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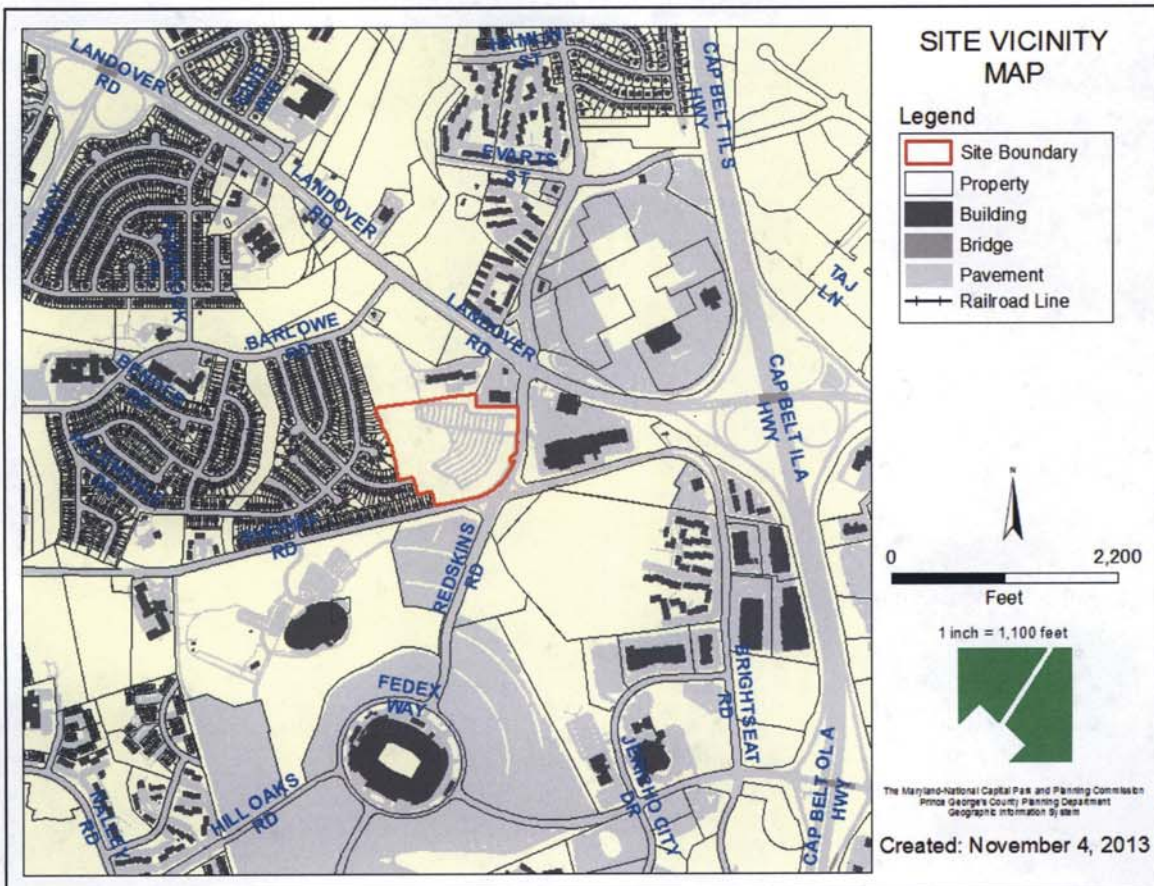
## Conceptual Site Plan

**CSP-13006**

Application	General Data	
<b>Project Name:</b> Brightseat Road Property  <b>Location:</b> Northwest quadrant of Brightseat Road/Sheriff Road and Redskins Road intersection.  <b>Applicant/Address:</b> Brightseat Development Associates, LLC. 8800 Pennsylvania Avenue Upper Marlboro, MD 20772	Planning Board Hearing Date:	06/26/14
	Staff Report Date:	05/21/14
	Date Accepted:	01/13/14
	Planning Board Action Limit:	Waived
	Plan Acreage:	22.12
	Zone:	M-X-T & O-S
	Dwelling Units:	372
	Gross Floor Area:	N/A
	Planning Area:	72
	Tier:	N/A
	Council District:	05
	Election District	13
	Municipality:	N/A
	200-Scale Base Map:	203NE07

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing date of June 5, 2014 to June 26, 2014.  Development of 372 multifamily units and associated parking in the M-X-T and O-S Zones.	Informational Mailing:	08/28/14
	Acceptance Mailing:	01/13/14
	Sign Posting Deadline:	05/06/14

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Cynthia Fenton <b>Phone Number:</b> 301-952-3412 <b>E-mail:</b> <a href="mailto:Cynthia.Fenton@ppd.mncppc.org">Cynthia.Fenton@ppd.mncppc.org</a>	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	<b>X</b>		





THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-13006  
Type 1 Tree Conservation Plan TCP1-001-14  
Brightseat Road 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

This conceptual site plan application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) and (O-S) Open-Space Zones.
- b. The requirements of the 2010 *Prince George's County Landscape Manual*.
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- d. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- e. Referral comments.

FINDINGS

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

1. **Request:** The application proposes to develop the subject property with 372 multifamily units and associated parking.

2. **Development Data Summary:**

Zone(s)	EXISTING M-X-T/O-S	PROPOSED M-X-T/O-S
Use(s)	Parking lot	Multifamily Residential
Acreage	17.20/4.92	17.20/4.92
Total Multifamily Dwelling Units	0	372
Commercial Office Square Footage	0	0
Commercial Retail Square Footage	0	0
Residential Square Footage	0	462,000

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.48 FAR*

\*A note should be added to the CSP notes indicating the proposed FAR

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Brightseat Road/Sheriff Road and Redskins Road, in Planning Area 72 and Council District 5.
4. **Surrounding Uses:** The site is bounded to the north by a Board of Education (BOE) property housing the Bonnie F. Johns Educational Media Center and a parcel improved with an existing car dealership, both zoned M-X-T; to the south by Sheriff Road and single-family detached homes in the Palmer Park neighborhood zoned R-35; to the west by single-family detached homes also in the Palmer Park neighborhood zoned R-35; and to the east by Brightseat Road.
5. **Previous Approvals:** The subject property, also referred to as Parcel 51, was the subject of CNU-25172-11 which sought non-conforming use certification to obtain a permanent Use and Occupancy permit to allow parking for stadium events. The Planning Board denied the request; (PGCPB Resolution No. 12-87); however, the District Council approved it on February 11, 2013, allowing the existing gravel lot to continue as a temporary nonconforming use for five years. The 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* rezoned 19.57 acres including the subject property from the C-M Zone to the M-X-T Zone.

The site also has an approved Stormwater Management Concept Plan, 930-2010-00, which is valid until May 17, 2016.



6. **Design Features:** The conceptual site plan (CSP) proposes a single-use, gated multifamily residential development on a property currently used for overflow parking for events at FedEx Field. The site is bounded to the east by Brightseat Road (A- 31) which provides direct access to the site. The 120-foot-wide arterial runs north connecting to Landover Road and beyond. At the southern edge of the property Brightseat Road runs east, away from the property. Sheriff Road (A-21), a 120-foot-wide arterial, extends west along the property's southern border. The Cattail Branch Creek runs north/south through the western end of the site, with a branch projecting further into the middle of the property.

The proposed multifamily development comprises six four-story buildings, each approximately 77,000 square feet. The buildings' locations are delineated in more detail than is customarily found in a typical CSP, and as shown do not appear to have a clear design relationship with each other or the adjacent roads. Two buildings are located side-by-side along the northern property line across from the Educational Media Center. Two other buildings are located in proximity to each other, one adjacent to a wetland area and the other adjacent to a stormwater management pond. The two buildings closest to Brightseat Road form a "V" which opens toward the roadway, with a pool in the middle. The rest of the area proposed for development is filled by surface parking including six parking garages accommodating between 6 to 12 vehicles for a total of 50 enclosed spaces. Pedestrian connectivity between buildings is provided via internal sidewalks and parking islands. Conceptual pedestrian access to the Board of Education property and at the site entrance is also shown. Stormwater management is to be provided mainly through the use of one above-ground pond located in the southwest portion of the site.

The main building at the development's entrance is proposed to contain a 2,100-square-foot clubroom and a 1,970-square-foot fitness center. The private recreational facilities provided on the CSP should be viewed as the minimum number and size of private facilities required.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in mixed-use zones.
- (1) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:
- 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.

**Comment:** Only residential uses are proposed in the subject CSP, which is permitted per Section 27-547(e).

- (2) Section 27-547(e) provides an exception to the required mix of uses:  
**For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.**

**Comment:** In an e-mail dated July 1, 2014, to the applicant's legal representative from the M-NCPPC Legal Department (Borden to Haller), it was concluded that an Urban Land Institute Technical Assistance Panel (TAP), conducted between January 17 and 18, 2006 for the redevelopment of the Landover Mall and vicinity and which included the subject property, was deemed sufficient to allow the applicant to proceed with a single use on the subject property. With the recommended conditions, the proposal will conform to the visions, goals and policies within the sector plan.

- b. Section 27-548, 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**

**Comment:** The applicant has proposed to use the optional method of development. Under the optional method of development, greater densities can be granted in increments up to a maximum floor/area ratio of eight for each of the uses, improvements, and amenities. The uses, improvements, and amenities proposed in this CSP include:

- Residential—This will potentially increase the floor area ratio (FAR) by 1.0 if more than 20 dwelling units are provided with the application. This CSP includes a maximum total of 372 dwelling units and is eligible for this bonus.

The CSP proposes a FAR above 0.40. The proposed FAR is as follows:



Uses	Square footage
Residential	462,000
Commercial	0
Total	462,000
Net Site Area: 22.12 Acres	963,547
<b>FAR</b>	<b>0.48</b>

A General Note should be added to the CSP indicating the FAR allowed and proposed.

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

**Comment:** The CSP proposes more than one building on one lot as allowed.

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

**Comment:** This requirement is not applicable to this CSP, but will be applicable to subsequent detailed site plans on this site.

- (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.**

**Comment:** The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The site's compliance with the requirements of the Landscape Manual will be reviewed at the time of detailed site plan (DSP) review.

- (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.**

**Comment:** This requirement will be reviewed for compliance at the time of DSP when detailed building designs are provided; however, the CSP complies with this requirement.

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

**Comment:** This requirement will be reviewed for compliance at the time of DSP; however, the CSP does not show any private structures above or below public rights-of-way.

- (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.**

**Comment:** This requirement is met. The applicant will need to request a variation at the time of preliminary plan to provide access directly from an arterial roadway (Brightseat Road) if an internal road is not provided.

- (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 1,800 square feet in size, and shall have at least 60 percent of the full front facades constructed of brick, stone, or stucco...**

**Comment:** The regulations are not applicable to the proposed development.

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

**Comment:** The CSP does not show any building height that is higher than 110 feet, but this will be enforced at the time of DSP.

- c. The subject application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires findings in addition to the findings required for the Planning Board to approve a CSP as follows:

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

**Comment:** The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

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

**Comment:** The property is located at the intersection of Brightseat Road and Sheriff Road with a possible future Purple Line transit stop location in immediate proximity to the subject property. The site is also in proximity to the former Landover Mall site which presents an ideal redevelopment opportunity. These factors make development of this site desirable for employment and living 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;**

**Comment:** With the proposed conditions recommended below, the development should offer a compact, walkable community with residential and private recreational uses.

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

**Comment:** The subject site is an undeveloped property located at the intersection of major roadways. Developing a residential project on the site will help facilitate the public and private development potential inherent in this location.

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

**Comment:** The location of the site in the vicinity of a major arterial (Landover Road) and I-95/495 (Capital Beltway), and a possible future Purple Line transit facility, means the proposed development can be expected to promote the effective and optimum use of these facilities.

- (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;**

**Comment:** The development proposal is entirely residential. As a residential development, there will be activity and a steady presence of people beyond regular business hours. Accessibility to nearby commercial opportunities is critical to achieve an active and vibrant mixed-use development. Therefore, various conditions have been included in this staff report concerning access and design elements in order to facilitate a 24-hour environment.

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

**Comment:** The development proposal is for a single use.

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

**Comment:** The functional relationship of the individual residential use to other uses in proximity to the site will be further analyzed at the time of DSP review. The visual character and identity of the project will be a function of the architecture of the buildings, entrance features, and landscape plantings, which will be scrutinized at the time of DSP review. Buildings should be designed with high-quality detailing and design variation. They should be appropriate in scale with their location. The architecture, landscape treatment, signage, and other elements should be coordinated to give the development a distinctive visual character.



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

**Comment:** The number of proposed residential units and the concentration of them in multifamily complexes allows for economies-of-scale in the construction process and for the municipal services required to serve the residents. The proposed multifamily structures on a property with significant environmental and regulated features will create an efficient use of this undeveloped property which is currently used for overflow parking for FedEx Field.

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

**Comment:** The proposed use, if developed in accordance with proposed conditions below, will create a desirable community in the central portion of the county.

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

**Comment:** If approved with the recommended conditions and DSP review, the applicant will be allowed freedom in architectural design to provide a unique and attractive product for the area.

- (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;**

**Comment:** The subject site was rezoned to the M-X-T Zone in 2009 through the *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment*. This sector plan does not contain a design concept for the subject property, but does provide design guidelines and standards for evaluating conformance with a general design concept for the Center and Edge areas. If approved with the recommended conditions, the intent of the design guidelines and sector plan will be met.

- (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;**

**Comment:** The development will be visible from Brightseat Road and Sheriff Road. The multifamily units will for topographic reasons have to be set back from these major roadways and the entire development is proposed to be gated. This residential development, if constructed in conformance with the sector plan vision, may help catalyze the development of the former Landover Mall site, which will aid in rejuvenating this general area of the county.

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



**Comment:** The subject site is bounded by public roadways to the east and south, by a Board of Education (BOE) property and car dealership to the north and by the Palmer Park single-family detached subdivision to the west. Staff believes that the proposed residential development, if sensitively designed in accordance with the sector plan vision, will be compatible with existing development in the vicinity.

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

**Comment:** The design proposed for the site, even though it is for a single residential use, needs additional refinement in order to adequately reflect a cohesive development of continuing quality and stability. Therefore, various conditions have been included in this staff report concerning the design, internal circulation, and connectivity to be reviewed further at the time of preliminary plan and DSP.

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

**Comment:** The subject development is not proposed to be staged.

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

**Comment:** The CSP proposes sidewalks along all internal drive aisles. No trails for recreational use are proposed. Critical pedestrian connections between the site and the Board of Education property and to Brightseat Road have been provided; however, additional design refinements are included in the Recommendation Section to encourage pedestrian activity within and through 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**

**Comment:** The subject application is a CSP.

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



**Comment:** This requirement is applicable to this CSP as it was placed in the M-X-T Zone by a sectional map amendment. A detailed discussion of transportation issues is provided in Finding 11(c) below, resulting in a conclusion that the transportation facilities will be adequate to carry anticipated traffic for the proposed development as required if the application is approved with conditions that have been included in the Recommendation Section of this staff report.

- (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 approved by the applicant.**

**Comment:** This requirement is not applicable to this CSP.

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

**Comment:** The subject site contains 22.12 acres and is therefore not subject to this requirement.

- d. If approved with conditions, the CSP will be in conformance with the applicable CSP site design guidelines contained in Section 27-274. The following discussion is offered:

- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site and oriented to minimize the number of parking lanes crossed by pedestrians. Large, uninterrupted expanses of pavement are to be avoided or mitigated with green space and plant materials. The subject CSP is not in conformance with this requirement. The illustrative site plan shows that, in general, expansive, unbroken surface parking is proposed in front of and between the multifamily buildings and the public rights-of-way. At the time of DSP, attention should be paid to the design of the parking areas so that they are visually minimized and enhanced with green areas. A condition has been included in the Recommendation Section of this report to ensure that the future DSP takes this into consideration.
- (2) In accordance with Section 27-274(a)(3)(A), lighting should be used to illuminate entrances, pedestrian pathways, and property addresses. No lighting is proposed as part of this CSP. At the time of DSP review the site plan will be evaluated for appropriate lighting.
- (3) In accordance with Section 27-274(a)(5)(A), green area should be provided to define space and serve as a focal point. The CSP should be revised to show the



conceptual location of a central green area that could serve as a focal point and an opportunity for passive recreation and, possibly, a link with the Cattail Branch Trail recommended by the Transportation Section.

- (4) In accordance with Section 27-274(a)(10), Architecture, the CSP makes a general reference with regard to the form of the buildings. The applicant's Statement of Justification included conceptual architectural elevations, though they are not included in the CSP plan set. Architecture, including style, visual interest and building materials will be evaluated in detail at DSP review.
    - (5) The CSP proposes recreational facilities throughout the development that should be properly separated from dwelling units, in particular rears of buildings, in accordance with Section 27-274(a)(11)(C). This issue will have to be examined more closely at the time of DSP when specific building and area design will be created for the recreational features.
  - e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP approval. Detailed information regarding the methodology and procedures to be used in determining the parking requirement is outlined in Section 27-574(b). The CSP is not required to include detailed parking rate information and it is noted the applicant is proposing a single residential use on the site that would be subject to the requirement of 27-568 (Schedule of Spaces Required). At the time of DSP review, the site plan will be evaluated for adequate parking.
8. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the Landscape Manual, which will be reviewed at the time of DSP review.
- a. **Section 4.1—Residential Requirements,** requires a certain number of plants to be provided for multifamily units depending where they are located and the amount of green area provided. The subject development will be evaluated for conformance to Section 4.1 at the time of DSP.
  - b. **Section 4.3—Parking Lot Requirements,** specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The parking area will be evaluated for conformance to Section 4.3 at the time of DSP review.
  - c. **Section 4.4—Screening Requirements,** requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets, which will occur within the development. Conformance to these requirements will be judged at the time of DSP review.



- d. **Section 4.6**—Compliance with Section 4.6, Buffering Development from Streets, requires a buffer be provided between multifamily dwellings and a major collector (or higher classification) roadway to reduce adverse impacts from the roadway to the multifamily development.
  - e. **Section 4.7**—This site will be subject to Section 4.7, Buffering Incompatible Uses. More specific information regarding bufferyard requirements along property lines adjoining other uses will be evaluated at the time of DSP. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.
  - f. **Section 4.9**—This site will be subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is not grandfathered, and is subject to the current environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that became effective on September 1, 2010 and February 1, 2012, because the project is required to have a new preliminary plan approval.

The Tree Conservation Plan (TCP1-001-14) has been reviewed and requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The Woodland Conservation Threshold (WCT) for this 22.12-acre property is 17.15 percent of the net tract area or 3.10 acres. The threshold is 17.15 percent based on 17.20 acres of M-X-T zoned property, at 15 percent, and 4.92 acres of O-S zoned property, at 50 percent. The total woodland conservation requirement based on the amount of clearing shown on the plan is 3.70 acres. The woodland conservation requirement is proposed to be satisfied with a combination of preservation, reforestation, and fee-in-lieu; however, revisions to the plan and the worksheet may be necessary that may affect the woodland conservation requirement. It should be noted that the use of fee-in-lieu is only allowed for a requirement of less than an acre. Because the fee-in-lieu acreage for the current proposal is less than an acre, the use of fee-in-lieu is supported. If plan revisions change the fee-in-lieu acreage over an acre, the use of fee-in-lieu will no longer be supported. The worksheet on the plan correctly shows a fee-in-lieu based on a rate of \$0.90 per square foot because the property is located within the priority funding area.

The plan should be revised to show the current standard TCP1 approval block with a column for the associated development case number. The current standard woodland conservation worksheet should be shown on the plan. The NRI notes need to be removed from the plan and the standard TCP1 notes need to be revised as follows: the title of the notes needs to be revised to the standard language "Type 1 Tree Conservation Plan Notes;" Note 1 needs to reference the current CSP application; Note 9 needs to be revised to mention the site's proximity to Landover Road (MD 202) which is a master planned expressway in the vicinity of the subject site; the standard stormwater management note needs to be revised to include all of the standard language; and the last standard note regarding woodland conservation on land to be dedicated to public agencies needs to be provided.

A revised, but un-approved, concept plan has been submitted which reflects the same site design as is shown on the TCP. An approved stormwater management design should be shown on the TCP. Both plans should continue to reflect the same site design.



Wetlands, wetland buffers, and expanded wetland buffers have been shown on the TCP in accordance with the approved NRI; however, these symbols should be added to the legend.

The site contains high priority woodlands within the primary management area (PMA). Some of these woodlands are located within the 60-foot wide stream buffer along the southeast boundary of the site and are contiguous with off-site woodlands directly adjacent to the stream channel. The TCP1 proposes to clear some of the on-site woodlands in this area for grading for a building and garage. The remainder of the on-site woodland in this area is proposed as "woodland preserved but not credited" and are identified as areas B and C. As existing or proposed, the woodland would not be able to be counted as preservation because it would not meet the minimum dimensions to be counted as preservation (50 feet wide, 10,000 square feet in area); however, because the woodlands are within the PMA, part of the riparian stream buffer, and contiguous with off-site woodlands also part of the riparian stream buffer, it is a priority area for preservation, and should be preserved even if it does not meet the minimum criteria as woodland conservation. Preserving the existing woodland and additional planting in the open sections of the on-site PMA in this area would not only provide the needed protection for the stream, it would also provide the necessary screening and buffering of the site from the Brightseat Road and Sherriff Road intersection. In addition to the preservation priority of these woodlands, staff also notes that the proposed grading impacts to this area are not supported. As such, the proposed disturbance to the woodlands in this area, adjacent to "woodland preserved but not credited" in areas B and C, should be eliminated. The open portion of the woodland within the buffer adjacent to "woodland preserved but not credited on areas B and C should be planted or vegetated as well. Redesign in this area may be necessary. A condition for the preservation and restoration of this area is recommended the discussion of Regulated Environmental Features later in this memorandum.

Areas of clearing, labeled as AA, CC, and DD, are shown on the plan; however, the proposed grading in these areas are not shown and it is not clear why these areas are being cleared. These areas are adjacent to, or within the PMA and are high priority areas for preservation. Development can and should be designed to preserve more of these areas up to the required minimum distances from woodland conservation (per code and the Environmental Technical Manual).

**Comment:** Conditions regarding these issues have been included in the Recommendation Section of this report.

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 requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP2 applications approved after September 1, 2010 that do not have a TCP1 approved before September 1, 2010 (in other words, non-grandfathered projects).

The recordation of a woodland conservation easement is required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

**Comment:** Conditions regarding these issues have been included in the Recommendation section of this report.



### **Specimen Trees**

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

There are six (6) specimen trees shown on the plans as submitted. The removal of specimen trees requires a variance to Section 25-122(b)(1)(G) of the County Code as part of the development review process. No specimen trees are shown on the plans as submitted to be removed; however, a portion of the critical root zones for trees 1, 2, and 3 are shown to be impacted.

**Comment:** No variance for the removal of specimen trees is required at this time because no specimen trees are proposed to be removed. If any changes to the limits of disturbance result in the removal of the tree or significant impacts to the critical root zone that may require the removal of a specimen tree, a variance will be required.

10. **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 on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 22.12 acres in size, resulting in a tree canopy coverage requirement of 2.2 acres. Compliance with this requirement will be evaluated at the time of DSP.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Archeological Review**—In a memorandum dated January 28, 2014, the archeology planner coordinator offered the following comments:

Phase I archeological survey is not recommended on the above-referenced 22.12-acre property located at 1990 Brightseat Road in Landover, Maryland. The subject property is currently developed with an overflow parking lot associated with the Redskins stadium. The site was extensively graded and disturbed during initial construction of these features. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.

- b. **Community Planning Division**—In a memorandum dated May 15, 2014, the Community Planning Division provided the following summarized comments on the subject CSP:

The application is consistent with both the 2002 General Plan Development Pattern policies for the Developed Tier and the Adopted 2035 Prince George's County General Plan. The Development application does not conform to the 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment* land use recommendations.

In keeping with the sector plan vision, the District Council rezoned the subject property from Commercial Miscellaneous(C-M) to the Mixed -Use Transportation-Oriented (M-X-T) Zone with the purpose of bringing a mix of residential, commercial and/or employment uses to the site. Nevertheless, the applicant proposes a single use development based on an interpretation of Section 27-547(e), of the Zoning Ordinance



which states that:

For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

Staff finds this application does not conform to the vision, goals, policies and recommendations of the plan. The areas where this application falls short of plan conformance are noted below.

The overall vision for Landover Gateway is the “transformation of the Landover Gateway area into a vibrant 24-hour activity center with a dense urban form and a mix of uses...[the] downtown core transitions into outer neighborhoods with a range of high- and moderate-density residential neighborhoods and complementary mixed-use development.” (p. 17) The vision states the need for a range of housing options integrated into mixed-use districts. The Land Use Plan for Landover Gateway clearly identifies the subject property in an “office/retail/residential” land use category. (p. 19)

To achieve this vision, the sector plan establishes goals that “ensure that...future development is transit-supportive,” that development is “compact, mixed-use,” and that pedestrian-oriented and transit-oriented design is required. (p. 26). These goals are further articulated through nine policies with supportive strategies, including encouragement of “a walkable, connected pattern of streets throughout the area,” “a range of block sizes with many small blocks that foster an urban, walkable environment,” and development of “a pedestrian-friendly environment with a multiplicity of uses to ensure continuous activity and ‘eyes on the street.’” (pp. 26-28)

The sector plan further articulates an urban design policy to “ensure high-quality design for all new construction by implementing design guidelines for building form and design character.” These include strategies for “a consistent build-to line for each neighborhood character area and thoroughfare type to ensure a coherent street wall, appropriate scale, and proper relationship to the street” and “appropriate form, massing, use, height, siting, fenestration, and relationship to the street for all new buildings.” (p. 30)

The envisioned “walkable, connected pattern of streets” is reiterated throughout the plan and it clearly shows a new east-west thoroughfare that originates across Brightseat Road, travels west, runs along the northern boundary of the subject property, and turns northwest towards an intersection with Barlowe Road. The intended land use and site development pattern is illustrated throughout the plan shows buildings on the subject property oriented to this new street. This illustrative site layout, shown on pages 20, 24, 32, and 37 of the plan recognizes the desire to ensure a coherent and interesting street wall along a mixed-use thoroughfare, which is especially important given the topographical considerations that make building up to the sidewalk on Brightseat Road difficult. The plan envisions development on the subject property to face, front on, and be oriented toward the proposed spine road. The land use plan on page 19 of the Sector Plan



also identifies the proposed road as a critical access point through the Gateway South area, which is discussed in greater detail in Finding 11(c) of this report.

The CSP ignores the proposed thoroughfare at the north edge of the subject property onto which development is intended to face. Access to, egress from, and circulation through the site is entirely oriented to automobile use. The provision of a gated complex eliminates the type of pedestrian-orientation inherent in the envisioned development pattern. The applicant's site plan, as proposed, supports neither transit nor pedestrian activity. The provision of surface parking encourages driving, and the distance between buildings and lack of any orientation to the envisioned mixed-use street prevents the type of integrated, walkable community envisioned by the Sector Plan. The proposed development is inherently suburban in its layout, amenities, and density.

It is noted that the Cattail Branch Stream Valley Park is adjacent to the subject property. The sector plan recommends trail connections be provided that connect to the Palmer Park Community Center Park (p. 108). The CSP does not show any trail connections.

### **Gateway South Recommendations**

The sector plan places the subject property in the Gateway South neighborhood, which is bounded by Cattail Branch and Palmer Park to the west and by the I-95/495 (Capital Beltway) to the east. The scale of the envisioned neighborhood ranges from 2-3 story single-family attached residences in the western areas to high-density residential and mixed use east of the intersection of Brightseat Road, Redskins Road, and Sheriff Road. The plan envisions this area as being transformed into a neighborhood of mixed-use residential and educational uses that support and complement the downtown. Mixed residential, office, and other uses surrounding a new public square extend commercial activity to the south across Landover Road (MD 202) from the downtown. (p. 48).

To ensure that the Gateway South neighborhood complements the surrounding areas, design guidelines and accommodating design principles are recommended for each site based on their location. As stated in the plan, "Development applications in the Landover Gateway sector should respond to and be in harmony with the design guidelines." (p. 50). Each district in the Design Guidelines has specific strategies for the range in the mix of uses, the density desired and a host of recommendations meant to direct the form of future development in these areas.

The applicant has pointed out in the Statement of Justification that the subject property is described differently in the Landover Gateway Sector Plan Design Guidelines and in the Build-out scenario assumptions located in Appendix D. The subject property is shown as being in the "General Center" of the Design District Boundaries map located on p. 51, whereas the same property is shown in Appendix D, Buildout Scenario Assumptions, as being in the "General Edge" Design District.

In this case, properties in the "General Center" designation are focused on a main street that serves as the retail-commercial heart of the district while properties in the "General Edge" include some retail but primarily provide opportunities to live and work in an urban environment. These districts not only specify a preferred range of uses but also promote design features consistent with plan goals.

The General Center Design District promotes "...a mixed-use, pedestrian-oriented district focused on a main street that serves as the retail-commercial heart of the district. This



district should serve as the primary retail main street core organized around a walkable, economically vital main street that forms a central spine for the Landover Gateway. Attractive and comfortable streetscapes with wide sidewalks, distinctive street furniture, street trees, and other amenities make this district a pleasant, comfortable, and engaging place to stroll. Upper floors of the main street buildings include both residential and commercial uses to create a dynamic urban residential and commercial district.” (p. 54-55) Design principles and building envelope guidelines are listed on pages 55-58 of the sector plan. The elements they address include building height and orientation, street wall height, build-to lines, street façades,

The General Edge Design District promotes mixed-use development with residences comprising 80 percent to 90 percent of the mix. The design principles and building envelope guidelines listed on pages 58-60 of the Sector Plan are intended to create a unique streetscape. Elements addressed in this section include building height, siting, setbacks, street layout, pedestrian connectivity and open space.

Regardless of which Design District the subject property is designated, the Sector Plan is consistent in stressing several features that are envisioned to be the same in both the General Center and General Edge designations. The following are strategies that apply to both General Center and General Edge properties:

- Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.
- Include wide sidewalks and distinctive, visually appealing streetscape elements.
- Ensure buildings are not set back to provide a continuous street wall for pedestrians.
- Use street grid patterns to create compact blocks of development.
- Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk.
- Feature extensive vertical mixing of uses to include ground-level retail and upper-level office/educational/cultural or residential uses.
- Build structured parking that does not intrude on or break up the consistent street wall.
- Develop well-placed open space throughout the district to serve for formal and informal gatherings.

The identified inconsistency in the sector plan has caused some confusion, but the requirement in the sector plan that “development applications in the Landover Gateway sector plan should respond to and be in harmony with the design guidelines” compels staff to consider the applicable design guidelines. Multiple plan graphics clearly illustrate that the Sector Plan places all properties abutting Brightseat Road south of Landover Road (MD 202) in the General Center Design District. The statistical analysis of potential build-out in Appendix D is provided as information, and to illustrate a possible result of



plan implementation, but is not a section of the sector plan that plays any substantive role in determining Design Guidelines or other plan applicability.

Irrespective of the noted inconsistency, the application does not address any of the design guidelines shared by the General Center Design District and the General Edge Design District identified above. Several features of the proposed development, including the lack of a street wall, orientation to a surface parking lot rather than to a new thoroughfare, suburban density, and the lack of either a horizontal or vertical mix of uses (or at least the appearance of such a mix) are representative of a typical suburban development that is inappropriate for this site.

A central theme throughout the Gateway South Neighborhood in the Landover Gateway Sector Plan area is that uses are to be oriented to the pedestrian scale and facilitate pedestrian circulation. The layout of the site and the failure to provide the proposed sector plan thoroughfare on the north side of the property inhibits pedestrian access to, from and through the site. In addition, open space policies and strategies to protect and capitalize on Cattail Branch Stream Valley Park – a unique environmental feature-- have also been ignored.

#### **Gateway South Conclusions**

Understanding the plan's vision and recommended design guidelines for this area is key to ensuring that development applications respond to, and are in harmony with, the overall land use plan. As it stands, the current application proposes to build six single-use, four-story buildings, six stand-alone garages, a pool and a small community building. The proposal includes gated access, surface parking, and no relationship between buildings and sidewalk. Add to this a single access point from Brightseat Road, lack of internal streets, and poor pedestrian circulation internal to the site and from the public sidewalk, and the proposal makes for a development concept contrary to the plan's vision. Although, the site does have environmental and topographic constraints along Cattail Branch and Brightseat Road, respectively, there are layout and design features recommended on p. 55-60 (a few of which are discussed above) that, if applied, could modify the form of this proposal to one more closely aligned with the plan's goals.

At present, this CSP application falls significantly short of the form and design recommended in the Landover Gateway Sector Plan for this site. Prior to submittal of a Detailed Site Plan the applicant is encouraged to revisit the design recommendations on p. 55-60 of the plan in an effort to more closely align this application to the goals of the Gateway South Neighborhood.

It is noted that the subject property is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area. The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. The property is outside of the 65 dBA noise contours and Accident Potential Zones, so no noise attenuation or controls on use or density are required. Although these categories should not impact the proposed development they should be noted on the Conceptual Site Plan.

**Comment:** The CSP provides more detail than is necessary or required for CSP approval. As is, the site design is significantly flawed, though a single-use, multifamily development is acceptable in concept. Design elements including siting, architecture, trails, green space and pedestrian connectivity among others will be considered at the time of DSP review. The CSP does not propose specific development standards, but these



as well as the design elements should be consistent with the applicable standards in the Landover Gateway Sector Plan. Conditions have been included in the Recommendation Section of this report regarding revisions to the CSP site layout and design, including provision of the roadway, and a general note on the ILUC features to address the Community Planning comments.

- c. **Transportation Planning Section**—In a referral dated May 7, 2014, the Transportation Planning Section provided the following summarized comments on the subject CSP:

The proposal is a CSP for M-X-T property that was rezoned through a sectional map amendment approved in 2009 as a part of the Landover Sector Plan and SMA. In circumstances where the M-X-T Zone was granted by means of a sectional map amendment, Section 27-546(b)(8) of the Zoning Ordinance requires a transportation adequacy test. For that reason, a traffic study was prepared and submitted for review.

The application is a CSP for a single-use development consisting of 372 multifamily residential development projected to generate 194 AM trips (morning peak hour) and 224 PM trips (evening peak hour), and 2,418 daily trips as shown in table below:

	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	Total
<b>Residential</b>									
<b>Multifamily</b>	372	units	37	157	194	145	79	224	2,418

The trip generation is estimated using trip rates in the 2012 “Transportation Review Guidelines, Part 1” (*Guidelines*).

The traffic generated by the proposed plan would impact the following intersections:

- MD 202 with Kenmoor Drive/ Business Access (signalized)
- MD 202 with Barlowe Road (signalized)
- MD 202 with Brightseat Road (signalized)
- MD 202 with I-95/495 Southbound on-ramp (signalized)
- Brightseat Road with Site Access/ Business Access Road (unsignalized)\*
- Brightseat Road with Sheriff Road (signalized)

\*Note: The submitted study reports a traffic signal has already been approved by SHA to be installed by the applicant at this location.

The application is supported by the original traffic study dated December 2012, an updated study with new counts dated March 4, 2014, and a revised study with new analyses incorporating initial set of staff’s comments on March 24, 2014. All three studies were provided by the applicant. It is noted that only the last traffic study was referred to the Maryland State Highway Administration (SHA) and the Prince George’s County Department of Public Works and Transportation (DPW&T) for their review and comments. As of this writing, staff has not received any written comments from either agency.

In accordance with the *Guidelines*, the study results can be used to make the required findings for this case. It is noted, however, that new adequacy findings by the Planning Board will be needed at the time that this site advances to the preliminary plan stage.



The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines*.

The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

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

The following critical intersections identified above, when analyzed with existing traffic using counts taken in January 2014 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)(AM & PM)		Level of Service (LOS)(AM & PM)	
MD 202 with Kenmoor Drive	899	951	A	A
MD 202 with Barlowe Road	895	1,008	A	B
MD 202 with Brightseat Road	1,063	1,247	A	C
MD 202 with I-495/I-95 SB on-ramp	775	1,239	A	C
Brightseat Road with Site Access w/ approved signal	282	413	A	A
Brightseat Road with Sheriff Road	606	823	A	A

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

Background traffic has been developed for the study area using an extensive listing of approved developments in the area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)(AM & PM)		Level of Service (LOS)(AM & PM)	
MD 202 with Kenmoor Drive	967	1,029	A	B
MD 202 with Barlowe Road	976	1,124	A	B
MD 202 with Brightseat Road	1,155	1,387	C	D
MD 202 with I-495/I-95 SB on-ramp	926	1,517	A	E
Brightseat Road with Site Access w/ approved signal	298	438	A	A
Brightseat Road with Sheriff Road	654	882	A	A



The following critical intersections identified above, when analyzed with the programmed improvements and total future traffic as developed using the *Guidelines* including the site trip generation for 400-multifamily units used in the traffic impact study, or 28 more units than shown on the proposed CSP plan, and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)(AM & PM)		Level of Service (LOS)(AM & PM)	
MD 202 with Kenmoor Drive	992	1,051	A	B
MD 202 with Barlowe Road	1,001	1,147	B	B
MD 202 with Brightseat Road	1,193	1,438	C	D
MD 202 with I-495/I-95 SB on-ramp	947	1,527	A	E
Brightseat Road with Site Access w/ approved signal	441	533	A	A
Brightseat Road with Sheriff Road	666	890	A	A

All of the critical intersections operate acceptably under total traffic in both peak hours. This is conditioned on the installation of a traffic signal at the intersection of Brightseat Road with Site Access, which the submitted traffic study indicates has been previously approved by SHA. The requirement for a traffic signal is included in the Transportation Section's recommended conditions.

#### Plan Review Comments

The submitted plan shows a single point of access at Brightseat Road for the entire 372 unit multifamily proposal. Brightseat Road at this location is an eight-lane arterial roadway that serves as one of three primary entrances to the FedEx Field stadium. During events at the stadium, all eight lanes of Brightseat Road become fully occupied by vehicles with traffic movements along this roadway tightly controlled. During these times, having just one access to and egress from such a congested roadway for a development of this size would be undesirable and potentially unsafe, notwithstanding the significant inconvenience the congestion would create for residents and their visitors. In addition, the 2009 *Approved Countywide Master Plan of Transportation* proposes an extension of the Purple Line transit alignment south of New Carrollton along the west side of Brightseat Road. This planned transit extension could further complicate the use of a single point of access to this proposed community as the Maryland Transit Authority seeks to minimize the number of track crossings.

The *Guidelines* include a section documenting several best practices for site layout. This section includes a standard that reads, "no single access point should serve an (average daily traffic) volume exceeding 2,000." Using the daily trip rates published in the same *Guidelines* and as noted earlier, the site would generate an average daily traffic (ADT) of 2,418 trips. This further suggests that the development of this size may need to be served by more than one access, and the development may need to be staged, with no more than 307 units to be constructed prior to the completion of a road connection through the subject property and extending from Brightseat Road to Barlowe Road.

The sector plan vision for the area includes provision of street and roadway connections extending from Brightseat Road through the subject property to ultimately connect to Barlowe Road. This connection was displayed in the sector plan to enhance access and



mobility options for future residents, and to provide an access alternative to Brightseat Road when traffic volumes along this roadway block access. Furthermore, the *Approved Landover Gateway Sector Plan and Sectional Map Amendment* recommends the evaluation of operational alternatives for the intersection Landover Road (MD 202) with Brightseat Road including construction of a grade-separated interchange. A component of the interchange proposal in the plan is a new road connection through the subject property from Brightseat Road to Barlowe Road.

For these reasons, a revision to the proposed plan is recommended. This revision incorporates a roadway that extends through the subject property from the proposed access location along Brightseat Road in a westerly direction to the northwest corner of the subject property. This type of access arrangement is feasible; it was depicted in prepared site plans that were included in the original traffic studies dated December 2012, and March 4, 2014 (see attachment).

### **Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that the transportation facilities will be adequate to carry anticipated traffic for the proposed development as required under Sections 27-546(b)(8), and 27-546(d)(9) of the Prince George's County Code, and otherwise meets the transportation-related requirements for approval of a conceptual site plan if the applications are approved with the following conditions:

1. Prior to signature approval, the plan shall be revised to show a roadway that extends through the subject property from the proposed access location from Brightseat Road in a westerly direction to the northwest corner of the subject property.
2. Provision of signalization and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access, when deemed warranted by Maryland State Highway Administration (SHA).
3. Prior to issuance of building permits for units 308 to 372, the applicant shall demonstrate to the county and M-NCPPC, that a road connection through the subject property extending from Brightseat Road to Barlowe Road is fully constructed per the Department of Public Works and Transportation (DPW&T) standards and is open to traffic.

**Comment:** The recommended transportation conditions have been included (and clarified where needed) in the Recommendation Section of this report.

- d. **Subdivision Review Section**—In a memorandum dated May 15, 2014, the Subdivision Review Section provided the following analysis of the subject application:

The subject site is known as Parcel 51, located on Tax Map 60 in Grid B-3, and is 22.12 acres. The property is split zoned with 17.20 acres in the M-X-T Zone and 4.92 acres in O-S Zone. Parcel 51 is a legal deed parcel and has never been the subject of a preliminary plan of subdivision (PPS). The current configuration of the Parcel 51 was the result of right-of-way dedication pursuant to State Highway Administration Plat No. 87901. This public right-of-way dedication was a legal division of land pursuant to Section 24-107(c)(5) of the Subdivision Regulations. The site is currently graded for a parking



compound. The applicant has submitted a Conceptual Site Plan (CSP), CSP-13006, for 372 multifamily dwelling units.

A preliminary plan of subdivision (PPS) is required pursuant to Section 24-107 of the Subdivision Regulations. The CSP reflects a conceptual layout proposed with six buildings surrounded by parking on one parcel and proposes one vehicular access from the site onto Brightseat Road. Under Subdivision Regulations, Section 24-121(a)(5) requires that a PPS shall conform to the area master plan. The 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* establishes the development design principles and goals, such as street grid patterns, pedestrian-oriented environment, and buildings fronting the street, for the Landover area. At the time of preliminary plan of subdivision the concept site layout of the development may need to be modified to address the design principles and goals of the master plan.

The site has regulated environmental features at the western and southern portion of the property. Section 24-130 of the Subdivision Regulations requires the preservation of regulated environmental features to fullest extent possible. The proposed development envelope on the CSP appears to be encroaching onto the regulated environmental features. At the time of preliminary plan of subdivision review, the development envelope may need to be modified for preservation of the regulated environmental features and any statement of justification for impacts will be evaluated at that time.

The subject property has frontage on Ray Leonard Road to the west, Brightseat Road to the east, and Sheriff Road to the south. The existing property has access from Brightseat Road and an access easement to the north on Parcel 56, owned by the Board of Education (BOE). The applicant has stated that the access easement is pursuant to a license agreement with the Prince George's County Board of Education for the vehicular access from the subject property to connect through Parcel 56 to exit out to Barlowe Road. The rights associated with that private agreement are not known by staff. The CSP proposes one vehicular access onto Brightseat Road for 372 multifamily dwelling units.

At the time of PPS review, the site will be evaluated for adequate access and transportation facilities for the proposed development. Brightseat Road is an arterial roadway and pursuant to Section 24-121(a)(3) land adjacent to an arterial roadway shall be designed to have access on an interior street or service road. A variation request will be required at the time of PPS for the proposed development to have direct vehicular access onto Brightseat Road. The *Transportation Review Guidelines* requires a consideration to provide a second access for development of more than 307-dwelling units (2,000 ADT). Throughout the Landover Gateway sector plan, a street grid network is proposed for the Landover area and specifically depicts a street from Brightseat Road through the subject site connecting to the north and eventually to Barlowe Road. The CSP proposes 372 multifamily dwelling units with one access to Brightseat Road and does not propose a second access or street connecting to the north, which may not be consistent with the Transportation Guidelines and approved sector plan. The CSP should be revised to delineate a street from Brightseat Road that connects to the property to the north (Parcel 56), which will retain the opportunity to provide a connection to Barlowe Road in the future. The street should be consistent with the approved Landover Gateway sector plan and accessible to the public. The intent is to ensure that the ability to implement the roadway network is not precluded in the future.

In the original traffic study dated December 2012 that applicant submitted to staff, the



traffic study included Exhibit 1A Conceptual Site Plan Brightseat Road Property that depicts the site layout for 400 multifamily units with a roadway from Brightseat Road to the northeastern property line. The site layout in Exhibit 1A addresses the issues related to the approved Landover Gateway sector plan, Transportation Review Guidelines and Subdivision Regulations. The CSP should be revised to reflect the site layout on Exhibit 1A.

The development layout shown on the CSP should be for illustrative purposes only. A more detailed review of the site layout, environmental impacts, traffic circulation, and access will be evaluated and determined at the time of preliminary plan of subdivision. The Subdivision Review Section recommends the following conditions for this CSP:

1. Prior to certificate approval, the CSP shall be revised as follows:
  - a. Show the bearings and distances of subject property on Sheets 1, 5, 7, and 8.
  - b. Delineate a street from Brightseat Road that connects to the property to the north, Parcel 56. The street should be consistent with the 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* and accessible to the public.

There are no other subdivision issues at this time.

**Comment:** The recommended subdivision conditions have been included in the Recommendation Section of this report,

- e. **Trails**—In comments dated May 14, 2014, which supersede a memorandum dated March 13, 2014, the trails coordinator provided the following analysis of the subject application:

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan identify two master plan trail/bikeway corridors and one master plan trail connection that impact the subject site. The area master plan identified both Sheriff Road and Brightseat Road as sidewalk and bikeway corridors, while the 2009 MPOT further refined this to recommend standard sidewalks and designated bike lanes along both roads (see MPOT map). Currently, segments of Sheriff Road have been improved with a decorative wide sidewalk and wide outside curb lanes (see photos on the attached pages), while Brightseat Road includes an eight-foot wide sidepath south of Sheriff Road.

The MPOT includes the following descriptions for the planned facilities along Sheriff and Brightseat Roads:

**Sheriff Road Wide Sidewalks and Designated Bike Lanes**—Extend the existing wide sidewalks along the entire length of Sheriff Road. Designated bike lanes are also recommended. These facilities will improve access to FedEx Field, Cabin Branch Trail, and Cedar Heights Community Center (MPOT, page 25).

The subject site's frontage of Sheriff Road includes a standard sidewalk. This



sidewalk is immediately behind the curb with no buffering from the travel lanes. Immediately to the west of the subject site, Sheriff Road has been improved with additional shoulder space for parking and a decorative sidewalk. It should also be noted that a decorative wide sidewalk has been constructed along the south side of Sheriff Road opposite of the subject site. The provision of a decorative wide sidewalk along the frontage of the subject site is recommended.

**Brightseat Road Sidewalks and Bike Lanes - Provide continuous sidewalks/wide sidewalks and on-road bicycle accommodations along Brightseat Road. Brightseat Road is a major north-south connection through the Landover Gateway area, and currently facilities for pedestrians are fragmented. The road currently does not include striping for bicycle facilities. However, due to the speed and volume along the road, its connectivity through the sector plan area, and its connection to FedEx Field, designated bike lanes are recommended. Brightseat Road should also include accommodations for bicycles and pedestrians at the planned interchange with MD 202. These facilities will provide safe non-motorized connectivity to the Landover civic center and commercial core from surrounding neighborhoods (MPOT, page 25).**

Brightseat Road currently includes a standard sidewalk along the frontage of the subject site. This sidewalk is immediately behind the curb with no buffering from the travel lanes. It may be appropriate to provide the decorative, wide sidewalk that currently exists along the south side of Sheriff Road along the subject site's frontage of Brightseat Road as well. Sufficient dedication to incorporate designated bike lanes may be required at the time of Preliminary Plan, pending discussions with DPW&T.

Pages 97–98 of the area master plan includes the following text in **[bold]** regarding a master plan trail recommendation along the tributary of Cattail Branch:

**Provide a stream valley trail connection along the tributary of Cattail Branch, from Cattail Branch south to Sheriff Road. This trail will provide access to the Sports and Learning Complex from communities to the north, as well as provide an additional connection into the larger stream valley trail network (see Map 25: Trails on page 94).**

There appears to be sufficient space along the stream valley to provide the master plan trail on the subject site. However, the Department of Parks and Recreation (DPR) has indicated that they do not want this stream valley corridor as park dedication. This factor, in conjunction with the private nature of the proposed gated community, will most likely result in the trail functioning as a private homeowner association (HOA) trail. This trail will provide outdoor recreation for future residents, as well as provide a segment of a future trail connection into the planned stream valley trail network. A 2011 PGAtlas aerial photo indicates that there is an existing drive aisle parallel to the stream valley for most of the length of the subject site. It may be appropriate to utilize this road/drive aisle as the corridor for the master plan trail. This will not only take advantage of existing grades and clearing, but would eliminate environmental impacts within the 100-



year floodplain and primary management area (PMA). Even if the existing drive aisle is not utilized, sufficient space should be provided outside of the regulated areas to accommodate the trail. At the time of detailed site plan review, adjustments to this alignment can be made as needed to accommodate the proposed development.

The MPOT also includes a complete streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**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.**

In conformance with these policies, sidewalks are recommended along all of the site's road frontages and along both sides of all internal roads. The submitted CSP does not incorporate the road network included in the area master plan. In place of an internal road network, a series of parking lots and drive aisles are shown. Revision of the plans would be necessary to accommodate the planned road network shown in the master plan (see Maps on pages 20, 24, 32, 37 and 94)

It is noted that there appear to be two existing bus stops along Brightseat Road in the vicinity of the subject site.

**Additional Review Comments**

The applicant submitted a letter dated May 1, 2014 in response to a discussion of the facilities included in the area master plan and recommended in the March 13, 2014 memorandum. Based on a review of this additional information, the following discussion is included and slight modifications have been made to one recommended condition in the March memorandum.

- The applicant states that both Sheriff Road and Brightseat Road are State rights-of-way and concludes that "it is highly unlikely that MDSHA will allow any changes to the current sidewalk and lane alignment." It is noted that Sheriff Road is maintained by DPW&T and Brightseat Road is maintained by SHA. However, the recommendations regarding the planned bicycle and pedestrian facilities remain unchanged regardless of the ultimate operating agency. Staff continues to recommend frontage improvements consistent with the master plan along both Sheriff Road and Brightseat Road, unless modified by the appropriate operating agency. The current condition included in the Recommendation section of this report reflects the correct operating authority for both Brightseat Road and Sheriff Road.



- The applicant states that the trail along the stream valley is not feasible due to the existing stream and environmental constraints, as well as the topography abutting Sheriff Road. Staff is not recommending the trail within the environmental setting, but instead, on the periphery of the developable portion of the site adjacent to the PMA. An alternative layout dated October 23, 2014 and provided by the applicant in earlier versions of the submitted Traffic Impact Analysis, including one dated March 4, 2014, appear to indicate that space for a trail can be provided at this location. Staff concurs that due to steep and severe slopes between the site and Sheriff Road, it will likely not be feasible to construct the trail all the way to Sheriff Road. However, the trail can still serve as a private HOA outdoor recreational amenity and provide a potential connection to the Board of Education property to the north. The master plan trail along the stream valley will serve as a needed public amenity for the future residents of the site.

### **Conclusion**

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, and meets the findings required for a conceptual site plan if the application is approved with the following conditions:

- (1) Construct a decorative wide sidewalk across the subject site's entire frontage of Sheriff Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by DPW&T.
- (2) Construct a decorative wide sidewalk across the subject site's entire frontage of Brightseat Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by SHA.
- (3) Construct the master plan trail along the subject property's entire length of the tributary of Cattail Branch. The exact trail alignment will be determined at the time of detailed site plan.
- (4) Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
- (5) Bicycle parking may be recommended at the time of detailed site plan. The location and number of bicycle parking spaces will be determined at that time.

**Comment:** The recommended sidewalk and trail conditions have been included in the Recommendation Section of this report. A more detailed analysis of internal sidewalks, trails, and pedestrian safety features will be made at the time of detailed site plan.

- f. **Department of Parks and Recreation (DPR)**—In a memorandum dated April 15, 2014, DPR provided the following summarized comments:

### **DPR Findings**



The subject property is located within walking distance of the Prince George's Sports and Learning Complex which is owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The planned and existing trails within the public right-of-way of Brightseat Road and Sheriff Road will provide hiker/biker access to the Prince George's Sports and Learning Complex.

The applicant's proposal includes 372 multifamily dwelling units. Using current occupancy statistics for multifamily dwelling units, one would anticipate that the proposed development would result in a population of 1,116 new residents.

The subject property includes 7.46 acres of primary management area (PMA) consisting of floodplain, wetlands and steep slopes. 4.92 acres of this PMA area is located within the O-S Zone. The May 2009 *Landover Gateway Approved Sector Plan and Proposed Sectional Map Amendment* proposes trail construction within the PMA. DPR and the Planning Department staff carefully evaluated the PMA and determined that this area is not suitable for the trail construction. The applicant shows a clubhouse with a pool in the residential portion of the development. The statutory requirements of the Subdivision Regulations, Section 24-134, require that the applicant provide mandatory dedication of approximately 2.5-acre of land suitable for active or passive recreation, or the payment of monetary fee-in-lieu thereof, or the provision of recreational facilities. DPR staff believes that the requirement for the mandatory dedication of parkland should be met by the provision of on-site private recreational facilities suitable to serve an anticipated population of 1,116 new residents. The recreational facilities package should include pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex.

#### **DPR Recommendations**

The staff of the Department of Parks and Recreation recommends that the above-referenced Conceptual Site Plan, CSP-13006 be approved, subject to the following conditions:

1. The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The recreational facility package shall include pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy and proper siting, prior to approval of the detailed site plan by the Planning Board.
2. The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the Development Review Division (DRD) for their approval three weeks prior to a submission of a final plat. Upon approval by the DRD Urban Design Staff, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
3. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, at least two weeks prior to applying for building permits. The developer, his successor and/or assignees shall satisfy the Planning Board



that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

4. At the time of the Detailed Site Plan approval, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees.

**Comment:** The recommended conditions have been included in the Recommendation Section of this report.

- g. **Public Facilities**—In a memorandum dated February 3, 2014, the Special Projects Section of the Countywide Planning Division indicated that they had no comments on the subject development.
- h. **Environmental Planning Section**—The Environmental Planning Section, in a memorandum dated May 13, 2014, provided an analysis of the application's conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO) incorporated into Finding 9 above, along with the following summarized comments:

- (1) There is a primary management area (PMA) comprised of Regulated Environmental Features which include streams and wetlands, associated buffers, 100-year floodplain and adjacent steep slopes. The submitted application is being reviewed for conformance with the requirements of Subtitle 27 but will also be subject to Subtitle 24 at the time of preliminary plan. Requirements with regard to the regulated environmental features are noted below.

Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible." A statement of justification, including an impact exhibit plan, was stamped as received by Environmental Planning Section (EPS) on May 2, 2014, and reviewed as part of this application.

Section 27-274(a)(5)(B) of the Zoning Ordinance states that for all CSP applications: "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)."

Section 24-130(b)(5) of the Subdivision Regulation 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 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 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. 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, stormwater management 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. The statement of justification must address how each impact has been avoided and/ or minimized.

The statement of justification and associated exhibit reflect four (4) proposed impacts to regulated environmental features associated with the proposed development. The site contains a total of 7.45 acres of PMA.

**Impact SWM-01:** totals 0.30 acres of proposed impacts to the PMA. The statement of justification indicates that this impact is for an outfall for an underground stormwater management facility. The current configuration of the outfall and associated LOD shows the disturbance of the critical root zones of three specimen trees. The extent of the proposed impact does not appear to be necessary for the installation of a proposed outfall. Staff does not support this impact because the grading can be reduced further.

**Impact SWM-02** totals 0.09 acres and is for a pond outfall. This impact does appear to be necessary.

**Impact SWM-03** totals 0.04 acres to allow for a non-woody buffer at the base of the pond embankment as required by the Soil Conservation District. The pond can be designed to allow for the non-woody buffer outside of the PMA. Staff does not support this impact because it can be designed to be avoided

**Impact S-01** totals 0.18 acres of proposed impacts to the PMA. The statement of justification indicates that the impact is proposed solely for a sewer line connection; however, a proposed parking garage is shown on the plan approximately two feet from the PMA. Impacts to the PMA would be needed for installation and maintenance of the parking garage. The statement of justification also indicates that the location of the sewer outfall connection has been designed to avoid conflict with a proposed stormdrain. The PMA in this area is associated with a stream buffer, which is a priority area for woodland conservation. At time of preliminary plan design and review, the site design in this area should be



revised to eliminate this impact, and further to allow adequate space for planting along the stream buffer for woodland conservation purposes. Staff does not support this impact.

The plans currently show a proposed building (labeled as Building 4) at the top of a steep slope that has been incorporated in the PMA. This slope is also an expanded wetland buffer, as shown on the NRI. The building, and associated LOD, is shown approximately 9 feet from the top of the slope. While this has not been specifically requested as an impact, staff believes that it would be difficult to construct a building so close to the top of a slope without impacting it. The resulting building stability should also be addressed.

Based on the information submitted, staff finds that the application does not adequately demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. In order for staff to make a recommendation that regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible, the site design must be re-evaluated to address the following: reduce impacts to the critical root zones of specimen trees, adjust the location of the pond so that the non-woody buffer can be located outside of the PMA, move the proposed sewer line so that the portion of the line currently proposed to run along the top of the slope is removed and the only remaining impact is the perpendicular stream crossing, move proposed building 4 away from the top of the slope and/or provide additional grading and engineering information to demonstrate that the building can be constructed, be stable, and without impacting the PMA.

**Recommended Condition:** Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce SWM-03.

- (2) An approved Stormwater Management Concept plan and an approval letter, dated May 17, 2013, were initially submitted with the subject application. The approved concept shows stormwater management requirements to be met through the use of retention and filtration. The plan shows a large pond proposed on the southern portion of the site and an underground storage and filter facility located on the northwestern portion of the site.

The approved stormwater management design is similar to what is shown on the TCP1; however, the lot layout is significantly different. The approved concept plan shows the proposed development as a retail space, gas station, fast food restaurant, and a hotel. The Environmental Planning Section provided comments regarding the original stormwater management design in a memo dated April 1, 2014. The concern was that the CSP application is for the development of six (6) multifamily dwelling units and associated infrastructure. It was unclear how the significant change in site design would affect the stormwater management requirements. The original approved concept did not show the grading of steep slopes as the LOD shown on the proposed TCP1 seemed to indicate.



Additionally, the concept did not show the location of the PMA as shown on the approved NRI.

A revised concept plan was submitted and stamped as received by EPS on May 2, 2014. The revised concept shows the PMA and the grading necessary to install the infrastructure.

The current Master Plan for this area is the Landover Gateway Sector Plan and Sectional Map Amendment, approved May 2009. The master plan includes Policies focused on stormwater management; these include an emphasis on stream restoration, and the use of environmentally sensitive stormwater design techniques. These strategies should be incorporated into the stormwater management design.

Additionally, no information has been submitted regarding the health or physical attributes of the existing on-site streams. The master plan includes a policy within the Environmental Infrastructure section which identifies the need to restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded. One of the strategies to fulfill this policy is to identify opportunities for ecologically significant stream and water quality restoration projects within and adjacent to the Cattail Branch primary corridor. The on-site tributaries drain directly into the Cattail Branch Primary Corridor. A stream corridor assessment using the Maryland DNR Stream Corridor Assessment protocol must be prepared to identify priorities for protection, preservation, and restoration. The assessment must be done for both on-site streams and the portion of the stream system located between the subject site and Brightseat Road.

At time of preliminary plan application, a stream corridor assessment using the Maryland DNR Stream Corridor Assessment protocol is needed for the on-site stream system to document the health of the stream and to determine where, if any, restoration efforts should be focused. If stream restoration recommendations are appropriate, they shall be included in the report. The revised and un-approved stormwater concept plan submitted with the current CSP application does not address stream restoration. Should the stream corridor assessment identify the need for stream restoration, it must be incorporated into a revised and approved stormwater management concept.

**Recommended Condition:** The preliminary plan application package shall contain:

1. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and the off-site stream located between the subject site and Brightseat Road.
2. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.



3. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
- (3) Prior to grading of the site, the county requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Concept Plan must be submitted at time of preliminary plan application so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.

**Recommended Condition:** The preliminary plan application package shall contain a copy of the Erosion and Sediment Control Concept Plan.

- (4) The site fronts on Brightseat Road, a master planned collector along the site's frontage. The site also fronts on Sheriff Road, a master planned arterial roadway that is regulated for noise. The site is in close proximity to Landover Road (MD 202), a master planned expressway that is regulated for noise.

The state standard requires that the day-night average (Ldn) be used for residential uses. A 65 dBA Ldn noise contour has been shown on the TCP1; however, it is not clear on the plan what information the noise contour has been based on. The following note needs to be added to the TCP: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model." Additionally, the noise contour must be measured from the centerline of a right-of-way. The TCP does not show the centerlines of Brightseat Road or Landover Road. The TCP needs to be revised to clearly show the centerlines on the plan view or in a separate inset.

Should any future development applications contain a site design that proposes residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, that application must contain a noise report prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.

**Recommended Condition:** Prior to certification of the CSP, the TCP1 shall be revised as follows:

1. To include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."
2. To show the centerlines of Brightseat Road and Landover Road (MD 202).



**Recommended Condition:** Any development application that shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour shall contain a noise report prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.

- (5) The minimization of light intrusion from this site into the on-site environmentally sensitive areas is important to protect the health of the stream valley and associated wildlife. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures must be used.

**Recommended Condition:** Full cut-off optic light fixtures shall be used on this site to reduce light intrusion.

**Comment:** The recommended environmental conditions have been included in the Recommendation Section of this report.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated February 6, 2014, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this report, no comments were received from this agency.
- k. **Prince George's County Police Department**—In a memorandum dated January 28, 2014, the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
- l. **Prince George's County Health Department**—In a memorandum dated February 3, 2014, the Health Department provided the following comments:

- (1) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the goals of public health in improving quality of life. The developer should consider setting aside space for a community garden.

**Comment:** The provision of a community garden will be given consideration at the time of DSP review when a detailed development pattern is established.

- (2) Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.



**Comment:** Additional noise information was requested of the applicant to document the source of the noise contour shown on the plan and that the contour shown is an unmitigated 65 dBA Ldn noise contour. This is discussed further in Finding 11(h) above. The future preliminary plan and DSP will have to address noise issues as more detailed site design is determined.

- (3) Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities and commercial areas.

**Comment:** As discussed above in comments from Trails Planning staff, provision of a complete pedestrian system is a high priority. The location and design of trails and sidewalks will be carefully reviewed at the time of DSP.

- (4) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. (It is recommended that light levels at residential property lines should not exceed 0.05 footcandles).

**Comment:** This issue will have to be further reviewed at the time of DSP when lighting details will have to be provided. Therefore, a condition has been included in the Recommendation section of this report requiring this to be addressed.

- (5) Recent case studies demonstrate the value of stakeholder input in enhancing positive outcomes of health impact assessment review. The developer should identify and actively engage project stakeholders during the development review process.

**Comment:** The Planning Board regularly conveys to applicants the importance of identifying and communicating with stakeholders during the development review process.

- m. **Maryland State Highway Administration (SHA)**—At the time this report was written, no comment had been received from SHA.
- n. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated January 23, 2014, WSSC indicated that they had no comments on the subject application as the applicant did not pay their applicable review fee.
- o. **Verizon**—At the time this report was written, no response had been received from this agency.
- p. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated January 28, 2014, PEPCO indicated that they concur with the ten-foot public utility easement (PUE) as stated in Note 14 under the General Notes on the plan. They also noted that additional



easements may be required to accommodate transformers, switches, or fuse enclosures as necessary based on projection loads.

12. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the conceptual site plan will, if approved with the proposed conditions below, represent 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.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:

**(4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

**Comment:** As discussed in Finding 11(h) above, the conceptual site plan will, if modified in accordance with the proposed conditions below, demonstrate preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

## 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-13006, and Type I Tree Conservation Plan TCP1-001-14 for Brightseat Road Property, subject to the following conditions:

1. Prior to certification of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. A General Note shall be added to the CSP indicating the FAR allowed and proposed.
  - b. A General Note shall be added indicating that the property is within the Interim Land Use Control (ILUC) impact area including the following language: "The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. This property is outside of the 65 dBA Ldn noise contours and is not within an Accident Potential Zone, so no noise mitigation or controls on use or density are required. The mapped categories on the subject site do not prevent any of the proposed development."
  - c. The plan shall be revised to show the bearings and distances of the subject property on Sheets 1, 5, 7 and 8.
  - d. The CSP shall be revised to conceptually show a roadway that extends from the proposed access location at Brightseat Road in a westerly direction through the subject property connecting to the property to the north, Parcel 56. Notes on the plan shall indicate that the roadway will be accessible to the public.
  - e. The CSP shall be revised to replace specific proposed building locations with a more schematic representation of a development concept that is consistent with the conditions of approval stated herein.



2. Prior to certification of the conceptual site plan (CSP), the Type I tree conservation plan (TCPI) shall be revised as follows:
  - a. Show the standard TCP1 approval block with an additional column listing the associated CSP number.
  - b. Show the standard woodland conservation worksheet, revised as necessary.
  - c. Remove the NRI notes from the plan.
  - d. Include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."
  - e. Show the centerlines of Brightseat Road and Landover Road (MD 202).
  - f. Revise the standard TCP1 notes as follows:
    - (1) Revise the title of the notes to: "Type 1 Tree Conservation Plan Notes;"
    - (2) Revise note 1 to reference the current CSP application;
    - (3) Revise note 9 to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site;
    - (4) Revise the standard stormwater management note to include all of the standard language;
    - (5) Add the standard note regarding woodland conservation on land to be dedicated to public agencies.
    - (6) Revise the legend to include all symbols shown on the plan.
    - (7) Eliminate all proposed clearing and grading from areas where no development is proposed up to the minimum distance required from woodland conservation areas.
    - (8) Have the plan signed and dated by the qualified professional who prepared it.
3. Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce SWM-03.
4. A traffic signal and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access shall be provided, when deemed warranted by SHA.
5. Prior to issuance of building permits for units 308 to 372, the applicant shall demonstrate to the County and M-NCPPC, that a road connection through the subject property extending from



Brightseat Road to Barlowe Road is fully constructed per DPW&T standards and is open to traffic.

6. At the time of detailed site plan, the following trail and sidewalk facilities shall be shown on the plans, and a, b, and c below shall be installed as directed by the appropriate operating agency:
  - a. Construct a decorative wide sidewalk across the subject site's entire frontage of Sheriff Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by DPW&T.
  - b. Construct a decorative wide sidewalk across the subject site's entire frontage of Brightseat Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by SHA.
  - c. Provide standard sidewalks along both sides of all internal public roads, unless modified by DPW&T.
  - d. Construct the master plan trail along the subject property's entire length of the tributary of Cattail Branch. The exact trail alignment will be determined at the time of detailed site plan.
  - e. Bicycle parking may be recommended at the time of detailed site plan. The location and number of bicycle parking spaces will be determined at that time.
7. At the time of Detailed Site Plan, if the development application shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, a noise report shall be prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.
8. At the time of detailed site plan (DSP), the following design issues shall be addressed:
  - a. The applicant shall use full cut-off light fixtures to prevent light trespass, and direct the pattern of light pooling on-site.
  - b. The applicant shall consider setting aside space for a community garden.
  - c. Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.
  - d. Provide sufficient visitor parking spaces evenly distributed among the multifamily units.
  - e. The development shall be designed and organized so as to create cohesively designed building groups that front on an interior road extending from Brightseat Road and connecting to Parcel 56 to the north. The appearance of surface parking areas shall be minimized. The buildings should have a strong relationship with each other as well as the internal road. The buildings should also be organized to provide quality public spaces with pedestrian connections that will provide a pleasant outdoor setting for the residents.



- f. Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
  - g. Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing, shall be included for all residential and recreational buildings in the DSP.
  - h. All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
  - i. Front elevations of residential buildings shall be oriented toward the internal road, Brightseat Road and Sheriff Road to the extent feasible. Side elevations of the multifamily buildings highly visible from the internal road, Brightseat Road or Sheriff Road shall be designed with the same attention to detail as the front elevation.
  - j. A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.
9. At the time detailed site plan, the following issues regarding private on-site recreational facilities shall be addressed:
- a. The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.
  - b. The applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees.
10. The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the DRD for their approval three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, and Maryland.
11. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns shall



satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational

12. At the time of Preliminary Plan review, the application package shall contain:

- a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and the off-site stream located between the subject site and Brightseat Road.
- b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.
- c. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
- d. A copy of the Erosion and Sediment Control Concept Plan.



**ITEM:**

REALLOCATION MAP

**CASE: CSP-13006**

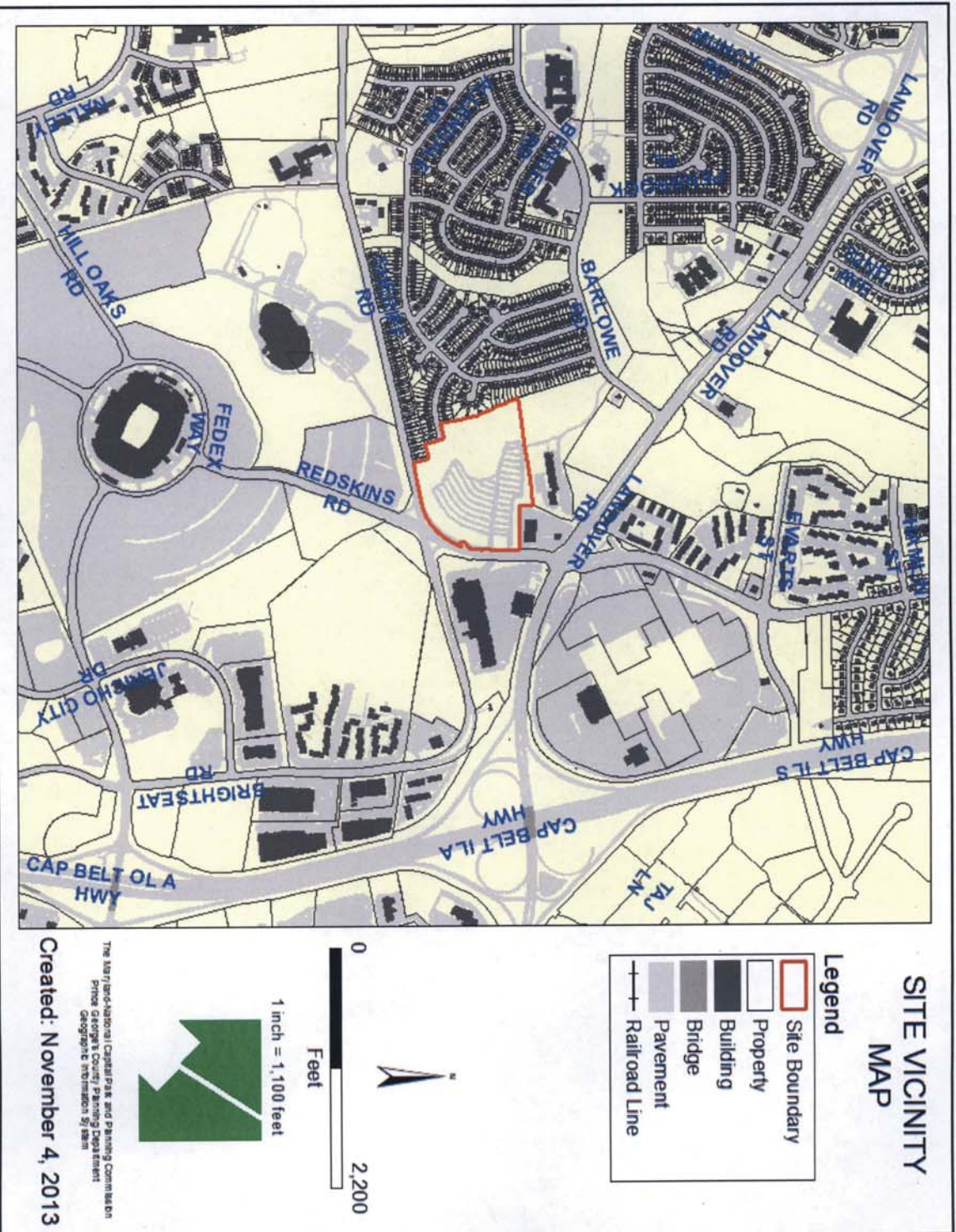
## **BRIGHTSEAT ROAD PROPERTY**

**THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT**



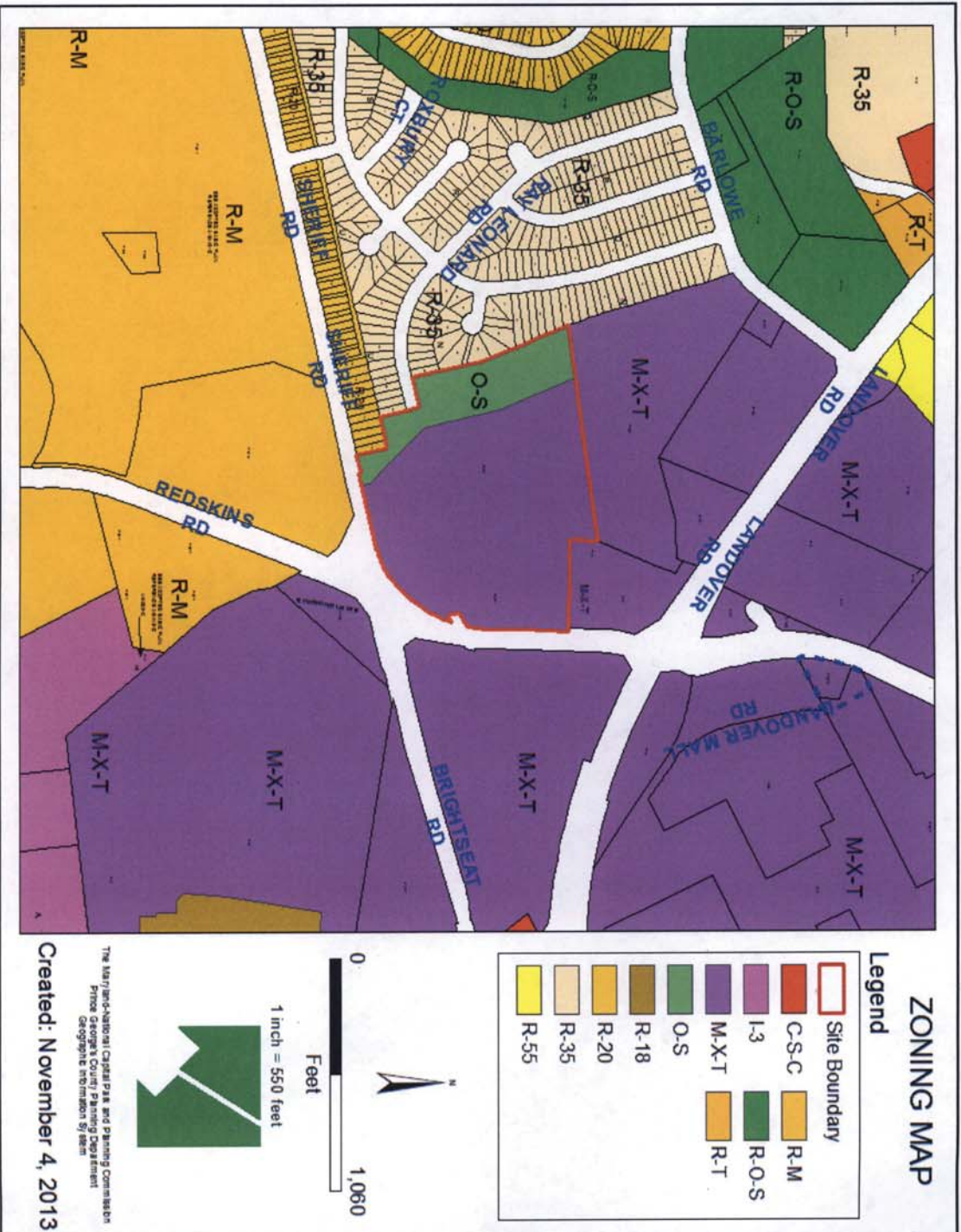


# SITE VICINITY



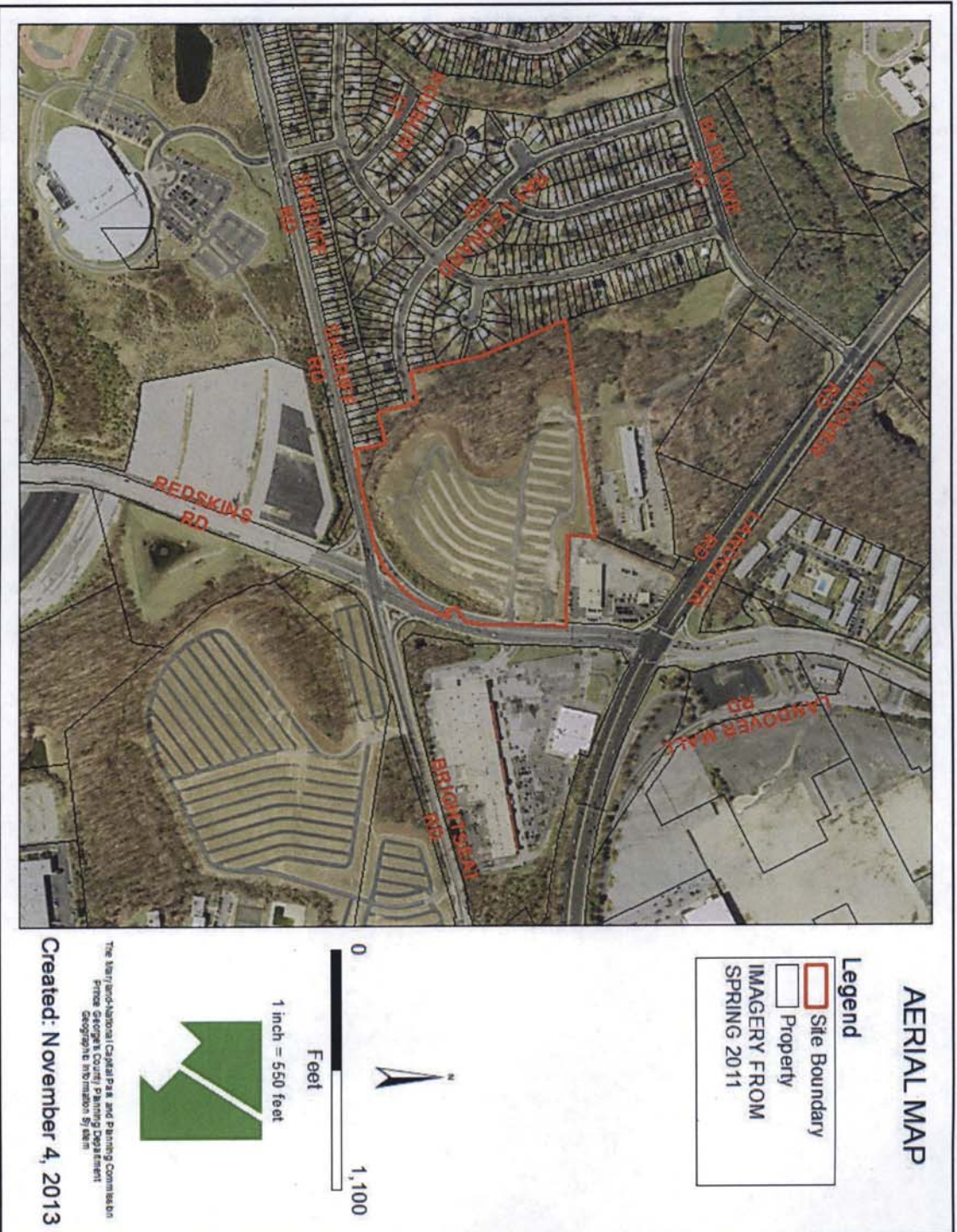


# ZONING MAP



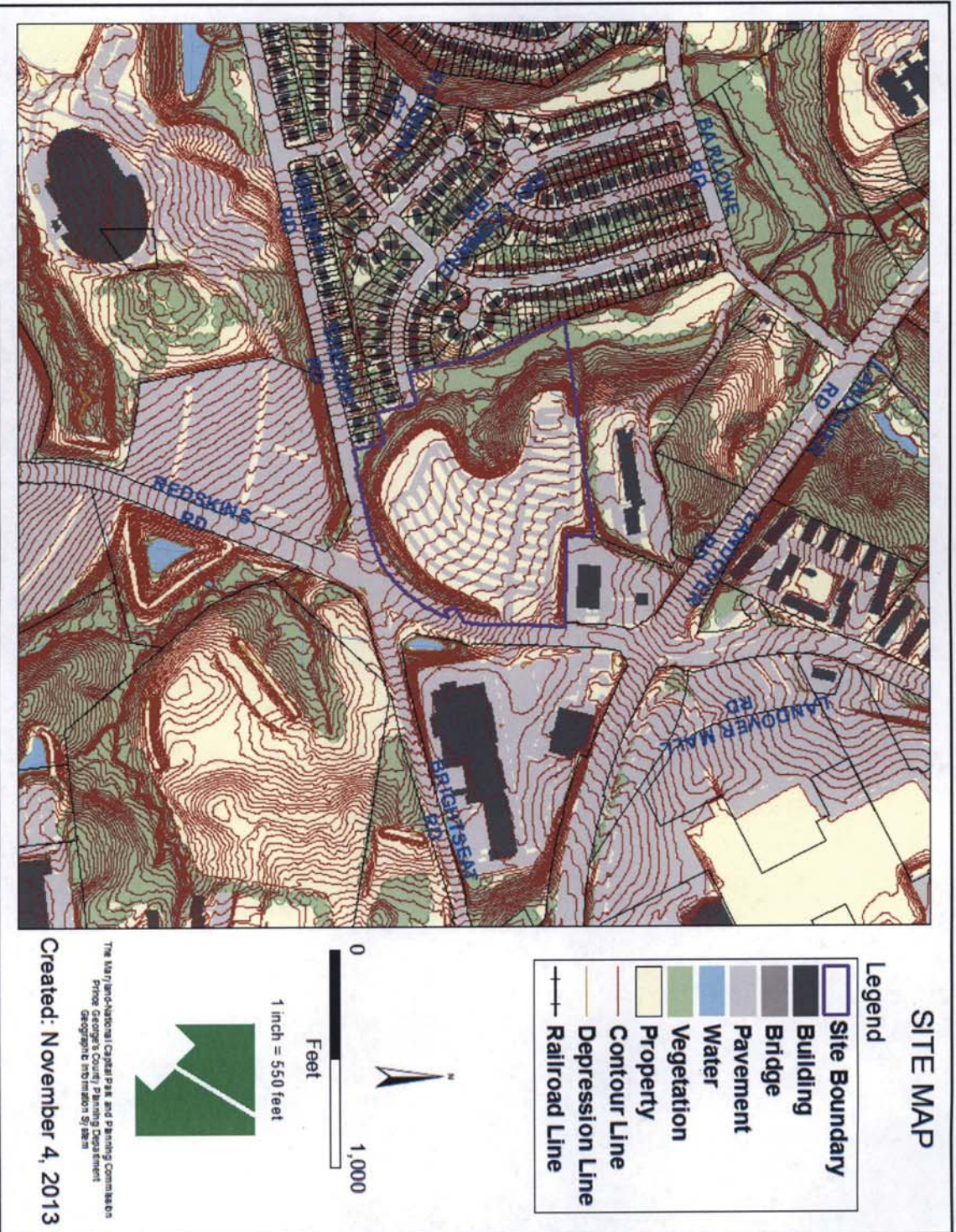


# AERIAL MAP



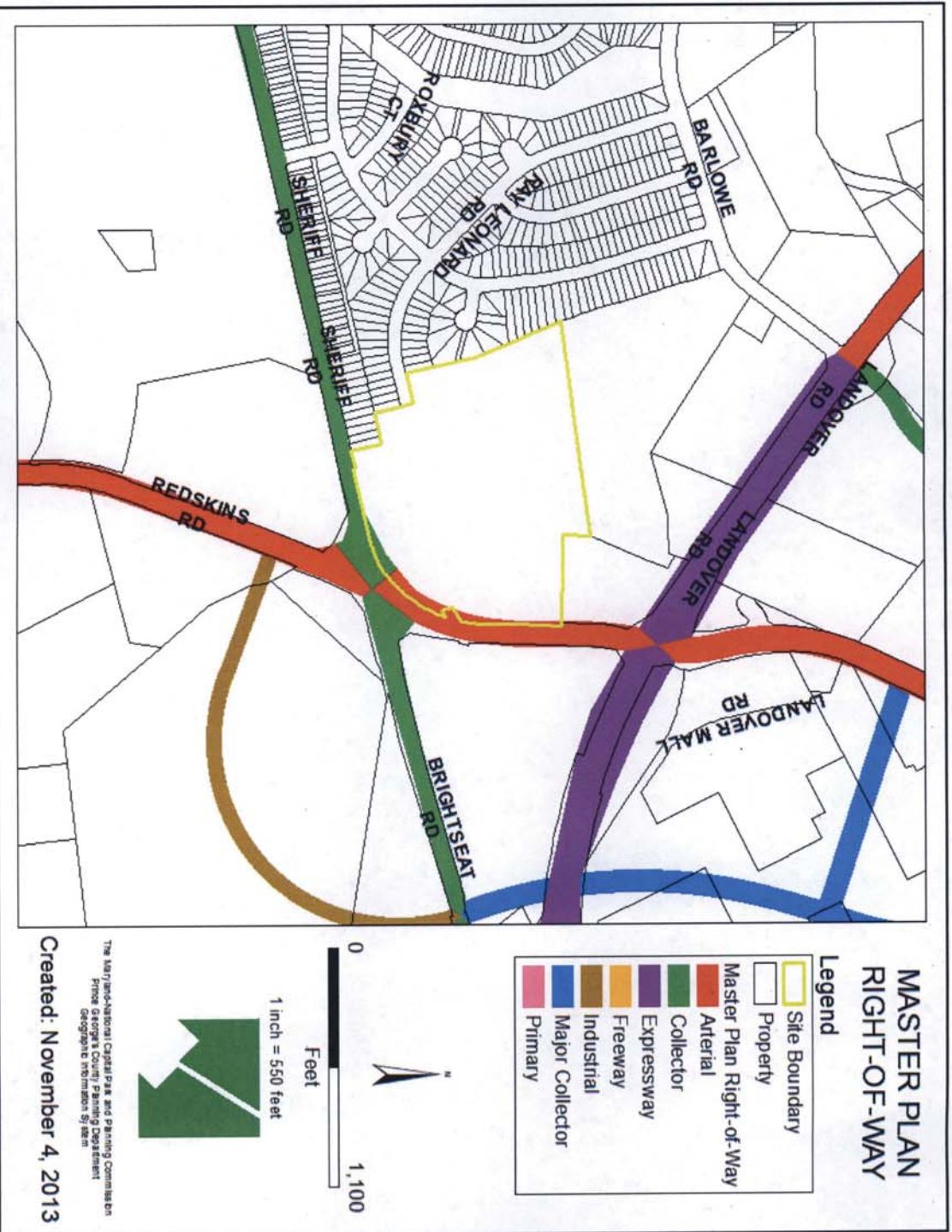


# ENVIRONMENTAL FEATURES MAP



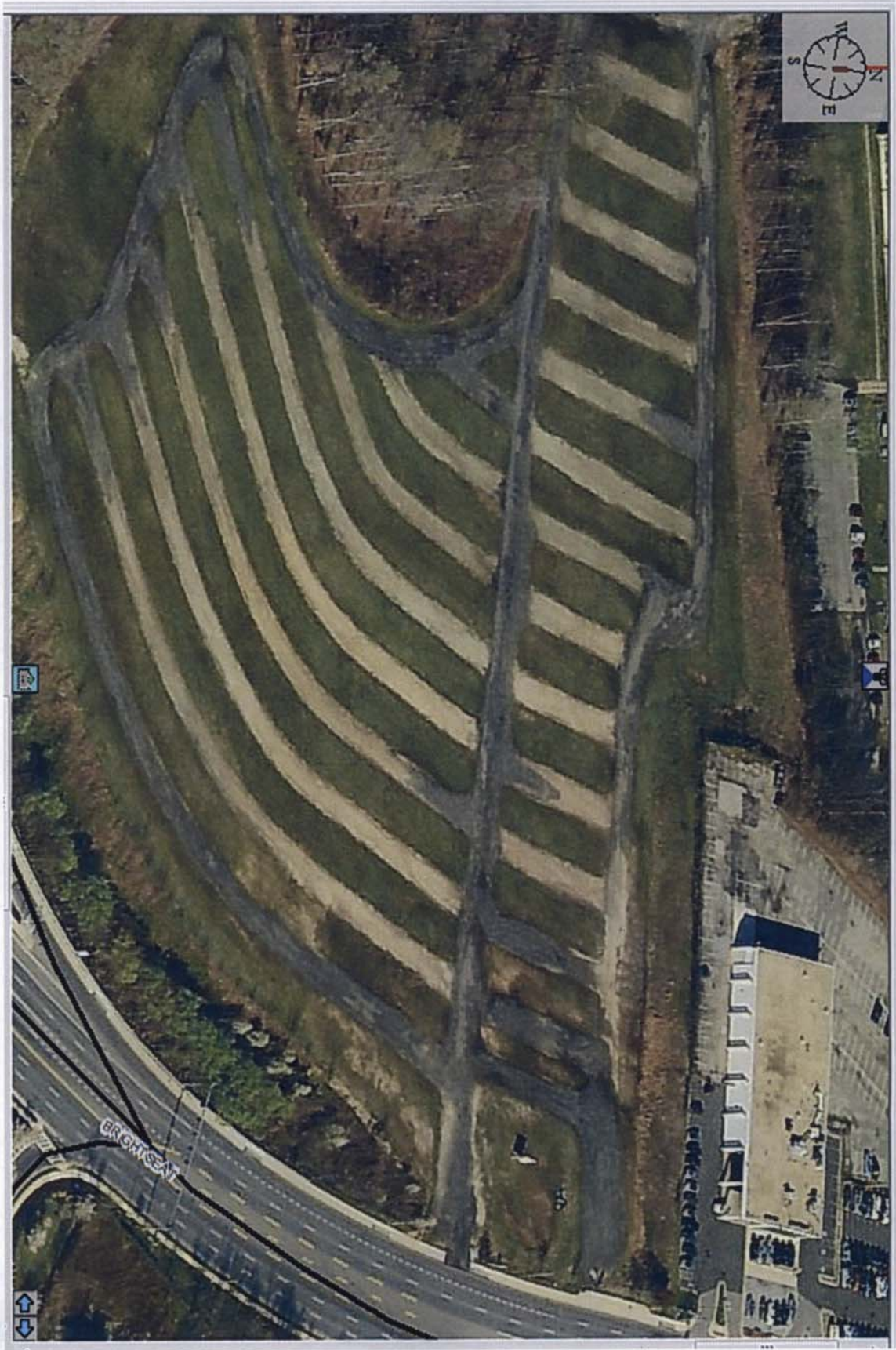


# MASTER PLAN RIGHT-OF-WAY MAP



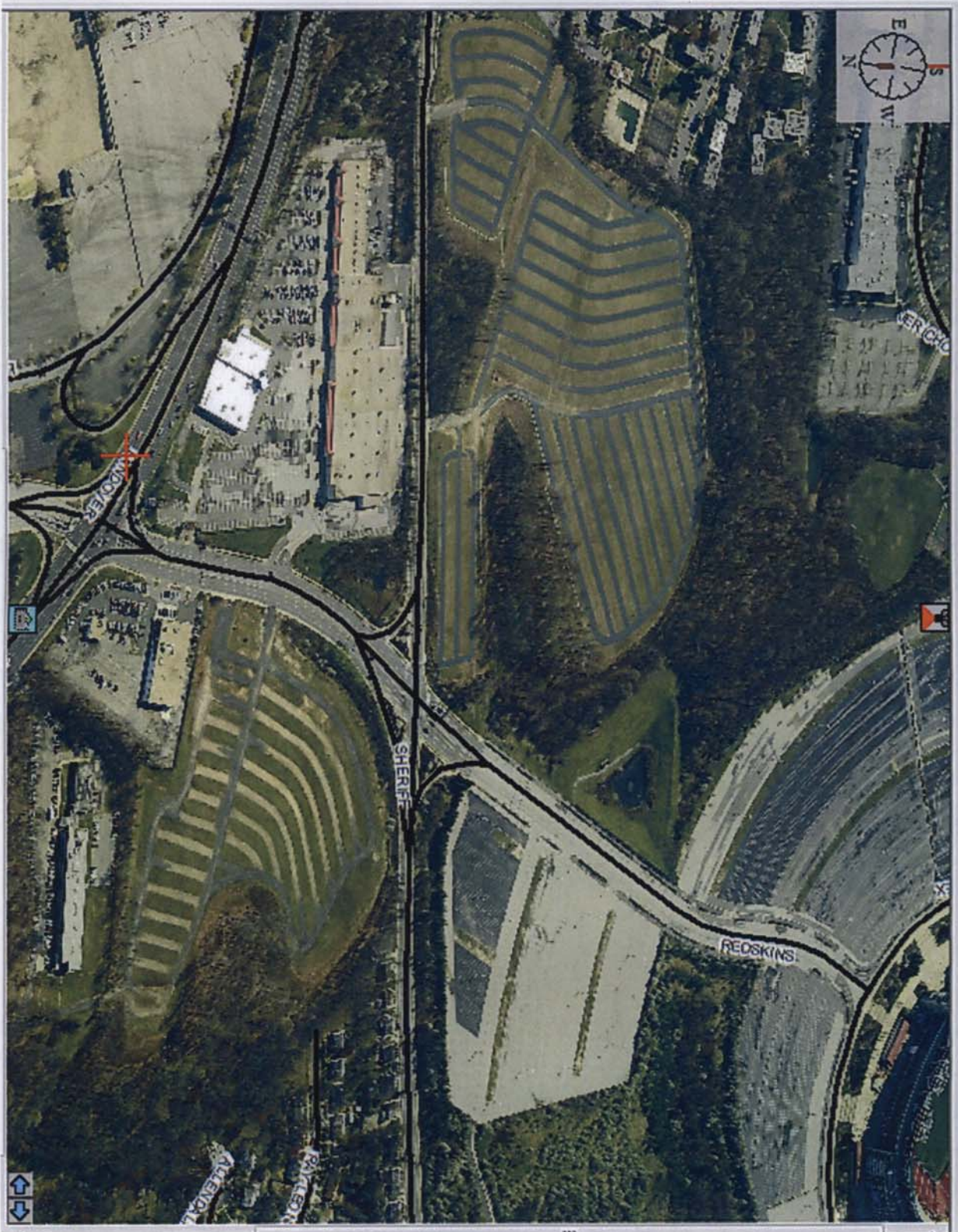


# BIRD'S-EYE VIEW LOOKING NORTH





# BIRD'S-EYE VIEW LOOKING SOUTH





# FACING NORTH TOWARD AUTO DEALERSHIP





## FACING NORTH TOWARD BOARD OF EDUCATION PROPERTY





# ACCESS EASEMENT TO BOARD OF EDUCATION PROPERTY





# FACING EAST TOWARD BRIGHTSEAT ROAD





## FACING SOUTH TOWARD FEDEX FIELD



Slide 14 of 17

6/5/2014



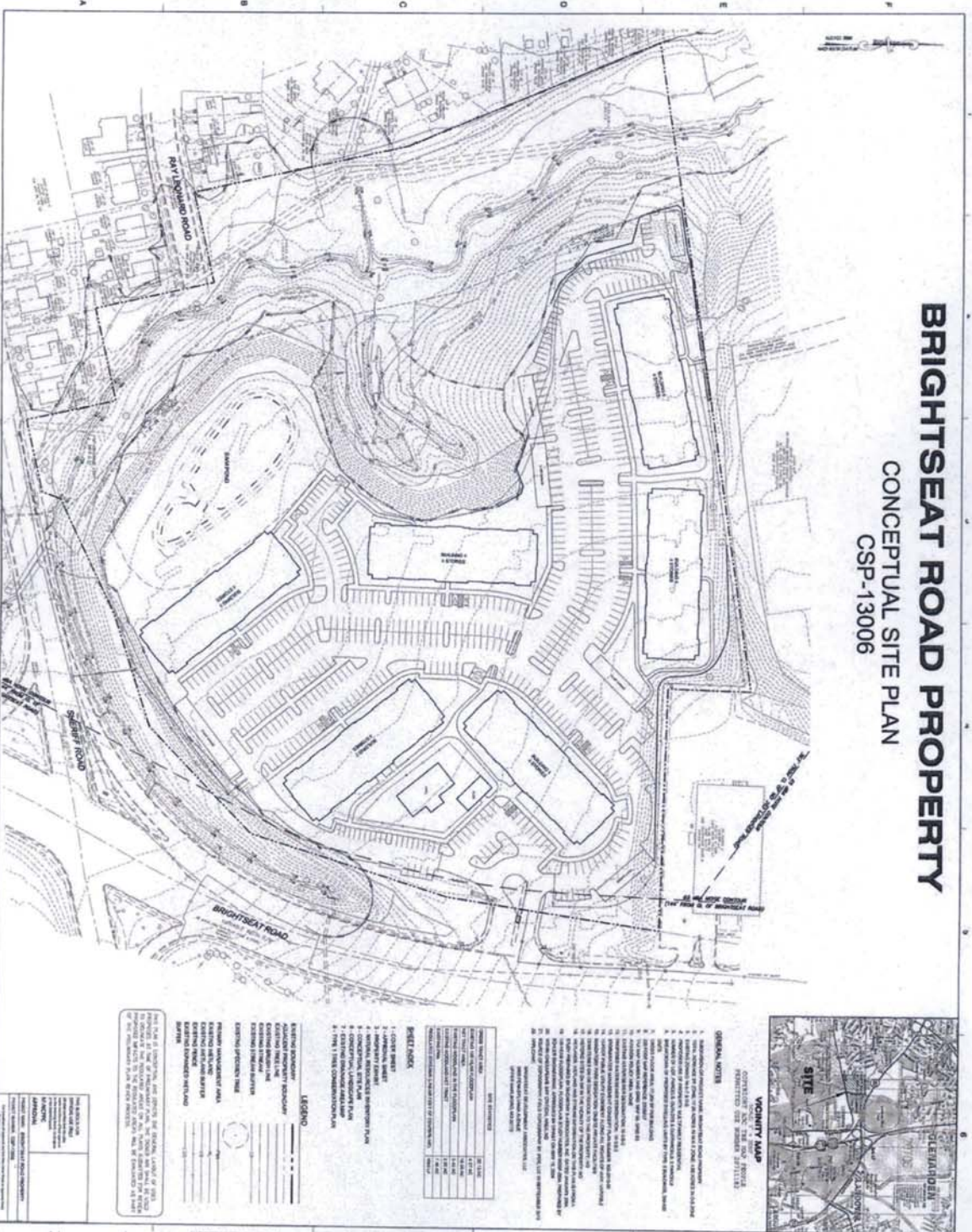




# CONCEPTUAL SITE PLAN DETAIL

## BRIGHTSEAT ROAD PROPERTY

CONCEPTUAL SITE PLAN  
CSP-13006



- GENERAL NOTES**
1. THIS CONCEPTUAL SITE PLAN IS PREPARED FOR THE PROPOSED DEVELOPMENT OF THE BRIGHTSEAT ROAD PROPERTY, PARCEL 51, PRINCE GEORGE'S COUNTY, MD 13TH ELECTION DISTRICT.
  2. THE DEVELOPER HAS BEEN ADVISED THAT THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE PRINCE GEORGE'S COUNTY BOARD OF ZONING AND PLANNING.
  3. THE DEVELOPER HAS BEEN ADVISED THAT THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE PRINCE GEORGE'S COUNTY BOARD OF ZONING AND PLANNING.
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  10. THE DEVELOPER HAS BEEN ADVISED THAT THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE PRINCE GEORGE'S COUNTY BOARD OF ZONING AND PLANNING.

**BRIGHTSEAT ROAD PROPERTY**

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	CONCEPTUAL SITE PLAN	10,000	0.23
2	CONCEPTUAL SITE PLAN	10,000	0.23
3	CONCEPTUAL SITE PLAN	10,000	0.23
4	CONCEPTUAL SITE PLAN	10,000	0.23
5	CONCEPTUAL SITE PLAN	10,000	0.23
6	CONCEPTUAL SITE PLAN	10,000	0.23
7	CONCEPTUAL SITE PLAN	10,000	0.23
8	CONCEPTUAL SITE PLAN	10,000	0.23
9	CONCEPTUAL SITE PLAN	10,000	0.23
10	CONCEPTUAL SITE PLAN	10,000	0.23

- LEGEND**
- 1. CONCEPTUAL SITE PLAN
  - 2. CONCEPTUAL SITE PLAN
  - 3. CONCEPTUAL SITE PLAN
  - 4. CONCEPTUAL SITE PLAN
  - 5. CONCEPTUAL SITE PLAN
  - 6. CONCEPTUAL SITE PLAN
  - 7. CONCEPTUAL SITE PLAN
  - 8. CONCEPTUAL SITE PLAN
  - 9. CONCEPTUAL SITE PLAN
  - 10. CONCEPTUAL SITE PLAN

**CONCEPTUAL SITE PLAN**  
CSP-13006  
COVER SHEET

BRIGHTSEAT ROAD PROPERTY  
PARCEL 51  
PRINCE GEORGE'S COUNTY, MD  
13TH ELECTION DISTRICT

**Dewberry**  
10000 RIVERCHASE DRIVE  
FARMERS BRANCH, GA 30148  
770.424.1000  
WWW.DEBERRY.COM



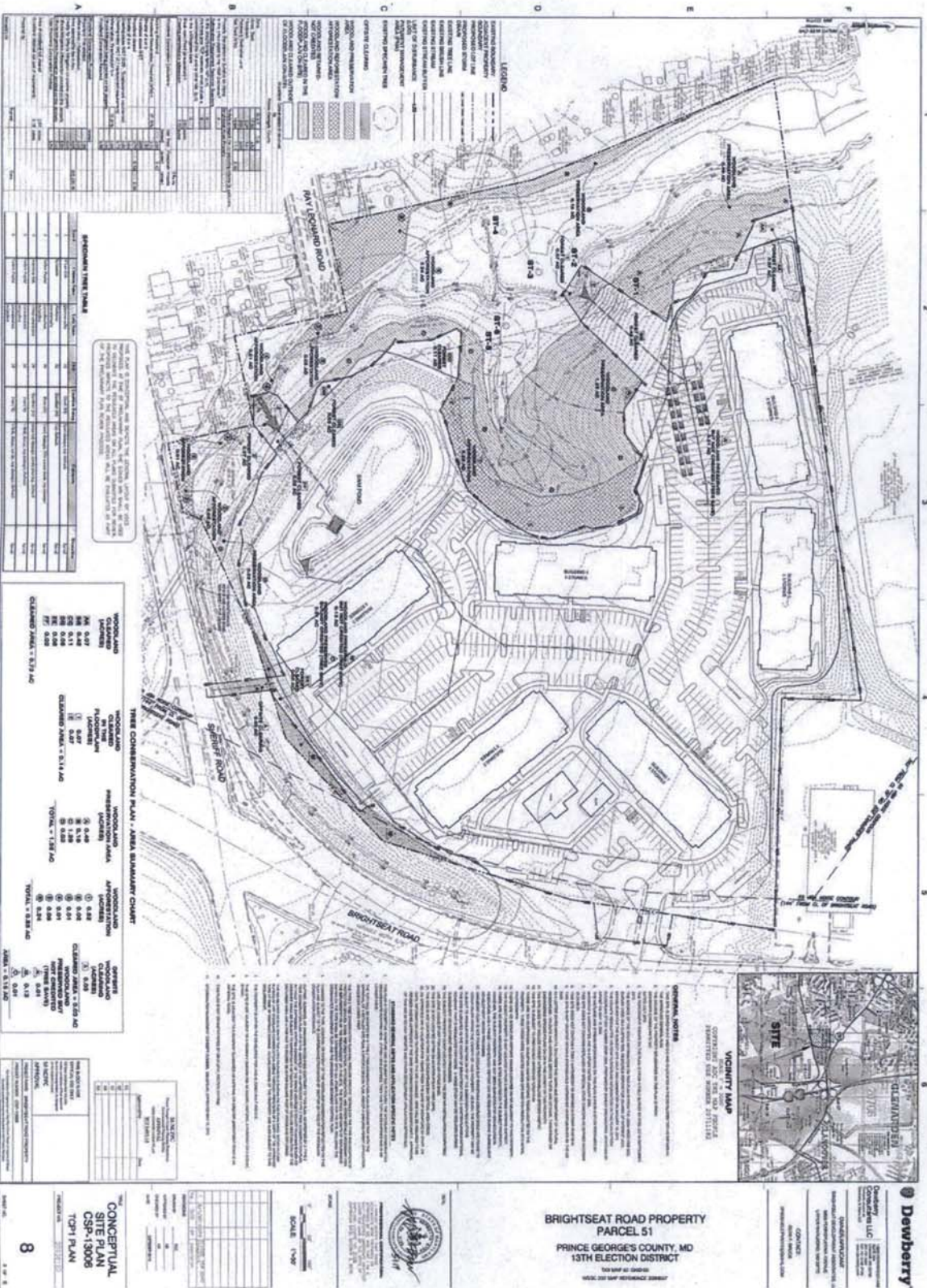
SCALE: 1"=40'

**REVISIONS**

NO.	DESCRIPTION	DATE
1	CONCEPTUAL SITE PLAN	6/5/2014

1









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  
Environmental Planning Section  
301-952-3650

May 13, 2014

**MEMORANDUM**

TO: Cynthia Fenton, Planner Coordinator, Urban Design Section  
VIA: Katina Shoulars, Supervisor, Environmental Planning Section  
FROM: Megan Reiser, Planner Coordinator, Environmental Planning Section  
SUBJECT: **Brightseat Road; CSP-13006 and TCP1-001-14**

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan and Type 1 Tree Conservation Plan stamped as received on May 2, 2014.

The Environmental Planning Section recommends approval of CSP-13006 and TCP1-001-1 subject to the conditions noted at the end of this memorandum

**Background**

The site was previously reviewed by the Environmental Planning Section as a Type Two Tree Conservation (TCPII-013-04). Staff also previously reviewed and approved a Natural Resources Inventory, NRI-109-13, on December 26, 2013.

The current application is for the development of 372 multifamily units.

**Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the project is required to have a new preliminary plan approval.

**Site Description**

This 22.12 acre site in the M-X-T and O-S zones is located on the northwest quadrant of Brightseat Road, Sheriff Road, and Redskins Road. The site fronts on Brightseat Road, a master planned collector along the site's frontage. The site also fronts on Sheriff Road, a master planned arterial roadway that is regulated for noise. The site is in close proximity to Landover Road (MD 202), a master planned



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Expressway that is regulated for noise. No scenic or historic roads are mapped adjacent to the site. According to mapping research and as documented on the approved NRI, streams, non-tidal wetlands, and floodplain are found to occur on the property. The on-site streams are located in the Lower Beaverdam Creek watershed, which is located within the Potomac River watershed. Several areas of steep slopes occur on the property. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer, Collington-Wist, Croom-Urban, Russett-Christiana-Urban, Urban land-Collington-Wist, and Zekiah and Issue soils. Marlboro clays are not mapped on this property; however, Christiana complexes are mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural (DNR) Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No Forest Interior Dwelling bird habitat (FIDs) is located on-site. The site is located in the Developed Tier of the 2002 adopted General Plan. According to the approved Countywide Green Infrastructure Plan, the site contains Regulated Areas, Evaluation Areas and Network Gaps.

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## Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. An approved Natural Resources Inventory was submitted with the application, NRI-109-13, which was approved on December 26, 2013.

There is a Primary Management Area (PMA) comprised of streams and wetlands, associated buffers, 100-year floodplain and adjacent steep slopes. The floodplain information shown on the plans is from Floodplain Study (FPS) 0035F-2004 approved May 18, 2004. The site is within the designated network of the Green Infrastructure Plan and includes areas designated as Regulated Areas, Evaluation Areas and Network Gaps. The Regulated area contains the stream valley and associated floodplain. The Evaluation area contains the wooded steep slopes associated with the stream valley and extends into the area that is currently used for overflow parking for events at FedEx Field (Redskins Stadium). The parking area was woodland that was approved to be cleared in 2004 under previously approved TCPII-13-04. The Network Gap includes open area along Brightseat Road as well as the head of the regulated stream that runs parallel to the road.

According to information obtained from the Maryland Department of Natural Resources Natural (DNR) Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No Forest Interior Dwelling species (FIDs) habitat is located on-site.

The Forest Stand Delineation (FSD) indicates the presence of three (3) forest stands totaling 6.22 acres and six (6) specimen trees. Stand A is an immature upland hardwood forest stand, stand B is an immature bottomland hardwood stand, and stand C is an early succession hardwood stand.

**Comment:** No revisions to the NRI are necessary.

2. This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because a Type II Tree Conservation Plan (TCPII-013-04) was previously approved on the property. A Type I Tree Conservation Plan (TCP1-001-14) was submitted with the CSP application.



The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the project is required to have a new preliminary plan approval. The TCP1 as submitted shows six (6) multifamily dwelling units proposed on-site.

The tree conservation plan (TCP1-001-14) has been reviewed and requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The Woodland Conservation Threshold (WCT) for this 22.12-acre property is 17.15 percent of the net tract area or 3.10 acres. The threshold is 17.15 percent based on 17.20 acres of M-X-T zoned property, at 15 percent, and 4.92 acres of O-S zoned property, at 50 percent. The total woodland conservation requirement based on the amount of clearing shown on the plan is 3.70 acres. The woodland conservation requirement is proposed to be satisfied with a combination of preservation, reforestation, and fee-in-lieu; however, revisions to the plan and the worksheet may necessary that may affect the woodland conservation requirement. It should be noted that the use of fee-in-lieu is only allowed for a requirement of less than an acre. Because the fee-in-lieu acreage for the current proposal is less than an acre, the use of fee-in-lieu is supported. If plan revisions change the fee-in-lieu acreage over an acre, the use of fee-in-lieu will no longer be supported. The worksheet on the plan correctly shows a fee-in-lieu based on a rate of \$0.90 per square foot because the property is located within the priority funding area.

The plan must be revised to show the current standard TCP1 approval block with a column for the associated development case number. The current standard woodland conservation worksheet must be shown on the plan. The NRI notes need to be removed from the plan and the standard TCP1 notes need to be revised as follows: the title of the notes needs to be revised to the standard language "Type 1 Tree Conservation Plan Notes;" note 1 needs to reference the current CSP application; note 9 needs to be revised to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site; the standard stormwater management note needs to be revised to include all of the standard language; and the last standard note regarding woodland conservation on land to be dedicated to public agencies needs to be provided.

A revised, but un-approved, concept plan has been submitted which reflects the same site design as what is shown on the TCP. An approved stormwater management design must be shown on the TCP. Both plans must continue to reflect the same site design.

Wetlands, wetland buffers, and expanded wetland buffers have been shown on the TCP in accordance with the approved NRI; however, these symbols must be added to the legend.

The site contains high priority woodlands within the PMA. Some of these woodlands are located within the 60-foot wide stream buffer along the southeast boundary of the site and are contiguous with off-site woodlands directly adjacent to the stream channel. The TCP1 proposes to clear some of the on-site woodlands in this area for grading for a building and garage. The remainder of the on-site woodland in this area is proposed as "woodland preserved but not credited" and are identified as areas B and C. As existing or proposed, the woodland would not be able to be counted as preservation because it would not meet the minimum dimensions to be counted as preservation (50 feet wide, 10,000 square feet in area); however, because the woodlands are within the PMA, part of the riparian stream buffer, and contiguous with off-site woodlands also part of the riparian stream buffer, it is a priority area for preservation, and should be preserved even if it does not meet the minimum criteria as woodland conservation. Preserving the existing woodland and additional planting in the open sections of the on-site PMA in this area would not



only provide the needed protection for the stream, it would also provide the necessary screening and buffering of the site from the Brightseat Road and Sherriff Road intersection. In addition to the preservation priority of these woodlands, staff also notes in a later section of this memo that the proposed grading impacts to this area are not supported. As such, the proposed disturbance to the woodlands in this area, adjacent to "woodland preserved but not credited" in areas B and C, should be eliminated. The open portion of the woodland within the buffer adjacent to "woodland preserved but not credited areas B and C should be planted or vegetated as well. Redesign in this area may be necessary. A condition for the preservation and restoration of this area is recommended the discussion of Regulated Environmental Features later in this memo.

Areas of clearing, labeled as AA, CC, and DD, are shown on the plan; however, the proposed grading in these areas are not shown and it is not clear why these areas are being cleared. These areas are adjacent to, or within the PMA and are high priority areas for preservation. Development can and should be designed to preserve more of these areas up to the required minimum distances from woodland conservation (per code and the Environmental Technical Manual).

After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.

**Recommended Condition:** Prior to certification of the CSP, the TCP1 shall be revised as follows:

- a. Show the standard TCP1 approval block with an additional column listing the associated CSP number.
  - b. Show the standard woodland conservation worksheet, revised as necessary.
  - c. Remove the NRI notes from the plan.
  - d. Revise the standard TCP1 notes as follows:
    - i. Revise the title of the notes to: "Type 1 Tree Conservation Plan Notes;"
    - ii. Revise note 1 to reference the current CSP application;
    - iii. Revise note 9 to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site;
    - iv. Revise the standard stormwater management note to include all of the standard language;
    - v. Add the standard note regarding woodland conservation on land to be dedicated to public agencies.
  - e. Revise the legend to include all symbols shown on the plan.
  - f. Eliminate all proposed clearing and grading from areas where no development is proposed up to the minimum distance required from woodland conservation areas.
  - g. Have the plan signed and dated by the qualified professional who prepared it.
3. 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 requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP2 applications approved after September 1, 2010 that do not have a TCP1 approved before September 1, 2010 (in other words, non-grandfathered projects).

The recordation of a woodland conservation easement is required prior to the signature approval



of a TCP2 for a development application that includes on-site woodland conservation areas.

**Recommended Condition:** Prior to signature approval of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

4. Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

There are six (6) specimen trees shown on the plans as submitted. The removal of specimen trees requires a variance to Sec 25-122(b)(1)(G) as part of the development review process. No specimen trees are shown on the plans as submitted to be removed; however, a portion of the critical root zones for trees 1, 2, and 3 are shown to be impacted.

**Comment:** No variance for the removal of specimen trees is required at this time because no specimen trees are proposed to be removed. If any changes to the limits of disturbance result in the removal of the tree or significant impacts to the critical root zone that may require the removal of a specimen tree, a variance will be required.

5. There is a Primary Management Area (PMA) comprised of Regulated Environmental Features which include streams and wetlands, associated buffers, 100-year floodplain and adjacent steep slopes. The submitted application is being reviewed for conformance with the requirements of Subtitle 27 but will also be subject to Subtitle 24 at the time of preliminary plan. Requirements with regard to the regulated environmental features are noted below.

Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.” A statement of justification, including an impact exhibit plan, was stamped as received by EPS on May 2, 2014, and reviewed as part of this application.

Section 27-274(a)(5)(B) of the Zoning Ordinance states that for all CSP applications: “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).”

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 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 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. 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, stormwater management 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. The statement of justification must address how each impact has been avoided and/or minimized.

The statement of justification and associated exhibit reflect four (4) proposed impacts to regulated environmental features associated with the proposed development. The site contains a total of 7.45 acres of PMA.

Impact SWM-01 totals 0.30 acres of proposed impacts to the PMA. The statement of justification indicates that this impact is for an outfall for an underground stormwater management facility. The current configuration of the outfall and associated LOD shows the disturbance of the critical root zones of three specimen trees. The extent of the proposed impact does not appear to be necessary for the installation of a proposed outfall. Staff does not support this impact because the grading can be reduced further.

Impact SWM-02 totals 0.09 acres and is for a pond outfall. This impact does appear to be necessary.

Impact SWM-03 totals 0.04 acres to allow for a non-woody buffer at the base of the pond embankment as required by the Soil Conservation District. The pond can be designed to allow for the non-woody buffer outside of the PMA. Staff does not support this impact because it can be designed to be avoided

Impact S-01 totals 0.18 acres of proposed impacts to the PMA. The statement of justification indicates that the impact is proposed solely for a sewer line connection; however, a proposed parking garage is shown on the plan approximately 2 feet from the PMA. Impacts to the PMA would be needed for installation and maintenance of the parking garage. The statement of justification also indicates that the location of the sewer outfall connection has been designed to avoid conflict with a proposed stormdrain. The PMA in this area is associated with a stream buffer, which is a priority area for woodland conservation. At time of preliminary plan design and review, the site design in this area should be revised to eliminate this impact, and further to allow adequate space for planting along the stream buffer for woodland conservation purposes. Staff does not support this impact.

The plans currently show a proposed building (labeled as Building 4) at the top of a steep slope that has been incorporated in the PMA. This slope is also an expanded wetland buffer, as shown



on the NRI. The building, and associated LOD, is shown approximately 9 feet from the top of the slope. While this has not been specifically requested as an impact, staff believes that it would be difficult to construct a building so close to the top of a slope without impacting it. The resulting building stability should also be addressed.

Based on the information submitted, staff finds that the application adequately demonstrates the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. In order for staff to make a recommendation that regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible, the site design must be re-evaluated to address the following: reduce impacts to the critical root zones of specimen trees, adjust the location of the pond so that the non-woody buffer can be located outside of the PMA, move the proposed sewer line so that the portion of the line currently proposed to run along the top of the slope is removed and the only remaining impact is the perpendicular stream crossing, move proposed building 4 away from the top of the slope and/or provide additional grading and engineering information to demonstrate that the building can be constructed, be stable, and without impacting the PMA.

**Recommended Condition:** Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce SWM-03.

6. An approved Stormwater Management Concept plan and an approval letter, dated May 17, 2013, were initially submitted with the subject application. The approved concept shows stormwater management requirements to be met through the use of retention and filtration. The plan shows a large pond proposed on the southern portion of the site and an underground storage and filter facility located on the northwestern portion of the site.

The approved stormwater management design is similar to what is shown on the TCP1; however, the lot layout is significantly different. The approved concept plan shows the proposed development as a retail space, gas station, fast food restaurant, and a hotel. The Environmental Planning Section provided comments regarding the original stormwater management design in a memo dated April 1, 2014. The concern was that the CSP application is for the development of six (6) multifamily dwelling units and associated infrastructure. It was unclear how the significant change in site design would affect the stormwater management requirements. The original approved concept did not show the grading of steep slopes as the LOD shown on the proposed TCP1 seemed to indicate. Additionally, the concept did not show the location of the PMA as shown on the approved NRI.

A revised concept plan was submitted and stamped as received by EPS on May 2, 2014. The revised concept shows the PMA and the grading necessary to install the infrastructure.

The current Master Plan for this area is the Landover Gateway Sector Plan and Sectional Map Amendment, approved May 2009. The master plan includes Policies focused on stormwater management; these include an emphasis on stream restoration, and the use of environmentally sensitive stormwater design techniques. These strategies should be incorporated into the stormwater management design.



Additionally, no information has been submitted regarding the health or physical attributes of the existing on-site streams. The master plan includes a policy within the Environmental Infrastructure section which identifies the need to restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded. One of the strategies to fulfill this policy is to identify opportunities for ecologically significant stream and water quality restoration projects within and adjacent to the Cattail Branch primary corridor. The on-site tributaries drain directly into the Cattail Branch Primary Corridor. A stream corridor assessment using the Maryland DNR Stream Corridor Assessment protocol must be prepared to identify priorities for protection, preservation, and restoration. The assessment must be done for both on-site streams and the portion of the stream system located between the subject site and Brightseat Road.

At time of preliminary plan application, a stream corridor assessment using the Maryland DNR Stream Corridor Assessment protocol is needed for the on-site stream system to document the health of the stream and to determine where, if any, restoration efforts should be focused. If stream restoration recommendations are appropriate, they shall be included in the report. The revised and un-approved stormwater concept plan submitted with the current CSP application does not address stream restoration. Should the stream corridor assessment identify the need for stream restoration, it must be incorporated into a revised and approved stormwater management concept.

**Recommended Condition:** The preliminary plan application package shall contain:

- a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and the off-site stream located between the subject site and Brightseat Road.
  - b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.
  - c. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
7. Prior to grading of the site, the county requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Concept Plan must be submitted at time of preliminary plan application so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.

**Recommended Condition:** The preliminary plan application package shall contain a copy of the Erosion and Sediment Control Concept Plan.

8. The site fronts on Brightseat Road, a master planned collector along the sites frontage. The site also fronts on Sheriff Road, a master planned arterial roadway that is regulated for noise. The site is in close proximity to Landover Road (MD 202), a master planned expressway that is regulated for noise.



The state standard requires that the day-night average (Ldn) be used for residential uses. A 65 dBA Ldn noise contour has been shown on the TCP1; however, it is not clear on the plan what information the noise contour has been based on. The following note needs to be added to the TCP: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model." Additionally, the noise contour must be measured from the centerline of a right-of-way. The TCP does not show the centerlines of Brightseat Road or Landover Road. The TCP needs to be revised to clearly show the centerlines on the plan view or in a separate inset.

Should any future development applications contain a site design that proposes residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, that application must contain a noise report prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.

**Recommended Condition:** Prior to certification of the CSP, the TCP1 shall be revised as follows:

- a. To include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."
- b. To show the centerlines of Brightseat Road and Landover Road (MD 202).

**Recommended Condition:** Any development application that shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour shall contain a noise report prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.

9. The minimization of light intrusion from this site into the on-site environmentally sensitive areas is important to protect the health of the stream valley and associated wildlife. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures must be used.

**Recommended Condition:** Full cut-off optic light fixtures shall be used on this site to reduce light intrusion.

### Summary of Recommended Findings and Conditions

The Environmental Planning Section recommends approval of Conceptual Site Plan, CSP-13006 and Type 1 Tree Conservation Plan, TCP1-001-14 subject to the following findings and conditions:

#### Recommended Conditions:

1. Prior to certification of the CSP, the TCP1 shall be revised as follows:
  - a. Show the standard TCP1 approval block with an additional column listing the associated CSP number.
  - b. Show the standard woodland conservation worksheet, revised as necessary.
  - c. Remove the NRI notes from the plan.



- d. Revise the standard TCP1 notes as follows:
    - i. Revise the title of the notes to: "Type 1 Tree Conservation Plan Notes;"
    - ii. Revise note 1 to reference the current CSP application;
    - iii. Revise note 9 to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site;
    - iv. Revise the standard stormwater management note to include all of the standard language;
    - v. Add the standard note regarding woodland conservation on land to be dedicated to public agencies.
    - e. Revise the legend to include all symbols shown on the plan.
    - f. Eliminate all proposed clearing and grading from areas where no development is proposed up to the minimum distance required from woodland conservation areas.
    - g. Have the plan signed and dated by the qualified professional who prepared it.
2. Prior to signature approval of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement."
3. Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce SWM-03.
4. The preliminary plan application package shall contain:
  - a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams and the off-site stream located between the subject site and Brightseat Road.
  - b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.
  - c. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
5. The preliminary plan application package shall contain a copy of the Erosion and Sediment Control Concept Plan.
6. Prior to certification of the CSP, the TCP1 shall be revised as follows:



- a. To include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."
  - b. To show the centerlines of Brightseat Road and Landover Road (MD 202).
7. Any development application that shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour shall contain a noise report prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.
8. Full cut-off optic light fixtures shall be used on this site to reduce light intrusion.

If you have any questions concerning these comments, please contact me at 301-952-3650 or by e-mail at [megan.reiser@ppd.mncppc.org](mailto:megan.reiser@ppd.mncppc.org).

MKR:mk





## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

May 15, 2014

### MEMORANDUM

TO: Cynthia Fenton, Urban Design Section, Development Review Division

FROM: Faramarz Mokhtari, Transportation Planning Section, Countywide Planning Division

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

SUBJECT: CSP-13006, Brightseat Road Property

The Transportation Planning Section has reviewed the Conceptual Site Plan (CSP) application referenced above. The overall subject property consists of approximately 17.12 acres of land in the M-X-T Zone, and 5.0 acres in the O-S Zone. The property is located in the northwest quadrant of Brightseat Road and Sheriff Road. The applicant proposes a development of 372 multifamily residential development in the portion of property that was placed in M-X-T (Mixed Use Transportation Oriented) Zone by the *Approved 2009 Landover Gateway Sector Plan and Sectional Map Amendment*.

### **Analysis of Traffic Impacts**

The proposal is a CSP for M-X-T property that was rezoned through a sectional map amendment approved in 2009 as a part of the *Approved Landover Gateway Sector Plan and Sectional Map Amendment*. In circumstances where the M-X-T Zone was granted by means of a sectional map amendment, Section 27-546(b)(8) requires a transportation adequacy test. For that reason, a traffic study has been prepared and submitted for review.

The application is a CSP for a single use development consisting of 372 multifamily residential development projected to generate 194 AM trips (Morning peak hour) and 224 PM trips (Evening Peak Hour), and 2,418 daily trips as shown in table below:

	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour			Daily Tot
			In	Out	Tot	In	Out	Tot	
Residential									
Multifamily	372	units	37	157	194	145	79	224	2,418

The trip generation is estimated using trip rates in the "Transportation Review Guidelines, Part 1 (Guidelines)."

The traffic generated by the proposed plan would impact the following intersections:

- MD 202 with Kenmoor Drive/ Business Access (signalized)
- MD 202 with Barlowe Road (signalized)
- MD 202 with Brightseat Road (signalized)
- MD 202 with I-495/I-95 SB on-ramp (signalized)
- Brightseat Road with Site Access/ Business Access Road (usignalized\*)

\*Note: The submitted study reports a traffic signal has already been approved by SHA to be installed by the applicant at this location.

- Brightseat Road with Sheriff Road (signalized)



The application is supported by the original traffic study dated December 2012, an updated study with new counts dated March 4, 2014, and a revised study with new analyses incorporating initial set of staff's comments on March 24, 2014. All three studies were provided by the applicant. It shall be noted that only the last traffic study was referred to the Maryland State Highway Administration (SHA) and the Prince George's County for their review and comments. As of this writing, staff has not received any written comments from either agency.

In accordance with the Guidelines, the study results can be used to make the required findings for this case. It is noted, however, that a new adequacy findings by the Planning Board will be needed at the time that this site advances to the preliminary plan stage.

The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the Guidelines.

The subject property is located within the Developed Tier, as defined in the 2002 Prince George's County Approved General Plan. As such, the subject property is evaluated according to the following standards:

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

The following critical intersections identified above, when analyzed with existing traffic using counts taken in January 2014 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 202 with Kenmoor Drive	899	951	A	A
MD 202 with Barlowe Road	895	1008	A	B
MD 202 with Brightseat Road	1,063	1,247	A	C
MD 202 with I-495/I-95 SB on-ramp	775	1,239	A	C
Brightseat Road with Site Access W/ approved signal	282	413	A	A
Brightseat Road with Sheriff Road	606	823	A	A

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program."

Background traffic has been developed for the study area using an extensive listing of approved developments in the area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 202 with Kenmoor Drive	967	1,029	A	B



MD 202 with Barlowe Road	976	1,124	A	B
MD 202 with Brightseat Road	1,155	1,387	C	D
MD 202 with I-495/I-95 SB on-ramp	926	1,517	A	E
Brightseat Road with Site Access W/ approved signal	298	438	A	A
Brightseat Road with Sheriff Road	654	882	A	A

The following critical intersections, identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation for 400 multifamily units used in the traffic impact study, or 28 more units than shown of the proposed CSP plan, and the distribution as described in the traffic study, operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 with Kenmoor Drive	992	1,051	A	B
MD 202 with Barlowe Road	1001	1,147	B	B
MD 202 with Brightseat Road	1,193	1,438	C	D
MD 202 with I-495/I-95 SB on-ramp	947	1,527	A	E
Brightseat Road with Site Access W/ approved signal	441	533	A	A
Brightseat Road with Sheriff Road	666	890	A	A

It is found that all of the critical intersections operate acceptably under total traffic in both peak hours. This is conditioned on the installation of a traffic signal at the intersection of Brightseat Road with Site Access, which the submitted traffic study reports has been previously approved by SHA. This will be made a requirement of this plan.

### Plan Review Comments

The submitted plan shows a single point of access along Brightseat Road for the entire 372-unit multifamily proposal. Brightseat Road at this location is an eight-lane arterial roadway that serves as one of the three primary entrances to the FedExField stadium. During events at the stadium, all eight lanes become fully occupied by vehicles with traffic movements along this roadway tightly controlled. During these times, having just one access and egress to such a congested roadway for a development of this size would be undesirable and potentially unsafe, aside from the significant inconvenience to residents and their visitors. In addition, the Approved Countywide Master Plan of Transportation proposes an extension of the Purple Line transit alignment south of New Carrollton along the west side of Brightseat Road. This planned transit extension would further complicate the use of a single point of access to this proposed community.

The Guidelines include a section documenting several best practices for site layout. This section includes a standard that reads, "no single access point should serve an (average daily traffic) volume exceeding 2,000." Using the daily trip rates published in the same Guidelines and as noted earlier, the site would generate an average daily traffic (ADT) of 2,418 trips. This further suggests that the development of this size may need to be served by more than one access, and the development may need to be staged, with no more than 307 units to be constructed prior to the completion of a road connection through the subject property and extending from Brightseat Road to Barlowe Road.

The sector plan vision for the area includes provision of street and roadway connections extending from Brightseat Road through the subject property to ultimately connect to Barlowe Road. This connection was



displayed in the sector plan to enhance access and mobility options for future residents, and to provide an access alternative to Brightseat Road when traffic volumes along this roadway block access. Furthermore, the *Approved Landover Gateway Sector Plan and Sectional Map Amendment* recommends the evaluation of operational alternatives for the intersection MD 202 with Brightseat Road including construction of a grade-separated interchange. A component of the interchange proposal in the plan is a new road connection through the subject property from Brightseat Road to Barlowe Road.

For these reasons, a revision to the proposed plan is recommended. This revision incorporates a roadway that extends through the subject property from the proposed access location along Brightseat Road in a westerly direction to the northwest corner of the subject property. This type of access arrangement is feasible; it was depicted in prepared site plans that were included in the original traffic studies dated December 2012, and March 4, 2014 (see attachment).

### **Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that the transportation facilities will be adequate to carry anticipated traffic for the proposed development as required under Sections 27-546(b) (8), and (d) (9) of the Prince George's County Code, and otherwise meets the transportation-related requirements for approval of a conceptual site plan if the applications are approved with the following conditions:

1. Prior to signature approval, the plan shall be revised to show a roadway that extends through the subject property from the proposed access location to Brightseat Road in westerly direction to the northwest corner of the subject property.
2. Provision of signalization and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access, when deemed warranted by SHA.
3. Prior to issuance of building permits for units 308 to 372, the applicant shall demonstrate to county and M-MNCPPC, that a road connection through the subject property extending from Brightseat Road to Barlowe Road is fully constructed per DPW&T standards and is open to traffic.





Conceptual Site Plan CP1  
Brightseat Road Property

Prince George's County, Maryland



Program  
400 - Multi-Family Units  
4 story buildings  
40 units in remainder of buildings  
240 1BR Units = 60%  
120 2BR Units = 30%  
40 3BR Units = 10%  
Parking Required - 600 spaces  
Provided - 600 surface spaces

**Dewberry**  
10601 DEERWOOD LANE, SUITE 304  
LANDMAN, MD 20786  
P 301.711.3341  
F 301.711.1333

0 100 200 400

October 23, 2012



EXHIBIT 1A  
CONCEPTUAL SITE PLAN FOR  
BRIGHTSEAT ROAD PROPERTY





# 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

May 15, 2014



## MEMORANDUM

TO: Cynthia Fenton, Planner Coordinator, Urban Design Section  
VIA: Martin Matsen, Supervisor, Community Planning Division *JMK*  
FROM: John Wooden, Senior Planner, Community Planning Division  
SUBJECT: **CSP-13006 Brightseat Road Property**

## DETERMINATIONS

General Plan: This application is consistent with both the 2002 General Plan Development Pattern policies for the Developed Tier and the Adopted 2035 Prince George's County General Plan

Master Plan: The Development application does not conform to the 2009 *Approved Landover Gateway Sector Plan and Sectional Map Amendment* land use recommendations.

## BACKGROUND

Location: This property is located on the northwest quadrant of Brightseat Road & Sheriff Road & Redskin Road.  
Size: 22.12 acres  
Existing Use: Undeveloped  
Proposal: The applicant proposes to build 372 multi-family units in the M-X-T zone.

## GENERAL PLAN, MASTER PLAN AND SMA

**2002 General Plan:** This application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods.



**2035 General Plan (Adopted)**

This application is located in the Local and Suburban Centers designation. The vision for these centers targets medium to medium-high residential development along with limited commercial uses.

<b>Master Plan:</b>	<i>2009 Approved Landover Gateway Sector Plan and SMA</i>
Planning Area/ Community	Planning Area 72/Landover and Vicinity
Land Use:	Mixed-Use
Environmental:	Refer to the Environmental Planning Section referral for comments based on the <i>2005 Approved Countywide Green Infrastructure Plan</i> .
Historic Resources:	There are no historic sites or resources on or adjacent to the property.
Transportation:	Access is provided by Brightseat Road, an arterial roadway recommended for six lanes within a 120-foot right-of-way.
Public Facilities:	The Board of Education owns a property just north of the subject property which currently houses the Bonnie F Johns Educational Media Center.
Parks & Trails:	The Cattail Branch Stream Valley Park is adjacent to the subject property. The sector plan recommends active recreation and trail connections be added to the Palmer Park Community Center Park (p. 108).
Aviation:	The subject property is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area. The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. This property is outside of the 65 dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are required. Although these categories should not impact the proposed development they should be noted on the Preliminary Plan
<b>SMA/Zoning:</b>	The <i>2009 Approved Landover Gateway Sector Plan and SMA</i> placed the subject property in the M-X-T Zoning District.

**PLANNING ISSUES**

The applicant proposes a gated, single-use residential development with 372 multifamily units on the 22.12 acre subject property located at the intersection of Brightseat and Sheriff Roads. The subject property is currently undeveloped; the 2009 Approved Landover Gateway Sector Plan and SMA (Sector Plan) places the subject property in the "Gateway South" neighborhood, which is bounded by Cattail Branch and Palmer Park to the west and by the Capital Beltway to the east. The scale of the envisioned neighborhood ranges from 2-3 story single-family attached residences in the western areas to high-density residential and mixed use east of the intersection of Brightseat Road, Redskins Road, and Sheriff Road.

In keeping with this vision, the District Council rezoned the subject property from Commercial Miscellaneous to the Mixed -Use Transportation-Oriented zone with the purpose of bringing a mix of



residential, commercial and/or employment uses to the site. However, the applicant proposes a single use development, based on an interpretation of Section 27-547(e), of the Zoning Ordinance which states that:

For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

The Landover Gateway Sector Plan makes recommendations in a number of areas, including use, site design and layout, pedestrian orientation, building siting, open space, and transportation. Staff feels this application does not a) conform with the Landover Gateway Sector Plan nor b) meet the final criterion in Section 27-547(e) in conforming to the vision, goals, and policies and recommendations of the plan. This referral will point out areas where this application appears to fall short of plan conformance.

#### Sector Plan Vision/Goals/Policies/Recommendations

The Sector Plan provides the County's vision for Landover Gateway, and vision statements for each neighborhood. Each vision statement is refined by a series of goals, policies and strategies to guide implementation.

The overall vision for Landover Gateway is the "transformation of the Landover Gateway area into a vibrant 24-hour activity center with a dense urban form and a mix of uses...[the] downtown core transitions into outer neighborhoods with a range of high- and moderate-density residential neighborhoods and complementary mixed-use development." (p. 17) The vision discusses the need for a range of housing options integrated into mixed-use districts. The Land Use Plan for Landover Gateway clearly identifies the subject property in an "office/retail/residential" land use category. (p. 19)

To achieve this vision, the Sector Plan establishes goals that "ensure that...future development is transit-supportive," that development is "compact, mixed-use," and that pedestrian-oriented and transit-oriented design is required. (p. 26). These goals are further articulated through nine policies with supportive strategies, including encouragement of "a walkable, connected pattern of streets throughout the area," "a range of block sizes with many small blocks that foster an urban, walkable environment," and development of "a pedestrian-friendly environment with a multiplicity of uses to ensure continuous activity and 'eyes on the street.'" (pp. 26-28)

The Sector Plan further articulates an urban design policy that "ensures[s] high-quality design for all new construction by implementing design guidelines for building form and design character." These include strategies for "a consistent build-to line for each neighborhood character area and thoroughfare type to ensure a coherent street wall, appropriate scale, and proper relationship to the street" and "appropriate form, massing, use, height, siting, fenestration, and relationship to the street for all new buildings." (p. 30)

The envisioned and intended "walkable, connected pattern of streets" is illustrated throughout the plan and clearly shows a new east-west thoroughfare that originates across Brightseat Road, travels west, runs along the northern boundary of the subject property, and turns northwest towards an intersection with Barlowe Road. The intended land use and site development pattern is illustrated throughout the plan and shows buildings on the subject property oriented to this new street. This illustrative site layout, shown on pages 20, 24, 32, and 37, of the plan recognizes the desire to ensure a coherent and interesting street wall along a mixed-use thoroughfare, which is especially important given the topographical considerations that make building up to the sidewalk on Brightseat Road difficult.



## Discussion

The proposed development is inherently suburban in its layout, amenities, and density. The application ignores the proposed thoroughfare at the north edge of the subject property onto which development is envisioned to face. Access to, egress from, and circulation through the site is entirely oriented to automobile use. The provision of a gated complex eliminates the type of pedestrian-orientation inherent in the envisioned development pattern. Single-use residential buildings are not, in and of themselves, discouraged by the Sector Plan, but are discouraged on this particular property. No fewer than four graphics in the Sector Plan show parking and green space as the envisioned buffer between development on the subject property and the adjacent Palmer Park community.

The applicant site plan, as proposed, supports neither transit nor pedestrian activity. The provision of surface parking encourages driving, and the distance between buildings and lack of any orientation to the envisioned mixed-use street prevents the type of integrated, walkable community envisioned by the Sector Plan.

## Gateway South Recommendations

The plan envisions this area as being transformed into a neighborhood of mixed-use residential and educational uses that support and complement the downtown. Mixed residential, office, and other uses surrounding a new public square extend commercial activity to the south across MD 202 from the downtown. (p. 48).

## Land Use

To ensure that the Gateway South neighborhood complements the surrounding areas, design guidelines and accommodating design principles are recommended for each site based on their location. As stated in the Landover Gateway Sector Plan, "development applications in the Landover Gateway sector should respond to and be in harmony with the design guidelines." (p. 50). Each district in the Design Guidelines has specific strategies for the range in the mix of uses, the density desired and a host of recommendations meant to direct the form of future development in these areas.

The applicant has pointed out that the subject property is described in the Landover Gateway Sector Plan Design Guidelines and in the Build-out scenario assumptions located in Appendix D differently. The subject property is shown as being in the "General Center" of the Design District Boundaries map located on p. 51, whereas the same property is shown in Appendix D, Buildout Scenario Assumptions, as being in the "General Edge" Design District.

In this case, properties in the "General Center" designation are focused on a main street that serves as the retail-commercial heart of the district while properties in the "General Edge" include some retail but primarily provide opportunities to live and work in an urban environment. These districts not only specify a preferred range of uses but also promote design features consistent with plan goals.

The General Center Design District promotes "...a mixed-use, pedestrian-oriented district focused on a main street that serves as the retail-commercial heart of the district. This district should serve as the primary retail main street core organized around a walkable, economically vital main street that forms a central spine for the Landover Gateway. Attractive and comfortable streetscapes with wide sidewalks, distinctive street furniture, street trees, and other amenities make this district a pleasant, comfortable, and engaging place to stroll. Upper floors of the main street buildings include both residential and commercial uses to create a dynamic urban residential and commercial district." (p. 54-55)

Design principles and building envelope guidelines are listed on pp. 55-58. They include:



Design buildings that provide a transition from the higher density Beltway Focus District and range from 4–12 stories tall.

Enliven transit station areas and bus stops with development that is transit oriented and pedestrian accessible.

Each principal building should be at least four stories but no greater than 10 stories in height. Buildings may rise up to 12 stories, framing the public open space.

Street Wall Height: A street wall not less than four feet or greater than 18 feet in height should be constructed along any BTL frontage that is not otherwise occupied by a building on the lot.

Street Façade: On each lot, the building façade should be built to the BTL for at least 80 percent of the BTL length.

Ground Story: The ground story should house commercial uses.

Upper Stories: The upper stories should house residential or commercial uses.

The General Edge Design District promotes mixed use development with residences comprising 80% to 90% of the mix with design principles and building envelope guidelines listed on p. 58-60 to produce a unique streetscape. Building heights in the General Edge Design District should range from four to eight stories tall.

Regardless of which Design District the subject property is designated, the Sector Plan is consistent in stressing several features that are envisioned to be the same in both the General Center and General Edge designations. The following are strategies that apply to both General Center and General Edge properties:

Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk.

Include wide sidewalks and distinctive, visually appealing streetscape elements.

Ensure buildings are not set back to provide a continuous street wall for pedestrians

Use street grid patterns to create compact blocks of development.

Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk

Feature extensive vertical mixing of uses to include ground-level retail and upper-level office/educational/cultural or residential uses.

Build structured parking that does not intrude on or break up the consistent street wall.

Develop well-placed open space throughout the district to serve for formal and informal gatherings.

Create accessible public transit stations.

The Sector Plan is consistent throughout in that buildings and sites should include a mix of uses. The Land Use Plan on page 19 clearly identifies the subject property in an “office/retail/residential” land use category. Properties in both the General Center and General Edge Design Districts should “feature extensive vertical mixing of uses.” In addition, the Landover Gateway Sectional Map Amendment states that the subject property was rezoned to M-X-T because the “plan proposed mixed-use development with



offices/retail and residential uses for the property.” The current use as a temporary parking lot is allowed “in anticipation of future mixed-use development as envisioned by the sector plan.” (p. 138). The applicant proposes a single use.

## Discussion

The identified inconsistency in the Sector Plan has caused some confusion, but the requirement in the Sector Plan that “development applications in the Landover Gateway sector should respond to and be in harmony with the design guidelines” compels staff to consider those Design Guidelines and accompanying graphics and M-X-T rezoning clearly illustrating that the Sector Plan places all properties abutting Brightseat Road south of MD 202 (Landover Road) in the General Center Design District. The statistical analysis of potential build-out in Appendix D is provided as information, and to illustrate a possible result of plan implementation, but is not a section of the Sector Plan that plays any substantive role in determining Design Guidelines or other plan applicability.

That being said, the application does not address any of the strategies shared by the General Center Design District and the General Edge Design District identified above. Several features of the proposed development, including the lack of a street wall, orientation to a surface parking lot rather than to a new thoroughfare, suburban density, and the lack of either a horizontal or vertical mix of uses are exemplary of typical suburban development inappropriate for a designated center of activity.

## Transportation

Another key aspect of the vision for the Landover Gateway Sector Plan is to create a comprehensive multi-modal transportation network that is safe, efficient, accessible, using its roads, sidewalks, trails, and mass transit to connect the sector plan area with other key destinations in the region. Several goals of this section include the following:

Improve existing and planned roadways to safely and efficiently manage current and forecast traffic volumes

Design appropriate streetscape treatments to encourage pedestrian and other non-motorized transportation  
Design and build a system of trails, sidewalks, and crosswalks that is pedestrian friendly.

These goals are elaborated upon in specific policies and accompanying strategies that guide development. For example, Policy 1 on p. 82 reads:

Policy 1: Provide roadway improvements that are fully integrated with land use recommendations in the sector plan to achieve accessibility, circulation, and development goals.

## Strategy

Create a balanced, multifunctional network of streets and highways

Provide attractive and safe shared road spaces that accommodate pedestrians, bicyclists, transit vehicles, (bus, fixed guideway transit), and other non-motorized vehicular traffic.

The land use plan located on p. 19 illustrates several internal streets on the west side of Brightseat Road to promote circulation within and throughout the Gateway South neighborhood. The spine road bisects



Brightseat Road north of the subject property up to Barlowe Road and MD 202 (Landover Road) and provides a critical access point and multimodal circulation through Gateway South.

#### Discussion

The plan envisions development on the subject property to face, front, and be oriented to the proposed spine road. The application does not address this street. See comments from the Transportation Planning Section for more information.

#### Pedestrian Connectivity

Policy 4: Develop continuous pedestrian linkages and ensure that the pedestrian network fosters safe routes to school

#### Strategy

Expand the street network to establish a pedestrian orientation network of streets that enhances connectivity.

#### Discussion

Policy 4 highlights a central theme throughout the Gateway South Neighborhood in the Landover Gateway Sector Plan area, that uses are to be mixed, oriented to the pedestrian scale and facilitate pedestrian circulation. The layout of the site and the failure to address the proposed thoroughfare on the north side of the property inhibits pedestrian access from/to the site and other origins and destinations, including a proposed educational campus at the Bonnie Johns Center.

#### Open Space

Policy 6: Integrate a variety of open space areas as part of the larger open space and environmental network

#### Strategy

Protect and enhance the Cattail Branch stream valley while providing linkages to the proposed resource-based greenway.

Create linear parks at the edges of resource-based greenways and outside of environmentally regulated areas.

#### Discussion

Policy 6 seeks to protect and capitalize on Cattail Branch Stream Valley Park – a unique environmental feature. The application does not address this policy.

#### Conclusion

Understanding the plan's vision and recommended design guidelines for this area is key to ensuring that development applications respond to, and are in harmony with, the overall land use plan. As it stands, the current application proposes to build six single-use, four-story buildings, six stand-alone garages, a pool and a small community building. The proposal includes gated access, surface parking, and no relationship between buildings and sidewalk. Add to this a single access point from Brightseat Road, lack of internal streets, and poor pedestrian circulation internal to the site and from the public sidewalk, and



the proposal makes for a development concept contrary to the plan's vision. Although, the site does have environmental and topographic constraints along Cattail Branch and Brightseat Road, respectively, there are layout and design features recommended on p. 55-60 (a few of which are discussed above) that, if applied, could modify the form of this proposal to one more closely aligned with the plan's goals.


At present, this CSP application falls short of the form and design recommended in the Landover Gateway Sector Plan. Prior to submittal of a Detailed Site Plan the applicant is encouraged to revisit the design recommendations on p. 55-60 of the plan in an effort to more closely align this application to the goals of the Gateway South Neighborhood.

cc: Ivy A. Lewis, Chief, Community Planning South Division  
Long-range Agenda Notebook



May 15, 2014

MEMORANDUM

TO: Cynthia Fenton, Urban Design Section  
VIA: Whitney Chellis, Subdivision Section   
FROM: Quynn Nguyen, Subdivision Section  
SUBJECT: Referral for Brightseat Road, CSP-13006

The subject site is known as Parcel 51, located on Tax Map 60 in Grid B-3, and is 22.12 acres. The property is split zoned with 17.20 acres in the M-X-T Zone and 4.92 acres in O-S Zone. Parcel 51 is a legal deed parcel and has never been the subject of a preliminary plan of subdivision (PPS). The current configuration of the Parcel 51 was the result of right-of-way dedication pursuant to State Highway Administration Plat No. 87901. This public right-of-way dedication was a legal division of land pursuant to Section 24-107(c)(5) of the Subdivision Regulations. The site is currently graded for a parking compound. The applicant has submitted a Conceptual Site Plan (CSP), CSP-13006, for 372 multifamily dwelling units.

A preliminary plan of subdivision (PPS) is required pursuant to Section 24-107 of the Subdivision Regulations. The CSP reflects a conceptual layout proposed with six buildings surrounded by parking on one parcel and proposes one vehicular access from the site onto Brightseat road. Under Subdivision Regulations, Section 24-121(a)(5) requires that a PPS shall conform to the area master plan. The *Approved 2009 Landover Gateway Sector Plan and Sectional Map Amendment* establishes the development design principles and goals, such as street grid patterns, pedestrian-oriented environment, and buildings fronting the street, for the Landover area. At the time of preliminary plan of subdivision the concept site layout of the development may need to be modified to address the design principles and goals of the master plan.

The site has regulated environmental features at the western and southern portion of the property. Under Subdivision Regulations, Section 24-130 requires the preservation of regulated environmental features to fullest extent possible. The proposed development envelope on the CSP appears to be encroaching onto the regulated environmental features. At the time of preliminary plan of subdivision review, the development envelope may need to be modified for preservation of the regulated environmental features and any statement of justification for impacts will be evaluated at that time.

The subject property has frontage on Ray Leonard Road to the west, Brightseat Road to the east, and Sheriff Road to the south. The existing property has access from Brightseat Road and an access easement to the north on Parcel 56, owned by the Board of Education. The applicant has stated that access easement is pursuant to a license agreement with the Prince George's County Board of Education for the vehicular access from the subject property to connect through Parcel 56 to exit out to Barlowe



Road. The rights associated with that private agreement are not known by staff. The CSP proposes one vehicular access onto Brightseat Road for 372 multifamily dwelling units.

A time of PPS review, the site will be evaluated for adequate access and transportation facilities for the proposed development. Brightseat Road is an arterial roadway and pursuant to Section 24-121(a)(3) land adjacent to an arterial roadway shall be designed to have access on an interior street or service road. A variation request will be required at the time of PPS for the proposed development to have direct vehicular access onto Brightseat Road. The *Transportation Review Guidelines* requires a consideration to provide a second access for development of more than 307 dwelling units (2,000 ADT). Throughout the Landover Gateway Sector Plan, a street grid network is proposed for the Landover area and specifically depicts a street from Brightseat Road through the subject site connecting to the north and eventually to Barlowe Road. The CSP proposes 372 multifamily dwelling units with one access to Brightseat Road and does not propose a second access or street connecting to the north, which may not be consistent with the Transportation Guidelines and approved Sector Plan. The CSP should be revised to delineate a street from Brightseat Road that connects to the property to the north (Parcel 56), which will retain the opportunity to provide a connection to Barlowe Road in the future. The street should be consistent with the approved Section Plan and accessible to the public. The intent is to ensure that the ability to implement the roadway network is not precluded in the future.

In the original traffic study dated December 2012 that applicant submitted to staff, the traffic study included Exhibit 1A Conceptual Site Plan Brightseat Road Property that depicts the site layout for 400 multifamily units with a roadway from Brightseat Road to northeastern property line. The site layout in Exhibit 1A addresses the issues related to the approved Landover Sector Plan, Transportation Review Guidelines and Subdivision Regulations. The CSP should be revised to reflect the site layout on Exhibit 1A.

The development layout shown on the CSP should be for illustrative purposes only. A more detailed review of the site layout, environmental impacts, traffic circulation, and access will be evaluated and determine at the time of preliminary plan of subdivision. Subdivision Section recommends the following conditions for this CSP:

1. Prior to certificate approval, the CSP shall be revised as follows:
  - a. Show the bearings and distances on subject property on Sheet 1, 5, 7 and 8.
  - b. Delineate a street from Brightseat Road that connects to the property to the north, Parcel 56. The street should be consistent with the approved Section Plan and accessible to the public.

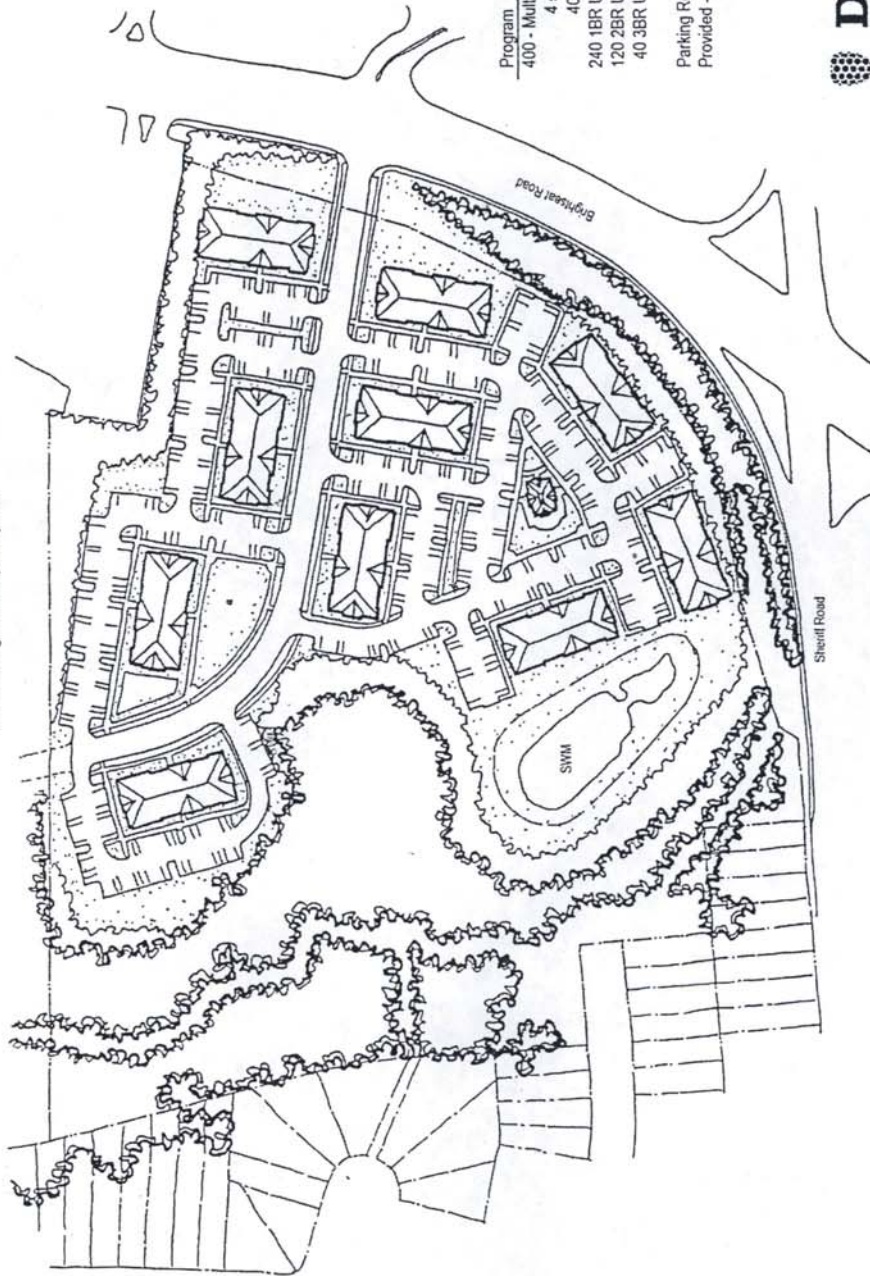
There are no other subdivision issues at this time.





Conceptual Site Plan CP1  
Brightseat Road Property

Prince George's County, Maryland



Program  
400 - Multi-Family Units  
4 story buildings  
40 units in remainder of buildings  
240 1BR Units = 60%  
120 2BR Units = 30%  
40 3BR Units = 10%  
Parking Required - 600 spaces  
Provided - 600 surface spaces



October 23, 2012



EXHIBIT 1A  
CONCEPTUAL SITE PLAN FOR  
BRIGHTSEAT ROAD PROPERTY







**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

May 14, 2014

**MEMORANDUM**

TO: Cynthia Fenton, Urban Design Section, Development Review Division

FROM: *RF* Fred Shaffer, Transportation Planning Section, Countywide Planning Division

SUBJECT: Conceptual Site Plan Review for Master Plan Compliance

The following Conceptual Site Plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master plan in order to provide the Master Plan Trails.

Conceptual Site Plan: CSP-13006 (Updated memorandum)

Name: Brightseat Road Property

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*		Public Use Trail Easement	
PG Co. R.O.W.*	<u>X</u>	Nature Trails	
SHA R.O.W.*	<u>X</u>	M-NCPPC – Parks	
HOA	<u>X</u>	Bicycle Parking	<u>X</u>
Sidewalks	<u>X</u>	Trail Access	

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the submitted conceptual site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the *Approved Landover Gateway Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of 22.12 acres of land in the M-X-T and O-S zones. The site is in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road. 372 multi-family units are proposed in six four-story apartment buildings.

**Review Comments (Master Plan Compliance and Prior Approvals)**

The *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan identify two master plan trail/bikeway corridors and one master plan trail connection that impact the subject site. The area master plan identified both Sheriff Road and Brightseat Road as sidewalk and bikeway corridors, while the 2009 MPOT further refined this to recommend standard sidewalks and



designated bike lanes along both roads (see MPOT map). Currently, segments of Sheriff Road have been improved with a decorative wide sidewalk and wide outside curb lanes (see photos on the attached pages), while Brightseat Road includes an eight-foot wide sidepath south of Sheriff Road.

The MPOT includes the following descriptions for the planned facilities along Sheriff and Brightseat Roads:

***Sheriff Road Wide Sidewalks and Designated Bike Lanes*** - Extend the existing wide sidewalks along the entire length of Sheriff Road. Designated bike lanes are also recommended. These facilities will improve access to FedEx Field, Cabin Branch Trail, and Cedar Heights Community Center (MPOT, page 25).

**Comments:** The subject site's frontage of Sheriff Road includes a standard sidewalk. This sidewalk is immediately behind the curb with no buffering from the travel lanes. Immediately to the west of the subject site, Sheriff Road has been improved with additional shoulder space for parking and a decorative sidewalk. It should also be noted that a decorative wide sidewalk has been constructed along the south side of Sheriff Road opposite of the subject site. The provision of a decorative wide sidewalk along the frontage of the subject site is recommended.

***Brightseat Road Sidewalks and Bike Lanes*** - Provide continuous sidewalks/wide sidewalks and on-road bicycle accommodations along Brightseat Road. Brightseat Road is a major north-south connection through the Landover Gateway area, and currently facilities for pedestrians are fragmented. The road currently does not include striping for bicycle facilities. However, due to the speed and volume along the road, its connectivity through the sector plan area, and its connection to FedEx Field, designated bike lanes are recommended. Brightseat Road should also include accommodations for bicycles and pedestrians at the planned interchange with MD 202. These facilities will provide safe non-motorized connectivity to the Landover civic center and commercial core from surrounding neighborhoods (MPOT, page 25).

**Comments:** Brightseat Road currently includes a standard sidewalk along the frontage of the subject site. This sidewalk is immediately behind the curb with no buffering from the travel lanes. It may be appropriate to provide the decorative, wide sidewalk that currently exists along the south side of Sheriff Road along the subject site's frontage of Brightseat Road as well. Sufficient dedication to incorporate designated bike lanes may be required at the time of Preliminary Plan, pending discussions with DPW&T.

Pages 97 of the area master plan includes the following text regarding a master plan trail recommendation along the tributary of Cattail Branch:

*Provide a stream valley trail connection along the tributary of Cattail Branch, from Cattail Branch south to Sheriff Road. This trail will provide access to the Sports and Learning Complex from communities to the north, as well as provide an additional connection into the larger stream valley trail network (see Map 25: Trails on page 94).*

**Comments:** There appears to be sufficient space along the stream valley to provide the master plan trail on the subject site. However, the Department of Parks and Recreation (DPR) has indicated that they do not want this stream valley corridor as park dedication. Because of this factor, as well as the private and gated nature of the proposed community, the trail will most realistically function as a private HOA trail. This trail will provide outdoor recreation for future residents, as well as provide a segment of a future trail connection into the planned stream valley trail network. The 2011 aerial photo indicates that there is an existing drive aisle parallel to the stream valley for most of the length of the subject site. Staff believes that it may be appropriate to utilize this road/drive aisle as the corridor for the master plan trail. This will not only take advantage of existing grades and clearing, but also minimize environmental impacts within



the floodplain and PMA. Adjustments can be made to this alignment to accommodate the proposed development as needed at the time of detailed site plan.

The MPOT also includes a complete streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**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.

In conformance with these policies, sidewalks are recommended along all of the site's road frontages and along both sides of all internal roads. It appears that the submitted CSP does not incorporate the road network included in the area master plan. In place of an internal road network, a series of parking lots and drive aisles are shown. Revision of the plans may be necessary to accommodate the planned road network shown in the master plan (see Map 25 on page 94 of the area master plan). There appear to be two existing bus stops along Brightseat Road in the vicinity of the subject site.

**Additional Review Comments:**

The applicant submitted an additional memorandum dated May 1, 2014 that discusses the master plan facilities recommended in this memorandum and included in the area master plan. Based on a review of this additional information, staff includes the following discussion and has made slight modifications to one recommended condition.

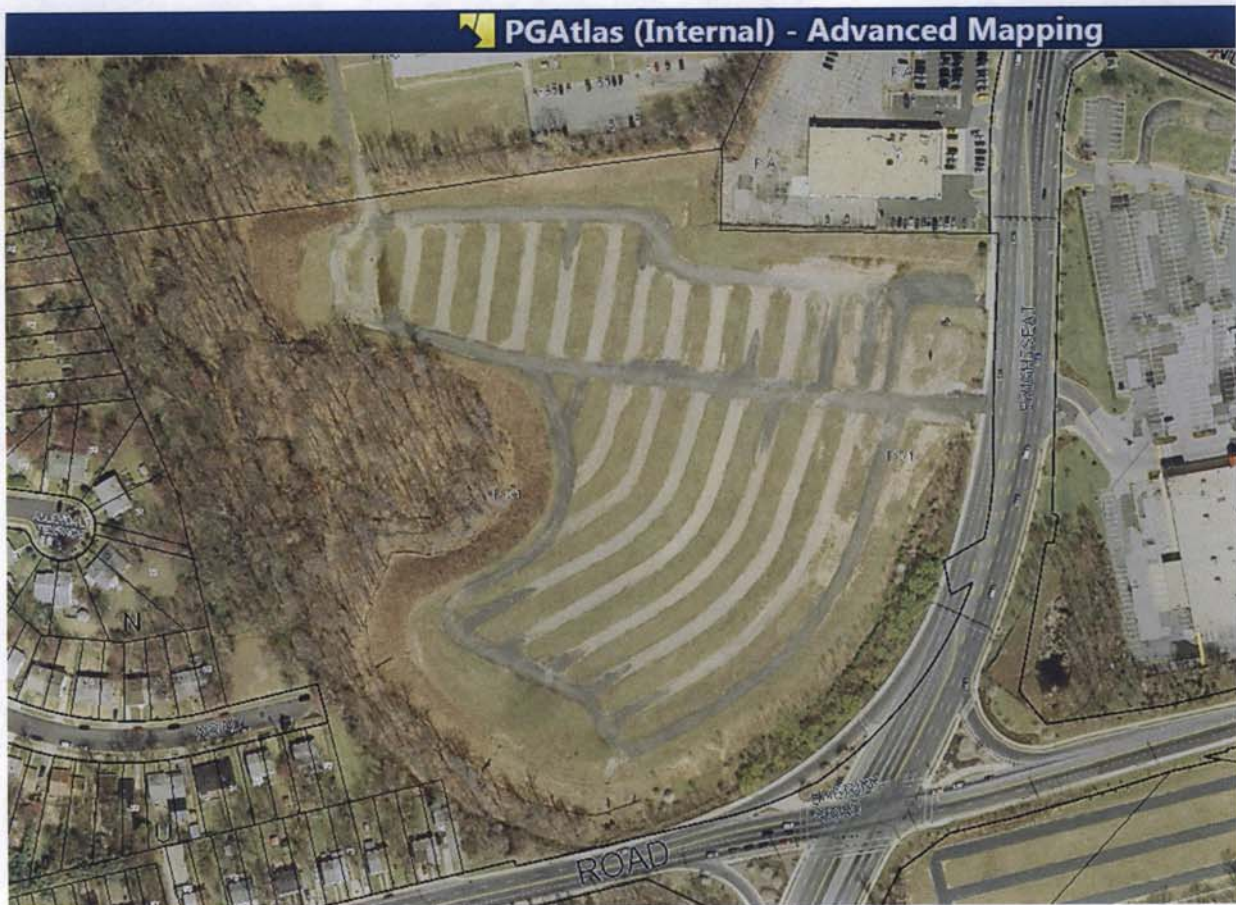
- The applicant states that both Sheriff Road and Brightseat Road are State rights-of-way and conclude that "it is highly unlikely that MDSHA will allow any changes to the current sidewalk and lane alignment". After further review, it was determined that Sheriff Road is maintained by DPW&T and Brightseat Road is operated by SHA. However, the recommendations regarding the planned bicycle and pedestrian facilities remain unchanged regardless of the ultimate operating agency. Staff continues to recommend frontage improvements consistent with the master plan along both Sheriff Road and Brightseat Road, unless modified by the appropriate operating agency. The recommended condition has been modified however to reflect that Brightseat Road is operated and maintained by SHA, not DPW&T.
- The applicant states that the trail along the stream valley is not feasible due to the existing stream and environmental constraints, as well as the topography abutting Sheriff Road. However, staff is not recommending the trail within the environmental setting, but on the periphery of the developable portion of the site adjacent to the PMA. Alternative layouts provided by the applicant have appeared to indicate that space for a trail can be provided at this location. Staff concurs that due to steep and severe slopes between the site and Sheriff Road, it will likely not be feasible to construct the trail all the way to Sheriff Road. However, the trail will still serve as a private HOA outdoor recreational amenity for use by the future residents of the site, with a potential connection to the property to the north. Staff continues to feel that the master plan trail along the stream valley will serve as a needed public amenity for the future residents of the site.

**Conclusion**



From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, and meets the findings required for a conceptual site plan if the application were to be approved with the following conditions:

- a. Construct a decorative wide sidewalk across the subject site's entire frontage of Sheriff Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by DPW&T.
- b. Construct a decorative wide sidewalk across the subject site's entire frontage of Brightseat Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by SHA.
- c. Construct the master plan trail along the subject property's entire length of the tributary of Cattail Branch. The exact trail alignment will be determined at the time of detailed site plan.
- d. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
- e. Bicycle parking may be recommended at the time of detailed site plan. The location and number of bicycle parking spaces will be determined at that time.
- f. A more detailed analysis of internal sidewalks, trails, and pedestrian safety features will be made at the time of detailed site plan.

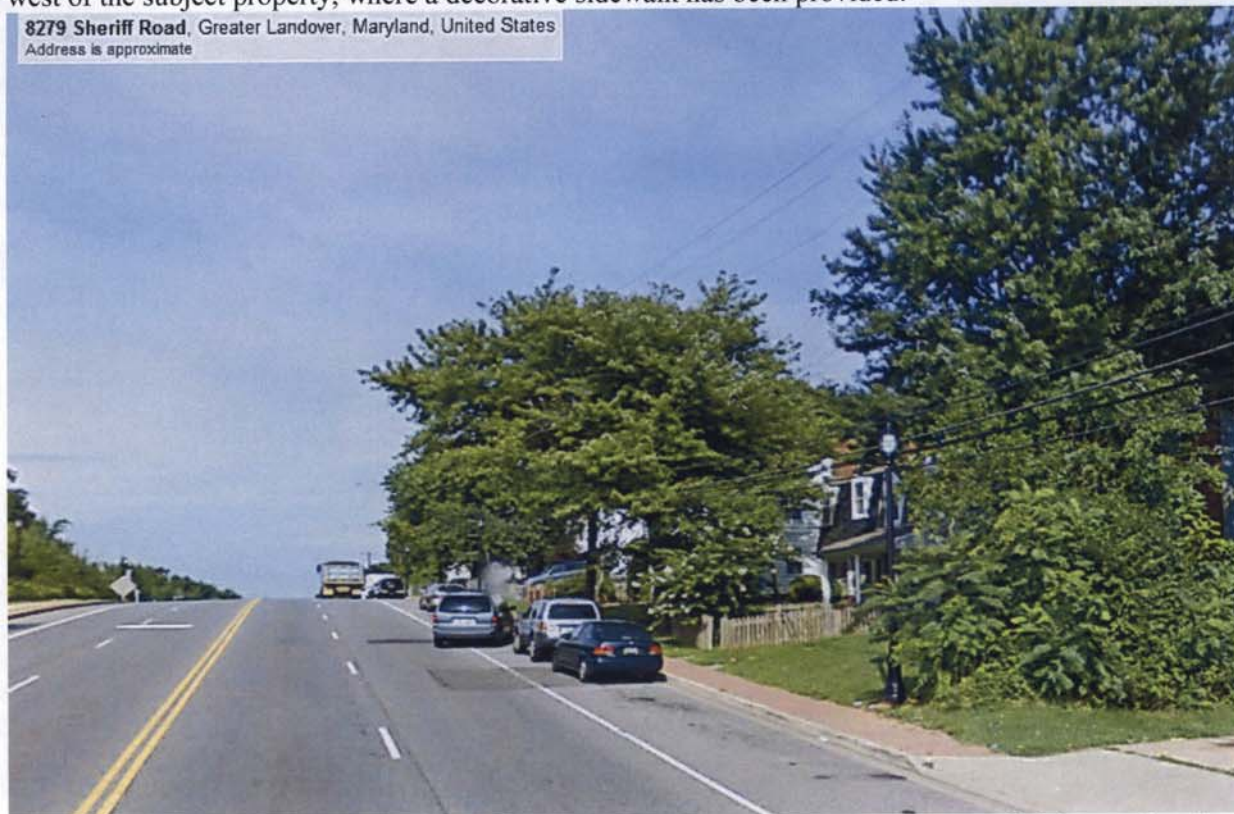


2011 aerial photo of the subject site. The existing drive aisle/road parallel to the stream valley may serve as an alignment for the master plan trail.





The above street view shows the existing sidewalk along the subject site's frontage of Sheriff Road. Although the sidewalk is right behind the curb along the subject site, the road cross section widens to the west of the subject property, where a decorative sidewalk has been provided.



The street view above shows the existing decorative sidewalk pedestrian scale street lighting, and curb lanes provided on the frontage of Sheriff Road immediately to the west of the subject site.





A decorative wide sidewalk exists along the south side of Sheriff Road in the vicinity of the subject site. This sidewalk provides access to the M-NCPPC Sports and Learning Complex and FedEx Field.



# MEMO



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Department of Parks and Recreation, Prince George's County

April 15, 2014

TO: Cynthia Fenton  
Urban Design Section

VIA: Ray Palfrey, Land Acquisition Supervisor *Ray*  
Park Planning and Development Division  
Department of Parks and Recreation

FROM: Helen Asan, Planner Coordinator *HA*  
Park Planning and Development Division  
Department of Parks and Recreation

SUBJECT: **CSP-13006, Brightseat Road Property**



The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced Conceptual Site Plan. Our review considered the recommendations of the *approved Prince George's County General Plan, Approved Landover Gateway Sector Plan and Sectional Map Amendment* for Planning Area 72, The Land Preservation and Recreational Program for Prince George's County, current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

## FINDINGS

The subject property consists of 22.15 acres of land located west of Brightseat Road, Approximately 17.2 acre of the property is zoned M-X-T and 4.92 acres is zoned O-S. The sector plan goal is to establish a mixed-use and residential neighborhood that supports and complements the Landover Gateway downtown area, centered on the former Landover Mall site.

The subject property is located in walking distance from the Prince George's Sports and Learning Complex. The planed and existing trails within the public right of way of Brightseat Road and Sheriff Road will provide hiker/biker access to the Prince George's Sports and Learning Complex.

The applicant's proposal includes 372 multi-family dwelling units. Using current occupancy statistics for multi family dwelling units, one would anticipate that the proposed development would result in a population of 1,116 residents in this new community.

The subject property includes 7.46 acres of Primary Management Area (PMA) consisting of floodplain, wetlands and steep slopes. 4.92 acres of this PMA area is located within the O-S Zone. *The Landover Gateway Sector Plan* proposes trail construction within the PMA. DPR and Planning Department staff carefully evaluated the PMA and determined that this area is not



suitable for the trail construction. The applicant shows a clubhouse with a pool in the residential portion of the development. The statutory requirements of the Subdivision Ordinance, Section 24-134, requires that the applicant provide mandatory dedication of approximately 2.5 acre of land suitable for active or passive recreation, or the payment of monetary fee in lieu thereof, or the provisions of recreational facilities. DPR staff believes that the requirement for the mandatory dedication of parkland should be met by the provision of on-site private recreational facilities suitable to serve an anticipated population of 1,116 new residents. The recreational facilities package should include pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex

## RECOMMENDATIONS

The staff of the Department of Parks and Recreation recommends that the above-referenced Conceptual Site Plan, CSP-13006 be approved, subject to the following conditions:

- 1 The applicant, his successors, and/or assigns, shall provide on-site private, recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The recreational facility package shall include pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Review Section of the Development Review Division for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.
- 2 The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the DRD for their approval three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, and Maryland.
- 3 The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
- 4 At the time of the Detailed Site Plan approval, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assigns.





# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Fire/EMS Department



### Office of the Fire Marshal

Date: 2/6/2014

TO: Cynthia Kenton Planner, Urban Design Section  
Development Review Division

FROM: Kenny Oladeinde, Project Coordinator  
Office of the Fire Marshal

RE: CSP-13006



The following Preliminary Plan Referral has been reviewed by this office according to Departmental Procedures and Operational Guidelines of the Prince George's County Fire/ Emergency Medical Services Department.

Description: Brightseat Road Property  
District 5

Please be advised Subtitle 11-276, titled required Access for *Fire Apparatus*, which states:

"(a) All premises which the Fire/EMS Department may be called upon to protect in case of fire or other emergencies and which are not readily accessible to fire apparatus from public streets shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus, and in accordance to Subtitle 4, the County Building Code Section 4-222."

Private roads shall be: "(a) At least 22 feet in width."

Subtitle 11-277, title *Fire Lanes States*:

"(b) Whenever the Fire Chief or his authorized representative shall find that any private entrance, exit sidewalk, vehicular driveway, interior private driveway, sidewalk, fire lane, or fire hydrant is obstructed by snow, debris, construction material, trash containers, vehicles, or other matter likely to interfere with the ingress or operation of the Fire Department or other emergency vehicles in case of fire, he may order the obstruction removed. To effectuate this Subsection, the Fire Chief or his authorized representative may order "no parking" fire lane signs erected and may designate the placement thereof. He may order that curbs be painted a distinctive color."

6820 Webster Street  
Landover Hills, Maryland 20784





Page Two

Please note and direct the owner to comply with aforementioned Subtitle. I have highlighted on the submitted drawings all areas which may contribute to the loss of emergency vehicle access due to its configuration. These locations shall be marked with painted yellow curbs and posted 'No Parking Fire Lane by order of the Prince George's County Fire/EMS Department' signs. The developer should contact the Fire /EMS Department's Office of Office of the Fire Marshal to assist in designating the fire lanes.

In addition, please be advised Subtitle 4-164. Fire Protection Systems; Section 912, Yard Hydrants. (a) Section 912.1 is added to read as follows: "Location and Performance of Fire Hydrants." Every building of more than one thousand (1,000) square feet in area shall be provided with sufficient fire hydrants located such that no exterior portion of the building is located more than five hundred (500) feet from a fire hydrant. The distance shall be measured as a hose line would be laid along paved streets, through parking lot entrances, and around obstructions, in accordance with the determination of the authority having jurisdiction. A fire hydrant is required within two hundred (200) feet of any required fire department connection, as hose is laid. The fire department connection must be located on the front, address side of the building and be visible from a fire hydrant or as approved by the Fire Code Official. Each hydrant shall provide a minimum of one thousand (1,000) gpm at a residual pressure of twenty (20) psi.

**Also areas may be highlighted on the drawing in noted colors to show areas that do not accommodate the turning radius of a 43-foot wheel base vehicle or other comments. These areas need to be widened to allow emergency apparatus to turn.**

Any courts or dead-end created should provide 43-foot turning radius within 200 feet of the end of the road.

These requirements should be incorporated into the final plat and a condition of release of the use and occupancy permit. If I may be of further assistance, please contact me at (301)-583-1830

mko

H: \CSP-13006

Copy to: Christine Osei, Public Facilities Planner, Special Projects Section,  
Countywide Planning Department, Maryland National Capital Park and  
Planning Commission.





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Prince George's County Planning Department  
Countywide Planning Division**

**(301) 952-3680  
www.mncppc.org**

February 3, 2014

**MEMORANDUM**

TO: Jill Kosack, Senior Planner, Urban Design Section, Development Review Division

VIA: Christine Osei, Planner Coordinator, Special Projects Section, Countywide Planning Division 

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division 

SUBJECT: CSP-13006; Brightseat Road

Brightseat Road property is located at northwest quadrant of Brightseat Road & Sheriff Road & Redskin Road. The Special Projects Section, Countywide Planning Division has reviewed this Conceptual Site Plan application. Staff has no comments for the development of 372 multifamily units in the M-X-T.

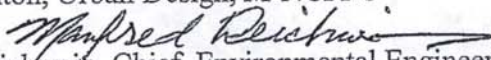




*Division of Environmental Health*

Date: February 3, 2014

To: Cynthia Fenton, Urban Design, M-NCPPC

From:   
Manfred Reichwein, Chief, Environmental Engineering Program

Re: CSP-13006, Brightseat Road

The Environmental Engineering Program of the Prince George's County Health Department has completed a health impact assessment review of the Conceptual Site Plan submission for the Brightseat Road project and has the following comment:

1. There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the goals of public health in improving quality of life. The developer should consider setting aside space for a community garden.
2. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.
3. Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities and commercial areas.
4. There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. (It is recommended that light levels at residential property lines should not exceed 0.05 footcandles).



Environmental Engineering Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/health](http://www.princegeorgescountymd.gov/health)



5. Recent case studies demonstrate the value of stakeholder input in enhancing positive outcomes of health impact assessment review. The developer should identify and actively engage project stakeholders during the development review process.

If you have any questions or need additional information, please contact me at 301-883-7682 or [mreichwein@co.pg.md.us](mailto:mreichwein@co.pg.md.us).



## Fenton, Cynthia

---

**From:** Kosack, Jill  
**Sent:** Tuesday, January 28, 2014 1:37 PM  
**To:** Fenton, Cynthia  
**Subject:** FW: Brightseat Road, CSP-13006

**From:** [bjzellmer@pepco.com](mailto:bjzellmer@pepco.com) [<mailto:bjzellmer@pepco.com>]  
**Sent:** Tuesday, January 28, 2014 1:15 PM  
**To:** Kosack, Jill  
**Cc:** [wkynard@pepcoholdings.com](mailto:wkynard@pepcoholdings.com)  
**Subject:** Brightseat Road, CSP-13006

Hi Jill,

We concur with the 10 foot PUE as stated in note 14 under General Notes on the subject plans. Please note that additional easements maybe required to accommodate transformers, switches, or fuse enclosures as necessary based on projected loads. We have no other comments to offer at this time.

Have a safe day!  
- Brad

---

Brad Zellmer, Sr. Supervising Engineer, Distribution Engineering, Maryland Division, PEPCO  
8300 Old Marlboro Pike, Upper Marlboro, MD 20772  
☎1(301) 967-5354 📠1(301) 967-5820 ✉ [bjzellmer@pepco.com](mailto:bjzellmer@pepco.com) 🌐 [www.pepco.com](http://www.pepco.com)

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1 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes

On: Thursday, January 23, 2014 4:07:44 PM

WSSC Plan Review Comments - CSP-13006 - Bright Seat Road

The fee of \$1,100.00 has not been received, therefore WSSC has no comments for this submittal.

----- 0 Replies -----





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Historic Preservation Section

(301) 952-3680  
www.mncppc.org

January 28, 2014

**MEMORANDUM**

**TO:** Jill Kosack, Senior Planner  
Urban Design Section  
Development Review Division

**FROM:** Jennifer Stabler, Archeology Planner Coordinator *JAS*  
Historic Preservation Section  
Countywide Planning Division

**SUBJECT:** **CSP-13006 Brightseat Road**

The subject property comprises 22.12 acres and is located at the northwest quadrant of Brightseat Road and Sheriff Road. The applicant proposes 372 multifamily units in the M-X-T zone.

Phase I archeological survey is not recommended on the above-referenced 22.12-acre property located at 1990 Brightseat Road in Landover, Maryland. The subject property is currently developed with an overflow parking lot associated with the Redskins stadium. The site was extensively graded and disturbed during initial construction of these features. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.

I:\HISTORIC\REFERRALS\13\Archeology\CSP-13006 Brightseat Road Property\_jas 27 jan 2014.docx





## PRINCE GEORGE'S COUNTY POLICE DEPARTMENT



### MEMORANDUM

DATE: January 28, 2014

TO: Jill Kosack, Planner Coordinator  
Urban Design Section  
Development Review Division

FROM: Corporal Richard Kashe #2357  
Prince George's County Police Department  
Community Services Division

SUBJECT: **Brightseat Road Property, CSP-13006**

After reviewing the SDRC plans and visiting the site, there are no CPTED recommendations at this time.



LAW OFFICES  
**GIBBS AND HALLER**  
1300 CARAWAY COURT, SUITE 102  
LARGO, MARYLAND 20774

(301) 306-0033  
FAX (301) 306-0037  
gibbshaller.com

EDWARD C. GIBBS, JR.  
THOMAS H. HALLER

May 1, 2014

Ms. Cynthia Fenton  
Development Review Division  
The Maryland-National Capital  
Park and Planning Commission  
County Administration Building, 4th Floor  
Upper Marlboro, Maryland 20772

Re: CSP-13006; Brightseat Road Property

Dear Cynthia:

While I have not yet received final comments from the Community Planning Division related to the referenced application, I would like to respond to the draft referral dated March 10, 2014 which you forwarded to me.

The Statement of Justification submitted with the application noted several conflicts and issues related to the 2009 Gateway Sector Plan.<sup>1</sup> The conflicts relate to the fact that changes were made to the Sector Plan just prior to its adoption by the Planning Board which place the design district recommendations in conflict with the vision for development of the Gateway South neighborhood, in which the property is located. The applicant contends that its development is consistent with the vision for development of the

---

<sup>1</sup>The applicant raised a concern in the Statement of Justification that Map 13 on Page 51 of the Sector Plan was created in error. After further review and discussion with staff, it appears that while Map 13 was not created in error, it did designate certain parcels south of Landover Road in the General Center design district, rather than the General Edge design district without any corresponding revision to the described vision for those properties as being part of the Gateway South neighborhood. Doing so creates conflicts between the described vision for the Gateway South neighborhood and the design district standards. The applicant believes that the vision for the Gateway South Neighborhood should be the primary guide for the review of the Conceptual Site Plan.



Gateway South neighborhood. In response to these conflicts, Community Planning identified several features that are envisioned to be the same in both the General Center and General Edge design districts. These common recommendations relate to the form of the development and reflect a preference for buildings constructed to a build to line with a consistent street wall, with ground floor retail, designed around a street grid with compact blocks of development.

The form of development preferred by the plan cannot be reasonably implemented on the subject property. The primary public road frontages, Brightseat Road and Sheriff Road, cannot support the type of urban environment the plan envisions. This is not due to any action by the applicant, but to existing environmental features and the existing design of the roadway network. There is a stream valley and extensive PMA area between the subject property and most of the existing road frontage. Only a developable window of about 450 feet exists on Brightseat Road. Within this window, an existing driveway entrance exists which aligns with the development across Brightseat Road and is served by a traffic signal. On the north side of the entrance, there is only 185 feet of frontage. On the south side there is only 200 feet of frontage. The proposed buildings are wider than either of these frontages. Thus, no building can reasonably be designed to front on the road to a build to line as envisioned by the Sector Plan. In addition, both roads are designed to accommodate the traffic associated with events at Redskins Stadium. Brightseat Road is 8 lanes of traffic and is designated as an arterial roadway in front of the subject property. Even if the buildings could front the road, it would not be a pedestrian friendly urban environment. Again, this condition does not support the form of development envisioned by the Sector Plan.

In recognition that the subject property does not support the form of development truly envisioned by the Sector Plan, the applicant was asked to explore revisions to the plan to create a more urban form of development interior to the subject property. This would involve extending a roadway/vehicular connection through the property to provide a possible future connection to the school board property. Such a connection is suggested in the illustrative drawings and possible future street grids shown in the Sector Plan (although it is not included as a master plan roadway). The thought was that lining buildings on such a vehicular connection would evoke the form of development envisioned by the Sector Plan, even though internal to the property, and provide parcel connectivity. The applicant explored multiple options, but was not able to redesign the property in a manner that maintains the same quality of community or level of development. The extension of any vehicular connection is difficult because the entrance to the property exists and cannot be moved. The land bays created by such a roadway are too small and irregularly shaped to support the density of development envisioned by the Sector Plan. While a



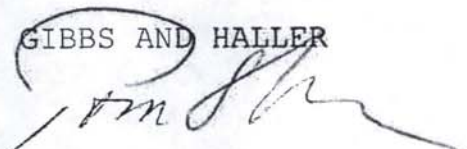
roadway may have been viewed from a conceptual design basis as a positive urban design feature because it created parcel interconnectivity, forcing such a road through the subject property negatively impacts the development of the subject property without providing any meaningful benefit to other parcels. Rather, the applicant is proposing a potential future pedestrian connection to the school board parcel, should it be determined to be desirable at some point. Such a connection maintains the possibility of pedestrian connectivity.

Notwithstanding that the proposed development cannot reasonably reflect the form of development preferred by the plan, it does achieve the articulated goals of the Sector Plan. As noted above, the property is located in the Gateway South Neighborhood, which is described on Page 36 of the plan. There is no specific recommendation as to what the development of the property should be. Most of the design focus for this neighborhood was on an area of the neighborhood east of Brightseat Road. The Sector Plan only says that the "scale of the neighborhood ranges from 2-3 story attached residences in the western area to a high density and mixed use main street that straddles Brightseat Road east of Sheriff Road." (Not the subject property). Later, on Page 48 of the plan, it says "moderate density residential development and a new school are recommended in the southwest corner of the study area" and "Planning challenges include encouraging development that protects and enhances the adjacent Palmer Park neighborhood with compatible development." Thus, the subject property was identified as a "design challenge". The Sector Plan also encourages development that protects Cattail Creek. Consistent with this vision, the proposed design provides the first residential development south of Landover Road. This development is a moderate density residential project which protects and enhances the Palmer Park neighborhood and Cattail Creek. When constructed, the development will support the retail core envisioned by the Sector Plan. For these reasons, the applicant submits that the proposed Conceptual Site Plan implements the recommendations of the Sector Plan.

Thank you for the opportunity to respond to the comments provided to us. Please let me know if you have any questions.

Very truly yours,

GIBBS AND HALLER



Thomas H. Haller



May 1, 2014

Mr. Fred Shaffer  
Transportation Planning Section  
Maryland-National Capital Park &  
Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

**RE: Brightseat Road; CSP-13006**

Dear Mr. Shaffer:

This is in reference to our initial submission for CSP-13006 for Brightseat Road Property. Below is a list of your referral comments dated 1/30/2014 in **bold** and our responses in *Italics*.

- a. **Construct a decorative wide sidewalk across the subject site's entire frontage of Sheriff Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by DPW&T.**  
*The portion of Sheriff Road to which the subject site fronts is State right of way. It is highly unlikely that MDSHA will allow any changes to be made to the current sidewalk and lane alignment.*
- b. **Construct a decorative wide sidewalk across the subject site's entire frontage of Brightseat Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by DPW&T.**  
*The portion of Brightseat Road to which the subject site fronts is State right of way. It is highly unlikely that MDSHA will allow any changes to be made to the current sidewalk and lane alignment.*
- c. **Construct the master plan trail along the subject property's entire length of the tributary of Cattail Branch. It may be possible to utilize the existing drive aisle/roadway parallel to the creek for all or a portion of this trail. The exact trail alignment will be determined at the time of detailed site plan.**  
*The site contains steep slopes from the proposed development down to the Cattail Branch stream valley, making it extremely difficult to construct a walk-able trail from the proposed development to the stream valley. In addition, connection from the site to the existing sidewalk along Sheriff Road is not feasible due to the existing stream and environmental constraints between the edge of the development and Sheriff Road. Therefore, pedestrian connectivity has been provided throughout the site via sidewalks along the parking lots and islands. A possible future connection has been provided from Brightseat Road to the adjacent school board property*



*where a drive aisle currently exists. If the Planning Board determines this pedestrian connection to be desirable, the applicant would like to explore an alternate layout of building 6, as shown in the attached exhibit A, for public safety/defensible space reasons.*

- d. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**  
*Sidewalks are provided along the parking areas and between buildings throughout the site.*
- e. **Bicycle parking may be recommended at the time of detailed site plan. The location and number of bicycle parking spaces will be determined at that time.**  
*Recommendation is understood. No action is needed at this time.*
- f. **A more detailed analysis of internal sidewalks, trails, and pedestrian safety features will be made at the time of detailed site plan.**  
*Recommendation is understood. No action is needed at this time.*

Thank you for your quick attention to these items. Should you have any questions please feel free to contact me at 301-337-2860 or [rleitzinger@dewberry.com](mailto:rleitzinger@dewberry.com).

Sincerely,  
**Dewberry**

  
Rachel Leitzinger  
Project Manager



May 1, 2014

Ms. Megan Reiser  
Planner Coordinator  
Environmental Planning Section  
Maryland-National Capital Park & Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

**RE: Brightseat Road; CSP-13006 and TCP1-001-14**

Dear Ms. Reiser:

This is in reference to our initial submission for CSP-13006 and TCPI-001-14 for Brightseat Road Property. Below is a list of your referral comments dated 4/1/2014 in **bold** and our responses in *Italics*.

1. **NRI Review: No revisions to the NRI are necessary.**  
*No action needed.*
2. **TCP I Review:**
  - a. **If fee-in-lieu continues to be proposed (for an area less than an acre), the fee must be revised in the worksheet to \$0.90/square foot.**  
*The worksheet has been updated as requested.*
  - b. **Show the standard TCP1 approval block.**  
*Standard TCP1 approval block has been added to the plan.*
  - c. **Show the standard woodland conservation worksheet, revised to accurately reflect all woodland conservation areas shown on the plan.**  
*Standard woodland conservation worksheet is shown and accurately reflects the areas shown on the plan.*
  - d. **Label all adjacent property information on the plan.**  
*All adjacent property information is now shown.*
  - e. **Label the bearing and distances on the subject site's property boundary.**  
*Property boundary bearings and distances are now shown.*
  - f. **Show the proposed water connection.**  
*Proposed water connection in Brightseat Road is now shown.*
  - g. **Revise the LOD to incorporate the clearing for the proposed sewer connection.**  
*The LOD has been adjusted to include the proposed sewer connection.*
  - h. **Show all proposed site grading and revise the LOD as necessary.**  
*Proposed site grading is now shown on the TCP1 plan.*
  - i. **Provide the standard TCP1 notes on the plan.**  
*Standard TCP1 notes are included on the plan.*
  - j. **Show the proposed stormwater management design on the plan in accordance with the approved concept plan.**



*The stormwater management layout is now shown on the TCP1 plan. The concept is in the process of being revised to reflect the new layout and a copy of the revised concept plan has been included for your use.*

- k. **Show the expanded wetland buffer on the plan in accordance with the approved NRI.**

*The expanded wetland buffer is now shown on the plan.*

- l. **Revise woodland preservation area E along Sheriff Road and Brightseat Road to meet the minimum dimensional requirements to be counted as woodland conservation.**

*Preservation area E along Sheriff Road and Brightseat Road has been removed from the plan and worksheet since it did not meet the minimum dimensional requirements. It is now labeled as Preserved but Not Credited area B.*

- m. **Revise the site design to ensure the PMA is preserved to the fullest extent possible and that all woodland conservation honors the set-back requirements outlined in the code and in the Environmental Technical Manual.**

*The site has been designed so that the PMA is impacted as little as possible. All building set back requirements per the manual have been taken into account when computing woodland conservation areas. The Preserved but Not Credited area A has been reduced due to the fact that we have shifted the 8 unit garage to the right as much as possible in order to minimize the Preserved but Not Credited area.*

- n. **Have the plan signed and dated by the qualified professional who prepared it.**

*Plan has been signed by a qualified professional.*

**3. TCP II Review:**

**For Future Recommendation:**

- a. **Prior to the signature of the TCP II for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type II Tree Conservation Plan Notes on the plan.**

*Recommendation is understood. No action is needed at this time.*

**4. Specimen Tree Review: No variance is required because no specimen trees are proposed to be removed.**

*No action needed.*

**5. Primary Management Area Review:**

- a. **The TCP1 must be revised to accurately reflect the proposed limits of impact to the PMA and the area proposed for development.**

*Adjustments have been made to the LOD to reflect the limits of impact to the PMA. Every effort was taken to reduce the impacts as much as possible.*

- b. **The statement of justification must be revised to reduce the proposed impacts to the PMA and to further break-down the impacts by the reason for the impact.**

*The grading impacts have been removed from the plan and the SWM impacts have been adjusted. The statement of justification has been revised to better explain the impacts that remain and a revised impact exhibit has been included with this submission.*

**6. Stormwater Management Review:**

**For Future Recommendation:**



- a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for on-site stream restoration efforts.  
*Recommendation is understood. No action is needed at this time.*
- b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.  
*Recommendation is understood. No action is needed at this time.*

**Required Information:**

- a. At least 35 days prior to a Planning Board Hearing, a revised and approved stormwater concept must be submitted which reflects the PMA as shown on the approved NRI, the current site layout, and incorporates environmentally sensitive stormwater design techniques and stream restoration.  
*This project has been grandfathered under the 2000 Maryland Stormwater Management regulations, thus ESD techniques will not be utilized at this site. We are in the process of revising the previously approved SWM Concept through DPIE to reflect the new layout. We have enclosed a copy of the revised SWM Concept plans that will be submitted to DPIE for your use. The TCP1 plan and PMA Impact exhibit included with this submission reflect this same SWM layout as shown on the updated SWM Concept plan.*

**7. Erosion and Sediment Control Review:**

**For Future Recommendation:**

- a. The preliminary plan application package shall contain a copy of the Erosion and Sediment Control Concept Plan.  
*This site has been grandfathered under the previous sediment control regulations, thus a sediment control concept plan will not be prepared for this project and will not be able to be submitted at the time of preliminary plan application.*

**8. Noise Contour Review:**

- a. At least 35 days prior to any Planning Board Hearing, the applicant shall submit information to document the source of the noise contour shown on the plan. The noise contour must be an unmitigated 65 dBA Ldn noise contour.  
*The 65 dBA Ldn noise contour shown on the plan was obtained from the MNCPPC Environmental Planning Section's noise model (144' from the centerline of Brightseat Road).*

**9. Site Light Intrusion Review:**

**For Future Recommendation:**

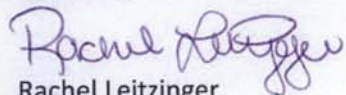
- a. Full cut-off optic light fixtures shall be used on this site to reduce light intrusion.  
*Recommendation is understood. No action is needed at this time.*

Thank you for your quick attention to these items. Should you have any questions please feel free to contact me at 301-337-2860 or [rleitzinger@dewberry.com](mailto:rleitzinger@dewberry.com).



Ms. Megan Reiser  
Brightseat Road – CSP-13006 & TCP I-001-14  
May 1, 2014  
Page 4 of 4

Sincerely,  
**Dewberry**



Rachel Leitzinger  
Project Manager



May 1, 2014

Prince George's County MNCP&PC  
14741 Governor Oden Bowie Parkway, 4<sup>th</sup> Floor  
Upper Marlboro, MD 20772

RE: Brightseat Road Property - Dewberry # 50059695 - Conceptual Site Plan 13006  
**Letter of Justification re: Impacts to Environmental Regulated Features**

Dear Ms. Shoulars:

A submission for a Conceptual Site Plan to build 350-400 multi-family units is being submitted at this time. The Property is 22.12 acres and contains approximately 17 acres in the MXT zone and 5 five acres of wooded area zoned (OS) Open Space. This OS zoned area contains steep slopes, 6 specimen trees, regulated wetlands and 100 year floodplain. A tributary of the Cattail Branch Stream runs along the western boundary of the site and flows south to north. The Green Infrastructure Plan suggests that minimum stream buffer widths be 75 feet except in the Developed Tier where minimum buffer widths remain 50 feet. Although the Property falls within the Developed Tier, the Primary Management Area (PMA) for the stream has been expanded to include wetlands and slopes and is larger than 75 feet.

As part of the proposed development, disturbance into the PMA will be limited to utility connections such as a stormwater management outfalls and a sanitary sewer outfall to serve the new development. Enclosed is an exhibit showing the conceptual location of the proposed PMA impacts. SWM Impact 1 is the result of the underground SWM facility outfall. It has been placed as such in an attempt to minimize impacts to the specimen trees near the outfall. SWM Impact 2 is the result of the SWM pond outfall, while SWM Impact 3 is a small area of clearing required for pond construction and to provide the non-woody buffer required at the base of the embankment per the Soil Conservation District. Sewer Impact 1 is the result of the sewer outfall to the existing sanitary sewer system in Sheriff Road. The sewer line runs behind the garage in order to service Building 2 and avoid conflicts with the Storm Drain system that runs through the parking lot. As the project moves forward into Preliminary Plan and Detailed Site Plan phases, these areas will be minimized as much as possible as the grading and utility layouts are finalized.

The Property naturally slopes from northeast downward toward the southwest. A significant amount of grading, including the creation of steep slopes, has already occurred on the property; thus, grading will only occur at the tops of the created slopes. Retaining walls will be used as necessary to minimize the need for grading within the PMA. Any disturbance to the PMA due to the development of the multi-



Ms. Katina Shoulars  
Brightseat Road Property- CSP 13006  
Page 2 of 2

family buildings will be addressed during the preliminary plan of subdivision once the utility design is further developed and a limit of disturbance is established to quantify the area of PMA disturbance.

The OS zoned area, which amounts to nearly 23% of the subject property is proposed to remain undisturbed. The Department of Parks & Recreation has indicated that they would not be interested in having this portion of the site be dedicated to MNCP&PC. The Transportation Planning Section has mentioned in their referral that they would be interested in a possible stream valley trail along the Cattail Branch Tributary. However, the actual construction of a trail would be very difficult due to natural constraints including multiple wetland crossings, disturbance to the 100 year floodplain, steep slopes and no viable connection to Sheriff Road. Therefore, we do not proposed to construct a stream valley trail on this site and thus no PMA impacts for it are shown on the attached exhibit.

In conclusion, there are significant environmental features on this site. However, the proposed development intends to disturb only a small portion as needed to make essential utility connections and outfalls.

Sincerely,  
**Dewberry**



Meredith Byer, RLA  
Associate  
Ph. 301-337-2857  
Email: mbyer@dewberry.com

Enc.



Case No. CNU-25172-2011  
Sheriff Road FedExField  
Temporary Event Parking

Applicant: Brightseat Development  
Associates, LLC

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

ORDER OF APPROVAL, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, including the transcript of proceedings and exhibits for the District Council's consideration of the application, that the decision of the Planning Board in PGCPB Resolution No. 12-87 to disapprove, application CNU-25172-2011, certification of a nonconforming use for a commercial parking lot for use in conjunction with FedExField events in accordance with Subtitle 27 of the Prince George's County Code, is:

REVERSED, pursuant to §27-244, and Application CNU-25172-2011, is hereby APPROVED, for the reasons stated in Attachment A, which the District Council hereby adopts as its findings of fact and conclusions in this case.

In order to protect adjacent properties and the surrounding neighborhood, certification of the nonconforming use is subject to the following condition by the District Council:

The nonconforming use is subject to the rezoning of the 2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment, Chapter 7: Implementation, page 138. The existing temporary graveled parking lot shall be allowed to continue as a temporary nonconforming use for the next five (5) years from the date of adoption of this Order. The temporary graveled parking lot use shall cease immediately at the expiration of the five year term and all future uses of the subject property shall comply with applicable law.



ORDERED this 11<sup>th</sup> day of February, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Member Turner

Vote: 8-0

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: \_\_\_\_\_  
Andrea C. Harrison, Chair

ATTEST:

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



**ATTACHMENT A****ORDER OF APPROVAL—CNU-25172-2011****FINDINGS AND CONCLUSIONS****The Property**

In 2003 Brightseat Development Associates, LLC (Brightseat), the applicant in this matter, purchased approximately 22.13± acres of land in the C-M Zone (Commercial Miscellaneous), located in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road. The address of the property is 8300 Sheriff Road, Landover, Maryland 20785. Brightseat and Sheriff Roads connect with Redskins Road, which lead directly to FedExField, a football stadium, and home of the Washington Redskins football team. The property was graded in 2004 for commercial development. Pending commercial development, a gravel driveway and aisles were installed so that the property can be used as a temporary “commercial parking lot,” in conjunction with FedExField events. A commercial parking lot is a permitted use in the C-M Zone pursuant to §27-461. However in 2009, the property was rezoned to the M-X-T Zone (Mixed Use-Transportation Oriented, M-X-T/17.20 ± acres, O-S/4.92± acres) as part of the *2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment* (2009 Plan). Unlike the C-M Zone, the M-X-T Zone does not permit a commercial parking lot. Ex. App. #5, (7/26/12 Tr. 3, 4, 10-11), §27-547(b) (8), Technical Staff Report at 10, Application Form, April 21, 2012, PGCPB Resolution No. 12-87 at 1.

Despite the 2009 Plan mixed-use development vision for the property, the Plan expressly stated that “a temporary graveled surface parking lot” was an allowed use for the property “in anticipation of future mixed-use development as envisioned by the sector plan.” 2009 Plan at 138. Unable, due to the economic climate of the region, to secure the envisioned mixed-use development



for the property, Brightseat has requested certification of a nonconforming use for a commercial parking lot for use in conjunction with FedExField events. (7/26/12 Tr. 38-42).

### **The Application Process**

The application for certification of a nonconforming use, CNU-25172-2011, was filed in April 2012, pursuant to §27-244, with the Planning Board, to validate an existing temporary parking lot used in conjunction with FedExField events. Application Form, April 21, 2012. The Planning Board, after a hearing on the record, voted 5-0 to DISAPPROVE the application on September 6, 2012, in PGCPB Resolution No. 12-87. On September 12, 2012, Brightseat filed an appeal, pursuant to §27-244(f) (5), to the District Council. The District Council voted 7-0 to review this matter on September 24, 2012. Zoning Agenda, September 24, 2012. After oral argument on November 19, 2012, Council took this matter under advisement pursuant to §27-244 (f) (5) (C). Zoning Agenda, November 19, 2012. On January 14, 2013, the Council voted 9-0, pursuant to §27-132 and §27-244, to refer this matter to staff for preparation of an order of approval with conditions. Zoning Agenda, January 14, 2012.

### **Applicable Law**

The Prince George's County zoning ordinance and Md. Code Ann., Land Use Article, in relevant part, address nonconforming use as follows:

#### **Sec. 27-107.01. Definitions.**

##### **(166) Nonconforming Use:**

(A) The "Use" of any "Building," "Structure," or land which is not in conformance with a requirement of the Zone in which it is located (as it specifically applies to the "Use"), provided that:

(i) The requirement was adopted after the "Use" was lawfully established; or

(ii) The "Use" was established after the requirement was adopted and the District Council has validated a building, use and occupancy, or sign permit issued for it in error.



(B) The term shall include any "Building," "Structure," or land used in connection with a "Nonconforming Use," regardless of whether the "Building," "Structure," or land conforms to the physical requirements of the Zone in which it is located.

**(244) Use:**

- (A) A "Use" is either:
  - (i) The purpose for which a "Building," "Structure," or land is designed, arranged, intended, maintained, or occupied; or
  - (ii) Any activity, occupation, business, or operation carried on in, or on, a "Building," "Structure," or parcel of land.

Subtitle 27, Pr. Geo. Co. Code (2008-09 ed., as amended).

**Sec. 27-244. Certification.**

**(a) In general.**

(1) A nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Board (or its authorized representative) or the District Council certifies that the use is nonconforming and not illegal (except as provided for in Section 27-246 and Subdivision 2 of this Division).

**(b) Application for use and occupancy permit.**

(1) The applicant shall file for a use and occupancy permit in accordance with Division 7 of this Part.

(2) Along with the application and accompanying plans, the applicant shall provide the following:

(A) Documentary evidence, such as tax records, business records, public utility installation or payment records, and sworn affidavits, showing the commencing date and continuous existence of the nonconforming use;

(B) Evidence that the nonconforming use has not ceased to operate for more than one hundred eighty (180) consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or that conditions of nonoperation for more than one hundred eighty (180) consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code violations, or were due to the seasonal nature of the use;

(C) Specific data showing:

- (i) The exact nature, size, and location of the building, structure, and use;
- (ii) A legal description of the property; and
- (iii) The precise location and limits of the use on the property and within any building it occupies;

(D) A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.



**(c) Notice.**

(1) The following notice provisions shall not apply to uses that, with the exception of parking in accordance with Section 27-549, occur solely within an enclosed building.

(2) The Planning Board shall post the property with a durable sign(s) within ten (10) days of acceptance of the application and accompanying documentation. The signs(s) shall provide notice of the application; the nature of the nonconforming use for which the permit is sought; a date, at least twenty (20) days after posting, by which written comments and/or supporting documentary evidence relating to the commencing date and continuity of such use, and/or a request for public hearing from a party of interest will be received; and instructions for obtaining additional information. Requirements regarding posting fees, the number, and the location of signs shall conform to the requirements set forth in Subsection (f), below.

**(d) Administrative review.**

(1) If a copy of a valid use and occupancy permit is submitted with the application, where applicable a request is not submitted for the Planning Board to conduct a public hearing, and, based on the documentary evidence presented, the Planning Board's authorized representative is satisfied as to the commencing date and continuity of the nonconforming use, the representative shall recommend certification of the use as nonconforming for the purpose of issuing a new use and occupancy permit identifying the use as nonconforming. This recommendation shall not be made prior to the specified date on which written comments and/or requests for public hearing are accepted.

(2) Following a recommendation of certification of the use as nonconforming, the Planning Board's authorized representative shall notify the District Council of the recommendation.

(3) If the District Council does not elect to review the recommendation within thirty (30) days of receipt of the recommendation as authorized by Subsection (e), below, the representative shall certify the use as nonconforming.

(4) Subsections (2) and (3), above, and Subsection (e), below, shall not apply to uses that, with the exception of parking in accordance with Section 27-549, occur solely within an enclosed building.

**(e) District Council review.**

(1) The District Council may, on its own motion, vote to review the Planning Board representative's recommendation, for the purpose of determining whether the use should be certified as nonconforming, within thirty (30) days of receipt of the recommendation.

(2) If the District Council decides to review the proposed certification, the Clerk of the Council shall notify the Planning Board of the Council's decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the Council all materials submitted to it in connection with the application.

(3) The Zoning Hearing Examiner shall conduct a public hearing on the application.



(4) The Zoning Hearing Examiner shall file a written recommendation with the District Council within thirty (30) days after the close of the hearing record.

(5) Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council.

(6) Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

(7) The District Council shall affirm the certification only if it finds that a nonconforming use exists and has continuously operated.

(8) The District Council shall make its decision within forty-five (45) days from the filing of the Zoning Hearing Examiner's recommendation. Failure of the Council to take action within this time shall constitute a decision to certify the use.

(f) **Planning Board review.**

(1) Required hearing.

(A) If a copy of a valid use and occupancy permit is not submitted with the application, if the documentary evidence submitted is not satisfactory to the Planning Board's authorized representative to prove the commencing date or continuity of the use, or if a public hearing has been requested by any party of interest challenging the commencing date and/or continuity of the use, the Planning Board shall conduct a public hearing on the application for the purpose of determining whether the use should be certified as nonconforming.

(2) Application for certification.

(A) Whenever the Planning Board will hold a hearing on a certification of the use as nonconforming, the applicant shall complete the appropriate form provided by the Planning Board.

(3) At least seven (7) calendar days prior to the public hearing, the Planning Board shall send written notice of the date, time, and place of the hearing to the applicant and to all persons of record.

(4) Planning Board action.

(A) The Planning Board may decide to either grant or deny certification of the use as nonconforming. If it decides to certify that a nonconforming use actually exists and has continuously operated, the Planning Board shall find that the conclusion it reaches is supported by a preponderance of evidence.

(B) The decision of the Planning Board shall be in the form of a resolution adopted at a regularly scheduled public meeting. The resolution shall set forth findings of fact and conclusions of law in support of the Planning Board's decision.

(C) The Planning Board shall send a copy of the resolution to all persons of record.

(5) Appeal of Planning Board's decision.

(A) The decision of the Planning Board may be appealed by any person of record to the District Council by filing an appeal with the Clerk of the Council.



(B) The appeal shall be filed within thirty (30) calendar days after the resolution of the Planning Board was mailed.

(C) Before the District Council makes a decision on the appeal, it shall hold a public hearing.

(D) The Council may decide to affirm, reverse, or modify the decision of the Planning Board. The decision of the Council shall be based on the record made before the Planning Board. No new evidence shall be entered into the record of the case unless it is remanded to the Planning Board and a rehearing is ordered.

Subtitle 27, Pr. Geo. Co. Code (2008–09 ed., as amended).

**§22–113. Lawful nonconforming uses allowed to continue**  
**—In general.**

A person may continue, and appropriate licenses may be issued to the person for, a lawful nonconforming use existing on the effective date of the respective zoning law in the metropolitan district.

Md. Code Ann., Land Use Article (2012).

**§22–114. Lawful nonconforming uses allowed to continue**  
**—Outside metropolitan district.**

A lawful nonconforming use that existed on the effective date of a zoning law enacted by Montgomery County or Prince George's County under this title in that portion of the regional district in the applicable county that is outside the metropolitan district may be continued and appropriate licenses may be issued.

Md. Code Ann., Land Use Article (2012).

**Permit History of Property**

1. **July 19, 2004**—Rough Grading Permit No. 1661–2004–01 issued by the Prince George's County Department of Environmental Resources (DER).
2. **August 11, 2005**—Use and Occupancy Permit No. 27736–2005–U placed on hold by The Maryland-National Capital Park and Planning Commission (M–NCPPC), Prince George's County Planning Department, Development Review Division, Permit Review Section for a commercial parking lot proposed on the C–M–Zoned portion of the site. Written comments were issued to the applicant that outlined the outstanding zoning issues and the site plan revisions that would be needed in order to bring the site in compliance with the minimum requirements of the Zoning Ordinance and Landscape Manual and to obtain approval of a permanent use and occupancy permit. The applicant did not pursue the permanent use and occupancy permit and temporary permits were subsequently issued by the Department of Environmental Resources.



3. **Fall of 2005**—Applicant states Temporary Use and Occupancy Permit No. 38505-2005 was issued by the Prince George's County Department of Environmental Resources (DER) for stadium events during the fall of 2005. Copies of this temporary permit were not submitted.
4. **September 29, 2005**—Applicant signs lease agreement with the Board of Education (BOE) to use portions of the Bonnie F. Johns Educational Media Center located at 8437 Landover Road (and abutting the subject property to the north) 10 to 15 times a year for vehicular access.
5. **August 3, 2006**—Temporary Use and Occupancy Permit No. 25195-2006-00 issued by the Prince George's County Department of Environmental Resources (DER) for a parking lot, (valid only for the 2006-2007 Redskin home games, and entrance only from Barlowe Road).
6. **September 29, 2006**—Letter issued from Donna Wilson, Director of the Prince George's County Department of Environmental Resources (DER), to the applicant stating that the existing parking lot does not meet several Prince George's County Code requirements, and that should a permanent use and occupancy permit be desired that the applicant would need to undertake the development process and obtain all required approvals including approval from the M-NCPPC.

The letter further stated that it was DER's understanding that the parking use on the property was an interim one and that the temporary use and occupancy permit provides that the applicant an annual option to pursue the conditional use of the property until they move forward with the permanent utilization.

7. **2008**—No temporary use and occupancy permits were issued for 2008. However, the applicant states that parking lot was used for home Redskin games.
8. **May 19, 2009**—Adoption of the 2009 Landover Gateway Sector Plan and Sectional Map Amendment and the subject property was rezoned from the C-M Zone to the M-X-T Zone.
9. **August 12, 2009**—Temporary Use and Occupancy Permit No. 23836-2009-00 issued by the Prince George's County Department of Environmental Resources (DER) for a temporary parking lot, (Conditions - Valid only for August 22 and 28, September 20, October 4, 18 and 26, November 15, December 6 and 21 Redskins games and any home playoff games that may occur in January 2010, Entrance only from Barlowe Road, No overnight parking permitted).
10. **September 4, 2009**—Temporary Use and Occupancy Permit No. 26838-2009-00 issued by the Prince George's County Department of Environmental Resources (DER) for a temporary parking lot, (Conditions - Valid only for August 22 and 28, September 20, October 4, 18 and 26, November 15, December 6 and 21 Redskins games and any home playoff games that may occur in January 2010, Entrance only from Barlowe Road, No overnight parking permitted). This permit appears to be a duplicate and covers the same time period as the temporary permit previously issued on August 12, 2009.
11. **2009 & 2010**—Applicant states that the property was leased directly to the Redskins Organization during this time period. No documentation was provided. The next temporary permit submitted was not issued until September 1, 2011.



12. **September 1, 2011**—Temporary Use and Occupancy Permit No. 25849-2011-00 issued by the Prince George's County Department of Environmental Resources (DER) for a parking lot, (Conditions—Valid only for September 1, 2011, Entrance only from Barlowe Road, No overnight parking is permitted).
13. **September 1, 2011**—Permanent Use and Occupancy Permit No. 25172-2011-U placed on hold by M-NCPPC. Written comments were issued to the applicant.
14. **September 11, 2011**—Temporary Use and Occupancy Permit No. 25850-2011-00 issued by the Prince George's County Department of Environmental Resources (DER) for a parking lot, (Conditions—Valid only for September 11, 2011, Entrance only from Barlowe Road, No overnight parking is permitted).
15. **September 16, 2011**—Temporary Use and Occupancy Permit No. 27454-2011-00 issued by the Prince George's County Department of Environmental Resources (DER) for a temporary parking lot for Redskins Game, (Conditions—Valid only for September 18, 2011, Entrance only from Barlowe Road, No overnight parking permitted, Must provide handicapped parking).
16. **October 14, 2011**—Temporary Use and Occupancy Permit No. 30410-2011-00 issued by the Prince George's County Department of Environmental Resources (DER) for a temporary parking lot for Redskins Game, (Conditions – Valid only for October 16, 2011, entrance only from Barlowe Road, No overnight parking permitted, Must provide handicapped parking).
17. **November 9, 2011**—Temporary Use and Occupancy Permit No. 32752-2011-00 issued by the Prince George's County Department of Environmental Resources (DER) for a temporary parking lot, (Conditions—Valid only for Redskins games and two College games on November 12, and 20<sup>th</sup>, and December 4, 10, 11 and 24<sup>th</sup>, 2011, Entrance only from Barlowe Road, No overnight parking permitted).

PGCPB Resolution No. 12-87 at 1-3, Technical Staff Report at 2-4.

### **Planning Board Findings and Conclusions**

Planning Board found that the property was previously zoned C-M, which permitted parking lots by right, and that the Department of Environmental Resources (DER) issued temporary use and occupancy permits for a temporary parking lot, which the 2009 Plan “points to the use of the property as a parking lot that is permitted as a temporary use” and “essentially recognized the existing land use that was on the ground at the time of the sectional map amendment.” PGCPB Resolution No. 12-87 at 4, Technical Staff Report at 4-5. Planning Board also found that in July 2005, prior to the rezoning of the property to the M-X-T Zone, Brightseat applied for a use and



occupancy permit for the use of a commercial parking lot within the C-M Zone, which was placed on hold by Planning Board subject to comments for "needed plan revisions." Planning Board opined, however, that Brightseat chose not to pursue the development process and chose not to pursue the use and occupancy permit comments *that would have legally established the use on the property as a permanent one*. PGCPB Resolution No. 12-87 at 6- 8, Technical Staff Report at 6-8. (Emphasis added). Planning Board further opined as follows:

In this case, the operation of the use on the property was restricted to the specific dates that were listed on the temporary use and occupancy permits. Once the time period listed on a temporary permit lapses, the applicant's legal right to continue operations on the property also lapses. Therefore, a temporary use could not be considered nonconforming.

Further, it would appear that the temporary permits that were issued by DER may have been in error because the use of a commercial parking lot is not one of the specific temporary uses permitted by Section 27-261 of the Zoning Ordinance. Regardless of the legal status of the temporary permits that were issued for the site, what is clear is that the use never went through the development process to ensure the commercial parking lot was constructed in accordance with the minimum requirements of the Zoning Ordinance, ADA standards (American with Disabilities Act), and the 2010 *Prince George's County Landscape Manual*, or met the required zoning criteria needed in order to obtain a permanent use and occupancy permit.

This is not a case of a use predating zoning requirements. The commercial parking lot use did not begin on the property until 2004, and prior to the rezoning of the property to the M-X-T Zone, the use was never in compliance with the requirements of the C-M Zone. Rather than complying with the minimum zoning requirements and pursuing a permanent use and occupancy permit for the commercial parking lot when the use was permitted in the underlying zone, the applicant continued to request temporary permits that were only valid for specific events. Because the site was never properly developed in accordance with the requirements of the Zoning Ordinance when it was in the proper zoning category, the applicable County Code provision(s) confers no relevant rights on an owner who wishes to continue operations. In addition, the Board notes that a "Temporary Commercial Parking Lot" is not provided as a specific use in the C-M Zone Use Table. If the applicant had submitted a site plan that met the requirements of the Zoning Ordinance, he would have been granted a use and occupancy permit for a "Commercial Parking Lot" which is a permitted use in the C-M Zone. Whether or not the parking lot is used on a temporary or full-time basis is a business decision left for the applicant.



PGCPB Resolution No. 12-87 at 8-9. The Planning Board voted to adopt the findings of Technical Staff and disapproved the application, CNU-25172-2011, filed by Brightseat for certification of a nonconforming use. The motion carried 5-0. (7/26/12 Tr. 72-73). After reviewing the record before the Planning Board pursuant to §27-244 (f) (5) (D), the Council respectfully disagrees with the findings, conclusions and decision of the Planning Board and shall REVERSE.

### **Findings and Conclusions of the District Council**

#### **A. Nonconforming Use**

One of the earliest Maryland cases discussing the right of a property owner with a legal use to continue that use after passage of a new zoning ordinance making the use non-permissible is *Amereihn v. Kotras*, 194 Md. 591, 71 A.2d 865 (1950). In *Amereihn*, the Court of Appeals explained the rationale for recognizing nonconforming uses as follows:

If a property is used for a factory, and thereafter the neighborhood in which it is located is zoned residential, if such regulations applied to the factory it would cease to exist, and the zoning regulation would have the effect of confiscating such property and destroying a vested right therein of the owner. Manifestly this cannot be done, because it would amount to a confiscation of the property, and nonconforming use is a vested right and entitled to constitutional protection.

*Id.* at 601. Since 1950, Maryland courts have developed and refined the law regarding the respective rights of zoning authorities and owners of properties' qualifying as nonconforming uses. *See, e.g., Board of Zoning Appeals v. Meyer*, 207 Md. 389, 114 A.2d 626 (1955) (holding that when a property owner at time of adoption of last comprehensive zoning was using land for use which by new legislative action became non-permitted, the owner has a lawful nonconforming use).

The *use* of land which is not in conformance with a requirement of the Zone in which it is located (as it specifically applies to the "Use"), is *nonconforming* provided that the requirement was adopted *after* the "Use" was lawfully established. §27-107.01 (166) (A) (i). (Emphasis added). The



2009 Plan expressly stated that the *use* of “a temporary graveled surface parking lot” is *allowed* on the Brightseat property in anticipation of future mixed-use development. 2009 Plan, Chapter 7: Implementation at 138, PGCPB Resolution No. 12-87 at 4, Technical Staff Report at 4-5. The Court of Appeals has held that a valid and lawful nonconforming use is *established* if a property owner can demonstrate that before, and at the time of, the adoption of a new zoning ordinance, the property was being *used in a then-lawful manner for a use* that, by later legislation, became non-permitted. *Trip Assocs., v. Mayor & City Council*, 392 Md. 563, 898 A.2d 449 (2006). See e.g., *Chayt v. Board of Zoning Appeals of Baltimore City*, 177 Md. 426, 434, 9 A.2d 747, 750 (1939) (concluding that, to be a nonconforming use, an existing business use must have been known in the neighborhood as being employed for that given purpose); *Lapidus v. Mayor and City Counsel of Baltimore*, 222 Md. 260, 262, 159 A.2d 640, 641 (1960) (noting that an applicant claiming that a nonconforming use had been established before the effective date of the city zoning ordinance needed to prove that the use asserted existed prior to the date of the ordinance); *Vogl v. City of Baltimore*, 228 Md. 283, 288, 179 A.2d 693, 696 (1962) (holding that the party claiming the existence of a nonconforming use has the burden of establishing the existence of the use at the time of the passage of the prohibiting zoning ordinance). See also *Lone v. Montgomery County*, 85 Md. App. 477, 496, 584 A.2d 142, 151 (1991). Brightseat has shown, and it was known in the neighborhood, that the property was used as a parking lot in conjunction with FedExField events. The Board of Education and Brightseat signed a lease agreement to use portions of the Bonnie F. Johns Educational Media Center located at 8437 Landover Road 10 to 15 times a year for vehicular access. The Redskins Organization and Brightseat also entered into a lease in 2009 and 2010. The Director of DER, since 2006, knew that parking was a temporary use on the property. And the County, in its 2009 Plan, expressly allowed the use in



anticipation of future mixed-use development. PGCPB Resolution No. 12-87 at 2-3, Technical Staff Report at 2-3, 2009 Plan, Chapter 7: Implementation at 138.

Pursuant to §27-107.01 (244) of the Zoning Ordinance, a use is either the purpose for which land is designed, arranged, intended, maintained or occupied or any activity, occupation, business, or operation is carried on in, or on a parcel of land. The record is uncontroverted that the Brightseat property, prior to the 2009 Plan, was designed, arranged, intended, maintained, occupied, and operated as a temporary parking lot for parking in conjunction with FedExField events, subject to valid although not required temporary use and occupancy permits by DER.<sup>1</sup> See Rough Grading Permit No. 1661-2004-01, Use and Occupancy Permit No. 27736-2005-U, Use and Occupancy Permit No. 38505-2005, Use and Occupancy Permit No. 25195-2006-00, Use and Occupancy Permit No. 23836-2009-00, Use and Occupancy Permit No. 26838-2009-00, Use and Occupancy Permit No. 25849-2011-00, Use and Occupancy Permit No. 25172-2011-U, Use and Occupancy Permit No. 25850-2011-00, Use and Occupancy Permit No. 27454-2011-00, Use and Occupancy Permit No. 30410-2011-00, Use and Occupancy Permit No. 32752-2011-00. PGCPB Resolution No. 12-87 at 1-3, Technical Staff Report at 2-4. The record also reflects that since 2004, on a typical or average Redskins game day, the lot can accommodate between 700 and 800 cars. (7/26/12 Tr. 30, 44). Brightseat has demonstrated that before, and at the time of, the adoption of the 2009 Plan, the property was being used in a then-lawful manner for a use that, by later legislation, became non-permitted. See, e.g., *McKenny v. Baltimore County*, 39 Md. App. 257, 385 A.2d 96 (1978) (affirming Board's finding of nonconforming use of parking lots for the temporary parking of cars

<sup>1</sup> Planning Board concluded that temporary permits issued by DER may have been in error because a commercial parking lot is not one of the specific temporary uses permitted by §27-261. But §27-260, which authorize DER to issue temporary permits, also states that "*No temporary permit shall be required if the use is allowed by other provisions of this Subtitle as a permanent use.*" §27-260 (a) (c). (Emphasis added). A commercial parking lot is a permanent use in the C-M Zone. §27-461. Although not directly applicable here, the Zoning Ordinance authorizes the District Council to validate permits issued in error for uses that are nonconforming. §§27-246, 27-258 (h) (1).



and trucks, from 1936–1945, by the transient patrons of a restaurant and bar located across the street from the parking lots).

Whether or not Brightseat chose to pursue the development process to become a permanent use prior to the 2009 Plan is not determinative of a lawfully *established* nonconforming use. The term “nonconforming use” shall include *any land used in connection with a “non conforming use,” regardless of whether the land conforms to the physical requirements of the Zone in which it is located.* §27–107.01 (166) (B). (Emphasis added). Planning Board did not include or consider this section of the nonconforming use definition in its findings or conclusions. PGCPB Resolution No. 12–87 at 7–9, Technical Staff Report at 7–8. Maryland follows the majority of jurisdictions and apply the rule that a valid nonconforming use will not be forfeited by the failure of the business owner to secure a license to operate his business because this rule accords reasonable protection to the property right that has been long recognized under law as a vested right subject to constitutional protection. *Mayor and City Council of Baltimore v. Dembo, Inc.*, 123 Md. App. 527, 719 A.2d 1007 (1998), See e.g., *Derby Ref. Co. v. City of Chelsea*, 407 Mass. 703, 555 N.E.2d 534, 539 (Mass. 1990) (stating that “a valid nonconforming use is not rendered unlawful by failure to possess requisite governmental approval, provided that such approval can be easily obtained”); *Henning v. Goldman*, 8 Misc. 2d 228, 169 N.Y.S.2d 817, 819 (N.Y. App. Div. 1957) (holding nonconforming use status is not lost by failure to renew license to operate parking lot). Contrary to the Planning Board, PGCPB Resolution No. 12–87 at 9, Technical Staff Report at 8, *this is a case of a use predating* the 2009 Plan and the use is nonconforming regardless of whether the land conforms to the physical requirements of the Zone in which it is located. §27–107.01 (166) (B). Because the 2009 Plan was also an amendment, pursuant to Article 28, to the Zoning Ordinance and to the official zoning map for the Maryland–Washington Regional District in Prince George’s County, at the time



the nonconforming use existed, we also find that the nonconforming use may continue pursuant to Md. Code Ann., Land Use Article, §§ 22-113 and 22-114, which replaced and repealed former Article 28. See 2009 Plan at 179-189.

#### B. Master Plan Conformance

Planning Board found that the “temporary event parking lot does not conform to the M-X-T land use recommendations within the 2009 Plan, which recommends Office, Retail and Residential land uses.” PGCPB Resolution No. 12-87 at 4, Technical Staff Report at 4. We disagree. By definition a nonconforming use does not conform to the physical requirements of the Zone in which it is located but may be continued and appropriate licenses may be issued. See §27-107.01, §27-244, and Md. Code Ann., Land Use Article, §§ 22-113 and 22-114. See also *Board of Zoning Appeals v. Meyer*, 207 Md. 389, 114 A.2d 626 (1955) (holding that when a property owner at time of adoption of last comprehensive zoning was using land for use which by new legislative action became non-permitted, the owner has a lawful nonconforming use). Notwithstanding the 2009 Plan mixed-use development vision for the Brightseat property, the Plan expressly allowed the nonconforming use to conform in anticipation of future mixed-use development. 2009 Plan, Chapter 7: Implementation at 138.

#### C. Certification

In general, a nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued *after* the Planning Board *or* the District Council certifies that the use is nonconforming and not illegal. §27-244(a) (1). (Emphasis added). Although a lawful nonconforming use is a vested right, it is the aim of zoning to reduce as speedily as possible nonconformance to conformance, with due regard to the legitimate interests of all parties, but the right to continue a nonconforming use is not a perpetual easement to make a use of one's property



detrimental to his neighbors and forbidden to them. *County Comm'rs of Carroll County v. Uhler*, 78 Md. App. 140 552 A.2d 942; (1989), *cert. denied*, 316 Md. 428, 559 A.2d 791 (1989) *cf. Higgins v. City of Baltimore*, 206 Md. 89, 98, 110 A.2d 503 (1955); *Amereihn v. Kotras*, 194, Md. 591, 601, 71 A.2d 865 (1950); *Laque v. State*, 207 Md. 242, 251, 113 A.2d 893, *cert. denied*, 350 U.S. 863, 76 S.Ct. 105, 100 L.Ed. 765 (1955); *Grant v. City of Baltimore*, 212 Md. 301, 307 129 A2d 363 (1957). Maryland Courts have recognized that the problem inherent in accommodating existing vested rights in incompatible land uses with future planned development of a community is ordinarily resolved, under local ordinances, by permitting existing uses to continue as nonconforming uses subject to various limitations upon the right to change, expand, alter, repair, restore, or recommence after abandonment. Moreover, the Courts have recognized that the purpose of such restrictions is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *County Council of Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259, 443 A.2d 114 (1982). The aim of the 2009 Plan rezoning of the Brightseat property was to reduce as speedily as possible nonconformance to conformance, with due regard to the legitimate interests of all parties. *Uhler*, 78 Md. App. 140 552 A.2d 942; (1989), *cert. denied*, 316 Md. 428, 559 A.2d 791 (1989). The 2009 Plan specifically discussed the Brightseat property as follows:

The plan proposes mixed-use development with offices/retail and residential uses for the property. However, a temporary graveled parking lot is currently *allowed* in anticipation of future mixed-use development as envisioned by the sector plan.

2009 Plan, Chapter 7: Implementation at 138 (Emphasis added). See also PGCPB Resolution No. 12-87 at 4, Technical Staff Report at 4-5. Because we find the use of the Brightseat property, as a parking lot, albeit temporary, is nonconforming and not illegal, a use and occupancy permit may be issued identifying the use as nonconforming subject to the following condition:



The nonconforming use is subject to the rezoning of the 2009 Approved Landover Gateway Sector Plan and Sectional Map Amendment, Chapter 7: Implementation, page 138. The existing temporary graveled parking lot shall be allowed to continue as a temporary nonconforming use for the next five (5) years from the date of adoption of this Order. The temporary graveled parking lot use shall cease immediately at the expiration of the five year term and all future uses of the subject property shall comply with applicable law.

*Gardner*, 293 Md. at 268, 443 A.2d at 119 ("These local ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses.") (citing *City of Hagerstown v. Wood*, 257 Md. 558, 563, 263 A.2d 532, 534 (1970); *Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48, 59, 151 A.2d 144, 150 (1959); *Mayor of Baltimore v. Byrd*, 191 Md. 632, 638, 62 A.2d 588, 591 (1948); *Colati*, 186 Md. at 658-59, 47 A.2d at 616; *Knox v. Mayor of Baltimore*, 180 Md. 88, 96, 23 A.2d 15, 18 (1941)). Brightseat has "no objection to a condition that limits" its use of the property to parking in conjunction with FedExField events until it finds a use that conforms with the M-X-T Zone because the property was never intended to be used permanently for parking in conjunction with FedExField events. (7/26/12 Tr. 36, 38-40, 44-45).

### Conclusion

For the reasons stated above, the decision of the Planning Board in PGCPB Resolution No. 12-87, to DISAPPROVE Application CNU-25172-2011, is REVERSED, and certification is subject to the findings, conclusions and condition set forth herein by the District Council.



## LANDOVER GATEWAY

family homes that face the public streets and feature auto access and service via rear alleys. At a new entrance to Brightseat Road, just north of the Evarts Street intersection, a small neighborhood mixed-use area serves this community. Here at the location of a regional transit stop, taller (4–8 stories) buildings cluster on both sides of the new entrance road located to the west of Brightseat Road. Retail uses occupy the ground floor of these buildings, and office or residential uses occupy the upper floors. The upper floors overlook Brightseat Road and the Henry P. Johnson Park, an existing M-NCPPC facility that is upgraded and expanded as part of the sector plan to include all land to the west between Brightseat Road and the existing western boundaries of the park.

The residential thoroughfares in Gateway North are characterized by attached residential structures. All lots should back up to an alley that provides access for surface parking or enclosed garages that are located directly off of the alley. All streets allow for parallel parking on both sides and two-way traffic.

Gateway North should feature public greens as neighborhood entry features at the core of the neighborhood. A series of pedestrian promenades connect the adjacent Cattail Creek Drive to the center of the neighborhood. Townhomes with a wall facing the promenade should have entrances off of the promenade. Cattail Creek Drive and its adjacent and contiguous linear park define the western and northern edges of the Gateway North neighborhood.

Streetscape character in this neighborhood is mostly green with interspersed pedestrian promenades and a park overlook along the western edge of the area.

## Gateway South

Gateway South is situated between Landover Road to the north, Sheriff Road to the south, and Brightseat Road to the south. The neighborhood is bounded by Cattail Branch and Palmer Park to the west and by the Capital Beltway to the east. The scale of this neighborhood ranges from 2–3-story, single-family attached residences in the western areas to a high-density residential and mixed-use street that straddles Brightseat Road, east of its intersection with Sheriff Road.

Streets in Gateway South, south of Landover Road (MD 202), are primarily mixed-use in character. To the east of its intersection with Sheriff Road, Brightseat Road serves as the

focal thoroughfare for this area. This segment of Brightseat Road is defined by mixed-use development with commercial activities planned on the ground floor and residential or office uses located on the upper floors. To the south of Brightseat Road is a mixed business and residential area. To the north of Brightseat Road, a public green is envisioned that serves as a focal area and calm interior for the primarily residential mixed-use area surrounding it.

Streetscape character is mostly green with areas of paved corners. A mostly paved area runs along Sheriff Road, and pedestrian promenades provide key connections south of Sheriff Road and south of the western portion of MD 202.

## Focus Areas

For the purpose of providing more detailed recommendations that further distinguish Landover Gateway's proposed neighborhoods, the sector plan defines distinct focus areas within specific neighborhoods that have the potential to establish their own unique character. These focus areas include a variety of diverse building, street and streetscape characteristics that are described by the accompanying visions, goals, and strategies and illustrated by Figure 4: Focal Plaza on page 41, Figure 5: Public Garden Plan Detail on page 41, Figure 6: Boulevard Green Detail on page 42, and Figure 7: Public Green Plan Detail on page 42.

## Core Areas

### Core Focal Office—Landover Civic Center (Capital Beltway)

#### Vision

This focus area contains an imaginative mix of government, educational, cultural, hotel, commercial office, and residential uses. This area serves as a regional draw and economic magnet that brings employers, visitors, workers, and residents to Landover Gateway. The building structures envisioned for Landover Gateway have distinctive designs, are prominently visible from the Capital Beltway, and function as identifiable visual icons. Ground-floor retail and high-density residential, office, and hotel uses on the upper floors should ensure round-the-clock activity and create a safe and dynamic urban icon at the Civic Center.



***Policy 1: Develop a neighborhood of moderate-density housing surrounding a mixed-use core at Brightseat Road.***

***Strategies***

- Redevelop the site currently occupied by Glenarden Apartments with a neighborhood of moderate-density townhomes.
- Upgrade and expand the existing Henry P. Johnson Park such that the parkland extends westward to Brightseat Road.
- Support and enhance residential uses with mixed-use development on Brightseat Road, north of Evarts Street.
- Include neighborhood-serving retail at the ground floor of the mixed-use development.
- Establish a pedestrian-oriented network of streets that enhances connectivity.
- Establish a relocation policy that encourages existing residents to remain in the area when existing housing is redeveloped.

***Policy 2: Create a network of diverse, attractive and accessible open spaces.***

***Strategies***

- Develop a gateway park to serve as a transition between neighborhood commercial mixed-use and residential areas.
- Develop a hilltop public green to serve as the central public space for the surrounding neighborhood.
- Connect the neighborhood to the drive and linear park along the Cattail Branch stream valley with pedestrian walkways and public streets.
- Provide a linear park along Evarts Street that connects the Cattail Branch stream valley trail network with the Evarts Street bridge connection to the Woodmore Towne Centre.



*Example of a Public Green Space*

***Core South Focus Area—Gateway South Neighborhood***

***Vision***

The area south of MD 202 is transformed into a neighborhood of mixed-use, residential and educational uses that support and complement the downtown. Mixed residential, office, and other uses, surrounding a new public space, extend commercial activity to the south across MD 202 from the downtown. Further south, mixed office and residential uses wrap a shared parking structure. Moderate-density residential development and a new school are recommended in the southwestern corner of the study area.

***Background***

This focus area includes the existing Landover Crossing Shopping Center site, a 50-acre undeveloped parcel owned by WFI Stadium, Inc.; vacant and/or transitional commercial properties; and additional privately-owned, undeveloped land. The area also includes the existing Bonnie F. Johns Educational Media Center, a former school that is now used for administrative and training purposes by Prince George's County Public Schools. Planning challenges include encouraging development that protects



and enhances the adjacent Palmer Park neighborhood with compatible development and identifying uses in the southern end of the study area that can be compatible with FedEx Field events.

### Goals

- Establish a mixed-use and residential neighborhood that supports and complements the Landover Gateway downtown.
- Encourage commercial activity to the south of MD 202.
- Build a new school to accommodate future residential growth.
- Create a network of passive and active open space areas.

***Policy 1: Develop a moderate- to high-density mixed-use neighborhood in the area south of MD 202.***

### Strategies

- Redevelop the existing Landover Crossing Shopping Center site as a mixed-use development with office, residential, and retail uses.
- Redevelop the east side of Redskins Road with mixed office, residential and retail uses.
- Locate retail uses on the ground floors of all mixed-use development that includes retail uses.
- Establish a pedestrian-oriented network of streets that enhances connectivity.

***Policy 2: Maximize the redevelopment potential of the publicly owned Bonnie F. Johns Educational Media Center.***

### Strategies

- Engage in discussions with Prince George's County Public Schools regarding potential future uses of the Bonnie F. Johns Educational Media Center.

- Explore opportunities to build a new urban model school on the site of the existing Bonnie F. Johns Educational Media Center.
- Encourage the inclusion of an active recreational open space as part of any school development.

***Policy 3: Develop moderate-density housing south of MD 202.***

### Strategies

- Construct moderate-density housing along the south side of MD 202, between the intersection of Barlowe Road and MD 202 and the proposed school site.
- Ensure that future development provides an appropriate transition to the lower-density Palmer Park neighborhood.

***Policy 4: Develop continuous pedestrian linkages and ensure that the pedestrian network fosters safe routes to school.***

### Strategies

- Expand the street network to establish a pedestrian-oriented network of streets that enhances connectivity.
- Prioritize pedestrian safety and traffic calming in the vicinity of the proposed school site.
- Consider a potential pedestrian bridge across MD 202 in the area west of Brightseat Road.

***Policy 5: Develop mixed office and residential uses, wrapped around structured parking at the southern end of the study area.***

### Strategies

- Ensure that parking is hidden from view by the office and residential uses wrapped around it.
- Explore parking management strategies that enable the shared use of the new garage to accommodate office and residential, as well as FedEx Field event parking.



**Policy 6: Integrate a variety of open space areas as part of the larger open space and environmental network.**

### Strategies

- Protect and enhance the Cattail Branch stream valley, while providing linkages to the proposed resource-based greenway.
- Create linear parks at the edges of resource-based greenways and outside of environmentally regulated areas.
- Incorporate stormwater facilities as attractive and accessible planted amenities.

### Design Guidelines

In order to achieve the goals of the sector plan and create a coherent street space throughout the sector plan area, the following design guidelines have been formulated to guide development in the approved M-X-T Zone (see Map 4: Approved Zoning on page 15), which encompasses the entire sector planning area. Four distinct design districts (see Map 13: Design District Boundaries on page 51) are established based on the sector plan's vision, neighborhoods, and focus areas. Each district includes design principles and building envelope guidelines. The build-to line (BTL) is referenced to ensure building siting at the street throughout the plan. For each district, the BTL should be the inside edge of the sidewalk, no matter the sidewalk width. Fenestration is understood as the transparent or translucent elements of a building's façade. The building's façade is all of the building's faces except those that directly adjoin an adjacent building.

Development applications in the Landover Gateway sector should respond to and be in harmony with the design guidelines. The sector plan area is divided into four different districts, each of which is envisioned to contain a different density and building form. Development applications should propose a street network that is similar to the illustrative street network in the size and regular orientation of blocks. Alleys should be utilized for access to parking

and service areas. All streets should provide for a range of transportation modes.

Land that is rezoned to the M-X-T Zone is subject to the regulations of Section 27-544(a) and 27-548, and uses are limited to those permitted in the M-X-T Zone. However, existing uses may remain where new development is not proposed, and general maintenance of existing building and surface parking is allowed. New development, including expansion of existing buildings and major changes to existing parking lots, requires approval of a conceptual site plan and detailed site plan in accordance with Section 27-546.

**Policy 1: Establish four mixed-use design districts, each with appropriate density and height recommendations for a downtown environment. Each should have a logical distribution of density, while respecting existing lower density neighborhoods. Each district's density is transit supportive. (See Map 13: Design District Boundaries on page 51.)**

### Strategy 1: Beltway Focus Design District

Develop a core area that contains an imaginative mix of government, education, cultural, hospitality, commercial office, and residential uses. This area serves as a regional draw and economic magnet that brings employers, visitors, workers, and residents to the Landover Gateway area. The buildings envisioned for the area of the Beltway Focus District have distinctive designs, are prominently visible from the Capital Beltway, and function as identifiable visual icons.

- Range of Land Use Mix:
  - Office/Educational/Cultural: 80–85 percent
  - Retail: 7–20 percent
  - Residential: 1–10 percent
  - Hospitality: 7–10 percent
- Building Height Ranges: 6–20 stories with most buildings a minimum of eight stories



- Establish frequent bus circulatory service as an interim measure to provide regular connections to nearby Metro stations.
- Locate light rail and bus stops to provide direct, safe, and efficient access to proposed mixed-use areas.

***Policy 4: Integrate open spaces, green connections, and public focal places into Landover Gateway's neighborhoods.***

#### ***Strategies***

- Ensure that all public open space and neighborhood focal places are fully integrated with and connected to the street system.
- Create a distinct public focal place for each neighborhood.
- Ensure that all focal places remain in the public domain.
- Collaborate with the private sector to build and maintain these focal places.
- Ensure that all open spaces and focal places are bounded by streets on at least two sides.

***Policy 5: Establish a complementary relationship between Landover Gateway and the Woodmore Towne Centre development.***

#### ***Strategies***

- Approve and construct new pedestrian and vehicular connections between Landover Gateway and Woodmore Towne Centre, including a heavily landscaped promenade along the Evarts/Campus Way over the Capital Beltway (I-95/I-495) connection.
- Ensure that future uses west of the Capital Beltway and the Woodmore Towne Centre development are complementary to each.
- Identify and develop potential market niches that could be a focus for Landover Gateway.
- Link Landover Gateway and Woodmore Towne Centre through future transit connections, including interim

circulatory bus shuttle service and future light rail transit service.

***Policy 6: Encourage a variety of housing options at varying densities for a range of income levels.***

#### ***Strategies***

- Vary the residential densities and building types allowed by the sector plan and its development standards.
- Encourage private housing development that incorporates affordable workforce housing.
- Seek opportunities for the Department of Housing and Community Development to invest in and partner in new housing by providing financial incentives for inclusion of affordable units.
- Fund the Housing Trust Fund to support private provision of affordable housing.
- Require developments that receive major county financial support to include affordable units.
- Partner with nonprofit housing developers to increase affordable housing opportunities.
- Provide for both owner-occupied and rental housing to accommodate young households starting out.
- Encourage development of preretirement and retirement housing suited to the needs of active adults; units with low maintenance burdens and universal design so that units can be modified to accommodate future mobility limits and other disabilities.

***Policy 7: Identify policies and mechanisms that give existing residents the option of remaining in Landover Gateway as the area redevelops.***

#### ***Strategies***

- Provide home ownership training and counseling for area renters wishing to buy homes, both before and after the purchase.
- Provide financial incentives to support first-time homeowners.



## LANDOVER GATEWAY

# Chapter 2: Vision—Concept Plan



### Introduction

The decline and eventual demolition of the former Landover Mall in 2002 marked a major loss to nearby residents/property owners, Prince George's County, and the Washington Metropolitan region. Once a thriving regional attraction, the former Landover site is now a mostly vacant land awaiting redevelopment.

In an attempt to focus attention to this area of Prince George's County, the Councilman of Council District 5 sought the assistance from The Maryland-National Capital Park and Planning Commission (M-NCPPC) to facilitate an evaluation of the issues that affect the area in the absence of the former Landover Mall. In January 2006, M-NCPPC joined efforts with the Urban Land Institute (ULI), to explore alternative development concepts for the area. In March 2006, a ULI panel completed an assessment of the area and produced a document (Urban Land Institute, Technical Panel Planning Study) that recommended the need for a sector plan process to evaluate and address the issues that affect this area after the closure of the mall.

In June 2006, M-NCPPC sought and retained outside planning and design assistance to work with staff on a sector plan for the Landover Gateway area. M-NCPPC staff then embarked on a six-month community outreach program to engage major stakeholders—elected officials (local, federal, state, and county), property owners, residents, and interested parties.

After six months of community outreach, the Prince George's County Planning Board and District Council initiated the Landover Gateway Sector Plan and Sectional Map Amendment. Immediately following the initiation, community brainstorming workshops and a five-day planning and design charrette were conducted to lay the groundwork for the sector plan vision.

### Vision Statement

The plan envisions a transformation of the Landover Gateway area into a vibrant 24-hour activity center with

a dense urban form and a mix of uses. The core area is anchored by a complex of signature office towers offering a range of civic uses, ranging from governmental to cultural facilities adjacent to the Capital Beltway and including a mixed-use main street. Landover Gateway features a variety of businesses and attractions, from businesses that serve the needs of citizens who reside within a short walking distance from downtown to others that attract visitors throughout the region. The downtown core transitions into outer neighborhoods with a range of high- and moderate-density residential neighborhoods and complementary mixed-use development.

Landover Gateway serves as a major multimodal transportation hub, with the addition of direct transit service to support the new development. The area is buffered by a network of trails and open spaces that provides a needed amenity for residents that preserves sensitive stream valleys. The roadway network is transformed for pedestrian use with improved connectivity throughout (see Map 6: Land Use Plan on page 19 and see Map 7: Illustrative Plan on page 20).

### Vision Elements

*A new mixed-use downtown that centers on the former Landover Mall site and Brightseat Road.*

The downtown features a compatible and complementary mix of uses that fosters round-the-clock activity and a genuine sense of place. A compact, connected grid of streets includes many small blocks and a variety of street and building types. The downtown functions as a place to live, work, play, and visit, with a variety of interrelated pieces forming a cohesive whole. The main street commercial district includes destination and neighborhood-oriented retail uses on ground floors, with offices and residences on the upper floors. The civic center serves as an employment and cultural destination with a mix of government, cultural, educational, and office uses. The downtown is accessible by transit and on foot. The urban grid is punctuated and complemented by civic places that accommodate a variety of needs, from public gatherings and activities to quiet contemplation (see



Map 8: Transportation Network Vision on page 21 and see Map 9: Illustrative Community Open Space on page 22).

### *Civic Center at Landover, a complex of government, cultural, educational, and office uses.*

The civic center will serve as a new icon for Prince George's County and a premier institutional, business, cultural, and residential neighborhood. The tallest structures, located adjacent to the Capital Beltway, are architecturally distinctive and visible from passing vehicles. Visually identifiable and attracting both office workers and visitors throughout the region, the civic center is a key component in establishing Landover Gateway's regional presence. Although the civic center is envisioned as a possible government mix of uses, it also includes educational uses (i.e., a community college or higher education satellite campus), a range of corporate and service-oriented (i.e., medical) offices, residential and hotel uses, and an attractive urban plaza at its center.

### *A vibrant Main Street and commercial core.*

The downtown features a walkable and economically vital main street that forms the central commercial spine of Landover Gateway. Mixed-use buildings, with commercial uses on the ground floor and residential and office uses above, are oriented to the street to create a continuous street wall. Wide sidewalks, ground floor retail, and a distinctive streetscape make the main street a pleasant, comfortable, and engaging place to stroll and shop.

### *A variety of neighborhoods with a range of housing types.*

Landover Gateway includes a variety of neighborhoods, ranging from housing, integrated into mixed-use districts; high-density residential neighborhoods; and neighborhoods of town homes. These neighborhoods achieve a successful housing mix, offering housing opportunities across a broad spectrum of ages and incomes. The area includes mixed-income and workforce housing in a variety of housing types, which range from single-family attached townhomes to higher-density apartment buildings of various sizes. The housing mix accommodates older adults and families with children, as well as singles and couples seeking an urban lifestyle in Prince George's County.

### *Economic development and a vital economic mix.*

The area offers a variety of employment opportunities and generates substantial tax-based revenue for the county. Landover Gateway accommodates a diverse mix of business opportunities, having attracted anchor office tenants to destinations providing retail and restaurants, while reserving space for needed neighborhood-oriented services. By combining uses, the area achieves a synergy between uses and a vitality that continues well past the end of the workday; residents patronize local businesses, cultural uses enliven the downtown and attract visitors, and major employers provide a daytime population to support businesses.

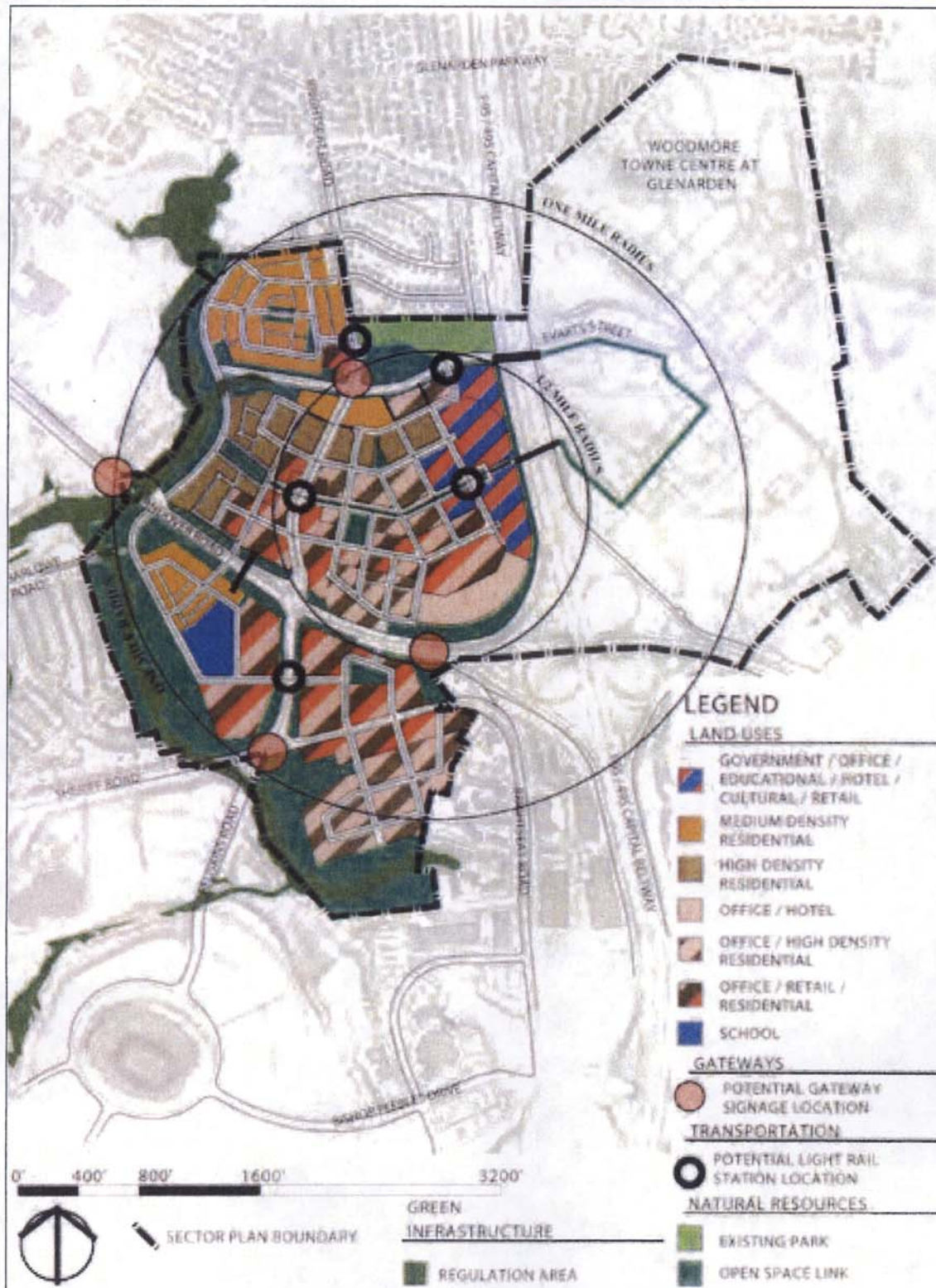
### *A fully-integrated, multimodal transportation system.*

The vision for Landover Gateway provides a comprehensive, multimodal transportation network that fully accommodates transit, automobiles, pedestrians, and bicyclists. A key component of the vision for Landover Gateway is the delivery of new transit service to the area in order to support the development envisioned area. The transportation system links Landover Gateway to other key destinations in the region, while encouraging travel on foot within the area by providing a safe pedestrian environment. The vision accommodates the addition of light-rail transit on Brightseat Road. New streets and road connections further limit traffic congestion by providing alternatives to the Brightseat Road and MD 202 intersection. New bridges across the Capital Beltway serve to unite the two sides of the sector area while fostering a complementary relationship between Landover Gateway and Woodmore Towne Centre (see Map 8: Transportation Network Vision on page 21).

### *An enhanced and expanded network of open space and civic places.*

Landover Gateway includes an expanded open space network that comprises public greens and plazas, linear parks, promenades, natural resource-based parkland, and recreational amenities. The open space system provides public focal places in the hearts of neighborhoods, settings for public gatherings and events, opportunities for quiet contemplation and appreciation of nature, attractive connections between destinations, and opportunities for





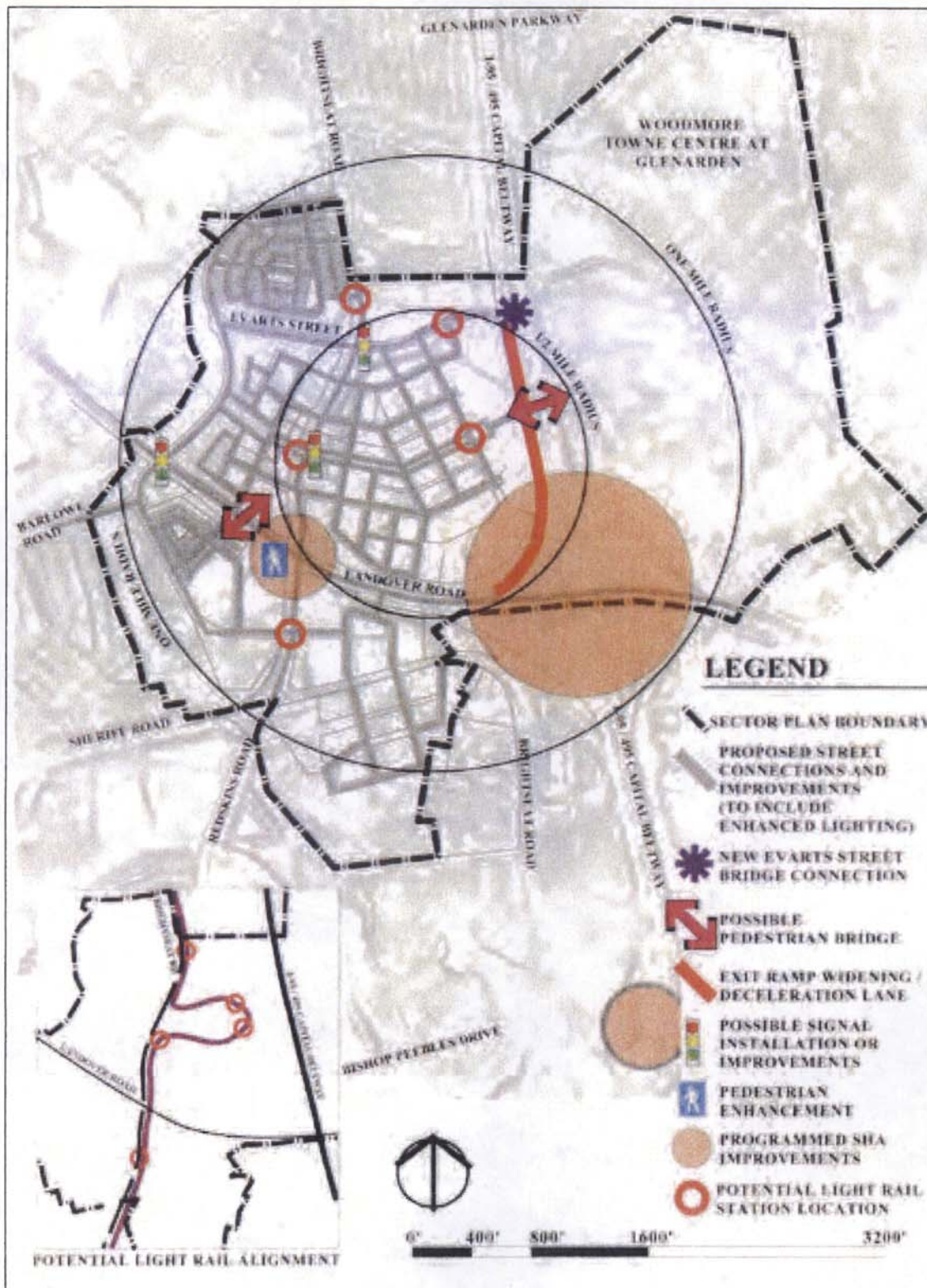
Map 6: Land Use Plan





Map 7: Illustrative Plan





Map 8: Transportation Network Vision



M-NCPPC open space, north of the mall site, and the educational center property located southwest of MD 202. The former Landover Mall site consists of nine parcels, with the majority of the site (all but three parcels) now owned by a single entity.

### Goals

- Encourage a high concentration of land uses and economic activities that attract employers, workers, and customers.
- Encourage high- and moderate-density residential development.
- Ensure that Landover Gateway can be effectively served by mass transit and that future development is transit-supportive.
- Capitalize on public investment in the existing transportation system.
- Promote compact, mixed-use development at moderate to high densities.
- Ensure transit-supportive and transit serviceable development.
- Require pedestrian-oriented and transit-oriented design.
- Ensure compatibility with surrounding neighborhoods.
- Provide a variety of housing types for a range of incomes, including affordable and workforce housing.

***Policy 1. Create a vibrant new downtown for Prince George's County in the area on and around the former Landover Mall site.***

#### Strategies

- Develop a mix of uses and activities that will foster a vibrant, 24-hour downtown environment.
- Encourage densities high enough to foster economic vitality and support transit service.
- Ensure a compact, walkable design with key destinations within walking distance.

- Design a downtown core that is both centrally located and accessible.
- Provide a range of amenities and services that cater to a variety of consumers, including local residents and recreational, service, and business-related visitors and workers.
- Encourage a vertical mix of uses in the downtown core.
- Incorporate a wide variety of neighborhoods in the downtown area.

***Policy 2: Improve connectivity in the sector area by creating a compact network of pedestrian-friendly streets.***

#### Strategies

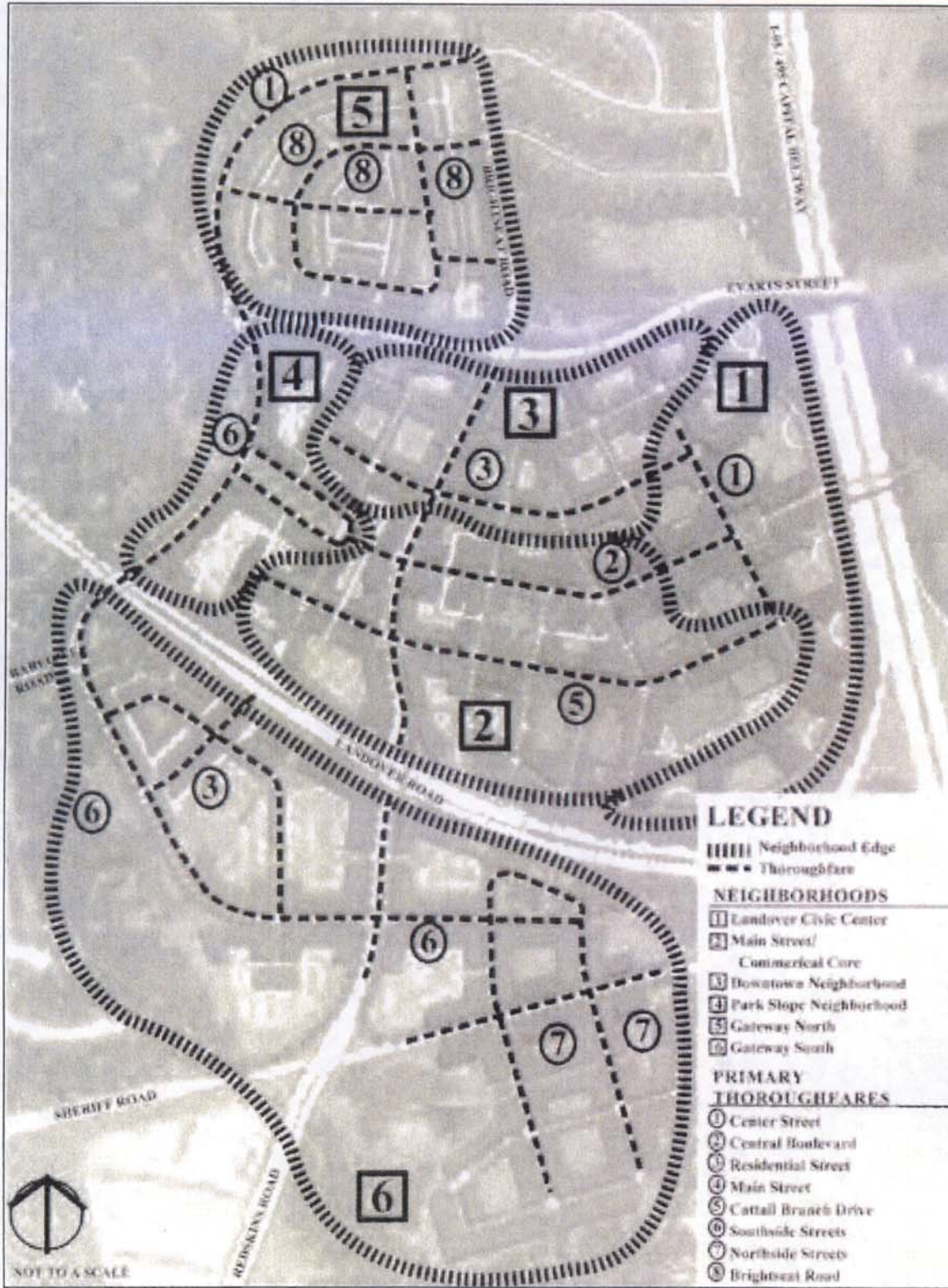
- Create a network of connecting streets that open up large parcels of land to innovative development patterns in the sector plan area.
- Encourage a walkable, connected pattern of streets throughout the area.
- Create a range of block sizes with many small blocks that foster an urban, walkable environment.
- Pursue opportunities to enhance road connectivity by providing alternate routes that bypass major thoroughfares, such as Brightseat Road and MD 202.
- Upgrade Brightseat Road and MD 202 as pedestrian-friendly thoroughfares, employing traffic-calming measures and improving the safety and comfort of pedestrian crossings on Brightseat Road and MD 202.

***Policy 3: Establish new transit connections to the area and encourage transit-oriented development and design.***

#### Strategies

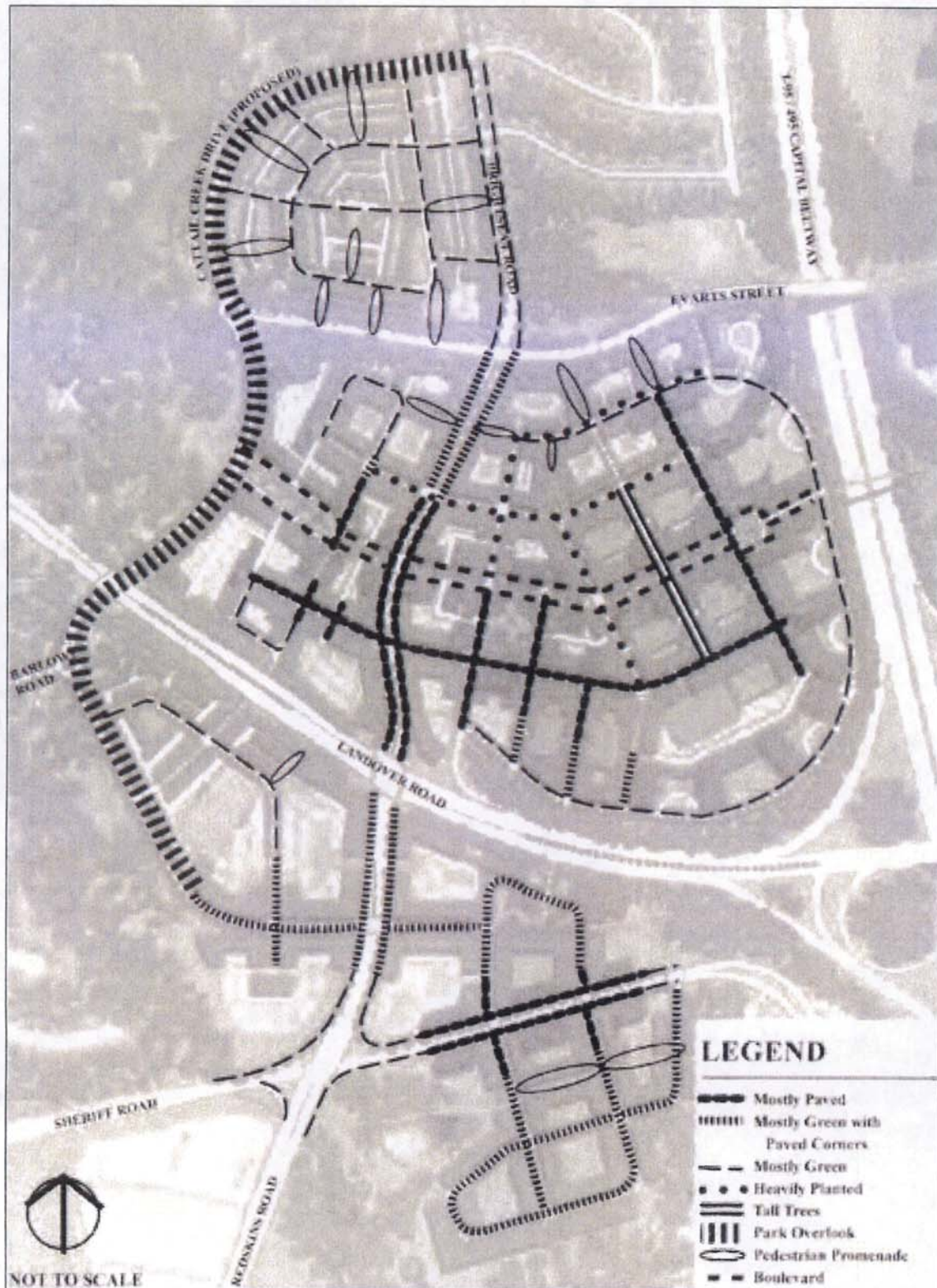
- Work with federal, state, and county officials to deliver light rail connections into Landover Gateway.





Map 11: Illustrative North, Core, and South Neighborhoods and Primary Thoroughfares





Map 12: Illustrative Streetscapes



***Policy 6: Integrate a variety of open space areas as part of the larger open space and environmental network.***

### ***Strategies***

- Protect and enhance the Cattail Branch stream valley, while providing linkages to the proposed resource-based greenway.
- Create linear parks at the edges of resource-based greenways and outside of environmentally regulated areas.
- Incorporate stormwater facilities as attractive and accessible planted amenities.

### **Design Guidelines**

In order to achieve the goals of the sector plan and create a coherent street space throughout the sector plan area, the following design guidelines have been formulated to guide development in the approved M-X-T Zone (see Map 4: Approved Zoning on page 15), which encompasses the entire sector planning area. Four distinct design districts (see Map 13: Design District Boundaries on page 51) are established based on the sector plan's vision, neighborhoods, and focus areas. Each district includes design principles and building envelope guidelines. The build-to line (BTL) is referenced to ensure building siting at the street throughout the plan. For each district, the BTL should be the inside edge of the sidewalk, no matter the sidewalk width. Fenestration is understood as the transparent or translucent elements of a building's façade. The building's façade is all of the building's faces except those that directly adjoin an adjacent building.

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and service areas. All streets should provide for a range of transportation modes.

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***Policy 1: Establish four mixed-use design districts, each with appropriate density and height recommendations for a downtown environment. Each should have a logical distribution of density, while respecting existing lower density neighborhoods. Each district's density is transit supportive. (See Map 13: Design District Boundaries on page 51.)***

### ***Strategy 1: Beltway Focus Design District***

Develop a core area that contains an imaginative mix of government, education, cultural, hospitality, commercial office, and residential uses. This area serves as a regional draw and economic magnet that brings employers, visitors, workers, and residents to the Landover Gateway area. The buildings envisioned for the area of the Beltway Focus District have distinctive designs, are prominently visible from the Capital Beltway, and function as identifiable visual icons.

- Range of Land Use Mix:
  - Office/Educational/Cultural: 80–85 percent
  - Retail: 7–20 percent
  - Residential: 1–10 percent
  - Hospitality: 7–10 percent
- Building Height Ranges: 6–20 stories with most buildings a minimum of eight stories



- When deemed appropriate, designate the Landover Gateway sector plan area as a Transportation Priority Growth District (TPGD), which is a strategy recommended in the preliminary countywide MPOT. This designation would provide flexibility for managing congestion and implementing effective vehicle trip reduction measures within the Landover Gateway sector plan area, especially when development levels exceed the recommended levels for the short-term transportation stage.
- Develop advanced parking management for parking facilities within the sector plan area. Also explore electronic parking management systems that include sensors to guide motorists to available parking spaces. A local example is the Baltimore-Washington International Thurgood Marshall Airport parking garages.
- Work to attract public and private investment to the sector plan area. Consider all feasible financing mechanisms for provision of the recommended fixed guideway transit line from New Carrollton to the sector plan area and south to either Morgan Boulevard and/or Largo Metro Stations.

## Roads

The proposed roadway system consists of the recommended improvements to the existing roadways and construction of planned transportation facilities that support the development pattern envisioned by the sector plan.

## Background

The basic road infrastructure for the Landover Gateway area is in place (see Table 1: Highway Network on page 85), and very few new roadways are currently planned. The construction of the nearby FedEx Field and the opening of the Largo Town Center and Morgan Boulevard Metro stations called for a new Capital Beltway (I-95/I-495)/Arena Drive interchange and other roadway improvements.

This interchange will be upgraded to full-time operation status by mid-2009. As part of the interstate access point approval for the conversion of Arena Drive interchange to full-time operation, the county supports the connection of Campus Way/Ruby Lockhart Way to Evarts Street over the Capital Beltway (I-95/I-495). The proposed connection

is in accordance with District Council and the Planning Board resolutions approving the Woodmore Towne Centre development.

The current average daily traffic volume on the Capital Beltway (I-95/I-495) within the Landover Gateway sector plan area ranges from 199,400 to 216,900, which operates at level-of-service E. The average daily traffic on MD 202 through the sector plan area ranges from 39,900 to 54,000, which operates at level-of-service D. Brightseat Road carries an average daily traffic volume of 13,200 to 17,000, which operates at a level-of-service range from C–F.

The following six-level system (A–F) defines the transportation level-of-service on a given transportation roadway segment.

*Policy 1: Provide roadway improvements that are fully integrated with land use recommendations in the sector plan to achieve accessibility, circulation, and development goals.*

*(See Map 19: Transportation Functional Classification on page 84.)*

## Strategies

- Create a balanced, multifunctional network of streets and highways.
- Provide attractive and safe shared road spaces that accommodate pedestrians, bicyclists, transit vehicles (bus, fixed guideway transit), and other motorized vehicular traffic.

## Freeways

Freeways are divided highways for through traffic with full control of access and grade-separated interchanges at selected public roads. Rights-of-way range from 300–400 feet.

### *I-95/I-495 (Capital Beltway)*

The sector plan does not recommend any additional changes or modifications to the planned widening of this facility to ten lanes as proposed in the State Highway Administration (SHA) Capital Beltway Corridor Study or its existing and planned interchange configurations.



## Expressways

Expressways are divided highways for through traffic with full or partial control of access and interchanges at selected public roads with some at-grade intersections at 1,500-2,000 foot intervals. Rights-of-way range from 200 to 300 feet.

### *MD 202 (Landover Road)*

Improve MD 202 to a six-lane expressway between the Capital Beltway and Barlowe Road. Amenities within the right-of-way should include an off-road trail, improved lighting, and special pedestrian crosswalks at the signalized intersection of MD 202 with Barlowe Road/Cattail Creek Drive/Evarts Street extended.

The sector plan recommends that the development community coordinate with the Maryland SHA and Prince George's County Department of Public Works and Transportation (DPW&T) to begin initiation of project planning, design, and construction of the most effective, efficient, pedestrian-friendly configuration that accommodates the recommended fixed guideway transit (Purple Line extension) at the intersection of MD 202 with Brightseat Road. To do this, the plan recommends a comprehensive evaluation of a wide range of alternatives, including the approved grade-separated interchange concept, the recommended urban diamond interchange, and/or the provision of a new north-south roadway with a grade separated at MD 202, extending from Evarts Street to Brightseat Road south of MD 202 and east of the Brightseat Road and Sheriff Road intersection. **Until a final concept is selected, the plan recommends all new development and redevelopment applications within the sector plan area consider an urban diamond interchange as the preferred concept.**

## Arterials

Arterials are highways for through and local traffic, either divided or undivided, with controlled access to abutting properties and at-grade intersections. Rights-of-way are generally 120 feet.

The plan recommends reconstruction of Brightseat Road as a six-lane divided roadway between MD 202 and Sheriff Road. Amenities within the right-of-way should include wide sidewalks, improved lighting, on-road bicycle lanes,

and pedestrian crosswalks delineated with special pavement or markings. The reconstructed road should be sufficiently wide to accommodate the recommended fixed guideway transit (Purple Line extension) serving the sector plan area.

## Major Collectors

Major Collectors are four-lane divided roadways with controlled access to abutting properties and at-grade intersections. They generally have 90-100 foot rights-of-way. Direct access to abutting properties is controlled by DPW&T policy on major collectors.

### *Ruby Lockhart Boulevard extended/Evarts Street and Bridge over I-95/I-495*

Reconstruct and extend Evarts Street across the Capital Beltway (I-95/I-495) from Brightseat Road to the planned Ruby Lockhart Boulevard as a major collector. Amenities within the right-of way should include wide sidewalks, improved lighting, on-road bicycle lanes, and pedestrian crosswalks with special pavement or marking at all intersecting streets.

### *New North/South Boulevard*

Construct a new north-south roadway with a tunnel under MD 202 extending from Evarts Street to Brightseat Road east of its intersection with Sheriff Road.

### *New East/West Boulevard (Main Street)*

Extend a new four-lane divided roadway (referred to as the main street) within the core area of the sector plan area between Evarts Street and MD 202, extending east from Brightseat Road.

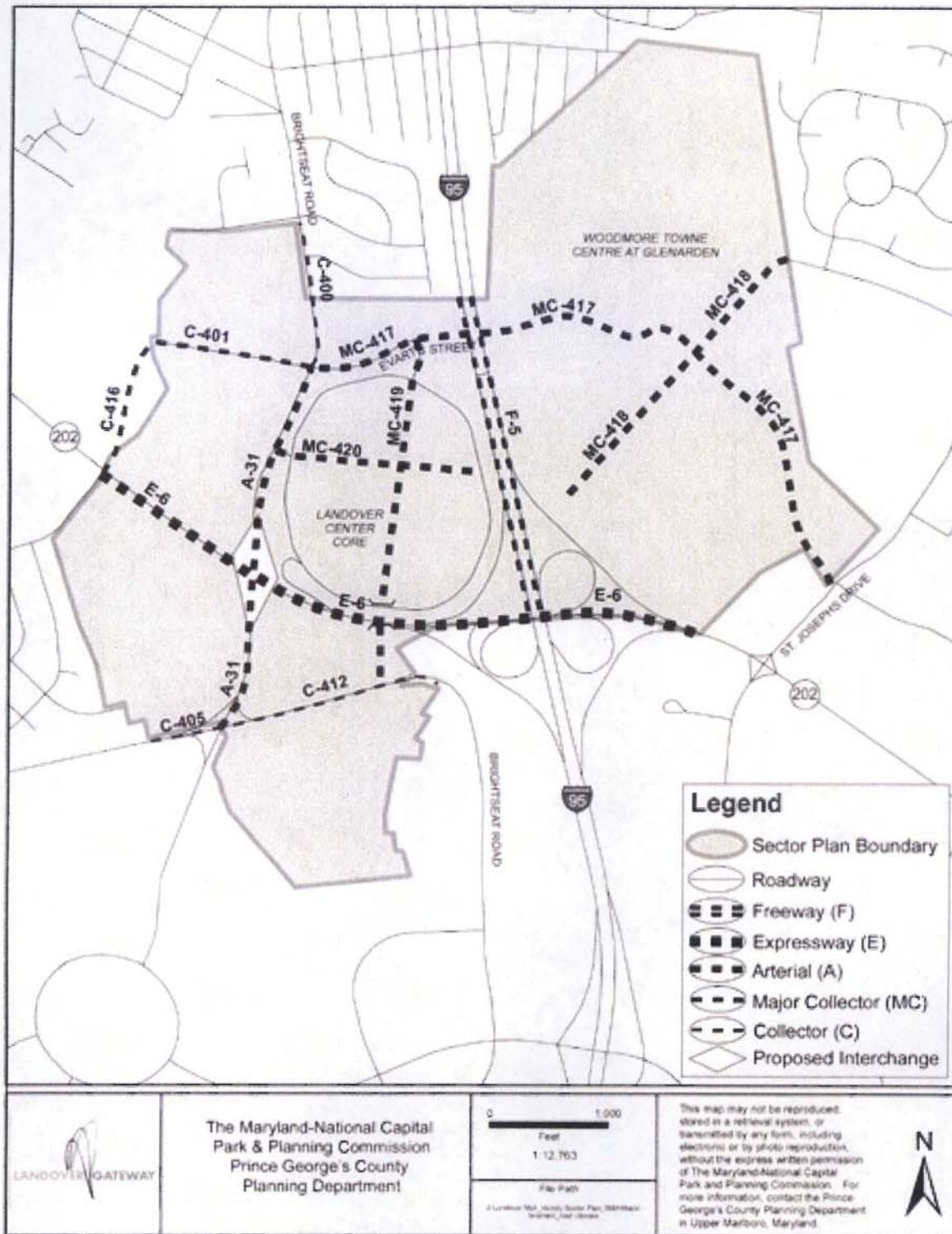
## Collectors

Collectors are two- or four-lane roadways with minimal control of access providing movement between developed areas and the arterial system. They generally have 70-80 foot rights-of-way.

### *Brightseat Road*

Improve Brightseat Road from Evarts Street to Ardwick-Ardmore Road and from Sheriff Road to Arena Drive as an undivided four-lane collector facility. Amenities within





Map 19: Transportation Functional Classification



**Table 1: Highway Network**

Roadway Name	Limits	Number of Through Lanes	Rights-of-Way (ft.)
F-5: I-95/I-495	MD 202 to North of Evarts Street	10-12	300 min.
E-6: Landover Road (MD 202)	St. Joseph Drive to Barlowe Road	6	150-200
A-31: Brightseat Road	Sheriff Road to Evarts Street	6	120
MC-417: Evarts Street/Ruby Lockhart Boulevard	Brightseat to St. Joseph Drive	4 Divided	90-110
MC-418: Campus Way North	Eastern Boundary of Woodmore Towne Centre to Ruby Lockhart Boulevard	4 Divided	90-110
MC-419: New North/South Boulevard	Evarts Street to Brightseat Road south of MD 202	4 Divided	90-110
MC-420 Main Street	West of I-95/I-495 to Brightseat Road north of MD 202	4 divided	90-110
C-345: St. Joseph Drive	MD 202 to Campus Way North	4	80
C-400: Brightseat Road	Evarts to Ardwick Ardmore Road	4	80
C-401: Evarts Street Extended	Brightseat Road to Cattail Creek Drive	4	80
C-412: Brightseat Road	Sheriff Road to Redskin Drive	4	80
C-416: New road (Cattail Creek Drive)	Evarts Street to MD 202	4	80

the right-of way should include wide sidewalks, improved lighting, on-road bicycle lanes, and pedestrian crosswalks at all intersecting streets.

#### *Cattail Creek Drive/Evarts Street Extended*

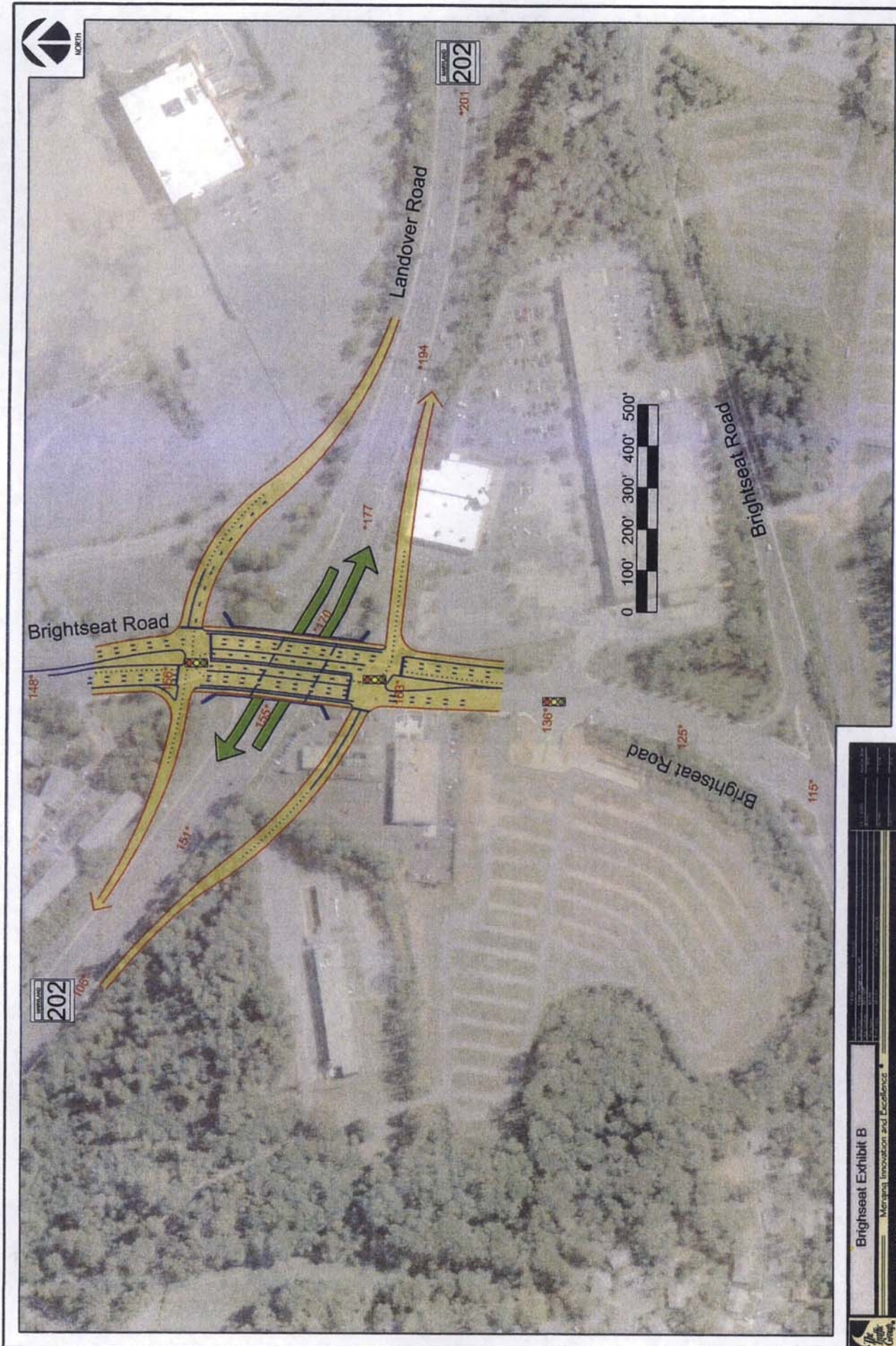
Improve and extend Evarts Street from Brightseat Road, in a southwesterly direction, to intersect with MD 202 directly opposite of Barlowe Road.

## **Transit**

### *Background*

The sector plan recommends provision of an integrated local transit service (The BUS), regional transit service (Metrobus), fixed guideway transit (Purple Line extension) that provides convenient, efficient, and user-friendly service to supplement the private automobile and buses as a mobility option. There are four existing Metro stations—Landover,





Brighthouse Exhibit B

Merging Innovation and Excellence

Brighthouse Insurance Company, Inc. 10000 North 10th Street, Suite 1000, Phoenix, Arizona 85020



REC'D BY PGCPB ON 6/26/14  
ITEM # 13 CASE # GSP-13006  
EXHIBIT # App. Exhibit F3A







REC'D BY PGCPB ON 6/26/14  
ITEM # 13 CASE # OSP-13006  
EXHIBIT # Applicant's Exhibit F-3-B







**PLANNING BOARD PRESENTATION OUTLINE**  
**BRIGHTSEAT ROAD PROPERTY**  
**CSP-13006**

1) OVERVIEW OF ISSUES

- (a) Type of community we are trying to build
  - i) JV between Chesapeake Realty Partners and Orchard Development;  
Chesapeake: 30,000 homes; Since 2010, 4,200 multifamily units in 15 communities  
Mixed Use, Urban and Sustainable projects. National Green Building  
Standard Silver or better  
Orchard: Since 1979, have built more than 6500 units, mostly in Howard County,  
including mixed use, senior, active adult. Currently manage a portfolio of 1600 units  
with 1200 more currently in development.
  - ii) 380 units, high quality, highly amenitized, gated community, similar to Paragon at Columbia  
Gateway; Will show you pictures to give you a feel of the quality of architecture, interior design  
and management proposed. Also National Green Building Standard Silver or better.
- (b) Areas we disagree with staff on: Form of Development and Road Connection;
- (c) Would be receptive to suggested form and project design if property conducive to such.

2) SECTOR PLAN

- (a) Highlight conflicts in Sector Plan and how they came to be, i.e. why it has limited applicability to the property;
  - i) Form based vs not form based: **NO OVERLAY ZONE**; Amended plan at worksession to substitute guidelines for development standards. Guidelines are recommendations, not mandates. **NO AMENDMENT OR WAIVER NEEDED.**
  - ii) General Center vs General Edge: **ORIGINALLY PROPOSED AS GENERAL EDGE, SHIFTED TO GENERAL CENTER TO PROVIDE MORE DESIGN FLEXIBILITY. LEFT CHART IN APPENDIX. BUT DESIGN GUIDELINES CONFLICT WITH THE VISION FOR NEIGHBORHOOD. GENERAL CENTER THE COMMERCIAL CORE**
- (b) Gateway South Neighborhood Vision:
  - i) DESCRIPTION OF GATEWAY SOUTH NEIGHBORHOOD VISION: PAGE 36 OF SECTOR PLAN DESCRIBES THE SCALE OF THE NEIGHBORHOOD AS RANGING FROM 2-3 STORY RESIDENCES IN THE WESTERN AREAS TO HIGH-DENSITY RESIDENTIAL AND MIXED-USE IN THE EAST.
  - ii) PAGE 48 OF SECTOR PLAN DISCUSSES VISION AND SETS FORTH GOALS AND STRATEGIES FOR IMPLEMENTING VISIONS. **GATEWAY SOUTH IS TO COMPLEMENT THE DOWNTOWN; THE SOUTHWESTERN CORNER SHOULD CONTAIN MODERATE DENSITY RESIDENTIAL DEVELOPMENT AND A NEW SCHOOL; PROTECTING THE PALMER PARK NEIGHBORHOOD WITH COMPATIBLE DEVELOPMENT IS IDENTIFIED AS A PLANNING CHALLENGE. THE GOALS OF THE GATEWAY SOUTH NEIGHBORHOOD INCLUDE MIXED USE AND RESIDENTIAL NEIGHBORHOODS THAT SUPPORT AND COMPLEMENT THE LANDOVER GATEWAY DOWNTOWN AND TO BUILD A NEW SCHOOL TO ACCOMMODATE FUTURE RESIDENTIAL GROWTH. THE POLICIES TO IMPLEMENT THESE GOALS INCLUDE MAXIMIZING THE DEVELOPMENT POTENTIAL OF THE BONNIE JOHNS FACILITY, DEVELOPING MODERN DENSITY HOUSING AND ENSURING FUTURE DEVELOPMENT THAT PROVIDES AN APPROPRIATE TRANSITION TO THE LOWER DENSITY PALMER PARK NEIGHBORHOOD. WHILE THE SECTOR PLAN ENCOURAGES**



EXPANSION OF THE STREET NETWORK TO ENHANCE CONNECTIVITY, SUCH IS NOWHERE LISTED AS A REQUIREMENT IN EVERY CIRCUMSTANCE.

- iii) THE SECTOR PLAN ENCOURAGES A VARIETY OF RESIDENTIAL DENSITIES And BUILDING TYPES ALLOWED BY THE SECTOR PLAN AND ITS DEVELOPMENT STANDARDS.

- (c) Staff's approach to conflicts? 8 Common design themes on Page 19 of Staff Report.

3) CAN'T IMPLEMENT COMMON DESIGN THEMES DUE TO SITE CONSTRAINTS

- (a) Show and discuss how these prevent implementation of common design themes
  - i) Design buildings to form a consistent street wall along the build-to line with all building entrances leading directly to the sidewalk. ENVIRONMENTAL CONSTRAINTS AND NARROW VIEWS INTO PROPERTY
  - ii) Include wide sidewalks and distinctive, visually appealing streetscape elements. ROAD DESIGNED FOR REDSKINS GAMES, NOT PEDESTRIAN FRIENDLY
  - iii) Ensure buildings are not set back to provide a continuous street wall for pedestrians. ENVIRONMENTAL CONSTRAINTS
  - iv) Use street grid patterns to create compact blocks of development. ENTRANCE FIXES ROAD LOCATION, CREATES UNWORKABLE SMALL BLOCKS. ULTIMATELY REDUCES DENSITY
  - v) Create a pedestrian-oriented environment that encourages walking and biking rather than driving, including providing direct access to all buildings from the public sidewalk. BRIGHTSEAT ROAD IS AN 8 LANE ARTERIAL DESIGNED TO MOVE TRAFFIC, GIVEN OUR ENVIRONMENTAL CONSTRAINTS, WE CAN'T CHANGE THAT
  - vi) Feature extensive vertical mixing of uses to include ground-level retail and upper-level office/industrial/cultural or residential uses. ENVIRONMENTAL CONSTRAINTS
  - vii) Build structured parking that does not intrude on or break up the consistent street wall. ABOUT PLACEMENT, BUT WE CAN'T CREATE THE STREET WALL THEY WANT
  - viii) Develop well-placed open space throughout the district to serve for formal or informal gatherings. THIS NOT REALLY ABOUT THE FORM OF THE DEVELOPMENT. WE HAVE OPEN SPACE WE WANT TO TAKE ADVANTAGE OF, PLUS CREATING INTERNAL AMENITIES.

4) STAFF RESPONSE: PUT ROAD THROUGH PROPERTY

- (a) Road is not a Master Plan Roadway
  - i) Master Plan vision (Map 6, Map 7, Map 8) show multiple potential interconnecting streets
  - ii) Master Plan transportation recommendations (pages 82 thru 85) recommend very few new roadways. The new roadways are depicted on Map 19 and listed on page 85. No road is shown through Subject Property.
  - iii) Sector Plan (page 83) requires all development applications assume an urban diamond interchange as the preferred concept. An urban diamond interchange is feasible but would require property at the corner of Brightseat Road and 202 to be condemned. This reduces need for inter-parcel connectivity.
- (b) Shown in all illustrative plans
  - i) Illustrative plans do not respect individual parcel lines.
  - ii) Illustrative plans are not feasible to implement because they do not take topography or environmental constraints into consideration;
  - iii) Property at Barlowe Road and MD 202 does not need to impact stream to access Barlowe Road.



- iii) Proposed road would only connect subject property and school site.
- (c) Required by guidelines (WES GUCKERT)
  - i) The guidelines do NOT require a second access point
  - ii) The road is not required to meet APF or for safe ingress/egress
- (d) Conclusions: Road not needed for adequacy, not required by guidelines, may not be permittable and creates small parcels which cannot be developed-reduces density;

5) OUR GOAL WAS TO BUILD THE BEST, MOST SUSTAINABLE COMMUNITY GIVEN THE SITE CONSTRAINTS: DR. DARYL CARRINGTON

- (a) Extensive thought put into design, Understand it is in Developed Tier, will attract residents who expect urban amenities;
- (b) Site was designed to be responsive to site constraints (major road to east, environmental constraints and residential communities to west)
- (c) Building layout provides convenient parking, pedestrian connectivity to amenities and to street.
- (d) Site design conforms with Sector Plan vision by supporting and complementing the downtown, providing moderate density residential development, protecting and enhancing the adjacent Palmer Park neighborhood with compatible development and protecting Cattail Creek environmental area
- (e) Proposed multi-family development is of high quality, exhibits and provides urban level of amenities.

6) REVIEW APPLICANT'S PROPOSED REVISIONS TO CONDITIONS



APPLICANT'S PROPOSED REVISIONS TO CONDITIONS  
BRIGHTSEAT ROAD PROPERTY  
CONCEPTUAL SITE PLAN CSP-13006  
JUNE 26, 2014

**FINDINGS:**

Revise the proposed number of dwelling units from 372 to 380.

**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-13006, and Type I Tree Conservation Plan TCP1-001-14 for Brightseat Road Property, subject to the following conditions:

1. Prior to certification of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. A General Note shall be added to the CSP indicating the FAR allowed and proposed.
  - b. A General Note shall be added indicating that the property is within the Interim Land Use Control (ILUC) impact area including the following language: "The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. This property is outside of the 65 dBA Ldn noise contours and is not within an Accident Potential Zone, so no noise mitigation or controls on use or density are required. The mapped categories on the subject site do not prevent any of the proposed development."
  - c. The plan shall be revised to show the bearings and distances of the subject property on Sheets 1, 5, 7 and 8.
  - ~~d. The CSP shall be revised to conceptually show a roadway that extends from the proposed access location at Brightseat Road in a westerly direction through the subject property connecting to the property to the north, Parcel 56. Notes on the plan shall indicate that the roadway will be accessible to the public.~~
  - ~~e. The CSP shall be revised to replace specific proposed building locations with a more schematic representation of a development concept that is consistent with the conditions of approval stated herein.~~
2. Prior to certification of the conceptual site plan (CSP), the Type I tree conservation plan (TCPI) shall be revised as follows:
  - a. Show the standard TCP1 approval block with an additional column listing the associated CSP number.
  - b. Show the standard woodland conservation worksheet, revised as necessary.
  - c. Remove the NRI notes from the plan.



- d. Include the following note: "The unmitigated 65 dBA noise contour shown on this plan is based on the Environmental Planning Section's noise model."
- e. Show the centerlines of Brightseat Road and Landover Road (MD 202).
- f. Revise the standard TCP1 notes as follows:
  - (1) Revise the title of the notes to: "Type 1 Tree Conservation Plan Notes;"
  - (2) Revise note 1 to reference the current CSP application;
  - (3) Revise note 9 to mention the site's proximity to Landover (MD 202) which is a master planned expressway in the vicinity of the subject site;
  - (4) Revise the standard stormwater management note to include all of the standard language;
  - (5) Add the standard note regarding woodland conservation on land to be dedicated to public agencies.
  - (6) Revise the legend to include all symbols shown on the plan.
  - (7) Eliminate all unnecessary proposed clearing and grading from areas where no development is proposed up to the minimum distance required from woodland conservation areas.
  - (8) Have the plan signed and dated by the qualified professional who prepared it.
- 3. Prior to certification of the Conceptual Site Plan, the TCP1 shall be revised and redesigned as necessary to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. At a minimum, the impacts for SWM-01 shall be further reduced; the pond shall be redesigned to eliminate the impact to the PMA for SWM-03. The garage shall be redesigned to be farther from the PMA and the area shall be redesigned to reduce the proposed sewer line to reduce SWM-03 S-01.
- 4. A traffic signal and all required and associated modifications for pedestrian and bicycle users along Brightseat Road at the proposed site access shall be provided, when deemed warranted by SHA.
- 5. ~~Prior to issuance of building permits for units 308 to 372, the applicant shall demonstrate to the County and M-NCPPC, that a road connection through the subject property extending from Brightseat Road to Barlowe Road is fully constructed per DPW&T standards and is open to traffic.~~
- 5. The Applicant shall provide a bike lane on the west side of Brightseat Road, extending across Sheriff Road on Redskins Drive to provide a bicycle connection to the Sports and Learning Complex within the existing paved section of said roadways, unless modified by SHA and/or DPW&T. The bicycle lane will not be required if it cannot be accommodated within the existing paved section of said roadways.



6. At the time of detailed site plan, ~~the following trail and bicycle issues shall be addressed and sidewalk facilities shall be shown on the plans, and a, b, and c below shall be installed as directed by the appropriate operating agency:~~
- a. ~~Pedestrian circulation in and through the site, including access from the adjacent school board property Construct a decorative wide sidewalk across the subject site's entire frontage of Sheriff Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by DPW&T.~~
  - b. ~~Facilities for bicycle storage in appropriate locations. Construct a decorative wide sidewalk across the subject site's entire frontage of Brightseat Road, consistent in treatment to the existing sidewalk along the south side of Sheriff Road. Dedication sufficient to accommodate the wide sidewalk and dedicated bike lanes shall be provided at the time of Preliminary Plan, unless modified by SHA.~~
  - c. ~~Provide standard sidewalks along both sides of all internal public roads, unless modified by DPW&T.~~
  - d. ~~Construct the master plan trail along the subject property's entire length of the tributary of Cattail Branch. The exact trail alignment will be determined at the time of detailed site plan.~~
  - e. ~~Bicycle parking may be recommended at the time of detailed site plan. The location and number of bicycle parking spaces will be determined at that time.~~
7. At the time of Detailed Site Plan, if the development application shows proposed residential uses or outdoor activity areas within the 65 dBA Ldn noise contour, a noise report shall be prepared and signed by a professional engineer with competency in acoustical analysis to determine the exact location of the unmitigated 65 dBA Ldn noise contour and to address any mitigation measures that may be needed so that outdoor noise remains at or below 65 dBA Ldn and interior noise remains at or below 45 dBA Ldn.
8. At the time of detailed site plan (DSP), the following design issues shall be addressed:
- a. The applicant shall use full cut-off light fixtures to prevent light trespass, and direct the pattern of light pooling on-site.
  - b. The applicant shall consider setting aside space for a community garden.
  - c. ~~Parking lots shall generally be provided to the rear or sides of structures, to the extent feasible.~~
  - dc. Provide sufficient visitor parking spaces evenly distributed among the multifamily units.
  - e. ~~The development shall be designed and organized so as to create cohesively designed building groups that front on an interior road extending from Brightseat Road and connecting to Parcel 56 to the north. The appearance of surface parking areas shall be~~



~~minimized. The buildings should have a strong relationship with each other as well as the internal road. The buildings should also be organized to provide quality public spaces with pedestrian connections that will provide a pleasant outdoor setting for the residents.~~

- fd.** Streetscape details, crosswalks, lighting, curb ramps, splitter island locations, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
  - ge.** Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing, shall be included for all residential and recreational buildings in the DSP.
  - hf.** All architectural elevations that are visible from Brightseat Road and Sheriff Road shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
  - ig.** ~~Front elevations of residential buildings shall be oriented toward the internal road, Brightseat Road and Sheriff Road to the extent feasible.~~ Side elevations of the multifamily buildings highly visible from the internal road, Brightseat Road or Sheriff Road shall be designed with the same attention to detail as the front elevation.
  - j.** A cohesive relationship shall be created between the residential and recreational components by using similar architectural, signage, landscape, and paving elements throughout the development.
- 9.** At the time detailed site plan, the following issues regarding private on-site recreational facilities shall be addressed:
- a.** The applicant, his successors, and/or assignees, shall provide on-site private, recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The recreational facility submission shall provide information evaluating the feasibility of providing pedestrian and bicycle connections to the existing Prince George's Sports and Learning Complex. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.
  - b.** The applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees.
- 10.** The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the DRD for their approval three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, and Maryland.



11. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational
12. At the time of Preliminary Plan review, the application package shall contain:
  - a. A stream corridor assessment using the Maryland Department of Natural Resources protocol which shall be used to plan for stream restoration efforts. The stream corridor assessment shall evaluate all on-site streams ~~and the off-site stream located between the subject site and Brightseat Road.~~
  - b. A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the master plan.
  - c. An approved stormwater concept plan which shows a site design that is consistent with the TCP1 submitted with the preliminary plan and incorporates stream restoration into the design consistent with the findings of the required stream corridor assessment.
  - d. A copy of the Erosion and Sediment Control ~~Concept~~ Plan.