP1 for general technical conformance with the *Environmental Technical Manual* (2018).
 - e. Revise the disposition of specimen tree ST-1 in the specimen tree table as "Removed".
 - f. Confirm the values for woodland clearing and conservation required. When calculated by staff, the worksheet does not match. Required woodland conservation for this site, based on clearing, is 20.67 acres.
3. Impacts to the PMA for SWM shall be evaluated with a subsequent application.
4. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

MEMORANDUM

September 14, 2022

TO: Andrew Bishop, 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: Carozza Property
Conceptual Site Plan, CSP-22001

CR: Pennsylvania Avenue
CR: Woodyard Road
CR: Marlboro Pike

This is in response to the Conceptual Site Plan, CSP-22001, referral for the development of mixed-use multi-family dwellings and commercial/retail developments and associated infrastructure, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is in Upper Marlboro, MD, located on the southwest quadrant of the intersection of Pennsylvania Avenue and Woodyard Avenue, north of Marlboro Pike.
- **Pennsylvania Avenue** is an existing State-maintained roadway to the north of the subject property with a variable right-of-way width and Master Plan Road Classification F-6. The applicant shall coordinate right-of-way dedications and construct roadway/frontage improvements as required in accordance with the Maryland State Highway Administration (MSHA) as determined necessary. This work shall be permitted prior to the issuance of a fine grading permit.
- **Woodyard Road** is an existing State-maintained roadway to the east of the subject property with a variable right-of-way width and Master Plan Road Classification A-53. The Applicant shall coordinate right-of-way dedications and construct roadway/frontage improvements as required in accordance with MSHA as determined necessary. This work shall be permitted prior to the issuance of a fine grading permit.

- **Marlboro Pike** is an existing County-maintained roadway to the south of the subject property with variable right-of-way width, requiring an 80-ft width as per its Master Plan Road Classification C-629. The applicant shall dedicate right-of-way and construct roadway/frontage improvements as required in accordance with the Department of Public Works and Transportation (DPW&T) Urban 4-Lane Collector Road standard (Std. 100.03). This work shall be permitted prior to or concurrent with issuance of a final grading permit.
- The applicant will be subject to frontage improvements along Marlboro Pike.
- Master plan shows bike lane requirement along Marlboro Pike. The applicant shall provide bike lane facilities along property frontage, as further specified by MNCP&PC.
- Applicant shall provide at least 6 feet of buffer space between the curb and sidewalk for street tree and street light placement along Marlboro Pike.
- Applicant shall provide a Stopping Sight Distance analysis along Marlboro Pike.
- Applicant shall provide Intersection and Stopping Sight Distance for the driveway to the parking at the Clubhouse/Restaurant.
- The proposed additional left turn lane on the eastbound approach of Marlboro Pike at the MD 223 signalized intersection and the proposed adjustment of the westbound receiving lane will create an offset from the westbound approach thru lane of Marlboro Pike. This is unsafe. In addition, the proposed improvement will also impact the signal. The applicant shall modify this intersection, as required to ensure a safe condition. This shall be reviewed and approved by PG-DPIE for work in the Marlboro Pike right of way and reviewed by MDOT SHA for work in the MD 223 right of way.
- An operational analysis shall be provided for the proposed roundabout, to make sure the queue on northbound approach will not back up to Marlboro Pike.

Traffic Impact Analysis (TIA):

- The applicant shall be conditioned to perform accurate trip generation for the church peak periods (i.e., Weekend Trip Generation) once the total square footage is obtained prior to obtaining the first grading permit.
- The applicant shall be required to provide separate trip distribution rates from the north (i.e., the Westphalia and Smith Home Farm Developments) for the Church, as more trips will be generated from these developments during the weekends that will vary from the proposed trip distribution rate provided.

- The applicant shall be conditioned to provide left turn lanes and/or bypass lanes along Marlboro Pike. Prior to obtaining a grading permit, the applicant shall be required to submit analysis for the left turn lanes and/or bypass lanes for all existing and proposed intersection/access point along Marlboro Pike between the terminus of the development and MD 233.
- Prior to the applicant obtaining a permit, all existing and proposed driveways along Marlboro Pike shall be re-evaluated. Some proposed driveways will need to be either aligned with the existing intersections or be separated by a distance justified by operational assessment and roadway design best practices.
- The 2018 Water and Sewer Plan designates parcels 32, 35 & 92 in water and sewer Category 5, inside the Sewer Envelope, within the Growth Tier and within Tier 2 of the Sustainable Growth Act.
- This property has applied for a Category Change from Category 5 to Category 4 in the upcoming December 2022 Cycle of Amendments. As such, this property cannot be reviewed for approval of a CSP until it has been approved for the appropriate category change.
- Full-width, 2-inch mill-and-overlay for all existing County roadway frontages is required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Compliance with DPW&T's utility policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with "DPW&T Policy and Specifications for Utility Installation and Maintenance Permits" is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. In addition, sidewalks must always be kept open for pedestrians.
- The internal subdivision streets' centerline radii are to be designed and constructed in accordance with DPW&T's Table I-2 design criteria.
- Private roads shall be at least 22' wide, bonded and permitted in accordance with applicable County codes, standards, and specifications.
- Maintenance of private streets is not the responsibility of Prince George's County.
- Cul-de-sacs are required to allow, at a minimum, turning movement for a standard WB-40 vehicle and a standard-length fire truck. When considering turning movement, it is assumed that parking is provided on the outside edge of the radius of the cul-de-sac.

- Conformance with DPIE street lighting specifications and standards are required. Adjustments to street lighting, to accommodate the proposed plan improvements, are required in accordance with Section 23-140 of the Prince George's Road Ordinance.
- Roadside trees will be required along County-maintained roadways within the limits of the permit area.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).
- The Site Plan filed under M-NCPPC Case No. CSP-22001 must be consistent with the Site Development Concept Plan filed under Case No. 16177-2022-0 (under review and not yet approved by DPIE).
- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance with the standards and specifications set forth by DPIE and DPW&T. Approval of all facilities are required prior to permit issuance.
- All easements are to be approved by DPIE and recorded prior to technical approval.
- A maintenance agreement is to be approved by DPIE and recorded prior to technical approval.
- The proposed development will require a site development permit approved by DPIE.
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for all proposed site grading, site construction and roadways is required.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - a) Final site layout, exact impervious area locations are shown on plans.
 - b) Exact acreage of impervious areas has not been provided.
 - c) Proposed grading is shown on plans.
 - d) Stormwater volume computations have not been provided.
 - e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.

- f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion, and sediment control practices are not included in the submittal.
- g) A narrative in accordance with the code has not been provided.
- h) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.883.5710.

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
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Global RER PGC Investments LLC (c/o Mrs. Mariwa Volpe and Anna Carozza), 801
Brickell Avenue, Suite 2360, Miami FL 33131
Shipley & Horne PA, 1101 Mercantile Lane, Suite 240, Upper Marlboro MD 20774



Division of Environmental Health/Disease Control

Date: August 17, 2022

To: Andrew Bishop, Urban Design, M-NCPPC

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

Re: CSP-22001 CAROZZA PROPERTY

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the conceptual site plan submission for the Carozza Property located in the intersection of Pennsylvania avenue and Woodyard road and has the following any comments/recommendations:

1. Health Department permit records indicate there is one existing carry-out/convenience store food facilities and no markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. ***The applicant should consider setting aside commercial retail space for a food facility that provides healthy food options.***
2. The applicant should apply for a raze permit with the Department of Permits Inspection and Enforcement to remove the two dilapidated houses located at 9702 and 10200 Marlboro Pike. The application is online at <https://dpiepermits.princegeorgescountymd.gov/>.
3. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
4. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.



Angela Alsobrooks
County Executive

Environmental Engineering/Policy Program
Largo Government Center
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Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
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Division of Environmental Health/Disease Control

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



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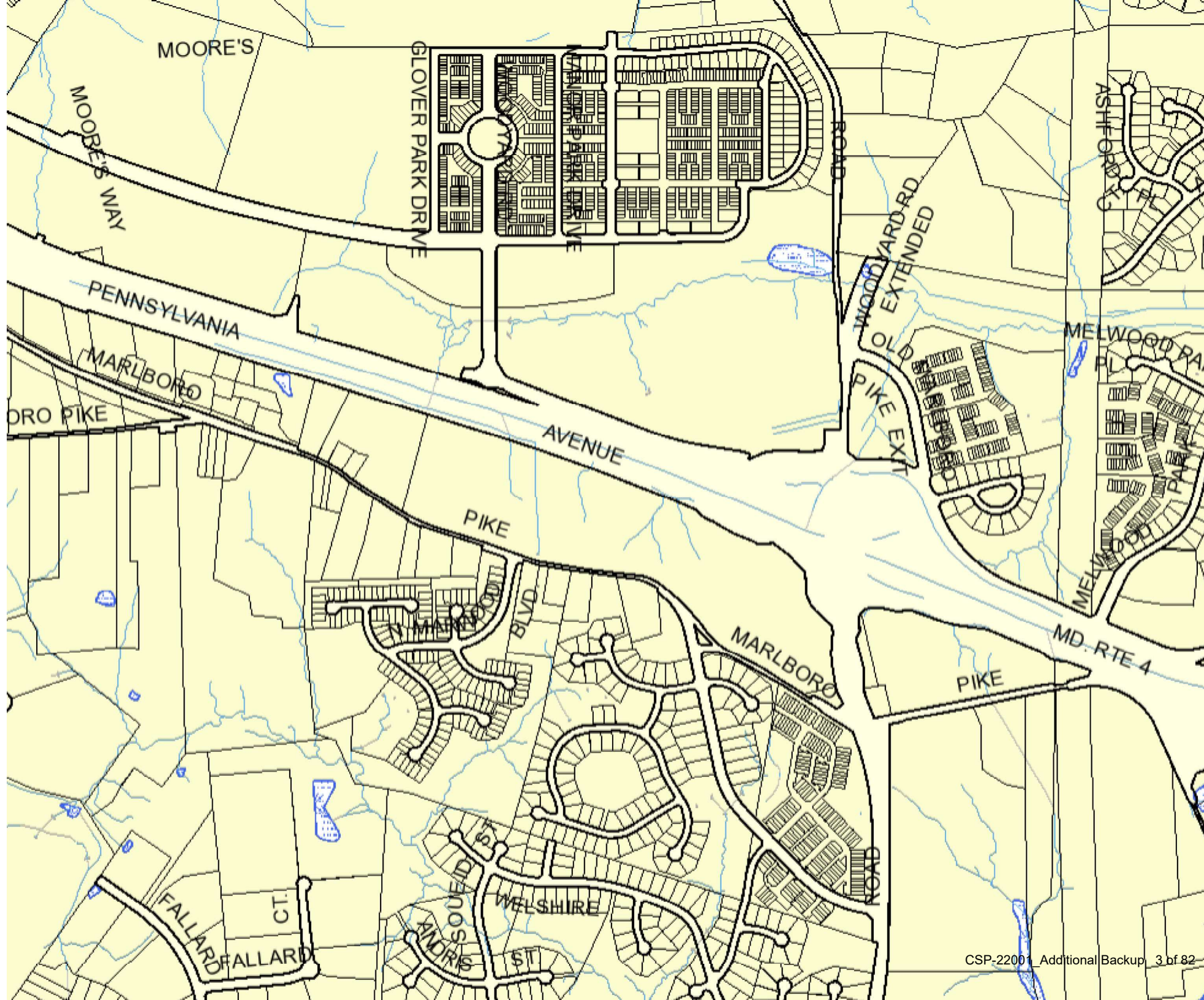
Additional Back-up

For

CSP-22001

Carozza Property





Citizen-Protestants' Preliminary Objections

1. The record lacks substantial evidence to support a finding that CSP-22001 satisfies the required findings under ZO § 27-276(b).

Before the Planning Board can approve CSP-22001 it must find that CSP-22001 satisfies the following requirements:

- (1) The Planning Board may approve a Conceptual Site Plan if it finds that the Plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make this finding, the Planning Board may disapprove the Plan.
- (2) The Planning Board may approve a Conceptual Site Plan for a Mixed-Use Planned Community in the E-I-A or M-X-T Zone if it finds that the property and the Plan satisfy all criteria for M-X-T Zone approval in Part 3, Division 2; the Plan and proposed development meet the purposes and applicable requirements of the M-X-T Zone; the Plan meets all requirements stated in the definition of the use; and the Plan shows a reasonable alternative for satisfying, in a high-quality, well-integrated mixed-use community, all applicable site design guidelines.
- [...]
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

ZO § 27-276(b).

Here, the record lacks substantial evidence to support a finding that CSP-22001 satisfies ZO § 27-276(b)(1), (2), or (4).

- a. **CSP-22001 does not represent the most reasonable alternative for satisfying the site design guidelines because the proposed density is inappropriate at this site.**

CSP-22001 does not satisfy ZO § 27-276(b)(1) because CSP-22001 proposes a development with a FAR that exceeds the density limit in the M-X-T Zone. CSP-22001 proposes a density of 0.417 FAR while the density limit in the M-X-T Zone is 0.40 FAR. This level of density is inappropriate on the Subject Property because it conflicts with the General Plan, the Subregion 6 Area Master Plan, and the Green Infrastructure Plan, violates the requirements for the M-X-T Zone, conflicts with the purposes and requirements of the Military Installation Overlay (MIO) Zone, cannot be served by the existing road network, and conflicts with the surrounding uses. Even if the Applicant is approved to develop uses permitted in the M-X-T Zone, the Applicant should still be required to provide a development that satisfies the applicable regulations and conforms to this County's planning goals.

b. CSP-22001 does not satisfy the purposes or applicable regulations for the M-X-T Zone.

CSP-22001 does not satisfy ZO § 27-276(b)(2) because it conflicts with the purposes and applicable requirements of the M-X-T Zone. *See infra* Section 3.

c. CSP-22001 does not preserve regulated environmental features in a natural state to the fullest extent possible.

CSP-22001 proposes at least 9 impacts to regulated environmental features. Citizen-Protestants adopt and incorporate the findings of Staff when it evaluated A-10051 (submitted as evidence) where Staff concluded that “impacts to regulated environmental

features would not be supported in order to accommodate higher density.” A-10051 Technical Staff Report, p. 9. The record lacks any evidence to demonstrate that the proposed impacts are not requested to accommodate a higher density. Thus, the record lacks substantial evidence to support a finding that the proposed impacts are necessary.

2. The record lacks substantial evidence to support a finding that CSP-22001 satisfies the applicable design criteria.

ZO § 27-548(d) requires compliance with the Landscape Manual. The record lacks substantial evidence to support a finding that CSP-22001 has satisfied all the requirements of Sections 4.1, 4.2, 4.3, 4.4, 4.6, 4.7, 4.9, and 4.10 of the Landscape Manual.

Subtitle 25, Division 3 of the Zoning Ordinance requires a minimum of 10% of the gross tract area of the Subject Property be covered by tree canopy. The Subject Property is 59.93 acres thus the Tree Canopy Coverage requirement is 6.00 acres. The record lacks substantial evidence to support a finding that CSP-22001 satisfies its Tree Canopy Coverage Requirements.

3. CSP-22001 conflicts with the purpose of CSPs because it conflicts with the General Plan, Area Master Plan, Green Infrastructure Plan, and the County Water and Sewer Plan.

CSP-22001 must be designed to support the purposes of Conceptual Site Plans. ZO § 27-274(a)(1)(A). The first purpose of a CSP is “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.” ZO § 27-272(b)(1)(A).

The second purpose of the CSP is to provide for development in accordance with the purpose of the applicable zone—in this instance, the M-X-T Zone. ZO § 27-272(b)(1)(B). One of the purposes of the M-X-T zone is “to implement recommendations in the approved General Plan, Master Plans, and Sector Plans.” ZO § 27-542(a)(2).

Here, CSP-22001 is not in conformance with the 2014 Plan Prince George’s 2035 Approved General Plan (Plan 2035), the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA), or the County’s Green Infrastructure Plan as stated in the technical staff report (TSR) prepared for the Zoning Map Amendment application for the Subject Property, A-10051, dated October 31, 2019, and submitted here into evidence. *See* A-10051 Technical Staff Report, p. 5–14. CSP-22001 also conflicts with the County Water and Sewer Plan.

a. CSP-22001 conflicts with Plan 2035’s recommendation for context-sensitive infill and low- to medium density development on the Subject Property.

One of the most glaring conflicts between CSP-22001 and the recommendations of Plan 2035 for the Subject Property is that the project does not meet the vision for the Established Communities area in which it is located, namely “context-sensitive infill and low- to medium density.” In fact, Plan 2035 specifically recommends residential low land uses for the Subject Property (Map 10, page 101). CSP-22001 proposes medium to high density land uses at the Subject Property.

b. The proposed density in CSP-22001 conflicts with the recommendations of the Subregion 6 Master Plan and SMA.

CSP-22001 is not in conformance with Subregion 6 Master Plan and SMA, which recommends retaining low land use on the Subject Property defined as residential areas of up to 3.5 dwelling units per acre, including primarily single-family detached dwellings. The site is approximately 60 acres, thus the Subregion 6 Master Plan and SMA recommends at most 210 units on the Subject Property. However, CSP-22001 proposes medium and high-density townhouse and multifamily housing, creating a density much higher than envisioned by the Subregion 6 Master Plan and SMA as there are approximately 600 dwelling units proposed CSP-22001.

c. Green Infrastructure Plan

Citizen-Protestants adopt and incorporate the findings of Staff when it evaluated A-10051 where Staff found that “based on the Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan (May 2017) the majority of the site falls within regulated areas and evaluation areas. According to available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the PMA. The major roadways and significant environmental features may prevent this development, if zoned M-X-T from being walkable to other communities in the neighborhood.” A-10051 Technical Staff Report, p. 14. Thus, CSP-22001 conflicts with the Green Infrastructure Plan.

d. CSP-22001 conflicts with the County’s 2018 Water and Sewer Plan because the Subject Property is within Water and Sewer Category 5.

Citizen-Protestants adopt and incorporate DPIE’s findings that “the 2018 Water and Sewer Plan designates parcels 32, 35 & 92 in water and sewer Category 5... This property has applied for a Category Change from Category 5 to Category 4 in the upcoming December 2022 Cycle of Amendments. As such, this property cannot be reviewed for approval of a CSP until it has been approved for the appropriate category change.” Backup, p. 66.

CSP-22001 conflicts with Plan 2035, the Subregion 6 Area Master Plan, the Green Infrastructure Plan, and the County’s 2018 Water and Sewer Plan. Therefore, the Planning Board must deny CSP-22001.

4. The record lacks substantial evidence to support a finding that CSP-22001 satisfies the requirements for development in the M-X-T Zone.

The County Zoning Ordinance requires CSP-22001 to conform to the purposes and applicable requirements of the M-X-T Zone. *See* ZO § 27-272(b)(1)(B); ZO § 27-276(b)(2); ZO § 27-546(d)(1). However, CSP-22001 conflicts with the purposes of the M-X-T Zone and fails to conform to all of the applicable requirements for development in the M-X-T Zone.

a. CSP-22001 conflicts with the purposes of the M-X-T Zone.

Citizen-Protestants adopt and incorporate the findings of Staff when it considered A-10051 and found that the development of M-X-T uses on the Subject Property “is not

consistent with the purposes of the M-X-T Zone.” More specifically, Citizen-Protestants adopt the following findings of Staff:

Section 27-542(a) Purposes of the M-X-T Zone

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

... However, rezoning the subject property to the M-X-T Zone does not embody orderly development; the proposal directs mixed-use, high-density land use away from the regional transit districts, local centers, and employment areas. Thus, ... the intent of the M-X-T Zone insofar as promoting orderly development will not be upheld.

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

The proposed rezoning of the subject property does not implement the recommendations of Plan 2035 or the Subregion 6 Master Plan and SMA and permits development that directly contradicts those recommendations. If the property was granted approval of the M-X-T Zone, the property could be compact, mixed-use, and internally walkable; however, the Subregion 6 Master Plan and SMA does not recommend this density, land use, or type of development at this location. Based on the Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan (May 2017) the majority of the site falls within regulated areas and evaluation areas. According to available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the PMA. The major roadways and significant environmental features may prevent this development, if zoned M-X-T from being walkable to other communities in the neighborhood.

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

As described in this purpose, the M-X-T Zone strives to protect the value of land and buildings within the zone, as well as increase development potential by concentrating M-X-T-zoned properties at strategic locations, such as the regional transit districts, local centers and employment areas. Currently, Subregion 6 contains a substantial amount of M-X-T-zoned properties concentrated in appropriate areas, such as the Westphalia Town Center.

Rezoning the subject property to the M-X-T Zone scatters M-X-T zoned properties in inappropriate areas and weakens the value and development potential of properties where M-X-T zoned land has been concentrated. In addition, the proposed location for the rezoning to M-X-T is not compatible with nearby developments, such as the low-density residential communities. The property has a tenuous connection to Westphalia Town Core due to the significant barrier that is MD 4.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;

The location of the subject property is not in proximity to other mixed-use developments. Properties to the northeast and south have residential land uses on the properties. The northern and eastern properties zoned for mixed-use, separated from the subject site by MD 4 and MD 223, remain undeveloped. In addition, the location of the subject property is not in proximity of transit facilities. Transit does not refer to a major intersection because a major intersection, intrinsically, promotes automobile use as opposed to discouraging it. Therefore, M-X-T-zoned property at this location cannot facilitate transit use or reduce automobile use. Furthermore, M-X-T zoning at this location cannot facilitate bicycling. There are no established or funded bicycle facilities or infrastructure on MD 4, MD 223, or Marlboro Pike. Also, M-X-T zoning at this location cannot facilitate walkability. Pedestrians would be required to cross MD 4, a freeway,

or MD 223, a master-planned arterial road, without the assistance of a pedestrian bridge or underpass.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

An M-X-T zoned property at this location, with a 24-hour environment, is inappropriate and out of context. The subject property is surrounded by vacant land, and low- to medium-density residential communities. It is unlikely that there is a large enough daytime or residential population existing near the subject property to support a 24-hour environment, and the residents of these neighborhoods may find it a nuisance and incompatible with the character of their neighborhood.

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

At this location, mixed-use development, either horizontal or vertical, may blend internally, but would not blend with adjacent uses. Instead, it would be isolated from the mixed-use zoned properties to the north and east due to MD 4 and MD 223. This purpose presumes the subject property is in an urban or urbanizing area and that the development would become part of the urban fabric. This is not the case for this property.

...

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

Mixed-use development is inherently flexible in terms of market response. However, with the chosen location, the project would shift economic vitality and investment away from where it is needed and desired, specifically the regional transit districts, local centers, and employment areas.

A-10051 Technical Staff Report, p. 13–16.

The record lacks any evidence to demonstrate how CSP-22001 has overcome or addressed the conflicts identified between the purposes of the M-X-T Zone and any proposal for M-X-T development on the Subject Property. Thus, CSP-22001 does not conform to the purposes of the M-X-T Zone and the Planning Board must deny this application.

b. CSP-22001 does not conform to the applicable M-X-T Zone regulations.

ZO § 27-548(a) limits the density in the M-X-T zone to 0.40 FAR unless an applicant utilizes the optional method of development. Here, CSP-22001 proposes a development of 0.417 but does not utilize the optional method of development.

ZO § 27-546(d)(3) requires that CSP-22001 propose a development with an outward orientation. CSP-22001 proposes only a partially outwardly orientation.

ZO § 27-546(d)(4) requires CSP-22001 propose a development that is compatible with existing and proposed development in the vicinity. Citizen-Protestants incorporate Staff's findings from its review of A-10051 where Staff concluded that "at this location, mixed-use development, either horizontal or vertical, may blend internally, but would not blend with adjacent uses. Instead, it would be isolated from the mixed-use zoned properties to the north and east due to MD 4 and MD 223. This purpose presumes the subject property is in an urban or urbanizing area and that the development would become part of the urban fabric. This is not the case for this property." A-10051 Technical Staff Report, p. 15.

Further, the proposed uses and density may create challenges or a nuisance for nearby property owners, many of whom are senior citizens.

5. CSP-22001 conflicts with the Military Installation Overlay Zone.

The subject project does not meet the purposes of the Military Installation Overlay (M-I-O) Overlay Zone, in which it is located. Specifically, the purpose of the M-I-O Zone, as stated in ZO § 27-548.51 of the Zoning Ordinance, is to regulate the development and use of structures and property in order to promote land uses compatible with operations at Joint Base Andrews; to protect the safety and welfare of individuals in the area from the adverse impacts associated with high levels of noise from flight operations and the potential for aircraft accidents associated with proximity to Joint Base Andrews operations. The intent of the regulations is to recognize the rights of individual property owners while reducing interference with the military operations at Joint Base Andrews. This purpose would be better served by low or medium density residential uses (like single family detached housing) rather than the high density uses (like townhouse and multifamily housing) with a commercial component currently proposed at a higher density than allowed in the M-X-T by the Zoning Ordinance.

6. The record lacks substantial evidence to support a finding that CSP-22001 satisfies the conditions of approval of A-10051.

The record lacks substantial evidence to support a finding that CSP-22001 satisfies several Conditions of Approval for A-10051 including Conditions 2(e), 3(d), 4(b), and 4(c).

Condition 2(e) requires that CSP-22001 include areas proposed for landscaping and screening. However, the record lacks substantial evidence to satisfy this requirement because Staff has recommended that the Planning Board delay the evaluation of landscaping and screening adequacy until the Planning Board considers subsequent development applications.

Condition 3(d) requires the Applicant provide, at the time of DSP approval, “evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or with the current State Consolidated Transportation Program, will be provided by the Applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club) or are incorporated in a specific public facilities financing and implementation program.” The record demonstrates that surrounding road network would not be adequate to serve the property unless several offsite improvements were made. However, there is no evidence in the record that the necessary offsite improvements have been or will be funded in a reasonable period of time. The Planning Board should not approve this application when it is clear that subsequent applications will not be able to satisfy this requirement.

Conditions 4(b) and 4(c) of A-10051-C requires the site layout have an outward orientation and be integrated and compatible with adjacent development. The record lacks substantial evidence to support a finding that CSP-22001 complies with these conditions.

Therefore, the Planning Board must deny CSP-22001.

7. TCP1-016-2022 fails to meet the requirements of the Woodland Conservation Ordinance.

The Woodland Conservation Ordinance requires the Applicant preserve a minimum threshold of woodland and every specimen trees on the Subject Property. The Applicant may not be approved for offsite woodland preservation techniques before Applicant demonstrates that it has exhausted all onsite woodland preservation techniques. ZO § 25-122(c). The Applicant may not be approved to remove specimen trees unless it satisfies the requirements for a variance. ZO § 25-119(d).

In TCP1-016-2022, the Applicant proposes 9.52 acres of offsite preservation. The record lacks substantial evidence to support a finding that the Applicant has exhausted all onsite preservation techniques and thus the Planning Board must not approve Applicant's TCP1.

Further, Applicant has requested a variance to remove 22 of the 31 specimen trees on the Subject Property. The record lacks substantial evidence to support a finding that the Applicant satisfies 5 out of the 6 required criteria. For example, Criteria A (special conditions) requires a showing of uniqueness and unwarranted hardship as defined by Maryland's variance jurisprudence. ZO § 25-119(d)(1)(A). The Subject Property is not unique, and the mere existence of specimen trees cannot create uniqueness. The Applicant does not experience an unwarranted hardship merely because the WCO limits the area of the site available for development. Criteria B and C require the Applicant to prove that

granting the variance will not be a special privilege and that denying the variance will deprive the Applicant of rights commonly enjoyed by others. ZO § 25-119(d)(1)(B), (C). The record lacks relevant evidence to support a finding that the Applicant satisfies Criteria B and C. Criteria D requires the Applicant to demonstrate that the need for the variance is not caused by the Applicant. When a variance is needed because of the Applicant's desired development plan, the need for the variance is caused by the Applicant. ZO § 25-119(d)(1)(D). Here, the Applicant applied to have the property rezoned M-X-T. The need for the variances arises from the Applicant's desire to accommodate a higher density development under the M-X-T zone. Thus, Applicant's need to remove specimen trees is the result of the Applicant's actions – having the property rezoned. Finally, Criteria F requires the Applicant show that the variance will not negatively impact water quality. ZO § 25-119(d)(1)(F). The satisfaction of stormwater management or erosion and sediment control regulations is not sufficient, in and of itself, to meet this criterion. Therefore, the Planning Board may not approve the requested variances for TCP1-016-2022.

8. Evaluating this application under the prior zoning ordinance may frustrate this County's planning goals.

Though it is allowable by the requirements of the new Zoning Ordinance to opt to proceed under the provisions of the old ordinance, it is still true that allowing the project to proceed under the provisions of the old ordinance will not support the most forward thinking planning goals and objectives in Prince George's County as articulated in the most recently adopted comprehensive plan and as implemented by most recently adopted Zoning

Ordinance and allowing the application proceed under the old mixed use-transportation oriented (MXT) Zoning instead of the new Commercial, General, Office (CGO) which has been assigned to the Subject Property.

9. The Planning Board may not defer consideration of critical issues until its review of subsequent development applications.

The Planning Board is not permitted to follow Staff's recommendation that the Planning Board delay dealing with many issues until the Planning Board considers later applications rather than dealing with them as they should be now, prior to the Applicant getting toe hold at this juncture on an imperfect design that should not be permitted on the Subject Property. For example, Condition #2 recommends that the redesign of intersections be done at time of approval of a preliminary plan for the project.

Condition #3 recommends the Planning Board delay, until the detailed site plan application, decisions regarding the sufficiency of the sustainable site and green building techniques, the proposals compliance with the 0.40 FAR limit, and the adequacy of pedestrian and bike facilities as well as signage. Condition #3 is particularly problematic because the extreme density of the proposed development demonstrates a clear failure to conform to the required maximum floor area ratio (FAR) permitted in the M-X-T in which it is located. For M-X-T properties, like the Subject Property, the maximum permitted density as specified in ZO § 27-548(a)(1) of the old zoning ordinance is 0.40 FAR. However, CSP-22001 proposes a density of 0 0.417 FAR. Staff has tried to address this lack of conformance by recommending Condition #3b which would require the Applicant

to, at time of detailed site plan, reduce the floor area ratio (FAR) to 0.40 or exercise optional methods to allow development in excess of 0.40 FAR. This recommendation violates the requirement that the development conform with ZO § 27-548(a)(1) at this time, for approval of the CSP.

Condition #3 is also problematic given the overwhelming concern for sustainable and green building techniques being felt globally. A concern this important should trigger review by the Planning Board at an earlier point in the development review process than consideration of the DSP or the environmental permits. The adequacy of sustainable site and green building techniques should be considered in the conceptual approval of the plan. Further, Staff's suggestion that sustainable site and green building techniques be utilized at the time of detailed site plan (SDP), "if practical" pays lip service to the concern. The failure to prioritize sustainable and green building techniques is augmented in light of Staff's recommendation for the approval TCP1-016-2022, including the removal of multiple specimen trees

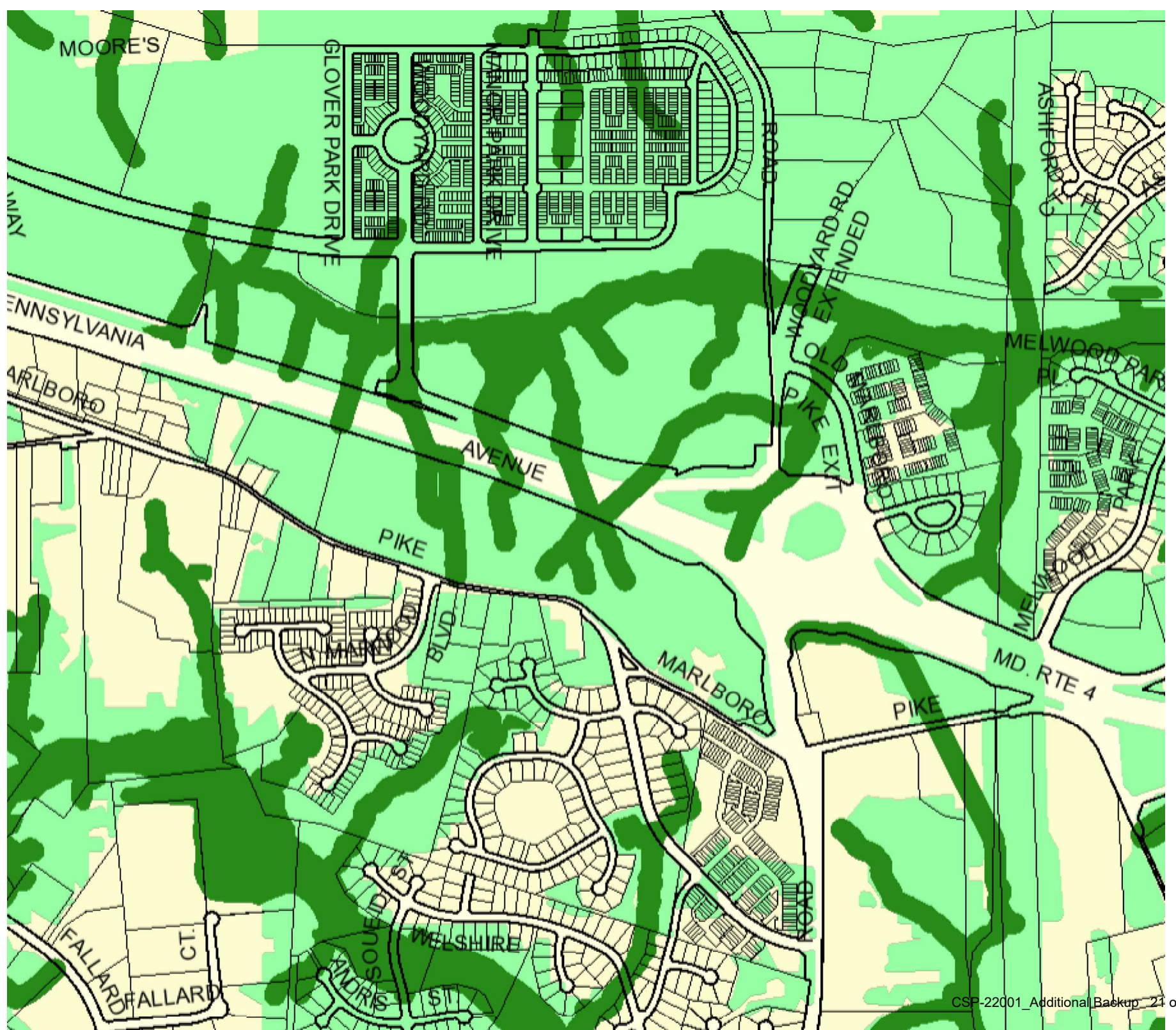
Condition #4 recommends that the Planning Board delay considering whether the Applicant had obtained approval of federal and state wetland permits or complied with any conditions and mitigation plans until the Planning Board issued permits which impact wetlands, wetland buffers, streams, or waters of the U.S.

Similarly, Staff improperly recommends that Planning Board delay its consideration of comments provided by the Health Department related to the "increase of impervious surface, fine particulate air pollution, and noise related to traffic" until the time at which

the Planning Board considers Preliminary Plans of Subdivision or Detailed Site Plan applications.

Staff also errs when it provides that the Planning Board need not consider the fact that the Subject Property within water and sewer Category 5, thus the Subject Property is not within the appropriate service area of the County Water and Sewer Plan. Staff improperly implies that the Planning Board may ignore this deficiency so long as the Applicant is able to attain a water and sewer category of at least a Category 4 before the Planning Board is asked to approve the Preliminary Plan of Subdivision application. However, DPIE, in its letter dated September 14, 2022, stated that “this property cannot be reviewed for approval of a CSP until it has been approved for the appropriate category of change.” Additional Backup, p. 66. The Planning Board cannot and should not delay evaluating critical health concerns until the time of PPS and DSP and instead must deny this application.

Finally, ZO § 27-276(b)(4) requires the Planning Board affirmatively find that CSP-22001 demonstrates “preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).” Because the Applicant’s Stormwater Management Plan has not been approved, neither staff nor the Planning Board is able, at this time, to determine whether PMA Impact 3, 4, or 7 are necessary impacts. The Planning Board may not defer the evaluation of this impact with subsequent development applications as doing so would violate the Planning Board’s required procedures under ZO § 27-276.



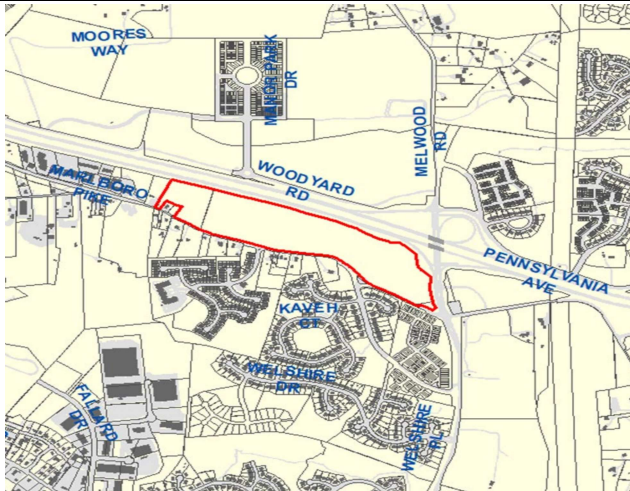


The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Zoning Map Amendment

Carozza Property

A-10051

REQUEST		STAFF RECOMMENDATION	
Rezone property from the R-R Zone to the M-X-T Zone.		DISAPPROVAL	
Location: In the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), on the north side of Marlboro Pike.			
Gross Acreage:	60.02		
Zone:	R-R		
Gross Floor Area:	N/A		
Lots:	0		
Parcels:	3		
Planning Area:	77		
Council District:	09		
Election District:	15		
Municipality:	N/A		
200-Scale Base Map:	207SE09		
Applicant/Address: Maria Volpe and Sandra Carey 3027 Davenport Street, NW Washington DC, 20008-2116		Planning Board Date:	10/31/19
		Planning Board Action Limit:	N/A
		Staff Report Date:	10/17/19
		Date Accepted:	07/23/19
		Informational Mailing:	08/14/18
		Acceptance Mailing:	07/18/19
Staff Reviewer: Ras Tafari Cannady II, AICP Phone Number: 301-952-3411 Email: Ras.Cannady@ppd.mncppc.org		Sign Posting Deadline:	N/A

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

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Ras Tafari Cannady II, AICP, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: **Zoning Map Amendment Application A-10051**
Carozza Property

REQUEST: **Rezoning from the R-R Zone to the M-X-T Zone**

RECOMMENDATION: **DISAPPROVAL**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of October 31, 2019. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

1. **Location and Field Inspection:** This 60.02-acre site is located on Tax Maps 99 and 100 in Grids A-2 and F-2. The subject site identified as 9702 and 10200 Marlboro Pike, is an assemblage of Parcels 32, 35, and 92 recorded in Liber 13557, folio 730. The property has street frontage along Marlboro Pike to the south and Woodyard Road to the east. Access to the subject site, as proposed, is via Marlboro Pike.
2. **History:** The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) retained the subject properties in the Rural Residential (R-R) Zone. Map 7 of the Subregion 6 Master Plan and SMA made few changes to the future land use pattern established in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* and the *Approved Master Plan and Sectional Map Amendment for Melwood–Westphalia*. Both plans maintained the recommendation of residential low on the subject property.

The designation of Residential Low is defined as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (Subregion 6 Master Plan and SMA).

The 2016 *Approved Military Installation Overlay Zoning Map Amendment* retained the subject property in the R-R Zone and applied the Military Installation Overlay (M-I-O) Zone. More specifically, the subject application is located within the (M-I-O) Zone in Surface E (Conical Surface), which limits height to approximately 350 feet, and Noise Intensity Zone Decibel Range of 60–75 dBA Ldn, which limits certain uses.

3. **Neighborhood:** Significant natural features or major roads usually define neighborhoods. The following roadways define the boundary of the neighborhood:

North—	MD 4 (Pennsylvania Avenue), a master plan designated freeway.
East—	MD 223 (Woodyard Road), a master plan designated arterial roadway.
South—	Dower House Road, a master plan designated arterial roadway, and McCormick Road, a master plan designated major collector roadway.
West—	Dower House Road

Surrounding Uses: The following uses and roadways surround the subject site:

North—	MD 4 and north of MD 4, Mixed Use-Transportation (M-X-T) zoned property currently being developed as the Westphalia Town Center Development.
East—	MD 223 (Woodyard Road) and east of MD 223, vacant Local Activity Center (L-A-C) and M-X-T zoned properties.

South— Marlboro Pike and south of Marlboro Pike, single-family detached dwellings in the R-R Zone and townhouses within the Townhouse Zone.

West— A vacant commercial building on a 2-acre Commercial Office (C-O) zoned parcel and, further west, commercial uses in the C-O and Commercial Shopping Center zones.

4. **Request:** The subject application seeks rezoning of the subject site, 60.02 acres, from the R-R Zone to the M-X-T Zone. In addition, the subject application proposes a mixture of residential, commercial, retail, office, and institutional development.

5. **General and Master Plan Recommendations:**

General Plan

The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designated the subject site within the Established Communities area as “existing residential neighborhoods and commercial areas served by public water and sewer *outside of the Regional Transit Districts and Local Centers*” (italics added for emphasis). Development growth is to be focused in the Regional Transit Districts and Local Centers. Plan 2035’s vision for the Established Communities area is “context-sensitive infill and low- to medium-density development” (page 20). In addition, Plan 2035 recommends residential low land use for the subject property (Map 10, page 101). The subject property is not within a Regional Transit District, Local Center, or an Employment Area, as defined in Plan 2035 (pages 19, 106, and 109).

Plan 2035 established the following policies and strategies that are relevant to this application:

Policy LU 1: Direct a majority of projected new residential and employment growth to the Regional Transit Districts, in accordance with the Growth Policy Map (Map 11, pages 107-108) and the Growth Management Goals (Table 17, page 110) set forth in Table 17 (Land Use, page 110).

Strategy LU 1.1: To support areas best suited in the near term to become economic engines and models for future development, encourage projected new residential and employment growth to concentrate in the Regional Transit Districts that are designated as Downtowns (see the Strategic Investment Program under the Implementation section [pages 252-254]) (Land Use, page 305).

Policy LU 7: Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers (Land Use, page 114).

Policy LU 9: Limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas (Land Use, page 116).

Policy HN 1: Concentrate medium- to high-density housing development in Regional Transit Districts and Local Centers with convenient access to jobs, schools, childcare, shopping, recreation, and other services to meet projected demand and changing consumer preferences (Housing and Neighborhoods, page 187).

Strategy HD 9.9: Implement urban design solutions to ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential neighborhoods. Urban techniques include decreasing (stepping down) building heights, reducing development densities, and otherwise modifying architectural massing and form (Community Heritage, Culture, and Design, page 215).

Area Master Plan

The Subregion 6 Master Plan and SMA recommends retaining the residential low land use for Parcels 32, 35, and 92. Residential low land use is described as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (page 40).

This is consistent with the purposes of the current R-R zoning, defined by Section 27-428(a) of the Prince George’s County Zoning Ordinance to “facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles;”

In addition, the Subregion 6 Master Plan and SMA recommends goals, policies, and strategies that apply to properties in the sector plan area:

Development Pattern and Land Use

Goal: Promote a development pattern that improves mobility options by making transit service more accessible, preserves irreplaceable agricultural and natural resource lands, concentrates commercial centers, and sustains a diverse and vibrant economy (Development Pattern and Land Use, page 39).

Policy 1: Promote a development pattern that allocates appropriate amounts of land for residential, commercial, employment, industrial, and institutional land uses, in accordance with County development goals by considering local and regional needs, the integration of land uses wherever possible, and the impact of development proposals on the economy, environment, equity, and efficiency;

Strategy 1: Maintain low- to moderate-density land uses except as part of mixed-use development and planned communities (Developing Tier, page 58).

Environmental

Policy 1: Protect, preserve, and restore the identified Green Infrastructure network and areas of local significance within Subregion 6, in order to protect critical resources and to guide development and mitigation activities;

Strategy 2: Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals, to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements.

Protect secondary corridors to restore and enhance environmental features, habitat, and important connections;

Strategy 4: Preserve or restore regulated areas designated in the Green Infrastructure Network through the development review process for new land development proposals (Wildlife and Habitat, pages 68-69).

Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

Transportation Systems

Major Roads MD 4 (Pennsylvania Ave): This plan recommends the upgrade of MD 4 to freeway status from I-495 to the Anne Arundel County line. Part of this upgrade is complete in Subregion 6, although interchange upgrades are still necessary to achieve freeway status. In particular, interchanges to replace at-grade intersections of MD 4 with Westphalia Road, Suitland Parkway, and Dower House Road have not been completed, and several existing interchanges, such as those at MD 223 and US 301, need to be upgraded (Major Roads, page 84).

Policy 1: Develop a road network that balances regional mobility and local accessibility needs.

Strategy 1: Continue to manage existing and future traffic by building the Subregion Plan's road network (as shown in Table 9 [page 99] and Map 14 [page 86]). Give priority to key roads that would be heavily impacted by growth (including BRAC-related growth): Old Marlboro Pike (Transportation Needs Based on Growth Trends, page 92).

Policy 3: Maintain and improve both the arterial and nonarterial systems to provide for safe and efficient travel.

Strategy 1: Fund and construct the following road projects listed in the Capital Improvement Program and MDOT Consolidated Transportation Program – Reconstruction of MD 4 (including interchanges at Suitland Parkway and Dower House Road (Transportation Needs Based on Growth Trends, page 93).

Policy 2: Ensure that the road system is improved concurrently with development, so that road and intersection capacities match demand (Transportation Needs Based on Growth Trends, page 93).

Economic Development

Policy 1: Intensify and grow economic development at strategic locations zoned for industrial and commercial uses to increase employment opportunities, income, and the tax base within Prince George's County and the subregion.

Strategy 1: Ensure that adequate amounts of land are available for economic development while avoiding over-zoning land as commercial that encourages sprawl and inhibits revitalization efforts.

Strategy 4: Support redevelopment and revitalization of existing employment areas rather than greenfield development (Employment, page 147).

Policy 4: Provide commercial development in strategic locations to serve the needs of communities giving preference to improving existing centers (Living and Community Areas, page 177).

In regard to the applicability of the environmental policies and strategies contained within the Subregion 6 Master Plan and SMA, staff has analyzed the subject site in context of the green infrastructure plan, woodland conservation, and regulated environmental features as contained below:

Green Infrastructure Plan

According to the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017), the majority of the site falls within regulated areas and evaluation areas. Based on available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the primary management area (PMA). The evaluation areas adjacent to regulated environmental features provide opportunities for building larger riparian buffers and habitat corridors, and opportunities to provide linkages between environmental features. Based on staff's analyses, the developable area outside of the regulated environmental features and Green Infrastructure network would not support the density requested. Any impacts to regulated environmental features on the subject property are not supported.

Woodland Conservation

Development of the site will be subject to the provisions of Subtitle 25, Division 2, of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), and future development of the site must be in conformance with an approved tree conservation plan. The site is currently zoned R-R and has a required woodland conservation threshold of 20 percent of the net tract area. If approved, the proposed change to the M-X-T Zone will reduce the woodland conservation threshold to 15 percent. Based on the stream and Green Infrastructure network mapped on-site, the proposed zoning change is not supported. The current thresholds are appropriate and should be met with on-site preservation of the highest priority woodlands within the Green Infrastructure network. Future land development applications will require conformance with the WCO.

Regulated Environmental Features

According to information available on PGAtlas, there are regulated environmental features, as defined in Section 25-118(b) 63.1 on this site. A final delineation of all regulated environmental features will be determined at a later stage of development, with the approval of a natural resources inventory, under the current environmental regulations.

Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by

County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management (SWM) facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted, in accordance with the Environmental Technical Manual. The justification must address how each impact has been avoided and/or minimized.

Future land development applications will require a finding of preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible, per Sections 24 and 27 of the County Code. Impacts to regulated environmental features would not be supported in order to accommodate higher density.

6. Zoning Requirements:

Section 27-213(a) Criteria for approval of the M-X-T Zone.

(1) The District Council shall only place land in the M-X-T Zone if at least one (1) of the following two (2) criteria is met:

(A) Criterion 1. The entire tract is located within the vicinity of either:

- (i) A major intersection or major interchange (being an intersection or interchange in which at least two (2) of the streets forming the intersection or interchange are classified in the Master Plan as an arterial or higher classified street reasonably expected to be in place within the foreseeable future); or**
- (ii) A major transit stop or station (reasonably expected to be in place within the foreseeable future).**

The site is within the vicinity of a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification), namely the intersection of MD 4 and MD 223. Therefore, the location meets the criteria in Section 27-213(a)(1)(A) of the Zoning Ordinance.

(B) Criterion 2. The applicable Master Plan recommends mixed land uses similar to those permitted in the M-X-T Zone.

This application does not meet the requirements of Section 27-213(a)(1)(B) because the Subregion 6 Master Plan and SMA does not recommend mixed land uses similar to those recommended in the M-X-T Zone. Section 27-542(a)(2) of the Zoning Ordinance describes mixed land use as “a mix of residential, commercial, recreational, open space, employment, and institutional uses.” Based on this description and the combination and types of uses included, the sector plan does not recommend mixed land uses similar to those recommended in M-X-T and is explicit in the land uses that are recommended. This is evident in the applicable master plan (Westphalia Sector Plan) Future Land Use Map (Map 27), which illustrates the recommended land use for the subject properties is residential-low. (Strategy 1, Developing Tier, page 58)

(2) Prior to approval, the Council shall find that the proposed location will not substantially impair the integrity of an approved General Plan, Area Master Plan, or Functional Master Plan and is in keeping with the purposes of the M-X-T Zone. In approving the M-X-T Zone, the District Council may include guidelines to the Planning Board for its review of the Conceptual Site Plan.

The applicant provided a statement of justification (SOJ) with this application, dated July 2, 2019, incorporated herein by reference. The SOJ acknowledges the residential low land use recommendations for the subject property but states that the proposed zoning will not substantially impair the general plan or the master plan and is in keeping with the purposes of the M-X-T Zone. However, staff does not find that the applicant’s request is justified and further finds the following:

PROPOSED REZONING SUBSTANTIALLY IMPAIRS THE INTEGRITY OF THE GENERAL PLAN

Pursuant to Section 27-213(a)(2), this application would substantially impair the integrity of Plan 2035 in the following manners:

Plan 2035 recommends, “context-sensitive infill and low- to medium-density development” within the Established Communities policy area (page 20); and specifically recommends residential low land use for the subject property (Map 10, page 101).

More specifically, Plan 2035 defines the residential low land use as up to 3.5 dwelling units per acre (page 100). The R-R Zone allows a maximum of 2.17 dwelling units per acre, well within this range. The M-X-T Zone allows the possibility of densities significantly higher, including permitting multifamily and single-family attached dwellings that are only economical at higher densities. Under certain conditions, the zone can permit a floor area ratio (FAR) as high as 8.0.

Furthermore, the rezoning of the subject property at this location contradicts the Plan 2035 recommendations to:

- “Concentrate medium- to high-density housing development to Regional Transit Districts and Local Centers” (Housing and Neighborhoods, Policy HN 1, page 187);
- “limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers” (Land Use, Policy 7, page 114);
- “limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers...” (Land Use, Policy 9, page 116);
- “...encourage growth to concentrate in the Regional Transit Districts that are designated as Downtowns” (Land use, Strategy LU 1.1, page 305); and
- “Direct a majority of projected new residential and employment growth to the Regional Transit Districts...” (Land Use, Policy LU 1, page 110).

Plan 2035 indicates that medium- to high-density housing, mixed-use, and commercial development in this area of Prince George’s County is to be located within the Westphalia Local Town Center, north of MD 4 from the subject property, and other regional transit districts and local centers, and nowhere else. The County’s development goals are stated in Plan 2035, as further discussed.

Mixed-use and commercial zoning should be limited to the designated regional transit districts, local centers, and employment areas. Currently, there are 985.38 acres of property, wholly or partially within a 1-mile radius of the subject property, zoned for mixed-use; L-A-C, Residential Medium Development, (R-M) and Residential Suburban Development (R-S). Staff notes that the R-M and R-S Zones allow non-residential uses, such as food and beverage stores, as well as beauty salons. It is evident that there is a substantial amount of property zoned for mixed-use in Subregion 6 and adjacent planning areas, and any additional mixed-use zoning would inhibit commercial revitalization in the areas where it is desired.

Allowing the subject property to be rezoned to the M-X-T Zone at the proposed location, outside the regional transit districts and local centers, pulls mixed-use growth away from designated areas where it is more desirable (including the Westphalia Local Town Center across MD 4 from the subject property); and promotes a scale and mix of development that is out of context with the surrounding low- to medium-density residential neighborhoods. The rezoning of the subject property challenges Plan 2035’s recommendation to “ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential neighborhoods” (Community Heritage, Culture, and Design, HD 9.9, page 215).

PROPOSED REZONING SUBSTANTIALLY IMPAIRS THE INTEGRITY OF THE MASTER PLAN

Pursuant to Section 27-213(a)(2), this application would substantially impair the integrity of the Subregion 6 Master Plan and SMA in the following manners:

Land Use and Density: The Subregion 6 Master Plan and SMA recommends maintaining, “low- to moderate-density land uses...” (Strategy 1, Developing Tier, page 58), within the developing tier (now known as the Established Communities area pursuant to Plan 2035). In addition, the Subregion 6 Master Plan and SMA specifically recommends the residential low land use (Map 27) for the subject property. Though Strategy 1, as contained on page 58, recommends maintaining “...low- to moderate density *except* as part of mixed-use development” the property is not recommended for mixed-use, therefore the exception does not apply.

The Subregion 6 Master Plan and SMA defines the residential low land use as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (page 40). As previously stated, the R-R Zone allows a maximum of 2.17 dwelling units per acre, well within this range. In addition, the M-X-T Zone allows the possibility of densities significantly higher, including permitting multifamily and single-family attached dwellings that are only economical at higher densities. Under certain conditions, the zone can permit a FAR as high as 8.0.

Furthermore, the M-X-T Zone requires at least two land uses to be included in a development, which can include office/industrial/research, hotel/motel, retail and/or residential in any combination. This means that under the M-X-T Zone, it is possible that residential land uses may not be included in a new development.

Given that the M-X-T Zone allows high-density, non-residential development; the rezoning of the property will not only permit a density and mix of uses that is contrary to that envisioned by the plan, but would also prevent the execution of the Subregion 6 Master Plan and SMA’s vision of low-density, residential land uses, which greatly impairs the integrity of the Subregion 6 Master Plan and SMA.

Development Pattern and Location: A key component of the Subregion 6 Master Plan and SMA, that is evident throughout, is the recommended development pattern or, more specifically, the location of mixed-use and commercial zoning and land use. The Subregion 6 Master Plan and SMA recommends promoting, “...a development pattern that...concentrates commercial centers...” (Goal 4, Development Pattern and Land Use, page 39); consolidating, “...commercial development in strategic locations to serve the needs of communities giving preference to improving existing centers.” (Policy 4, Living and Community Areas, page 177); intensifying and growing, “...economic development at strategic locations zoned for industrial and commercial uses...” (Policy 1, Employment, page 147); and supporting, “...redevelopment and revitalization of existing employment areas rather than greenfield development” (Strategy 4, Employment page 147).

The subject property is not located in or as part of an existing commercial center or an employment area, nor is it zoned commercial or industrial. It is a vacant greenfield property, that abuts low- to medium-density residential neighborhoods to the south and northeast, and vacant land to the north and east.

Though it is located near the proposed Westphalia Town Center, the subject property was not envisioned to be part or an extension of the future development

by either the 2007 *Approved Westphalia Sector Plan* or the Subregion 6 Master Plan and SMA.

Furthermore, a major concern contained in the Subregion 6 Master Plan and SMA is the amount of mixed-use and commercial zoning already in place in the Subregion 6 Master Plan and SMA area and the County. The Subregion 6 Master Plan and SMA recommends avoiding, "...over-zoning land as commercial..." to discourage, "...sprawl and inhibit revitalization efforts in existing commercial centers" (Strategy 1, Employment, page 147).

Instead, the Subregion 6 Master Plan and SMA recommends allocating, "...an appropriate amount of land for residential, commercial, employment, industrial, and institutional land uses in accordance with County development goals...." (Policy 1, Developing Tier, page 58).

Environment: The Subregion 6 Master Plan and SMA considers several other factors before recommending high-density, mixed-use, or commercial land use for specific areas. One factor that is considered is environmental constraints. The Subregion 6 Master Plan and SMA recommends the protection, preservation, and restoration of the identified green infrastructure network, in order to protect critical resources and to guide development and mitigation activities (Policy 1, Wildlife and Habitat, pages 68–69); and the preservation or restoration of regulated areas designated in the green infrastructure network through the development review process for new land development proposals, (Strategy 4, Wildlife and Habitat, pages 68–69). Approximately 10.74 acres are designated as regulated areas and 47.02 acres as evaluation areas (a total 57.76 acres of 60.02 acres) by the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*.

The environmental constraints within the subject property, as contained in the resource conservation plan, comprises nearly the entire subject property, with the most sensitive areas, namely the streambeds, bisecting the property. The proposed M-X-T Zone, which encourages intense, high-density land uses, would permit development that greatly impedes efforts to preserve the tree canopy and restore the waterways, while the R-R Zone, a low-density low-intensity zone, would promote development that limits disturbance to the green infrastructure network.

PROPOSED REZONING IS NOT IN KEEPING WITH THE PURPOSES OF THE M-X-T ZONE

Pursuant to Section 27-213(a)(2), the proposed location is not consistent with the purposes of the M-X-T Zone. The complete list of purposes is copied below, followed by staff comment:

Section 27-542(a) Purposes of the M-X-T Zone

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The subject property is within the vicinity of a major interchange (MD 4 and MD 223) and could expand employment and living opportunities and enhance economic status in these areas. However, rezoning the subject property to the M-X-T Zone does not embody orderly development; the proposal directs mixed-use, high-density land use away from the regional transit districts, local centers, and employment areas. Thus, if the subject property is granted approval of the M-X-T Zone, the intent of the M-X-T Zone insofar as promoting orderly development will not be upheld.

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

The proposed rezoning of the subject property does not implement the recommendations of Plan 2035 or the Subregion 6 Master Plan and SMA and permits development that directly contradicts those recommendations. If the property was granted approval of the M-X-T Zone, the property could be compact, mixed-use, and internally walkable; however, the Subregion 6 Master Plan and SMA does not recommend this density, land use, or type of development at this location. Based on the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017) the majority of the site falls within regulated areas and evaluation areas. According to available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the PMA. The major roadways and significant environmental features may prevent this development, if zoned M-X-T from being walkable to other communities in the neighborhood.

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

As described in this purpose, the M-X-T Zone strives to protect the value of land and buildings within the zone, as well as increase development potential by concentrating M-X-T-zoned properties at strategic locations, such as the regional transit districts, local centers and employment areas. Currently, Subregion 6 contains a substantial amount of M-X-T-zoned properties concentrated in appropriate areas, such as the Westphalia Town Center.

Rezoning the subject property to the M-X-T Zone scatters M-X-T zoned properties in inappropriate areas and weakens the value and development potential of properties where M-X-T zoned land has been concentrated. In addition, the proposed location for the rezoning to M-X-T is not compatible with nearby developments, such as the low-density residential communities. The property has a tenuous connection to Westphalia Town Core due to the significant barrier that is MD 4.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The location of the subject property is not in proximity to other mixed-use developments. Properties to the northeast and south have residential land uses on the properties. The northern and eastern properties zoned for mixed-use, separated from the subject site by MD 4 and MD 223, remain undeveloped. In addition, the location of the subject property is not in proximity of transit facilities.

Transit does not refer to a major intersection because a major intersection, intrinsically, promotes automobile use as opposed to discouraging it. Therefore, M-X-T-zoned property at this location cannot facilitate transit use or reduce automobile use.

Furthermore, M-X-T zoning at this location cannot facilitate bicycling. There are no established or funded bicycle facilities or infrastructure on MD 4, MD 223, or Marlboro Pike. Also, M-X-T zoning at this location cannot facilitate walkability. Pedestrians would be required to cross MD 4, a freeway, or MD 223, a master-planned arterial road, without the assistance of a pedestrian bridge or underpass.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

An M-X-T zoned property at this location, with a 24-hour environment, is inappropriate and out of context. The subject property is surrounded by vacant land, and low- to medium-density residential communities. It is unlikely that there is a large enough daytime or residential population existing near the subject property to support a 24-hour environment, and the residents of these neighborhoods may find it a nuisance and incompatible with the character of their neighborhood.

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

At this location, mixed-use development, either horizontal or vertical, may blend internally, but would not blend with adjacent uses. Instead, it would be isolated from the mixed-use zoned properties to the north and east due to MD 4 and MD 223. This purpose presumes the subject property is in an urban or urbanizing area and that the development would become part of the urban fabric. This is not the case for this property.

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

At this stage of the development review process, there are no urban design or site plans, or architectural drawings to review to determine functional relationships among uses or distinctive visual character and identity.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

Mixed-use development is inherently more efficient by using economies of scale and typically provides energy savings during construction. At this stage of the development review process, there are no SWM plans or public facility recommendations to evaluate.

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

Mixed-use development is inherently flexible in terms of market response. However, with the chosen location, the project would shift economic vitality and investment away from where it is needed and desired, specifically the regional transit districts, local centers, and employment areas.

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

At this stage of the development review process, there are no architectural or urban design plans to evaluate.

- (3) Adequate transportation facilities.**

- (A) Prior to approval, the Council shall find that transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, will be funded by a specific public facilities financing and implementation program established for the area, or provided by the applicant, will be adequate to carry anticipated traffic for the proposed development.**

Staff has completed a full evaluation of the transportation facilities serving the proposed and adjacent developments. This application is supported by a traffic impact analysis (TIA) dated June 20, 2019, provided by the applicant and referred to the Maryland State Highway Administration, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Permitting, Inspections and Enforcement. All agencies concurred with its findings.

The purpose of the TIA was to identify and evaluate the critical intersections to determine the impact of the proposed zoning change on the performance of these intersections. The submitted TIA was based on the following proposed uses for the subject site: 30,000-square-foot shopping center; 220 room hotel; 180 townhouse dwelling units; 60,000 square feet of general office; and a 250 seat church.

Traffic Study Analyses:

The study identified the following intersections as the ones on which the proposed development would have the most impact:

Existing Traffic		
Intersection	AM-LOS/Delay	PM-LOS/Delay
MD 223 & Old Marlboro Pike/MD 4 entry ramp*	<50 seconds	<50 seconds
MD 223 & MD4 NB Ramp*	<50 seconds	<50 seconds
MD 223 & MD4 SB Ramp*	>50 seconds	<50 seconds
MD 223 & Marlboro Pike	B/1100	E/1483
MD 223 & Dower House Road	E/1462	D/1426
MD 223 & Rosaryville Road	A/812	A/930
MD 4 & Dower House Road	F/1761	E/1433
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified four background developments whose impact would affect the studied intersections. In addition, the study applied a growth rate of one half of one percent to the existing traffic counts at the subject intersections for a period covering six years. An analysis was done to evaluate impact of the background traffic on existing infrastructure. The analysis revealed the following results:

Background Traffic		
Intersection	AM-LOS/Delay	PM-LOS/Delay
MD 223 & Old Marlboro Pike/MD 4 entry ramp*	A/660	A/840
MD 223 & MD 4 NB Ramp*	NA	NA
MD 223 & MD 4 SB Ramp*	A/926	B/1086
MD 223 & Marlboro Pike	A/958	D/1394
MD 223 & Marlboro Pike (relocated)*	>50 seconds	<50 seconds
MD 223 & Dower House Road	E/1581	F/1640
MD 223 & Rosaryville Road	A/871	B/1001
MD 4 & Dower House Road	F/1878	E/1550
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Trip Generation and Impacts

The trip generation of the site, in consideration of trip rates taken from "Transportation Review Guidelines, Part 1," is summarized in Table 1 below based on existing and proposed zoning:

Table 1						
	AM			PM		
	In	Out	Total	In	Out	Total
EXISTING R-R Zoning						
Rate per DU	0.15	0.60	0.75	0.59	0.31	0.90
1.85 DU/acre = 60 x 1.85 = 111	17	66	83	65	34	99
PROPOSED M-X-T						
Shopping Center 30k sq. ft.	104	63	167	107	116	223
<i>Less pass-by (40% AM, PM)</i>	-42	-25	-67	-43	-46	-89
Hotel – 220 rooms	62	43	105	71	68	139
Townhouse – 180 DU's	25	101	126	94	50	144
General Office – 60k sq. ft.	108	12	120	21	90	111
Church - 250 seats	1	2	3	3	5	8
Total New Development	258	196	454	253	283	536
Net Change by rezoning	+241	+130	+371	+188	+249	+437

The comparison of estimated site trip generation indicates that the proposed rezoning would result in an increase of 371 AM and 437 PM trips during the respective peak hours.

Using these projected site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

Total Traffic		
Intersection	AM-LOS/Delay	PM-LOS/Delay
MD 223 & Old Marlboro Pike/MD 4 entry ramp*	A/660	A/859
MD 223 & MD 4 NB Ramp*	NA	NA
MD 223 & MD 4 SB Ramp*	A/926	B/1127
MD 223 & Marlboro Pike	B/1131	D/1376
MD 223 & Marlboro Pike (relocated)*	>50 seconds	>50 seconds
MD 223 & Dower House Road	D/1449	C/1234
MD 223 & Rosaryville Road	A/912	B/1014
MD 4 & Dower House Road	D/1425	C/1189
Marlboro Pike & Site Access 1	<50 seconds	<50 seconds
Marlboro Pike & Site Access 2	<50 seconds	<50 seconds
Marlboro Pike & Site Access 3	<50 seconds	<50 seconds
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p>		

Given the proposed uses and the associated traffic projection outlined in the traffic study, it is determined that the proposed rezoning and the proposed uses would not bring about a substantial impact on the existing transportation facilities in the area of the subject site in the near term. While the new proposed development will result in an increase in activity in the area, the transportation facilities would be adequate to carry anticipated traffic for the proposed development, as required by Section 27-213(a)(3). However, if the requested rezoning were approved, the property owner is entitled to propose the maximum density permitted by the zoning ordinance in the M-X-T Zone with the review of subsequent applications, which may yield different transportation impact results.

It needs to be noted that the M-X-T Zone approval is not based upon a conceptual site plan. Only the current proposed development yield is shown

in the traffic impact study, and the traffic-related findings can be amended at the time of preliminary plan of subdivision, in accordance with Section 27-213(a)(3)(B). While staff has always interpreted this part of the law to allow the scope of transportation improvements to be amended as future traffic patterns change, it appears to also allow more intensive uses to be proposed at later review stages. The M-X-T Zone allows a range of uses and density, which may exceed the development proposal put forth herein.

7. **Referral Comments:** Referral memoranda comments directly related to the request to rezone the property were included in the body of this technical staff report. Referral memoranda were received from the following divisions, all are included as backup to this technical staff report and are incorporated herein by reference:
- a. Transportation Planning Section, dated September 29, 2019 (Burton to Cannady II)
 - b. Trails Section, dated August 7, 2019 (Shaffer to Cannady II)
 - c. Community Planning Section, dated September 26, 2019 (Lester to Cannady II)
 - d. Prince George's County Department of Permitting, Inspections and Enforcement, dated July 30, 2019 (Giles to Cannady II)
 - e. Urban Design Section, dated September 27, 2019 (Burke to Cannady II)
 - f. Environmental Planning Section, dated September 30, 2019 (Finch to Cannady II)

CONCLUSION

This application meets the requirements of Section 27-213(a)(1)(A) due to the subject site's location within the vicinity of a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification), namely the intersection of MD 4 and MD 223.

This application does not meet the requirements of Section 27-213(a)(2). This application will substantially impair the integrity of the 2014 *Plan Prince George's 2035 Approved General Plan* and Subregion 6 Master Plan and SMA. As previously stated, the intent of the master plan and the general plan is to direct mixed-use, high-intensity developments, such as that permitted by and encouraged in the M-X-T Zone, into designated regional transit districts and local centers, rather than scattered throughout the County. Since the subject properties are not located within any designated regional transit district or local center, the master plan envisioned this area for low- to medium-density residential neighborhood development, rather than high-density mixed-used development. In addition, pursuant to Section 27-213(a)(2) of the Zoning Ordinance, this application does not keep with the purposes of the M-X-T Zone.

This application meets the requirements of Section 27-213(a)(3) for transportation adequacy, based on the development proposal put forth in the transportation impact analysis at this time.

The intense character of M-X-T Zone development would be vastly different, inappropriate, and an abrupt transition in density and uses from what is envisioned in the 2014 *Plan Prince George's 2035 Approved General Plan* and the Subregion 6 Master Plan and SMA. Therefore, staff finds that reclassifying the subject properties to the M-X-T Zone will substantially impair the goals, policies, and purposes of the general plan and the master plan. Consequently, staff recommends **DISAPPROVAL** of Zoning Map Amendment Application A-10051, Carozza Property, for rezoning from the R-R Zone to the M-X-T Zone.




THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

INTRA-OFFICE MEMORANDUM

February 24, 2021

TO: Maurene E. McNeil
Chief, Zoning Hearing Examiner

FROM: Donna J. Brown
Clerk of the Council
RE: **A-10051 - Zoning Map Amendment Carozza Property**
Maria Volpe and Sandra Carey, Trustees/Carozza Property, Applicant

Pursuant to Section 27-133 of the Zoning Ordinance and in accordance with the District Council's February 24, 2021 Order of Remand for the above referenced matter, I am hereby returning the entire case file to your office. If you have any questions, please contact me.

Thank you.

Attachments

cc: Russell Shipley, Esq., Attorney for the Applicant
Raj Kumar, Principal Counsel to the District Council
Karen T. Zavakos, Zoning and Legislative Counsel
Stan Brown, Peoples Zoning Counsel
James Hunt, Division Chief, M-NCPPC
Cheryl Summerlin, Supervisor, Development Review Division, M-NCPPC

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



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

February 24, 2021

RE: A-10051 - Zoning Map Amendment Carozza Property
Maria Volpe and Sandra Carey, Trustees/Carozza Property, Applicant

NOTICE OF 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 9, 2021.

CERTIFICATE OF SERVICE

This is to certify that on February 24, 2021, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

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

Case No.: A-10051 - Zoning Map Amendment
Carozza Property

Applicants: Maria Volpe and Sandra Carey,
Trustees/Carozza Property

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

ORDER OF REMAND

For reasons set forth herein, this Zoning Map Amendment application to rezone approximately 60.02 acres of land in the R-R (Rural Residential) Zone—located at the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road and identified as 9702 and 10200 Marlboro Pike—to the M-X-T (Mixed-Use Transportation Oriented) Zone within the M-I-O (Military Installation Overlay) Zone, is REMANDED to the Zoning Hearing Examiner.

In July 2019, Planning Board Staff accepted this application for review and in October 2019, Staff recommended disapproval of the application. Staff Report, 10/17/2019. Subsequently, Planning Board adopted Staff's recommendation that the application should be disapproved.

The Zoning Hearing Examiner held a hearing on the application on January 15, 2020, and issued a written recommendation to the District Council on August 20, 2020. The Examiner did not make a final recommendation to approve or disapprove the application on the merits. Instead, the Examiner issued a recommendation to Council that the application should be remanded subject to certain conditions. ZHE Decision, 8/20/2020, pp. 1, 20-21, Exceptions, 9/16/2020, p. 2.

On September 21, 2020, the Clerk of the Council received the Applicant's written exceptions to the Examiner's written recommendation on the application. Exceptions, 9/16/2020.

On October 5, 2020, Council elected to review and make the final decision on the application. 10/5/2020, Tr.

On December 18, 2020, the Clerk of the Council issued written notice of oral argument to all persons of record that Council elected to make the final decision on the application, and that oral argument will be held on January 25, 2021. Notice of Oral Argument, 12/18/2020.

On January 21, 2021, the Applicant, through counsel, filed an amendment to its written exceptions. In the amendment letter, the Applicant consented to the Examiner's recommendation of remand. In relevant part, the Applicant indicated that (without waiving arguments on written exceptions) if Council remanded the application to the Examiner, there would be no need for oral argument on January 25, 2021. Amendment Letter, 1/21/2021.

On January 25, 2021, without conducting oral argument on the merits of the application, Council voted (11-0) to remand the application to the Examiner. Council's decision to remand this application to the Examiner does not constitute a waiver of the right to elect to review the application to make the final decision whether the subject property should be rezoned nor does it constitute a waiver of the right to decide the merits of Applicant's prior written exceptions. 1/25/2021, Tr.

On remand, the Examiner shall render a new or revised disposition recommendation subject to applicable requirements in the County Code and the Land Use Article.

ORDERED this 9th day of February, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent:

Vote: 11-0.

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

By: 

Calvin S. Hawkins, II, Chair

ATTEST:



Donna J. Brown
Clerk of the Council

NOTICE OF VIRTUAL HEARING

Application Number: REMAND A-10051 (Remanded by District Council)

Applicant(s) Name: Carozza Property/ Maria Volpe

Date and time of scheduled Zoning Hearing Examiner meeting: April 14, 2021 at 9:30 A.M.

Description of Request: REMAND HEARING on the Application of Maria Volpe, Trustee and Sandra Carey, Trustee (Carozza Property), Applicants, request to REZONE from the R-R (Rural Residential) ZONE to the M-X-T (Mixed Use-Transportation Oriented) Zone, property containing approximately 60.02 acres, southwest of the interchange of Pennsylvania Avenue (MD 4) and Woodyard Road (223), located on Parcels 32, 35 and 92, and identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, 20772

* * * * *

Attention: Due to the current state of the novel coronavirus (COVID-19) pandemic, and the implications of the Council's Emergency Resolutions including, CR-35-2020, the Zoning Hearing Examiners Office is operating under emergency procedures. As authorized by CB-33-2020, all or a portion of the hearing will be conducted virtually and in accordance with District Council Rules of Procedure.

Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us no later than 5:00 p.m. on April 12, 2021. Persons of Record will receive an email with information to join the virtual meeting platform. **Once you have received your Notice of Hearing, please provide an email address to ZHE@co.pg.md.us**

Upon notification of an evidentiary hearing before the Zoning Hearing Examiner, any interested party shall submit documents for the record in person, by email, by other electronic portals, or in the County provided drop box. **A copy of all large Site Plans or other documents must be submitted in person or the County provided drop box.** All documents for the record shall be submitted no later than five (5) business days before the scheduled evidentiary hearing. With permission from the Zoning Hearing Examiner, a party may submit supplemental documents for the record. Any interested party may contact The Office of the Zoning Hearing Examiner to receive a paper copy of a document if the document is not accessible online

The Zoning Hearing Examiner shall not be responsible for resolving any technical difficulties incurred by any person participating in a virtual/remote hearing.

This notice is for informational purposes only. Per CB-1-2004 you have received this Notice of Public Hearing because you signed up to become a Person of Record. If you have any questions, please contact the Zoning Hearing Examiner at email ZHE@co.pg.md.us. or call (301) 952-3644.

DATE MAILED BY US POSTAL SERVICE/EMAILED: March 14, 2021 to Persons of Record (List attached to original in file)

5 single-sided signs 4 double-sided signs (for a total 3 physical signs)

indicate on the map which are double and single via A= single B= double



Ave

Pennsylvania
Rte 4

Woodyard
Rd

North Marwood
BLVD

50104084

SIGN POSTING AND INSPECTION AFFIDAVIT

I, Thomas Previll, hereby certify that the subject property was posted with
(print or type name)

Thirteen (13)
specify number

sign(s) on 3-12-2021
(date)

I further certify that the signs were inspected no later than the 15th day of posting and were maintained in a reasonable manner.

Signature: Thomas Previll 3-26-2021

Application Numbers: A-10051 (Remand) Name: Carozza Property Maria Volpe

Date: _____

Address: 4601 Forbes Blvd., Suite 300, Lanham, MD 20706

Telephone: 301.364.1881

Capacity in which you are acting: Agent

(Owner, Applicant, Agent)

NOTE: Attach legible photograph(s) showing sign(s) in place. Return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

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The affidavit must be received no later than 15 days prior to the Zoning Hearing Examiner hearing. Failure to deliver the affidavit may result in rescheduling your hearing date or a recommendation for denial of the application.













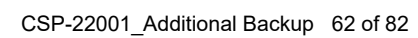




























ATTORNEY AT LAW

Stan Brown, Esq.

Stan Derwin Brown Law Office, LLC
1300 Caraway Court, Suite 101 • Largo, Maryland 20774-5462
Telephone: 301.883.8888 • Fax: 301.883.8606
Website: StanBrown.law
E-mail: attorney@StanBrown.law
Licensed in Maryland & Washington, D.C.

To: Clerk of the Council
All Parties of Record
Zoning Hearing Examiner
Planning Board
District Council

Fr: Stan Brown, People's Zoning Counsel

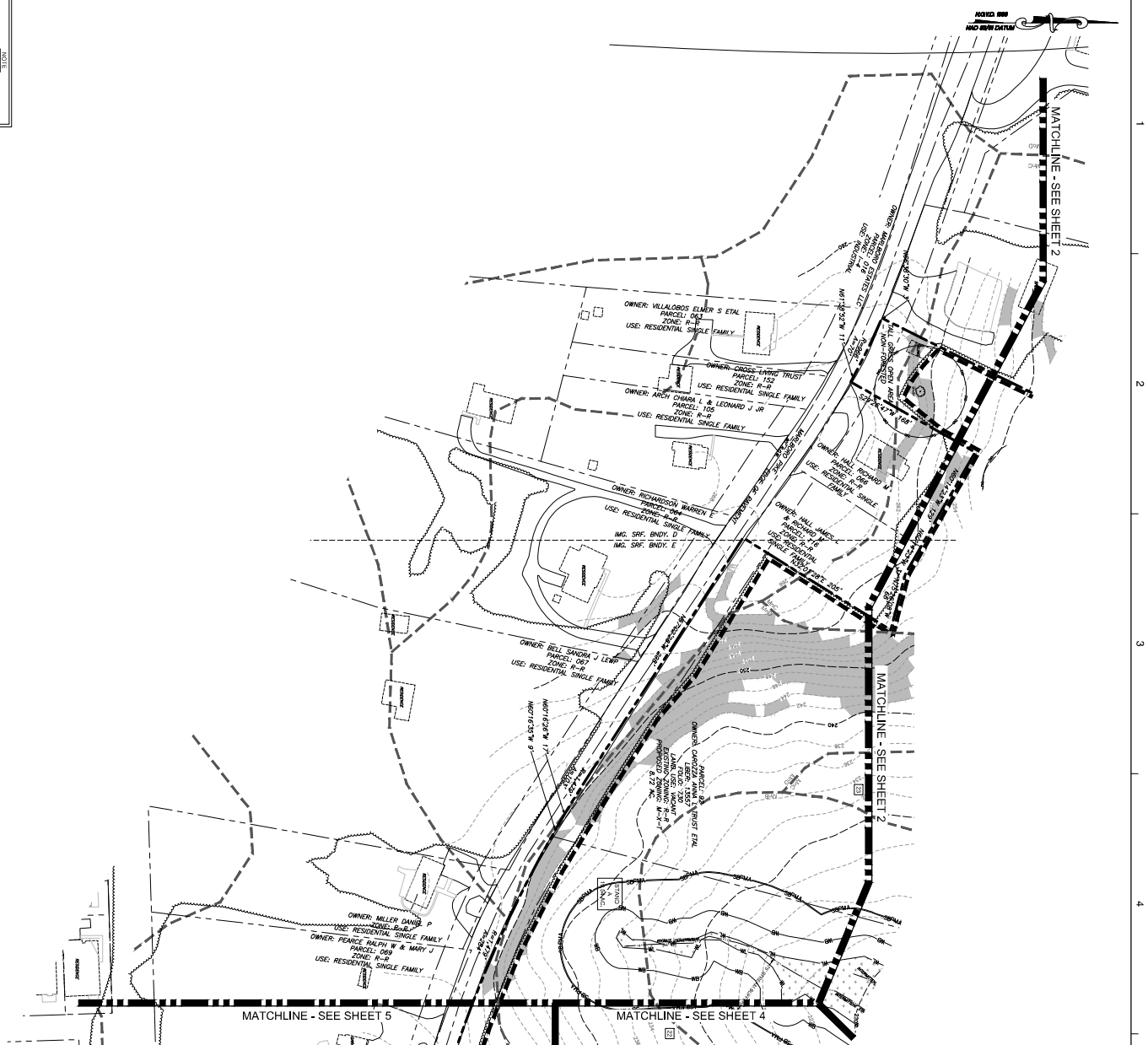
Date: April 5, 2021

Re: A-10051, Carozza Property

NOTICE OF INTENTION TO PARTICIPATE

Pursuant to Prince George's County Zoning Ordinance § 27-139.01 (C) (Powers & Duties), this memo is formal notification that the People's Zoning Counsel intends to participate in the above-noted pending zoning cases before the Prince George's County District Council, the Prince George's County Planning Board and/or the Prince George's County Zoning Hearing Examiner. Please file this memo in your official file for the record in the above-noted zoning cases.

Stan Brown, Esq.
People's Zoning Counsel



NOTE
FOR LOCATION OF UTILITIES CALL
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In this vicinity

LEGEND

[illegible]

10-000000 Project Capital Environmental Planning Section Ms. Jennifer H. Johnson APPROVAL NR1016-2021			
	Staff Signature	Date	Reason for Revision
Initial Approval		3/5/2021	
01 revision			
02 revision			
03 revision			

80



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED ACCOUNTING
PROFESSIONAL UNDER THE LAWS OF THE STATE
OF SEVERAL, LICENSE NO. 5723 EXPIRING
OCTOBER 5, 1995.

KEY PLUM



SCALE: 1"=50'

[illegible]

Th

NATURAL
RESOURCE
INVENTORY
PLAN SHEETS

SHEET NO. 3 OF 5



Dowberry

**Dewberry
Engineers Inc.**
4001 FORTRESS BOULEVARD
SUITE 200
LANSING, MI 48206
313.221.7300

OWNER
CAROZZA ANNA L TRUSTEAL

Ba

LAWRENCE, MARYLAND 21050

301.918.2963
judwig@msmichael.com

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PROFESSIONAL CERTIFICATION:
3/9/2021

THE JAMES EARL RAY FOUNDATION HAS ASSIGNED LEONARD A. BLOCH TO THE POSITION OF ACCOUNTANT UNDER THE LEASE OF THE GROUNDS OF MEMPHIS, TENNESSEE FOR \$775 PER MONTH.

KEY PLAN

0 50 100
SCALE: 1"=50'

No.	DATE	BY	Description

DRAWN BY ALD

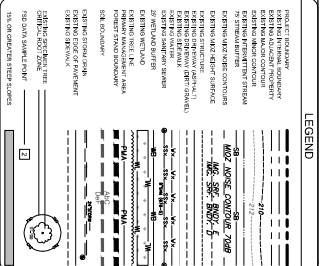
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	OCTOBER 2000
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NATURAL
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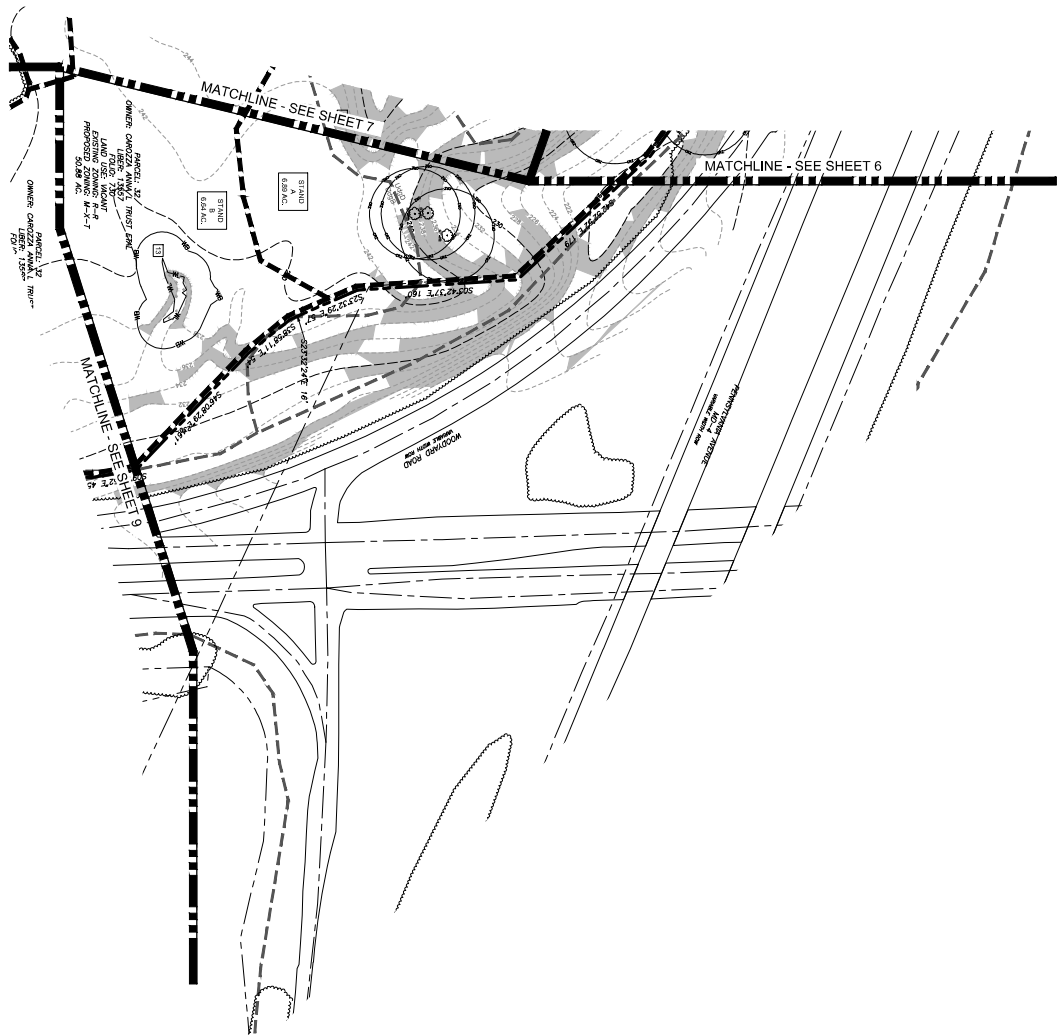
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SHEET NO. 3 OF 3



INAPPLIC			
Prison Accommodation Request NATIONAL RESPONSE NR10-6-2021			
	Start Signature	Date	Reason for Revision
Initial Approval		3/9/2021	
01 revision			
02 revision			
03 revision			

[illegible]



NOTE
FOR LOCATION OF UTILITIES CALL
8-1-1 OR 1-800-257-7777

INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND DEPTH OF THE WINGS BY GEOTECH TEST PITS BY HAND AT ALL UTILITY CROSSINGS WILL ADVANCE OF THE START OF EXCAVATION

[illegible]

CAROZZA PROPERTY
NATURAL RESOURCE INVENTORY
NRI-016-2021
PRINCE GEORGE'S COUNTY, MD
15th ELECTION DISTRICT
TAX MAP 99 GRID F1, F2, GRID 100, A2
200' MAP REFERENCE 207SE09 / 208SE09

<p>OWNER</p> <p>CAROLZA ANNA L. THURGOOD 3827 DAVENPORT STREET WASHINGTON, DC 20007</p>	<p>APPLICANT</p> <p>NATHAN MICHAEL COMBES 10100 BUSINESS PARKWAY DARKESS, MARYLAND 20625</p>	<p>CONTACT</p> <p>CO. JEFFERY LUDWIG JLudwig@smartercredit.com</p>
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[illegible]

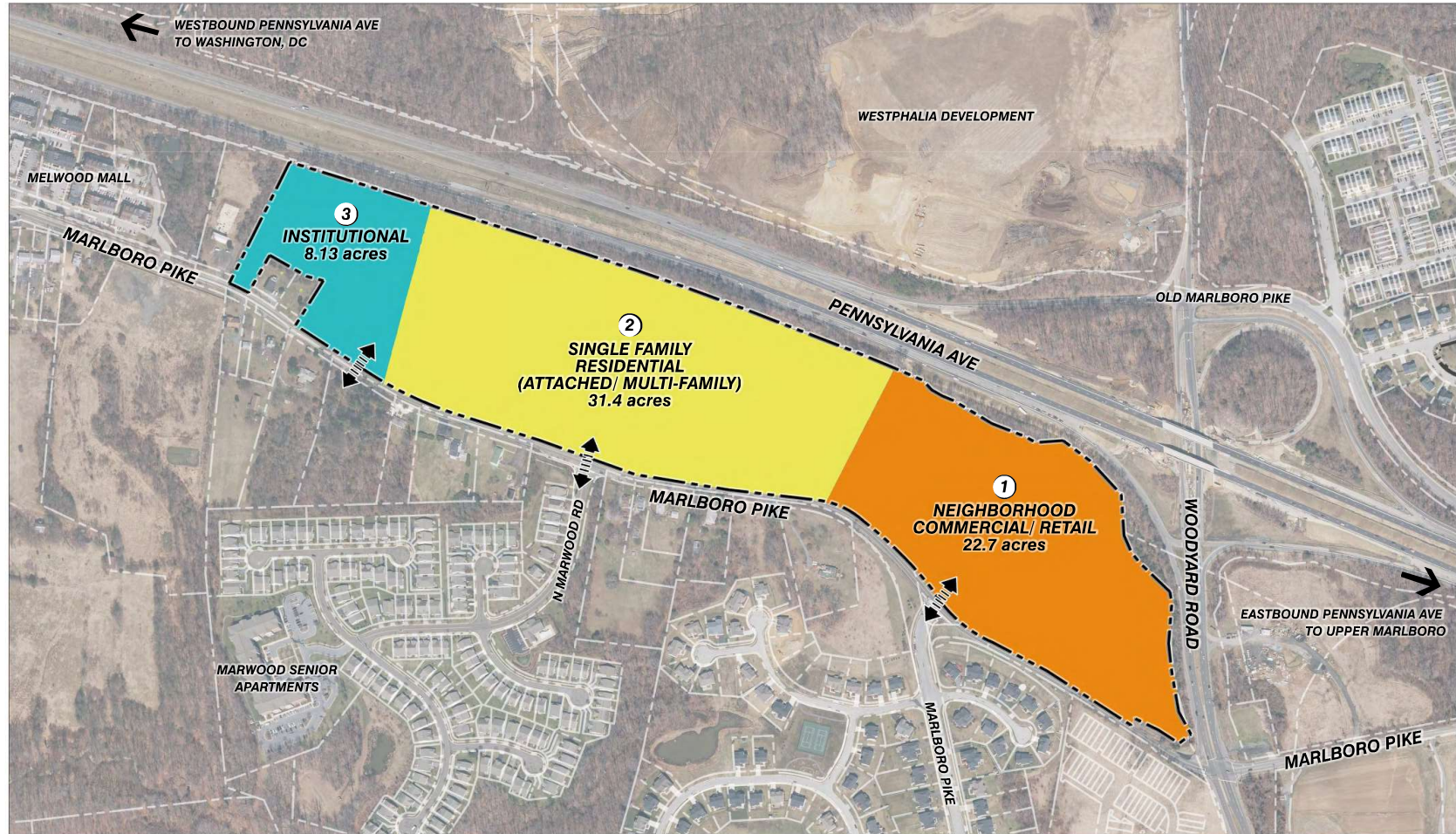
DATE	OCTOBER 2020
TITLE	

NATURAL
RESOURCE
INVENTORY
PLAN SHEETS

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CAROZZA PROPERTY

PRINCE GEORGE'S COUNTY, MARYLAND





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

January 31, 2023

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division *JRH*
Anne Fothergill, Planning Supervisor, Urban Design Section *AF*
Development Review Division

FROM: Tom Burke, Planner IV, Urban Design Section *TB*
Development Review Division

SUBJECT: **Item 8 - Conceptual Site Plan CSP-22001 Carozza Property**
Planning Board Agenda February 2, 2023 – Staff Revisions to Technical Report

Subsequent to publication of the technical staff report, staff was alerted to accomplishments made by the applicant with respective review agencies, and recommends the following revised conditions (added text underlined, deleted text [~~striketrough~~]) to the report for Conceptual Site Plan CSP-22001 dated November 21, 2022:

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
 - [c. ~~Revise Natural Resources Inventory NRI-016-2021 to indicate the isolated wetland areas as primary management area, per the Army Corps of Engineers and the Maryland Department of the Environment recommendations.~~]
 - [d] c. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Identify TCP1-016-2022 in the approval block.
 - (2) Identify TCP1-016-2022 on line 6 of the Woodland Conservation Worksheet.
 - (3) Identify TCP1-016-2022 within the plan title on the first sheet.

- (4) Revise the TCP1 for general technical conformance with the Environmental Technical Manual (2018).
- (5) Revise the disposition of Specimen Tree ST-1 in the specimen tree table as "Removed."
- (6) Confirm the values for woodland clearing and conservation required. When calculated by staff, the worksheet does not match. Required woodland conservation for this site, based on clearing, is 20.67 acres.

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

- [d. ~~Provide a plan for any interpretive signage to be erected and public outreach measures, based on the findings of the Phase I archeological investigations. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.]~~