



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

- A G E N D A -

THE PRINCE GEORGE'S COUNTY PLANNING BOARD

Regular Session

Thursday, November 10, 2022

10:00 AM

THE FOLLOWING ORDER OF AGENDA ITEMS IS FOR THE CONVENIENCE OF THE PLANNING BOARD AND IN NO WAY INDICATES THE ORDER IN WHICH CASES WILL BE CALLED. **ANYONE WISHING TO SPEAK AND/OR BECOME A PARTY OF RECORD MUST SIGN UP AND SUBMIT DOCUMENTATION BY 12:00 P.M. THE TUESDAY BEFORE THE MEETING BY VISITING OUR WEBSITE AT <http://pgplanning.org/812>.** PLEASE BE ADVISED THAT PERSONS WISHING TO SPEAK MAY BE SUBJECT TO TIME LIMITS AS DEEMED NECESSARY IN ORDER TO REASONABLY ACCOMMODATE ALL WHO WISH TO SPEAK. INDIVIDUALS WITH SPECIAL NEEDS ARE ASKED TO CONTACT THE PLANNING BOARD OFFICE AT 301/952-3560.

**ATTENTION: In case of inclement weather, please call 301-952-5330 as to the status of the Planning Board meeting.**

**I. ADMINISTRATIVE ITEMS**

Jessica Jones, Planning Board Administrator

1. Commissioners' Items – Resolution of Appreciation for Mary Tessier
2. Draft Minutes of PGCPB Meeting – November 3, 2022
- 3A. Legislative Work Session
- 3B. Executive Session

**II. CONSENT AGENDA**

**All items listed under the Consent Agenda have been distributed to each member of the Planning Board for review, are considered to be routine, and will be acted upon by one motion. There will be no discussion of these items as it has been indicated that there is no opposition to the staff's findings or recommendation. If discussion is desired, or if there is opposition to the recommendation, that item will be removed from the Consent Agenda and considered separately. NOTE: IT IS THE RESPONSIBILITY OF THE APPLICANT AND OTHER PERSONS OF RECORD TO BE PREPARED TO DISCUSS ON THIS SAME DATE ANY ITEM THAT IS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.**

**THE FOLLOWING ITEMS WILL BEGIN AT 10:00 A.M.**

4A. **DRAFT RESOLUTION – CASE HEARD ON OCTOBER 20, 2022**

4B. **DRAFT RESOLUTIONS – NONE**

4C. **DRAFT RESOLUTIONS – NONE**

4D. **5-22102 SYCAMORE HILL, PARCEL 1**

Council District: 05

1 Parcel (7.91 acres)

R-R Zone (Prior Zone RR) 4-12020 and DSP-21015

Fee-in-lieu: No

Located east side of Lottsford Vista Road, between Linda Vista Drive and Vista Grande Drive, across from Cleary Lane. (PA 73)

Presidential Care, LLC, Applicant

NJR & Associates, LLC., Engineer

Action must be taken on or before 11/25/2022.

STAFF RECOMMENDATION:

APPROVAL

(KAUR)

4E. **5-21152 KONTERRA TOWN CENTER EAST, PLAT 2**

**(VARIATION)**

2 Lots (10.98 acres)

**5-21153 KONTERRA TOWN CENTER EAST, PLAT 3**

Right-of-way Dedication (4.22 acres)

**5-21154 KONTERRA TOWN CENTER EAST, PLAT 4**

Right-of-way Dedication (2.87 acres)

Council District: 01

TAC-C Zone (Prior Zoning M-X-T), 4-07108 and DSP 08011

Fee-in-lieu: No

Located adjacent to the east side of I-95/I-495 (the Capital Beltway) and bounded by Konterra Drive to the north and east and MD 200 (Intercountry Connector) to the south. (PA 60)

Konterra Core Ventures, LLC, Applicant

Soltész, LLC, Engineer

Action must be taken on or before 11/19/2022.

STAFF RECOMMENDATION:

FINAL PLATS 5-21152 through 5-21154 APPROVAL

VARIATION 24-122(a) -APPROVAL  
(VATANDOOST)

4F. **5-22104 LARGO CENTRE WEST, PARCEL 1**

Council District: 06

1 Parcel (3.67 acres)

RTO-H-C Zone (Prior Zone M-U-I) 4-21060 and DSP 21049

Fee-in-lieu: No

Located on the south side of Harry S Truman Drive, east of its intersection with Largo Drive West (PA 73)

Gateway Properties Largo, LLC, Applicant

Vika Maryland, LLC., Engineer

Action must be taken on or before 12/2/2022.

STAFF RECOMMENDATION:

APPROVAL

(CONNER)

4G. **5-21155 WESTPHALIA TOWN CENTER NORTH, PLAT 1**

1 Parcel (8.48 acres)

**5-21156 WESTPHALIA TOWN CENTER NORTH, PLAT 2**

3 Parcels (14.80 acres)

**5-21157 WESTPHALIA TOWN CENTER NORTH, PLAT 3**

22 Lots and 3 Parcels (2.28 acres)

**5-21158 WESTPHALIA TOWN CENTER NORTH, PLAT 4**

40 Lots and 5 Parcels (5.78 acres)

**5-21159 WESTPHALIA TOWN CENTER NORTH, PLAT 5**

3 Parcels (5.84 acres)

**5-21160 WESTPHALIA TOWN CENTER NORTH, PLAT 6**

30 Lots and 4 Parcels (2.09 acres)

**5-21161 WESTPHALIA TOWN CENTER NORTH, PLAT 7**

44 Lots and 3 Parcels (3.38 acres)

Council District: 06

TAC-E/M-I-O Zones (Prior Zoning M-X-T/M-I-O), 4-08002 and DSP-19062

Fee-in-lieu: No

Located on the north side of MD 4 (Pennsylvania Avenue), approximately 2,350 feet north of its intersection with Woodyard Road (PA78)

DR Horton, Inc., Applicant

Rodgers Consulting, Inc., Engineer

Action must be taken on or before 12/2/2022.

STAFF RECOMMENDATION:

APPROVAL

(VATANDOOST)

4H.

**5-22062 210 MARYLAND PARK DRIVE, PLAT 1**

Council District: 07

13 Lots and 2 Parcels (3.91 acres)

LTO-C Zone (Prior Zones M-U-I/T-D-O) 4-15029 and DSP-15045

Fee-in-lieu: No

Located in the southwest quadrant of the intersection of Southern Avenue and Maryland Park Drive (PA 72)

Community First development Corp, LLC, Applicant

Soltesz, LLC., Engineer

Action must be taken on or before 12/7/2022.

STAFF RECOMMENDATION:

APPROVAL

(VATANDOOST)

**III. REGULAR AGENDA**

5.

**MRF-2022-010 POPLAR HILL SOLAR, LLC**

Council District: 09    Municipality: None

Location: Woodyard Road

Planning Area: 81A    Zone: AR/MIO

Gross Acreage: 126.03    Date Accepted: 9/12/2022

Applicant: Trajectory Energy Partners

**Request: Community Solar Facility.**

Planning Board Action Limit: 11/10/22

STAFF RECOMMENDATION:

Accept Staff Recommendation and Transmit to the Applicant

(WALKER/RAY)

6.

**MR-2019F ENTERPRISE ROAD COMMUNITY SOLAR**

Council District: 06    Municipality: None

Location: 3507 Enterprise Road, Bowie.

Planning Area: 74A

Zoning Prior: R-S    Zoning: LCD

Gross Acreage: 47.37    Date Accepted: 9 /16/2022

Applicant: Alder Energy Development, LLC

**Request: Proposed 6-acre community solar array.**

Planning Board Action Limit: 11/14/2022

STAFF RECOMMENDATION:

Accept Staff Recommendations and Transmit to the Applicant

(HASAN)

7.

**DSP-19071 THE PROMISE (ETOD)**

(TCP)(AC)

Council District: 07 Municipality: None

Location: On the south side of Southern Avenue, 2,100 feet north of its intersection with Wheeler Road.

Planning Area: 76A

Zoning Prior: M-X-T Zoning: NAC

Gross Acreage: 15.10 Date Accepted: 9/13/2022

Applicant: A Determined Seed

**Request: A mixed-use development containing 1,014 multi-family units, 37,810 square feet of commercial space and a**

**Departure from design standards for the required parking space size.**

Planning Board Action Limit: 11/17/2022

STAFF RECOMMENDATION:

APPROVAL of Request for Continuance to November 17, 2022  
(BURKE)

8.

**DDS-685 THE PROMISE (ETOD)**

Council District: 07 Municipality: None

Location: On the south side of Southern Avenue, 2,100 feet north of its intersection with Wheeler Road.

Planning Area: 76A

Zoning Prior: M-X-T Zoning: NAC

Gross Acreage: 15.10 Date Accepted: 9/13/2022

Applicant: A Determined Seed

**Request: Departure from design standards for parking space size and Section 4.10 of the Landscape Manual.**

STAFF RECOMMENDATION:

APPROVAL of Request for Continuance to November 17, 2022  
(BURKE)

**IV. SUPPLEMENTAL AGENDA**

RESOLUTION

WHEREAS, Timberlake Cedar Chase, LLC is the owner of a 22.29-acre parcel of land known as Parcel 5, recorded in Liber 15572 at folio 167; Parcel 118, recorded in Liber 15572 at folio 171; and Parcel 123, recorded in Liber 15594 at folio 275, said property being in the 7th Election District of Prince George’s County, Maryland, and being zoned Residential Estate Zone; and

WHEREAS, on July 20, 2022, Timberlake Homes, BT filed an application for approval of a Preliminary Plan of Subdivision for 200 lots and 36 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21058 for Fairwood Square was presented to the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 20, 2022; and

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

WHEREAS, pursuant to Section 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; and

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

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

WHEREAS, on October 20, 2022, the Prince George’s County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George’s County Code, the Prince George’s County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-014-2022, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21058, including a Variation from Section 24-121(a)(4), for 200 lots and 36 parcels, with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following:
  - a. Adjust the lot lines for Parcel A to provide frontage on the private right-of-way (Parcel C) and to fully encompass the proposed stormwater management facility.



- b. A note indicating that the southern vehicular access point along MD 450 (Annapolis Road) shall be limited to a right-in/right-out only access, unless modified by the operating agency with written correspondence.
  - c. A note stating that the mandatory dedication of parkland requirement is being addressed by providing on-site facilities.
  - d. Revise the commercial parcel to be indicated as Parcel 1 and provide consecutive lettering for all other parcels.
  - e. Label all parcels, saving the commercial parcel, to be conveyed to a community association.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 45700-2021, and any subsequent revisions.
  3. Prior to approval, the final plat of subdivision shall include:
    - a. Right-of-way dedication along all roadways, in accordance with the approved preliminary plan of subdivision.
    - b. The dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, and one side of private rights-of-way, as delineated on the approved preliminary plan of subdivision.
    - c. A note indicating that the southern vehicular access point along MD 450 (Annapolis Road) shall be limited to a right-in/right-out only access, unless modified by the operating agency with written correspondence.
  4. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:
    - a. Correct the preservation area table with the correct amount of area being preserved.
    - b. Add the following note below the specimen tree table: “This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-2, 4, 7 ,8 and 17.”
    - c. Have the plans signed and dated by the qualified professional who prepared them.
    - d. Correct the WCO worksheet to provide for 15 percent threshold.

5. Prior to approval of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Signage and design features to facilitate a limited right-in/right-out only access driveway from the western access point along MD 450 (Annapolis Road), as well as the driveway design and exact details/profiles of the signage, unless modified by the State Highway Administration at the time of access permit.
- b. A noise study certified by a professional engineer with competency in acoustical analysis demonstrating the proposed lots are not impacted, or that interior noise levels for dwellings impacted by the 65 dBA Ldn noise contour will be reduced to 45 dBA or less, and exterior recreational spaces will be reduced to 65 dBA or less.

6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-014-2022). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-014-2022) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

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

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

8. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated wetland and associated buffer, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

9. Prior to the issuance of any permits which impact wetlands, wetland buffers, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities as part of the development of the site, and show these facilities on a pedestrian and bikeway facilities plan, as part of the detailed site plan, prior to its acceptance:
  - a. A minimum 10-foot-wide shared-use path along the property frontage of MD 450 (Annapolis Road), unless modified by the operating agency with written correspondence.
  - b. A minimum 10-foot-wide shared-use path along the property frontage of MD 193 (Enterprise Road), unless modified by the operating agency with written correspondence.
  - c. A minimum 5-foot-wide sidewalk along both sides of the internal roadways throughout the site, including Americans with Disabilities Act curb ramps and associated crosswalks.
  - d. Provide Americans with Disabilities Act curb ramps and crosswalks crossing all vehicular access points.
  - e. Bicycle parking near the commercial building entrance, in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines.
11. In accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
12. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
13. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the site plan. Timing for construction shall also be determined at the time of detailed site plan.
14. Prior to approval of a building permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located in the southeast quadrant of the intersection of MD 450 (Annapolis Road) and MD 193 (Enterprise Road) and is 22.29 acres. The subject property is comprised of three parcels, recorded by deed in the Prince George's County Land Records as Parcel 5, recorded in Liber 15572 at folio 167; Parcel 118, recorded in Liber 15572 at folio 171; and Parcel 123, recorded in Liber 15594 at folio 275. The property is within the Residential Estate Zone under both the current Prince George's County Zoning Ordinance (known as the RE Zone) and the prior Zoning Ordinance (known as the R-E Zone). However, this PPS was reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to approved Certificate of Adequacy ADQ-2022-020. The site is subject to the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan), Subtitles 24 and 27 of the prior Prince George's County Code, and other applicable plans, as outlined herein. This PPS includes 200 lots and 36 parcels for development of 200 single-family attached dwellings and 5,000 square feet of commercial use. The site currently consists of agricultural development, which is to be removed.

Section 24-121(a)(4) of the prior Subdivision Regulations requires that lots adjacent to planned arterial classification roadways have a minimum lot depth of at least 150 feet and provide adequate protection and screening from traffic nuisances by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. The subject property has frontage on MD 450 and MD 193, both of which are classified as arterial roadways. The applicant requested approval of a variation from this 150-foot lot depth requirement for 44 lots along MD 450 and MD 193. This request is discussed further in this resolution.

The applicant also filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to allow removal of three specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The property is located on Tax Map 45 in Grids E3, E4, and F3. The property is within Planning Area 71A. The properties abutting the subject site to the east consist of single-family detached dwellings within the Legacy Mixed-Use Community (formerly the Mixed Use Community) Zone. The properties abutting the site to the south consist of single-family detached dwellings within the RE Zone under the current and prior zoning. The properties to the west, beyond MD 193 and Glenn Dale Boulevard, consist of single-family detached dwellings and vacant land within the Residential, Rural Zone under the current and prior zoning. The properties

to the north, beyond MD 450, currently consist of vacant land and commercial development within the Commercial, General and Office (CGO) (formerly the Commercial Office) Zone.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	RE	RE
Use(s)	Agricultural	Residential/Commercial
Acreage	22.29	22.29
Lots	0	200
Parcels	3	36
Dwelling Units	0	200
Gross Floor Area	0	5,000 sq. ft.

There are 35 parcels proposed, which will provide open space and private roads that will serve the development, and 1 commercial parcel, along with the 200 residential lots. All parcels, saving the commercial parcel, should be conveyed to a single community association for proportional shared maintenance responsibility between the homeowners and the commercial development. Parcel A is designated as a homeowners association parcel on the proposed PPS, but is not accessible from the proposed private right-of-way. Parcel B, which is designated as a commercial parcel, separates Parcel A from the private right-of-way and the rest of the residential lots and parcels. A proposed stormwater management (SWM) facility is also located partially within both Parcels A and B. Prior to signature approval of the PPS, the lot lines for Parcel A shall be revised so that the SWM facility is entirely within Parcel A and to provide frontage on the private right-of-way, to ensure that the SWM facility is on a community association parcel and accessible for maintenance.

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on August 5, 2022, along with the requested variation from Section 24-121(a)(4), as required, in accordance with Section 24-113(b) of the prior Subdivision Regulations.

5. **Previous Approvals**—No previous development approvals are associated with this property.
6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

**Plan 2035**

The subject property is located in the Established Communities growth policy area. The vision for the Established Communities is to create the most appropriate context-sensitive infill and low- to medium-density development (page 20).

**Master Plan Conformance**

Land Use strategy 17.1 of the master plan recommends the redevelopment of the former Frank’s Nursery property at 12205 and 12105 Annapolis Road and 5015 Enterprise Road into commercial land use (page 76). Map 16, Future Land Use, designates this property in the Commercial future land use category (page 50).

Comprehensive Zoning strategy 11.1 of the master plan recommends the reclassification of the property to the CGO Zone to support the recommended commercial development (page 89). In accordance with Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan unless the Prince George’s County Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the Prince George’s County District Council has not imposed the recommended zoning.

The District Council passed Prince George’s County Council Bill CB-050-2021 in 2021, allowing townhouses and commercial uses that are generally permitted in the Mixed Use-Transportation Oriented (M-X-T) Zone, to be developed in the R-E Zone. The District Council has not imposed the recommended zoning. Therefore, this PPS satisfies the requirements of Section 24-121(a)(5).

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. A SWM concept plan (45700-2021) approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) was submitted with this PPS. The SWM concept plan shows the use of 31 micro-bioretenation facilities, 1 submerged gravel wetland, and 1 pond.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations as they pertain to public parks and recreation and facilities.

This PPS was reviewed for conformance to the master plan, per Sections 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The proposed development aligns with the master plan goals (pages 175–187) to provide connections and improved access to high-quality parks, recreation, and open space for residents of communities along the MD 450 Corridor.

Park and recreation amenities serving the subject property are within 0.45 miles of the site, which include the Fairwood Trail and the Fairwood Park, improved with a football and soccer field, a playground, pavilion, playfields, amphitheater, and walking loop trails. The Holehurst West Park,

developed with an outdoor tennis court, trails, playground, and a picnic shelter is located within 0.99 miles of the subject property.

Separate from the evaluation of adequacy, the mandatory dedication of parkland requirements is applicable. This PPS is being reviewed per the provisions of Section 24-134 of the prior Subdivision Regulations, which pertains to the mandatory dedication of parkland, and provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities, to meet the requirement. Based on the proposed density of development, 15 percent of the net residential lot area should be required to be dedicated to the Maryland-National Capital Park and Planning Commission for public parks, which equates to 2.2 acres for public parklands. The current plan proposal calls for this requirement to be met with private on-site recreational facilities. The recreational guidelines for Prince George's County also set standards based on population. Based on the projected population for the development of 578 new residents, the typical recreational needs include picnic and sitting areas, playgrounds, open play areas, fitness trails, and basketball and tennis courts. In accordance with Section 24-135(b) of the prior Subdivision Regulations, the Planning Board may approve on-site recreational facilities in lieu of parkland dedication, provided the following are met:

- 1. Such facilities will be superior, or equivalent, to those that would have been provided under and the provisions of mandatory dedication;**
- 2. The facilities will be properly developed and maintained to the benefit of future residents of the subdivision through covenants, a recreational agreement, or other appropriate means, that such instrument is legally binding upon the subdivider and his heirs, successors, and assignees, and that such instrument is enforceable, including enforcement by the Planning Board; and**
- 3. No permit for construction or occupancy of dwellings will be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.**

At the August 5, 2002 SDRC meeting, staff recommended the creation of a larger and more centralized green space within the proposed development and suggested a revision of the site by combining proposed Parcels N, O, P, and Q (or alternative variation), to create a central open space tract accessible by all residents. During a virtual meeting on August 31, 2022, and in writing on September 13, 2002, (Point-By Point Response, page 3, Parks comments No.2) the applicant indicated that the design team developed two alternative layout options, both of which negatively impacted the development proposal due to either the loss of visitor parking or SWM impacts. As a result of the challenges presented, the lot layout as proposed is approved.

On a conceptual basis, the applicant has proposed outdoor recreational amenities that include a tot lot, sitting area and pergola, a grilling area, and tables. The applicant's proposal to provide on-site recreational facilities will meet the requirements of Section 24-135(b). These facilities will be reviewed in further detail at the time of detailed site plan (DSP).

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan, to provide the appropriate transportation facilities.

**Master Plan Right of Way**

The subject site is served by the following master plan roads:

- MD 450, a four to six-lane arterial road (A-23) within a 120 to 150-foot-wide right-of-way. Within the northwestern property boundary, the applicant is proposing 0.22 acre of additional right-of-way dedication. This additional right-of-way dedication is consistent with the recommendation in the master plans.
- MD 193, a four-lane arterial road (A-27) within a 120 to 200-foot right-of-way. The portion of A-27 on which the property fronts is already built to its ultimate master plan cross-section. Consequently, no addition right-of-way is required.

**Master Plan Pedestrian and Bike Facilities**

This PPS is subject to the MPOT. The subject property fronts the recommended master-planned side path along MD 450, and the master-planned bicycle lane along the frontage of MD 193.

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

**Policy 2:**

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

**Policy 4:**

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

This development is also subject to the master plan, which recommends minimum 10-foot-wide shared-use paths along MD 450 and MD 193, along the property frontage. The following policies and strategies are provided for pedestrian and bicyclist facilities (page 113):

**Policy TM 3:**

**Enhance active transportation infrastructure to create greater quality of life and attract businesses and employees.**



**Policy TM 7:**  
**Develop a comprehensive shared-use path network in Bowie-Mitchellville and Vicinity to provide additional connectivity and travel options.**

**Policy TM 8:**  
**Support development of traffic calming interventions to create safer streets for all users.**

**Policy TM 14:**  
**Support active transportation infrastructure.**

The above policies, strategies, and recommendations all support a multimodal community. The applicant shall construct the master plan facilities along the frontages of MD 450 and MD 193, unless modified by the operating agency. In addition, a minimum of a 5-foot-wide sidewalk, landscape strip and associated Americans with Disabilities Act curb ramps and crosswalks should be provided throughout the site for continuous connections.

#### **Transportation Planning Review**

The latest PPS proposed two vehicular access points to the site along MD 450 via one right-in/right-out (southern access) and one full access point (northern access). The existing site currently operates with two access points, to which the southern access point is gated, and the northern access point is the primary driveway with full access movement. The southern access provides an approximate 400-foot corner clearance from the right turn movement from northbound MD 193, to which the Maryland State Highway Administration (SHA) recommends a minimum of 200-foot clearance. The proposed access locations, designated as the private street entrances to the subdivision, are acceptable. However, the access approval will ultimately need to be deemed acceptable by the operating agency, SHA.

The PPS includes 44-foot-wide private streets in addition to 22-foot-wide alleys. The right-of-way provided along the internal roadways is sufficient to accommodate a minimum 5-foot-wide sidewalk and 5-foot-wide landscape strip throughout the site.

Based on the preceding findings, the vehicular, pedestrian and bicycle transportation facilities will serve the proposed subdivision, meet the findings required of Subtitle 24 of the County Code, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan provides goals and policies related to public facilities (pages 165–177), including the goal to ensure “all students have quality educational instruction in modern facilities,” and have “fire and emergency medical (EMS) respond areawide in established response times” as well as schools, libraries, and public safety, parks and recreation, and water and sewer service policies, and strategies. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed on the subject property. This PPS is further supported by an approved certificate of adequacy (ADQ-2022-020), which ensures adequate public facilities to support the proposed land use. The 2008 *Approved Public Safety Facilities*

*Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, none of which affect this site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2018 Water and Sewer Plan placed this property in the Water and Sewer Category 4, Adequate for Development Planning. Category 4 comprises properties inside the envelope eligible for public water and sewer for which the subdivision process is required. Category 3 must be obtained via the Administrative Amendment process before approval of a final plat, which will be required by DPIE prior to their signature on the final plat.

11. **Public Utility Easement**—Section 24-122(a) of the prior Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site has frontage along the existing public rights-of-way MD 450 and MD 193. The PPS depicts the 10-foot-wide PUEs along both rights-of-way. Section 24-128(b)(12) of the prior Subdivision Regulations requires at least one 10-foot-wide PUE on either side of private rights-of-way. The PPS depicts 10-foot-wide PUEs along either side of all private rights-of-way.

12. **Historic**—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. A Phase I archeology survey is not required. The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources. The master plan contains goals and policies related to historic preservation (pages 157–166). However, these are not specific to the subject site or applicable to the proposed development. This proposal will not impact any Prince George's County historic sites, historic resources, or known archeological sites.
13. **Environmental**—PPS 4-21058, was accepted for review on July 20, 2022. Comments were provided in an SDRC meeting on August 5, 2022. Revised information was received on September 14, 2022. The following applications and associated plans have been reviewed for the subject site:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-131-06	N/A	Staff	Approved	11/21/06	N/A
NRI-131-06-01	N/A	Staff	Approved	7/5/19	N/A
NRI-131-06-02	N/A	Staff	Approved	7/12/22	N/A
4-21058	TCP1-014-2022	Planning Board	Approved	10/20/22	Pending

**Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 because this application is for a new PPS.

**Site Description**

The site was previously developed as a landscape nursery. A review of the available information indicates that regulated environmental features, such as a nontidal wetland with associated buffers, are present on-site. There are no streams or 100-year floodplain on-site. According to the Sensitive Species Project Review Area Map, received from the Maryland Department of Natural Resources Natural Heritage Program and used on PGAtlas, there are no rare, threatened, or endangered species found to occur on or near this property. The site has frontage on MD 450 and MD 193, which are both identified as master plan arterial roadways, and as historic roadways.

**Plan 2035**

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. According to the 2017 *Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the southern half of the project area is identified in the evaluation area.

**Master Plan Conformance**

The master plan includes applicable goals, policies, and strategies. The following policies are applicable to the current project regarding natural resources preservation, protection, and restoration. The text in **BOLD** is the text from the master plan, and the plain text provides comments on plan conformance.

**Natural Environment Section**

*Green Infrastructure*

**Policy NE 1:**

**Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or redevelopment.**

**Strategies:**

**NE 1.1 Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review processes.**

The PPS has been found in conformance with the Green Infrastructure Plan. Protection of green infrastructure elements and regulated environmental features of the site will be further evaluated with future development applications.

**Policy NE 2:**  
**Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 41. Nontidal Wetlands of Special State Concern (NTWSSC)—2017).**

**Strategies:**

**NE 2.1 Continue to protect the NTWSSC and associated hydrologic drainage area located within the following areas:**

- **The Belt Woods Special Conservation Area**
- **Near the Huntington Crest subdivision south of MD 197, within the Horsepen Branch Watershed.**
- **In the northern portion of Bowie Mitchellville and Vicinity adjacent to the Patuxent Research Refuge and along the Patuxent River north of Lemon Bridge Road.**

There are no NTWSSC within the vicinity of this property, as mapped on Map 41 of the master plan.

***Stormwater Management***

**Policy NE 3:**  
**Proactively address stormwater management in areas where current facilities are inadequate.**

This project is subject to SWM review and approval by DPIE. An approved SWM concept plan (45700-2021) was submitted with this PPS, which shows 31 micro bioretention facilities, 1 submerged gravel wetland, and 1 pond. A final SWM design plan in conformance with County and state laws will be required prior to issuance of any grading permits for this site.

***Forest Cover/Tree Canopy Coverage***

**Policy NE 4:**

**Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.**

**Strategies:**

- NE 4.1 Use funding from the Prince George’s County Woodland Conservation Fund to reverse the decrease in tree canopy coverage in Folly Branch, Horsepen Branch, and Upper Patuxent River watersheds through reforestation programs.**
- NE 4.2 Plant street trees to the maximum extent permitted along all roads and trail rights-of-way (see Transportation and Mobility).**
- NE 4.3 Increase City of Bowie’s funding for the Emerald Ash Borer Abatement Program.**

Development of this site will be subject to the requirements of tree canopy coverage (TCC) and the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Additional information regarding woodland preservation, reforestation, and TCC will be evaluated with future development applications.; however, the Type 1 tree conservation plan (TCP1) submitted with the PPS shows approximately 0.45-acre will remain in woodland. Street tree planting requirements will be reviewed by the Prince George’s County Department of Public Works and Transportation (DPW&T).

***Impervious Surfaces***

**Policy NE 5:**

**Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.**

**Strategies:**

- NE 5.1 Retrofit all surface parking lots using ESD and best stormwater management practices when redevelopment occurs. Plant trees wherever possible to increase tree canopy coverage to shade impervious surfaces, to reduce urban heat island effect, limit thermal heat impacts on receiving streams, and slow stormwater runoff (see TM 11.1).**

**NE 5.2                    Retrofit streets pursuant to the 2017 DPW&T Urban Streets Design Standards as recommended in the Transportation and Mobility Element, which include increased tree canopy cover for active transportation comfort and stormwater management practices.**

Development of the site will be subject to the current SWM regulations, which require that environmental site design (ESD) be implemented to the maximum extent practicable. Development of this site will be subject to the current woodland conservation ordinance requirements, including the TCC requirement. Street tree planting requirements will be reviewed by DPW&T.

***Climate Change***

**Policy 6:  
Support local actions that mitigate the impact of climate change.**

**Strategies:**

**NE 6.1                    Support implementation of the City of Bowie Climate Action Plan 2020-2025 and the Metropolitan Washington 2030 Climate and Energy Action Plan.**

**NE 6.2                    Continue to support and promote the Prince George's Climate Action Commission as per Council Resolution CR-7-2020 to develop a Climate Action Plan for Prince George's County to prepare for and build resilience to regional climate change impacts, and to set and achieve climate stabilization goals.**

Development of this site is subject to the current WCO and TCC requirements. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change.

**Green Infrastructure Plan**

According to the Green Infrastructure Plan, the southern half of the site is in the evaluation area, with the remainder of the site outside of the green infrastructure. The conceptual design, as reflected on the PPS and the TCP1, meets the goals of the Green Infrastructure Plan, and focuses development outside of the most sensitive areas of the site.

**Environmental Review**

**Natural Resources Inventory**

A natural resource inventory (NRI-131-06-02) was approved on July 12, 2022 and was provided with this PPS. The site contains a nontidal wetland with its associated buffer. There are

11 specimen trees scattered throughout the site. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI.

### **Woodland Conservation**

This site is subject to the provisions of the WCO because the application is for a new PPS, as well as the Environmental Technical Manual (ETM). TCP1-014-2022 has been submitted with the subject PPS and requires minor revisions to be found in conformance with the WCO.

Based on the TCP1 submitted with this PPS, the site's gross area is 22.29 acres, contains 1.84 acres of woodland in the net tract, and has a woodland conservation threshold of 5.57 acres (25 percent). The woodland conservation worksheet proposes the removal of 0.92 acre in the net tract area, for a woodland conservation requirement of 6.30 acres. According to the worksheet, the requirement is proposed to be met with 0.45 acre of woodland preservation and 5.85 acres of reforestation off-site. The forest stand delineation has identified 11 specimen trees on-site. This PPS proposes the removal of five specimen trees. The site is zoned R-E, but conforms to Footnote 144 of Section 27-441, which allows the site to be reviewed under the M-X-T standards. The correct woodland conservation threshold for this development is 15 percent. A condition has been added that requires the TCP1 and associated worksheet be updated to provide the correct threshold.

Technical revisions to the TCP1 are required and included in the conditions listed at the beginning of this resolution.

### **Specimen, Champion, or Historic Trees**

Tree conservation plans are required to meet all the requirements of Subtitle 25, Division 2 of the County Code, which includes the preservation of specimen trees in accordance with Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance. (Refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances.)

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

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the WCO), provided all the required findings in Section 25-119(d)(1) can be met. An application for a variance must be accompanied by a statement of justification (SOJ) stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 variance application and a SOJ in support of a variance, dated August 11, 2022, were submitted.

The approved NRI identifies a total of 17 specimen trees; 6 trees are considered off-site, with 11 on-site. The following analysis is the review of the request to remove five specimen trees located on-site.

The SOJ requested the removal of 5 of the existing 11 specimen trees located on-site. Specifically, the applicant seeks to remove Specimen Trees 2, 4, 7, 8, and 17. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the buildings and associated infrastructure.

**SPECIMEN TREE SCHEDULE SUMMARY  
FOR FIVE TREES PROPOSED FOR REMOVAL ON TCP1-014-2022**

Specimen Tree Number	Common Name	Dbh (Inches)	Condition	Applicant's Proposed Disposition
2	Red Maple	31	Good	Remove
4	American Sycamore	31	Poor	Remove
7	Pin Oak	35	Fair	Remove
8	Red Maple	31	Fair	Remove
17	Yellow Poplar	34	Poor	Remove

The required findings of Section 25-119(d)(1) are as follows:

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain Specimen Trees 2, 4, 7, 8, and 17. One of the trees is in good condition, two are in fair condition, and two are in poor condition. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location. Due to the topography of the site, placement of the SWM facility and entrance road is limited. The trees are located where necessary infrastructure must be placed; the health of the trees has a history of low survival tolerance to construction.

The property is 22.29 acres and contains a non-tidal wetland and associated buffer, which limits the developable areas of the site. These existing conditions are peculiar to the property.

The proposed use, single-family attached dwelling units and retail, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without additional variances. Requiring the applicant to retain the five specimen trees on the site would further limit the area of the site available for development, to the extent that it would cause the applicant an unwarranted hardship.



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

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

The specimen trees proposed for removal are located within areas of the property integral to the effective development of the site. Specimen Tree 17 is located along the site's frontage on MD 450. Given the tree's poor condition and location, retaining the tree would pose a hazard to the site and the adjoining roadway. Grading and SWM are proposed in the location of Specimen Trees 2, 4, 7, and 8. Retention of these trees would have a considerable impact on meeting the development potential of this site. Therefore, given the location and species of the specimen trees proposed for removal, retaining the trees, and avoiding disturbance to the critical root zone would have considerable impact on the development potential of the property, and deprive the applicant a right commonly enjoyed by others in similar areas.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other properties contained regulated environmental features and specimen trees in a similar condition and location on a site, the same considerations would be provided during the review of the required variance application. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the five specimen trees would be the result of the grading required for the development to achieve optimal development for the single-family attached site. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

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

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

Granting this variance request will not violate state water quality standards, nor cause measurable degradation in water quality. The project is subject to SWM regulations, as implemented locally by DPIE. The project is subject to ESD to the maximum extent practicable. Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Stormwater management, erosion, and sediment control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state standards. State standards are set to ensure that no degradation occurs. The removal of five specimen trees will not directly affect water quality.

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 2, 4, 7, 8, and 17.

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

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site regulated environmental features include a nontidal wetland and its associated buffer.

Section 24-130(b)(5) states:

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

Impacts to 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 the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an

existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The revised TCP1 that was submitted September 14, 2022, shows part of a SWM pond outfall in the nontidal wetland buffer. Per Subtitle 32 of the County Code, DPIE is the approving agency for impacts to nontidal wetlands, when not associated with primary management area. DPIE has an approved SWM concept plan (45700-2021) showing this pond outfall in the nontidal wetland buffer.

#### **Soils**

The predominant soils found to occur on-site according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex, and Collington-Wist-Urban land complex. Neither Marlboro clay nor Christiana complexes have been identified on or within the immediate vicinity of this property.

14. **Urban Design**—The subject application is evaluated for conformance with the applicable plans and requirements, as follows:

#### **Conformance with the Zoning Ordinance**

The District Council passed CB-050-2021 in 2021, allowing townhouses and commercial uses that are generally permitted in the M-X-T Zone to be developed in the R-E Zone, subject to Footnote 144, requiring conformance with three specific criteria including DSP approval. Conformance with these regulations and additional Zoning Ordinance regulations is required for the proposed development at the time of DSP review, including but not limited to the following:

#### **Footnote 144: Provided, and notwithstanding any other provision of this Subtitle, that:**

- a. **The uses are located on property or an assemblage of adjacent properties that:**
  1. **Prior to its subdivision to create any residential and commercial parcels or lots had a land area of at least twenty (20) acres;**
  2. **A portion of the boundary of the assemblage of adjacent properties is located at, and has frontage on, two intersecting roadways with a functional transportation classification of arterial or higher on the Master Plan of Transportation;**

- 3. A portion of the boundary of the assemblage of adjacent properties is adjacent to property that is located in a mixed-use zone or planned community zone.**

The subject property meets the minimum acreage requirement with 22.29 acres and has frontage on intersecting arterial roadways MD 450 and MD 193, and is adjacent to a mixed-used zone property to the east.

- b. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning the net lot area, lot coverage, and green area, lot/width frontage, yards, building height, density, accessory buildings, minimum area for development, and any other requirements of the R-E Zone shall not apply. The maximum residential density shall not exceed 200 dwelling units. The applicable regulations for the M-X-T Zone as set forth in CB-50-2021 (DR-3) 4 Sections 27-544(a) and 27-548(h) shall apply.**

Conformance to Criteria B shall be reviewed at the time of DSP.

- c. Notwithstanding the Table of Uses for the M-X-T Zone in Section 27-547(b), a gas station shall be prohibited. All other uses must be consistent with uses in the M-X-C Zone.**

The applicant proposal conforms to Criteria C.

#### **Conformance with the 2010 Prince George's County Landscape Manual**

The proposed development is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual), including Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. Conformance with the applicable landscape requirements will be evaluated and determined at the time of DSP review.

#### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The property is in the R-E Zone, but conforms to Footnote 144 of Section 27-441, which allows the site to be reviewed under the M-X-T standards and will require 10 percent of the gross tract area to be covered in tree canopy. Compliance with the TCC requirements will be evaluated at the time of DSP review.

#### **Other Urban Design Issues**

The proposed development consists of both townhouses and commercial uses that are adjacent to existing single-family detached dwellings on both the east and south sides of the site. The

Landscape Manual requires bufferyards along the property lines of those two locations. Specific buffering requirements will be reviewed at time of the DSP and the required plantings should not be provided on the individual residential lots.

Additional parking spaces, in combination with on-street parking for residents and visitors, should be evaluated. In the past, the Planning Board required up to 10 percent more parking than that normally required by the Zoning Ordinance, in compact townhouse developments like this one. The applicant should provide additional parking spaces for guests in strategic locations throughout the development, to the extent practical, which may result in the loss of some lots. Parking will be further reviewed with a future DSP.

15. **Noise Analysis**—Section 24-121(a)(4) requires lots adjacent to planned arterial classification roadways have a minimum lot depth of at least 150 feet, and to provide adequate protection and screening from traffic nuisances by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. The subject property has frontage on MD 450 and MD 193, both of which are classified as arterial roadways. The applicant requested approval of a variation from this 150-foot lot depth requirement for 44 lots along MD 450 and MD 193, and proposes that any residential lots impacted by noise levels higher than 65 decibels will receive architectural soundproofing. The applicant submitted a noise study dated March 16, 2022. The study provides estimates that identify the location of the unmitigated 65 dBA Ldn noise contours for MD 450 and MD 193, based on expected 2027 traffic using the U.S. Federal Highway Administration noise projection procedure. The study estimates that none of the residential lots proposed with this PPS will be affected. However, the noise projections do not take into account topography or the collective noise of the intersecting roadways. The noise study should take into account existing traffic noise conditions to measure current and projected impacts. This study should be certified by a professional engineer with competency in acoustical analysis and provided at the time of DSP. If the updated study indicates that the 65 dBA Ldn noise contours affect any residential lots proposed with PPS or any parcels used for recreation, mitigation techniques shall be provided to reduce interior noise levels to 45 dBA or less, and 65 dBA or less for exterior recreational spaces.

The applicant requested a variation from the minimum 150-foot lot depth on 44 lots adjacent to MD450 and MD 193, in accordance with Section 24-121(a)(4), which sets forth the following required criteria for approval of a variation (in **BOLD**), followed by the findings in plain text:

#### **Section 24-113 Variations**

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that**

**the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The intent of Section 24-121(a)(4) is to provide enough lot depth to protect residential lots from noise and other effects of traffic along arterial or higher classification roadways. The noise study submitted by the applicant estimates that none of the proposed residential lots will be affected. However, a more detailed noise study will be required at the time of DSP. If the proposed residential lots are impacted, mitigation such as architectural soundproofing, fencing, or berms can be used to reduce impacts. The granting of this variation would only impact the use proposed on the subject property. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The conditions on which the variation is based are unique to the subject site and not generally applicable to other properties. The District Council's adoption of CB-050-2021 permitted M-X-T uses on property provided it has frontage on two intersecting roadways with a functional transportation classification of arterial or higher, which increased the likely hood of possible conflicts regarding noise impacts. This is not generally applicable to any other properties.

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

No other applicable law, ordinance, or regulation was found that would be violated by this request. The approval of a variation, in accordance with Section 24-113 of the prior Subdivision Regulations, is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

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

There are multiple factors regarding the physical shape and conditions that affect the property. As stated above, a 150-foot lot depth would be required adjacent to an arterial road. This specific site abuts two master plan arterial roads, which significantly decreases the amount of area to build. Open space parcels for

recreation, SWM parcels, and a commercial parcel to meet the provisions of CB-050-2021 are also needed to serve the residents, further decreasing the area for residential lots. In addition, when taking into account the woodland preservation area in the southern portion of the site, and shape of the property which tapers inward, the area available for residential lots outside of the 150-foot boundary is limited. The particular physical surroundings of the property create a hardship in meeting the strict regulation.

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

The subject property is not within any of the zones specified by this criterion. Therefore, this provision does not apply.

Based on the proceeding findings, the variation from Section 24-121(a)(4) for the required lot depth, along arterial rights-of-way MD 450 and MD 193, is approved.

16. **Planning Board Hearing**—The Planning Board held a public hearing on this application on October 20, 2022. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. The Planning Board heard testimony from the applicant in favor of the application, and testimony from citizens opposed to the application.

At the hearing, citizens and a neighboring homeowners association represented by counsel, opposed the application. While the opponents raised important issues, much of the testimony and argument was not germane to considerations for approval of this PPS.

Citizen opposition, as well as the homeowner association's counsel, referenced concern for public facilities adequacy, such as transportation and schools. However, public facilities adequacy was not before the Planning Board, as it was addressed with the Certificate of Adequacy (ADQ-2022-020), which was approved by the Planning Director on October 4, 2022, prior to approval of the PPS, as required.

Opposition to the applicant's variation request from Section 24-121(a)(4) of the Subdivision Regulations was also voiced. The homeowner association's counsel argued that the applicant's request did not rise to the level of an extraordinary hardship, in accordance with Section 24-113(a) of the Subdivision Regulations. However, extraordinary hardship is just one of three justifications that can be used by an applicant. The other two being practical difficulties that may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal. The opposition's counsel also provided a

written statement that references the required 150-foot lot depth required, in accordance with Section 24-121(a)(4), as a setback. However, the intent of this section of the Code is not to create a setback, but rather to provide lot depth that will allow the flexible location of dwellings and any necessary mitigation or buffering from a right-of-way, in case of noise impacts. As discussed in the Noise Analysis section of this resolution, it was not determined that the residential lots would be affected by noise impacts.

Citizen opposition, as well as the homeowner association's counsel, were in opposition to the proposed density. However, as discussed in this resolution in the Urban Design section and by staff at the hearing, density was determined by Prince George's County District Council Bill CB-050-2021, and the applicant has not exceeded the maximum allowance.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, October 20, 2022, in Upper Marlboro, Maryland.

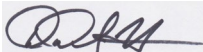
Adopted by the Prince George's County Planning Board this 10th day of November 2022.

Peter A. Shapiro  
Chairman

By Jessica Jones  
Planning Board Administrator

PAS:JJ:AH:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: November 1, 2022



FINAL PLATS OF SUBDIVISION **5-22102**

**SYCAMORE HILL, PARCEL 1**

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FINDING: IN CONFORMANCE WITH PRELIMINARY PLANS OF SUBDIVISION **4-12020**  
AND DETAILED SITE PLAN **DSP-21015**

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STAFF RECOMMENDATION: **APPROVAL**



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

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

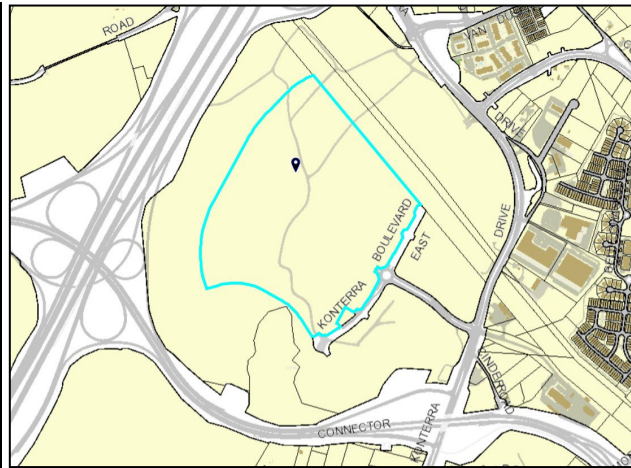
## Final Plat of Subdivision

## 5-21152

### Konterra Town Center East, Plat 2

REQUEST	STAFF RECOMMENDATION
Final Plat of Subdivision	With the conditions recommended herein: <ul style="list-style-type: none"> <li>•APPROVAL of Final Plat 5-21152</li> <li>•APPROVAL of a Variation from Section 24-122(a)</li> </ul>

<b>Location:</b> Adjacent to the east side of I-95/495 (Capital Beltway) and bounded by Konterra Drive to the north and east and MD 200 (Intercounty Connector) to the south.	
Gross Acreage:	10.98
Zone:	TAC-C
Prior Zone:	M-X-T
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Lots:	2
Parcels:	0
Planning Area:	60
Council District:	01
Municipality:	N/A
<b>Applicant/Address:</b> Hillary Colt Konterra Core Ventures, LLC 14401 Sweitzer Lane, Suite 200 Laurel, MD 20707	
<b>Staff Reviewer:</b> Mahsa Vatandoost <b>Phone Number:</b> 301-952-4487 <b>Email:</b> Mahsa.Vatandoost@ppd.mncppc.org	



Planning Board Date:	11/10/2022
Planning Board Action Limit:	11/19/2022
Mandatory Action Timeframe	30 days
Staff Report Date:	11/02/2022
Date Accepted:	10/20/2022
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

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

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Final Plat of Subdivision 5-21152  
Variation from Section 24-122(a)  
Konterra Town Center East, Plat 2

**OVERVIEW**

The subject property is currently known as Parcel 169, as described in a deed recorded among the Prince George's County Land Records in Liber 40138 at folio 232. The property is located on Tax Map 9 in Grids C-2, C-3, D-2, and D-3. The property is within the Town Activity Center-Core (TAC-C) Zone and was previously zoned Mixed Use-Transportation Oriented (M-X-T). This application was submitted for review under the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1704(a) of the Subdivision Regulations because the preliminary plan of subdivision (PPS) approval was obtained under the prior regulations, which remains valid.

The subject site is proposed to be platted in accordance with PPS 4-07108, for Konterra Town Center East, which was approved by the Prince George's County Planning Board on July 24, 2008 (PGCPB Resolution No. 08-116), for mixed-use development on 402.58 acres. The PPS approved 980 lots and 67 parcels for development of 5.9 million square feet of commercial, office, hotel, and residential uses. The property is also subject to a Detailed Site Plan, DSP-08011, which was approved by the Planning Board on February 12, 2009 (PGCPB Resolution No. 09-33).

The final plat contains two lots, Lots 1 and 2, Block I, and is in conformance with PPS 4-07108 and DSP-08011. However, the applicant is requesting the Planning Board's approval of a variation from Section 24 122(a) of the prior Subdivision Regulations, to eliminate the standard 10-foot public utility easement (PUE) requirement on Lots 1 and 2, along the following proposed public streets; the south side of Broadway Boulevard, the east side of Mezzo Street, the north side of Fashion Place, and the west side of Konterra Boulevard East (only along Lot 1), as discussed further below.

Staff recommends **approval** of the final plat and variation based on the findings contained in this technical staff report.

**SETTING**

The subject property is located adjacent to the east side of I-95/495 (Capital Beltway) and bounded by Konterra Drive to the north and east, and MD 200 (Intercounty Connector) to the south, in Planning Area 60. The downtown core area of the Konterra Town Center East is bounded on the east and west sides by Perimeter Drive East and Perimeter Drive West, and on the north and south

side by North End Road and South End Road. Further to the east of the overall Konterra site is the right-of-way to I-95/495; and to the west is Konterra Boulevard east and undeveloped properties in the TAC-C Zone. Further to the south of the site is green space allocated for a future public building in the TAC-C Zone and the right-of-way to MD 200; and to the north is Potomac Electric Power Company (PEPCO) and Baltimore Gas and Electric (BGE) utility easements and undeveloped properties in the TAC-C Zone.

**FINDINGS AND REASONS FOR STAFF RECOMMENDATION**

1. **Development Data Summary**—The following information relates to the subject final plat of subdivision application.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	TAC-C	TAC-C (previously zoned M-X-T)
Use(s)	Vacant	Mixed Use (Commercial and Residential)
Acreage	10.98	10.98
Lots	0	2
Outlots	0	0
Parcels	1	0
Variance	No	No
Variation	No	Yes, Section 24-122(a)

The requested variation from Section 24-122(a) was received on February 16, 2022 and heard on March 4, 2022, at the Subdivision and Development Review Committee meeting, as required by Section 24-113(b) of the prior Subdivision Regulations, as a companion request to the subject final plat of subdivision.

2. **Variation**—The applicant filed a variation request from Section 24 122(a) to eliminate the standard 10-foot PUE requirement on Lots 1 and 2 along either side of the following proposed public streets:

- Broadway Boulevard (No PUE along the south side)
- Mezzo Street (No PUE along the east side)
- Fashion Place (No PUE along the north side)
- Konterra Boulevard East (No PUE along the west side on Lot 1)

The variation is necessary to accommodate the development required by Conceptual Site Plan CSP-07003, which was analyzed and approved with the PPS and DSP for the site. The variation has now been filed to meet the technical submittal requirements, and the applicable findings for approval of the variation are outlined below.

**Section 24-122 Public Facilities Requirements.**

- (a) When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The standard requirement for PUEs is a 10-foot-wide easement along both sides of all public rights-of-way to ensure adequate and continuous utility access and provision for all development. For purposes of platting, pursuant to PPS 4-07108, the applicant seeks a variation from the above requirement. The applicant proposes to provide the required PUEs on Lot 2 along Konterra Boulevard East. However, the plat does not show the required PUEs along the other proposed public rights-of-way, and instead proposes utilities within the public rights-of-way.

Section 24-113 sets forth the required findings for approval of a variation request.

There are four criteria that must be met for this variation to be approved (a fifth criterion is not applicable to the prior M-X-T-zoning of the subject property), which are addressed by the applicant's variation request, incorporated by reference herein. The criteria, with discussion, are noted below:

**Section 24-113. Variations.**

- (a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

Ten-foot-wide easements for public utilities along both sides of all public rights-of-way ensure utility access will be able to serve the subject site and surrounding development. The applicant, however, proposes to locate utilities on Lot 2 along Konterra Boulevard East, but not along the other proposed public rights-of-way on Lots 1 and 2. The utilities are to be located within the rights-of-way for the referenced public streets, in conformance with the approved DSP-08011, rather than along the streets. Staff finds that the location of the proposed PUEs still provides sufficient space to install the utility infrastructure necessary to serve the development and surrounding properties. Granting a variation to the PUE requirements will not be detrimental to public safety, health, or welfare, or injurious to other property, because the proposed utilities within the rights-of-way for the

referenced public streets are sufficient to serve the subdivision and surrounding properties.

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

The condition of this property is unique, due to the design standard, as envisioned in the DSP and CSP, which defines the development guidelines of the proposed core area of Konterra Town Center East. The property is subject to CSP-07003, which approved the Konterra Town Center East design and architectural standards and street pattern. These development guidelines call for the unique design of the subject site, which may require nonstandard design of rights-of-ways where utilities are placed within them. The applicant's request to eliminate the PUE requirement along either side of the referenced public streets is warranted, given the unique nature of the design guidelines imposed on the subject property.

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

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The final plats and variation request for the location of PUEs was referred to the public utility companies. No referred agency opposed this request. The proposed utilities will need to be designed in direct coordination with the individual utility companies, in order to meet all the requirements and design standards, at time of permitting. Staff is not aware of any applicable law, ordinance, or regulation that will be violated if this variation is granted.

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

The overall Konterra Town Center is surrounded by public rights-of-way I-95/495 and MD 200 to the west and south. Also, the property is bounded to the north by 400-foot-wide PEPCO and BGE easements. The property's particular physical surroundings, and the design guidelines envisioned by the CSP and DSP, restrict the location of the standard PUE's, as required, and would result in a hardship on the owner. The requirements of the design guidelines imposed on this development are features that are arguably unique and, in this particular case, the standard PUE requirement would negatively impact the owner's ability to meet the development approved in the CSP for the subject site and surrounding properties. As a result, implementing the standard 10-foot PUE requirement would impact the design of the approved DSP-08011.

By virtue of positive findings for each of the criteria for variation approval, staff finds that a variation from Section 24-122(a), for the elimination of the standard 10-foot PUE requirement on Lots 1 and 2 along the referenced rights-of-way, is supportable. Staff recommends that the elimination of the required PUE on the subject plat be approved.

3. **Referrals and Comments from other Entities**—The requested variation was referred to the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), the Washington Suburban Sanitary Commission, PEPCO, Comcast, AT&T, and Verizon for review. DPIE responded and had no objections to the request. AT&T responded that they have no facilities in the area. No responses objecting to the approval of this application were provided by any of the other agencies.

**RECOMMENDATION**

- Approval of Final Plat of Subdivision 5-21152
- Approval of a Variation from Section 24-122(a)



FINAL PLATS OF SUBDIVISION **5-21153 THROUGH 5-21154**

**KONTERRA TOWN CENTER EAST, PLATS 3-4**

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FINDING: IN CONFORMANCE WITH PRELIMINARY PLANS OF SUBDIVISION **4-07108**  
AND DETAILED SITE PLAN **DSP-08011**.

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STAFF RECOMMENDATION: **APPROVAL**

**Variation from Section 24-122  
Non-Standard PUEs  
Konterra Town Center East  
Final Plat 5-21152  
Related Cases  
4-07108  
DSP-08011**

Applicant:

Konterra Associates, LLC.  
14401 Sweitzer Lane  
Suite 200  
Laurel, Md 20707

Attorney:

Andre Gingles  
Gingles, LLC  
14401 Sweitzer Lane  
Suite 570  
Laurel, Md 20707  
240.280.1513

Engineer/ Planner:

Soltesz  
4300 Forbes Boulevard  
Suite 230  
Lanham, Maryland 20706  
301.794.7555  
Contact: David Bickel

## Request for a Variation for Non-Standard PUEs along Public Roads

Pursuant to Section 24-113 of the Prince George's Subdivision Ordinance, the Applicant submits this application for a Variation from the need for PUEs along public roads. Section 24-122(a) states that "When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748". The Planning Board shall find that extraordinary hardship and practical difficulties would result from strict compliance with this Subtitle and that an alternative proposal will not alter the purpose of the Subtitle. The Planning Board can approve such variations based upon the following findings:

### Background

During the review and approval of the Detailed Site Plan for DSP-08011, there was a discussion regarding utilities in the Core Area. The result was that all utilities are to be provided in the right of way of the streets. The DSP was approved (by the Planning Board and District Council) as well as certified based upon two conditions from PGCPB No. 09-33, 1f. and 1g(3). Those conditions are expressed below:

***1f Provide evidence from the utility companies which have jurisdiction over the subject site that all utilities, within the core area, will be provided within the right-of-way of streets. and 1g(3) Revise the design standards book as follows:***

***(3) Provide an infrastructure chapter to demonstrate how utilities serving the downtown core area will be provided and where the utility easements will be located. All utilities shall be underground. A utility exhibit to scale shall be provided.***

Both conditions were satisfied and the DSP has been certified. Notwithstanding the certification— inclusive of no intent nor requirement for the standard incorporation of PUEs, a formal request has not been acted upon by the Planning Board to further verify its intent expressed in the DSP, hence the present application for a Variation to 24-113 at that time. Applicant's request, herein, is remove PUE requirements from (a) Fashion Place within the core, (b) East Street, and (c) North Main Street of Parcel 26 and Parcel 27 of Plat Two of Konterra Town Center East. A 10ft PUE is proposed to remain along Konterra Boulevard East as shown on the Plat.

### Section 24-113. Variations

#### (a) Required findings.

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

**Response:** The development will not propose a PUE along each of the sides adjacent to the roads, except for Konterra Boulevard East. The utilities located in the public right of way will be installed in strategic location which meet or exceed the requirements of all of the utilities including but not limited to BG&E, WSSC, PG DPW&T, and Verizon. All the necessary utilities will be provided, the only distinction is that they will be located in the right of way and not on the parcel. Not providing PUEs will not be detrimental to the public safety, health, or

welfare, or injurious to other property because utilities will be provided in each public right of way.

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

**Response:** The DSP consists of site plans and design standards. The approved DSP divides the downtown core area into 16 developable blocks and one open space block and shows the building envelope of each block with the possible uses. The design standards have been prepared to codify the development as envisioned in the CSP. The standards are closely related to the specific physical layout of the downtown core and cover all aspects of a built town center environment. The design standards define the development character and quality of the proposed downtown core area. The subject DSP is similar in many ways to the Planning Board's previous approvals of detailed site plans for community character, special purpose detailed site plans for signage, and "umbrella" architectural approvals. However, this DSP differs greatly from previous approvals in its scale and complexity. The approval of this DSP has established parameters, design standards, and spatial relationships, which only pertain to the Downtown Core of the Konterra Town Center. The design standards cover all physical aspects of the future built downtown core area such as, but not limited to, streetscape, open space/plazas, architecture (height, elevations, setback, materials, fenestration and articulation), retail storefronts, street corner conditions, building and parking/loading relationships, green building technology, signage, lighting, structured parking, and accent paving. The approved design standards establish design and review parameters that serve as the basis for review of all subsequent plans. In short, the Downtown Core area was designed and approved to not include PUE's

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

**Response:** No other applicable law, ordinance or regulation will be violated by the granting of this easement.

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

**Response:** The overall site is bound by Interstate 95 to the west, the ICC to the south, and a 400ft wide PEPCO easement for high power transmission lines to the north. Each one of these elements create a unique limitation to this site. Moreover, the DSP approval and incorporation of definitive design guidelines make the typical placement of PUEs in conflict with the flexibility inherent in the approved design guidelines.

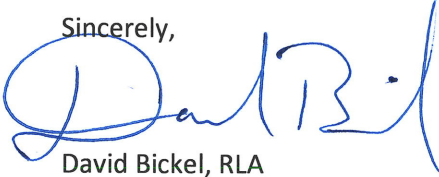
- (5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible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

**Response: This section is not applicable because the site is zoned M-X-T**

**Conclusion & Request:**

In conclusion, based upon the above findings, the approved DSP and Design Guidelines, and the physical limitations, PUEs cannot be provided without hardship to the development. All necessary utilities are or will be provided for within the right of ways. Applicant asserts the elimination of the PUE from proposed core streets—Fashion Place, East Street, and North Main Street of Parcel 26 and Parcel 27 of Plat Two of Konterra Town Center East—does and will continue to fulfill the intent of the approved DSP and the associated design guidelines.

Sincerely,



David Bickel, RLA

Director of Planning

DATE: February 9, 2022



Angela D. Alsobrooks  
County Executive

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



Melinda Bolling  
Director

**MEMORANDUM**

March 14, 2022

**TO:** Mahsa Vatandoost, Senior Planner  
Development Review Division, M-NCPPC

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

**Re:** 5-21152, Konterra Town Center East Plat 2, Parcels 26-27  
Variation Request

**CR:** East Konterra Boulevard (Under Permit)  
**CR:** Fashion Place (Under Permit)  
**CR:** Konterra Drive (MDSHA)

This is in response to referral number 5-21152. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- Konterra Town Center is located at East Konterra Boulevard, west of the intersection of Fashion Place and Konterra Drive.
- The applicant requests a variation to Section 24-128(b)(12) to eliminate the PUE requirements from the proposed core streets (Fashion Place, East Street and North Main Street) located on Parcel 26 and Parcel 27 of Plat two of Konterra Town Center East. A 10-ft PUE is to remain along Konterra Boulevard East.
- DPIE has no objection to the proposed variation request 5-21152.

If you have any questions or require additional information, please contact Mr. Steve Snyder, P.E, the District Engineer for the area, at 301.883.5710.

MCG:SGS:AG

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE  
Konterra Core Ventures, LLC, 14401 Sweitzer Lane, Suite 200, Laurel, MD 20707  
Soltesz, 4300 Forbes Blvd., Suite 230, Lanham, MD, 20706

**From:** [AZZAM, ABDULKADER](#)  
**To:** [Vatandoost, Mahsa](#)  
**Cc:** [HWARY, AHMED ED](#); [IBRAHIM, WALID](#); [HWARY, SARA](#); [AZZAM, ABDULKADER](#)  
**Subject:** RE: 5-21152 KONTERRA TOWN CENTER PLATS 2- Variation Request  
**Date:** Thursday, February 24, 2022 1:39:18 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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

Mahsa,

AT&T Local does not have any facilities in the proposed area.

Regards,

Sam Azzam

Connect USA

Email – [aa9168@att.com](mailto:aa9168@att.com)

Mob – 304-871-6146

---

**From:** Lee, Randar <Randar.Lee@ppd.mncppc.org>

**Sent:** Monday, February 21, 2022 12:51 PM

**To:** Richards, Dorothy A. <DARichards@co.pg.md.us>; tgaskins@co.pg.md.us; rsdeguzman <rsdeguzman@co.pg.md.us>; 'William Edelen.' <WKEdelen@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; William Edelen. <WKEdelen@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; "'Lord-Attivor, Rene <rlattivor@co.pg.md.us>' <'Lord-Attivor, Rene <rlattivor@co.pg.md.us>>, " Snyder@pps.reinject>; "Steven G. <SGSnyder@co.pg.md.us>, Abdullah"@pps.reinject; "Mariwan <MAbdullah@co.pg.md.us>, Formukong"@pps.reinject; "Nanji W. <nwformukong@co.pg.md.us>, Tayyem"@pps.reinject; "Mahmoud <mtayyem@co.pg.md.us>, Salles"@pps.reinject; "Cicero D. <cdsalles@co.pg.md.us>, Beckert"@pps.reinject; "Erv T. <etbeckert@co.pg.md.us>, Salles"@pps.reinject; "Cicero D. <cdsalles@co.pg.md.us>, Beckert"@pps.reinject; Erv T." <etbeckert@co.pg.md.us>, " SHElkabbani@co.pg.md.us " <SHElkabbani@co.pg.md.us>, " sabbranch@co.pg.md.us " <sabbranch@co.pg.md.us>, " #dsgintake@wsscwater.com " <#dsgintake@wsscwater.com>, " kenneth.l.barnhart@verizon.com " <kenneth.l.barnhart@verizon.com>, " mark.g.larsen@verizon.com " <mark.g.larsen@verizon.com>, " jkoroma@pepco.com " <jkoroma@pepco.com>, " wkynard@pepcoholdings.com " <wkynard@pepcoholdings.com>, " Charles.curry@bge.com " <Charles.curry@bge.com>, " Herb.Reigel@smeco.coop " <Herb.Reig; Keith.Ulrich@SMECO.coop; "\" kencrouse@comcast.net \\" <kencrouse@comcast.net>; "\" gw1349@att.com \\" <gw1349@att.com>; "\" bm2692@att.com \\" <bm2692@att.com>; "\" AZZAM\ <Keith" <Keith.Ulrich@SMECO.coop>; kencrouse@comcast.net; gw1349@att.com; bm2692@att.com; AZZAM, ABDULKADER <aa9168@att.com>; "\"

wi3400@att.com \"" <wi3400@att.com>; AZZAM, ABDULKADER <aa9168@att.com>;  
wi3400@att.com; HWARY, SARA <sh3700@att.com>; HWARY, SARA <sh3700@att.com>;  
pmartinez@washgas.com

**Cc:** Conner, Sherri <sherri.conner@ppd.mncppc.org>; Summerlin, Cheryl  
<Cheryl.Summerlin@ppd.mncppc.org>; Vatandoost, Mahsa <Mahsa.Vatandoost@ppd.mncppc.org>

**Subject:** 5-21152 KONTERRA TOWN CENTER PLATS 2- Variation Request

**Importance:** High

Greetings,

This is referral request for a **final plat of subdivision** and accompanying **variation request** for the location of public utility easements. It has been scheduled for **3/4/22 SDRC**

-

Final Referral Due Date - Comments due to assigned reviewer **Mahsa Vatandoost** by **3/14/2022**

Dropbox- <https://www.dropbox.com/sh/cdd4vlpagpyuxeu/AACeh6xJvkvEzMkU7Pc9WW52a?dl=0>

Respectfully,

Randa Lee

*Development Review Division*

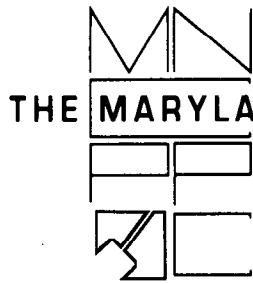
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
**Prince George's County Planning Department**

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-3867 | 240-573-2232 [randar.lee@ppd.mncppc.org](mailto:randar.lee@ppd.mncppc.org)







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

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

PGCPB No. 08-116

File No. 4-07108/VP-07108

RESOLUTION

WHEREAS, 1325 G Street Associates, LLP is the owner of a 402.58-acre parcel of land known as Parcels 130 and 4, located on Tax Map 9, in Grid B-2, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on March 13, 2008, 1325 G Street Associates, LLP filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 980 lots (4,500 DUs) and 67 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07108 for Konterra Town Center East was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 24, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 24, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/05/08-01), and APPROVED Variance Application No. VP-07108, and further APPROVED Preliminary Plan of Subdivision 4-07108, Konterra Town Center East, including Variations from Sections 24-130 and 24-121(a)(3) for Lots 1-980 and 67 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Include that part of Parcel 4 zoned R-R, to the south of the ICC right-of-way, and label it as an outparcel.
  - b. Revise general note 6.a. to reflect 760 attached dwelling units, as approved with CSP-07003.
  - c. Revise general note 7 to reflect the maximum of 5.9 million square feet of a mixture of commercial, retail, office and hotel uses, consistent with the approved CSP.
  - d. Revise the general notes to include a statement that this site is being developed under the M-X-T optional design.

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- e. Revise the development data to reflect the standards approved and proposed, and what variances are required.
  - f. Revise general note 14 to reflect that mandatory dedication is being fulfilled by the conveyance of 41 acres (38 required) of off-site dedication.
  - g. Provide the existing parcel designations.
  - h. Provide a list of parcels and to whom they are to be conveyed.
  - i. Provide the accurate zoning break down and acreage.
  - j. Label to whom each parcel is to be dedicated.
  - k. Revise the zoning line to accurately reflect the R-R Zone, south of the ICC ROW.
  - l. Label the rights-of-way consistent with the master plan.
  - m. Reflect the Planning Board's decision regarding variations to Section 24-121(a)(3) for direct access onto A-56, and 24-121(a)(4), and variance to lot size.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 19046-2007-00 and any subsequent revisions.
4. At the time of the first final plat, other than right of way for infrastructure, the applicant, the applicant's heirs, successors and/or assignees shall convey to the M-NCPPC 41± acres of open space located on the west side of I-95 in the northeast quadrant of the intersection of the proposed Intercounty Connector (ICC) and Old Gunpowder Road (as shown on DPR's Exhibit A). The land to be conveyed shall be subject to the following conditions:
- a. An original, special warranty deed along with a metes and bounds description of the property to be conveyed to the M-NCPPC (signed by the WSSC Assessment Supervisor) shall be submitted to DPR for their review and approval along with the final plat of the subdivision of any portion of the CSP-07003, including the residential component. Upon approval by DPR, the deed shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

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- c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of DPR. If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to DPR within two weeks, prior to applying for grading permits.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that the land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
- i. No stormwater management facilities, tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- j. The 41 acres is to be conveyed "as is" in its present condition, except that the above ground waste matter and materials of any kind and materials shall be removed as per Condition-5 f & g of the CSP-07003. The M-NCPPC shall grant a temporary easement for use and maintenance of the existing road on the dedicated parkland which transverses the dedicated parkland to an existing batch plant on the applicant's property. The temporary easement shall terminate at such time as M-NCPPC is prepared to construct recreational facilities on the parkland or needs exclusive use of this area of the property. The M-NCPPC shall provide 60 days notice of their intent to use the property to the applicant at which time the applicant shall discontinue use of the road and remove the road surface materials and any materials associated with the batch plant.

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5. The applicant, the applicant's heirs, successors and/or assignees shall provide on-site private recreational facilities as determined appropriate at the time of review of the detailed site plans (for the portion of the property including residential component). The recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
6. Prior to signature approval of the preliminary plan of subdivision, any roadway sections that are not consistent with the County Road Ordinance shall have approval of DPW&T or be approved for private maintenance.
7. Development of the site shall conform to CSP-07003, or as subsequently revised.
8. Prior to the approval of building permits, the applicant, the applicant's heirs, successors and/or assignees shall convey to the applicable homeowners association (HOA) or property owners/management association open space land as approved on the detailed site plan. Land to be conveyed to the HOA shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits for dwelling units shown on the DSP..
  - b. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

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- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved as part of the approved DSP.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
9. The applicant, the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats other than right of way for infrastructure. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
10. The applicant, the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits for dwelling units shown on the DSP which included the applicable recreational facilities.
11. Prior to the approval of a detailed site plan or final plat, which includes land currently encumbered by "WSSC waterline easement by condemnation to be abandoned and reconstructed" or for areas located in the new alignment, the applicant shall provide evidence of the reconstruction agreement, or WSSC consent.
12. Prior to the approval of the first detailed site plan, the applicant should demonstrate the satisfaction of the Health Department regarding issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site.
13. In conformance with the adopted and approved Subregion I Master Plan and consistent with the 2007 planning workshops for Subregion I, the applicant, the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Provide an asphalt stream valley trail along the eastern edge of Konterra Town Center East as shown on the conceptual trail plan.
  - b. Where the stream valley trail is within homeowners association property, it shall be within a public use trail easement.
  - c. Where the stream valley trail is within a road right-of-way, it shall be a minimum of eight feet wide, separated from the curb by a landscaped strip, and constructed in lieu of a standard sidewalk for that portion of the roadway, unless otherwise modified by DPW&T.
  - d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of DSP.

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- e. Provide a cross section for the roads accessing the townhouse units as part of the detailed site plan submittal. This cross section shall include standard sidewalks along both sides.
  - f. Designated bike lanes shall be striped and marked in conformance with the 1999 *AASHTO Guide for the Development of Bicycle Facilities*.
  - g. The public use easement(s) shall include the streetscape for roadways that are to remain publicly accessible, per Exhibit 3.
  - h. Additional necessary public use easements for the public trails (indicated in red on the conceptual trail plan) will be identified at the time of detailed site plan.
14. At least 35 days prior to a Planning Board hearing of the DSP, the NRI and the TCPI associated with the CSP and the TCPI associated with the preliminary plan shall be revised and signed. They shall show the entirety of the subject property and a clear delineation of the SHA right-of-way based on submitted documentation of the acreage. This land will be shown as “previously dedicated land” and the plans shall be signed at least 35 days prior to a Planning Board hearing of the DSP.
15. Prior to acceptance of the DSP, the Type I tree conservation plan shall be revised as follows and receive signature approval:
- a. Revise the TCPI as necessary so that both the NRI and the TCPI reflect the legal boundaries of the site.
  - b. Revise the plans to show conceptual grading of the site for the features shown, not for the mass grading of the site. Include the proposed grading for all variation requests.
  - c. Revise the worksheet to be a split-zoned worksheet with columns to reflect the phases (the M-X-T portion is Phase I and the R-R portion is Phase II).
  - d. Revise the worksheet to show the SHA land dedication as “previously dedicated land.”
  - e. Correct all calculation errors on the plans and the worksheet.
  - f. Revise the noise contour on the plan and in the legend to reflect the “65 dBA Ldn unmitigated noise contour.”
  - g. Revise the symbols and line weights on the plans so that they are reproducible in black and white.
  - h. Revise the plans as needed to address other issues contained in the technical staff report and the resulting resolution.

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- i. Revise the plans as needed to address all technical issues for conformance with the Woodland Conservation and Tree Preservation Ordinance.
  - j. Have the revised plan signed and dated by the qualified professional who prepared the plan.
16. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
17. Prior to signature approval of the preliminary plan and Type I tree conservation plan, the Department of Public Works and Transportation must approve the street design. Any significant change to the street design that results in additional impacts to the expanded buffers will require a new preliminary plan.
18. At least 35 days prior to any hearing on the DSP, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers. In order to achieve this requirement, lots may be lost.
19. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect the proposed grading and pond outfall alterations as shown on the approved stormwater management concept plan, or provide a revised stormwater concept approval that does not show impacts.
20. Prior to the approval of a building permit for the hotel, certification by a professional engineer with competency in acoustical analysis shall be submitted to M-NCPPC as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less from I-95.
21. Prior to the issuance of any building permits within the subject property, the following road improvements shall either; Option 1, (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency; or Option 2, the improvement shall be fully funded for construction in the applicable CTP or CIP:
  - a. US 1 and Contee Road: Add one additional through lane westbound along Contee Road. Modify signals, signage, and pavement markings as needed.
  - b. US 1 and Muirkirk Meadows Drive: Add a second left-turn lane along eastbound Muirkirk Meadows Drive. Modify signals, signage, and pavement markings as needed.
  - c. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1. Modify signals, signage, and pavement markings as needed.

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- d. Van Dusen Road and Contee Road: Add a second left-turn lane along westbound Contee Road. Add an exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed.
  - e. Old Gunpowder Road and Greencastle Road: Add a left-turn lane along northbound Old Gunpowder Road. Install signalization if warranted, with warrants to be determined by the submittal of a traffic signal warrant study, prior to the approval of the initial detailed site plan for infrastructure.
  - f. I-95 and Contee Road: Construct the I-95/Contee Road interchange with the general design consistent with the SHA-approved alternative and with lane use consistent with the lane use shown on Exhibit 12A of the January 2008 traffic study
  - g. Contee Road Extended (also referred to as Kenilworth Avenue West): Construct the extension of Contee Road from the I-95/Contee Road interchange to Old Gunpowder Road. Provide signalization and lane usage consistent with the traffic study, with final alignment of the Contee Road Extended/Old Gunpowder Road intersection to be determined by DPW&T at the time of the initial detailed site plan for infrastructure.
  - h. Kenilworth Avenue Extended "East" shall be constructed beginning at the terminus of the Contee interchange and ending at the second project entrance into Konterra Town Center East (Perimeter Drive East). This will form a roadway connection of Virginia Manor Road to the I-95/Contee Road interchange to be constructed on-site as a part of Phase I, with approval of the design of this link to be made by DPW&T at the time of the initial detailed site plan for infrastructure. This roadway shall be constructed within the dedicated right-of-way for the A-56 and the A-6 facilities.
22. Prior to the issuance of any building permits for uses generating more than 3,314 AM and 5,331 PM peak hour trips within the subject property, defined within this condition as Phase II, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. MD 198 and Bond Mill Road/Old Gunpowder Road: Restripe the southbound Bond Mill Road approach to provide exclusive left-turn, through, and right-turn lanes. Modify signals, signage, and pavement markings as needed.
  - b. MD 198 and Sweitzer Lane: Restripe the northbound Sweitzer Lane approach to provide exclusive left-turn and right-turn lanes, and a shared through/left-turn lane. Modify signals, signage, and pavement markings as needed.



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- c. US 1 and Ritz Way: Add a third eastbound left-turn lane along Ritz Way, with provision for three receiving lanes along northbound US 1. Modify signals, signage, and pavement markings as needed. This improvement will not be required if a Regional Center designation is approved for Konterra Town Center via the Subregion I Master Plan.
- d. Van Dusen Road and Contee Road: Provide an exclusive left-turn lane and a shared through/left-turn lane along westbound Contee Road. Add a second exclusive left-turn lane along northbound Van Dusen Road. Modify signals, signage, and pavement markings as needed. This improvement will not be required if a Regional Center designation is approved for Konterra Town Center via the Subregion I Master Plan.
- e. MD 198 and Van Dusen Road: Add a second left-turn lane along westbound MD 198, with provision for two receiving lanes along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road. Modify signals, signage, and pavement markings as needed.
- f. Van Dusen Road and Cherry Lane: Add a second left-turn lane along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road, with provision for two receiving lanes along northbound Van Dusen Road, north of the intersection. Modify signals, signage, and pavement markings as needed.
- g. The overpass connection over I-95 between Konterra East and Konterra West shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II. This improvement is not required until after a preliminary plan of subdivision is approved for Konterra Town Center West. This improvement may be eliminated from Konterra Town Center East if warranted with an updated traffic study. The necessary right-of-way, however, will be dedicated within the Konterra Town Center East property.
- h. The overpass connection over the ICC between Konterra East and properties to the south, with an eventual connection to MD 212 at Ammendale Road, shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II. This improvement may be eliminated from Konterra Town Center East if warranted with an updated traffic study. The necessary right-of-way, however, will be dedicated within the Konterra Town Center East property.
- i. The construction of MD 201 Extended along Virginia Manor Road and connecting to the I-95/Contee Road interchange shall be constructed on-site as a four-lane divided facility as a part of Phase II, with approval of the design of this link to be made by DPW&T and/or SHA (whichever agency is responsible) at the time of the initial detailed site plan for infrastructure within Phase II. At that time, the design of turning lanes into and out of the site for each site access shall be completed and approved.

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23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
24. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 5,965 AM peak hour trip cap and the 8,963 PM peak hour trip cap, unless a future revision to the preliminary plan of subdivision is processed.
25. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, the SHA, the DPW&T and concurred by the applicant, and provided any such technical or engineering change maintains the levels of adequate transportation facilities approved herein. Any modification of transportation improvements may not be inconsistent with the Planning Board findings and conditions.
26. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way shown on the subject plan:
  - a. The right-of-way for A-3 and C-102, shown on this plan as Perimeter Drive West, within a 100-foot (or greater) right-of-way.
  - b. The right-of-way for C-101, shown on this plan as Fashion Place, within a 100-foot right-of-way east of Perimeter Drive East and within a 54-foot right-of-way between Perimeter Drive East and Perimeter Drive West.
  - c. The right-of-way for A-56, shown on this plan as Kenilworth Avenue Extended, within a 150-foot right-of-way.
27. The plan shall be modified to demonstrate the following:
  - a. Dedication providing for four travel lanes along proposed Street B unless modified by a subsequent Master Plan.
  - b. Two easements (one north of Fashion Place and one south of the same) serving Lots 43–47 of Block N and Lots 1–6 of Block S created pursuant to Section 24-128(b)(9) to connect each lot group to Fashion Place and A-56.

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- 28. Prior to signature approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance shall have approval of DPW&T or be approved for private maintenance.
- 29. Prior to the approval of building permits the applicant, the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
- 30. Pursuant to the approval of VP-07108 the following minimum lot sizes are required for townhouse lots:
  - A maximum of 36 percent of the lot sizes shall be between 1,000 and 1,799 square feet.
  - A maximum of 46 percent of the lot sizes shall be between 850 and 999 square feet.
  - A maximum of 10 percent of the lot sizes shall be between 630 and 849 square feet.

The Applicant may submit, with any DSP that proposes townhouses, any new variance applicable to design standards, including a new variance for lot size.

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

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

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Zone	<b>EXISTING</b> M-X-T/R-R	<b>PROPOSED</b> M-X-T/R-R
Use(s)	Vacant	5.9 million square feet of Retail/Office/Hotel/ Public and Residential Uses
Acreage		402.58 (M-X-T 401.77 acres) (R-R .81 acre)
Lots	0	980
Parcels	2	67
Dwelling Units:		4,500 Total
Attached	0	760
Multifamily		3,740
Public Safety Mitigation Fee		No

3. **Urban Design**—The preliminary plan is in conformance with the approved CSP in terms of the general location of uses, street and lotting patterns, and other associated improvements. The development of the site is subject to the requirements of the *Landscape Manual* which will be determined at the time of detailed site plan review.

According to Part 10, Mixed Use Zones of the Zoning Ordinance, development in the M-X-T Zone can be achieved by employing an optional method. The applicant should clearly indicate on the plan that the optional development method is proposed as indicated to staff. The M-X-T Zone regulations require certain percentages of retail, residential and office/employment uses and the number of townhouse units cannot be more than 20 percent of the total residential dwelling units. The preliminary plan is consistent with the land use requirements of the M-X-T Zone, and approved CSP.

The preliminary plan provides cross sections for most of the proposed roadways. However, additional information should be provided regarding the specifications of the private streets in the attached dwelling unit residential pods. The streets should not be narrower than 22 feet and should be able to accommodate the turn of emergency vehicles. The cross section of the private internal residential streets should be approved at the time of the detailed site plan. The M-X-T regulations require sidewalks to be provided on both sides of all public and private streets and parking lots, and will be incorporated into the private street section.

CSP-07003 shows Parcels AA and AB as residential multifamily dwellings. The preliminary plan, which is a more detailed development plan than the conceptual site plan, now shows the same parcels as a part of the townhouse development pods. Through the review of the preliminary plan,

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staff recommended revisions to the plan to increase the land area associated with the townhouses in order to increase the ability to provide additional parking and increase on-site circulation specifically surrounding the internal streets for the townhouses. In order to accommodate this, the applicant has revised the preliminary plan and relocated the multifamily dwelling units, shown along the southern alignment of relocated Kenilworth Avenue, to the multifamily parcels. The applicant intends to increase the multifamily buildings vertically if necessary, and has increased the land area associated with the townhouse lots. Therefore, the land bays associated with residential development have not changed; only the land area associated with the types of dwelling units. This modification is not inconsistent with the approved CSP.

**Lot Depth Variation to Section 24-121(a)(4)**—The Subdivision Regulations require that residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty feet. Adequate protection and screening from traffic nuisances are required to be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

The applicant filed a variation on June 19, 2008, for a reduction in the required lot depth for townhouse lots along the southern property line adjacent to the ICC, which is identified as an arterial facility (A-44) in the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*. Staff has evaluated the lots to ensure adequate distances exist from the dwelling units to the travel lanes. A minimum lot depth of 150 feet is required by the Subdivision Regulations in this case.

Based on the following findings, the Planning Board approves a variation to Section 24-121(a)(4) of the Subdivision Regulations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) is as follows (**in bold**):

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

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property with the densities envisioned by the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*.

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

The property has the extraordinary situation of bordering not only on the ICC, which has an arterial road classification, but also an access ramp onto that roadway.

It is important to note the unique orientation of the roadway within the ICC right-of way with respect to the residential areas within 150 feet of the right-of-way. There are no lots proposed within 150 feet of the nearest travel lane. Lots 42–50, Block W (9 lots) do not meet the minimum lot depth of 150 feet from the ultimate right-of-way of the ICC. However, the land between the travel lanes and the subject property are to provide for a single lane access ramp from Virginia Manor Road. The access ramp itself does not provide the volume of traffic associated with an arterial roadway and therefore, the nuisances associated with a roadway with an arterial classification or higher do not affect these nine lots.

Additionally, a portion of the ICC right-of-way is labeled “Rare Threatened or Endangered Species Area” (RTE area), and is not intended for development of the ICC roadway. Rather, this area is considered a Priority One save area, containing wetlands, streams, hydric soils and habitat for a threatened or endangered species. This area has been included in the right-of-way as a means to ensure protection and preservation of this important habitat. Therefore, no ‘traffic nuisances’ as mentioned in Section 24-121(a)(4) impact the residential lots within 150 feet of that section of right of way.

In this case, traffic noise is not a concern. The results of the noise analysis demonstrate that no townhouse lot is within the 65 dBA Ldn noise impact line caused by the projected traffic volumes of the ICC and the associated access ramp. Earthen berms, plant materials and possibly fencing may still be employed to reduce the visual impact of traffic, which will be determined at the time of detailed site plan.

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

This plan is in accordance with the *Prince George’s County Approved General Plan*. Konterra Town Center East will serve as the Regional Center called for in the General Plan. These lots are unique in that they are located within 150 feet of an arterial roadway, but are not impacted by the 65 dBA Ldn usually associated with a roadway of this classification. Section 24-121(a)(4) is established generally to protect outside activity areas that are normally impacted by the 65 dBA Ldn noise contour within 150 feet of an arterial road. In this particular case, they are not impacted due to the ramp location associated with the ICC, which buffers the lots from direct impact from the main travel lanes.

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

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The approval of this lot depth reduction for nine lots will not violate any other applicable law, ordinance or regulation because there are no other applicable law or ordinance that deals with this issue.

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

The ICC dedication has resulted in a property configuration unique to the surrounding properties. The ICC alignment results in a difficult land bay to achieve highest and best use. Therefore, the loss of land due to a SHA taking could result in a hardship to the owner by reducing the number of lots on land that is appropriate for the development of townhouse units.

- 4. **Variance (VP-07108) to Section 27-258**—By letter dated July 2, 2008 (Dunn to Chellis), the applicant has requested a variance to Section 27-258 of the Zoning Ordinance. Specifically, Section 27-548(h) requires that townhouse lots conform to the following regulations as applicable to the review of the preliminary plan of subdivision:

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on **lots at least one thousand eight hundred (1,800) square feet** in size, in the case of a Mixed-Use Planned Community, there shall be **no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet,**

The applicant's request for a variance from Section 27-548 was specific to the following:

- “1. The minimum size fee simple lot is 630 square feet.
- 2. That up to 15 units in a row (as approved under CSP for this project) may be built in a group.
- 3. That units are allowed to be a minimum of 16' wide.
- 4. That the living space of a single unit can be 1,000 square feet,”

In part, the preliminary plan is the evaluation of the adequacy of the capacity needed to support the development based on the density. The lot size is a function of the preliminary plan of subdivision. Therefore, with this preliminary plan, the variance as it relates to the required lot size only will be

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evaluated. The variances required for the number of dwelling units in a row, the width and living space requirements will be reviewed with the detailed site plan, if necessary, when the product type of the dwelling units can be evaluated as it relates to these requirements. With the architecture, the Planning Board will be able to fully evaluate the context for the variation requests for the number of dwelling units in a row, the width and living space of the townhouse units. The number of dwelling units in a row will be evaluated with the architecture, to determine the visual impact and appropriate siting. The width of the lot sizes, as it relates to the required living space, will be evaluated with the product type proposed by the applicant with the detailed site plan. The decision by the Planning Board and District Council as it relates to the necessary variances remaining will be reflected on the approved DSP(s) and therefore reflected on the final record plats. The lot widths and number of dwelling units in a row can be modified with the DSP at the discretion of the Planning Board without substantively affecting the adequacy findings of the preliminary plan.

A vision of the Konterra Mixed-Use Development is to provide a variety of housing stock for a variety of income groups and the elderly (1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*, pg 130). Because the applicant is proposing two types of dwelling units, multifamily and townhouses, as approved by the Conceptual Site Plan CSP-07003, the ability to serve a diversity of income groups is limited. By providing a variety of lot and dwelling unit sizes within the townhouse component of the development, the applicant creates a significantly greater ability to serve different income groups within the same housing type. To accomplish this Master Plan concept goal, a variety of lot and dwelling unit sizes will be necessary.

It is anticipated that minor modifications to the layout will occur through the review of the detailed site plan. However, in no case can the number of dwelling units be increased over that approved by the preliminary plan. In fact, a reduction in the number of dwelling units may occur as the Planning Board considers variances for the number of dwelling units in a row, the lot width and living space variances that may be required with the review of the detailed site plan(s).

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of a variance request (**in bold**). The applicant requested a variance to allow lots of 650 square feet. Staff supports the variance for townhouse lot size based on the following findings:

- A. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.**

This specific property is identified in 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62* by name and retained the property in the M-X-T Zone. The Master Plan envisioned the Konterra development as a unique center which would provide a variety of dwelling unit types, which would serve a variety of income groups. In order for the applicant to fulfill the Master Plan recommendations a variation of the strict application of the zoning ordinance is necessary. The lot size standard required by Section 27-548(h) for townhouses does not allow for a variety of lot sizes suitable for an urban town center and did not



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envision the master plan recommendations specific to this site to provide a variety of housing for different income groups. The vision for the residential component of the Konterra Town Center is one where an urban lifestyle can be supported and where allowances for a different product exist. By providing a uniform lot size the applicant is unable to provide the variety called for in the Master Plan which is specific to this property, and places the owner in an extraordinary situation which could result in an undue hardship upon the owner

**B. The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.**

The inability of the owner to develop the property in conformance to the master plan, as a result of the strict application of the Zoning Ordinance, results in an undue hardship. Practically, the applicant can therefore not develop townhouses consistent with an urban town center to provide a variety of housing for different income groups. The vision for the residential component of the Konterra Town Center is one where an urban lifestyle can be supported.

**C. The variance will not substantially impair the integrity of the General Plan or Master Plan.**

The variance will support and assist in the implementation of the specific recommendation for the Konterra East Town Center and will not impair the integrity of the General Plan or Master Plan.

The minimum lot size should be reduced to provide a variety of housing types. The minimum lot width should be 16 feet, and . In addition, any lots proposed which are smaller than 1,000 square feet or narrower than 18 feet should be carefully evaluated at the time of detailed site plan to ensure a balance of housing stock for different income groups.

The applicant is proposing 730 of 760 townhouse lots below the minimum lot size of 1,800 square feet. The applicant proposes 274 lots between 1,000 and 1,800 square feet; 346 lots between 850 and 1,000 square feet; and 110 lots between 630 and 850 square feet.

The Planning Board approves a variance from the minimum lot size of 1,800 square feet based on the following sliding scale:

- A maximum of 36 percent of the lot sizes will be between 1,000 1,799 square feet.
- A maximum of 46 percent of the lot sizes will be between 850 and 999 square feet.
- A maximum of 10 percent of the lot sizes will be between 630 and 849 square feet.

At the Planning Board hearing on July 24, 2008 the Planning Board agreed with the applicant that to ensure a variety of townhouse units that lot sizes as small as 630 square feet may be appropriate. However, the Planning Board advised that applicant and the applicant proffered that lots between

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849 and 650 square feet may not be permitted. The lots between 849 and 650 square feet may be combined with abutting lots to bring the minimum lot size to 850 square feet if determined appropriate by the Planning Board at the time of review of the DSP. The Planning Board noted that the smallest lots approved in the County are 850 square feet. However, in this urban environment alternatives may be appropriate, and should be evaluated with the house types that will be reviewed with the DSP.

5. **Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision, 4-07108, and the Type I Tree Conservation Plan, TCPI/05/08-01, stamped as received by the Environmental Planning Section on June 23, 2008, and variation exhibits submitted via e-mail on July 10, 2008.

### **Background**

The Environmental Planning Section previously reviewed zoning case A-9484 which was approved to establish the current M-X-T zoning. No environmental conditions were stipulated as part of the rezoning. The site has an approved Conceptual Site Plan, CSP-07003, and Tree Conservation Plan, TCPI/05/08.

The subject property is covered under a surface mining permit (Permit No. 89-SP-0310-B), issued by the Maryland Department of the Environment, Water Management Administration, effective May 30, 1989, which expires May 30, 2009. The mining permit was issued prior to the implementation of the Woodland Conservation and Tree Preservation Ordinance in 1989; therefore, no tree conservation plan was associated with the mining permit. A grading permit was also not required for the mining, so enforcement of erosion and sediment controls on the site is the responsibility of the Maryland Department of the Environment. Currently, the mining operation is in the reclamation phase.

### **Site Description**

The site was originally a 488-acre property, zoned M-X-T and R-R, which is now comprised of 401.77 acres of M-X-T zoned land, 0.81 acre of R-R zoned land, and an 85.42-acre dedication of land to the SHA for the ICC right-of-way. A review of the available information indicates that streams, wetlands and 100-year floodplain are found to occur on this property. The site drains into Indian Creek, within the Potomac River basin. Steep and severe slopes are found on-site. The site has been mined and the previously existing soils, prior to mining, consisted of soils in the Beltsville, Bibb, Croom, Gravel and Borrow Pits, Iuka, Leonardtown, Matapeake, Rumford, Sassafras, and Sunnyside classifications. Due to the extensive mining that has occurred on the property and with the exception of the areas within the 100-year floodplain that were not disturbed during mining operations, the soils now consist primarily of "Gravel and Borrow Pits" along with fill material from reclamation.

According to available information, Marlboro clay is not found to occur in the vicinity of this property. Noise is a major concern on this site. Interstate 95, classified as a freeway, and Van

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Dusen and Virginia Manor Roads, classified as arterial roads, are existing traffic-related noise generators. A portion of the site is located within the right-of-way for the proposed Intercounty Connector (ICC), identified as A-44, and is an arterial road. An undeveloped master planned road identified as A-3 is being developed as a collector facility through this site, as shown on the preliminary plan and TCPI, but would not generate enough traffic to warrant evaluation for noise impacts. Another undeveloped master planned road, also shown as proposed on the preliminary plan and TCPI, identified as C-101, is classified as a collector road and would not generate enough traffic to warrant evaluation for noise impacts. There are no designated scenic and historic roads adjacent to this property.

Based on available information from the Maryland Department of Natural Resources, Wildlife and Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur in the vicinity of this property; however, the site does have wetland area with an RTE buffer that was delineated during the environmental study for the ICC. According to the *Approved Countywide Green Infrastructure Plan*, all three network features (Regulated Areas, Evaluation Areas and Network Gaps) are present on-site. This property is located in the Subregion I Planning Area, and the Developing Tier in the adopted General Plan.

#### **Environmental Issues Addressed in the Subregion I Master Plan**

The current Subregion I Master Plan and Sectional Map Amendment, adopted in 1990, contains no specific environmentally-related guidelines pertaining to the subject site. The Master Plan predates current ordinances and regulations that will be reviewed with this application.

Prior to the mining of the site, it contained an extensive network of "Natural Reserve" areas as defined in the master plan; however, several of those areas were impacted by past mining operations and no longer exist. The existing regulated features on the site are within the Countywide Green Infrastructure Plan and the entire site is subject to the Woodland Conservation Ordinance, which will ensure that the development of the site conforms to the environmental issues associated with the master plan as detailed site plans are reviewed.

#### **Conformance with the Green Infrastructure Plan**

The implementation section of the Countywide Green Infrastructure Plan contains policies and strategies and recommendations for carrying out each policy. The following policies have been determined to be applicable to the current project. The text in **BOLD** is the text from the *Approved Countywide Green Infrastructure Plan* and the plain text provides comments on plan conformance.

##### **Policy 2—Preserve, protect and enhance surface and ground water features and restore lost ecological functions.**

Regulated and Evaluation Areas of the designated network exist on-site. Several of the ecological functions that existed prior to the mining of the site have been lost because areas were graded and

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the natural drainage of the site was altered. It would not be possible, given the current landscape, to fully restore the lost ecological functions; however, the streams that receive stormwater from the site are in need of stabilization and restoration. The mitigation efforts for this site should focus on stream stabilization and restoration.

A Stream Corridor Assessment was submitted and evaluated.

**Strategy 2.1—Help address compliance with total maximum daily load (TMDL) caps established by the state under the Federal Clean Water Act for water bodies in the county where water quality standards have not been met.**

**Strategy 2.2—Establish and/or maintain adequate buffers to protect and/or restore water quality.**

These strategies should be addressed as part of the current land development proposal, however, data does not exist at the present time regarding where restoration is most needed. A comprehensive stream corridor assessment is needed to evaluate the condition of the existing on-site and downstream water courses. The evaluation needs to be completed, so that commitments for restoration can be evaluated as an integral part of the stormwater management system proposed. Appropriate conditions are in place as part of this preliminary plan in furtherance of this policy.

Existing information should also be evaluated to determine if other locations, beyond the downstream portion of Indian Creek, are potential restoration sites. The applicant submitted a letter dated February 5, 2008, stamped as received February 11, 2008, that outlines information from a study done by the Council of Governments in 1989. Because this data is 20 years old, and may not be accurate to date, additional investigation of the sites shown is needed. In addition, the Anacostia River has had a Watershed Restoration Action Strategy completed for the entire watershed. The study may contain valuable information regarding potential restoration sites.

A condition of the CSP requires that a detailed stream corridor assessment and the associated recommendation be submitted prior to the acceptance of the detailed site plan, as discussed further.

**Policy 5—Recognize the green infrastructure network as a valuable component of the County's Livable Communities Initiative.**

**Strategy 5.1—View protection and restoration of the County's green infrastructure network as a necessity and an amenity.**

- a. **When making policy and land use decisions, elevate the importance of preserving, protecting, enhancing and restoring the green infrastructure network at the same level of concern as providing an interconnected network for transportation and/or public utilities.**

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The plan proposes several stormwater management ponds, some of which are re-configurations of existing sediment and erosion control ponds. Because this site is very large, and has few opportunities for restoration of the lost green infrastructure, the re-configured ponds should be designed as amenities and the environmental buffers they encroach upon should be restored. The addition of the stream restoration efforts noted will enhance the restoration of the green infrastructure network on-site and down stream.

Condition 3c of the approved CSP requires that the initial submittal package for the DSP contain an illustrative plan that shows how the stormwater management plans will be designed as amenities.

**Zoning Case A-9484**

The Environmental Planning Section previously reviewed zoning case A-9484 which was approved to establish the current M-X-T zoning. No environmental conditions were stipulated as part of the re-zoning.

**Conformance with CSP-07003**

The following conditions were approved by the Planning Board with the CSP. The text in **BOLD** is the text from the conditions and the plain text provides comments on plan conformance.

1. **Prior to certificate approval of this conceptual site plan, the applicant shall:**
  - b. **Revise the Type I Tree Conservation Plan as follows:**
    - (1) **Revise the TCPI as necessary so that both the NRI and the TCPI reflect the same acreage of existing woodland and woodland within the floodplain.**
    - (2) **Revise the worksheet to meet the woodland conservation requirement through the use of on-site and off-site conservation and remove the use of fee-in-lieu.**
    - (3) **Add reforestation within the 100-foot RTE buffer and add the following note to the plans: "The TCPII shall provide two interpretive signs along the edge of the reforestation area to gain public interest and awareness of reforestation efforts and RTE habitat."**
    - (4) **Remove soils from the plan.**
    - (5) **Show the existing tree line clearly on the plan.**

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- (6) **Remove woodland preservation from the ICC right-of-way and update the worksheet accordingly.**
- (7) **Provide a note on the plan that states who will be constructing the portions of the ICC that are on the subject property. If the applicant is constructing the roadways, the woodland shall be shown as cleared. If the applicant is not constructing the roadways, the woodland shall be shown as retained not part of requirements. The woodland in the right-of-way shall not be shown as woodland conservation. The worksheet shall be adjusted accordingly.**
- (8) **Provide hatching and labels to indicate areas of clearing, areas of woodland retained not part of requirements, and reforestation.**
- (9) **Provide a summary table on the cover sheet of the TCP and tables on each sheet, similar to the preservation area table currently shown on the plan, and provide acreages of areas to be cleared, areas of woodland to be retained not part of requirements, and reforestation.**
- (10) **Provide a note below the specimen tree table indicating how the specimen trees were located.**
- (11) **Add the following note: "Off-site woodland conservation shall be provided within the Anacostia watershed to the fullest extent possible. The applicant shall show due diligence in seeking locations in the watershed. Only after all options have been exhausted can off-site mitigation outside the watershed be used. The use of fee-in-lieu to meet the requirements will only be considered during future reviews if the funds are targeted for specific mitigation projects."**
- (12) **Include in the worksheet all woodland clearing for off-site impacts.**
- (13) **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

**Comment:** The revised TCPI for the CSP has not been submitted to date. Some of these conditions are addressed on the TCPI currently under review with the preliminary plan application; however, the TCPI with the preliminary plan must address certain other issues as well as those contained in these conditions, and be in conformance with the TCPI for the CSP, which hasn't been completed yet. This condition cannot be considered addressed until the CSP TCPI has been signed. The submitted NRI, the TCPI with the CSP, and the TCPI with the preliminary plan do not address the entirety of the subject property and will need to be revised as conditioned with this approval.

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- c. **Eliminate all impacts on the TCPI that are not associated with road crossings, stormwater outfalls and utility connections.**

**Comment:** The variation request exhibits submitted July 10, 2008, show only the types of impacts described above. The proposed layout and design shown conceptually on the TCPI, with the preliminary plan, show configurations that will make it difficult if not impossible to avoid unnecessary impacts to the stream buffers.

- d. **Show the unmitigated 65 dBA Ldn, based on the Phase I noise study prepared by VHB, Inc., and the remainder of the noise study shall be submitted to the record (a description of the assumptions used in the study and the background traffic counts used in the modeling).**

**Comment:** A 65 dBA Ldn line is shown on the TCPI submitted with the preliminary plan, but it is not labeled as an "unmitigated contour" and should be.

- 2. **Prior to certificate approval of the CSP and prior to submittal of the first DSP, the applicant shall:**
  - a. **Revise the NRI as necessary so that both the NRI and the TCPI reflect the same acreage of existing woodland. Revise the NRI as necessary to reflect any changes to the floodplain based on an approved floodplain study.**
  - b. **Revise the CSP and TCPI to reflect the expanded buffer shown on the NRI**

**Comment:** The NRI and TCPI do not show the entirety of the subject property, and as such do not reflect the correct calculations. This issue is addressed below.

- 3. **Prior to acceptance of the first detailed site plan, the applicant shall:**
  - a. **Submit a detailed stream corridor assessment that documents the current conditions of the streams located on-site and downstream to the point where the main channel crosses Ammendale Road. The stream corridor assessment shall be conducted using the Maryland Department of Natural Resources' protocol. In addition, the Anacostia River Basin Stormwater Retrofit Inventory and the Anacostia Watershed Restoration Action Strategy shall be evaluated by the applicant for potential mitigation sites for both stream restoration and woodland conservation and this analysis shall be included in the submittal.**
  - b. **Submit a recommendation for stream restoration methods and their locations based on the complete assessment. The methods shall include, but not be limited to, natural re-establishment of stream buffers and stabilization of the channel using natural methods wherever possible. Prior**

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**to the final preparation and submission of the stream restoration plan, the applicant shall coordinate a meeting with the Department of Public Works and Transportation and M-NCPPC to discuss the integration of the stream restoration efforts with the stormwater management facilities proposed. The areas of stream restoration shall be evaluated separately for consideration as woodland conservation areas, both on-site and off-site. Reflect the recommendations that result from the above analysis on subsequent detailed site plan design submittals.**

**Comment:** The stream corridor assessment (SCA) was stamped as received on June 13, 2008. It contains two quotes of note: "The on-site drainage [of the Konterra site] is 41.50% of Ammendale Branch." "In general the stream conditions show signs of long term instability due to land use changes and encroachment of several decades."

The assessment contains photographs and the locations where the photographs were taken, with reference points and a map. The photos taken do not contain a person with the identification number, per the Department of Natural Resources (DNR) protocol.

- 5. The initial submittal package for the first DSP shall contain information regarding any reclamation work performed prior to May 2007, in a format similar the CNA, Inc. letter, to fully document the presence of fill materials on-site. A full soils report shall also be submitted that addresses the soil structure, characteristics and foundation stability. The study shall, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. The existing borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

**Comment:** This issue should be addressed prior to the approval of the DSP. Some additional information has been submitted, but it does not address the condition above with regard to the boring locations and related information.

### **Environmental Review**

The site has a signed Natural Resources Inventory (NRI/050/08) and is currently under review for an -01 revision. The NRI does not include the entire property and will be revised.

According to the current NRI, that does not include the entire site, the remainder of the site contains a total of 12.36 acres of woodland on the gross tract, and 8.42 acres of woodland within the 100-year floodplain. All of the forest stands have a value of "good" or "priority" because the woodland that remains is primarily within the remaining regulated areas. The site has a total of 15 specimen trees.

The existing site features appear to be shown correctly on the TCPI and preliminary plan except for the land area that was not previously included; however, documentation must be provided to



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validate the acreage of the land transfer to the State Highway Administration (SHA) prior to signature approval of the NRI, TCPI and preliminary plan.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has a TCPI associated with the CSP. A Type I Tree Conservation Plan (TCPI/05/08-01) was submitted and reviewed with the preliminary plan. The comments regarding this plan are provided below.

As noted above, the exact calculations for the preliminary plan TCPI cannot be provided because the R-R portion of the site is missing and the exact acreage of the SHA right-of-way has not been shown on the plans. An exhibit was provided late in the review period that was not reflected on the plans under review.

The majority of the proposed woodland conservation is appropriately located in environmentally sensitive areas and the reforestation is shown in areas of rare, threatened or endangered species habitats. As additional opportunities for on-site conservation are determined, additional conservation should be sought on-site. The requirements that cannot be met on-site are proposed to be met with off-site mitigation. Some reforestation may also be necessary in and around some of the stream restoration sites both on-site and off-site. All of the areas contained within the stream restoration areas proposed are eligible for reforestation credits, even if the entire area is not planted with trees.

Because the site contains both M-X-T and R-R zoned land, a split-zoned worksheet that is also a phased worksheet is needed. The split-zoned worksheet will allow for the proper calculations of the requirements and the columns showing the phases will allow each portion of the site to meet its own requirements and be considered separately in the future. The worksheet must reflect the accurate depiction of the land areas subject to the application, show the SHA land dedication as "previously dedicated land," and account for all proposed clearing correctly. All the calculation errors must be resolved. For example, the cover sheet states that the clearing in the floodplain is 1.73 acres and the worksheet states 5.45 acres, and the variation request states that the amount of floodplain on the site is 16.87 acres, but the worksheet states that it is 9.71 acres in size.

The plans, as submitted, were provided in color as a courtesy to the reviewers; however, the plans should use symbols and line weights that make the information clear when reproduced in black and white. The TCPI should be revised to be legible in black and white.

#### **Variations to Section 24-130 Expanded Buffer Impacts**

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113 at the time of preliminary plan. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines

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(including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

In a letter dated June 17, 2008 and received June 23, 2008, the applicant provided exhibits for proposed areas of impact to the regulated areas as summarized in the table below:

Impact Number	Impact Type	Comments
1	22,127 square feet for road realignment	Supported
2	40,282 square feet for road realignment/ water and sewer	Supported
3	50,642 square feet for road crossing/ water access	Supported
4	10,279 square feet for sewer access	Supported
5	18,907 square feet off-site sewer connection	Supported
6-8	58,859 square feet for ICC construction	N/A see below
9	Other—SWM outfall reconfigurations	Supported
10	Other—Unknown amount of disturbance for trail and roadway construction	Not supported

**Impacts 6–8:** At the time that the initial variation requests were submitted, the land area that is now considered part of the SHA right-of-way was part of the subject property and it was not clear who would be completing the work in this area. This is why the applicant was requested to include these impacts in the variation request. Because the area of the right-of-way is no longer part of the subject property, **the variation requests are not applicable**. SHA will need to provide mitigation for those impacts with the permits for that construction.

**Impact 9:** The letter also indicates that no alteration of the pond outfalls or embankment, currently within the expanded buffer, is planned for the four existing ponds; however, the approved stormwater management concept plan indicates that grading and alterations to the outfalls will be necessary. This apparent discrepancy needs to be addressed prior to signature approval of the preliminary plan by either revising the stormwater management concept approval, to remove grading and structures from the expanded buffer, or by showing the necessary expanded buffer impacts on the plans. This **impact is supported** with review.

**Impact 10:** The trails plan proposes a trail along the edge of the townhouse units, between the proposed road and the stream buffer. This trail design has not been shown on the TCPI, and in fact, the TCPI shows that there is insufficient land area to place the trail in this location without encroaching on the regulated area. The TCPI also does not show the conceptual grading for the ultimate construction. It appears to only show the mass grading of the site. This potential future **impact is not supported** because it can be avoided with a different lot layout and roadway design.

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**Impacts 1–5 and Impact 9 are supported; Impacts 6–8 are not required and Impact 10 is not supported.** Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. These required findings are evaluated for the supported variations.

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

The approval of the applicant’s request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property in conformance with adequate stormwater or public utility connections.

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The road crossings and realignments, as well as the water and sewer crossings, are required by Prince George’s County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

Access to the site is limited to the northern and the eastern property boundaries because direct access to I-95, to the west, and the ICC, to the south, is prohibited. Since the expanded buffer runs the entirety of the eastern property boundary, crossings are necessary; otherwise all traffic entering and leaving the site would be restricted to the north side of the property. Public utilities and public access points have been appropriately combined to minimize impacts.

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

The installation of public streets and water and sewer lines are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as

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required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The expanded stream buffers run the entirety of the eastern property boundary. Without the required public streets, water lines and sewer lines, the property could not be properly developed in accordance with the M-X-T zoning.

**Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

- 6. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for Centers in the Developing Tier and conforms to the “Town Center” land use recommendations in the 1990 Approved Master Plan for Subregion I.

**GENERAL PLAN, MASTER PLAN AND SMA**

**2002 General Plan:** This application is located in the Konterra (possible future) regional center in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

**Master Plan:** The property is located within the 1990 Master Plan for Subregion I in Planning Area 60 in the northwestern area. The master plan land use recommendation is for town center.

**Planning Comments:**

The following are recommendations from the 1990 Approved Master Plan for Subregion I, the 2002 *Prince George’s County Approved General Plan*, and the 2007 Adopted Master Plan and Endorsed Sectional Map Amendment for Subregion I. While the 2007 Adopted Master Plan for Subregion I has not yet been approved by the District Council, it reflects the Planning Board’s recommendations.

**1990 Approved Master Plan for Subregion I**

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The plan recommends that Konterra Town Center contain a mixture of housing types from high-rise multifamily to single-family detached dwelling units. The plan further states, "The number of residential units to be constructed is determined by the transportation holding capacity of the Subregion. In addition, there should be an increased emphasis on single-family detached homes in the Town Center than was originally conceived in the conceptual development plan submitted with the M-X-T rezoning application" (Page 131).

A hypothetical conceptual design plan was created for this plan which contained 12,500 employees and 1,400 dwelling units. The plan states, "...the transportation system will not be able to accommodate the traffic generated without the benefit of extensive Transportation System Management (TSM) measure. In order not to aggravate this problem, it will be necessary to limit development to a maximum of 12,500 employees and 1,400 dwelling units" (Page 133).

The 1990 Master Plan for Subregion I designates the property in the Mixed-Use Town Center land use category. The sectional map amendment retains the existing M-X-T Zone on the subject property.

#### **2002 Prince George's County Approved General Plan**

The 2002 General Plan sets the County's development policies. The General Plan identifies Konterra Town Center as a possible future town center with the following definition (page 46):

"Regional Centers are locations for regionally marketed commercial and retail centers, office and employment areas, some higher education facilities, and possibly a sports and recreation complex primarily serving Prince George's County. High-density residential development may be an option at these Centers if the needed public facilities and services, particularly schools and transit, can be provided. Regional Centers should be served by rail or bus mass transit systems."

Policy 3 in the Centers and Corridors section identifies a strategy that encourages the placement of new libraries, schools, police substations, recreation centers, and urban parks within centers (p.53).

Page 97 of the application identifies strategies for addressing schools, fire and police stations stating, "Public facilities such as schools, and fire and police stations should be located outside the M-X-T Zoned area to allow them to serve the growth potential and need of the surrounding communities as well as the Town Center."

The opportunity to construct a grade school within Konterra Town Center should be remain an option as the Planning Department works on developing a policy aimed at creating a variety of urban school models for use in centers and corridors as well as in other land-constrained areas of Prince George's County.

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**2007 Adopted Master Plan and Endorsed Sectional Map Amendment for Subregion I**

This master plan reiterates the 2002 General Plan policies, strategies, and recommendations for Regional Centers.

Page I, Plan Highlights, Development Pattern Element, 3rd bullet:

"...and promote mixed-use development in the center and corridor with a strong emphasis on transit-oriented and pedestrian-friendly design in the Developing Tier."

Konterra is the only designated "center" in the Subregion I area by the General Plan.

Page 9, Development Pattern Elements, Introduction, 1st paragraph:

"...The General Plan places Subregion I within two growth policy tiers, the Developing Tier and Rural Tier and designates one possible future regional center (Konterra Town Center) and one corridor (US 1) within the Subregion I area."

Page 13, Centers and Corridors (Konterra Town Center and US 1/Baltimore Avenue Corridor), General Plan Guidance:

"Subregion I consist of one designated possible future regional center at Konterra...The Konterra Town Center is identified by the General Plan as a possible future location for regionally marketed commercial and retail centers, residential communities, office and employment areas, some higher educational facilities and possibly sports and recreational facilities primarily serving Prince George's County..."

The preliminary plan of subdivision is consistent with the land use plan approved by the CSP-07003, and is consistent with the policies, strategies, and recommendations for Regional Centers and the land use recommendation of the 1990 Approved Master Plan for Subregion I as updated by the 2002 General Plan and to be refined by the 2007 Adopted Subregion I Master Plan (subject to District Council approval).

- 7. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the preliminary plan of subdivision application for conformance with the conditions of the approved Conceptual Site Plan, CSP-07003. DPR review considered the recommendations of the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62*, 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.

Konterra Town Center East will include 4,500 residential dwelling units. Using current occupancy statistics for single-family attached and multifamily dwelling units will result in a population of 11,700 additional residents in the community.

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The 1990 Subregion I Master Plan also provides recommendations for parkland acquisition in Planning Area 60 as follows:

**Community Parks:**

- 40-acre Community Park in the Van Dusen Road area, west of I-95.
- 13-acre addition to Fairland Regional Park on its northern boundary.
- 25 acres in the general area east of I-95, north of the proposed Intercounty Connector and west of Virginia Manor Road.

**Regional Parks:**

- 25-acre addition to Fairland Regional Park located on its northern boundary.

The Department of Parks and Recreation (DPR) has evaluated parks and recreational needs and programs in Subregion I communities and found that these communities do not meet the standards of 15 acres of neighborhood/community parks per 1,000 persons nor the 20 acres of stream valley, regional parkland standards per 1,000 persons. Subregion I will need additional parkland to meet the standards in 2020 based on the projected population of the Subregion. As the area's population grows, the M-NCPPC should be ready for future demands on the parks system to provide high quality recreation facilities and programs. It is recognized that there is a need for more ball fields to meet the needs of boys' and girls' clubs, organized youth leagues, and informal pick-up games. By applying the above standards, DPR concludes that 175 acres of additional local and 234 acres of additional regional parkland will be needed to serve the anticipated population of the Konterra Town Center development.

**Subdivision Ordinance, Section-24-134, Mandatory Dedication of Parkland** requires that in all residential subdivisions, the Planning Board require the dedication and conveyance to the M-NCPPC of suitable and adequate land for active or passive recreation. DPR has evaluated the Preliminary Plan 4-07108 application for conformance with the Subdivision Regulations and found that approximately 253 acres of the 488-acre site includes a residential component and will be subject to the requirement for the mandatory dedication of parkland. Calculation for the mandatory dedication requirement indicates that 38 acres of open space (suitable and adequate land for active or passive recreation) should be required.

DPR staff met with the applicant and developed a package of off-site parkland dedication and on-site private recreational facilities which includes the following:

- Private recreational facilities: Two private community centers within the residential pods of the planned community, outdoor plazas, enclosed pedestrian space, movie theaters within downtown area, public building parcel (for the future public facilities), open space parcels with SWM pond/lakes and environmentally sensitive areas and a network of pedestrian sidewalks and trails will be provided. These facilities will create an urban environment and provide passive and active recreation facilities for the residents and

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guests of the Town Center. However, this urban environment will not provide needed space for ball fields and programmed sport activities.

- 41 acres of open space will be dedicated to the M-NCPPC. This property is located on the west side of I-95 in the northeast quadrant of the intersection of the proposed Intercounty Connector (ICC) and Old Gunpowder Road. It is located on the east side of Old Gunpowder Road across the street from the southern portion of Fairland Regional Park.

DPR believes that the addition of 41 acres of developable land to the park system will greatly improve the recreation opportunities provided to the citizens of northern Prince George's County. The need for parkland in this area had been identified in the master plan since the adoption of the 1990 Subregion I plan. For a period of 18 years the need could not be addressed. This application provides an opportunity to address these parkland needs and the needs created by this new development. Through a combination of mandatory dedication (41 acres of off-site dedication), and the applicant providing on-site private recreational facilities, the development addresses parkland needs.

DPR conceptually analyzed the site and determined that this 41-acre parcel can accommodate four ball fields, a picnic area, a playground, and a 250-space parking lot. DPR believes that approximately ten acres of this parcel can accommodate an elementary school in the future if deemed necessary at the time of the new Subregion I Master Plan approval. DPR also agreed to consider the exchange of ten acres with the Board of Education (BOE) to facilitate the construction of an elementary school when BOE budgets funds in their Capital Improvement Program (CIP) for the construction of an elementary school at that location.

In summary, the combination of private and public recreational facilities, parkland dedication as shown on DPR Exhibit A, and provisions of private recreational facilities will satisfy the recreational needs of Konterra Town Center East and the community.

The fulfillment of required mandatory dedication of parkland (Section 24-134) of the Subdivision Regulations is being fulfilled with the off-site dedication of a minimum of 38 acres. The additional two acres, above that required, and the private on-site recreational facilities are required by the approval of the CSP, but not required for the fulfillment of mandatory dedication of parkland.



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The CSP-07003 approval (PGCPB Resolution No. 08-95) Condition 6 is as follows:

- “6. The applicant shall dedicate approximately 41 acres of parkland to the Maryland-National Capital Park and Planning Commission, that is located on the west side of I-95 and north of the proposed Intercounty Connector (ICC), as shown on the Exhibit A attached to DPR’s memorandum. The conveyance of 41 acres of open space to M-NCPPC is an amount of land premised on the proposal of 4,500 dwelling units in Konterra Town Center East. Subject to Planning Board approval, the applicant may count some portion of the dedicated parkland toward satisfying the parkland dedication requirements for Konterra Town Center West residential development or other residential development (up to a total of 4,500 dwelling units) on proximate land owned by the applicant, if this number of dwelling units is not constructed as part of Konterra Town Center East.”

This condition requires the conveyance of 41 acres of off-site parkland, but also includes language that appears to create a “banking” of parkland for other future developments that may be unrelated to the Konterra development. While the condition does indicate that the banking is subject to the Planning Board approval, the banking of dedicated parkland for the fulfillment of the mandatory dedication of parkland for future developments is not currently authorized by the Subdivision Regulations. Condition 6 does not specifically refer to banking for fulfillment of Section 24-134, however it is important to note that there is currently no framework or authority for that to occur if that is the intent. The amount of land to be dedicated is based on the allowable density of the property. While staff is not opposed to this concept, which is similar to the transfer of development rights, the Subdivision Regulations (Subtitle 24) would need to be amended to allow parkland dedication required for adequacy for one subdivision (Section 24-134) to be utilized for another. Essentially, to allow for any excess capacity associated with one development to be transferred to another for the fulfillment of adequacy.

8. **Trails**—The preliminary plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the Master Plan Trails.

Pedestrian accommodations and transit-oriented development are a priority for the site, as noted in the Preliminary Subregion I Master Plan and the subject application. The planning charrette held for the Konterra development stressed the importance of creating a town center environment with pedestrian-friendly streetscapes, bicycle accommodations, and numerous internal connections.

The subject application proposes an extensive network of facilities for bicyclists and pedestrians, including bicycle and pedestrian-compatible roadways. All roads include standard or wide sidewalks along both sides and major roads include designated bike lanes. The provision of designated bike lanes will encourage the use of bicycles as an alternative mode of transportation for some trips within the town center, and is in conformance with the 1999 American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities. The grid street pattern used for much of the site provides many linkages and routes for

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pedestrians and cyclists and is generally more compatible for non-motorized modes because it disperses the vehicular traffic along more routes.

The road cross sections proposed by the applicant are appropriate but subject to the approval of the Department of Public Works and Transportation. Standard or wide sidewalks are proposed along both sides of all internal roads. Many cross sections have enhanced streetscapes with wide sidewalks and designated bike lanes. The cross sections with enhanced facilities include the main street, which has 15-foot-wide sidewalks and designated bike lanes. Center Street South includes 7-foot-wide sidewalks. The Boulevard, as well as Connector Streets A, B, and C include bike lanes in addition to standard sidewalks. The bike lanes are in conformance with AASHTO guidelines and will greatly increase the amount of striped bike lanes in Prince George's County.

It should be noted that the Adopted and Approved Subregion I Master Plan (1990) does not recommend a master plan trail along the subject site's portion of Kenilworth Avenue Extended (A-56). However, consideration should be given to the provision of facilities for bicyclists and pedestrians at the time of road design and that consideration be given to include a recommendation for a master plan trail/bikeway along A-56 in the updated Subregion I Master Plan. Also, the planned trail along the ICC project ends at Virginia Manor Road and does not impact the subject application.

- **Stream Valley Trail:** The Planning Board continues to support the provision of stream valley or park trails along the internal stream valley or greenway corridors. A trail connection is proposed along the stream valley corridor on the eastern edge of Konterra East. The Preliminary Subregion I Master Plan recommended, "Supplement the sidewalk network by utilizing stream valleys and other greenway corridors as trails and pedestrian walkways" (Preliminary Master Plan, page 48). This issue was also discussed at the time of the April 4, 2008 subdivision review committee meeting. This trail will serve not only recreational needs, but also provide pedestrian access through the townhouse portion of the development. The alignment shown by the applicant on the conceptual trail plan is appropriate. This alignment utilizes the road right-of-way for the crossing of PEPCO. Where the stream valley is implemented along a road right-of-way, the trail shall be constructed at a minimum of eight-feet wide and separated from the curb by a grass planting strip. This trail will be constructed in lieu of a standard sidewalk on that side of the road for the distance it is within the road right-of-way.
- **Public versus Private Roadways:** The Planning Board is concerned that if the roadways are not accepted by DPW&T as part of the public road network, that the extensive sidewalk and bicycle facilities will not be accessible to the public as part of the larger, countywide trail network. This issue should be explored in more detail. As much of the pedestrian and trail network as possible should be open and accessible to the public. Exhibit 3 indicates that the major roads within the subdivision will be constructed within a public use easement (PUE). The streetscape may be included within this PUE. This will ensure that the wide streetscape will remain an open and publicly accessible segment of the pedestrian network.

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- **Pedestrian Safety:** Pedestrian safety features will be an important component of the street network. Curb bump-outs, decorative crosswalks, raised crosswalks, pedestrian safety features, pedestrian refuges, and pedestrian amenities should be considered at the time of detailed site plan.
- **Road Cross Section Serving the Townhouses:** Pedestrian access should be provided from the townhouse portions of the site to the rest of the development. No road cross section is included for the roads serving the townhouse units. Sidewalks or internal paths should be provided.
- **Public Trails:** The submitted conceptual trail plan indicates a network of public trails, but indicates that these may not always be in the public right-of-way. At the time of detailed site plan, it will be necessary to determine if any of these trails need to be within a public-use trail easement. Currently, the conceptual trail plan does indicate that the major roads within the town center will be within public use easements.

The Planning Board supports the road cross sections shown on the submitted circulation plan, pending approval by the Department of Public Works and Transportation. Standard or wide sidewalks are included along all roadways and designated bike lanes are provided throughout the town center. However, the applicant should work with DPW&T to make as many of the planned roadways part of the public road network as possible.

9. **Transportation**—The property is located generally between I-95, existing Van Dusen Road, existing Virginia Manor Road, and the planned Intercounty Connector facility.

The applicant prepared a traffic impact study dated August 2007. This was followed by a study dated January 2008, an addendum dated March 2008, and another study dated June 2008. All items were prepared in general conformance with the methodologies in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” Given the overall size and impact area of the development, a slightly different methodology was undertaken so that the results would be consistent with other recent regional traffic studies done in the area. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff.

***Growth Policy – Service Level Standards***

The subject property is located within the Developing Tier, as defined in the *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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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

The initial traffic study submittal indicated that the subject property is a regional center, and would be subject to the LOS E standard in accordance with the stated policy in the General Plan for regional centers within the Developing Tier. Given that the site is not currently a designated regional center (it is identified as a “possible future” regional center on Map 2 of the General Plan), a revised submittal demonstrated the LOS D standard appropriate for the Developing Tier.

***Analysis of Traffic Impacts***

The traffic impact study prepared and submitted on behalf of the applicant analyzed 16 intersections in the vicinity of the subject property. Existing conditions in the vicinity of the subject property are summarized below:

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EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Old Gunpowder Road and Briggs Chaney Road	869	915	A
Old Gunpowder Road and Greencastle Road	43.9*	267*	--	--
MD 198 and Old Gunpowder Road	1,393	1,118	D	B
MD 198 and Sweitzer Lane	885	1,199	A	C
MD 198 and Van Dusen Road	1,540	1,559	E	E
Van Dusen Road and Cherry Lane	1,271	1,254	C	C
US 1 and Contee Road	1,135	1,153	B	C
US 1 and Muirkirk Meadows Drive	1,123	968	B	A
US 1 and Ritz Way	1,123	825	B	A
New Contee Road and Old Gunpowder Road	future			
New Contee Road and Sweitzer/I-95 SB Ramps	future			
New Contee Road and I-95 NB Ramps	future			
New Contee Road and Van Dusen Road	future			
Virginia Manor Road and New Contee Road	future			
Virginia Manor Road and Site Access—North	future			
Virginia Manor Road and Site Access—South	future			

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

At this point, the traffic study takes a significant departure from the standard methodology of conducting traffic impact studies as described in the guidelines. Most traffic impact studies include a review of background, or approved development within the study area and assume growth rates for through traffic on the critical roadway facilities. In this circumstance, the traffic study uses 2010 and 2030 forecasts of turning movements provided by the State Highway Administration (SHA). These turning movement volumes were prepared for the Intercounty Connector (ICC) study of the preferred Corridor 1 (master plan alignment) for the ICC. This is the alignment which ultimately received final environmental approval, and is currently under final design for construction by the Maryland Transportation Authority.

Transmittal of the turning movements was accompanied by a letter noting that the forecasts for the ICC were based on Round 6.3, while the current forecasts, at the time of transmittal, was Round 7.0. The letter indicated that all volumes should be used with caution as background for the traffic study. It is noted that the turning movement volumes were adjusted generally upward to better reflect the actual counts and to better reflect land use changes occurring within the study area.

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While individual approved developments are not explicitly added into this type of approach, the 2010 and the 2030 forecasts are reflective both of actual development activity and of larger historical growth trends triggered by economic forces occurring within the Washington region. In most cases, one factor or the other will govern, but these forecasts have the benefit of having regional approval, and they are deemed appropriate for use in a number of planning applications. The use of these assignments affords full consideration of growth outside of Prince George's County, and their use also provides a more appropriate consideration of a number of new transportation facilities within the study area. Without these assignments, findings regarding these new and unbuilt facilities would be reduced to a "guess-timate" of their impact on current traffic rather than information that has been subjected to rigorous internal and public review.

It is noted that, in reviewing the traffic study, SHA offered no comments challenging the study methodology. Given this fact along with the information noted above, it is determined that the background development scenario presented in the submitted traffic study presents a reasonable assessment not inconsistent with the guidelines for the future years 2010 and 2030.

Background traffic for the year 2010 situation is summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS — YEAR 2010</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
Old Gunpowder Road and Briggs Chaney Road	870	1,090	A	B
Old Gunpowder Road and Greencastle Road	not given	not given	--	--
MD 198 and Old Gunpowder Road	839	1,119	A	B
MD 198 and Sweitzer Lane	721	1,026	A	B
MD 198 and Van Dusen Road	934	1,188	A	C
Van Dusen Road and Cherry Lane	1,075	1,250	B	C
US 1 and Contee Road	1,411	1,320	D	D
US 1 and Muirkirk Meadows Drive	1,263	1,578	C	E
US 1 and Ritz Way	1,836	2,249	F	F
New Contee Road and Old Gunpowder Road	610	938	A	A
New Contee Road and Sweitzer/I-95 SB Ramps	756	715	A	A
New Contee Road and I-95 NB Ramps	430	552	A	A
New Contee Road and Van Dusen Road	future			
Virginia Manor Road and New Contee Road	future			
Virginia Manor Road and Site Access—North	future			
Virginia Manor Road and Site Access—South	future			

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

Under Phase I, the site is proposed for development with 3,458 multifamily residences, 600 hotel rooms, 1,407,400 square feet of retail space, and 1,203,950 square feet of office space. Once again, the traffic study departs from the guidelines by using trip rates in the Institute of Transportation Engineers' (ITE) Trip Generation Manual instead of the recognized and locally-measured trip rates published in the guidelines. The guidelines indicate that the rates in the guidelines "should be used in all traffic studies, except where it can be demonstrated by acceptable field data that a more appropriate rate is applicable." While the ITE manual is provided as a source in the guidelines, it should be used "for any uses not cited in the Guidelines." The justification provided in the traffic study for using different trip rates is not truly a justification, but more of a citation of a handful of mixed-use developments which may or may not be similar to this site with no data and considerable discussion of internal trip capture. The justification is not compelling. With regard to trip generation for the four uses proposed, the following is determined:

- The initial study used trip rates for all residence types that were about 18 percent less than the Planning Board's published rates for high-rise apartments. Given that the actual unit types will likely be townhouses, stacked townhouses, and low- to mid-rise flats, the conceptual site plan found that this departure from the Planning Board's own procedures was simply not justifiable with the information given. The final revision of the traffic study utilizes conventional residential rates per the guidelines, and that study will be used to make the finding for this application.
- The initial study used trip rates per hotel room that were about 15 percent less than the Planning Board's published rates for hotel. The conceptual site plan found that this departure from the Board's procedures was not justifiable given that the "hospitality" use was shown over a large portion of the conceptual site plan. The final revision of the traffic study utilizes conventional hotel rates per the guidelines, and that study will be used to make the finding for this application.
- The trip rates per 1,000 square feet of office are nearly 40 percent less than the Planning Board's published rates for general office. The rates used in the traffic study will be deemed acceptable for three reasons. First, it is essential for this site to attain higher levels of employment density in order for it to function as a regional center, which may, in turn, help to justify higher residential densities (and lower overall residential trip rates) within the context of a large mixed-use center. Second, the argument made in the traffic study that a larger aggregation of office space results in a lower per-unit trip rate is a good one, and is widely substantiated by published data. Third, rates of trip making can be better regulated at large employment sites, either through passive means such as the use of parking garages and control of parking supply, or through more direct means such as the

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establishment of a transportation demand management district. The office trip generation method is accepted given that the office uses are substantially concentrated within a walkable area.

- The trip rates per 1,000 square feet of retail are similar to the Planning Board's published rates for retail when an allowance for pass-by travel is considered. The rates used in the traffic study will be deemed acceptable for this reason. Furthermore, the argument made in the traffic study that a larger aggregation of retail space results in a lower per-unit trip rate is a good one, and is widely substantiated by published data.

The analyses for internal trip capture shown in the traffic study are done with detail and reasonable assumptions. The written information in the traffic study substantiates the methodology used, and the results make sense. For these reasons, the internal trip capture rates shown in the traffic study are deemed to be acceptable. The trip generation for Phase I, maintaining the residential and hotel trip levels shown in the traffic study, is summarized in the table below:

<b>Trip Generation — Phase I</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
Residential Trips	207	830	1,037	899	484	1,383
Hotel Trips	210	180	390	270	210	480
Less Internal Trip Capture	-39	-42	-81	-247	-155	-402
<b>Net Residential and Hotel Trips</b>	<b>378</b>	<b>968</b>	<b>1,346</b>	<b>922</b>	<b>539</b>	<b>1,461</b>
Office Trips	1,208	165	1,373	243	1,184	1,427
Less Internal Trip Capture	-9	-12	-21	-56	-57	-113
<b>Net Office Trips</b>	<b>1,199</b>	<b>153</b>	<b>1,352</b>	<b>187</b>	<b>1,127</b>	<b>1,314</b>
Retail Trips	467	298	765	1,721	1,865	3,586
Less Internal Trip Capture	-51	-45	-96	-189	-280	-469
Less External Pass-By	-33	-20	-53	-276	-285	-561
<b>Net Retail Trips</b>	<b>383</b>	<b>233</b>	<b>616</b>	<b>1,256</b>	<b>1,300</b>	<b>2,556</b>
<b>Net New Trips — Phase I</b>	<b>1,960</b>	<b>1,354</b>	<b>3,314</b>	<b>2,365</b>	<b>2,966</b>	<b>5,331</b>

Total traffic for Phase I of the subject site is summarized below. This table assumes completion of the ICC from US 1 westward, two new interchanges along I-95 (at the ICC and at Contee Road Extended), and a new roadway facility linking Virginia Manor Road to the I-95/Contee Road interchange. It assumes no connection over I-95 between Konterra East and Konterra West to serve Phase I:



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TOTAL TRAFFIC CONDITIONS — PHASE I				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Old Gunpowder Road and Briggs Chaney Road	892	1117	A
Old Gunpowder Road and Greencastle Road	140*	923*	--	--
MD 198 and Old Gunpowder Road	899	1224	A	C
MD 198 and Sweitzer Lane	770	1166	A	C
MD 198 and Van Dusen Road	964	1322	A	D
Van Dusen Road and Cherry Lane	1122	1301	B	D
US 1 and Contee Road	1526	1467	E	E
US 1 and Muirkirk Meadows Drive	1366	1738	D	F
US 1 and Ritz Way	1886	2341	F	F
New Contee Road and Old Gunpowder Road	617	1002	A	B
New Contee Road and Sweitzer/I-95 SB Ramps	910	928	A	A
New Contee Road and I-95 NB Ramps	694	786	A	A
New Contee Road and Van Dusen Road	1001	1481	B	E
Virginia Manor Road and New Contee Road	1024	1321	B	D
Virginia Manor Road and Site Access — North	future			
Virginia Manor Road and Site Access — South	1115	1496	B	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

*Traffic Impacts for 2010*—The traffic analysis makes the following determinations and recommendations for 2010:

1. US 1 and Contee Road: Add one additional through lane westbound along Contee Road to achieve LOS C in the AM peak hour and LOS D in the PM peak hour.
2. Intercounty Connector: This facility is assumed to be constructed by the Maryland Transportation Authority. The roadway has full construction funding shown in the State Consolidated Transportation Program, and the assumptions in the traffic study are consistent with the final design.
3. US 1 and Muirkirk Meadows Drive: Add a second left-turn lane along eastbound Muirkirk Meadows Drive to achieve LOS C in the AM peak hour and LOS D in the PM peak hour.

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4. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1 to achieve LOS B in the AM peak hour and LOS E in the PM peak hour.
5. Van Dusen Road and Contee Road: Add a second left-turn lane along westbound Contee Road. Add an exclusive left-turn lane along northbound Van Dusen Road. These improvements would achieve LOS B in the AM peak hour and LOS E in the PM peak hour.
6. Old Gunpowder Road and Greencastle Road: Add a left-turn lane along northbound Old Gunpowder Road. Install signalization if warranted. These improvements would achieve LOS B in the AM peak hour and LOS B in the PM peak hour.
7. I-95 and Contee Road: Construct the I-95/Contee Road interchange with the design consistent with the approved alternative and consistent with the lane use shown on Exhibit 12A of the January 2008 traffic study.
8. Contee Road Extended: Construct the extension of Contee Road from the I-95/Contee Road interchange to Old Gunpowder Road. Provide signalization and lane usage consistent with the traffic study, and with final alignment of the Contee Road Extended/Old Gunpowder Road intersection to be determined by DPW&T at the time of the initial detailed site plan for infrastructure.
9. It is further noted that a roadway connection of Virginia Manor Road to the I-95/Contee Road interchange is to be constructed on-site as a part of Phase I, with approval of the design of this link to be made by DPW&T at the time of the initial detailed site plan for infrastructure.

It should be noted that Phase II, as previously discussed, is based on 2030 forecasts of turning movements provided by SHA. These turning movement volumes were prepared for the ICC of the preferred Corridor 1 (master plan alignment) for the ICC. This is the alignment which ultimately received final environmental approval, and is currently under final design for construction by the Maryland Transportation Authority. The 2030 background situation includes the forecasted turning movements plus the assignment for the first phase of the subject property. Background traffic for the year 2030 situation is summarized below:

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<b>BACKGROUND TRAFFIC CONDITIONS — YEAR 2030</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
Old Gunpowder Road and Briggs Chaney Road	947	961	A	B
Old Gunpowder Road and Greencastle Road	not given	not given	--	--
MD 198 and Old Gunpowder Road	943	1,364	A	D
MD 198 and Sweitzer Lane	1,007	1,285	B	C
MD 198 and Van Dusen Road	1,356	1,695	D	F
Van Dusen Road and Cherry Lane	1,445	1,784	D	F
US 1 and Contee Road	1,637	1,610	F	F
US 1 and Muirkirk Meadows Drive	1,139	1,591	B	E
US 1 and Ritz Way	1,823	2,290	F	F
New Contee Road and Old Gunpowder Road	801	1,260	A	C
New Contee Road and Sweitzer/I-95 SB Ramps	1,008	914	B	A
New Contee Road and I-95 NB Ramps	590	764	A	A
New Contee Road and Van Dusen Road	future			
Virginia Manor Road and New Contee Road	future			
Virginia Manor Road and Site Access—North	future			
Virginia Manor Road and Site Access—South	future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under Phase II, the site is proposed for development with 4,500 townhouse and multifamily residences, 600 hotel rooms, 1,500,000 square feet of retail space, and 3,800,000 square feet of office space. In consideration of the analyses for internal trip capture shown in the traffic study, along with the trip rate discussions presented under Phase I, the following table has been prepared. The trip generation for Phase II (build-out of the site), maintaining the residential and hotel trip levels shown in the traffic study, is summarized in the table below:

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Trip Generation — Phase II	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	295	1,313	1,608	1,278	655	1,933
Hotel Trips	210	180	390	270	210	480
Less Internal Trip Capture	-45	-44	-89	-264	-162	-426
<b>Net Residential and Hotel Trips</b>	<b>460</b>	<b>1,449</b>	<b>1,909</b>	<b>1,384</b>	<b>703</b>	<b>2,087</b>
Office Trips	3,030	413	3,443	737	3,598	4,335
Less Internal Trip Capture	-9	-18	-27	-58	-67	-125
<b>Net Office Trips</b>	<b>3,021</b>	<b>395</b>	<b>3,416</b>	<b>679</b>	<b>3,531</b>	<b>4,210</b>
Retail Trips	485	310	795	1,795	1,945	3,740
Less Internal Trip Capture	-54	-46	-100	-198	-291	-489
Less External Pass-By	-34	-21	-55	-287	-298	-585
<b>Net Retail Trips</b>	<b>397</b>	<b>243</b>	<b>640</b>	<b>1,310</b>	<b>1,356</b>	<b>2,666</b>
<b>Net New Trips — Phase II Build-out</b>	<b>3,878</b>	<b>2,087</b>	<b>5,965</b>	<b>3,373</b>	<b>5,590</b>	<b>8,963</b>

Total traffic for Phase II (build-out) of the subject site is summarized below. This table assumes completion of the ICC from US 1 westward, two new interchanges along I-95 (at the ICC and at Contee Road Extended), and a new roadway facility linking Virginia Manor Road to the I-95/Contee Road interchange:

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<b>TOTAL TRAFFIC CONDITIONS — BUILD-OUT OF TOWN CENTER EAST</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	Old Gunpowder Road and Briggs Chaney Road	947	994	A
Old Gunpowder Road and Greencastle Road	324*	781*	--	--
MD 198 and Old Gunpowder Road	1,047	1,504	B	E
MD 198 and Sweitzer Lane	1,138	1,558	B	E
MD 198 and Van Dusen Road	1,473	1,864	E	F
Van Dusen Road and Cherry Lane	1,527	1,992	E	F
US 1 and Contee Road	1,803	1,731	F	F
US 1 and Muirkirk Meadows Drive	1,251	1,724	C	F
US 1 and Ritz Way	1,865	2,389	F	F
New Contee Road and Old Gunpowder Road	873	1,364	A	D
New Contee Road and Sweitzer/I-95 SB Ramps	1,172	1,201	C	C
New Contee Road and I-95 NB Ramps	873	1,106	A	B
New Contee Road and Van Dusen Road	799	1,370	A	D
Virginia Manor Road and New Contee Road	1,000	1,312	B	D
Virginia Manor Road and Site Access — North	648	536	A	A
Virginia Manor Road and Site Access — South	970	1,337	A	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

*Traffic Impacts for 2030 (build-out)*—The traffic analysis makes the following determinations and recommendations for 2030, beyond those that are required for 2010:

1. MD 198 and Bond Mill Road/Old Gunpowder Road: Restripe the southbound Bond Mill Road approach to provide exclusive left-turn, through, and right-turn lanes to achieve LOS B in the AM peak hour and LOS D in the PM peak hour.
2. MD 198 and Sweitzer Lane: Restripe the northbound Sweitzer Lane approach to provide exclusive left-turn and right-turn lanes, and a shared through/left-turn lane to achieve LOS A in the AM peak hour and LOS D in the PM peak hour.
3. US 1 and Ritz Way: Add two additional left-turn lanes along northbound US 1. Add a third eastbound left-turn lane along Ritz Way, with provision for three receiving lanes

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along northbound US 1. These improvements would achieve LOS B in the AM peak hour and LOS D in the PM peak hour.

4. Van Dusen Road and Contee Road: Provide an exclusive left-turn lane and a shared through/left-turn lane along westbound Contee Road. Add a second exclusive left-turn lane along northbound Van Dusen Road. These improvements would achieve LOS B in the AM peak hour and LOS C in the PM peak hour.
5. MD 198 and Van Dusen Road: Add a second left-turn lane along westbound MD 198, with provision for two receiving lanes along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road. These improvements would achieve LOS D in the AM peak hour and LOS D in the PM peak hour.
6. Van Dusen Road and Cherry Lane: Add a second left-turn lane along southbound Van Dusen Road. Add a second northbound through lane along Van Dusen Road, with provision for two receiving lanes along northbound Van Dusen Road, north of the intersection. These improvements would achieve LOS D in the AM peak hour and LOS D in the PM peak hour.
7. It is noted that the overpass connection over I-95 between Konterra East and Konterra West shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II.
8. The overpass connection over the ICC between Konterra East and properties to the south, with an eventual connection to MD 212 at Ammendale Road, shall be scheduled for bonding and ultimate construction by DPW&T at the time of the initial detailed site plan for infrastructure within Phase II.
9. It is further noted that the construction of MD 201 Extended along Virginia Manor Road and connecting to the I-95/Contee Road interchange is to be constructed on-site as a four-lane divided facility as a part of Phase II, with approval of the design of this link to be made by DPW&T and/or SHA (whichever agency is responsible) at the time of the initial detailed site plan for infrastructure within Phase II. At that time, the design of turning lanes into and out of the site for each site access shall be completed and approved.

The initial traffic study was referred to the County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA) for comment. The comments from each agency are attached. Neither agency provided comments that require specific discussion within these findings. DPW&T indicated that any designs for intersections along County roadways would require the use of the Synchro analysis; this can be done at the time that designs are done. There was no discernible difference between the September 2007 and the January 2008 study; nonetheless, the January 2008 study was submitted as the traffic study of record and should be the primary reference for this application. The March 2008 addendum was submitted solely to demonstrate conformance with a LOS D standard.

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### Plan Comments

At this time, the 1990 Subregion I Master Plan is the document by which conformity with the transportation plan is to be determined. The current conceptual site plan was prepared based on a roadway concept for the area that was developed during 2006 and 2007 as a part of the update to the Subregion I Master Plan. At this time, that updated plan stands without approval, and elements of the updated plan will be reworked, re-released, and reheard at a later date. As a means of demonstrating general conformity between the 1990 plan and the currently proposed roadway network, the following table has been prepared:

Road Designation on 1990 Plan	Facility Type 1990	Facility Type Draft Master Plan	Description on Preliminary Plan	OK
F-1 (I-95)	8+ lane Freeway	8+ lane Freeway	I-95	✓
A-44 (ICC)	6 lane access controlled Arterial	6 lane Freeway	ICC	✓
A-6 (Contee Road, east of site)	6 lane Arterial	6 lane Arterial	Contee Road Extended	✓
A-6 (Contee Road, west of site)	6 lane Arterial	6 lane Arterial	MD 201 Extended	✓
A-56 (MD 201 Ext., north of site)	4-6 lane Arterial	4 lane Major Collector	Van Dusen Road	✓
A-56 (MD 201 Ext., south of site)	4-6 lane Arterial	6 lane Arterial	MD 201 Extended	✓
A-3 over I-95	4-6 lane Arterial	4 lane Major Collector	Primary	✓
A-3 over ICC	4-6 lane Arterial	4 lane Major Collector	Major Collector	✓
C-102	4 lane Collector	4 lane Major Collector	Van Dusen Road Extended and Contee	✓
C-101	4 lane Collector	4 lane Major Collector	Konterra East, east access	✓

The rights-of-way for I-95 (F-1), the Intercounty Connector (A-44), and the proposed interchanges between I-95 and the A-6 and A-44 facilities have reached the stage of an approved design by SHA and/or the Maryland Department of Transportation (MDOT). While these rights-of-way

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might not conform to the 1990 Subregion I Master Plan, the approved designs govern the right-of-way needs. It is determined that these rights-of-way are consistent with agency-approved designs, and are acceptable. It is the understanding among staff that the state has initiated a right-of-way acquisition procedure that is informally known as "quick take"; that procedure involves petitioning the court for the right to take ownership of the required future right-of-way with the ultimate price settlement to occur at a future date. Given that the court has allowed the process to move forward, it is determined that needed rights-of-way along A-44 and I-95, along with the needed right-of-way for the I-95/A-6 interchange, are in the process of acquisition and there is no need for a further recommendation regarding right-of-way dedication or reservation by this plan.

The A-3 facility as shown on the Subregion I Master Plan is not reflected on the plan. As noted in the table above, other roadways replicate its approximate routing through the site. The conceptual site plan found that a four-lane roadway along these roadways would be appropriate. The main issue with the current plan is that Street B, which continues the function of A-3 by connecting Konterra East and the future Konterra West over I-95, is shown as a primary roadway. That is, the roadway is shown on this plan as two lanes. It is recommended that the plan be revised to demonstrate a 100-foot right-of-way along Street B within the subject property, with dedication at the time of final plat.

The alignments for A-6, A-56, C-101 and C-102, as shown on the Subregion I Master Plan, are somewhat different from the alignments shown on this preliminary plan. At the time of conceptual site plan review, it was found that the alignments for these facilities were functionally consistent with the current master plan. All of these facilities should be dedicated consistent with the alignments shown at the time of final plat.

The MD 201 Extended facility, located along the northern and eastern sides of the subject site, is proposed to be constructed by the applicant as a four-lane divided facility. Nonetheless, the master plan allows sufficient right-of-way to allow for the ultimate construction of a six-lane divided facility. Although a four-lane facility is deemed to be acceptable for the purpose of serving traffic in the year 2030, the build-out of all vacant zoned land within the Subregion I area necessitates planning for the ultimate six-lane facility.

**Variation from Section 24-121(a)(3)**—The applicant is requesting a variation from Section 24-121(a)(3) for access to the A-56 facility. Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The plan indicates nine lots with frontage and direct access along A-56, and the variation, if approved, would allow up to nine driveways within a short distance along that roadway. Planning Board approval of such a variation requires that four separate findings be made (the fifth finding does not apply to the subject site, which is in the M-X-T zone).



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Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests:

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

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. However, strict compliance with the requirements of Section 24-121(a)(3) do not result in practical difficulties to the applicant and could create safety issues with nine lots having direct access onto an arterial facility in such close proximity.

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**

Direct access to A-56 will be approved by SHA or DPW&T as the permitting authority regarding driveways onto A-56. Both agencies are generally charged with ensuring safe access to roadways.

- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

The landbays that are the subject of this variation are unique in that they are exceptionally elongated and narrow as compared to the surrounding land bays. To the west is an environmental feature that will be placed in a conservation easement and to the east is the alignment of A-56.

Staff recommends that only one point of access should exist for each pod of development and that an access easement (24-128)(b)(a) be utilized to serve the entire pod, serving as a collective driveway for the parcels.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

There are no existing ordinances or laws that would preclude the granting of this variation.

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

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Because of the exceptionally narrow and elongated configuration of these landbays, and the location abutting the expanded buffer there is extremely limited opportunity to serve these landbays. The area of land to the north of C-101 is roughly 4 acres and the area of land south of C-101 is roughly 5 acres. These are large landbays that can support a large amount of development based on the M-X-T zoning of the property. To provide adequate on-site circulation limited access onto A-56 is appropriate. Additional access may be provided onto C-101 as a collector facility for which direct access is not limited by the Subdivision Regulations.

In summary, the variation from Section 24-121(a)(3) allowing up to nine driveways within a 1,000-foot segment of the A-56 facility is not supportable. **The Planning Board approves two access points onto A-56 only;** An access easement pursuant to Section 24-128(b)(9) to connect each lot group to Fashion Place and A-56, is authorized to the potentially hazardous and unsafe conditions.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

10. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 1</b>	<b>Middle School Cluster 1</b>	<b>High School Cluster 1</b>
Dwelling Units	4,500 DU	4,500 DU	4,500 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1,080	270	540
Actual Enrollment	5,980	1,557	4,191
Completion Enrollment	214.08	56	112
Cumulative Enrollment	304.32	76.20	152.16
Total Enrollment	7,578.40	1,959.20	4,995.16
State Rated Capacity	5,876	1,759	4,123
Percent Capacity	128.97%	111.38%	121.15%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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County Council Bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- 11. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

**Residential**

- 1. Special Projects staff has determined that this preliminary plan is within the required 7-minute response time for the first due fire station, Laurel Fire Station, Company No. 10, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire Department.
- 2. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels.
- 3. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

**Fire and Rescue Service—Commercial**

The existing fire engine service at Laurel Fire Station, Company No. 10, located at 7411 Cherry Lane has a service travel time of **3.22** minutes, which is **within** the **3.25**-minutes travel time guideline.

The existing paramedic service at Laurel Rescue Squad, Company No. 49, located at 14910 Bowie Road has a service travel time of **5.95** minutes, which is **within** the **7.25**-minutes travel time guideline.

The existing ladder truck service at Laurel Fire Station, Company No. 10, located at 7411 Cherry Lane has a service travel time of **3.22** minutes, which is **within** the **4.25**-minutes travel time guideline

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12. **Police Facilities**—The subject property is located in Police District IV.

**Residential**

The standard response time for priority calls is ten minutes and 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 13, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date March 13, 2008	2/07 - 2/08	8 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met April 22, 2008. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

**Commercial**

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police which is station space per capita: 141 square feet per 1,000 residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the latest population estimate is 825,520. Using the guideline of 141 square feet per 1,000 residents, 116,398 square feet of space for police is needed. The current amount of space, 267,660 square feet, is above the guideline.

13. **Health Department**—The Environmental Engineering Program section of the Health Department is currently working with the applicant to address issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site. At the writing of this staff report, a final referral has not been filed by the Health Department. Prior to the approval of the first detailed site plan, the applicant shall demonstrate the satisfaction of the Health Department regarding this issue.
14. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that stormwater management is required. A Stormwater Management Concept Plan, No. 19046-2007-00, has been approved with conditions to ensure that

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development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The stormwater management concept approval letter was submitted with the original application; however, a copy of the stormwater management concept plan was not. The approval letter outlines conditions of approval including a required floodplain study and that the applicant should continue to work with DPW&T to investigate and analyze flooding issues along US 1. An approved floodplain study is necessary to establish buffers and woodland conservation areas.

A copy of a stormwater management concept plan was stamped as received on June 23, 2008, but the plan is not an approved plan so it is not clear if this is the plan that is to accompany the concept approval letter. As noted above, there are discrepancies between the stormwater concept plan and the TCPI. Staff will ensure that the stream restoration work be coordinated with the stormwater management facilities.

15. **Historic**—A Phase I archeological survey is not recommended on the property. This plan proposes mixed used residential, retail, office, and hotel uses on 990 lots and 47 parcels. 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 property was extensively mined for sand and gravel and there is very little of the property that has not been impacted by mining, grading or other earth disturbance.

Several archeological surveys related to the widening of I-95, the routing of the Intercounty Connector, and a planning study for the US 1 and MD 201 corridor have been conducted around the boundaries of the subject property. One historic archeological site, 18PR652, was identified in the northeastern portion of the subject property in 2002. This site represents the remains of a late 19<sup>th</sup>-early 20<sup>th</sup> century residence. No foundations were identified due to the house having been bulldozed, but a 20<sup>th</sup> century artifact scatter was noted, along with a concrete watering trough. Site 18PR652 was determined not eligible for listing in the National Register of Historic Places in November 2006.

However, the applicant should be aware that there are four County Historic Sites, Ammendale Normal Institute (PG:60-004), St. Joseph's Chapel (PG:60-007), Muirkirk Furnace Site (PG:60-009), and Abraham Hall (PG:62-023-07) and two Historic Resources, Washington, Berwyn, and Laurel Railroad Culvert (PG:60-009) and Thomas Matthews House (PG:62-023-17) located within a one-mile radius of the subject property. In addition, there are five previously identified archeological sites, 18PR45, 18PR149, 18PR410, 18PR624 and 18PR652 within a one-mile radius of the subject property. Two of these sites, 18PR45 and 18PR624, date to the prehistoric period and three of the sites, 18PR149, 18PR410 and 18PR652 are historic sites dating to the late 19<sup>th</sup> and early 20<sup>th</sup> century.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

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16. **Zoning**—In 1984, a Zoning Map Amendment (A-9482) rezoned the subject site from the R-R Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone. A-9482 contained a larger property of approximately 1,457.7 acres. However, only about 488 acres of the larger property was rezoned to the M-X-T Zone. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62* retained the property in the M-X-T Zone and envisioned the Konterra development, which includes the subject site and a 253-acre parcel, as a regional mall, with office, retail and residential uses west of I-95 and with the town center on the east side of I-95. The 2002 *Approved General Plan* identified the Konterra development as a possible future regional center and designated Konterra in the Developing Tier.

The 1991 M-NCPPC official zoning maps include a note with an arrow pointing to the southern boundary of the M-X T Zone which states, “[p]roposed centerline of A-44 Illustrated in approved master plan 3-6-90.” The District Council order (Zoning Ordinance No. 56-1984) for the rezoning of this property to the M-X-T Zone found that the property will be traversed by the planned Intercounty Connector, and “approves the M-X-T Zone for that part of the subject property, about 488 acres in area, lying north of the planned ICC and east of I-95.” The order states that the M-X-T Zone is located on the north side of the ICC, and “adjoins the location of the planned interchange of I-95 and the Intercounty Connector.” The alignment of the ICC at that time was conceptual. At this time the alignment of the ICC appears to have been finalized.

Based on the record of the District Council’s order (Zoning Ordinance No. 56-1984) and the official M-NCPPC Zoning Map, the southern boundary of the M-X-T Zone is consistent with the center line of the ICC right-of-way, as provided on the applicant’s revised preliminary plan.

Parcel 4 is the part of the property that is traversed by the alignment of the ICC. Parcel 4 (Liber 5548 folio 921) is split zoned R-R, south of the center line of the ICC right-of-way, and M-X-T north of the ICC center line. The zoning boundary, as established by Section 27-111 of the Zoning Ordinance, states that the zone boundary line follows the center line of the street unless the boundary lines are fixed by dimensions on the zoning map. In this instance the zoning boundary is not fixed by dimensions on the zoning map. Section 27-111(a)(2) states that where zone boundaries are indicated as approximately following street lines (existing or proposed), the center line of the street shall be considered the boundary.

The ICC right-of-way has been acquired by the State Highway Administration by quick take, and SHA has filed condemnation proceedings with the Circuit Court for Prince George’s County (Case No. CAL 07-32558-61). Since the right-of-way has been conveyed to SHA, the applicant is not responsible for the fulfillment of applicable regulations for that portion of the property (e.g. woodland conservation) nor would the preliminary plan need to include that portion of Parcel 4 zoned R-R, south of the ICC right-of-way. Pursuant to Section 24-107(c)(5) of the Subdivision Regulations, the conveyance of land to a governmental agency for a public use is exempt from a preliminary plan of subdivision and is a legal division of land.

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The portion of Parcel 4 located within the R-R Zone (south of the center line of the ICC alignment) was appropriately not included in the conceptual site plan approval (CSP-07003) for the M-X-T Zone. However, staff would recommend that that part of Parcel 4 zoned R-R and located south of the ICC should be placed in an outparcel for future development as a part of this preliminary plan application.

- 17. **New Finding**—The subject property is located on Tax Map 9, in Grid B-2 and is known as Parcels 130 and 4. The property is 402.58 acres and zoned M-X-T (401.77 acres) and R-R (.81 acre). The applicant is proposing to subdivide the M-X-T portion of the property into 980 lots and 67 parcels. The subdivision is for the development of 4,500 dwelling units which includes 760 single-family attached (townhouse) and 3,740 multifamily dwellings. Also proposed is 5.9 million square feet of gross floor area for retail, office, hotel and public land uses. The applicant proposes to convey approximately 71.5 acres to the homeowners association (not including 29.96 acres in private streets), 19.7 acres to the KTC Business Association, and 41 acres to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for park purposes as discussed further in the Parks section of this report.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, July 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of September 2008.

Oscar S. Rodriguez  
Executive Director

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

OSR:FJG:WC:bjs

APPROVED AS TO LEGAL SUFFICIENCY.  
*Berge Johnson*  
M-NCPPC Legal Department  
Date 9/8/08



PGCPB No. 09-33

File No. DSP-08011

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on February 12, 2009 regarding Detailed Site Plan DSP-08011 for Konterra, the Planning Board finds:

1. **Request:** The subject application is for approval of a special purpose detailed site plan (DSP) for the development character for the downtown core area of Konterra Town Center East and for the supporting infrastructure such as stormwater management (SWM) ponds in the surrounding area. The downtown core area of the mixed-use town center includes 2,161 multifamily dwelling units and approximately 2.2 million square feet of commercial, entertainment, and office uses, and 300 hotel rooms.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential, Commercial, Retail Office, Entertainment, and Hotel
Acreage	402.5	402.5
Total Residential Dwelling Units	-	2,161
Total Hotel Rooms	-	300
Total Gross Floor Area (sq. ft.)	-	2,200,950
Of which Office	-	809,750
Commercial/retail/entertainment	-	1,391,200

3. **Location:** The larger Konterra Town Center site is located on the east side of I-95, south of Van Dusen Road, north of Muirkirk Road, and west of Virginia Manor Road, in Planning Area 60, Council District 1. The entire site is included in this DSP; however, the building development only encompasses the downtown core area of Konterra Town Center East surrounded by Perimeter Drive East, Perimeter Drive West, South End Road, and North End Road.

4. **Surrounding Uses:** The site is bounded to the north by the right-of-way (ROW) of Van Dusen Road; to the west by the ROW of I-95; to the east by the ROW of Virginia Manor Road and to the south by the proposed extension of the Intercounty Connector (ICC). The downtown core area of Konterra Town Center East is bounded on the east and west sides by Perimeter Drive East and Perimeter Drive West; on the north and south sides by North End Road and South End Road. Across Perimeter Drive East and West, and North End and South End Roads are fringe areas of Konterra Town Center East. Further to the east of the site is the right-of-way of I-95; and to the



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west of the site is the right-of-way of Kenilworth Avenue (MD 201) extension. Further to the south of the site are green open space allocated for a future public building and right-of-way of the Intercounty Connector; and to the north of the site are Potomac Electric Power Company (PEPCO) and Baltimore Gas and Electric (BGE) utility easements and other multifamily/office development in the environs areas in the M-X-T Zone.

5. **Previous Approvals:** The subject site is located in the middle of a larger site where a sand and gravel mining operation was carried out in the past several decades. In 1984, a Zoning Map Amendment, A-9482, which rezoned the site from the Rural Residential (R-R) Zone to the M-X-T Zone was approved (Zoning Ordinance No. 56-1984). Zoning Map Amendment A-9482 contained a larger property of approximately 1,457.7 acres. However, only approximately 488 acres of the larger property, where the proposed Konterra Town Center East is located, was rezoned to the M-X-T Zone. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61, and 62* retained the property in the M-X-T Zone and envisioned the Konterra development, which includes the 488-acre larger site and a 253-acre parcel, as a regional mall with office, retail, and residential uses west of I-95, with the town center on the east side of I-95. The 2002 *Prince George's County Approved General Plan* identified the Konterra development as a possible future regional center and designated Konterra in the Developing Tier. Since 1990, the reclamation process to restore the site's natural environmental features has been progressing. Konterra is one of eleven Central Business Area designations in the county in accordance with CR-71-2007, which is a resolution designating certain areas within Prince George's County as Central Business Areas in compliance with Executive Order 12072. On June 12, 2008, the Planning Board approved the Conceptual Site Plan, CSP-07003, for the entire 488-acre Konterra Town Center East. The resolution (PGCPB No. 08-95) was adopted on July 3, 2008. On July 24, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07108/VP-07108 for the entire Konterra Town Center East. The resolution (PGCPB No. 08-116) was adopted on September 18, 2008. Currently the site is rough graded and ready for development. The site also has an approved Stormwater Management Concept Plan, 19046-2007-00, which will be valid through September 5, 2010.
6. **Design Features:** The larger Konterra Town Center East will be developed as a distinct and identifiable place in the greater Washington-Baltimore Metropolitan region. The town center is envisioned as a mixed-use center containing a variety of office, residential, hotel, civic, retail, entertainment, and commercial components with various supporting and accessory uses that will be important regional destinations for living, working, shopping, and entertainment. The 488-acre site has been designed in accordance with prevailing urban design best practices. The entire site has been divided into a 132-acre downtown core area and a 356-acre environs area in the approved Conceptual Site Plan, CSP-07003. The subject DSP includes the downtown core area, which is the dense core of Konterra Town Center East and is made up of a mixture of various uses as well as the supporting infrastructure in the environs. Due to the roadway dedications, the total acreage included in this DSP is smaller than the acreage included in CSP-07003, but it is consistent with the acreage contained in Preliminary Plan of Subdivision 4-07108 for Konterra Town Center East.

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The building development area included in this DSP is defined on the east and west sides by Perimeter Drive East and Perimeter Drive West, and on the south and north sides by South End and North End Roads. A grid street pattern identical to the approved Conceptual Site Plan, CSP-07003, is shown on this DSP. The street pattern features three east-west oriented streets including South Main Street, Fashion Place, and North Main Street, and three north-south oriented streets including West Street, East Street, and Center Street that extends the central green/plaza to North End Road. The downtown core area is composed of sixteen developable blocks and one green open space block. The block size, which is based on the best urban design practices, generally varies from 300–500 feet. Building envelopes along with parking information has been shown on the DSP sheets. The site plan also identifies primary uses and the number of stories of the proposed buildings within each block.

The stormwater management ponds included in this DSP have been proposed to be used as sediment traps during construction. After the completion of construction, the SWM ponds will be regraded for stormwater management purposes. The aesthetic aspects of the SWM ponds including landscaping and grading will be reviewed with the site- and project-specific DSPs covering the SWM ponds.

A comprehensive set of design standards (a complete design standards book can be found at [www.Konterra.com](http://www.Konterra.com)) illustrated with photos and graphics has been provided with this DSP. The standards are prepared based on the physical layout of the downtown core area as envisioned in the previously approved conceptual site plan, and are related specifically to each developable block of the DSP. The illustrations provided with the design standards show the character and quality of the proposed development in the downtown core area. The standards have been divided into seven chapters and cover almost every aspect of a built town center environment, from the building design, streetscape, materials, lighting pattern and fixtures, signage, and landscaping to pavement patterns. The standards are in essence the codification of the physical development envisioned by the Conceptual Site Plan, CSP-07003, which will be further defined by this DSP. The standards have been proposed with the intent that they will be utilized as criteria for future permit plan review. The approved design standards will be used by Planning Department staff to review each specific project as the designee of the Planning Board. This arrangement, whereby each proposed permit plan must conform to the design parameters approved in this DSP, will provide the developer with enough flexibility to accommodate the changing market. The design standards are intended to provide a minimum quality assurance for the proposed downtown core development of Konterra Town Center East. The final construction of the downtown core area must be equal to or better than the quality as presented by the proposed standards in this DSP. Konterra Town Center East will have an additional private covenant/leasing agreement, imposed by the owners, to achieve a high-quality development and efficient operation of the downtown core.

The design standards are in an illustrated book format with seven chapters. The first chapter of the design standards provides an overview of the streetscape, open space, active street fronts, vehicular access to parking, street level views, and spatial definition of the overall Konterra Town Center East. The second chapter focuses on streetscape, open spaces, and the related bicycle and pedestrian networks. Chapters three and four cover the design of the buildings within the

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downtown core area. The building standards provide design principles, bulk and volume standards, building setbacks, elevation and storefront design criteria by building typologies, and building locations within the downtown core. Each section of the building standards start with intent, required design elements, and recommended treatments and articulation. The standards also cover issues such as the design of the rear of the buildings, building and parking relationships, and screening of the loading and storage utilities of the building. Chapter five focuses on landscape concepts. This chapter starts with an overall review of the landscape concept of the entire Konterra Town Center East and focuses on the landscaping of each specific street in the downtown core. The chapter closes with pavement design guidelines for streets, courts, and plazas. Chapter six provides comprehensive signage standards including locations, design intent, materials, colors, and illumination of each specific sign type within the downtown core area. The last chapter of the design standards is devoted to the lighting design of the downtown core area. The design concept for lighting consists of ten categories with specific location, lighting intensity, and lighting fixture requirements. Additional fixture options are also provided.

A comprehensive parking study has been provided with this DSP. The study divides the downtown core area into sixteen parking analysis areas that correspond to the number of downtown blocks. The study provides three parking scenarios with different parking demands. The peak monthly parking demand scenario requires a total of 8,350 parking spaces. The peak hourly demand during the weekday scenario requires a total of 8,064 parking spaces. The peak hourly demand during the weekend scenario requires a total of 6,230 parking spaces. A block-by-block parking analysis shows that a total of 12,497 parking spaces are provided in ten development phases. Of the 12,497 parking spaces, there are 2,339 surface parking spaces, 9,538 spaces in the parking garages, and 620 on-street parking spaces. A total of 135 parking spaces are required for the physically handicapped. The actual number of required parking spaces for each block may vary with the development of each block.

The DSP also includes a summary of the approaches and strategies that will be applied to achieve sustainability in the development of the larger Konterra Town Center East. The summary reiterates the applicant's commitment to sustainable urban development. The approaches and strategies to be employed are as follows: to use an integrated design process; to establish compact, complete, and connected neighborhoods; to protect local watersheds and respect wildlife habitat; to minimize carbon dioxide emissions; and to ensure public health and safety in the design and development of Konterra Town Center East.

DSP-08011 allows development solely within the 132-acre downtown core area and allows supportive infrastructure, such as roads and erosion and sediment control ponds, which will be converted to stormwater management ponds after construction, on the remainder of the property shown on the DSP. Any development outside the 132-acre downtown core area shall require either an approval of a revision to DSP-08011 or approval of a separate DSP for that area.

- 7. Recreational Facilities:** This DSP includes 2,161 multifamily dwelling units. According to the current formula for calculating on-site private recreational facilities in Planning Area 60, this application should provide approximately \$2,163,000 worth of recreational facilities to serve this

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development. The applicant has submitted a downtown core area recreational plan that identifies a series of amenities such as a town square, central street promenade, pocket parks, small plazas, and seating and picnic areas with facilities such as, but not limited to, fountains, tables with umbrellas, benches and seating walls, bicycle racks, and public art displays. No specific facility cost information has been identified; however, a review of the proposed recreational plan by the Planning Board indicates that the applicant should have no difficulty meeting the recreational facility obligation, given the scale of the development and the variety of the proposed recreational facilities. Some of the recreational facilities will be provided for future multifamily buildings, although it is possible in some instances that some larger recreational amenities may be shared by residents of proximate buildings. The proposed design standards have information regarding the range and quality of the facilities to be provided for the downtown core area. Detailed recreational facilities will be provided with permit plans for residential buildings or areas where recreational amenities are intended to be included. In addition, the recreational plan notes two public buildings, with the type and construction to be determined. The two public buildings are located just outside of the downtown core area in the southeast quadrant of the intersection of South End Road and West Perimeter Road.

8. **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 proposed downtown core area of Konterra Town Center East contains a diversity of land uses including residential, commercial, office, hotel, entertainment, and public open spaces that are essential to a successful town center. The mixture of various uses will allow future residents to live, work, shop, and find entertainment venues in the town center within reasonable walking distance. The uses and their mixtures are permitted in the M-X-T Zone. The subject application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires the following findings in addition to the findings required for the Planning Board to approve a detailed site plan:

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

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

The larger Konterra Town Center East site was formerly a sand and gravel mining site that is located at the intersection of the Intercounty Connector and I-95. The

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development included in this DSP is within the proposed downtown core area of Konterra Town Center East, which will provide a vibrant lifestyle for future residents because the DSP contains various uses including residential. The supporting infrastructure such as stormwater management ponds is located within the environs. Specifically, this DSP includes 2,161 multifamily dwelling units, a 300-room hotel, approximately 2.2 million square feet of various uses, and is in a town center layout that implements many New Urbanism principles and best urban design practices to promote the orderly development of the subject site. This DSP is a further refinement of the land use vision of the downtown core area as approved in the Conceptual Site Plan, CSP-07003. Given its scale, quality of the development, and wide range of uses, Konterra Town Center East will enhance the economic status of the County and provide desirable employment and living opportunities for citizens of the county.

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

The downtown core area includes a mix of residential, commercial, retail, recreational, open space, entertainment, hotel, and other civic uses. The subject DSP covers the core and surrounding area, known as Environs of the Konterra Town Center East and will implement the land recommendations of the previous approved plans and policies.

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

The larger Konterra Town Center East site, including the development site area contained in this DSP, was previously zoned for industrial use and has been mined extensively for sand and gravel in the past several decades. The 1990 Subregion I master plan and sectional map amendment rezoned the larger site to the M-X-T Zone. Since 1990, the reclamation process to restore and enhance its natural environment has progressed. By planning an urban town center on the larger site and the downtown core area on the subject DSP site, this proposal will conserve and enhance the value of the land. The development of this downtown core area will make Konterra Town Center East a reality and therefore, will maximize the public and private development potential inherent in the location of this zone.

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

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The proposed downtown core area is located within the geographical center of Konterra Town Center East, which is located between the metropolitan areas of Baltimore and Washington, D.C. and is accessible to major regional highways and the Maryland Area Regional Commuter (MARC) commuter train system. The proposed downtown core area is located close to the intersection of the Intercounty Connector and I-95. Because of the nature of the development, various forms of transportation including pedestrian, bicycle, automobiles, and mass transit are necessary to support the planned downtown core. This area is designed in an urban grid street pattern to maximize accessibility. Sidewalks, bike lanes, and trails have been proposed with the approved CSP for the entire Konterra Town Center East and within this DSP for the downtown core area, which are consistent with the approved CSP. Additional transportation improvements are envisioned in the later stages of the development. These improvements may include bus connections, transit stops from the MARC station at Muirkirk Road and US 1, and a potential Metro station within the office complex in the environs of Konterra Town Center East between the downtown core area and I-95. The success of the proposed development hinges on the effective use of various major transportation systems.

- (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;**

The DSP shows development in the entire downtown core area of approximately 132 acres of land, which has a mixture of uses. The residential units will generate the greatest amount of activity on the site from 6:00–9:00 a.m. and 3:00–10:00 p.m. The office tenants are anticipated to operate during regular 9:00 a.m.–5:00 p.m. business hours. The retail component is expected to generate activity all day, including anticipated service retail uses open from 7:00 a.m.–10:00 p.m. In addition, entertainment uses such a movie theater or hospitality establishment (commercial hotel) will contribute to a vibrant urban living environment that will facilitate and encourage a 24-hour environment. A hotel use is envisioned in the downtown core area in addition to the 600-room hotel proposed in the environs area. The proposed mixed-use downtown core area will facilitate and encourage a 24-hour environment in the ultimate development of the project.

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

The proposed DSP contains a variety of uses that are critical for a town center. Much of the proposed uses such as retail, commercial, and office will be combined in single buildings in a vertical mixed-use format. Detailed building and streetscape design, landscaping, pavement patterns, and signage and lighting

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design guidelines have been proposed for the downtown core area that will create a visually harmonious development.

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

To create a unique identity and distinctive visual character has been a central goal of this DSP. The entire downtown core area has been divided into 16 developable blocks and one green open space block with a compact street network. The downtown core is focused on the central green area and radiates from the central plaza, with the highest density, in a vertical mixed-use format. The density gradient gradually decreases further from the center. Civic and other public uses are laid out around the town square. Additional commercial/retail uses are also arranged around the entire central green area. Visually, the town square will also be the focus of the downtown core area and has a distinctive visual character and identity. Functionally, the downtown core area will be the center of Konterra Town Center East.

**(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;**

Development of a project of this size would promote optimum land planning, which would permit the use of economies of scale and a flexible response to the market. The proposal for the downtown core area locates different uses in close proximity in order to form symbiotic relationships and dependencies among the uses. This creates a whole that is greater than the sum of its parts. The design strategy encompasses a scope beyond individual areas or buildings in order to achieve a compact urban environment. Uses within the downtown center fit within the fabric of the whole. Achieving a sustainable quality of urbanity with diversity of population and activities requires an initial critical mass. This is done by establishing the "urban core/downtown" early and letting it grow over time by the addition of its adjacent "environs" areas. This DSP is a critical step toward bringing the downtown core development closer to reality. Civic and cultural facilities are included to create a balance with the other retail, employment, and residential uses. The mixed-use approach creates a harmonious mix within the M-X-T Zone, substantially more than could be achieved through the construction of this variety of uses as single purpose projects.

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

The scope of the project and its multiple uses will allow Konterra the flexibility to be responsive to market forces in a variety of sectors. In addition, through approval of detailed design standards as proposed in this DSP, parameters for the

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overall character of the downtown core area are assured. The Planning Board believes, pursuant to the approved design standards, that permit plans can be reviewed administratively according to the approved design standards if those permit plans meet certain criteria as defined by this DSP. Konterra represents a well-integrated set of complementary uses, which together create a unified sense of place. Phasing development in a realistic and orderly way that establishes the design quality and character of the town center at its beginning will provide a framework that will build market demand and credibility necessary to fulfill the town center's ultimate vision. Approval of this development character in the DSP with its detailed design standards will provide appropriate flexibility to respond to the changing needs of public and private market sectors, while establishing an attractive, harmonious physical framework for development. The mixed-use and multiphase development with diverse products, as shown in the previously approved conceptual site plan for Konterra, and the detailed design standards in this DSP will permit a flexible response to the market. This DSP is in conformance with this purpose of the M-X-T Zone.

**(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.**

Detailed design standards in this DSP have the intent to provide a framework for future administrative review of each permit plan and are focusing primarily on the urban character and the form of the public realms. The design standards specify detailed architectural design elements such as building height, solar orientation, fenestration, finishing materials, canopies, awnings, and building projections, but the standards do not lock in specific architectural styles. This design-oriented approach will provide an opportunity and incentive to allow freedom of architectural design that will create a unique character for Konterra Town Center East and greatly contribute toward the excellence envisioned in the 2002 approved General Plan for centers.

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

The larger site was rezoned to the M-X-T Zone in 1984 through Zoning Map Amendment A-9482. The 1990 Subregion I master plan and sectional map amendment retained the property in the M-X-T Zone. This requirement is not applicable to this DSP.



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

The downtown core area of Konterra Town Center East has been designed both to be oriented outward toward surrounding “environs” land uses and major regional transportation arteries and infrastructure, and to have an inward orientation toward its central plaza and green commons. A viable town center not only depends on an efficient regional transportation system, but also hinges on internal synergies that are usually arranged around its center. The proposed downtown core is physically tied to the regional transportation system. The internal focus point is achieved through the grid pattern of streets centering on the green commons, town square, and the corresponding architectural treatment of building elevations. The downtown core area requires that flexibility be inherent in the approach to its development. The outward orientation of the environs area is clearly coordinated with access, exposure, and frontage on I-95, the Intercounty Connector, and other major transportation facilities in the area. The density generally decreases as one moves away from the town square to the environs areas. The environs areas on the north, east, and south sides serve as transition areas that insure physical and visual integration with the existing adjacent development.

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

Land uses immediately adjacent to the larger Konterra Town Center site include light industrial and office uses to the east and southeast and residential, research and development, and light industrial uses to the south, southwest, and northeast. The downtown area included in this DSP is being planned and designed for complete compatibility with the environs area, including vehicular access, pedestrian circulation, and complementary high-quality architectural design. The downtown core has been designed to serve as the focal point for Konterra Town Center East and proximate properties.

**(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;**

Konterra Town Center East is envisioned as a new town and is expected to evolve into the center of the northern part of the county. The development is designed as a complete new town, with a mix of various uses that will allow future residents to live, work, and entertain without traveling elsewhere. The design of the downtown core area incorporates a mix of uses including hotel, retail, dining, anchor department stores, theater, residential, parking, and office uses in an urban pedestrian-friendly grid pattern in order to provide complete urban living. The information provided on design principles and standards, proposed architectural elements, quality and mix of materials demonstrated in the DSP

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design standards, and the illustrative plan and renderings all ensure sustainable quality and reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The entire downtown core area has been further divided into sixteen developable blocks and one green common block. The design standards cover almost every aspect of a built urban environment. Through an integrated design process, mix of uses, and a balanced street network, each block is planned with a cohesive pattern which will create, initially and over time, an interesting 24-hour environment in which residents and visitors can live, work, shop, and entertain in a harmonious community.

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

A detailed parking analysis has been submitted with this DSP. The parking analysis divides the downtown core area into sixteen developable blocks and provides an analysis of various types of parking (surface, structured, and on-street) for each block to be developed in ten phases. Each construction phase is designed as a self-sufficient entity to be served with enough parking spaces. The mixed-use nature of the downtown core area development will make each phase of the proposed development a self-sufficient entity to allow effective integration of subsequent phases.

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

A complete pedestrian circulation plan was approved with the conceptual site plan for the entire Konterra Town Center East. It included sidewalks along all of the internal streets within the downtown core area and a trail system which provides connections to and from the urban downtown areas to the environs, transportation facilities, regional parks, amenities, open spaces, etc. The pedestrian system is convenient and is comprehensively designed to connect major destinations within the development and create a pedestrian-friendly environment. The pedestrian system shown in this DSP is consistent with the previously approved CSP. The trails planner has provided comments on several pedestrian paths that are routed through the surface parking lots. An "Allee" style path that will provide pedestrians with shade and protection from traffic has been approved. A condition to require pedestrian connections through larger permanent surface parking lots to be designed in this "Allee" style has been attached to this approval by the Planning Board

- (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**

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The design standards submitted with this DSP provide detailed information to define the development character of the proposed downtown core area. The development standards focus on design character and demonstrate an impressive amount of attention to human scale, human comfort, quality of building design, materials, streetscape and elevation articulation, landscaping, lighting, signage, street furniture, awnings, canopies, and pavements of pedestrian paths, town squares, and sidewalks.

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

This requirement is not applicable to this application, which is a detailed site plan.

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

Conceptual Site Plan CSP-07003 and Preliminary Plan of Subdivision 4-07108 were approved by the Planning Board in 2008. Adequate public facility issues were evaluated in the course of reviewing both applications and were determined to be adequate by the Planning Board. The development contained in this DSP will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.

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

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At the time of the conceptual site plan approval for the larger Konterra site, even though the application meets all applicable requirements of Section 27-544(d), the applicant did not elect to be approved in accordance with the provisions set forth for a mixed-use planned community. This DSP is not subject to this requirement.

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

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

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

The applicant chose to use the optional method of development in Konterra Town Center East at the time of CSP. 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 specified uses, improvements, and amenities. The uses, improvements, and amenities proposed in the CSP include:

- Open arcades—Open air arcades along the perimeter of a building designed for pedestrian use may be utilized when architecturally appropriate.
- Theater—The theater provided will contain a minimum of 150 seats and is integral to the design of the downtown area. This will allow an increase of four gross square feet for every square foot of the theater provided.
- Outdoor Plaza—Outdoor plazas of different sizes and types have been proposed in the downtown and environs areas. They will potentially add eight square feet for every one square foot of plaza area provided.
- Enclosed Pedestrian Space—This element will be utilized as and when appropriate. In general, these spaces will be more appropriate in the downtown area. Additional amenities will be made available including lights and outdoor furniture.
- Residential—This will potentially increase the floor area ratio (FAR) by one if more than 20 dwelling units are provided with the application. The CSP includes a total of 4,500 dwelling units and is eligible for this bonus.

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The DSP includes all of Konterra Town Center East with a focus on the development within the downtown core area. The DSP proposes to use the optional method of development in order to be consistent with the approved CSP. The DSP has a FAR above 0.40. The proposed FAR is as follows:

Uses	Square footage
Office	809,750
Retail/Commercial	1,391,200
Multifamily	2,593,450 2,161 DUs
Hotel Rooms	249,900 300 rooms
Grand Total	5,044,300
Site: 132 Acres	5,749,920
<b>FAR</b>	<b>0.87</b>

The FAR value of the proposed development is more than double the minimum allowed value for development without using the optional development method; it is, however, much lower than the maximum allowed FAR of eight for this development.

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

The DSP has divided the downtown core area into 16 developable blocks containing approximately 55 buildings. The total number of buildings may be increased with future DSPs.

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

The subject detailed site plan contains specific site conditions for each of the 16 developable blocks. The DSP also contains detailed design standards that define the development character of the proposed downtown core area. With the approval of this DSP, design standards that cover every aspect of a town center environment, including but not limited to location, bulk and volume regulations, coverage, heights, landscaping, and signage and lighting of the proposed development, will constitute the regulations for review of permit plans.

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

The development is subject to the requirements of the Landscape Manual, the design standards, and landscaping information provided on the DSP drawings. The site's compliance with the requirements of the Landscape Manual will be reviewed at the time of each permit plan review. In addition to the Landscape Manual, the requirements as prescribed in Chapter 5 of the design standards will be used in review of permit plans.

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

The requirement has been met with the approval of the CSP.

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

This requirement will be reviewed for compliance at the time of each permit plan.

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

The DSP includes the downtown core area development of Konterra Town Center East that has been divided into 16 developable blocks and one green open space block. The street pattern shown in this DSP has been approved in both the Conceptual Site Plan, CSP-07003, in accordance with Subtitle 27, Zoning Ordinance, and Preliminary Plan of Subdivision 4-07108, in accordance with

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Subtitle 24, Subdivision Regulations. The DSP complies with this requirement. Except for the East and West Perimeter Drives, all internal streets will be private streets approved pursuant to Subtitle 24.

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

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number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots.

This DSP for Konterra Town Center East includes 2,161 multifamily dwelling units. No townhouses are included in this DSP.

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

The bulk regulations contained in the DSP do not show any building that is higher than 110 feet. Future permit review will also make sure that this requirement will be met.

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



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**concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

The subject site was rezoned to the M-X-T Zone in 1984 through Zoning Map Amendment A-9482. The 1990 Subregion I master plan and sectional map amendment retained the property in the M-X-T Zone. The town center envisioned in the master plan would include a prominent urban park, promenades, mall, and plazas. However, there were no specific regulations such as those regulating bulk and volume listed in the prior staff recommendation based on the design guidelines or standards intended to implement the town center concept with the rezoning case. This requirement is not applicable to this DSP.

9. **Conceptual Site Plan CSP-07003:** The Planning Board approved Conceptual Site Plan CSP-07003 with 14 conditions. The conditions that are applicable to the review of this detailed site plan warrant discussion as follows:

**3. Prior to acceptance of the first detailed site plan, the applicant shall:**

a. **Submit a detailed stream corridor assessment that documents the current conditions of the streams located on-site and downstream to the point where the main channel crosses Ammendale Road. The stream corridor assessment shall be conducted using the Maryland Department of Natural Resources' protocol. In addition, the Anacostia River Basin Stormwater Retrofit Inventory and the Anacostia Watershed Restoration Action Strategy shall be evaluated by the applicant for potential mitigation sites for both stream restoration and woodland conservation and this analysis shall be included in the submittal. The assessment shall then be submitted to M-NCPPC staff, so that it can be deemed complete, prior to the development of recommendations for mitigation.**

According to a review by the Environmental Planning Section (Reiser to Zhang, January 8, 2009), this condition has been addressed. The stream corridor assessment was received on June 13, 2008.

b. **Submit a recommendation for stream restoration methods and their locations based on the complete assessment. The methods shall include, but not be limited to natural re-establishment of stream buffers and stabilization of the channel using natural methods wherever possible. Prior to the final preparation and submission of the stream restoration plan, the applicant shall coordinate a meeting with the Department of Public Works and Transportation and M-NCPPC to discuss the integration of the stream restoration efforts with the stormwater management facilities proposed. The areas of**

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**stream restoration shall be evaluated separately for consideration as woodland conservation areas, both on-site and off-site. Reflect the recommendations that result from the above analysis on subsequent detailed site plan design submittals. The recommendations and/or options implemented shall not exceed the extent of any required mitigation.**

A stream restoration plan was submitted as part of this DSP and will be reviewed with the permit plans or site- or project-specific DSPs including the stream, whichever comes first.

- c. The initial submittal package for the first DSP shall contain an illustrative plan that shows how the stormwater management ponds will be designed as amenities. The ponds shall be established outside of the existing regulated buffers, except for the outfall structures and associated grading, and the regulated buffers shall be re-established. The illustrative plans shall be reflected on the Detailed Site Plan and the associated landscape plan.**

The subject DSP does include stormwater management ponds outside the core area, and satisfaction for this condition must be met on permit plans or site- or project-specific DSPs, whichever comes first, covering the stormwater management ponds.

- 4. At the time of detailed site plan approval, the review shall address the following major areas of concern:**
  - a. The design of the downtown core area of approximately 132 acres shall be characterized by a cohesive network of buildings and urban spaces creating a pedestrian-oriented walkable community convenient to public transportation, automobile and other transit modes. This area shall encompass a grid of streets and blocks, with a predominantly vertically integrated mix of uses. Retail, residential, office, dining and hospitality shall be included in the detailed site plan for the first phase. The required design submittal elements of Section 27-282, inclusive of architecture, buildings, structures, heights, signage, lighting, setbacks, streets, footprints, recreational areas and/or facilities, open space, landscaping, entrance and/or gateway features, exterior amenities, sightlines, parking, paths, walkways, intersections, etc. shall be provided by illustrative depictions and written standards in a manner sufficiently definitive and flexible to ensure the desired design character required by the approved CSP will be implemented.**

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**The first DSP shall include detailed design standards that will regulate the urban design character and the urban form of the public realms throughout the entire downtown area. The design standards shall be location-specific based on the approved street network in order to achieve high quality development as envisioned by the CSP. The design standards shall cover all physical aspects of the future built downtown core area such as, but not limited to, streetscape, open space/plazas, architecture (height, elevations, setback, materials, fenestration and articulation), retail storefronts, street corner conditions, building and parking/loading relationships, green building technology, signage, lighting, structured parking, and accent paving. The approved design standards shall establish design and review parameters that will serve as the basis for review of all subsequent plans.**

The subject DSP has been filed to fulfill this requirement. The DSP consists of site plans and design standards. The detailed site plan divides the downtown core area into 16 developable blocks and one open space block and shows the building envelope of each block with the possible uses. The design standards have been prepared in accordance with the above requirements to codify the development as envisioned in the CSP. The standards are closely related to the specific physical layout of the downtown core and cover all aspects of a built town center environment as stated in this requirement. The design standards are also illustrated with graphics and photographs that provide information to define the development character and quality of the proposed downtown core area.

The subject DSP is similar in many ways to the Planning Board's previous approvals of detailed site plans for community character, special purpose detailed site plans for signage, and "umbrella" architectural approvals. However, this DSP differs greatly from previous approvals in its scale and complexity. The approval of this DSP will establish parameters, design standards, and site plans for reviewing permit plans. Functionally, this will work by having applicants provide staff with interim permit plans during its permit design process, thus allowing staff to provide input on conformity to the design standards. Variation outside of the percentage guide must be shown to conform to the intent of the design standards or would be subject to review by the Planning Board. The Planning Board has also defined some additional instances which would require Planning Board review and are included in this resolution. The design- and character-driven standards and approval process will not only provide assurance that the desired development quality will be achieved, but also allows the applicant flexibility to respond to the market in a timely fashion.

- b. The facility type, quantity, location and materials of the on-site recreational facilities. The recreational facilities shall be constructed**

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**in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

Specific on-site recreational facilities are not identified with this DSP. However, the design standards and the site plans provide information regarding the quality and general information concerning types of facilities that will be provided with future site improvements. Conditions have been approved below in this resolution to require each permit plan that has a multifamily residential component to provide a tracking table and on-site recreational facilities to fulfill this requirement.

- c. Parking in the downtown core area includes both structured and surface facilities. A comprehensive parking study shall be provided to demonstrate that the proposed parking for various mixed-uses will be sufficient for the intended uses.**

A comprehensive parking study has been provided in accordance with this requirement. The study divides the downtown area into 16 blocks and provides parking demand for each block. Total required parking is 11,773 spaces and the parking study shows that a total of 12,497 spaces are provided. The provided parking will be sufficient for the intended uses. The final number of parking spaces in each block may vary somewhat in future permit plans.

- d. The elevation design of the row house product. The row house elevations shall be of high quality and of various visual treatments. The side and rear elevations of those high visible units shall also be treated in terms of design materials comparable with the front elevations.**

This DSP includes only multifamily dwelling units. This requirement is not applicable.

- e. The design and the layout of the central park and the streetscape around it. Detailed layout and design information of the central park and the surrounding streetscape shall be provided with the first DSP that covers the downtown core area. A specific chapter shall be included in the design guidelines that establish design parameters for review and approval of the architecture surrounding the central park, including, but not limited to, design, materials, color, street furniture, signage, lighting, shadow and wind analysis, detailed planting schedule and hardscape.**

The detailed site plan and design standards provide certain information regarding the design and improvements around the central park, which is known as The

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Promenade in the design standards book. The standards cover issues such as design of buildings, elevation articulations, color, materials, street furniture, etc. However, there is no complete exhibit of the central park. A condition has been imposed to either expand the section on the central park to include shadow and wind analysis, detailed planting schedules, water features, if any, and hardscape to be included in the final certification package, or to submit a separate DSP for the central park.

5. **The initial submittal package for the first DSP shall contain information regarding any reclamation work performed prior to May 2007, in a format similar the CNA, Inc. letter, to fully document the presence of fill materials on-site. A full soils report shall also be submitted that addresses the soil structure, characteristics and foundation stability. The study shall, at a minimum, clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. The existing borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

According to the applicant, the required information has been provided at time of conceptual site plan approval. However, no evidence has been presented to confirm this statement. A condition has been adopted in this resolution to require the applicant to provide approval evidence from the Health Department prior to certification of this DSP.

10. **Total development within the subject property shall be limited to uses which generate no more than 5,542 AM and 8,306 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

The Transportation Planning Section, in a memorandum dated January 7, 2009, provided a trip generation table as follows:

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Trip Generation for Phase I, DSP-08011	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Residential Trips	216	908	1,124	843	454	1,297
Office Trips	812	111	923	163	796	959
Retail Trips	462	295	757	1,701	1,844	3,545
Less Aggregate Internal Trip Capture	-66	-66	-132	-325	-325	-650
Less External Pass-By	-22	-13	-35	-184	-190	-374
Total, DSP-08011	1,402	1,235	2,637	2,198	2,579	4,777

The Planning Board adopted this finding and concluded that the site trip generation is within the overall cap under this initial computation. It is also within the Phase I cap, as it is less than the trip generation level shown in Condition 9 which triggers Phase II improvements.

- 14. A traffic phasing analysis will be submitted and reviewed during the processing of the Detailed Site Plan for each phase. This traffic phasing analysis will define the improvements required for phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed 5,541 AM Peak trip cap and the 8,306 PM Peak trip cap, unless a future revision to the Conceptual Site Plan and Preliminary Plan of Subdivision are processed.**

The applicant has submitted a traffic phasing analysis as required by this condition. The traffic phasing analysis was also referred to both the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). It is determined that the submitted phasing analysis is an acceptable means for maintaining traffic operations with the introduction of the initial phase of the Konterra Town Center East development. The following comments have been provided:

- DPW&T indicated that the proposed staging for Phase I would be acceptable. DPW&T has indicated, however, that the intersections of existing Virginia Manor Road with Access 1 (Perimeter Drive West) and Access 4 (Fashion Place) must be signalized. This requirement will be imposed by the operating agency as a part of bonding the new access points and the needed improvements to Virginia Manor Road.
- SHA commented that the rates of internal trip capture were too high in some instances. However, the internal trip capture methodology has been included in all past traffic studies for this project and the methodology has not been altered. This has been documented for past Planning Board findings for the conceptual plan

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and the subdivision. All told, approximately 11 percent of trips under buildout would be internal, and this is deemed to be a reasonable estimate of the amount of internal trip satisfaction within this site.

- SHA commented that the study uses an incorrect configuration for the future I-95/Contee Road interchange. These numbers have been reworked with the currently-planned configuration with no change in the overall finding that was made by the Planning Board. Nonetheless, future phasing analyses must utilize SHA approved design for the interchange.
- SHA notes that site access points are proposed “in close vicinity” to both I-95 and MD 200. The access points have not moved from the locations shown on prior plans. Nonetheless, during the process of bonding and permitting, needed improvements with SHA, the applicant should be prepared to analyze operational queues and delays.
- The transportation phasing analysis does not clearly differentiate the level of improvements needed for Phase 1A versus Phase 1B. Therefore, it is presumed that the required Phase 1 improvements listed in prior Planning Board conditions would be implemented as a single Phase 1. The list of improvements in Condition 21 of the resolution approving Preliminary Plan of Subdivision 4-07108 would, for the most part, form the Phase 1A and Phase 1B list of improvements. It is noted that Condition 21(a) is not included within the phasing analysis.

10. **Preliminary Plan of Subdivision 4-07108/VP-07108:** The Planning Board approved the preliminary plan of subdivision, the accompanying variation application (for direct access onto A-56), and a variance on lot sizes on July 24, 2008, with 30 conditions. The following conditions are pertinent to the review of this DSP.

**2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.**

A Type II Tree Conservation Plan, TCPII/065/08, has been submitted with this DSP. The Environmental Planning Section recommends approval of the TCPII along with the approval of this DSP. The Planning Board adopted the recommendation.

**3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 19046-2007-00 and any subsequent revisions.**

Approved Stormwater Management Concept Plan 19046-2007-00 for the entire Konterra Town Center including the proposed development within the downtown core area covered in this DSP is valid through 2010. The DSP is consistent with the approved stormwater management concept plan.

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- 5. **The applicant, the applicant’s heirs, successors and/or assignees shall provide on-site private recreational facilities as determined appropriate at the time of review of the detailed site plans (for the portion of the property including residential component). The recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**

This DSP proposes development for the downtown core area. A total of 2,161 multifamily dwelling units is included. The applicant also submitted a downtown core area recreational plan that lists general recreational facility categories and location information. As discussed in Finding 7 above, staff believes that this applicant will have no difficulty meeting the recreational facility obligation. Specific on-site private recreational facilities will be reviewed at the time of each permit plan. Two recreational facility-related conditions have been proposed to require the applicant to provide on-site private facilities and provide a tracking mechanism to make certain that the minimum obligation has been fulfilled during future permit plan reviews and approvals.

- 7. **Development of the site shall conform to CSP-07003, or as subsequently revised.**

The subject DSP is in conformance with approved CSP-07003. See Finding 9 above for a detailed discussion on each applicable condition attached to the CSP.

- 11. **Prior to the approval of a detailed site plan or final plat, which includes land currently encumbered by “WSSC waterline easement by condemnation to be abandoned and reconstructed” or for areas located in the new alignment, the applicant shall provide evidence of the reconstruction agreement, or WSSC consent.**

This DSP shows development only in the downtown core area of Konterra Town Center East. The above mentioned Washington Suburban Sanitary Commission (WSSC) easement is located outside of this core area and is within the environs of the Konterra development.

- 12. **Prior to the approval of the first detailed site plan, the applicant should demonstrate the satisfaction of the Health Department regarding issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site.**

This issue has not been resolved to the satisfaction of the Health Department at time this resolution was prepared. This condition will be carried forward as a condition in this resolution to require the applicant to provide evidence prior to certification.



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14. **At least 35 days prior to a Planning Board hearing of the DSP, the NRI and the TCPI associated with the CSP and the TCPI associated with the preliminary plan shall be revised and signed. They shall show the entirety of the subject property and a clear delineation of the SHA right-of-way based on submitted documentation of the acreage. This land will be shown as “previously dedicated land” and the plans shall be signed at least 35 days prior to a Planning Board hearing of the DSP.**
  
15. **Prior to acceptance of the DSP, the Type I tree conservation plan shall be revised as follows and receive signature approval:**
  - a. **Revise the TCPI as necessary so that both the NRI and the TCPI reflect the legal boundaries of the site.**
  
  - b. **Revise the plans to show conceptual grading of the site for the features shown, not for the mass grading of the site. Include the proposed grading for all variation requests.**
  
  - c. **Revise the worksheet to be a split-zoned worksheet with columns to reflect the phases (the M-X-T portion is Phase I and the R-R portion is Phase II).**
  
  - d. **Revise the worksheet to show the SHA land dedication as “previously dedicated land.”**
  
  - e. **Correct all calculation errors on the plans and the worksheet.**
  
  - f. **Revise the noise contour on the plan and in the legend to reflect the “65 dBA Ldn unmitigated noise contour.”**
  
  - g. **Revise the symbols and line weights on the plans so that they are reproducible in black and white.**
  
  - h. **Revise the plans as needed to address other issues contained in the technical staff report and the resulting resolution.**
  
  - i. **Revise the plans as needed to address all technical issues for conformance with the Woodland Conservation and Tree Preservation Ordinance.**
  
  - j. **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

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Due to the limited nature of this DSP, the environmental issues such as those included in the above two conditions will be addressed at review and approval of the applicable permit plans or site- or project-specific DSPs, whichever comes first. To date, the NRI has received signature approval. However, the CSP and TCPI have not been certified. A condition has been imposed by the Planning Board to require the applicant to obtain certification approval of CSP-07003 and signature approval of Preliminary Plan of Subdivision 4-07108 prior to certification of this DSP.

- 18. At least 35 days prior to any hearing on the DSP, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers. In order to achieve this requirement, lots may be lost.**

This condition governs the provision of stream valley trails within the environs of Konterra Town Center East. The Transportation Planning Section, in a memorandum dated October 16, 2008, stated that the larger Konterra Town Center East proposed an extensive network of facilities for bicyclists and pedestrians, including bicycle and pedestrian-compatible roadways. All roads include standard or wide sidewalks along both sides and major roads include designated bike lanes. However, the trail alignment is beyond the scope of this application. This condition has been carried forward in a modified form in this resolution to require the conformance of the future detailed site plan and/or permit plans, whichever comes first, for the portion of the site including the stream valley trail.

- 23. Total development within the subject property shall be limited to uses which generate no more than 5,965 AM and 8,963 PM peak hour vehicle trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**
- 24. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, IIA, and IIB. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 5,965 AM peak hour trip cap and the 8,963 PM peak hour trip cap, unless a future revision to the preliminary plan of subdivision is processed.**

See Finding 9 above for a detailed discussion on the DSP's conformance with these two conditions.

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**30. Pursuant to the approval of VP-07108 the following minimum lot sizes are required for townhouse lots:**

- A maximum of 36 percent of the lot sizes shall be between 1,000 and 1,799 square feet.
- A maximum of 46 percent of the lot sizes shall be between 850 and 999 square feet.
- A maximum of 10 percent of the lot sizes shall be between 630 and 849 square feet.

**The Applicant may submit, with any DSP that proposes townhouses, any new variance applicable to design standards, including a new variance for lot size.**

There are no townhouses proposed in this DSP. The only residential use proposed in this DSP is a total of 2,161 multifamily dwelling units.

11. **Landscape Manual:** This DSP includes supporting infrastructure such as stormwater ponds for that development in the surrounding environs, which is not subject to the requirements of the Landscape Manual. However, the portion of the DSP covering the downtown core area is subject to the requirements of the Landscape Manual. This DSP also defines the downtown core area development character and quality through illustrated design standards, which cover the landscaping concept and details such as paving and species of street trees in Chapter 5 of the design standards book. Specifically, Sections 4.1, Residential Requirements, 4.2, Commercial and Industrial Landscape Strip, 4.3, Parking Lot Requirements, and 4.4, Screening Requirements of the Landscape Manual are applicable to the downtown core area covered in this DSP. Compliance with the Landscape Manual and the applicable landscaping standards will be reviewed at the time of each permit plan.
12. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet, and there is a Type I Tree Conservation Plan, TCPI/05/08, associated with the conceptual site plan for this site.
  - a. This site has a signed Natural Resources Inventory (NRI/050/08-01) which was approved with CSP-07003. The NRI includes a total of 12.36 acres of woodland on the gross tract and 8.42 acres of woodland within the 100-year floodplain. All of the forest stands have a value of “good” or “priority” because the woodland that remains is primarily within the remaining regulated areas. The site has a total of 11 specimen trees. The existing site features appear to be shown correctly on the TCPII and detailed site plan. No additional information on NRI/050/08-01 is required with this DSP.

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b. A Type II Tree Conservation Plan (TCPII/065/08) was submitted and reviewed with this DSP by the Environmental Planning Section and was found to conform to the requirements of the Woodland Conservation Ordinance subject to certain conditions.

13. **Planning Board Analysis:** The subject application was referred to the concerned agencies and divisions. The Planning Board summarizes the referral comments as follows:

a. The application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developing Tier and conforms to the town center land use recommendations in the 1990 approved master plan for Subregion I.

b. The property is the subject of a recently approved Preliminary Plan of Subdivision, 4-07108. The resolution of approval was adopted by the Planning Board on September 18, 2008. The Subdivision Section staff provides discussion on applicable conditions attached to the approval of the preliminary plan of subdivision (See Finding 10 above for a detailed discussion on the applicable conditions). Staff cannot determine if the subject DSP is consistent with the preliminary plan of subdivision until the applicant obtains signature approval of Preliminary Plan of Subdivision 4-07108 and TCPI/05/08-01.

The subject DSP provides general development envelope information on the downtown core layout as approved in the Conceptual Site Plan, CSP-07003, and Preliminary Plan of Subdivision 4-07108. Given the special status of the downtown core area within Konterra Town Center East, it was subdivided into large parcels instead of small fee simple lots. The detailed design standards submitted with this DSP are supplemental to the site plans and provide substantial detail, as described previously, on development character and quality. However, prior to certificate approval of this DSP, the applicant should obtain final signature approval of Preliminary Plan of Subdivision 4-07108 and Type I Tree Conservation Plan TCPI/05/08-01 from the Subdivision Section. All applicable conditions as stated in PGCPB Resolution No. 08-116 should be satisfied. A condition has been imposed by the Planning Board in this resolution.

c. A complete review of the applicant's conformance with the conditions attached to approved CSP-07003, Preliminary Plan of Subdivision 4-07108, the parking analysis and the traffic phasing analysis has been carried out. The Transportation Planning Section concluded that since the preliminary plan of subdivision for this case is still valid and the preliminary plan findings were made less than six years prior. The subject application complies with the necessary findings for a detailed site plan subject to four conditions that have been included in the recommendation section of this report. The Planning Board adopted this finding.

The trails planner provided a comprehensive background review for master plan trail compliance. Specifically, staff has provided a detailed discussion on issues of stream valley trails, public versus private roadways, and pedestrian safety. The trails planner

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recommends eight conditions related to pedestrian connections and safety that have been adopted by the Planning Board in this resolution.

- d. The Environmental Planning Section, in a memorandum dated January 8, 2008, indicated that the plans as submitted have been found to address the environmental constraints for the site and the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance. The Environmental Planning Section provided a comprehensive review of the approval history and the application’s conformance with the *Approved Countywide Green Infrastructure Plan* and applicable conditions of previous approval. Staff recommends approval of this application subject to two conditions that have been adopted by the Planning Board in this resolution.
- e. The Department of Parks and Recreation (DPR), in a memorandum dated September 24, 2008, provided no comment on this DSP because park-related conditions have been met and there is no public park on this portion of Konterra Town Center East.
- f. The Permit Review Section, in a memorandum dated December 9, 2008, provided two comments on development requirements and detailed information regarding various retaining walls.

The development requirements for this DSP have been provided in the format of an illustrated design standards book. Given the volume of the design standards, it is difficult to provide the development requirements on the coversheet of the DSP. The design standards book will be provided on the project website ([www.Konterra.com](http://www.Konterra.com)) and will be approved with the DSP. Regarding the details of various retaining walls, since this is a special purpose DSP for development character and supporting infrastructure, the information on retaining walls will be required and be reviewed at the time of permit plans or site- or project-specific DSPs, whichever comes first.

- g. The Department of Public Works and Transportation (DPW&T) did not comment directly on this DSP. Their concerns have been included in the Transportation Planning Section’s comments (Masog to Zhang, January 7, 2009). The issues identified by DPW&T will be reviewed and enforced at the time of the issuance of access permits by DPW&T.
- h. The Maryland State Highway Administration (SHA) has not responded directly to the detailed site plan referral request. They have provided comments through the Transportation Planning Section.
- i. The City of Laurel, Department of Community Planning and Business Services, in a memorandum dated October 7, 2008, stated that the City has reviewed the information and finds the design standards of this project to be of high quality. Specifically, the City asked several questions as follows:

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“The City of Laurel has historically been supportive of the Konterra project since its inception. Our only concern is regarding transportation improvement funding and adequate public facilities. Given the recent cutbacks in State funding, our questions would be whether the proposed development phasing is realistic, given the absence of funding, as well as the unknown status of Kenilworth Avenue Extended. Does this submittal meet County APFO standards, given the delay in funds? If it does, how would the delay of relied upon transportation infrastructure be incorporated into the development approval processes and schedule?”

Adequacy of public facilities for the larger Konterra development including the downtown core area covered in this DSP was evaluated at the time of Conceptual Site Plan, CSP-07003, and Preliminary Plan of Subdivision 4-07108 approvals. Conditions attached to the previous approvals require certain improvements to be implemented in order for this development to move forward. Those conditions of approval are still valid and will govern each phase of this development.

- j. The subject DSP application has also been referred to the Department of Planning and Zoning of Howard County, which provided no comments on this DSP.
- k. Washington Suburban Sanitary Commission (WSSC), in a memorandum dated October 16, 2008, noted that water and sewer extension will be required for this development. There is an approved project, DA4623Z07, within the limits of this site.

14. **Additional Planning Board Analysis:** Consistent with Condition 4 of CSP-07003, the subject DSP provides enough information to define the general urban design character and quality of the proposed downtown core area development. This DSP also includes information for the supporting infrastructure. In the past, for a large multiphase development such as a planned community or an integrated shopping center, the Planning Board has occasionally approved a signage or community character DSP covering the entire site in order to define the development character and parameters of the proposed development. The current detailed site plan review and approval procedure prescribed by the Zoning Ordinance is most compatible with standard suburban, single-use sites. Under the current procedure, at the time of detailed site plan review, details of the development should have already been finalized. According to Section 27-282(e), the site plan should provide detailed information regarding the proposed development such as the exact location and size of all buildings, structures, and sidewalks, and the exact location, size, type, and layout of all recreational facilities, etc. In the case of a large scale, multiple-stage development such as the development proposed in the subject DSP, much of the above information cannot be easily determined and provided for review within the timeframe required for a normal DSP. This type of development will be subject to continual refinement from the initial schematic design, continuing through permitting and construction, depending on many leasing, marketing, and design factors as well as end user needs and requirements. To achieve the highest level of quality, numerous adjustments may be necessary even at the time of issuance of permits because the development is entirely market-driven and has to respond to the market in a timely fashion in order to be successful.

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The subject DSP has been filed in accordance with Condition 4 of the approved Conceptual Site Plan, CSP-07003 (PGCPB Resolution No. 08-95), to further define the development character and quality of the downtown core area of Konterra Town Center East. The approved design standards will be utilized to serve future permit review purposes and ensure that each development contributes to a complete series of quality public spaces and a dynamic urban environment. The standards in this application meet the general intent of this type of DSP for development character and quality except for certain procedural and design standard issues which are discussed below. The issues identified in this section of the report will be addressed through conditions attached to the approval of this DSP as stated in this resolution. The discussion which follows has been approved by the Planning Board to have Planning Department staff review permit plans for conformity to the design standards within the downtown core area.

In order for the Planning Board to continually monitor this development and remain abreast of the applicant's permitting, construction, and leasing progress, the applicant has expressed a willingness to provide a briefing for the Planning Board no later than 18 months subsequent to final action on the DSP, and annual briefings thereafter, at least through the initial stage. This will provide a mechanism for the Planning Board to comment on the review process described herein.

**Review procedure** (Supplemental to the existing procedure)

- a. Permit plans to be reviewed administratively for compliance with the approved design standards should be limited to those sites and projects located within the development envelopes of the 16 blocks of the downtown core area. Permit plans that involve any of the following conditions will be reviewed by the Planning Board:
  - (1) Deviation from the approved design standards such as height, setbacks, size of the sign face, etc. quantitatively by more than ten percent, and such deviation does not conform to the intent of the design element;
  - (2) An increase of the development density by more than ten percent from the overall development quantity in terms of the number of residential dwelling units and square footage for commercial and other uses above the maximums approved included in this DSP;
  - (3) Significant modification of the area, quantity, or location of designated open spaces or plazas as shown on the DSP in an adverse manner;
  - (4) Exemption from the approved design standards such as partial or complete waiver of parking and loading requirements of the developable blocks, reduction in green open space, or tree canopy coverage; and
  - (5) Any other situation, in the opinion of Planning Department staff, which requires the approval of the Planning Board, such as when agreement cannot be reached

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between the review staff and the applicant, or any unforeseen conditions not included in this report which will have a significant impact on the physical layout of the downtown core area that adversely impacts the design intent.

- b. A statement of justification should be provided with each permit plan to be reviewed administratively to provide a detailed description of all applicable design standards and how the proposed permit plan(s) satisfies them.
- c. Each permit plan to be reviewed administratively should include an approval sheet listing all previous decisions in the form of certificates of approval, a development accumulation table including each type of use and total approved square footage, and a parking tracking table indicating the total cumulative required parking for the downtown core developed to date and the number and location of parking spaces provided to date. If the parking cannot be fully accommodated within the respective developable block, off-block parking should be located within 500 feet of the development site, to the extent practicable.
- d. For any design elements that are not illustrated in the approved design standards, the applicant should meet with review staff to discuss the design, color, and materials of the project immediately after completion of the schematic design. A decision should be made regarding the level of review at the conclusion of the meeting. It is recommended that a pre-application meeting should also be utilized to discuss any possible departures from the approved design standards as defined in Finding 14(a) above.

**Design elements**

- e. A parking analysis based on each downtown block has been provided with this DSP. The required parking in the analysis for each block, including the number of surface, structured, and on-street parking spaces, will be used as guidance for reviewing the sufficiency of the parking for permit plans in the future. A tracking table should be provided with each permit plan to ensure that the required parking has been provided. However, the parking analysis does not identify the number of parking spaces for the physically handicapped. This information should be added to the analysis. In addition, every fourth handicapped space provided should be van-accessible.

As far as loading is concerned, no specific information has been provided. Loading is usually shared among uses in a mixed-use development such as this one, and loading requirements will be reviewed at the time of permit plans. It is recommended that all loading spaces be included with the design of parking structures, if and when it is practical.

- f. Open spaces including green spaces such as the central green, pocket parks, the urban plaza, and squares are critical meeting places for the public within the downtown core area of Konterra Town Center East. The recreational plan identifies area-wide open spaces



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throughout the downtown area. However, additional outdoor open spaces should be provided in association with any multifamily residential projects when practicable.

- g. The recreational plan provides the general location and type of the envisioned recreational facilities and amenities serving the downtown core area. Detailed facility information including cost will not be available until the time of permit plans. In addition to the recreational facilities and amenities identified within the downtown core recreational plan, additional facilities should also be provided in association with the multifamily residential development within each specific project. In general, each multifamily residential building should provide a minimum of one fitness room and a club room to be used by all residents in the building, in proportion to the number of residents they will serve. A swimming pool should be included, if it is practical. If more than two buildings are developed, the residents of the buildings may share one swimming pool. A recreational facility tracking table should be provided with each site- or project-specific DSP.
- h. Major pedestrian connections through some larger permanent surface parking areas should be designed in an "Allee" pattern to provide sufficient shade and protection from vehicular traffic. Certain landscaping elements such as sitting facilities, trash receptacles, and protective devices such as bollards should be incorporated into the design of such connections. The design of the pedestrian connections should be included in the permit plans for the adjoining projects.
- i. Complementary street trees, street furniture, and lighting fixtures along each major downtown street should be established at the time of the first permit plan for sites located within the adjoining blocks that front on the main streets. Subsequent permit plans should provide sufficient reference to the approved species of street trees, street furniture, and lighting fixtures for that street on which the project site is fronting.
- j. The fundamental feature of the design standards is to achieve desired public spaces featuring a street-level sense of place formulated by the buildings fronting each street. The form of the public spaces relies on the location of a well-defined build-to-line on each street. The design standards provide illustrations of build-to-lines on portions of several streets.
- k. In the summary of approaches to sustainability submitted with this DSP, the applicant lists car sharing and carpooling as one of the strategies to minimize carbon dioxide emissions for the proposed Konterra Town Center East. In fact, car sharing is an emerging trend for occasional car use in many large U.S. cities. Successful car sharing development has tended to be associated mainly with densely populated areas such as city centers and more recently university and other campuses. Car sharing results in energy savings and can also help reduce congestion and pollution. Employer and/or developer sponsored strategies that similarly help reduce congestion and pollution should also be included. The subject site is the downtown core area of a larger town center project and is an ideal location to provide parking spaces for a car sharing program. The Planning Board believes that it is highly

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desirable to promote these strategies and recommends these various programs be noted in the parking section of the design standards and be satisfied with applicable permit plans.

- l. Bicycle use is also identified as a strategy to minimize carbon dioxide emissions and save energy. The Planning Board adopted the agreement between staff and the applicant to include aspects of The Leadership in Energy and Environmental Design of the U.S Green Building Council (LEED) standards for Sustainable Site, Credit 4.2. Alternative Transportation: Bicycle Storage and Changing Rooms for the downtown core area into the design standards.
  - m. A complete set of lighting standards has been provided for the downtown core area. The standards include requirements for exterior lighting for public spaces consisting of streetscape lighting, pedestrian lighting, landscape lighting, and architectural lighting. The graphic and illustrations show the materials and quality of the proposed lighting fixtures. There are no explicit requirements for full cut-off lighting fixtures. The Planning Board adopted the staff's recommendation to include a note in the lighting design standards to require all lighting fixtures, where appropriate and practicable, to be full cut-off type, except for those submerged in water such as the lighting fixtures for fountains or other water features that are deemed necessary and compatible by review staff with the water features they illuminate.
15. As required by Section 27-285(b), the subject detailed site plan satisfies all criteria for M-X-T Zone approval in Part 3, Division 2; the detailed site plan and proposed development meet the purposes and applicable requirements of the M-X-T Zone; the detailed site plan is also in conformance with the approved Conceptual Site Plan, CSP-07003; and it represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/065/08) and further APPROVED Detailed Site Plan DSP-08011 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Obtain certification of Conceptual Site Plan CSP-07003. Any additional conditions attached to the final approval of CSP-07003 that impact the physical layout of the downtown core area as shown on the subject DSP shall be reflected on the site plans.
  - b. Obtain signature approval of Preliminary Plan of Subdivision 4-07108.

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- c. Revise the design standards in accordance with the recommended revisions in this report and include the design standards book in the certification package for final certification approval.
- d. Expand the existing section on The Promenade in the design standards book to include additional design standards that establish design parameters for the architecture surrounding the central park, including, but not limited to, design, materials, color, street furniture, signage, lighting, shadow and wind analysis, detailed planting schedule, water features, if any, and hardscape; or obtain a separate DSP approval for the central park.
- e. Provide evidence demonstrating the satisfaction of the Health Department regarding issues of environmental site assessment and testing relating to the sand and gravel operation that existed on this site.
- f. Provide evidence from the utility companies which have jurisdiction over the subject site that all utilities, within the core area, will be provided within the right-of-way of streets.
- g. Revise the design standards book as follows:
  - (1) Pedestrian pathways or connections through permanent surface parking lots, for which the farthest point exceeds four hundred (400) feet, shall be designed in "Allee" style. A typical design detail shall also be provided in Chapter 5, Landscape Standards.
  - (2) Provide a note in Chapter 7, Lighting Standards, indicating that pole mounted perimeter street and interior parking area fixtures, excepting light fixtures provided by and subject to BG&E requirements, are to be light fixtures with full cut-off optics. All light fixtures located within service court areas are also to be fixtures with full cut-off optics to the extent practicable. Decorative internal street and plaza poles, decorative building-mounted fixtures, and other fixtures used for aesthetic effect or security, including those that may be submerged in water features, will be light fixtures with full cut-off optics, to the extent practicable.
  - (3) Provide an infrastructure chapter to demonstrate how utilities serving the downtown core area will be provided and where the utility easements will be located. All utilities shall be underground. A utility exhibit to scale shall be provided.
  - (4) Provide a section on transit access and transportation-friendly initiatives, which shall include:
    - (a) Provision of two or more proposed bus stops within one-quarter mile of the project;

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- (b) Implementation of infrastructure within appropriate areas of the site for multiple support programs promoting shared vehicle usage such as car pool drop off areas, designated parking for vanpools or car share services, ride boards, and shuttle service to mass transit;
  - (c) Options for preferred parking for car share programs;
  - (d) Shared parking; and
  - (e) Provision for secure bicycle racks in accordance with Leadership in Energy and Environmental Design (LEED) standards, to the extent possible or provide sufficient information on a more appropriate requirement for mixed-use developments. Usage of the bicycle racks shall be monitored throughout the course of development and the number or percentage may be increased or decreased as utility dictates. Modifications of the numbers and/or locations of bicycle racks should be documented with each permit application.
- (5) Provide a new chapter on sustainability of the development and include the narrative submitted with this DSP in the new chapter. The new chapter shall also specify the minimum solar reflectance index (SRI) value for sidewalks and building roofs.
- (6) Provide a note in each chapter indicating that the first permit plans for sites located within the adjoining blocks that front on the main streets shall establish standards for a complementary array of street trees, furniture, and lighting fixtures along each applicable main street. Subsequent permit plans for those main streets shall provide sufficient reference to the approved species of street trees, street furniture, and lighting fixtures for that street on which the project site is fronting.
- h. Modify the plan to make provision for the "Boulevard" standard for the access westward from Perimeter Drive West along the roadway connecting Konterra East and Konterra West.
- i. Revise the entrances to the lots north and south of Fashion Place shown on page 16 of the site plan to align these driveways at the proposed median break.
- j. Revise the Type II tree conservation plan as follows:
  - (1) Remove the proposed reforestation from the rare, threatened, and endangered species (RTE) buffer as it is no longer part of the site, and revise the worksheet accordingly.
  - (2) Revise the worksheet as needed to address other comments.

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- (3) Revise the legend to include any additional lines or symbols as necessary.
  - (4) Revise the symbols and line weights on the plans so that they are reproducible in black and white.
  - (5) Remove all duplicate information from the plan including, but not limited to, existing contours.
  - (6) Revise the line type used to depict the 65 dBA Ldn noise contour to be distinct from other features shown on the plan and provide additional labels as necessary.
  - (7) Show all existing woodland located within proposed or existing easements that are to remain as cleared, and revise the worksheet accordingly.
  - (8) Provide a TCPII signature approval block on all sheets of the plan set.
  - (9) Revise the limit of disturbance (LOD) to account for only the disturbance necessary for the proposed grading and structures shown on the plan.
  - (10) Remove proposed reforestation from property that is not part of the subject site and revise the worksheet accordingly.
  - (11) Revise the forest conservation detail to include the following note: "The signs are to remain in place."
  - (12) Revise the Type II tree conservation notes to include optional Note 3 and to replace all references to the "DER inspector" with "county inspector."
  - (13) Provide a specimen tree table on the plan containing the tree number, size, species, condition, proposed disposition, comments and/or special reservation treatments recommended, as well as a note below the table indicating how the specimen trees were located.
  - (14) Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. At the time of permit plans, or site- or project-specific DSPs, whichever come first, the applicant shall provide the following with each application:
- a. A statement of justification to provide a detailed description of all applicable design standards and how the proposed permit plan satisfies them.

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- b. A parking tracking table showing the total cumulative required parking spaces to date and the cumulative number of approved parking spaces.
  - c. A development accumulation table showing the approved development including each type of use, the number of the dwelling units, and square footage.
  - d. Additional outdoor open spaces associated with multifamily residential buildings, except for residential over retail, to the extent practicable. Multifamily residential buildings shall provide a minimum of one fitness room and club room per 300 dwelling units to be used by all residents. The size of the rooms shall be in proportion to the number of residents, to be determined at time of review of each project.
  - e. An on-site recreational facility tracking table for the multifamily residential component.
3. Any detailed site plan or permit plan exhibiting one or more of the following conditions shall be reviewed by the Planning Board:
- a. Deviates from the approved design standards such as height, setbacks, size of the sign face, etc. quantitatively by more than ten percent, and such deviation does not conform to the intent of the design element;
  - b. Increases the development density by more than ten percent from the overall development quantity in terms of the number of residential dwelling units and square footage for commercial and other uses above the maximums approved in this DSP;
  - c. Significantly modifies the area, quantity, or location of the open spaces or the plazas as shown on DSP-08011 in a manner that adversely impacts the aesthetic quality, design intent, or usefulness of the open spaces or plaza;
  - d. Seeks exemption from the approved design standards such as partial or complete waiver of parking and loading requirements of the developable blocks, reduction in green open spaces or tree canopy coverage; and
  - e. Any other situation, in the opinion of Planning Department staff, which requires the approval of the Planning Board, such as when agreement cannot be reached between the review staff and the applicant, or any unforeseen conditions not included in this report which will have a significant impact on the physical layout of the downtown core area that adversely impacts the design intent.
4. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Include the streetscape for roadways that are to remain publicly accessible, per Exhibit 3 in the public use easement(s);

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File No. DSP-08011  
Page 40

- b. Provide sidewalk connections and/or pedestrian walkways as applicable from all garages and surface lots to adjacent buildings;
- c. The following walkways or the functional equivalent, if feasible in the event of subsequent layout modification, shall be provided:
  - (1) Provide sidewalk connections from the parking garages to Center Street on Sheet 24.
  - (2) Provide sidewalks along both sides of the entrance road to the parking garage from North End Road on Sheet 31.
  - (3) Provide sidewalks along both sides of the main drive aisle from North End Road to the parking garage on Sheet 34.
  - (4) Provide two pedestrian walkways or sidewalks through the parking area from North End Road to the planned buildings on Sheet 32.
  - (5) Provide two pedestrian walkways or sidewalks through the large parking area from North End Road to the planned building on Sheet 33.
  - (6) Provide one pedestrian walkway or sidewalk through the parking lot between the office buildings on Sheet 28.
  - (7) Provide one pedestrian walkway or sidewalk through the parking lot between the condominium buildings on Sheet 23.
- 5. At the time of detailed site plan for the portion of the site including the stream valley trail, the trail alignment shall be finalized to ensure that it does not create an impact to the regulated buffers.
- 6. At the time of permit plans including the three roundabouts and all nonstandard roadway sections shown on the site plan, the applicant shall obtain approval from the Department of Public Works and Transportation. The relevant evidence shall be submitted with the permit plan.
- 7. Noise, stormwater management, and rare, threatened, and endangered species issues shall be addressed during the review of permit plans or site- or project-specific DSPs, whichever come first, in which that issue appears.
- 8. No less than 18 months after final action on the subject DSP, the applicant and the applicant's heirs, successors and/or assignees shall provide a briefing to the Planning Board on the status of the development in regard to permitting, construction, and leasing. Subsequent to the initial briefings, annual briefings shall be presented at least through the initial stage. Additional or more frequent briefings may be required by the Planning Board, if deemed necessary.

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Page 41

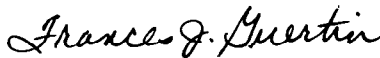
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Vaughns absent at its regular meeting held on Thursday, February 12, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of March 2009.


Oscar S. Rodriguez  
Executive Director



By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:HZ:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

Date 3/4/09



FINAL PLATS OF SUBDIVISION **5-22104**

**LARGO CENTRE WEST, PARCEL 1**

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FINDING: IN CONFORMANCE WITH PRELIMINARY PLANS OF SUBDIVISION **4-21060**  
AND DETAILED SITE PLAN **DSP-21049**

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STAFF RECOMMENDATION: **APPROVAL**

**FINAL PLATS OF SUBDIVISION 5-21155 THROUGH 5-21161**

**WESTPHALIA TOWN CENTER NORTH, PLATS 1-7**

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**FINDING: IN CONFORMANCE WITH PRELIMINARY PLAN OF SUBDIVISION 4-08002 AND DETAILED SITE PLAN DSP-19062.**

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**STAFF RECOMMENDATION: APPROVAL**

FINAL PLATS OF SUBDIVISION **5-22062**

**210 MARYLAND PARK DRIVE, PLAT 1**

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FINDING: IN CONFORMANCE WITH PRELIMINARY PLANS OF SUBDIVISION **4-15029**  
AND DETAILED SITE PLAN **DSP-15045**

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STAFF RECOMMENDATION: **APPROVAL**

The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Countywide Planning Division  
 301-952-3650



*Note: Staff reports can be accessed at [www.pgplanning.org/planning.home.htm](http://www.pgplanning.org/planning.home.htm)*

## Mandatory Referral

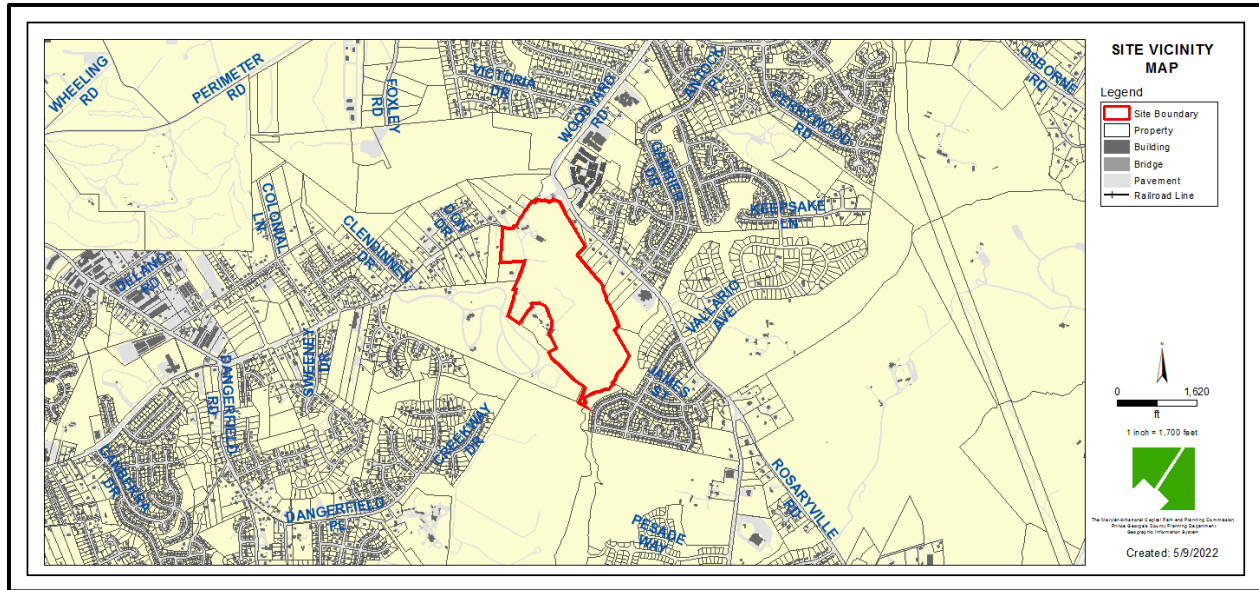
**MRF-2022-010**

Application	General Data	
<b>Project Name:</b> Poplar Hill Solar  <b>Location:</b> 7606 Woodyard Road Clinton, MD 20735  <b>Applicant/Address:</b> Trajectory Energy Partners P.O. Box 310 Highland Park, IL 60035  <b>Property Owner:</b> John M. & Sara R. Walton Foundation, Inc. 7606 Woodyard Road Clinton, MD 20735	<b>Planning Board Hearing Date:</b>	11/10/2022
	<b>Date Accepted:</b>	9/12/2022
	<b>Mandatory Action Timeframe:</b>	11/10/2022
	<b>Acreage:</b>	123.03
	<b>Zone:</b>	AR (formerly R-A Zone)
	<b>Planning Area:</b>	81A
	<b>General Plan Growth Policy Area:</b>	Established Communities
	<b>Council District:</b>	9
	<b>Municipality:</b>	N/A
	<b>200-Scale Base Map:</b>	211SE08

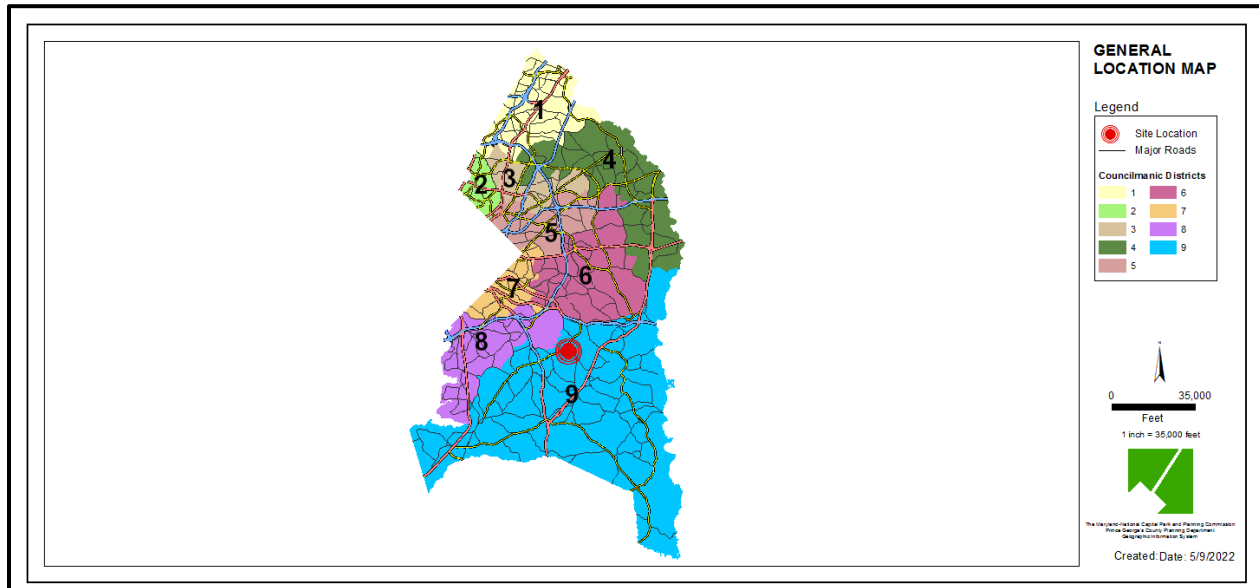
Purpose of Application	Notice Date
Development of a 2-megawatt (MW) community solar project on a 12-acre portion of a 123-acre site.	<b>Acceptance Mailing:</b> 9/12/2022

Staff Recommendation	Staff Reviewer: Tineya Walker
<i>Transmit Staff Report to:</i> Mr. David Lipowicz Trajectory Energy Partners P.O. Box 310 Highland Park, IL 60035	<b>Phone:</b> 301-952-3215 <b>Email:</b> <a href="mailto:tineya.walker@ppd.mncppc.org">tineya.walker@ppd.mncppc.org</a>

**Map 1 - Site Vicinity Map**



**Map 2 - General Location Map**



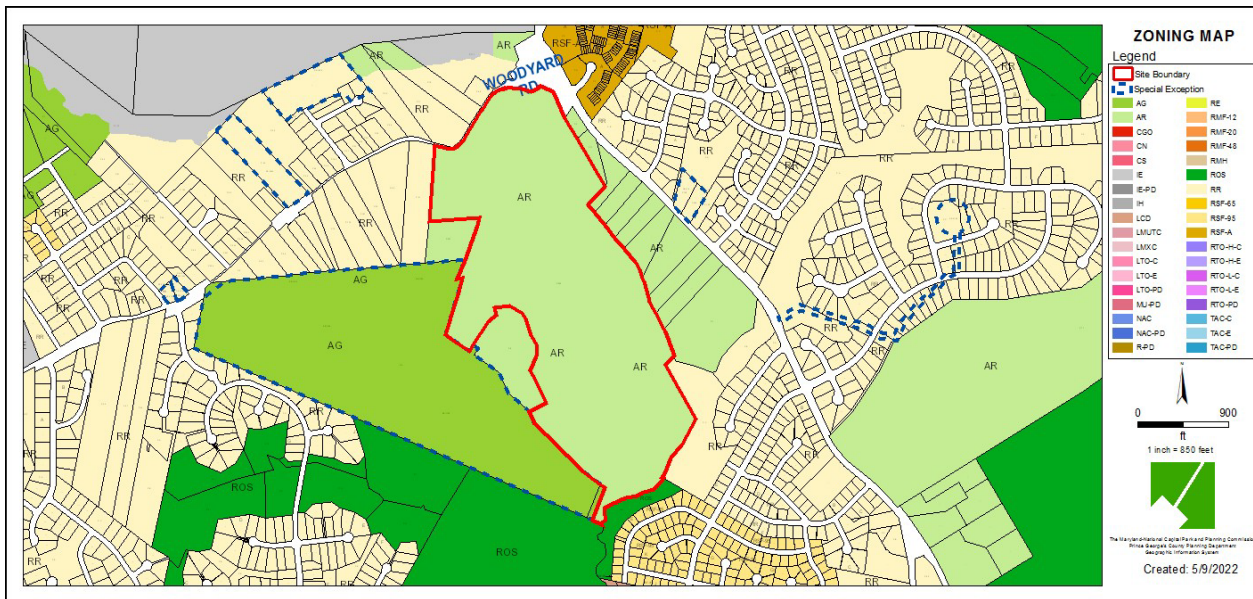
# Maryland-National Capital Park and Planning Commission PRINCE GEORGE'S COUNTY PLANNING BOARD STAFF REPORT

**Subject: Mandatory Referral (MRF-2022-010): Poplar Hill Solar**

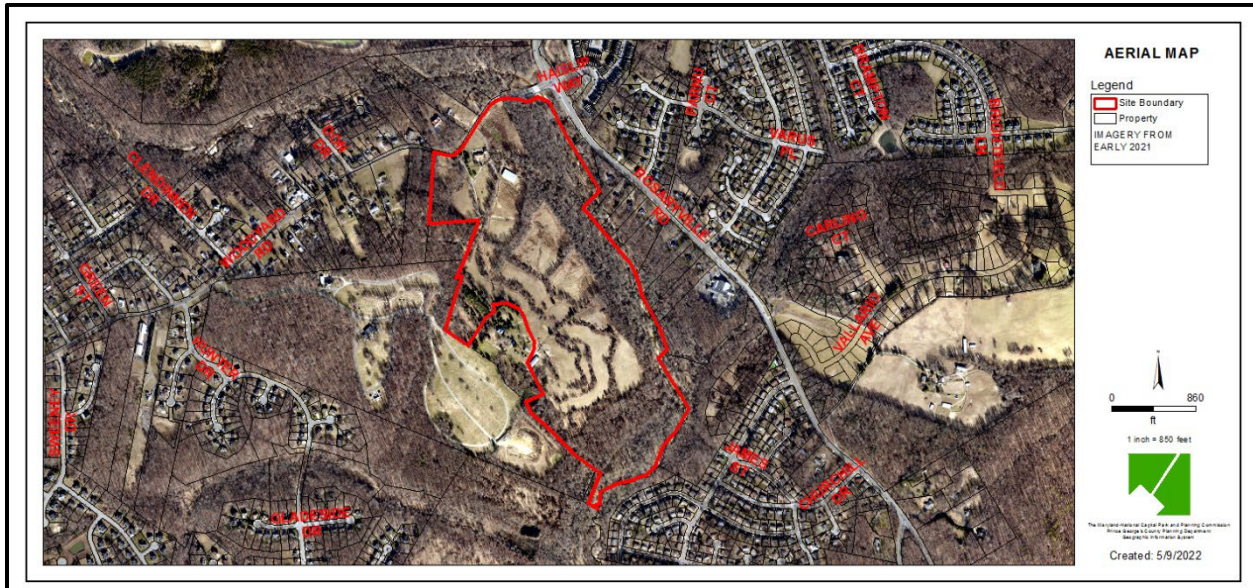
This application proposes a community solar project at 7606 Woodyard Road in Clinton, MD.

The proposed project is being reviewed according to the Land Use Article §§20-301 through 305 of the Maryland Annotated Code and the Prince George's County Planning Board's Adopted Uniform Standards for mandatory referrals. The Land Use Article grants the Planning Board exclusive jurisdiction to review public construction projects for all federal, state, county, and municipal governments, as well as publicly owned and privately owned utilities through the mandatory referral (MR) review process.

**Map 3 – Existing Zoning**



**Map 4 - Aerial View of Site**



## **PROJECT OVERVIEW**

### **SITE DESCRIPTION**

According to PGAtlas, the site is 126.03 acres in area; however, the applicant performed a site survey that confirmed the acreage to be 123.03 acres. The site, Parcel 236, is zoned AR (Agricultural Residential) and located in Clinton, MD. The site is bounded on the north by MD 223 (Woodyard Road); on the south by Parcels A (zoned ROS, Reserved Open Space) and C (zoned RR, Residential Rural), both owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC); on the east by several private lots and parcels (zoned AR); and on the west by Parcels 4 (zoned AR), 61 (zoned RR), and 237 (zoned AR). Parcel 4 is a cemetery and contains a historic site.

The site is partially wooded and contains regulated environmental features (REF) that include wetlands, streams, and a 100-year floodplain. The site is within the environmental setting of Poplar Hill on His Lordship's Kindness and contains a designated historic resource, the Marshall's Mill site. The site contains one residential dwelling and accessory structures in the north area of the property. The site is also located within the Military Installation Overlay (MIO) Zone.

### **BACKGROUND/PREVIOUS APPLICATIONS**

The Planning Department has not reviewed this site for any previous development applications.

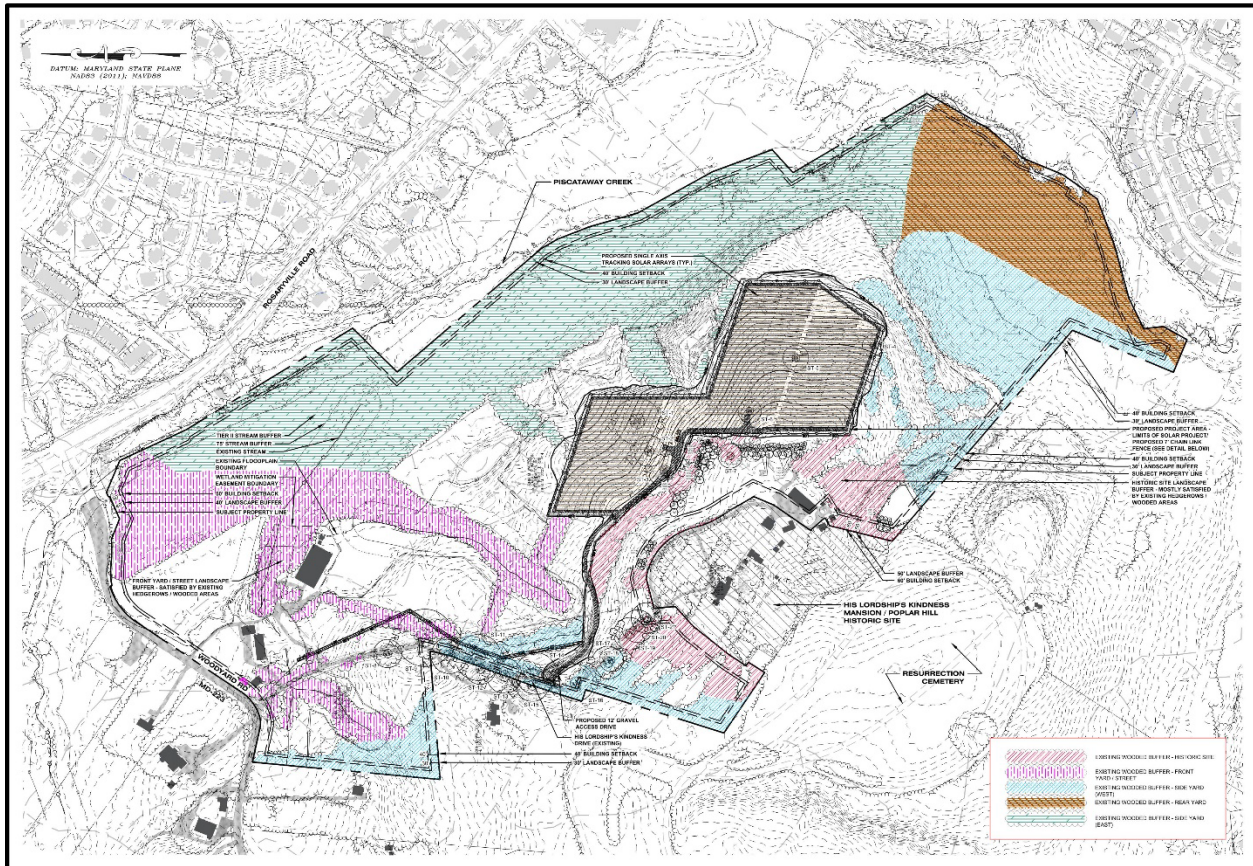
### **PROJECT DESCRIPTION**

The project proposes a 2-megawatt (MW) solar array consisting of 6,240 solar panels covering approximately 12 acres of the 123.03-acre site. The panels will be mounted on a single-axis tracking system that follows the sun from east to west daily. The tracking system will be mounted to driven steel or aluminum posts and will reach a height of approximately 8 to 10 feet at maximum tilt, depending on the site's topography. The power generated by the facility will tap into a Point of Interconnection (POI), which will feed into the existing Pepco distribution system. The POI will be on the subject property in an area fronting Woodyard Road at a new electrical pole located just east of the existing entry driveway.

A vinyl-coated black chain link security fence, no more than 7 feet in height, will surround the perimeter of the array with metal security gates. A gravel road will provide access to the solar array for maintenance purposes.

The Federal Aviation Administration (FAA) issued a “Determination of No Hazard to Air Navigation” letter dated February 8, 2022. An aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation.

Figure 1 - Site Plan



**PROJECT SCHEDULE/HOURS OF OPERATION**

The estimated lifetime of the solar array is at least 25 years. While the facility will generate electricity during daylight hours when the sun is shining, it will not be staffed. Only maintenance vehicles will access the facility occasionally.

**OUTREACH & PUBLIC ENGAGEMENT**

**Planning Department:**

A notice was mailed to adjoining, confronting, and abutting property owners, and area civic associations on September 12, 2022. To date, no citizens have contacted Planning Department staff regarding the project.



**Applicant:**

The applicant hosted an open house on September 14, 2022, and presented an overview of the project to the community.

## PROJECT ANALYSIS

The Maryland-National Capital Park and Planning Commission Prince George's County Planning staff reviewed the project information submitted and provided the following comments:

**1. PRINCE GEORGE'S COUNTY ADOPTED SOLAR ENERGY SYSTEM (SES) GUIDELINES**

This application is subject to the "Prince George's County Solar Energy Systems Guidelines for Mandatory Referral Cases" contained in the Adopted Uniform Standards for mandatory referral review and adopted by the Planning Board on April 18, 2018. The Guidelines apply to Solar Energy Systems (SES) that are reviewed under the mandatory referral process and require approval from the Public Service Commission (PSC) or any other public body subject to the mandatory referral process.

The Guidelines are provided in **bold** font and comments are provided in regular font.

**Siting Preferences:**

**Site selection and placement on the site are important considerations for SES projects. The Board strongly discourages locations that result in significant loss of prime agricultural land, affect cultural and natural resources, or impact significant scenic viewsheds.**

Based on a review of the submitted natural resources inventory (NRI) plan and soils report, the proposed project will impact agricultural land and affect natural resources. The submitted NRI has not been approved. The soils report identifies 1.2 acres of land classified as "farmland of statewide importance" and six acres of land classified as "prime farmland". The conceptual layout for the solar array identifies impacts on prime farmland and on a portion of the farmland of statewide importance. It is also noted that the Maryland Department of Natural Resources (DNR) layer on PGAtlas identifies a potential Sensitive Species Project Review Area at the southern portion of the property. Correspondence from DNR is required to confirm the presence or absence of rare, threatened, or endangered (RTE) species prior to the approval of an NRI.

**Location Restrictions:**

**The Board does not support SES in the Chesapeake Bay Critical Area or the Mount Vernon Viewshed Area of Primary Concern.**

The application area is not located within the Chesapeake Bay Critical Area (CBCA) or within the Mount Vernon Viewshed Area of Primary Concern.

**The Board's siting preference hierarchy is as follows, listed from most suitable to least suitable in descending order:**

- 1. Locations on disturbed land such as brownfields, reclaimed surface mines, abandoned rubble fills, and closed landfills.**
- 2. Locations in industrial and commercial zoning districts.**
- 3. Locations in residential zoning districts other than R-O-S, O-S, and R-A Zones.**

4. **R-O-S, O-S, and R-A Zoned properties. Proposals in these zoning districts are subject to the following additional guidelines:**
  - a. **The least productive agricultural soils classified as class IV through VIII (as determined by USDA-NRCS Soil Survey) should be considered first if buildable.**
  - b. **A dual-use land-design concept should be considered to preserve productive farmland by: (a) continuing crop production underneath high-mounted and well-spaced panels; or (b) maintaining and grazing livestock, or poultry underneath panels; or (c) Maintaining and planting an herbaceous cover with pollinator value.**
  - c. **If dual-use concepts are determined to be impractical, the Board strongly discourages installing SES on soils with classification of I, II, and III as determined by USDA-NRCS Soil Survey, as these are the most productive soils. If proposed, such projects would be expected to provide mitigation for the loss of productive soils.**

The location of the project is in the least suitable zone of the siting preference hierarchy, the AR zone (formerly R-A), and is subject to the additional guidelines referenced above. The Prince George's Soil Conservation District (PGSCD) has identified the soil types of Grosstown gravelly silt loam (5 to 10 percent) as farmland of state importance, Dodon fine sandy loam (two to five percent) as prime farmland, and Marr-Dodon complex (two to five percent) as prime farmland. The solar panels will be almost entirely situated on these soils.

Consistent with 4.b.(c) above, the applicant is proposing an herbaceous cover with pollinator value to meet the dual-use land use concept recommendation and to offset impacts to the agricultural soils.

#### **Woodland Conservation**

**The Board strongly discourages the clearing of woodlands for the installation of SES. In cases where clearing of woodlands is unavoidable, the applicant shall be required to comply with Subtitle 25, Division 2 of the County Code, the Woodland and Wildlife Habitat Conservation Ordinance. The applicant shall submit a Type 2 (II) Tree Conservation Plan that is consistent with all ordinance requirements. Whenever possible, all reforestation area(s) should be located within the impacted sub-watershed and should be designed to contribute to the maximum extent practical to improving the water quality of the impacted watershed.**

The site is subject to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. The applicant asserts that the project proposes no clearing of woodlands. Existing hedgerows and other vegetation, which do not qualify as woodland, will be impacted by the project. Further review will be required under a separate application to determine if a type 2 tree conservation plan (TCP2) is required, or if the project qualifies for an exemption from the WCO.

#### **Screening and Buffering**

**SES should be designed to minimize visibility from roads and neighboring properties. SES should strive to implement landscaping and screening set forth in the Prince George's County Landscape Manual.**

**For purposes of applying Table 4.7-1 of the Landscape Manual, SES will be considered a Low Impact use and will be reviewed in accordance with the corresponding landscape buffering requirements.**

The project is exempt from the requirements of the *Prince George's County Landscape Manual*. However, the applicant provided a landscape plan showing proposed landscaping in accordance with the following sections of the manual:

- Section 4.6 Buffering Development from Streets.
- Section 4.7 Buffering Incompatible Uses.
- Section 4.9 Sustainable Landscaping Requirements.

The proposed landscaping will result in a continuous opaque visual buffer from the main house of Poplar Hill on His Lordship's Kindness. The property will be fully screened using existing vegetation with supplemental planting. Specifically, two of the hedgerows will be retained in their entirety and enhanced with native shade trees and evergreen trees.

#### **Protection of Rural Character and Scenic and Historic Resource Areas**

**To the maximum extent practical SES should be sited behind natural topography, existing vegetation, or supplemental indigenous landscaping to screen the facility from public view. SES facilities should be screened in accordance with the Prince George's County Landscape Manual from all scenic and historic-designated roads, properties within a County-designated Historic District, National Register properties, historic sites, and environmental settings. The Board will consider the impact of SES on properties designated as historic.**

The subject site is adjacent to Poplar Hill on His Lordship's Landing, a designated historic site, contains the Marshall's Mill designated historic resource site, and is within a historic environmental setting. Woodyard Road is a designated historic road; however, the proposed solar array is set back approximately 1400 feet from the road. The Historic Preservation Commission reviewed the project at their meeting on September 20, 2022, and recommended approval with no modifications. As previously discussed, the historic site to the east will be adequately screened using additional vegetation with supplemental planting.

#### **Fencing**

**Metal fencing (chain-link or equivalent), when necessary for security and public safety purposes, should be non-reflective and black in color to minimize visibility of the fencing material in the landscape. Fencing over seven feet in height is discouraged.**

A 7-foot-high black vinyl-coated chain link fence is proposed to enclose the solar array site. The fence detail is provided and is consistent with the requirements of the Solar Energy Systems (SES) Guidelines.

#### **Lighting**

**If lighting is required, all fixtures should be energy efficient, motion-sensor, full-optic cutoff, and downward casting such that light does not spill onto adjacent parcels or the night sky. Floodlights of any type are strongly discouraged.**

No lighting is being proposed as part of this project.

**Vegetation Management**

**For the enhancement of habitat and site pollinator value, an herbaceous cover mix selected from the Natural Resources Conservation Service Conservation Practice Standards for Conservation Cover (Code 327), Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site should be utilized.**

As previously discussed, the applicant is proposing an herbaceous cover with pollinator value to meet the dual-use land use concept recommendation and to offset impacts to the agricultural soils. The applicant proposes the installation of a pollinator mix, Fuzz & Buzz Mix-Premium-ERNMX-147, that will help stabilize the soil, and provide sediment and erosion control where possible. The applicant should provide the total area of pollinator planting, the required seedling counts, and the soil preparation requirements.

Additionally, to promote native bird populations, it is recommended that native plant species found to foster caterpillar propagation be planted on-site. Localized plant species can be identified using the National Wildlife Federation tool “Native Plant Finder” (<https://www.nwf.org/NativePlantFinder/Plants>).

**2. CONSISTENCY WITH APPROVED PLANS**

This application is consistent with the 2014 *Plan Prince George's 2035 General Plan (Plan 2035)*, which designates this application in the Established Communities policy area. *Plan 2035* describes Established Communities as areas appropriate for context-sensitive infill and low-to-medium-density development. *Plan 2035* also recommends maintaining and enhancing existing public services, facilities, and infrastructure in these areas to ensure that the needs of existing residents are met.

This application is in conformance with the 2013 *Approved Subregion 5 Master Plan*, which recommends residential low land uses on the subject property. Additionally, it is a strategy of the master plan to “encourage the use of clean energy sources such as solar and wind power” (page. 35).

**3. CONSISTENCY WITH DEVELOPMENT/REGULATORY STANDARDS**

**Site Design**

The solar site will be accessed from MD 223 by a proposed 12-foot-wide gravel driveway that extends from the existing 10-foot-wide driveway to the area where the solar array is proposed.

**Landscaping**

See SES Guidelines section.

**Fencing**

See SES Guidelines section.

**Tree Canopy Coverage (TCC)**

The subject property is in the AR zone and is exempt from the tree canopy coverage (TCC) requirements in accordance with Section 25-128(b) of the Tree Canopy Coverage Ordinance. The applicant does provide a tree canopy coverage schedule that demonstrates that a total of 56 acres of tree canopy coverage is provided through existing and proposed trees. This equates to approximately 45 percent of the gross tract area.

#### 4. ENVIRONMENTAL ASSESSMENT

##### **Green Infrastructure Plan**

According to the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan*, the site contains Evaluation and Regulated Areas within the designated network of the plan. The Evaluation Areas are in the wooded areas of the site, and the Regulated Areas are located along the on-site stream system. The site plan shows solar panels in some Evaluation Areas. There appears to be no development proposed within any Regulated Areas.

##### **Existing Conditions/Natural Resources Inventory (NRI)**

The applicant submitted an unapproved NRI plan for the site. The NRI plan indicates that the site contains approximately 55.80 acres of woodland, several hedgerows, and regulated environmental features consisting of wetlands, streams, and a 100-year floodplain. No unsafe soils containing Marlboro Clay or Christiana Complexes exist on-site. The NRI identifies 21 specimen trees in good to poor condition.

##### **Tier II Catchment and Total Maximum Daily Load (TMDL)**

This site is within the Piscataway Creek watershed and identified in PGAtlas as being within a Tier II Catchment Area. The Prince George's Soils Conservation District (PGSCD) reserves the right to limit impacts to the Tier II buffer at the time of review of the erosion and sediment control plan, which could affect the development envelope. The Tier II/Total Maximum Daily Load (TMDL) buffer will be required to be shown on the approved NRI.

##### **Woodland Conservation**

See SES Guidelines section.

##### **Specimen Trees**

If a TCP2 application is required, a variance from Section 25-122(b)(1)(G) will be required for the proposed removal of any specimen trees identified through an approved NRI. If a TCP2 is not required for this application, specimen trees should be preserved to the extent practicable.

##### **Soils**

See SES Guidelines section.

##### **Noise and Vibration**

During construction and post-construction, the Maryland noise pollution standards referenced in COMAR 26.02.03 for residential zoning designations should not be exceeded at the property line, or noise mitigation may be appropriate.

##### **Stormwater Management**

Stormwater management (SWM) on-site will be subject to review and approval by the Department of Permitting, Inspections and Enforcement (DPIE). As required by DPIE, full environmental site design (ESD) treatment must be provided for all new impervious areas, as well as 50 percent for all existing impervious areas.

##### **Impacts to Regulated Environmental Features**

The unapproved NRI shows the proposed limits of disturbance (LOD) within the primary management area (PMA) along the site's access road.

This impact terminates within the PMA and is not identified. Impacts to the PMA for solar projects are not supported, unless for site access or stormwater outfall structures.

**5. TRANSPORTATION ASSESSMENT**

**Master Plan Conformance**

MD 223 (Woodyard Road) is identified in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) as an arterial roadway. There are no structures planned within the right-of-way along Woodyard Road and the applicant is not proposing any roadway improvements within the right-of-way as part of this application. The MPOT also recommends a side-path along Woodyard Road.

**Site Access and Circulation**

The proposed site will have vehicular access via the existing private driveway from Woodyard Road. A new 12-foot access road from the private road will be constructed as part of this project. The extended access road will have gated access to the solar array. Two fire equipment turnaround areas are provided, and in these areas, the access road is widened to 16 feet to allow for the required turning distance. A 10-foot fire break is proposed along the perimeter of the solar panels that will provide vehicular circulation for any maintenance that may be required. The applicant should consult with the fire department to ensure that the material for the access road is suitable for fire vehicles. No public roads will be constructed as part of the project.

No parking is provided with this application as this will be an unmanned facility. Access will only be necessary for the maintenance of the solar panels and mowing. Staff does not recommend additional bicycle and pedestrian improvements at this time.

**6. HISTORIC PRESERVATION/ARCHEOLOGY**

The adjacent lot (Parcel 6) to the west contains the main house and outbuildings of the historic site, Poplar Hill on His Lordship's Kindness (Historic Site 81A-001). The subject property is within the environmental setting of this historic site. Also included within the environmental setting at the north portion of the property is the Marshall's Mill site, a designated historic resource. The Marshall's Mill Site is the location of a grist mill that operated near the head of Piscataway Creek. No structures associated with the mill have been extant since the resource was first documented by the Maryland-National Capital Park and Planning Commission in 1974. The solar installation is proposed east of the historic main house. The Historic Preservation Commission (HPC) reviewed the project on September 20, 2022, and recommended approval.

A Phase I archeology survey was conducted on the site in July 2022 with no archeological sites delineated. Historic Preservation staff concurs that the installation of the solar panels on the subject site will not impact any significant archeological resources. Staff also concurs that no further archeological investigations are necessary within the area to be impacted by the installation of the solar arrays.

**7. EXISTING PUBLIC FACILITIES**

According to the 2008 *Approved Public Safety Facilities Master Plan*, the subject property is served by Police District V, located at 6707 Groveton Drive in Clinton, MD. The closest Fire/EMS Station is the Clinton Volunteer Fire/EMS Co. 825, located at 9025 Woodyard Road in Clinton, MD.

The Prince George's County Fire/EMS Department representative, James V. Reilly, stated in writing (via email) that as of September 19, 2022, "the subject project fails the 4-minute travel time test from the Clinton station". Mitigation is included in the project recommendations.

The 2018 *Water and Sewer Plan* places this property in Water & Sewer Category 4. Category 4 comprises "properties inside the envelope eligible for public water and sewer for which the subdivision process is required."

## **8. PERMITTING AGENCIES**

The mandatory referral review process does not exempt any project from meeting other required reviews. The subject application may require final approvals from the following agencies as outlined below before the project can be implemented:

1. Prince George's County Planning Department:
  - Natural Resources Inventory (NRI) Plan or Equivalency Letter
  - Type 2 Tree Conservation Plan (TCP2) or WCO Exemption
2. Prince George's County, Soil Conservation District (PGSCD):
  - Sediment and Erosion Control Approval
3. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):
  - Floodplain Delineation Approval
  - Final Stormwater Management Plan
  - Building Permit, Electrical Permit, Fence Permit
  - Commercial Solar Permit
4. Prince George's County Historic Preservation Commission (HPC):
  - Historic Area Work Permit
5. Maryland Department of the Environment (MDE):
  - National Pollutant Discharge Elimination System (NPDES) Permit

## **STAFF RECOMMENDATIONS:**

The Planning Department's review of the subject application resulted in the recommendations outlined below:

1. During the construction phase, the applicant should adhere to the State of Maryland Regulations regarding particulate matter pollution and noise.
2. Prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees should contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility and ensure that material for the access road is suitable for fire vehicles.
3. A Historic Area Work Permit (HAWP) is required prior to obtaining any Prince George's County building or grading permits.
4. The dual-use land use concept of planting an herbaceous cover with pollinator value should be implemented as stated in the submitted project description.

Mandatory Referral Review  
Staff Recommendations: Approve Recommendations

# **MRF-2022-010**

## **Poplar Hill Solar**

For review by:

**PRINCE GEORGE'S COUNTY PLANNING BOARD**

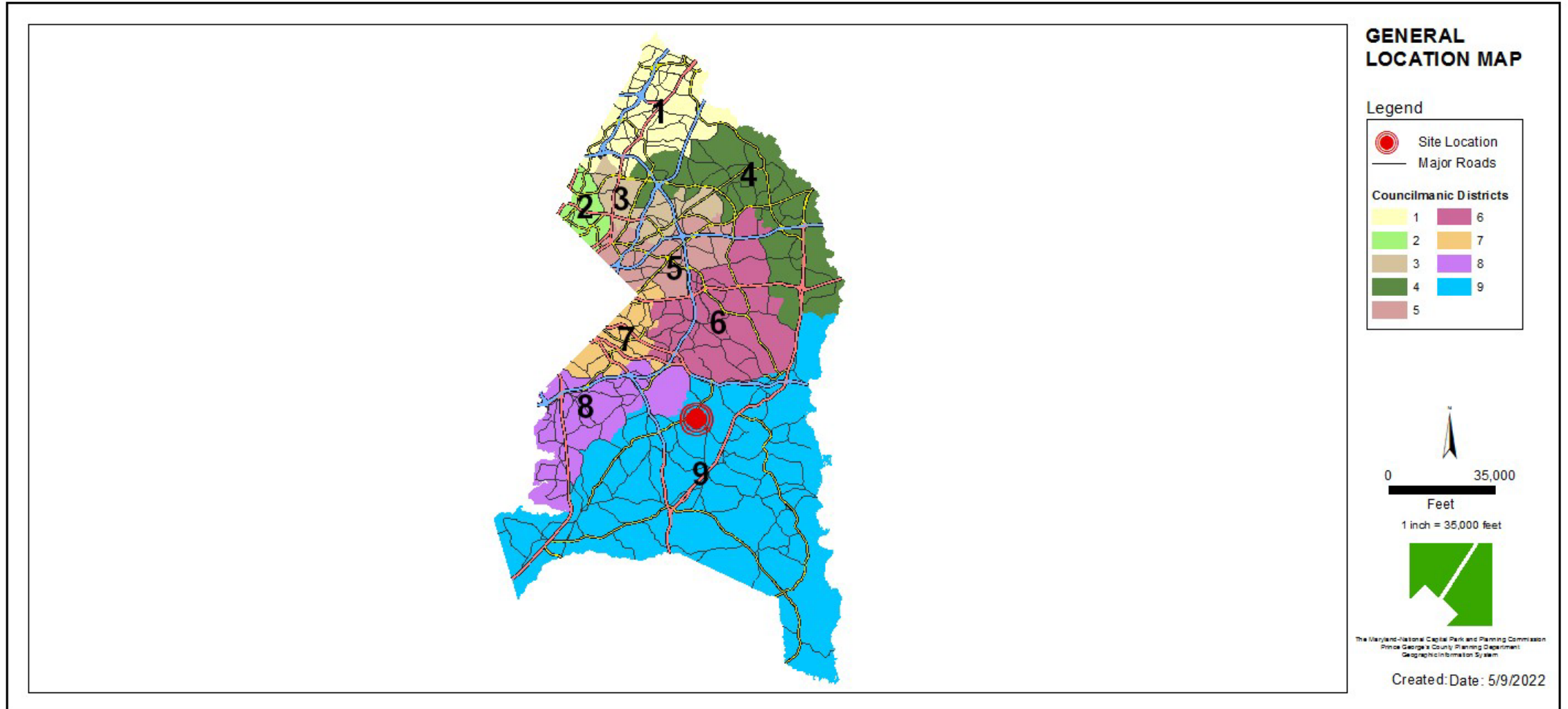
**November 10, 2022**



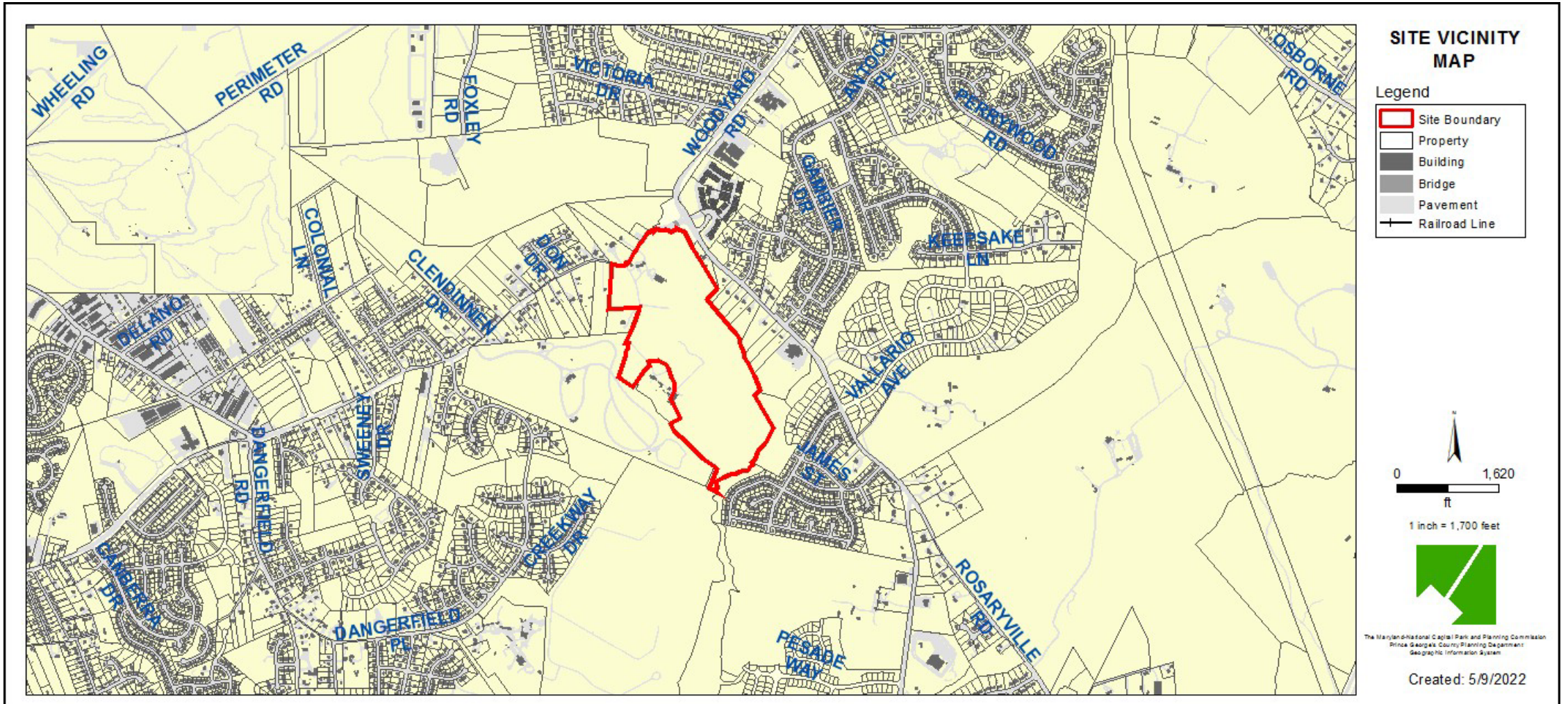
# GENERAL LOCATION MAP

Council District: 09

Planning Area: 81A

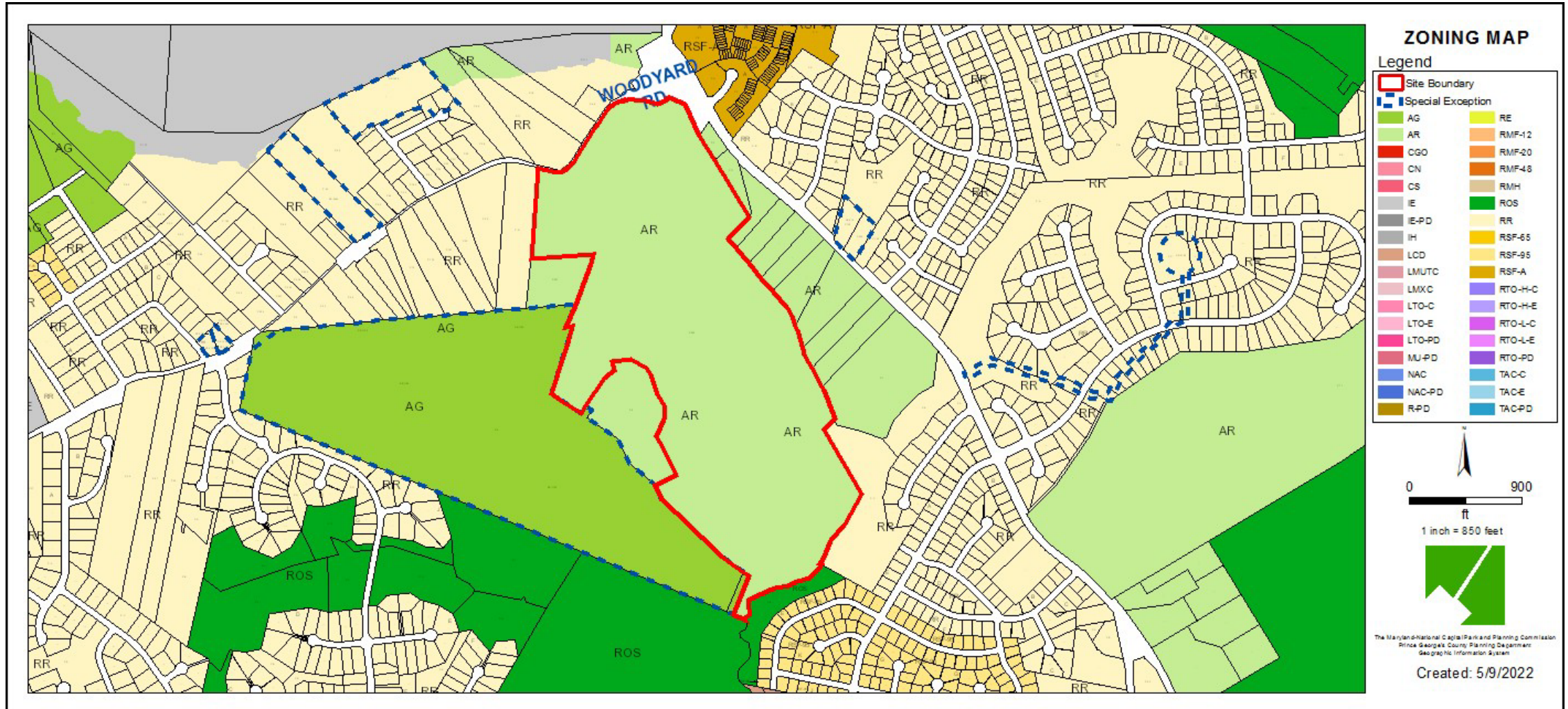


# SITE VICINITY MAP



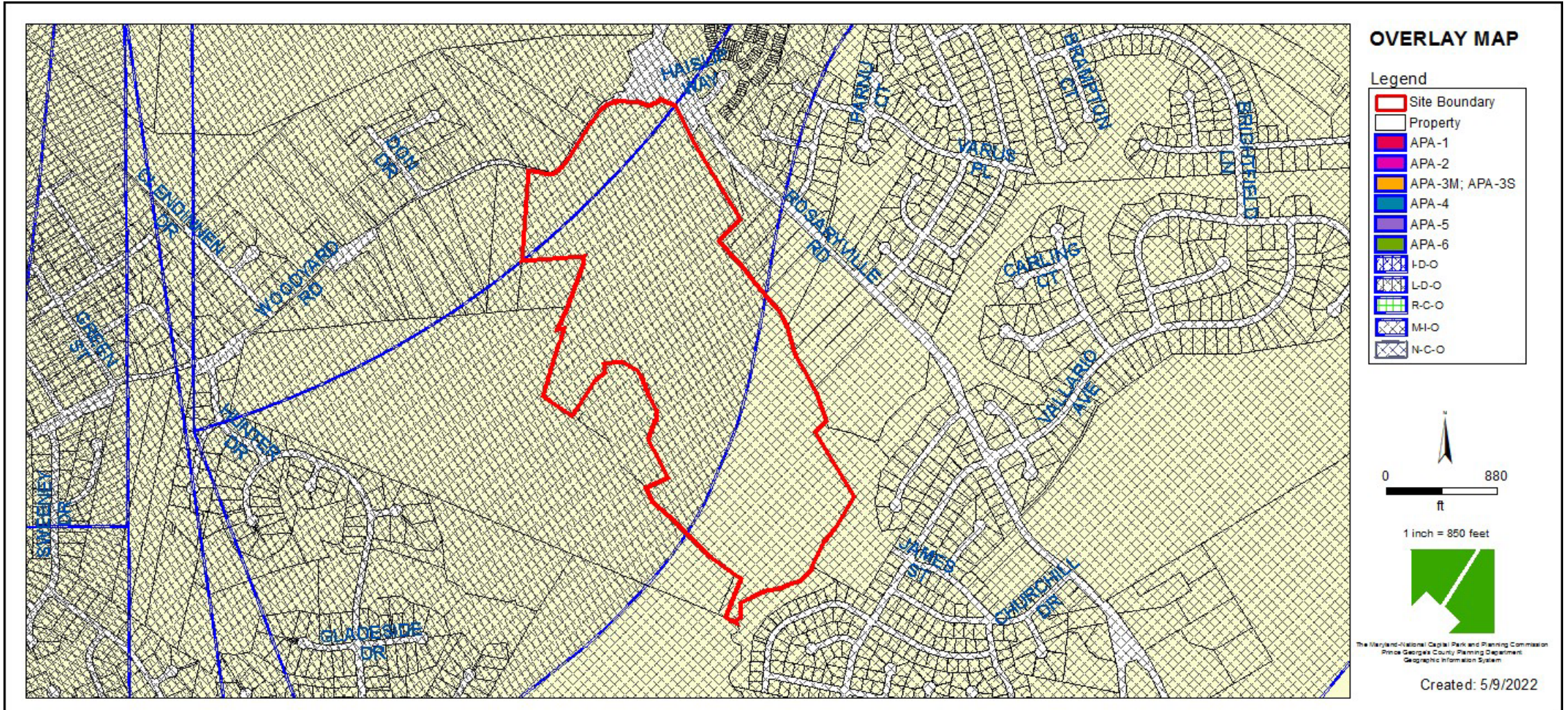
# ZONING MAP

Property Zone: AR

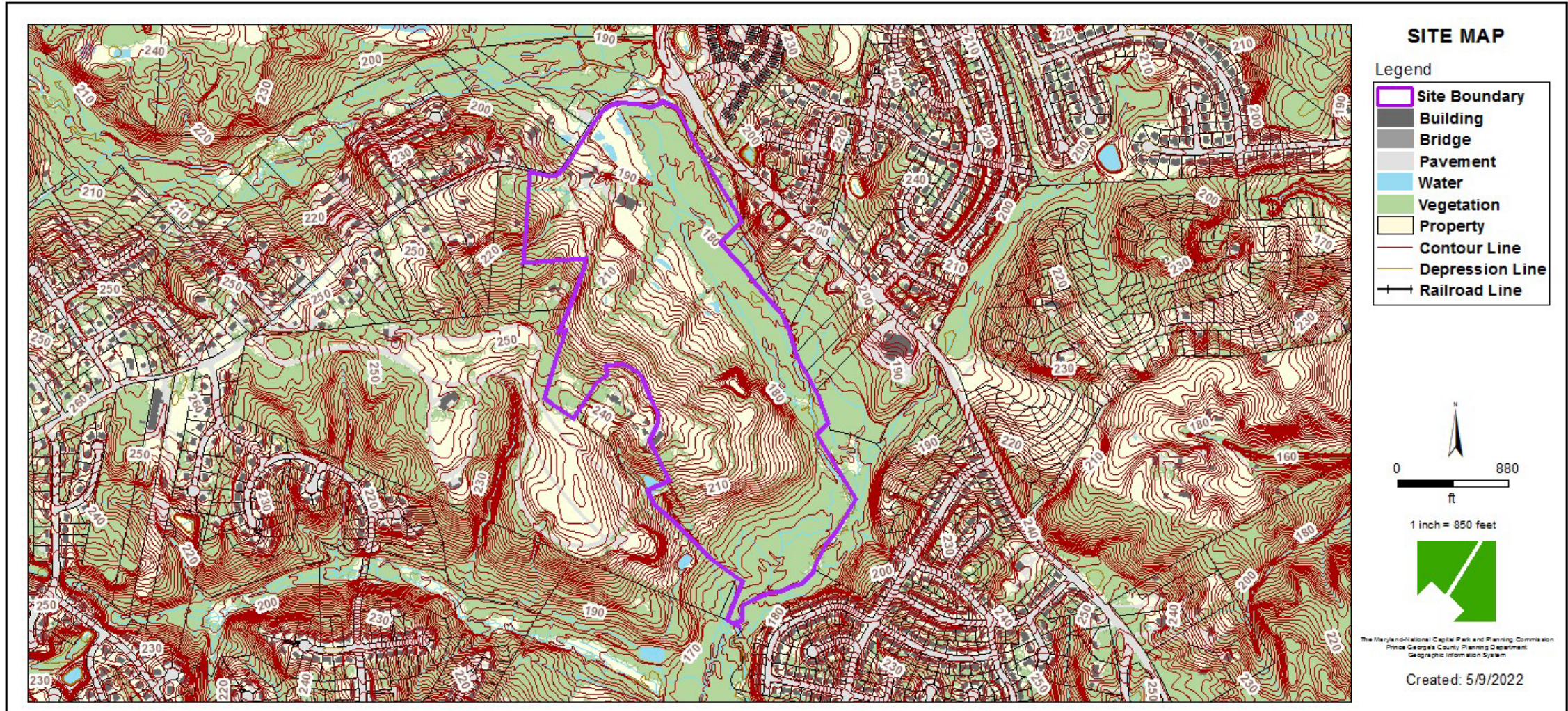


# ZONING MAP

Property Zone: MIO



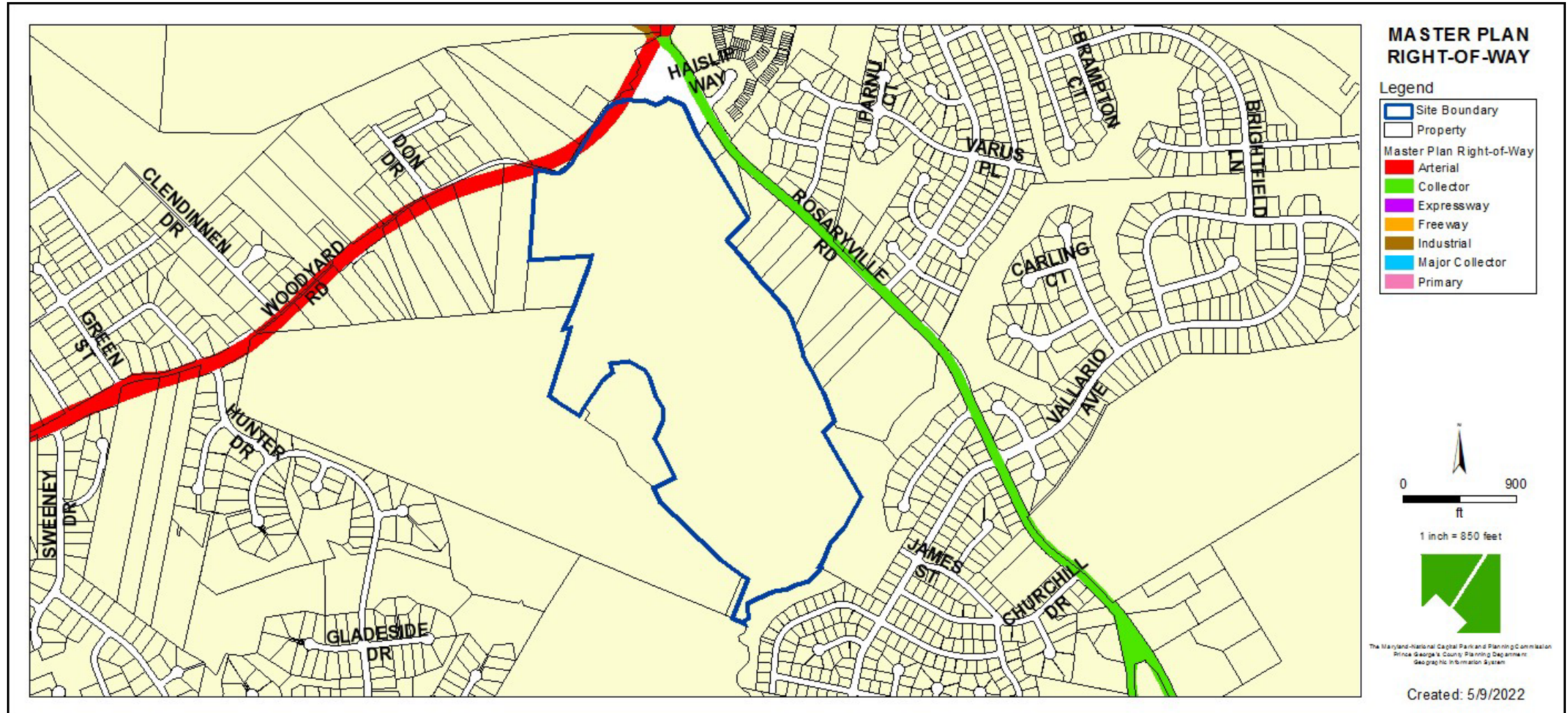
# ENVIRONMENTAL FEATURES MAP



# AERIAL MAP



# MASTER PLAN RIGHT-OF-WAY MAP



## SITE FEATURES

- 12-acre portion of a 123-acre parcel.
- 2-megawatt (MW) solar array consisting of approximately (6,240) 450-watt solar panels.
- Approximately 1,000 pile-driven steel I-beams.
- Galvanized steel or aluminum racking system.
- Single-axis trackers.
- Vinyl-coated black chain link security fence wire for security, no more than 7-foot in total height, surrounding the array perimeter.
- Gravel access road.
- Metal security gates at array location.



# **COMMUNITY OUTREACH & PUBLIC ENGAGEMENT**

## **PLANNING DEPARTMENT:**

A notice was mailed to adjoining, confronting, and abutting property owners, and area civic associations.

## **APPLICANT'S COORDINATION WITH STAKEHOLDERS:**

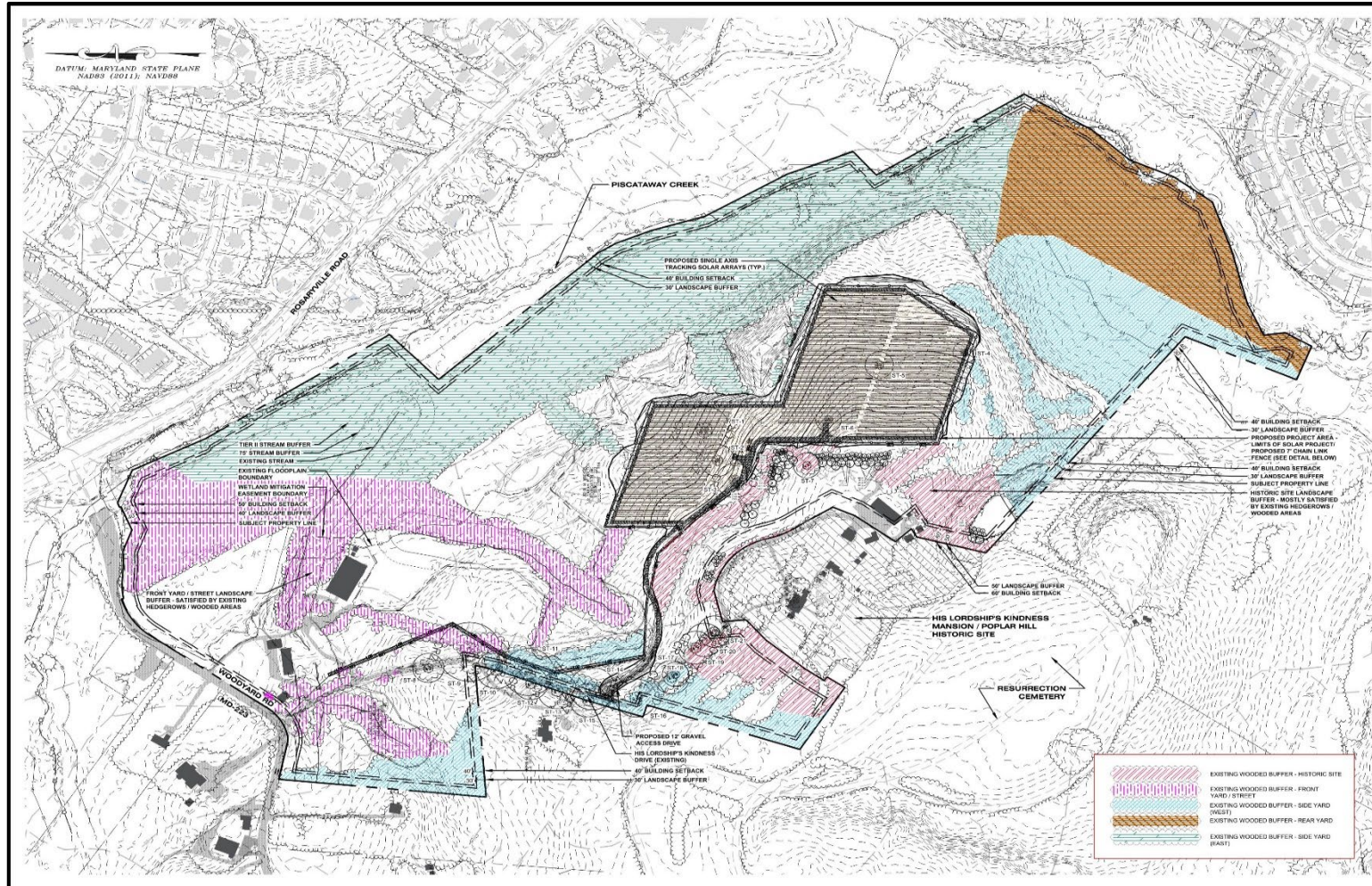
The applicant hosted an open house on September 14, 2022, to present an overview of the project to the community.

## PERMITTING AGENCIES

The following permits are required for the Poplar Hill Solar Array:

1. Prince George's County Planning Department:
  - Natural Resources Inventory (NRI) Plan or Equivalency Letter
  - Type 2 Tree Conservation Plan or WCO Exemption
2. Prince George's County, Soil Conservation District (PGSCD):
  - Sediment and Erosion Control Approval
3. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):
  - Floodplain Delineation Approval
  - Final Stormwater Management Plan Permit
  - Building Permit, Electrical Permit, Fence Permit, Commercial Solar Permit
4. Prince George's County Historic Preservation Commission (HPC):
  - Historic Area Work Permit
5. Maryland Department of the Environment (MDE):
  - National Pollutant Discharge Elimination System (NPDES) Permit

# SITE PLAN



## STAFF RECOMMENDATIONS

The Planning Department staff's review of the proposed application resulted in the following recommendations:

1. During construction, the applicant should adhere to the State of Maryland Regulations regarding particulate matter pollution and noise.
2. Prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees should contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility and ensure that material for the access road is suitable for fire vehicles.
3. A Historic Area Work Permit (HAWP) is required prior to obtaining any Prince George's County building or grading permits.
4. The dual-use land use concept of planting an herbaceous cover with pollinator value will be implemented as stated in the submitted project description.

# Back-up Referrals

**MRF-2022-010 Poplar Hill Solar**

**Item No.: 05**

**PB Date: November 10, 2022**



# PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

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

September 22, 2022

## MEMORANDUM

**TO:** Tineya Walker, Special Projects Section, Countywide Planning Division

**VIA:** Thomas Gross, Acting Supervisor, Historic Preservation Section, Countywide Planning Division *TWG*  
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAG*  
Jennifer Stabler, Ph.D., Historic Preservation Section, Countywide Planning Division *JAS*  
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division *AGC*

**FROM:** Prince George's County Historic Preservation Commission

**SUBJECT:** **MRF-2022-010 Poplar Hill Solar**

*The Prince George's County Historic Preservation Commission (HPC) reviewed the subject application at its September 20, 2022, public meeting. The HPC voted 7-0 to forward the following findings, conclusions, and recommendations to the Planning Board for its consideration.*

## **Background**

Trajectory Energy Partners and Aspen Power Partners submitted materials for the installation of a solar project on approximately 12 acres within the Environmental Setting of Poplar Hill on His Lordship's Kindness (Historic Site 81A-001). The submittal was accepted by the Planning Department on September 12, 2022. The Mandatory Referral was reviewed by the Historic Preservation Commission at its public meeting on September 20, 2022.

Built from 1784–1786, Poplar Hill on His Lordship's Kindness (81A-001) is a five-part Georgian brick mansion with hip roof, hyphens, and wings; the walls are laid in Flemish bond, and the interior exhibits Federal decorative detail. The mansion was built by Robert Darnall on a tract known as His Lordship's Kindness. In one wing of the house is a private Catholic chapel, and there is a family cemetery on the grounds. A smokehouse, washhouse and aviary are among the historic outbuildings. A portion of the Historic Site is protected by an easement held by the Maryland Historical Trust (MHT). The property was listed as a National Historic Landmark in 1970.

Also included within the Environmental Setting at the north end of the property is the Marshall's Mill Site Historic Resource. The Marshall's Mill Site is the location of a grist mill that operated near the head of Piscataway Creek. No structures associated with the mill have been extant since the resource was first documented by the Maryland-National Capital Park and Planning Commission in 1974. The mill race, which was dry at the time of the most recent on-site survey in 2008, is still distinguishable from the surrounding landscape, but is overgrown with mature trees and

vegetation. The bed of the millrace is approximately fifteen feet wide and five feet deep, with large stones (not mill stones) scattered throughout the streambed.

## **Findings**

Poplar Hill Solar is a proposed 2 MW AC solar farm on land located at 7606 Woodyard Road. The subject property (Parcel 236) is a 123.03-acre parcel that is owned by the John M. & Sara R. Walton Foundation, Inc. The foundation also owns the adjacent lot (Parcel 6), which contains the main house and outbuildings of Poplar Hill on His Lordship's Kindness, Historic Site 81A-001. The Environmental Setting of the Historic Site includes both Parcel 236 and Parcel 6.

The installation is proposed east of the historic main house and will consist of approximately 6,240 panels. The location of the installation was selected in part because of the existing tree cover that screens the project area from occupied dwellings and the main house and outbuildings of the Historic Site. Monocrystalline solar panels will be mounted to a single axis tracking system that follows the sun from east to west. The trackers are mounted to driven steel or aluminum posts and will reach a maximum height of approximately 8 to 10 feet at maximum tilt, depending on site topography. The perimeter of the installation will be secured by a black chain link security fence, no more than 7 feet in total height. The installation will be accessed by a gravel drive with a metal security gate. The installation will be unmanned, and only occasional maintenance vehicles will require access. The estimated useful installation lifetime is 25-35 years or more.

## **Archeology**

A Phase I archeology survey was conducted on the subject property in July 2022 within two roughly 500-foot by 500-foot grid squares, in areas marked by the applicant's engineers. Shovel test pits (STPs) were excavated at a 50-foot interval along transects placed 50 feet apart. The landscape had been reshaped and terraced by the current owner of the property sometime in the 1950s or 1960s. Soils encountered in excavation of the STPs contained highly compacted, dense gravels indicating considerable soil loss. Several units in the south grid and in the western portions of the north grid encountered moderately deep soils with gravel. The easternmost paddock in the north grid and the eastern portion of the paddock immediately to its west appeared to retain intact soils, all sandy loams. These soils appear to have been redeposited in earlier periods of occupation of the site. The only artifacts identified in the survey area consisted of small pieces of brick and a possible shattered quartz flake recovered from beneath the sod and lying directly on gravel pavement. No archeological sites were delineated.

Due to the lack of intact cultural features, artifacts, and soil layers, no further work was recommended by the applicant's archeology consultant. Historic Preservation staff concurs that the installation of the solar panels on the subject site will not impact any significant archeological resources. Staff also concurs that no further archeological investigations are necessary within the area to be impacted by installation of the solar arrays.

## Conclusions

The applicant should understand that regardless of the outcome of the Mandatory Referral review process, the ultimate character of the proposed solar installation will be determined through the review and approval of a Historic Area Work Permit by the HPC. This review will include, but not be limited to, the solar array, perimeter fence, access road, and landscape modifications (including tree planting).

The applicant has prioritized minimizing the impact to the Historic Site by developing a landscape plan that screens the view of the solar installation from the historic mansion and its immediate landscape. The installation is located outside of the MHT historic preservation easement on the 6.26-acre parcel (Parcel 6); specifically, it is located an average of 570 feet from the mansion and a minimum of 200 feet from the border of Parcel 6.

The applicant performed a glare analysis using ForgeSolar software to assess the possible effects of reflectivity created by the installation. The results of the analysis did not reveal any glare impacts at the observation points located in front of the historic mansion. The height of the panels is lower than eye level at the mansion due to the change in topography. Further, the proposed landscape plan (in conjunction with the existing vegetation on the property between the mansion and the installation) will provide additional screening tall enough to block potential reflection coming from the installation.

While the Landscape Manual bufferyard requirements do not apply in this scenario because the installation is within the Environmental Setting of the Historic Site, the analysis and proposed landscape buffer is appropriate and adequate. Views from the main house of Poplar Hill on His Lordship's Kindness will be fully screened using existing vegetation with supplemental proposed planting. Specifically, two (2) existing hedgerows will be retained in their entirety:

- 1) Along the existing drive, on the subject property side, varying from 20 to 40 feet wide; and
- 2) Approximately 60 feet east of the property line, varying from 50 to 100 feet wide.

Where there are gaps, proposed planting will result in a continuous, opaque visual buffer:

- 1) Two largest areas: filled with groupings of native shade trees that mimic the volunteer history of vegetation bolstered on the installation side by a double row of wide evergreen trees that branch to the ground (*Ilex opaca*); and
- 2) Two small, localized gaps: filled with overlapping evergreen trees that branch to the ground (*Ilex opaca*) – which will be field located to assure successful screening.

The income from the solar lease will support the John M. and Sarah R. Walton Foundation's mission of preserving the historic mansion and outbuildings of Poplar Hill on His Lordship's Kindness. The applicant states that Foundation President John M. Walton, Jr. fully supports the project.



### **Recommendation**

The HPC recommends approval of MRF-2022-010, Poplar Hill Solar, as submitted. After the Planning Board has completed its review of the Mandatory Referral application, the applicant may submit the required Historic Area Work Permit (HAWP) application to the HPC to approve any work within the Environmental Setting of Poplar Hill on His Lordship's Kindness (81A-001) before obtaining any required Prince George's County building or grading permits.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

301-952-3530

September 26, 2022

**MEMORANDUM**

TO: Tineya Walker, Planning Technician III, Special Projects Section, Countywide Planning

VIA: *HZ* Henry Zhang, Planner IV, Urban Design Section

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

**SUBJECT: Mandatory Referral MRF-2022-010  
Poplar Hill Community Solar**

The Urban Design Section has reviewed the package accepted on September 12, 2022, submitted in support of MRF-2022-010 for the installation of a solar array located at 7606 Woodyard Road in Clinton, Maryland. The site consists of Parcel 236 as depicted on Tax Map 108 in Grids E3, E4, D3, and D4, and Tax Map 117 in Grid E1. The property is currently used for agriculture, and is also developed with a single-family detached residence and several farm structures. The approximately 25-acre solar array site is proposed in the middle of the 123.03-acre larger property located within the Agricultural-Residential (AR) and Military Installation Overlay (MIO) Zones, to the south of the intersection of MD 223 (Woodyard Road) and Rosaryville Road. The site is bounded by MD 223 to the northwest, by single-family detached homes and a church in the AR Zone to the east, by County-owned open space in the Rural Residential (RR) and Reserved Open Space (ROS) Zones to the south and southeast, a cemetery in the Agricultural and Preservation (AG) Zone and single-family detached homes in the AR and RR Zones to the west.

The applicant is proposing a 2,000 kW AC (Kilowatt Alternating Current) photovoltaic solar array on the subject property and is intended for continuous use without the need of permanent on-site personnel. The site will remain owned and operated privately and the electricity generated will be marketed to Potomac Electric Power Company (PEPCO) ratepayers.

The subject property shares its access drive with a historic site which adjoins the property to the west and is known as His Lordship's Kindness/Poplar Hill and Cemetery. The subject property itself is identified as a historic resource, Marshall's Mill Site (ID 81A-002).

**Siting Preferences**

The solar site is accessed from MD 223 by a proposed 12-foot-wide gravel driveway that extends from the existing 10-foot-wide driveway to the area where the solar array is proposed. A site layout was included with the application showing the solar field, and details of the solar panel racking and the seven-foot-high chainlink security fence.

The subject site is located in the AR Zone. In accordance with the *Prince George's County Solar Energy Systems (SES) Guidelines*, the solar array proposals in this zone are subject to additional guidelines, including locating on the least productive soils and utilizing dual-use land-design concept to preserve productive farmland . The applicant should avoid locating the solar panels on prime agricultural land as determined by the soil survey. The applicant has proposed a low-growth pollinator seed mix underneath the panels. Thus, the herbaceous ground cover with pollinator value will ensure a dual-use land-design concept to preserve productive farmland.

### **Landscaping**

The project is exempt from the requirements of the *Prince George's County Landscape Manual*. However, the applicant provides landscaping in accordance with the requirements of the *Landscape Manual*, specifically with reference to Section 4.6 Buffering Development from Streets, Section 4.7 Buffering Incompatible Uses, and Section 4.9 Sustainable Landscaping Requirements. It is noted that the proposed solar array occupies a portion of the larger site that is leased; but not legally subdivided. The proposed landscaping is acceptable and the discussion below is for informational purposes only.

The section of MD 223 (Woodyard Road) fronting the property is a designated historic road. Approximately 500 linear feet of the property's frontage on this special road is wooded with mostly mature trees and/or understory plantings that block and diffuse views, and the remaining 970 +/- linear feet of property's frontage along MD 223 is mostly open, with low grasses, shrubs, and lawn. In accordance with Section 4.6(c)(2)(A)(III), a minimum 40-foot-wide buffer should be provided along the first 500 +/- linear feet, and this is achieved by preserving existing trees and understory plantings. Further, a minimum 25-foot-wide buffer is required adjacent to the remaining 970 +/- length of MD 223 which should mimic the existing character. The Landscape Plan claims credit of existing hedgerow and wooded vegetation located between 165 to 500 feet from the front property line. The natural resources inventory (NRI) report describes the presence of some invasive and non-native species such as Tree of Heaven, Multiflora Rose, and Japanese Honeysuckle within the hedgerows. While this buffer is not located closest to the location of solar panels, it may satisfy the intent of the Landscape Manual to conserve and enhance the special roadway with regard to the natural and/or cultural features of the surrounding area, if the hedgerows are cleared of invasive species.

Along the east, south, and northwest property lines abutting single-family detached and open space uses, the landscape plans should show a Type C bufferyard in accordance with Section 4.7, with a minimum 30-foot-wide landscaped yard and 120 plant units per 100 linear feet of the property line. This buffering requirement is amply provided by existing forested wetland and floodplain areas along most of this perimeter. There is however one section along the western property line, 180 +/- linear feet, which are insufficient in the required plant material within this bufferyard. In addition, the existing 10-foot-wide driveway, which is proposed to be extended to service the solar panels, is located within this 30-foot-wide bufferyard, for a length of approximately 840 linear feet. While there are several specimen trees identified along this length of bufferyard, the applicant is encouraged to strengthen the existing vegetation with planting of evergreen trees or shrubs to provide visual buffer from the adjoining single-family residences.

Along the southeast and western property lines abutting the church and cemetery uses, the landscape plans should show a Type A bufferyard in accordance with Section 4.7 with a minimum 10-foot-wide landscaped yard and 40 plant units per 100 linear feet of the property line. This buffer is achieved by taking credit for preserving existing trees and understory plantings along these

property lines. The NRI report records the notable vine growth and Multiflora Rose in the outer edges of the wooded stands. The bufferyards should be cleared of invasive species and replanted with native species, if it is needed.

Along the western property boundary abutting the designated historic site, a Type E buffer is required along the entire shared property line in accordance with Section 4.7, with a minimum 50-foot-wide landscaped yard and 180 plant units per 100 linear feet of the property line. The Landscape Plan proposes to maintain existing hedgerows and plant new vegetation, including noninvasive shade trees and closely-spaced evergreen trees for screening between the solar panel installation and the historic site. However, there are several sections of the bufferyard that are not fully vegetated. In addition, there exists a large area of pavement serving as access to several accessory structures located between the historic site and the subject property. The applicant is encouraged to plant the bufferyard with a minimum 180 plant units per 100 linear feet of the bufferyard.

All shade and evergreen trees in the proposed plant list are native, thus conforming to Section 4.9 Sustainable Landscaping Requirements. Native species including grasses and/or an herbaceous seed mix are proposed to be installed on disturbed areas, and surrounding solar arrays to enhance the habitat and provide increased pollinator values.

**Fencing**

A 7-foot-high black vinyl-coated chainlink fence is proposed to enclose the solar array site. The fence detail is provided and is consistent with the requirements of SES Guidelines.

**Lighting**

No permanent lighting is proposed to be installed at the solar array site.

**Tree Canopy Coverage**

The subject property is in the AR Zone that is exempt from the tree canopy coverage (TCC) requirements in accordance with Section 25-128(b) of the Tree Canopy Coverage Ordinance. However, the applicant does provide a tree canopy coverage schedule, which demonstrates that a total of 56 acres of tree canopy coverage is provided through existing and the proposed trees, which equate to approximately 45 percent of the total gross tract area.


**Conclusion**


The Urban Design Section has no objections to the approval of MRF-2022-010 for Poplar Hill Community Solar Project.

September 26, 2022

**MEMORANDUM**

**TO:** Tineya Walker, Principal Planning Technician, Special Projects Section  
Countywide Planning Division

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

**FROM:** Daniel Sams, Planner III, Neighborhood Revitalization Section   
Community Planning Division

**SUBJECT: MRF-2022-010 Poplar Hill Solar LLC**

**FINDINGS**

**General Plan:**

This application is consistent with the 2014 *Plan Prince George's 2035 Approved General Plan* which designates this application in the Established Communities.

**Master Plan:**

This application conforms with the land use recommendations for the 2013 *Approved Subregion 5 Master Plan*.

**BACKGROUND**

**Location:** 7606 Woodyard Road, Clinton, MD 20735

**Size:** 126 Acres (25-acre project site)

**Existing Use:** Vacant

**Proposal:** Solar energy facility

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

**General Plan:** The subject property is in the Established Communities. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (p. 20).

### **Master Plan:**

The 2013 *Approved Subregion 5 Master Plan* recommends Residential Low land uses on the subject property.

**Planning Area:** 81A

**Community:** Clinton & Vicinity

**Aviation/MIOZ:** Pursuant to Section 27-548.5(e)(2)(D) Maximum Height Requirements, this application is located within the Conical Surface (20:1) – Left Runway; Area Label: E. of the Military Installation Overlay Zone (MIOZ). The applicant must demonstrate compliance with the maximum height requirements for proposed structures on the subject site.

**SMA/Zoning:** The 2013 *Approved Subregion 5 Sectional Map Amendment* maintained the property in the R-A (Residential-Agricultural) Zone.

**PLANNING COMMENTS:** None.

cc: Long Range Notebook

Frederick Stachura, J.D., Neighborhood Revitalization Section Community Planning Division

Countywide Planning Division  
Environmental Planning Section

301-952-3650

September 28, 2022

**MEMORANDUM**

**TO:** Tineya Walker, Planning Technician III, Special Projects Section, CWPDP

**VIA:** Tom Burke, Supervisor, Environmental Planning Section, CWPDP *TB*

**FROM:** Alexander Kirchhof, Planner I, Environmental Planning Section, CWPDP *AK*

**SUBJECT: MRF-2022-010 Poplar Hill Solar, LLC**

The Environmental Planning Section (EPS) has completed its review of MRF-2022-010 for the construction of a community solar facility, located at 7606 Woodyard Road in Clinton.

**BACKGROUND**

The proposed use is for the development of a community solar facility and access road. The EPS has not previously reviewed this site as part of any development review application.

According to PGAtlas.com, the 126.03-acre property, known as Parcel 236, is currently in the Agricultural Residential (AR) Zone. The majority of this site is in agricultural use with woodlands concentrated along much of the site's boundary. *Plan Prince George's 2035 Approved General Plan (2014)* placed the property in the Established Communities Growth Policy area and recommends Residential Low as the future land use. The site has frontage on Woodyard Road to the northwest and Rosaryville Road to the northeast. The frontage along Woodyard Road is designated as a historic road and is classified as an arterial road. Rosaryville Road is not classified as historic and is classified as a collector road. A historic site, identified as Marshall's Mill Site (#81A-002), is located along the northern portion of the site with an associated historic site of environmental setting covering the entire property. To the west on Parcel 6 is an additional historic site known as His Lordships Kindness/Poplar Hill and Cemetery (#81A-001); an associated historic site of environmental setting is mapped along the entire parcel.

The EPS provided written comments at a pre-acceptance meeting on September 6, 2022. At that time, the EPS staff requested further information prior to acceptance of this application including:

- 1) A revised draft Natural Resource Inventory (NRI) Plan to show the environmental features on-site for evaluation.

- 2) A stand-alone draft type 2 tree conservation plan (TCP2) to evaluate the impacts of the proposed development.

Out of these two requested items, only the revised draft NRI plan was received on September 12, 2022. Comments dated September 26, 2022, from the Prince George's Soil Conservation District (PGSCD), and an updated soils report were received by EPS on September 27, 2022.

### **COMPLIANCE WITH SOLAR ENERGY PROGRAM GUIDELINES FOR MANDATORY REFERRAL**

The application is subject to the "Prince George's County Solar Energy Systems Guidelines for Mandatory Referral Cases" contained in the *Adopted Uniform Standards for Mandatory Referral Review*, adopted by the Planning Board on April 18, 2018. The guidelines apply to Solar Energy Systems (SES) that are reviewed under the Prince George's County Planning Board's (the "Board") Mandatory Referral (MR) process and that require approval from the Maryland Public Service Commission (PSC), or any other public body subject to the Board's MR process. The Board expects applicants to demonstrate that their proposals comply with these guidelines.

The guidelines are designed to provide consistent parameters for the Board to review all SES located in the County that require approval from the PSC or any other public body. These guidelines provide a framework for review of SES and analysis of the project's conformance with the County's comprehensive land use plans. The Board invites the PSC and other public agencies to give "due consideration" to these guidelines and to the Board's specific MR comments for each SES, as required by §7-207(e) of the Public Utilities Article. Review in accordance with these guidelines occurs during the MR Process.

*The guidelines are provided in **bold** font and comments are provided in regular font.*

#### **Siting Preferences:**

**Site selection and placement on the site are important considerations for SES projects. The Board strongly discourages locations that result in significant loss of prime agricultural land, affect cultural and natural resources, or impact significant scenic viewsheds.**

The proposed project intends to use existing agricultural land areas to install solar panels. The applicant proposes an access road and security fence along the perimeter of the panels. Based on staff's review of the unapproved NRI plan and the soils report, as prepared by the PGSCD, the proposed project will impact agricultural land and affect natural resources. Productive agricultural soils on site include CrC/class 3, CwC/class 3, CwD/class 4, DfB/class 2, GgC/class 3 and MnB/class 2. The report provided by the PGSCD identifies 1.2 acres classified as farmland of statewide importance and 6 acres classified as prime farmland. The conceptual layout for the solar field proposes to impact prime farmland (MnB) and a portion of the farmland of statewide importance (GgC). It is also noted the Maryland Department of Natural Resources (DNR) layer on PGAtlas identifies a potential Sensitive Species Review area at the southernmost end of the property. Correspondence from DNR is required to confirm the presence or absence of rare, threatened, or endangered species on-site, prior to TCP2 approval. The entire project will directly impact the existing historic site of environmental setting associated with Marshall's Mill Site (#81A-002). These impacts will be evaluated by the Historic Preservation Section and the Urban Design Section in more detail.



**Location Restrictions:**

**The Board does not support SES in the Chesapeake Bay Critical Area or the Mount Vernon Viewshed Area of Primary Concern.**

The application area is not located in the Chesapeake Bay Critical Area (CBCA) or within the Mount Vernon Viewshed Area of Primary Concern.

**The Board's siting preference hierarchy is as follows, listed from most suitable to least suitable in descending order:**

- 1. Locations on disturbed land such as brownfields, reclaimed surface mines, abandoned rubble fills, and closed landfills.**
- 2. Locations in industrial and commercial zoning districts.**
- 3. Locations in residential zoning districts other than R-O-S, O-S, and R-A zones.**
- 4. R-O-S, O-S, and R-A zoned properties. Proposals in these zoning districts are subject to the following additional guidelines:**
  - a. The least productive agricultural soils classified as class IV through VIII (as determined by USDA-NRCS Soil Survey) should be considered first if buildable.**
  - b. A dual-use land-design concept should be considered to preserve productive farmland by: (a) continuing crop production underneath high-mounted and well-spaced panels; or (b) maintaining and grazing livestock, or poultry underneath panels; or (c) Maintaining and planting an herbaceous cover with pollinator value.**
  - c. If dual-use concepts are determined to be impractical, the Board strongly discourages installing SES on soils with classification of I, II, and III as determined by USDA-NRCS Soil Survey, as these are the most productive soils. If proposed, such projects would be expected to provide mitigation for the loss of productive soils.**

Item 1: The Poplar Hill site does not contain any former areas identified as landfills, surface mines, or brownfield locations.

Items 2, 3, and 4: The site is an existing agricultural area, which is not an industrial or commercial use property. The site is zoned AR (Agricultural-Residential) under the current zoning ordinance, which is comparable with the R-A (Residential Agricultural) zone under the prior ordinance. The AR Zone permits large-lot one-family detached residential subdivisions, while encouraging the retention of agriculture as a primary land use. This zone is ranked the least suitable according to the Board's siting preference hierarchy [priority 4 (four)], and is subject to the additional guidelines as covered above. The soils that exist on-site are farmland of statewide importance and prime farmland, including CrC/class 3, CwC/class 3, CwD/class 4, DfB/class 2, GgC/class 3 and MnB/class 2.

In a meeting with the applicant on September 6, 2022, reliance on herbaceous cover with pollinator value was proposed to meet the dual use recommendation to off-set solar panel installation on both farmland of statewide importance and prime agricultural soils. The landscape plan set indicates a pollinator mix (Fuzz & Buzz Mi- Premium – ERNMX-147), which is comprised of a variety of pollinator plant species. A dual-use concept plan was not submitted for review and will be needed to visualize implementation. Without implementation of a dual-use concept, the hierarchy for site suitability cannot be met in accordance with the above guidelines.

### **Woodland Conservation**

**The Board strongly discourages the clearing of woodlands for the installation of SES. In cases where clearing of woodlands is unavoidable, the applicant shall be required to comply with Subtitle 25, Division 2 of the County Code, the Woodland and Wildlife Habitat Conservation Ordinance. The applicant shall submit a Type 2 (II) Tree Conservation Plan that is consistent with all ordinance requirements. Whenever possible, all reforestation area(s) should be located within the impacted sub-watershed and should be designed to contribute to the maximum extent practical to improving the water quality of the impacted watershed.**

The site is subject to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. Based upon the statement of justification and information provided on the plans, it is unclear if clearing of woodlands is proposed with this application. Further review will be required under a separate application.

### **Screening and Buffering**

**SES should be designed to minimize visibility from roads and neighboring properties. SES should strive to implement landscaping and screening set forth in the Prince George's County Landscape Manual. For purposes of applying Table 4.7-1 of the Landscape Manual, SES will be considered a Low Impact use and will be reviewed in accordance with the corresponding landscape buffering requirements.**

As part of the MR process, the Urban Design Section will review and evaluate this project for the provision of adequate Screening and Buffering, as required by the current Prince George's County Landscape Manual. Conformance with landscaping standards will also be evaluated by the Permits Review Section of the Maryland-National Capital Park and Planning Commission (M-NCPPC) at time of permit review.

### **Protection of Rural Character and Scenic and Historic Resource Areas**

**To the maximum extent practical SES should be sited behind natural topography, existing vegetation, or supplemental indigenous landscaping to screen the facility from public view. SES facilities should be screened in accordance with the Prince George's County Landscape Manual from all scenic and historic-designated roads, properties within a County-designated**

**Historic District, National Register properties, historic sites, and environmental settings. The Board will consider the impact of SES on properties designated as historic.**

Protection of Rural Character and Scenic and Historic Resource Areas is applicable to the proposed project design because the site is located within and adjacent to designated historic sites' environmental setting, and Woodyard Road is a designated historic road. The environmental settings of the on-site and adjacent historic resources shall be preserved to the extent practicable. Conformance with the Prince George's County Landscape Manual will be evaluated By the Urban Design Section.

**Fencing**

**Metal fencing (chain-link or equivalent), when necessary for security and public safety purposes, should be non-reflective and black in color to minimize visibility of the fencing material in the landscape. Fencing over seven feet in height is discouraged.**

The appropriateness of metal fencing to this design will be evaluated by the Urban Design Section.

**Lighting**

**If lighting is required, all fixtures should be energy efficient, motion-sensor, full-optic cutoff, and downward casting such that light does not spill onto adjacent parcels or the night sky. Floodlights of any type are strongly discouraged.**

No lighting is being proposed as part of this project. The Urban Design Section will comment further on the appropriateness of the lighting design for this project.

**Vegetation Management**

**For the enhancement of habitat and site pollinator value, an herbaceous cover mix selected from the Natural Resources Conservation Service Conservation Practice Standards for Conservation Cover (Code 327), Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site should be utilized.**

The applicant is strongly encouraged to install herbaceous cover with high pollinator value, which qualifies as a dual-use land use concept to stabilize the soils and provide sediment and erosion control where possible. This could be targeted along the edge of the proposed access road and along the edge of the existing woodlands on-site. The applicant submitted a revised landscape plan on September 9, 2022, which shows areas of herbaceous planting, and provides the list of herbaceous pollinator species. The applicant shall provide the total area of pollinator planting, the required seedling counts, and the soil preparation requirements. The Urban Design Section will be reviewing the proposed pollinator planting details with the landscape plan.

Additionally, to promote native bird populations, it is recommended that native plant species found to foster caterpillar propagation be planted on-site. Localized plant species can be identified using the National Wildlife Federation tool "Native Plant Finder"

(<https://www.nwf.org/NativePlantFinder/Plants>). This tool ranks local plant species by their value to beneficial caterpillar species, which native birds rely on as a vital energy source.

## **ENVIRONMENTAL REVIEW**

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

The applicant has submitted an unapproved NRI plan for the project. This review will be the first NRI plan reviewed on the site, and has not been accepted, pending an approved floodplain delineation by the Department of Permitting, Inspection and Enforcement (DPIE). The unapproved NRI plan shows a 55.80-acre area of existing woodland with streams and 100-year floodplain located on-site. No unsafe soils containing Marlboro Clay or Christiana Complexes exist on-site. The unapproved NRI identifies 21 specimen trees on-site, from good to poor condition.

### **Tier II Catchment and TDML**

This site is within the Piscataway Creek watershed and identified in PGAtlas as within a Tier II catchment area. The PGSCD reserves the right to limit impacts to the buffer at the time of review of the grading, erosion, and sediment control plan, which could affect the development envelope. The Tier II/TMDL Buffer will be required to be shown on the approved NRI.

### **Woodland Conservation**

Based upon the provided statement of justification and information provided on the plans, it is unclear if clearing of woodlands is proposed with this application. Development proposed with MRF-2022-010 will require either a stand-alone TCP2 or a WCO exemption letter for conformance with the WCO prior to the issuance of any grading permits.

### **Regulated Environmental Features**

This site contains an extensive stream network and floodplain as part of Piscataway Creek along the eastern property boundary. This floodplain area is within an existing easement and the Liber folio shall be identified on the NRI.

### **Specimen Trees**

The unapproved NRI shows 21 specimen trees scattered throughout the project area. The proposed LOD contains eight specimen trees identified as ST-1 through ST-6 and ST-15 and ST-16. The condition of these trees ranges from poor to good. If a TCP2 application is required, a variance from Section 25-122(b)(1)(G) will be required to remove any of the on-site specimen trees. If a TCP2 is not required for this application, staff recommend the retention of specimen trees to the extent practicable, and removal of specimen trees is to be avoided.

### **Soils**

According to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the predominant soils found to occur on this site include Adelphia-Holmdel complexes, Beltsville-silt loam, Croom gravelly sandy loam, Croom-Marr complexes, Croom-Marr-Urban land complexes, Croom-Urban land complexes, Dodon fine sandy loam, Grosstown gravelly silt loam, Hoghole-Grosstown complex, Issue-Urban land complexes, Marr-Dodon complex, Marr-Dodon-Urban land complexes, Sassafras sandy loam, Sassafras-Urban land complexes, Udorthents loamy, Woodstown sandy loam, and Widewater and Issue soils. The PGSCD

has identified the soil types of Grosstown gravelly silt loam (5-10 percent) as farmland of state importance, and Dodon fine sandy loam (2-5 percent) and Marr-Dodon complex (2-5 percent) as prime farmland. The solar panels will be almost entirely situated on these soils.

A determination of appropriate erosion and sediment control measures for the site will be made by the PGSCD. No unsafe soils or slope issues are mapped on-site. No additional information is needed concerning soils at this time.

### **Noise and Vibration**

During construction and during operation post construction, the Maryland noise pollution standards referenced in COMAR 26.02.03 for residential zoning designations should not be exceeded at the property line, or noise mitigation may be appropriate.

### **Stormwater Management**

Stormwater management (SWM) on-site will be subject to review and approval by DPIE. As required by DPIE, full Environmental Site Design (ESD) treatment must be provided for all new impervious, as well as 50 percent for all existing impervious area. A draft stormwater concept plan was not submitted. The final position of necessary SWM devices will be determined by DPIE. The site plan will need to be revised to conform with the approved stormwater concept plan, and final positions of any devices should appear on the TCP2, if one is required. Woodland conservation areas cannot overlap with SWM devices. No further information pertaining to SWM is required with the current application.

### **Potential Impacts**

The limit of disturbance (LOD) proposes to avoid the wooded floodplain areas of the site for the installation of a community solar facility and access road. At the September 6, 2022, meeting with the applicant, it was stated that primary management area (PMA) impacts are not proposed. However, the unapproved NRI shows the proposed LOD within the PMA area along the site access road. This impact terminates within the PMA and is not identified. Primary management area impacts for solar projects are not supported, unless for site access or for stormwater outfall structures.

### **Permitting**

It should be noted that the MR review process does not exempt any project from the need to meet the requirements of any other entitlement process. The subject application may require final approvals from the following agencies, as outlined below, before the project can be implemented:

1. Prince George's County Planning Department:
  - Natural Resources Inventory (NRI) and Tree Conservation Plan (TCP)
2. Prince George's Soil Conservation District (PGSCD):
  - Erosion and Sediment Control Permit
3. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):
  - Site Development (Stormwater Management) Concept
  - Final Stormwater Management Plan Permit

- Building Permit, Electrical Permit, Fence Permit and Commercial Solar Panel Permit
4. Maryland Department of the Environment (MDE)
  5. Maryland Public Service Commission (PSC)
  6. Maryland Department of Natural Resources (DNR)
    - Power Plant Research Program
  7. Prince George's County Historic Preservation Commission (HPC)
    - Historic Area Work Permit for any work proposed to be conducted in the Environmental Setting of a historic facility

### **CONCLUSION**

Thank you for the opportunity to comment on the proposed Poplar Hill Solar project (MRF-2022-010).

The EPS finds that this project may meet the hierarchy of site suitability section of the SES guidelines should the dual-use concept of planting an herbaceous cover with pollinator value be implemented as stated in the submitted project description to off-set solar panel installation on both farmland of statewide importance and prime agricultural soils. It is unclear how this dual-use concept will be met as limited details were provided. If the dual-use concept is not implemented, additional mitigation should be provided for the loss of productive soils in accordance with the Board's siting preference hierarchy guidelines, as appropriate for a site in the R-A Zone situated on prime agricultural soils and farmland of statewide importance.

The EPS finds that this project will require a full NRI plan. Based on the provided information, it is unclear if clearing of woodlands is proposed and if impacts are proposed to the PMA with this application. Further review of the environmental conditions of the site may be required with a subsequent TCP2 application. The environmental setting of the historic properties located on-site and adjacent to this property shall be retained to the extent practicable. An approved stormwater concept plan, which determines the size, type, and location of the SWM features on-site, may be required prior to approval of the TCP2. The final location and design of which will be reviewed and approved by the DPIE.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Countywide Planning Division  
Transportation Planning Section

301-952-3680

September 26, 2022

**MEMORANDUM**

TO: Tineya Walker, Special Projects Section, Countywide Planning Division

FROM: *BAP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

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

*CHS* Crystal Saunders-Hancock, Transportation Planning Section, Countywide Planning Division

**SUBJECT: MRF-2022-010: Poplar Hill Community Solar**

**Proposal:**

The Transportation Planning Section has reviewed the referenced mandatory referral application for the proposed development of a new solar farm and access road. The subject site is located at 7606 Woodyard Road in Clinton, Maryland.

**Master Plan Compliance:**

Woodyard Road is identified in the 2009 Approved Countywide Master Plan of Transportation as an arterial roadway. There are no structures proposed within the right-of-way along Woodyard Road and the applicant is not proposing any roadway improvements within the master plan right-of-way as part of this application.

The 2009 Approved Countywide Master Plan of Transportation also recommends a side path along Woodyard Road. As mentioned above, the applicant is not proposing any roadway improvements with this project and will utilize the existing private access road for construction and maintenance of the solar farm.

**Transportation Planning Review:**

The proposed site will have vehicular access via the existing private road off Woodyard Road. A new 12' access road from the private road will be constructed as part of this project. The new access road will be 12' wide with a gate to access the fenced-in solar farm. Two fire equipment turnarounds are provided and, in these areas, the access road is widened to 16' to allow for the required turning distance. A 10' fire break is proposed along the perimeter of the solar panels that will provide the vehicular circulation for any maintenance that may be required. Staff recommends the applicant consult with the fire department to ensure the material for the access road is suitable for fire vehicles. No public roads will be constructed as part of the project.

There is no parking provided with this application as this will be an unmanned facility and access will only be necessary for the maintenance of the solar panels and mowing. The master plan recommendation for a side path would require significant modification to the property's frontage and the applicant intends on utilizing the existing private road and modifying it as necessary for fire access. Given this application is only proposing a connection to Woodyard Road for site access and all associated development is internal to the site, staff is not requesting additional bicycle and pedestrian improvements at this time.

In consideration of the scope of this application, the Transportation Planning Section recommends approval of MRF-2022-010 Poplar Hill Community Solar with no conditions.





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Countywide Planning Division  
Special Projects Section

September 20, 2022

**MEMORANDUM**

TO: Tineya Walker, Planning Technician III, Special Projects Section, Countywide Planning Division

VIA: **BR** Bobby Ray, AICP, Supervisor, Special Projects Section, Countywide Planning Division

FROM: **EP** Elena Perry, Planner II, Special Projects Section, Countywide Planning Division

SUBJECT: **MRF-2022-010 Poplar Hill Solar**

**Project Summary:**

This project proposes construction of a 2MW AC community solar farm on approximately 12 acres of a 123-acre parcel.

In accordance with Land Use Article §§20-301 through 305 of the Maryland Annotated Code, the following is provided for informational purposes:

**Water and Sewer:**

Section 24-4405 of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage and compliance with the standards for the provision of public sewer and water.” The 2018 *Water and Sewer Plan* placed this property in Water Category 4, Adequate for Development Planning. Category 4 comprises “properties inside the envelope eligible for public water and sewer for which the subdivision process is required”.

**Capital Improvement Program (CIP):**

The *Prince George's County FY 2023-2028 Approved CIP* identifies two CIP public safety facilities and/or school projects near the subject site in Planning Area 81A Clinton & Vicinity:

- a. **School:** Stephen Decatur SEI Middle School Renovation
- b. **Fire station:** Clinton Fire/EMS #825
- c. **Police station:** none

**NON-RESIDENTIAL**

**Section 24-4508. Police Facility Adequacy**

The subject property is in Police District V, Clinton located at 6707 Groveton Drive in Clinton. The level of service standard for police facilities is not applicable to nonresidential applications in accordance with Section 24-4502(b) and Section 24-4508(b)(3).

**Section 24-4509. Fire and Rescue Adequacy**

The subject property is served by Clinton Volunteer Fire/EMS Co. 825 located at 9025 Woodyard Road in Clinton. Pursuant to the Level of Service Standards as summarized in Table 24-4502 the standard for Fire and Rescue, for nonresidential development, is a maximum of 5-minutes response time from the first due station. Per the National Fire Protection Association (NFPA) 1710, Chapter 4, 240 seconds (4 minutes) or less travel time is the national performance objective.

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of September 19, 2022, the subject project fails the 4-minute travel time test from the closest Prince George's County Fire/EMS Station Clinton Volunteer Fire/EMS Co. 825 when applying the national standard and [NFPA 1710.4.1.2.1 (3)]. Therefore, this property would not meet an associated total response time under five-minutes from the closest Fire/EMS Station.

It is recommended that prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees should contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility.

**Section 24-4510. Schools Adequacy**

The level of service standard for school facilities is not applicable to nonresidential applications in accordance with Section 24-4502(b).

**RECOMMENDATIONS**

At the writing of this referral the Special Projects Section recommends that prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees should:

1. Contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility.

**Soil Conservation District (SCD)  
Referral**

Date: \_\_\_\_\_  
MR Case #: \_\_\_\_\_  
Case Manager: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

**MR Project Description**

Project Name: \_\_\_\_\_  
Property Tax Account #: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
Project City/State/Zip: \_\_\_\_\_

Is the site outside the General Plan growth boundaries? YES \_\_\_\_ No \_\_\_\_  
Is the site outside the sewer boundary? YES \_\_\_\_ No \_\_\_\_

**SCD Evaluation**

Is the property agricultural assessed? YES \_\_\_\_ No \_\_\_\_  
Does any portion of the property lie within the Chesapeake Bay Critical Area limits? YES \_\_\_\_ NO \_\_\_\_  
If yes, provide a map showing the CBCA limits.  
Is there an Agriculture Preservation Easement on this property? YES \_\_\_\_ No \_\_\_\_  
If yes, what type; MALPF \_\_\_\_ HARPP \_\_\_\_ RURAL LEGACY \_\_\_\_  
Other \_\_\_\_\_

Please provide a list and map of the soil types including USDA soil classifications on the subject site.

\_\_\_\_\_

How many acres of prime farmland or farmland of statewide importance will be impacted by the development?

\_\_\_\_\_

Will an Erosion and Sediment Control Plan be required? YES \_\_\_\_ NO \_\_\_\_

Any other Comments? \_\_\_\_\_

SCD Staff Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

# Custom Soil Resource Report for Prince George's County, Maryland

Poplar Hill Solar - 7606 Woodyard  
Rd, Clinton, MD



# Preface

---

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil



scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

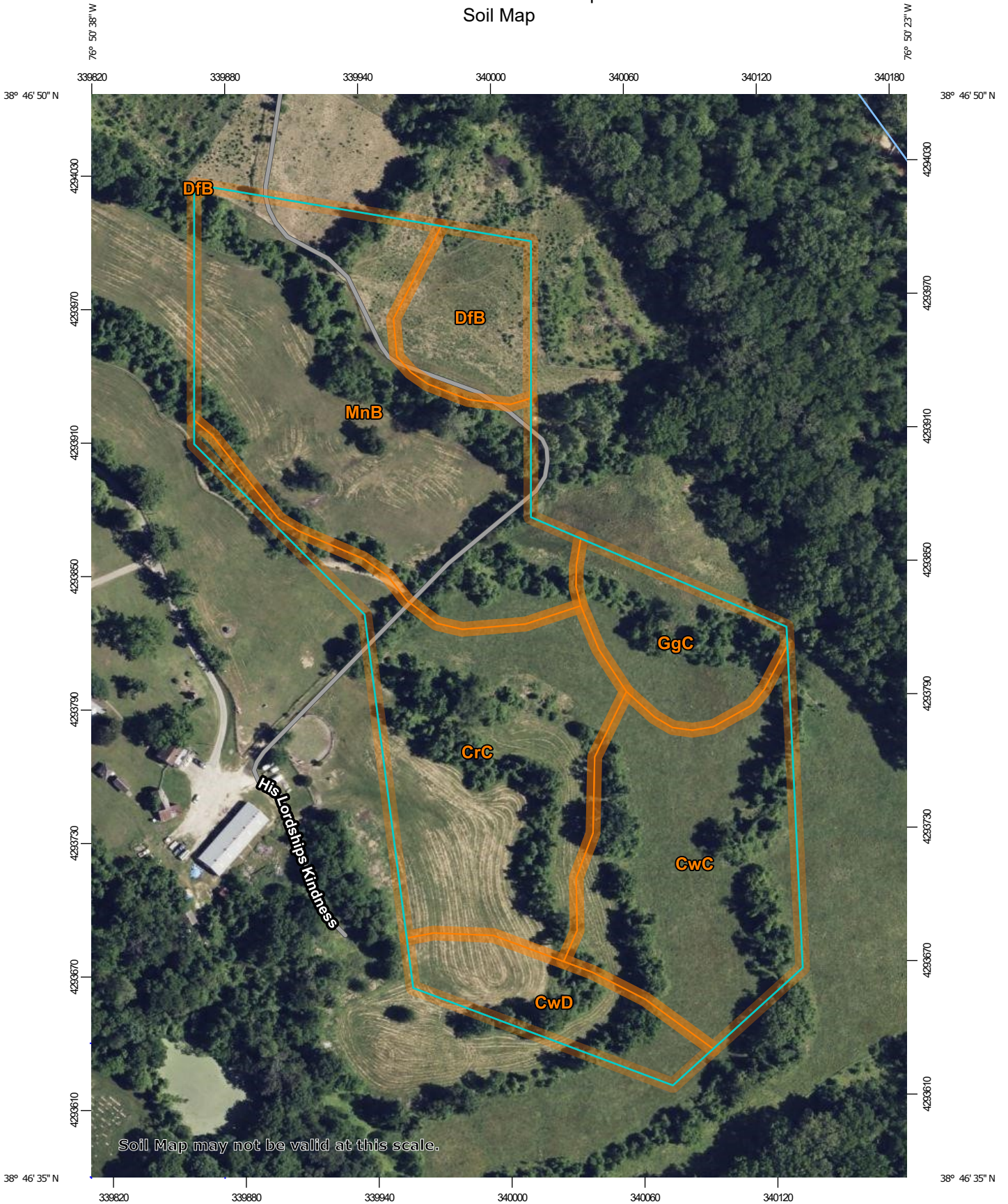
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

---

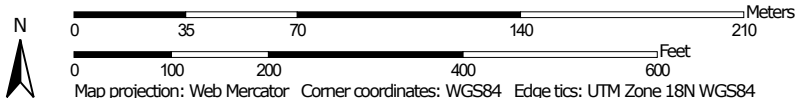
The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map




Soil Map may not be valid at this scale.

Map Scale: 1:2,370 if printed on A portrait (8.5" x 11") sheet.




### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)

**Soils**







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

**Special Point Features**






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Prince George's County, Maryland  
 Survey Area Data: Version 19, Aug 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 29, 2022—May 31, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CrC	Croom gravelly sandy loam, 5 to 10 percent slopes	3.7	24.3%
CwC	Croom-Marr complex, 5 to 10 percent slopes	3.2	20.8%
CwD	Croom-Marr complex, 10 to 15 percent slopes	1.1	7.1%
DfB	Dodon fine sandy loam, 2 to 5 percent slopes	1.0	6.6%
GgC	Grosstown gravelly silt loam, 5 to 10 percent slopes	1.2	7.9%
MnB	Marr-Dodon complex, 2 to 5 percent slopes	5.0	33.3%
<b>Totals for Area of Interest</b>		<b>15.1</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Prince George's County, Maryland

### CrC—Croom gravelly sandy loam, 5 to 10 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2ndwp  
*Elevation:* 0 to 370 feet  
*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 52 to 57 degrees F  
*Frost-free period:* 180 to 210 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Croom and similar soils:* 75 percent  
*Minor components:* 25 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Croom

##### Setting

*Landform:* Interfluves, knolls  
*Landform position (two-dimensional):* Shoulder  
*Landform position (three-dimensional):* Head slope, nose slope, side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Gravelly fluviomarine deposits

##### Typical profile

*Ap1 - 0 to 1 inches:* gravelly sandy loam  
*Ap2 - 1 to 9 inches:* gravelly sandy loam  
*Bt1 - 9 to 13 inches:* very gravelly clay loam  
*Bt2 - 13 to 30 inches:* extremely gravelly sandy clay loam  
*Bt3 - 30 to 54 inches:* extremely gravelly sandy clay loam  
*BCt - 54 to 66 inches:* extremely gravelly sandy clay loam  
*BC - 66 to 80 inches:* extremely gravelly coarse sandy loam

##### Properties and qualities

*Slope:* 5 to 10 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Low (about 3.1 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 3e  
*Hydrologic Soil Group:* C  
*Hydric soil rating:* No



**Minor Components**

**Beltsville**

*Percent of map unit:* 15 percent  
*Landform:* Broad interstream divides  
*Landform position (three-dimensional):* Interfluve  
*Down-slope shape:* Convex, linear  
*Across-slope shape:* Linear, convex  
*Hydric soil rating:* No

**Woodstown**

*Percent of map unit:* 5 percent  
*Landform:* Depressions, broad interstream divides, pediments, fluvio-marine terraces, stream terraces, swales  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Concave, linear  
*Across-slope shape:* Concave, linear  
*Hydric soil rating:* No

**Marr**

*Percent of map unit:* 5 percent  
*Landform:* Knolls, interfluves  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Hydric soil rating:* No

**CwC—Croom-Marr complex, 5 to 10 percent slopes**

**Map Unit Setting**

*National map unit symbol:* 2p2b4  
*Elevation:* 10 to 370 feet  
*Mean annual precipitation:* 30 to 50 inches  
*Mean annual air temperature:* 46 to 59 degrees F  
*Frost-free period:* 175 to 220 days  
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Croom and similar soils:* 60 percent  
*Marr and similar soils:* 25 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Croom**

**Setting**

*Landform:* Interfluves, knolls  
*Landform position (two-dimensional):* Shoulder  
*Landform position (three-dimensional):* Head slope, nose slope, side slope  
*Down-slope shape:* Linear

## Custom Soil Resource Report

*Across-slope shape:* Linear

*Parent material:* Gravelly fluviomarine deposits

### Typical profile

*Ap1 - 0 to 1 inches:* gravelly sandy loam

*Ap2 - 1 to 9 inches:* gravelly sandy loam

*Bt1 - 9 to 13 inches:* very gravelly clay loam

*Bt2 - 13 to 30 inches:* extremely gravelly sandy clay loam

*Bt3 - 30 to 54 inches:* extremely gravelly sandy clay loam

*BCt - 54 to 66 inches:* extremely gravelly sandy clay loam

*BC - 66 to 80 inches:* extremely gravelly coarse sandy loam

### Properties and qualities

*Slope:* 5 to 10 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Runoff class:* Low

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* Low (about 3.1 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 4e

*Hydrologic Soil Group:* C

*Hydric soil rating:* No

## Description of Marr

### Setting

*Landform:* Interfluves, knolls

*Landform position (three-dimensional):* Interfluve, head slope, nose slope, side slope

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Loamy fluviomarine deposits

### Typical profile

*Ap - 0 to 4 inches:* fine sandy loam

*Bt1 - 4 to 25 inches:* fine sandy loam

*Bt2 - 25 to 57 inches:* sandy clay loam

*BC - 57 to 76 inches:* loamy fine sand

### Properties and qualities

*Slope:* 5 to 10 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Runoff class:* Medium

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.20 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* High (about 9.2 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 3e  
*Hydrologic Soil Group:* B  
*Hydric soil rating:* No

**Minor Components**

**Dodon**

*Percent of map unit:* 15 percent  
*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Hydric soil rating:* No

**CwD—Croom-Marr complex, 10 to 15 percent slopes**

**Map Unit Setting**

*National map unit symbol:* 2p2b5  
*Elevation:* 10 to 370 feet  
*Mean annual precipitation:* 30 to 50 inches  
*Mean annual air temperature:* 46 to 59 degrees F  
*Frost-free period:* 175 to 220 days  
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Croom and similar soils:* 50 percent  
*Marr and similar soils:* 30 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Croom**

**Setting**

*Landform:* Knolls, interfluves  
*Landform position (two-dimensional):* Shoulder  
*Landform position (three-dimensional):* Head slope, nose slope, side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Gravelly fluviomarine deposits

**Typical profile**

*Ap1 - 0 to 1 inches:* gravelly sandy loam  
*Ap2 - 1 to 9 inches:* gravelly sandy loam  
*Bt1 - 9 to 13 inches:* very gravelly clay loam  
*Bt2 - 13 to 30 inches:* extremely gravelly sandy clay loam  
*Bt3 - 30 to 54 inches:* extremely gravelly sandy clay loam  
*BCt - 54 to 66 inches:* extremely gravelly sandy clay loam

## Custom Soil Resource Report

*BC - 66 to 80 inches: extremely gravelly coarse sandy loam*

### Properties and qualities

*Slope: 10 to 15 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Well drained*

*Runoff class: Low*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)*

*Depth to water table: More than 80 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Available water supply, 0 to 60 inches: Low (about 3.1 inches)*

### Interpretive groups

*Land capability classification (irrigated): None specified*

*Land capability classification (nonirrigated): 6e*

*Hydrologic Soil Group: C*

*Hydric soil rating: No*

### Description of Marr

#### Setting

*Landform: Interfluves, knolls*

*Landform position (three-dimensional): Interfluve, head slope, nose slope, side slope*

*Down-slope shape: Convex*

*Across-slope shape: Convex*

*Parent material: Loamy fluviomarine deposits*

#### Typical profile

*Ap - 0 to 4 inches: fine sandy loam*

*Bt1 - 4 to 25 inches: fine sandy loam*

*Bt2 - 25 to 57 inches: sandy clay loam*

*BC - 57 to 76 inches: loamy fine sand*

### Properties and qualities

*Slope: 10 to 15 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Well drained*

*Runoff class: Medium*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)*

*Depth to water table: More than 80 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Available water supply, 0 to 60 inches: High (about 9.2 inches)*

### Interpretive groups

*Land capability classification (irrigated): None specified*

*Land capability classification (nonirrigated): 4e*

*Hydrologic Soil Group: B*

*Hydric soil rating: No*

### Minor Components

#### Annapolis

*Percent of map unit: 10 percent*

## Custom Soil Resource Report

*Landform:* Knolls, hillslopes

*Landform position (three-dimensional):* Interfluve, side slope

*Hydric soil rating:* No

### **Dodon**

*Percent of map unit:* 5 percent

*Landform:* Knolls, hillslopes

*Landform position (three-dimensional):* Tread

*Hydric soil rating:* No

### **Howell**

*Percent of map unit:* 5 percent

*Landform:* Hillslopes, knolls

*Landform position (two-dimensional):* Summit

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Hydric soil rating:* No

## **DfB—Dodon fine sandy loam, 2 to 5 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* 2ndvt

*Elevation:* 10 to 200 feet

*Mean annual precipitation:* 40 to 50 inches

*Mean annual air temperature:* 52 to 57 degrees F

*Frost-free period:* 180 to 210 days

*Farmland classification:* All areas are prime farmland

### **Map Unit Composition**

*Dodon and similar soils:* 70 percent

*Minor components:* 30 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Dodon**

#### **Setting**

*Landform:* Stream terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Loamy fluviomarine deposits

#### **Typical profile**

*Ap - 0 to 9 inches:* fine sandy loam

*Bt - 9 to 36 inches:* sandy clay loam

*BC - 36 to 48 inches:* sandy clay loam

*CB - 48 to 64 inches:* fine sandy loam

#### **Properties and qualities**

*Slope:* 2 to 5 percent

## Custom Soil Resource Report

*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Moderately well drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 2.00 in/hr)  
*Depth to water table:* About 20 to 40 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* High (about 9.8 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 2e  
*Hydrologic Soil Group:* C  
*Hydric soil rating:* No

### Minor Components

#### Marr

*Percent of map unit:* 20 percent  
*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Hydric soil rating:* No

#### Annemessex

*Percent of map unit:* 10 percent  
*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Hydric soil rating:* No

## GgC—Grosstown gravelly silt loam, 5 to 10 percent slopes

### Map Unit Setting

*National map unit symbol:* 2ndwy  
*Elevation:* 0 to 400 feet  
*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 52 to 57 degrees F  
*Frost-free period:* 180 to 210 days  
*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Grosstown and similar soils:* 90 percent  
*Minor components:* 10 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

## Description of Grosstown

### Setting

*Landform:* Fluviomarine terraces, broad interstream divides, stream terraces

*Landform position (two-dimensional):* Summit, shoulder, backslope

*Landform position (three-dimensional):* Interfluve, tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Loamy and gravelly fluviomarine deposits

### Typical profile

*Ap - 0 to 4 inches:* gravelly silt loam

*Bt1 - 4 to 20 inches:* silt loam

*Bt2 - 20 to 26 inches:* gravelly loam

*2Bt3 - 26 to 71 inches:* extremely gravelly silt loam

*3BC - 71 to 80 inches:* extremely gravelly coarse sand

### Properties and qualities

*Slope:* 5 to 10 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Runoff class:* Very low

*Capacity of the most limiting layer to transmit water (Ksat):* High (1.98 to 5.95 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* Moderate (about 6.7 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3e

*Hydrologic Soil Group:* A

*Hydric soil rating:* No

## Minor Components

### Hoghole

*Percent of map unit:* 5 percent

*Landform:* Fluviomarine terraces, broad interstream divides, stream terraces

*Landform position (three-dimensional):* Interfluve, tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Hydric soil rating:* No

### Woodstown

*Percent of map unit:* 5 percent

*Landform:* Depressions, broad interstream divides, pediments, fluviomarine terraces, stream terraces, swales

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Concave, linear

*Across-slope shape:* Concave, linear

*Hydric soil rating:* No

## MnB—Marr-Dodon complex, 2 to 5 percent slopes

### Map Unit Setting

*National map unit symbol:* 2p27y  
*Elevation:* 0 to 200 feet  
*Mean annual precipitation:* 40 to 50 inches  
*Mean annual air temperature:* 52 to 57 degrees F  
*Frost-free period:* 180 to 210 days  
*Farmland classification:* All areas are prime farmland

### Map Unit Composition

*Marr and similar soils:* 45 percent  
*Dodon and similar soils:* 35 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Marr

#### Setting

*Landform:* Interfluves, knolls  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Loamy fluviomarine deposits

#### Typical profile

*Ap - 0 to 12 inches:* fine sandy loam  
*Bt1 - 12 to 25 inches:* fine sandy loam  
*Bt2 - 25 to 57 inches:* sandy clay loam  
*BC - 57 to 76 inches:* loamy fine sand

#### Properties and qualities

*Slope:* 2 to 5 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* High (about 9.5 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 2e  
*Hydrologic Soil Group:* B  
*Hydric soil rating:* No



## Description of Dodon

### Setting

*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Loamy fluviomarine deposits

### Typical profile

*Ap - 0 to 9 inches:* fine sandy loam  
*Bt - 9 to 36 inches:* sandy clay loam  
*BC - 36 to 48 inches:* sandy clay loam  
*CB - 48 to 64 inches:* fine sandy loam

### Properties and qualities

*Slope:* 2 to 5 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Moderately well drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 2.00 in/hr)  
*Depth to water table:* About 20 to 40 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* High (about 9.8 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 2e  
*Hydrologic Soil Group:* C  
*Hydric soil rating:* No

## Minor Components

### Hambrook

*Percent of map unit:* 10 percent  
*Landform:* Broad interstream divides, fluviomarine terraces, interfluves  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Hydric soil rating:* No

### Liverpool

*Percent of map unit:* 10 percent  
*Landform:* Terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Hydric soil rating:* No

# Soil Information for All Uses

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## Soil Reports

The Soil Reports section includes various formatted tabular and narrative reports (tables) containing data for each selected soil map unit and each component of each unit. No aggregation of data has occurred as is done in reports in the Soil Properties and Qualities and Suitabilities and Limitations sections.

The reports contain soil interpretive information as well as basic soil properties and qualities. A description of each report (table) is included.

## Land Classifications

This folder contains a collection of tabular reports that present a variety of soil groupings. The reports (tables) include all selected map units and components for each map unit. Land classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

## Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

*Prime farmland* is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

## Custom Soil Resource Report

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

*Unique farmland* is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

### Report—Prime and other Important Farmlands

Custom Soil Resource Report

Prime and other Important Farmlands—Prince George's County, Maryland		
Map Symbol	Map Unit Name	Farmland Classification
CrC	Croom gravelly sandy loam, 5 to 10 percent slopes	Not prime farmland
CwC	Croom-Marr complex, 5 to 10 percent slopes	Not prime farmland
CwD	Croom-Marr complex, 10 to 15 percent slopes	Not prime farmland
DfB	Dodon fine sandy loam, 2 to 5 percent slopes	All areas are prime farmland
GgC	Grosstown gravelly silt loam, 5 to 10 percent slopes	Farmland of statewide importance
MnB	Marr-Dodon complex, 2 to 5 percent slopes	All areas are prime farmland

## Vegetative Productivity

This folder contains a collection of tabular reports that present vegetative productivity data. The reports (tables) include all selected map units and components for each map unit. Vegetative productivity includes estimates of potential vegetative production for a variety of land uses, including cropland, forestland, hayland, pastureland, horticulture and rangeland. In the underlying database, some states maintain crop yield data by individual map unit component. Other states maintain the data at the map unit level. Attributes are included for both, although only one or the other is likely to contain data for any given geographic area. For other land uses, productivity data is shown only at the map unit component level. Examples include potential crop yields under irrigated and nonirrigated conditions, forest productivity, forest site index, and total rangeland production under of normal, favorable and unfavorable conditions.

## Forestland Productivity

This table is designed to assist forestland owners or managers in planning the use of soils for wood crops. It provides the potential productivity of the soils for wood crops.

*Potential productivity* of merchantable or *common trees* on a soil is expressed as a site index and as a volume growth rate number. The *site index* is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. *Common trees* are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability. More detailed information regarding site index is available in the "National Forestry Manual," which is available in local offices of the Natural Resources Conservation Service or on the Internet.

The *Base Age* is the age of trees in years on which the site index is based. "TA" indicates total age. "BH" indicates breast height age. "N/A" indicates that base age is not applicable.

The *Site Index Curve Number* is listed in the National Register of Site Index Curves. It identifies the site index curve used to determine the site index.

The *Volume Growth Rate* is the maximum wood volume annual growth rate likely to be produced by the tree species. This number, expressed as cubic feet per acre per

Custom Soil Resource Report

year, is calculated at the age of culmination of the mean annual increment (CMAI). It indicates the maximum volume of wood fiber produced per year in a fully stocked, even-aged, unmanaged stand.

Reference:

United States Department of Agriculture, Natural Resources Conservation Service, National Forestry Manual.

**Report—Forestland Productivity**

Forestland Productivity—Prince George's County, Maryland				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
CrC—Croom gravelly sandy loam, 5 to 10 percent slopes				
Croom	Virginia pine	60	86.00	Loblolly pine, Virginia pine
	White oak	60	43.00	
CwC—Croom-Marr complex, 5 to 10 percent slopes				
Croom	Virginia pine	60	86.00	Loblolly pine, Virginia pine
	White oak	60	43.00	
Marr	Loblolly pine	80	114.00	Eastern white pine, Loblolly pine, Sweetgum, Virginia pine, Yellow-poplar
	Sweetgum	80	86.00	
	Virginia pine	70	114.00	
	White oak	70	57.00	
	Yellow-poplar	80	72.00	
CwD—Croom-Marr complex, 10 to 15 percent slopes				
Croom	Virginia pine	60	86.00	Loblolly pine, Virginia pine
	White oak	60	43.00	
Marr	Loblolly pine	80	114.00	Eastern white pine, Loblolly pine, Sweetgum, Virginia pine, Yellow-poplar
	Sweetgum	80	86.00	
	Virginia pine	70	114.00	
	White oak	70	57.00	
	Yellow-poplar	80	72.00	
DfB—Dodon fine sandy loam, 2 to 5 percent slopes				
Dodon	Loblolly pine	90	—	Loblolly pine, Northern red oak, Virginia pine, White oak, Yellow-poplar
	Sweetgum	90	—	
	White oak	90	—	
	Yellow-poplar	90	—	

Custom Soil Resource Report

Forestland Productivity—Prince George's County, Maryland				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
GgC—Grosstown gravelly silt loam, 5 to 10 percent slopes				
Grosstown	Loblolly pine	80	—	Loblolly pine, Northern red oak, Virginia pine, White oak, Yellow-poplar
	Virginia pine	70	—	
	White oak	70	—	
	Yellow-poplar	80	—	
MnB—Marr-Dodon complex, 2 to 5 percent slopes				
Marr	Loblolly pine	80	—	Loblolly pine, Northern red oak, Shortleaf pine, Virginia pine, White oak, Yellow-poplar
	Sweetgum	80	—	
	Virginia pine	70	—	
	White oak	70	—	
	Yellow-poplar	80	—	
Dodon	Loblolly pine	90	—	Loblolly pine, Northern red oak, Virginia pine, White oak, Yellow-poplar
	Sweetgum	90	—	
	White oak	90	—	
	Yellow-poplar	90	—	

### Irrigated and Nonirrigated Yields by Map Unit Component

The average yields per acre that can be expected of the principal crops under a high level of management are shown in this table. In any given year, yields may be higher or lower than those indicated in the table because of variations in rainfall and other climatic factors.

The yields are based mainly on the experience and records of farmers, conservationists, and extension agents. Available yield data from nearby counties and results of field trials and demonstrations also are considered.

The management needed to obtain the indicated yields of the various crops depends on the kind of soil and the crop. Management can include drainage, erosion control, and protection from flooding; the proper planting and seeding rates; suitable high-yielding crop varieties; appropriate and timely tillage; control of weeds, plant diseases, and harmful insects; favorable soil reaction and optimum levels of nitrogen, phosphorus, potassium, and trace elements for each crop; effective use of crop residue, barnyard manure, and green manure crops; and harvesting that ensures the smallest possible loss.

If yields of irrigated crops are given, it is assumed that the irrigation system is adapted to the soils and to the crops grown, that good-quality irrigation water is uniformly applied as needed, and that tillage is kept to a minimum.

## Custom Soil Resource Report

Pasture yields are expressed in terms of animal unit months. An animal unit month (AUM) is the amount of forage required by one mature cow of approximately 1,000 pounds weight, with or without a calf, for 1 month.

The estimated yields reflect the productive capacity of each soil for each of the principal crops. Yields are likely to increase as new production technology is developed. The productivity of a given soil compared with that of other soils, however, is not likely to change.

Crops other than those shown in the table are grown in the survey area, but estimated yields are not listed because the acreage of such crops is small. The local office of the Natural Resources Conservation Service or of the Cooperative Extension Service can provide information about the management and productivity of the soils for those crops.

The land capability classification of map units in the survey area is shown in this table. This classification shows, in a general way, the suitability of soils for most kinds of field crops (United States Department of Agriculture, Soil Conservation Service, 1961). Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations designed to show suitability and limitations of groups of soils for rangeland, for forestland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels: capability class, subclass, and unit.

*Capability classes*, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

- Class 1 soils have slight limitations that restrict their use.
- Class 2 soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
- Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.
- Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

## Custom Soil Resource Report

*Capability subclasses* are soil groups within one class. They are designated by adding a small letter, *e*, *w*, *s*, or *c*, to the class numeral, for example, 2*e*. The letter *e* shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; *w* shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); *s* shows that the soil is limited mainly because it is shallow, droughty, or stony; and *c*, used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by *w*, *s*, or *c* because the soils in class 5 are subject to little or no erosion.

*Capability units* are soil groups within a subclass. The soils in a capability unit are enough alike to be suited to the same crops and pasture plants, to require similar management, and to have similar productivity. Capability units are generally designated by adding an Arabic numeral to the subclass symbol, for example, 2*e*-4 and 3*e*-6. These units are not given in all soil surveys.

Reference:

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210.



Custom Soil Resource Report

Irrigated and Nonirrigated Yields by Map Unit Component—Prince George's County, Maryland												
Map symbol and soil name	Land capability		Corn		Grass-legume hay		Pasture		Soybeans		Wheat	
	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated
			<i>Bu</i>		<i>Tons</i>				<i>Bu</i>		<i>Bu</i>	
CrC—Croom gravelly sandy loam, 5 to 10 percent slopes												
Croom	—	3e	—	90	—	2.50	—	—	—	30	—	30
CwC—Croom-Marr complex, 5 to 10 percent slopes												
Croom	—	4e	—	90	—	2.50	—	—	—	30	—	30
Marr	—	3e	—	130	—	3.00	—	—	—	35	—	45
CwD—Croom-Marr complex, 10 to 15 percent slopes												
Croom	—	6e	—	80	—	2.50	—	—	—	25	—	30
Marr	—	4e	—	105	—	2.50	—	—	—	25	—	30
DfB—Dodon fine sandy loam, 2 to 5 percent slopes												
Dodon	—	2e	—	140	—	3.50	—	—	—	45	—	50
GgC—Grosstown gravelly silt loam, 5 to 10 percent slopes												
Grosstown	—	3e	150	115	—	3.00	—	—	60	35	—	40
MnB—Marr-Dodon complex, 2 to 5 percent slopes												
Marr	—	2e	—	140	—	3.00	—	—	—	40	—	50
Dodon	—	2e	—	140	—	3.00	—	—	—	45	—	50

# References

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- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
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- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

## Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_053624](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624)

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_052290.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf)



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

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

**Detailed Site Plan**

**DSP-19071**

**Departure from Design Standards**

**DDS-685**

**Alternative Compliance**

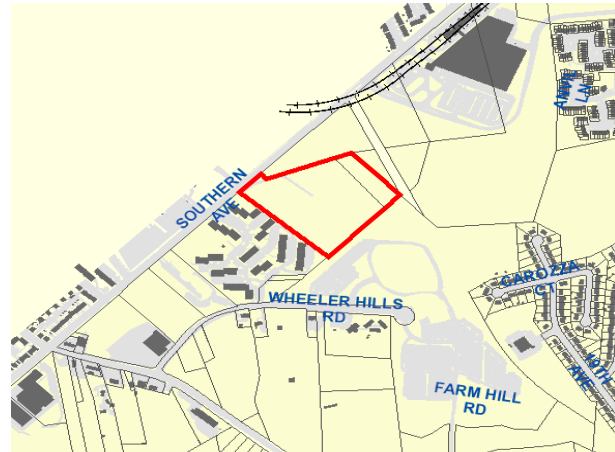
**AC-22002**

**THE PROMISE**

**Expedited Transit Oriented Development (ETOD)**

REQUEST	STAFF RECOMMENDATION
<p>The applicant requests a continuance from the Planning Board hearing date of November 10, 2022 to November 17, 2022.</p> <p>A mixed-use development consisting of 1,014 multifamily units and 37,810 square feet of commercial space.</p>	<p>APPROVAL of continuance</p>

**Location:** On the south side of Southern Avenue, approximately 2,100 feet north of its intersection with Wheeler Road.



Gross Acreage:	15.10
Zone:	NAC
Zone Prior:	M-X-T/D-D-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	1,014
Gross Floor Area:	37,810 sq. ft.
Planning Area:	76A
Council District:	07
Municipality:	None

Planning Board Date:	11/10/2022
Planning Board Action Limit:	Waived
Memorandum Date:	10/18/2022
Date Accepted:	09/13/2022
Informational Mailing:	09/22/2021
Acceptance Mailing:	08/31/2022
Sign Posting Deadline:	10/11/2022

**Applicant/Address:**  
 A Determined Seed, LLC  
 13308 Big Cedar Lane  
 Bowie, MD 20720

**Staff Reviewer:** Thomas Burke  
**Phone Number:** 301-952-4534  
**Email:** [Thomas.Burke@ppd.mncppc.org](mailto:Thomas.Burke@ppd.mncppc.org)

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

October 18, 2022

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: *A F* Anne Fothergill, Supervisor, Urban Design Section, Development Review Division

FROM: Tom Burke, Planner IV, Urban Design Section, Development Review Division *T B*

SUBJECT: **Detailed Site Plan DSP-19071**  
**Departure from Design Standards DDS-685**  
**Alternative Compliance AC-22002**  
**The Promise, Expedited Transit Oriented Development (ETOD)**  
Planning Board Agenda November 10, 2022 – Request for Continuance

In a memorandum dated October 14, 2022, the applicant's representative, Traci Scudder, requests a continuance of the Prince George's County Planning Board hearing date for the above-referenced application, from November 10, 2022 to November 17, 2022. The continuance is necessary to allow time for the applicant to address transportation issues.

The site was posted on October 11, 2022, for the original hearing date, as required by the Prince George's County Zoning Ordinance.

**RECOMMENDATION**

The Urban Design Section recommends that the Planning Board APPROVE the request for continuance and schedule this application for the Planning Board hearing date of November 17, 2022.

TRACI R. SCUDDER †

† ADMITTED IN MD



October 14, 2022

**BY EMAIL (James.Hunt@ppd.mncppc.org)**

James R. Hunt  
Planning Division Chief  
Development Review Division  
The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

RE: Waiver of Mandatory Review Period  
Expedited Transit-Oriented Development  
The Promise (DSP-19071 & DDS-685)

Dear Mr. Hunt:

On behalf of my client and the Applicant, A Determined Seed, LLC, a waiver of the 60-mandatory review period in this case is hereby granted to allow additional time to review the subject application. Further, to that end, the Applicant is requesting that this case be continued from the currently scheduled Planning Board hearing date of November 10, 2022, to the next available Planning Board date, which is November 17, 2022.

Thank you for your efforts to keep this case moving forward expeditiously.

Warmest Regards,

*Traci R. Scudder*

Traci R. Scudder

cc: Mr. Eli Borek  
Mr. Tom Mateya  
Mr. Torben Ageson  
Mr. Nicholas Snyder

# THE PROMISE

Expedited Transit Oriented Development

Detailed Site Plan

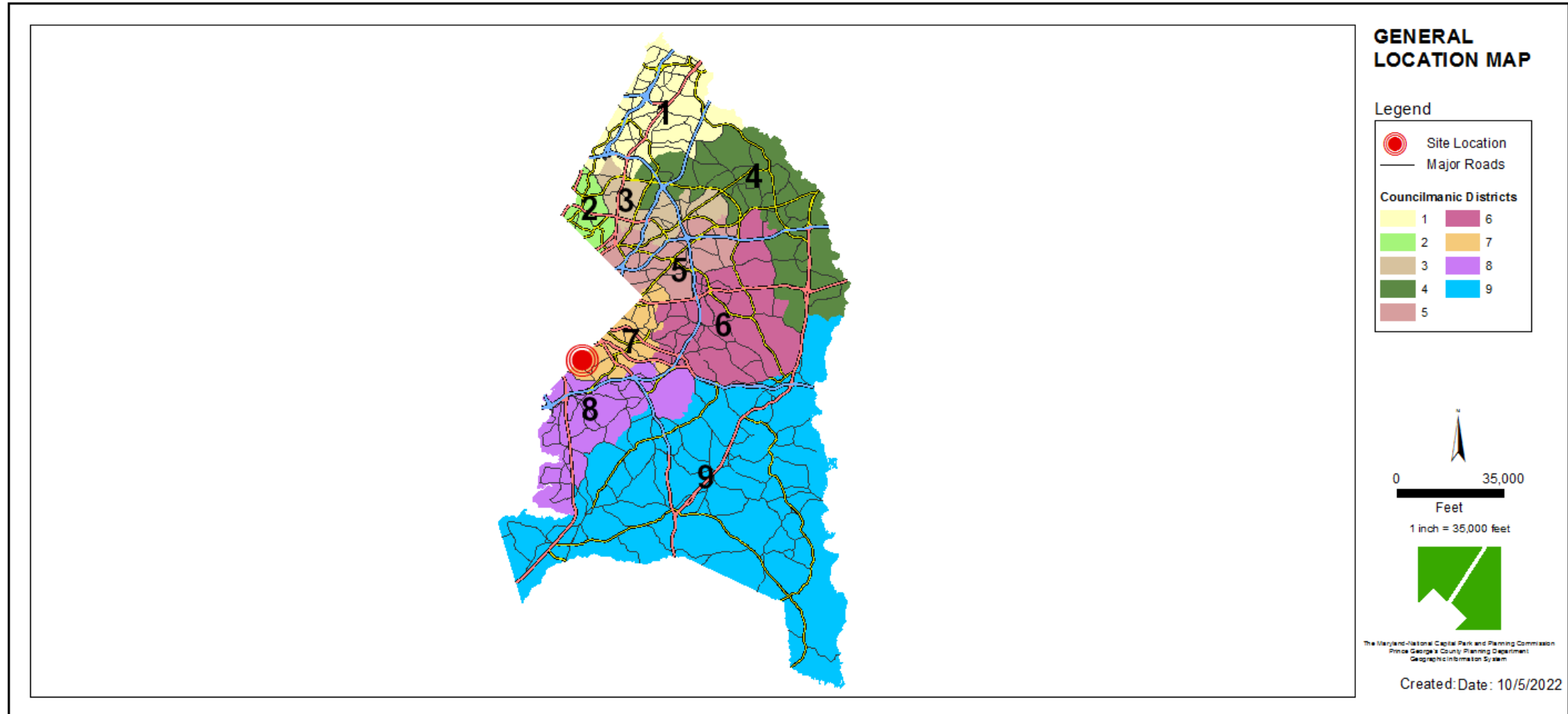
**Staff Recommendation: APPROVAL** with conditions



# GENERAL LOCATION MAP

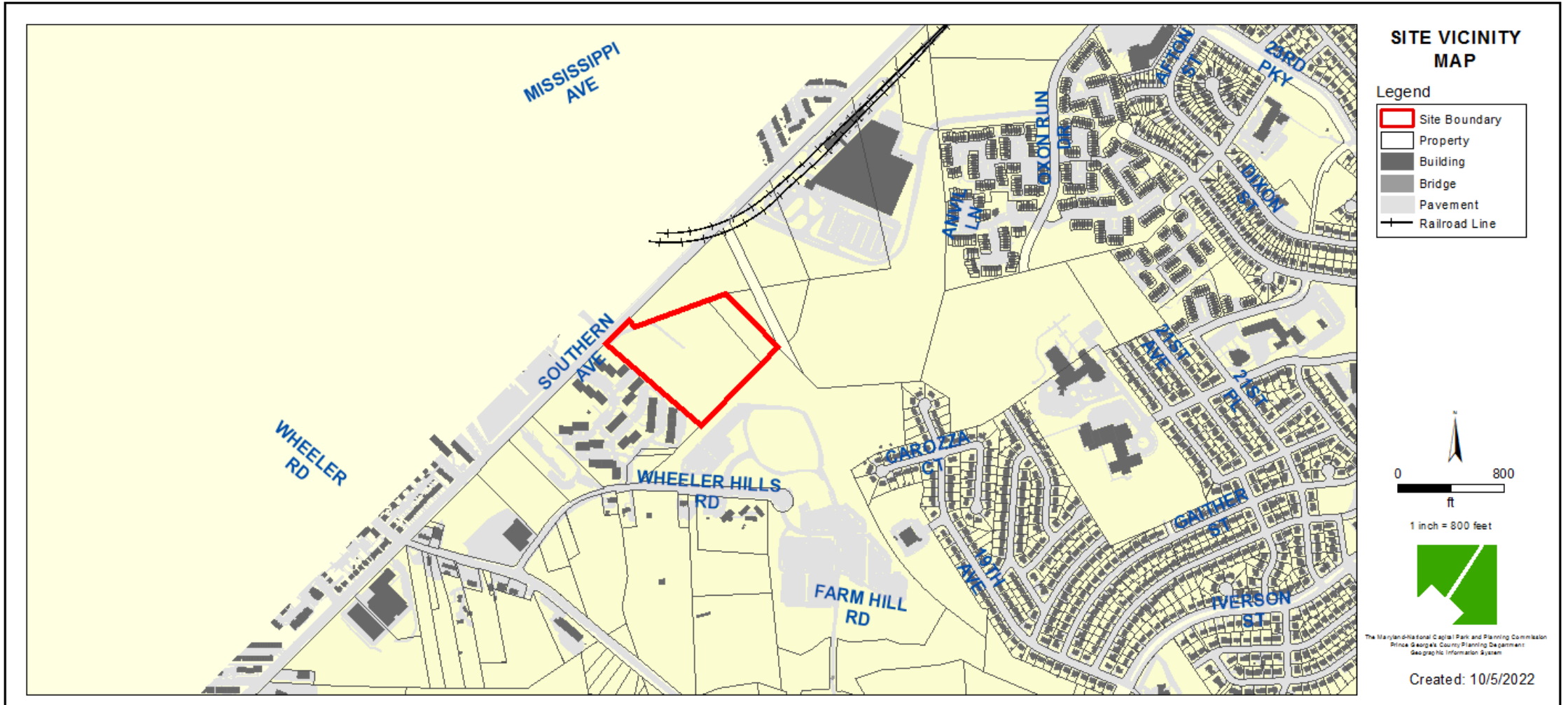
Council District: 07

Planning Area: 76A





# SITE VICINITY MAP

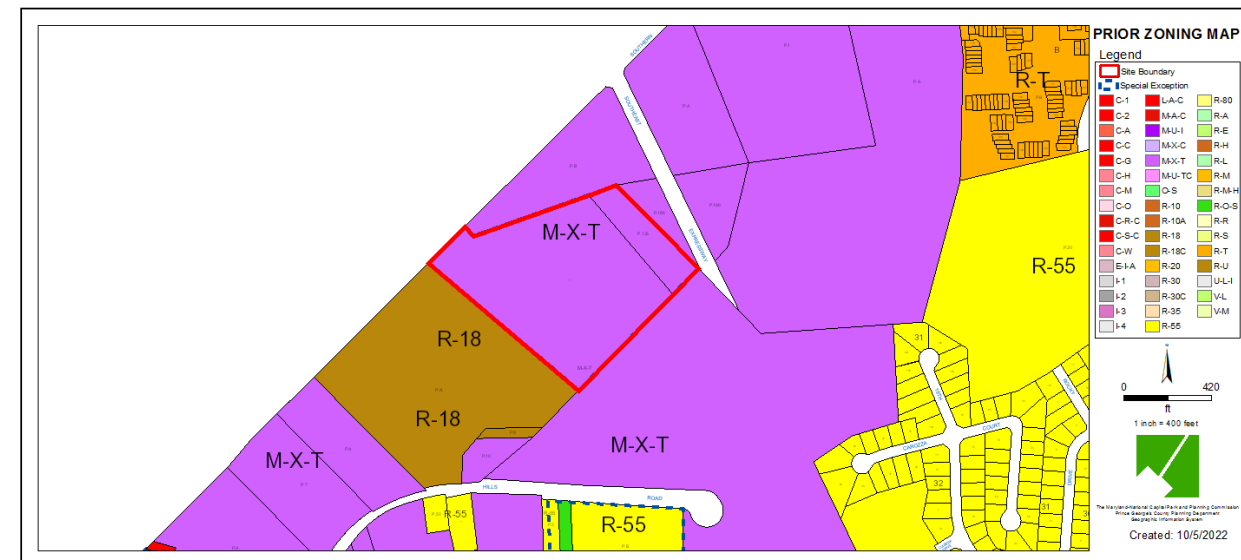
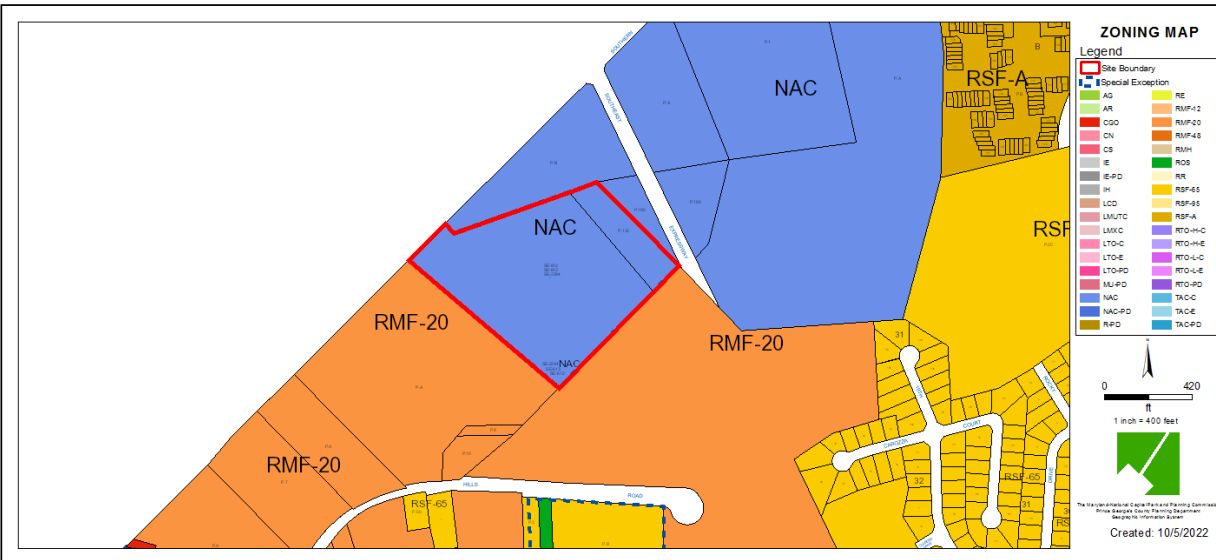


# ZONING MAP (CURRENT & PRIOR)

Property Zone: NAC  
 Prior Zone: M-X-T/D-D-O

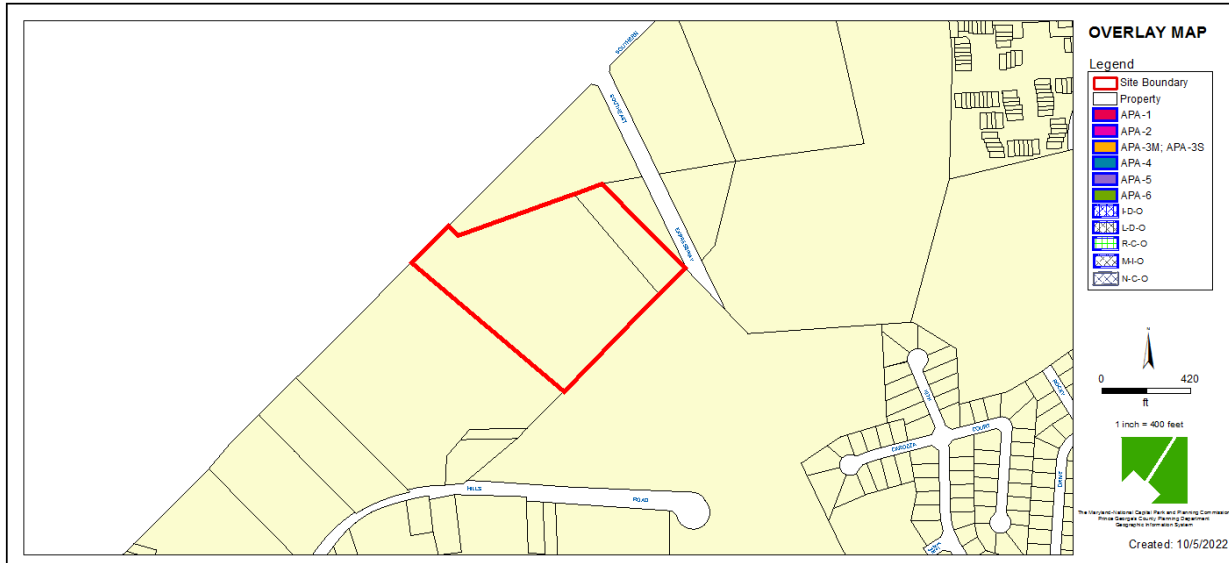
CURRENT ZONING MAP

PRIOR ZONING MAP

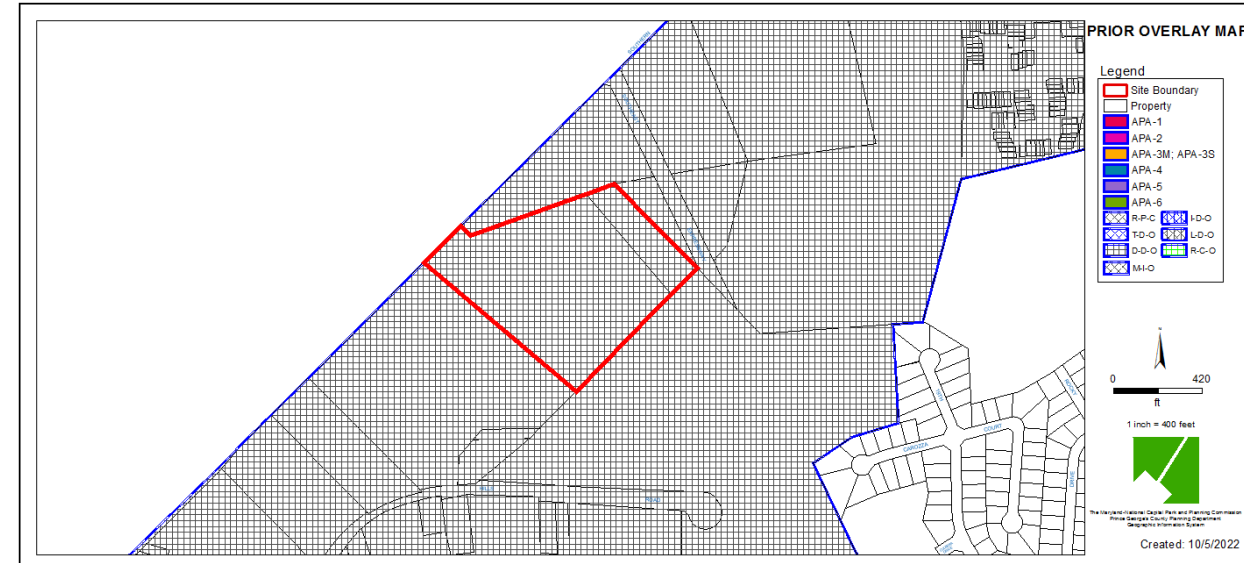


# OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP



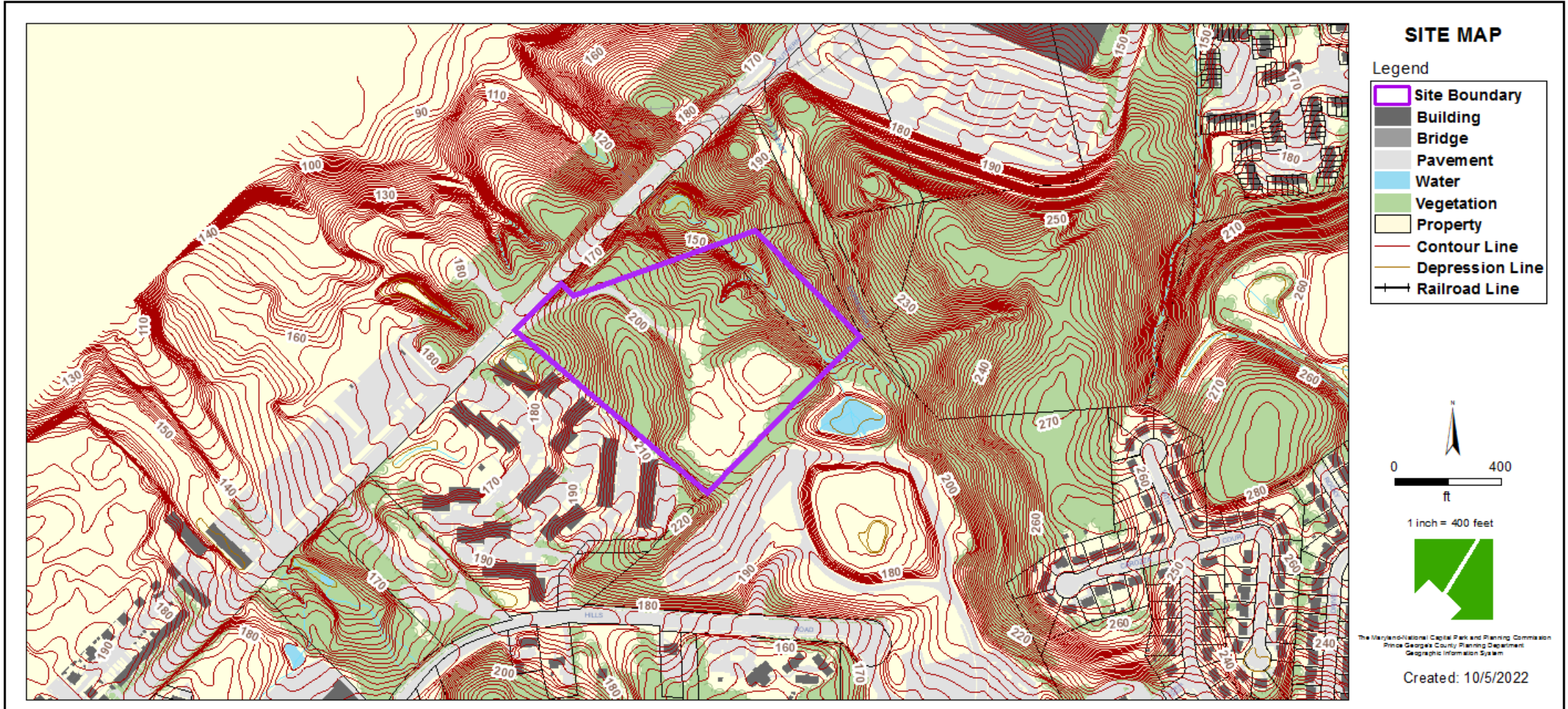
PRIOR OVERLAY MAP



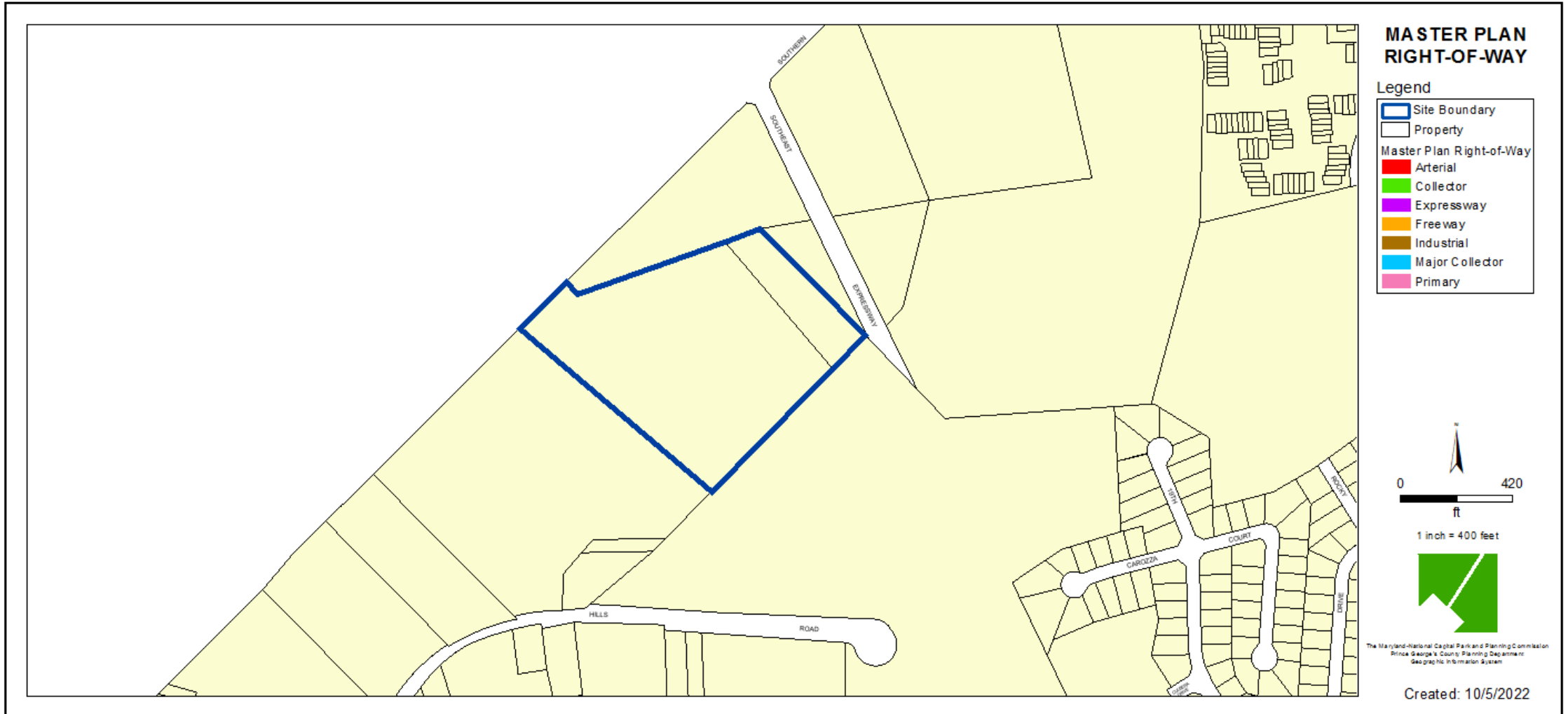
# AERIAL MAP



# SITE MAP



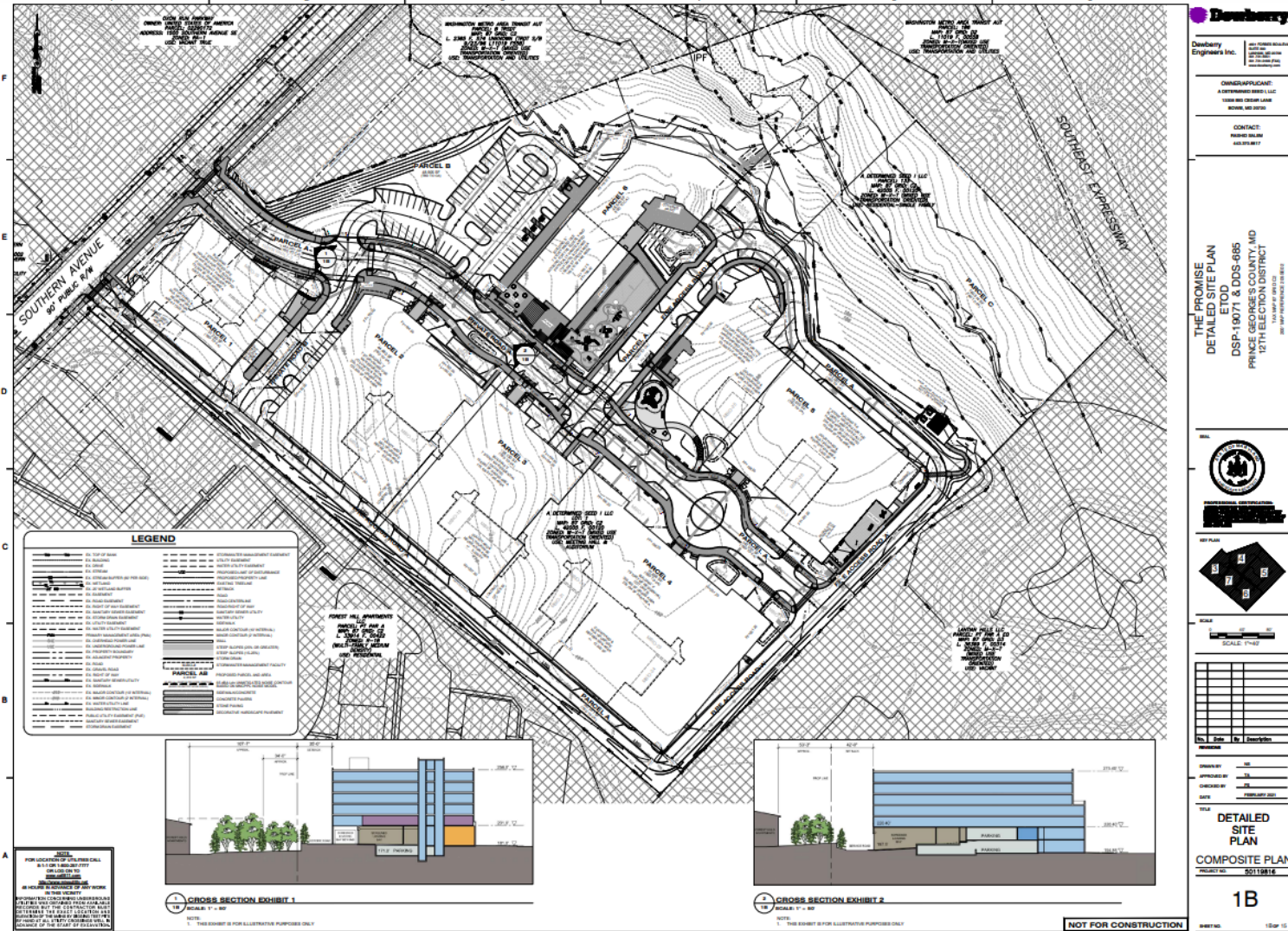
# MASTER PLAN RIGHT-OF-WAY MAP



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

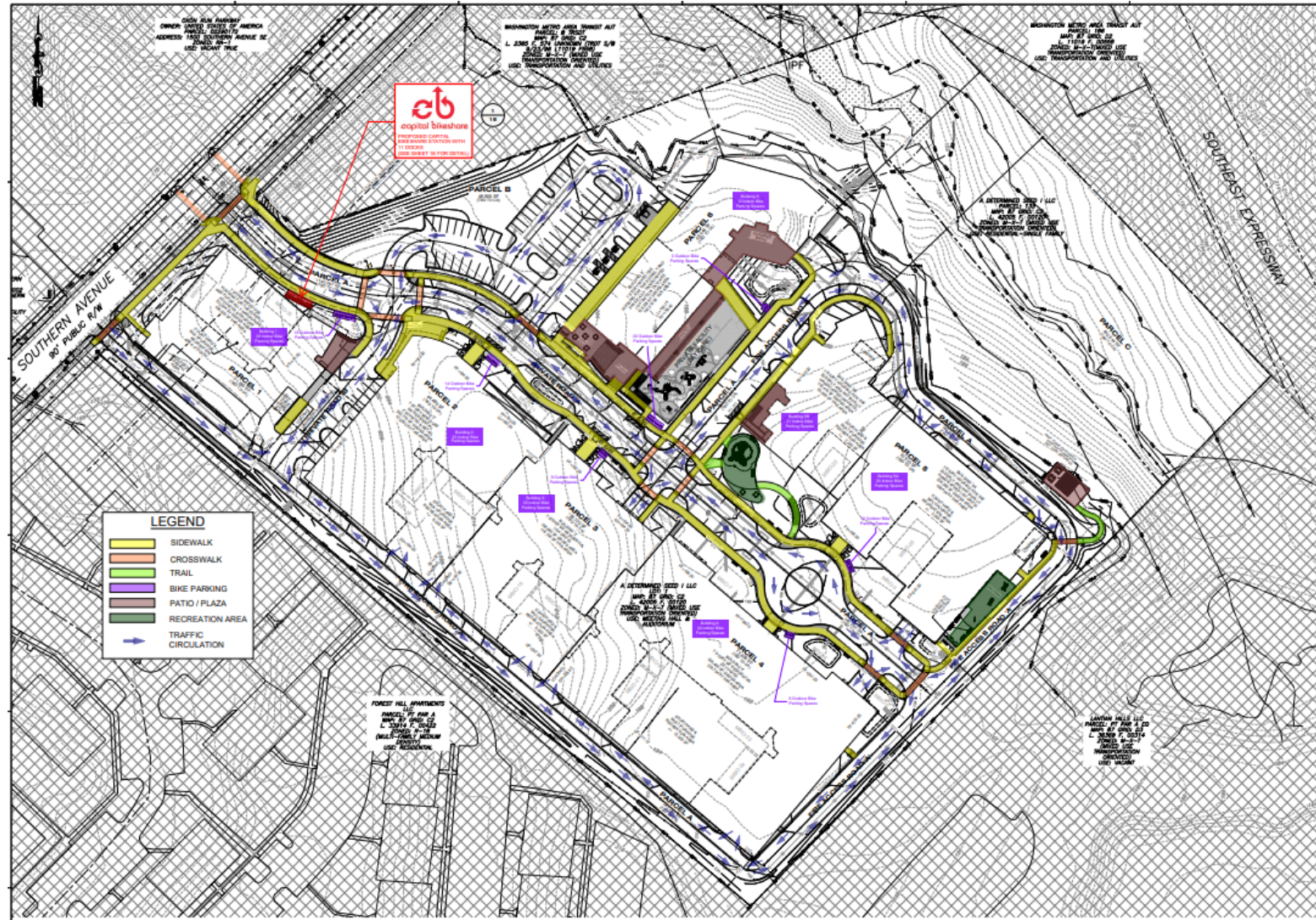


# DETAILED SITE PLAN

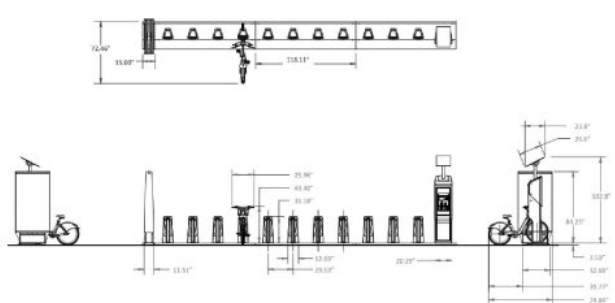




# DETAILED SITE PLAN SHOWING RECREATIONAL FACILITIES




# BIKESHARE DETAILS AND OFFSITE IMPROVEMENTS



**1E CAPITAL BIKESHARE STATION - 11 DOCK CONFIGURATION**  
SCALE: N.T.S.

NOTE:  
 1. REFER TO APPROVED SPDS SCOPE/ASSESSMENT (A-1882).  
 2. INSTALLATION PER MANUFACTURER'S SPECIFICATIONS.  
 3. SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGE'S COUNTY, OWNER, OR OWNER AGENT PRIOR TO CONSTRUCTION.



**2 LOCATION OF SIDEWALK EXPANSION ALONG WHEELER ROAD**  
SCALE: N.T.S.

NOTE:  
 1. REFER TO APPROVED SPDS SCOPE/ASSESSMENT (A-1882).  
 2. INSTALLATION PER MANUFACTURER'S SPECIFICATIONS.  
 3. SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGE'S COUNTY, OWNER, OR OWNER AGENT PRIOR TO CONSTRUCTION.

**3 LOCATION OF EXISTING LIGHTPOLES TO BE UPGRADED TO LED**  
SCALE: N.T.S.

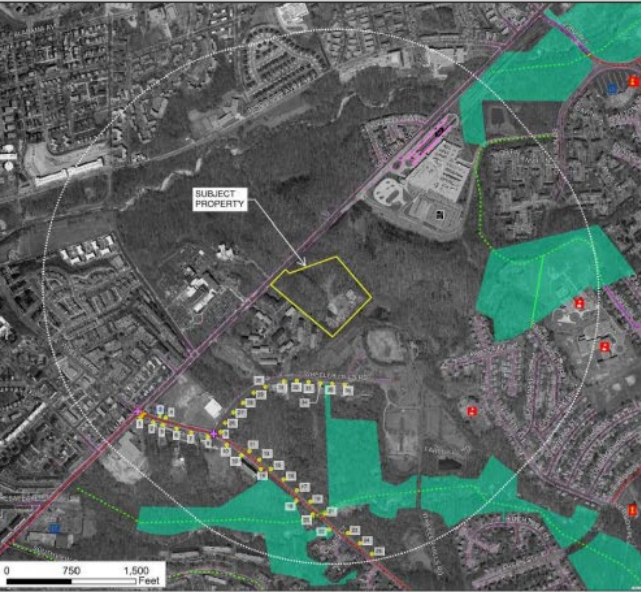
NOTE:  
 1. REFER TO APPROVED SPDS SCOPE/ASSESSMENT (A-1882).  
 2. INSTALLATION PER MANUFACTURER'S SPECIFICATIONS.  
 3. SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGE'S COUNTY, OWNER, OR OWNER AGENT PRIOR TO CONSTRUCTION.

OFF-SITE BICYCLE AND PEDESTRIAN IMPROVEMENT COST ESTIMATION				
IMPROVEMENT	COST PER UNIT	UNITS	ESTIMATED COST	
CAPITAL BIKESHARE STATION (BIKES, 11 DOCKS)	\$45,454	1	\$179,642	*INCLUDES 10 YEAR OPERATING EXPENSES
SIDEWALK EXTENSION ALONG WHEELER RD	\$20 / LF	265 LF	\$5,300	
LED STREET LIGHT IMPROVEMENTS	\$1,050	26	\$27,300	
PRELIMINARY COST ESTIMATE			\$221,702	
DESIGN/CONSTRUCTION OVERHEAD (20% OF PRELIMINARY COST ESTIMATE)			\$77,616	
<b>TOTAL</b>			<b>\$299,318</b>	
<b>COST CAP</b>			<b>\$223,484</b>	


**4 APPROVED BICYCLE AND PEDESTRIAN IMPROVEMENTS (PER SPDS)**  
SCALE: N.T.S.

NOTE:  
 1. REFER TO APPROVED SPDS SCOPE/ASSESSMENT (A-1882).

**5**



**THE PROMISE DETAILED SITE PLAN**  
ET/OD  
 DSP-19071 & DDS-685  
 PRINCE GEORGE'S COUNTY, MD  
 12TH ELECTION DISTRICT  
 100 MAP OF 191103  
 100 MAP REVISIONS 11/2022



**DETAILED SITE PLAN**  
BICYCLE AND PEDESTRIAN IMPROVEMENTS  
 PROJECT NO. **SD19071E**  
**1E**  
 SHEET NO. 1E OF 15

# LANDSCAPE AND AMENITY PLAN



# AERIAL VIEW FROM WEST AND SOUTH



AERIAL VIEW FROM WEST



AERIAL VIEW FROM SOUTH

# SOUTHERN AVENUE ELEVATIONS



# RESIDENTIAL BUILDING ELEVATION



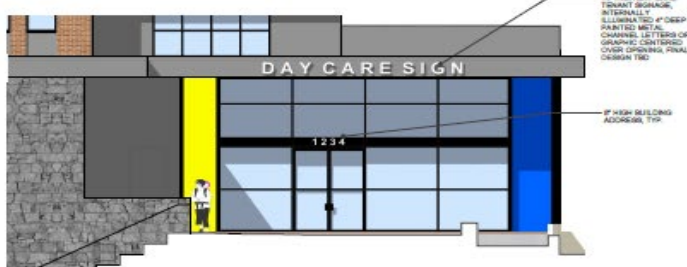
# SIGNAGE DETAILS



**A** SIDE VIEW RETAIL TENANT IDENTIFICATION SIGN - TYPE L  
 (SND) 1/4" = 1'-0"



**C** BUILDING 6 - RETAIL TENANT IDENTIFICATION SIGN - TYPE P  
 (SND) 1/4" = 1'-0"



**F** BUILDING 6 - DAY CARE SIGN AT MAIN ENTRANCE - TYPE O  
 (SND) 1/4" = 1'-0"

**B** FRONT VIEW RETAIL TENANT IDENTIFICATION SIGN - TYPE M, SIM. TO L  
 (SND) 1/4" = 1'-0"



**D** TYPICAL PARKING GARAGE SIGN - TYPE N  
 (SND) 1/4" = 1'-0"



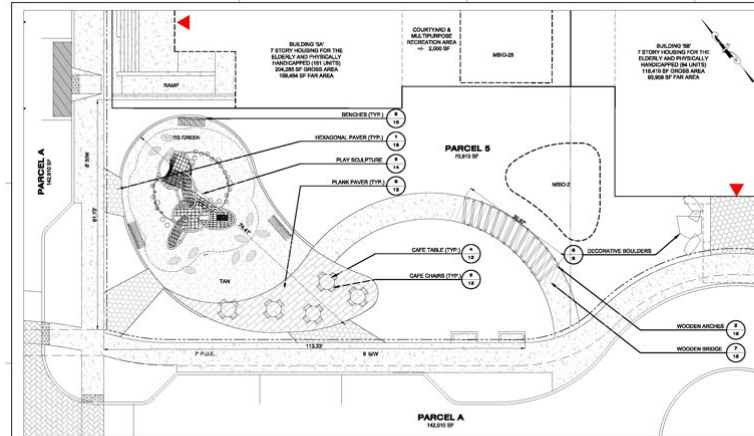
**E** TYPICAL LOADING DOCK SIGN - TYPE J  
 (SND) 1/4" = 1'-0"



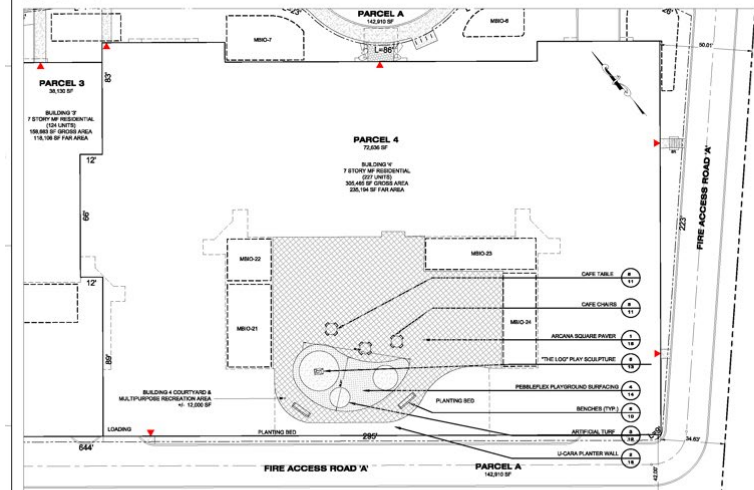
**G** TYPICAL BUILDING ENTRANCE CANOPY - TYPE K  
 (SND) 1/4" = 1'-0"



# RECREATIONAL FACILITIES



1 OPEN ACCESS RECREATION AREA  
 SCALE: 1" = 10'



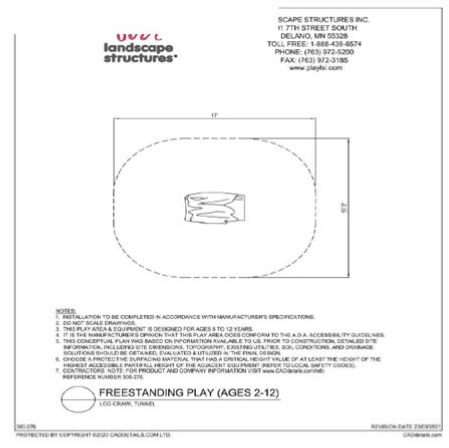
2 MULTIPURPOSE RECREATION AREA AT BUILDING 4 COURTYARD LEVEL  
 SCALE: 1" = 20'

NOTE:  
 FOR LOCATION OF UTILITIES CALL  
 811 OR 1-800-367-7777  
 ON MONDAY 8:00 AM TO 5:00 PM  
 WWW.MARYLAND111.COM  
 48 HOURS IN ADVANCE OF ANY WORK  
 IN THIS VICINITY  
 INFORMATION CONCERNING ACCESSIBILITY  
 REQUIREMENTS FOR PUBLIC ACCOMMODATION  
 UNDER THE AMERICAN DISABILITY ACT MAY BE  
 OBTAINED FROM THE U.S. DEPARTMENT OF  
 JUSTICE, CIVIL RIGHTS DIVISION, 480  
 MARYLAND AVENUE, N.W., WASHINGTON, D.C. 20530  
 OR BY CALLING 1-800-514-0301 (VOIP)  
 OR BY VISITING WWW.ADCONNECT.US



Southern Avenue Sculptural Play  
 Sparks@Play  
 10/17/16 01-01-03 + 03-08-2022

3 OPEN ACCESS PLAY SCULPTURE  
 SCALE: 1" = 10'



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# DOG PARK



**4 BONE WALK-PLAYMARK**  
 SCALE: N.T.S.

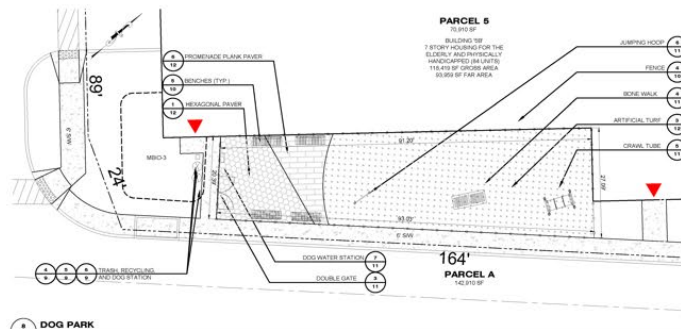
- COLOR: GREEN AND TAN
- INSTALLATION PER MANUFACTURER'S SPECIFICATIONS
- SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGES COUNTY OWNER OR OWNER'S AGENT PRIOR TO CONSTRUCTION
- SUBJECT TO GEOTECHNICAL AND STRUCTURAL RECOMMENDATIONS BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND
- EQUIVALENT SUBSTITUTIONS FOR MATERIALS PROVIDED HEREIN SHALL BE PERMITTED WHEN APPROVED BY THE OWNER/OWNER'S REPRESENTATIVE, LANDSCAPE ARCHITECT AND MISC/PC.

**8 CRAWL TUBE-PLAYMARK**  
 SCALE: N.T.S.

- COLOR: GREEN AND TAN
- INSTALLATION PER MANUFACTURER'S SPECIFICATIONS
- SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGES COUNTY OWNER OR OWNER'S AGENT PRIOR TO CONSTRUCTION
- SUBJECT TO GEOTECHNICAL AND STRUCTURAL RECOMMENDATIONS BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND
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**6 JUMPING HOOP-PLAYMARK**  
 SCALE: N.T.S.

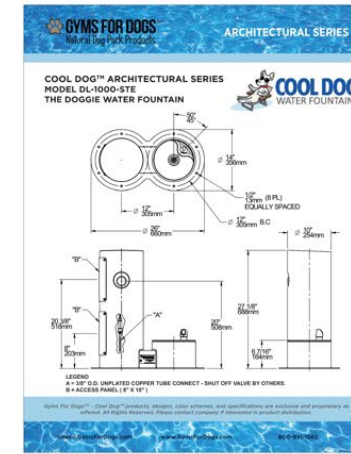
- COLOR: GREEN AND TAN
- INSTALLATION PER MANUFACTURER'S SPECIFICATIONS
- SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGES COUNTY OWNER OR OWNER'S AGENT PRIOR TO CONSTRUCTION
- SUBJECT TO GEOTECHNICAL AND STRUCTURAL RECOMMENDATIONS BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND
- EQUIVALENT SUBSTITUTIONS FOR MATERIALS PROVIDED HEREIN SHALL BE PERMITTED WHEN APPROVED BY THE OWNER/OWNER'S REPRESENTATIVE, LANDSCAPE ARCHITECT AND MISC/PC.



NOTE:  
 FOR LOCATION OF UTILITIES CALL  
 811 OR 1.800.281.7773  
 OR LOG ON TO:  
 www.811.org  
 80 HOURS IN ADVANCE OF ANY WORK  
 AT THIS SITE.

NOTIFICATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BY THE CONTRACTOR MUST BE FURNISHED TO THE STATE LOCAL OFFICE AND BUREAU OF THE MARYLAND AGENT SERVICE BY DATE OF ALL UTILITY CROSSINGS WILL BE ADVANCED OF THE START OF EXCAVATION.

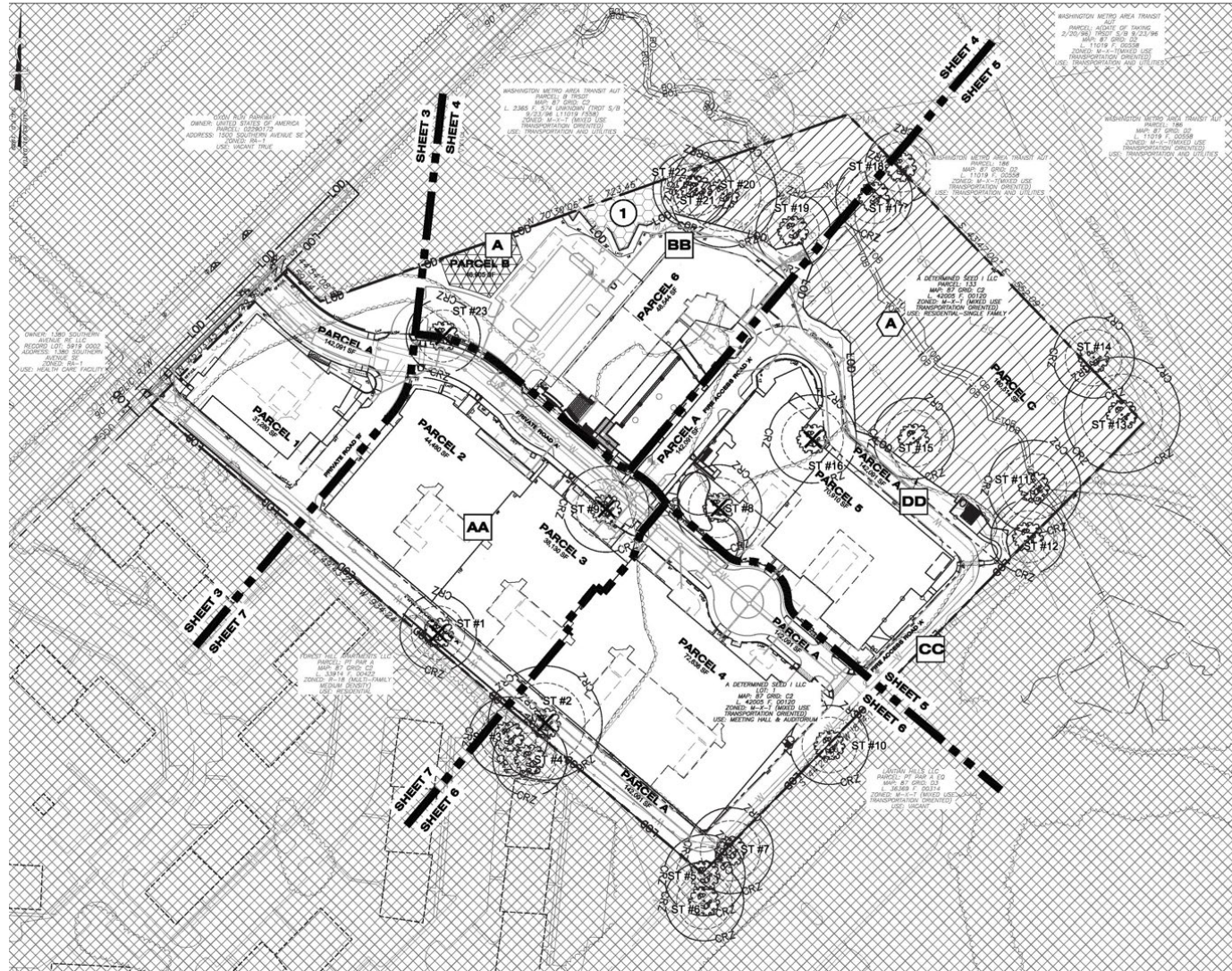
**8 DOG PARK**  
 SCALE: 1" = 10'



**7 DOG WATER STATION**  
 SCALE: N.T.S.

- COLOR: GREEN AND TAN
- INSTALLATION PER MANUFACTURER'S SPECIFICATIONS
- SHOP DRAWINGS SHALL BE SUBMITTED AND APPROVED BY PRINCE GEORGES COUNTY OWNER OR OWNER'S AGENT PRIOR TO CONSTRUCTION
- SUBJECT TO GEOTECHNICAL AND STRUCTURAL RECOMMENDATIONS BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND
- EQUIVALENT SUBSTITUTIONS FOR MATERIALS PROVIDED HEREIN SHALL BE PERMITTED WHEN APPROVED BY THE OWNER/OWNER'S REPRESENTATIVE, LANDSCAPE ARCHITECT AND MISC/PC.

# TYPE 2 TREE CONSERVATION PLAN



# STAFF RECOMMENDATION

**APPROVAL** with conditions  
**APPROVAL**  
**APPROVAL** with conditions  
**PARTIAL APPROVAL**

**Detailed Site Plan DSP-19071**  
**Departure from Design Standards DDS-685**  
**Type 2 Tree Conservation Plan TCP2-036-2022**  
**AC-22002**

**[Major/Minor] Issues:**

- N/A

**Applicant Required Mailings:**

- Information Mailing: 9/22/2021
- Acceptance Mailing: 8/31/2022



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

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

<b>Detailed Site Plan</b>	<b>DSP-19071</b>
<b>Departure from Design Standards</b>	<b>DDS-685</b>
<b>Alternative Compliance</b>	<b>AC-22002</b>
<b>The Promise</b>	
<b>Expedited Transit-Oriented Development Project</b>	

REQUEST	STAFF RECOMMENDATION
<p><b>DSP:</b> A mixed-use development containing 880 multifamily units, 134 assisted living units, and 37,810 square feet of commercial space.</p> <p><b>DDS:</b> To allow a reduction in parking space size, loading space distance, and number of street trees.</p> <p><b>AC:</b> Alternative compliance from Section 4.2 of the 2010 <i>Prince George's County Landscape Manual</i>.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> <li>•Approval of Detailed Site Plan DSP-19071</li> <li>•Approval of Type 2 Tree Conservation Plan TCP2-036-2022</li> <li>•Approval of Departure from Design Standards DDS-685</li> <li>•Partial Approval of Alternative Compliance AC-22002</li> </ul>

<b>Location:</b> On the south side of Southern Avenue, 2,100 feet north of its intersection with Wheeler Road.	
Gross Acreage:	15.10
Zone:	NAC
Prior Zone:	M-X-T/D-D-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	1,014
Gross Floor Area:	1,278,170 sq. ft.
Planning Area:	76A
Council District:	07
Municipality:	N/A
<b>Applicant/Address:</b> A Determined Seed 13308 Big Cedar Lane Bowie, MD 20720	
<b>Staff Reviewer:</b> Tom Burke <b>Phone Number:</b> 301-952-4534 <b>Email:</b> Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	11/17/2022
Planning Board Action Limit:	11/17/2022
Staff Report Date:	11/03/2022
Date Accepted:	09/13/2022
Informational Mailing:	09/22/2021
Acceptance Mailing:	08/31/2022
Sign Posting Deadline:	10/11/2022

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

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-19071  
Type 2 Tree Conservation Plan TCP2-036-2022  
Departure from Design Standards DDS-685  
Alternative Compliance AC-22002  
The Promise - Expedited Transit-Oriented Development Project

The Urban Design staff has completed the review of the detailed site plan, departure from design standards, and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

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

- a. The requirements of the Development District Overlay (D-D-O) Zone standards of the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment*.
- b. The requirements of the prior Prince George's County Zoning Ordinance, specifically for the Mixed Use-Transportation Oriented (M-X-T) Zone, the Development District Overlay (D-D-O) Zone, Expedited Transit-Oriented Development Projects, and the site design guidelines.
- c. The requirements of Preliminary Plan of Subdivision 4-19052.
- d. The requirements of the 2010 *Prince George's County Landscape Manual*.
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- g. Referral comments.

## FINDINGS

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

1. **Request:** This detailed site plan (DSP) application is for approval of a mixed-use development containing 481 multifamily residential units, 399 units for the elderly and physically handicapped, 134 assisted living units, and 37,810 square feet of commercial space. The applicant is proposing to phase the indoor and courtyard recreational facilities.

The applicant also requests a departure from design standards (DDS) to Section 27-558(a) of the prior Prince George's County Zoning Ordinance, for a reduction in the size of standard parking spaces to 9 feet by 18 feet for both structured and surface parking spaces.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	NAC	NAC (Prior M-X-T/D-D-O)
Use(s)	Vacant	Multifamily and Commercial
Gross and Net Acreage	15.10	15.10
Gross Floor Area (sq. ft.)	0	1,278,170 sq. ft.
Of which commercial/retail	-	37,810 sq. ft
Parking Garage	-	284,613 sq. ft *
Floor Area Ratio (FAR)	0	1.495

**Note:** \*The parking garage area was not tabulated on the DSP. A condition has been provided in the Recommendation section, to provide a column in the Development Use Summary for building area devoted to vehicular parking and parking access.

### Parking and Loading Data

<b>Parking Requirements*</b>	<b>PROVIDED</b>
Surface parking spaces	78
On-street parallel parking spaces	31
Garage parking spaces	751
<b>Total Parking Spaces</b>	<b>860</b>

**Note:** \*Pursuant to Part 11, Parking and Loading, Section 27-568 of the prior Zoning Ordinance, the number of parking spaces required for the residential units and commercial uses in the Mixed Use-Transportation Oriented (M-X-T) Zone is to be calculated by the applicant and submitted to the Prince George's County Planning Board for approval, at the time of DSP, as stated in Section 27-574 of the prior Zoning Ordinance. As discussed in Finding 8.g., staff finds that the provided parking is sufficient for the proposed development.

<b>Loading Spaces</b>	<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Multifamily dwelling	1 per 100 to 300 residential units	3	3
Apartment housing for the elderly and physically handicapped	1 per 100 to 300 residential units	4	4
Grocery	1 per 2,000 to 10,000 square feet	1	1
Retail	1 per 2,000 to 10,000 square feet	2	2
<b>Total Loading Spaces</b>		<b>10</b>	<b>10</b>

3. **Location:** The subject property is located on the south side of Southern Avenue, 2,100 feet north of its intersection with Wheeler Road, in Planning Area 76A and Council District 7, in Temple Hills. The site is also within the prior Development District Overlay (D-D-O) Zone designated by the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA), as adopted in Prince George’s County Council Resolution CR-10-2014.
4. **Surrounding Uses:** The subject site is bounded on the north by a wooded buffer to the Southern Avenue Metro Station, in the Neighborhood Activity Center (NAC) Zone; on the east by an undeveloped, former surface mining site in the Residential, Multifamily-20 (RMF-20) Zone; to the south by a multifamily community in the RMF-20 Zone; and to the west by Southern Avenue, with an institutional use in the District of Columbia beyond.
5. **Previous Approvals:** The 15.10-acre property, known as Lot 1, Byrne Manor, is recorded in the Prince George’s County Land Records in Plat Book WWW 50, page 57. The property is currently vacant and partially wooded but was formerly developed with a commercial use.

The Southern Green Line Station Area Sector Plan and SMA retained the underlying prior M-X-T Zone for the property, but also established a D-D-O Zone over the entire sector plan boundary. The sector plan focuses on subareas surrounding the four Metrorail stations within the plan area, with design concepts, standards, and guidelines to ensure transit- and pedestrian-oriented redevelopment in the urban form. However, the Southern Avenue station area does not contain any specific standards.

Preliminary Plan of Subdivision (PPS) 4-19052 was approved by the Planning Board on November 18, 2021 (PGCPB Resolution No. 2021-141), for nine parcels.

6. **Design Features:** The applicant proposes to develop this site with 1,014 residential units, including 481 multifamily units, 399 units for the elderly or physically handicapped, and 134 assisted living units. The site is also proposed to contain 18,946 square feet of grocery store, 9,411 square feet of retail space, and a 9,453-square-foot, 150-student daycare center. Both indoor and outdoor amenities will be provided, allowing residents and guests access to public and private social areas, outdoor benches and plazas, rooftop gathering, indoor fitness centers, playgrounds, and a Capital Bikeshare station.





### **Site Layout**

This proposal is designed with a main avenue that will extend from the narrow street frontage along Southern Avenue to the southeast side of the property. This main avenue will bisect the irregularly shaped property into two sides and will be lined with a variety of mixed-use buildings, plazas, park-like open spaces, sidewalks, and landscaping for an active, pedestrian-centric streetscape. Most of the parking will be within structured garages, which will be fully concealed within the residential and retail façades. A limited area of surface parking (78 spaces) will be provided for a portion of the retail uses and limited on-street parallel parking (31 spaces) will be provided throughout the site.

### **Architecture**

The residential buildings will be five stories on top of two garage levels, with façades containing a combination of brick, stone, cementitious siding, cementitious panels, metal, glass, and wood accent materials. The elevations show curated elements such as larger windows and more prominent massing on the front corners, to emphasize the entrance into the community. A mix of inset and projecting balconies with metal railings are shown throughout the buildings to provide private outdoor space for the residents.

The main entrances to the residential buildings will be centrally located along the long façade of each building facing the main promenade. Cable-hung steel canopies with a channel-letter sign offering the building address across the top of each canopy and a projecting building section with wall sconces on either side of the entryways emphasize the prominence of the main building entrances. A building name will be provided on a painted metal backer plate above the second story windows, over the entrance canopy. Each building will include rooftop amenities and a courtyard with planting beds and an area for multi-use recreation. The parking garage and loading entries will be understated, located away from the central focus of the building, yet visible with signage identifying the garage entrance. The garage and loading entrances are proposed in beige to match the brick siding material, and will have high speed, overhead, coiling doors.



The retail units and daycare center will be incorporated into the residential building design, with the facades articulated by an abundance of storefront fenestration and a natural, grey stone veneer. Sufficient space is provided on the sidewalks in front of the retail units for the placement of bistro tables or other seating opportunities.



### **Green Building and Sustainable Site Development Techniques**

The project will be designed using the principles of Passive House to manage moisture, thermal transfer, air, and sunlight to create comfortable, healthy, and superefficient buildings. The building envelope will be designed with continuous insulation, thermal bridge-free design, airtight construction, high-performance windows and doors, and filtered fresh air with heat recovery. The residential units will be designed with energy-efficient heating, ventilating, and air conditioning (HVAC) units with programmable thermostats. Each building has been designed to maximize daylighting to as many units as possible. In addition, a heat island effect will be minimized with the use of a highly reflective cool roofing system to reflect sunlight heat including ultraviolet rays and solar heat. Cool roofs are white or light-colored roofs that have reflective properties.

Wherever possible, sustainable and recycled products will be used in the construction of the project. Prefabrication and modular construction are planned to be used. This will allow the structure to be built within a controlled environment. The materials needed are accurately measured in advance, resulting in less waste and more efficient structures.

Indoor air quality will be significantly improved through the use of low-emitting materials such as adhesives and sealants, paints and coatings, carpet systems, composite wood, and Agri fiber products, reducing the release of pollutants into the indoor environment.

High-efficiency lighting with controllability will be used throughout the project. Energy Star rated high-efficient residential appliances and fixtures, and water-efficient plumbing fixtures will be used to reduce the use of water and energy.

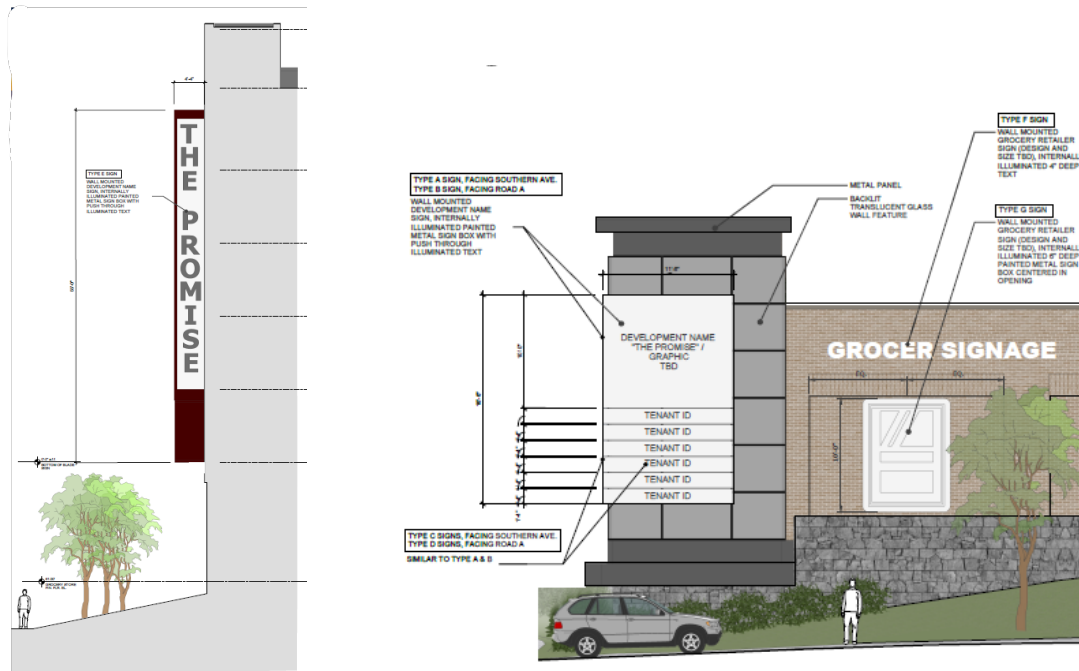
The roofs and infrastructure of the buildings will be designed to accommodate future photovoltaic panels to produce electricity directly from sunlight.

**Signage**

The applicant is proposing several signs for the multiple buildings and multiple retail uses.

**Parcel 1**

At the main entrance, the building located on Parcel 1 will have a blade sign with the community’s name on the residential portion of the building, a building mounted sign displaying the community’s name, the grocery tenant, and the other property tenants, and two additional grocery identification signs. The blade sign will be two-sided, 55 feet tall, vertically mounted, and extending approximately 4 feet from the face of the western building façade on Southern Avenue. This two-sided sign will be an internally illuminated, painted metal cabinet with push-through illuminated text.



The building mounted signage will be located on the front façade facing Southern Avenue, and at each of the customer entrances to the grocery store. A wall mounted, grocery store sign will face Southern Avenue, directly mounted to the brick façade, and be internally illuminated. The building mounted sign, displaying the community graphic and the tenant names, will be placed on the west side facing Southern Avenue, and wrapping the northwest corner to display the same information facing north. These signs will be affixed to a backlit

translucent glass wall, capped with a painted metal panel. The signs will be internally illuminated on a painted metal sign box with push through illuminated text. The sign at the north customer entrance will be similar to the front façade sign, displaying the grocery store name, but at a smaller scale, and the sign at the east side customer entrance will be much smaller with eight-inch lettering on a painted metal backer plate.

### **Parcel 2**

On the northwest corner of the building on Parcel 2, retail signage will be located over the customer entrances on each side of the northwest corner of the building, where it extends out from the residential towers above.

### **Parcels 3-5**

The residential towers will all have address signage over the doorways, with 8-inch lettering on a painted metal backer plate and similar directional signs at the entrances to the garages.

### **Parcel 6**

On the front façade of Parcel 6, facing Southern Avenue (although mostly obscured by off-site woodland), four retail signs are proposed above each retail entrance. These signs will have lettering directly mounted to the stone façade and internally illuminated. The lettering size and design is to be determined by the specific tenants. On the south side of Parcel 6, facing the private road, the day care center sign will be located above the entrance and will be 14-inch, internally illuminated channel letters.

The signage schedule provided with this application shows a total of 1,989 square feet of total sign area among the six proposed parcels for the community. Sections 27-613(f)(1) and 27-614(e)(1) of the prior Zoning Ordinance state that the design standards for all signs attached to a building and all on-site freestanding signs should be determined by the Planning Board, for each individual development in the M-X-T Zone, at the time of DSP review. Each DSP should be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information deemed necessary. In approving signage, the Planning Board is required to find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and the signage should be in keeping with the remainder of the mixed-use zone development. Staff believes that the proposed signage meets the requirements and recommends approval, as discussed above.

### **Exterior Lighting Fixtures**

A full site photometric plan illustrating minimum lights levels provided by the fixtures was submitted with this DSP. The primary light fixture for the site is a light emitting diode (LED) light on a 20-foot-high pole. This lighting fixture is located throughout the project and is intended to illuminate the parking, drive aisles, entrances, and sidewalks. All lighting fixtures are full cut-off type. Specialty night lighting is intended to highlight the most attractive portions of the façade of the proposed buildings.

## Recreational Facilities

At the time of PPS 4-19052, it was determined that the mandatory parkland dedication of 15 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission for public parks, which equates to 2.13 acres, but that this would be met through on-site private recreational facilities.

The recreational amenities for this site are proposed as a combination of indoor and outdoor facilities. The site will have a Capital Bikeshare station with docking for 11 e-bikes. In addition, there will be indoor and outdoor bike racks for each building, totaling 183 and 83 spaces, respectively. An approximately 7,000-square-foot playground with an open-access play sculpture, café chairs and tables, benches, decorative boulders, and a wooden arch with a wooden bridge are proposed in the center of the community. The plans show the multipurpose recreational courtyard for Building 4 will be 12,000 square feet and include a log play sculpture, with café tables and chairs, benches, and will be surrounded by a planting bed and planting wall. The other buildings will also have multiuse courtyards totaling 35,000 square feet, and rooftop facilities; however, since the applicant is requesting to phase the indoor and courtyard recreational facilities for each building, the specific amenities for residential buildings other than Building 4 have not been detailed on the plans provided. At this time, only the indoor and courtyard recreational facilities for Building 4 are being proposed for approval. A condition is included herein, requiring that the approval of an amended DSP application(s) will be necessary prior to approval of any permits for the other residential buildings on this DSP. The size and scope of facilities proposed in Building 4 will be used as a guide in reviewing and approving the facilities in the other buildings.

The dog park will be an enclosed area located on the eastern side of the property, adjacent to Building 5B. The dog park will be approximately 2,500 square feet, set on pavers and artificial turf, and will include a watering station, benches, and canine agility furnishings.

The picnic pavilion will be located on the northeast corner of the development site, utilizing an existing approximately 1,000-square-foot building foundation. The picnic area will have a wood pergola and picnic tables with benches and accessed via a short trail extending from the sidewalk on the east side of Building 5. Although the DSP shows a plan view of the pavilion, elevations were not provided. A condition is included herein to provide elevations of the proposed picnic pavilion on the existing foundation platform.

Plaza and patio areas will be located adjacent to the commercial and daycare uses and contain open areas with benches and/or tables. Stone benches are shown throughout the site along the internal sidewalks; however, staff recommends that benches be placed nearer to the entrances to the buildings throughout the site.

Each residential building will include a fitness center ranging from 650 square feet to 900 square feet. However, this DSP application is only requesting approval of the outdoor recreational facilities, and the indoor and courtyard recreational facilities for Building 4.

In addition to the on-site recreational facilities, at the time of PPS, the applicant proffered to provide 265 linear feet of closure to sidewalk gaps along the north side of Wheeler Road, and upgrade 36 area streetlights with LED bulbs.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **2014 Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment and D-D-O Zone Standards:** The Southern Green Line Station Area Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and superimposes a development overlay zone on the area within a half-mile of the Southern Avenue Metro Station, with the intent that the D-D-O Zone design standards advance the County and sector plan's vision of Southern Avenue as a priority area for transit-oriented development.
8. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the D-D-O Zone, the M-X-T Zone, and expedited transit-oriented development (ETOD) projects in the prior Zoning Ordinance.
  - a. Section 27-548.25(b) of the prior Zoning Ordinance requires that the Planning Board shall find that the site plan meets applicable development district standards in order to approve a DSP.
  - b. In accordance with Section 27-546(d) of the prior Zoning Ordinance, in addition to the findings required to approve a DSP, the Planning Board shall make the following findings for projects in the M-X-T Zone.
    - (1) **The proposed development is in conformance with the purposes of the M-X-T Zone as stated in Section 27-542(a) of the Zoning Ordinance, as follows:**
      - (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The DSP proposes to develop a site within one-half mile of the Southern Avenue Metro Station, with a mix of residential and retail uses, including a grocery store. The property is in a regional transit center, as stated in the Prince George's County Growth Policy Map of the 2014 *Plan Prince George's 2035 Approved General Plan*. The vision for the regional transit center is to promote the County's planned growth and mixed-use development around the Southern Avenue Metro Station area.
      - (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The subject site is located within the transit-oriented development half-mile walk circle, as shown on the sector plan. The sector plan recommends a mix of moderate and high-density development within walking distance of the transit station to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station. The proposed development is one of the envisioned components by the plan.

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

The proposed development plan takes full advantage of the development potential and mix of uses including residential, retail, and grocery uses in the M-X-T Zone, as envisioned by the Southern Green Line Station Area Sector Plan and SMA.

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

The overall subject site is located within a half-mile of the Southern Avenue Metro Station. This location is so well served by public transportation and a complete pedestrian network that a person will not need an automobile to access the metro. The proposed site layout further facilitates walking, bicycle, and transit use, and includes a Capital Bikeshare station on the premises.

- (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;**

The proximity of the site to the Southern Avenue Metro Station, the mix of uses proposed on-site, and the surrounding area will contribute to enhancing a dynamic 24-hour environment.

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

This development consists of a mix of horizontal and vertical uses which will integrate the retail and residential uses to serve the future residents and patrons of this site.

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

The structures and façades proposed with this development will be varied and distinctive, providing residents and guests with visual interest and variety from the streetscape. The residential and retail uses will contribute to a dynamic functional relationship and a distinctive visual identity for the area including the subject site.

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

The project will incorporate water-efficient landscaping and innovative wastewater technologies. The project is also using several bioretention areas to control, clean and contain stormwater runoff on the site so that the runoff is not released into the existing sewer system. A heat island effect will be minimized with the use of structured parking garages to decrease the need for surface parking and increase the amount of pervious site area available for site amenities and landscaping.

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

The subject application is proposing residential housing for the elderly and physically handicapped, a daycare center, a mix of retail uses, and a grocery store. This pattern of development represents the goals of the M-X-T Zone, by bringing the mix of uses to a single site with spaces suitable for adapting to market changes.

**(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 (CB-84-1990; CB-47-1996; CB-78-2006).**

The proposed development includes architectural elevations that have been reviewed by the Urban Design Section and are acceptable.

**(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;**

This site was retained in the M-X-T and D-D-O Zones by the Southern Green Line Station Area Sector Plan and SMA.



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

The buildings on the site are oriented toward Southern Avenue with a variety of façade heights and architectural treatments, and a mix of ornamental trees, shrubs, and herbaceous plantings along the frontage. The side elevations will be proportionally divided into visually smaller forms and will be adjacent to four story, garden-style multifamily units to the south, and the Southern Avenue Metro Station to the north. The visual appeal and variety of on-site open spaces, plazas, and retail will integrate with and catalyze adjacent community improvements and rejuvenation.

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

The existing and proposed development along Southern Avenue in this area is primarily low- to medium-density commercial, and medium-density residential uses, consistent with the proposed development.

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

The mix of uses will provide the residents and visitors to the site with a variety of retail, daycare, grocery, and outdoor spaces. These, coupled with the proximity to the Southern Avenue Metro Station, a bus stop near the entrance on Southern Avenue, and a Capital Bikeshare station will provide an independent environment, with reasonable access to area amenities.

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

The DSP is a single-phase development.

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

The network of sidewalks along each side of the internal roads provides easy access throughout the site from the residential units to the site amenities and retail uses. The sidewalks also connect with an existing sidewalk network on Southern Avenue for access to the bus stop, the Southern Avenue Metro Station, and other area communities and resources.

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

The proposed buildings present a mix of materials and front elevations scaled back with lower building elevations along the streetscape, and the higher elevations set back for a more human scale experience at the ground level with the variety of seating, plazas, and green space throughout the site.

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

The subject application is a DSP, and no conceptual site plan (CSP) is required per the ETOD process. This requirement is not applicable.

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

PPS 4-19052 was approved by the Planning Board on November 18, 2021, when a finding of adequacy was made.

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

The subject site contains a total of 15.10 acres. Therefore, this requirement does not apply.

- c. The DSP application is also in conformance with additional regulations of the M-X-T Zone as follows:

**Section 27-547. Uses permitted.**

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

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

Section 27-290.01(a)(1) of the prior Zoning Ordinance provides that ETOD projects located in a mixed-use zone, where a site plan approval is required, shall be exempt from applicable site plan requirements other than a DSP. Therefore, this site was not subject to the review of a CSP. The uses proposed with this application are for (1) retail businesses and (3) dwellings, satisfying the requirement of Section 27-547 of the prior Zoning Ordinance.

**Section 27-544. Regulations.**

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

The plan has been reviewed in accordance with the above applicable provisions of the prior Zoning Ordinance.

**Section 27-548. M-X-T Zone.**

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

**(2) With the use of the optional method of development—8.00 FAR.**

The D-D-O Zone standards of the sector plan do not amend this FAR requirement for the Southern Avenue subarea. The DSP proposes a 1.495 FAR, which is consistent with the optional method of development requirements in the M-X-T Zone. The optional incentives for this application include residential uses and outdoor plazas. The FAR has not been provided on the plan. A condition has been provided in the Recommendation section, to clearly indicate the FAR on the DSP.

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

The proposed development consists of multiple buildings on multiple lots. The DSP satisfies this requirement.

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

The DSP shows a layout for the development of this project consisting of multiple buildings with dimensions provided.

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

The landscaping, screening, and buffering issues have been reviewed along with this DSP. Finding 11 below provides a detailed discussion of the landscaping proposed.

**(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.**

As discussed previously, this site was not subject to approval of a CSP; however, the applicant has applied the floor area ratio in accordance with this provision. The floor area ratios appear to exclude areas devoted to parking. However, the Development Use Summary on the DSP is not clear.

A condition is provided in the Recommendation section, to include a column for building area devoted to vehicular parking and parking access.

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

All buildings will be located outside of the 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.**

The site has very limited frontage on the public right-of-way, Southern Avenue. One lot/building has frontage on Southern Avenue, with the remaining having frontage on private rights-of-way within the site.

- d. In accordance with Section 27-107.01(a)(242.2)(B) of the prior Zoning Ordinance, this DSP is an eligible ETOD project, as follows:

**(242.2) Transit Oriented Development Project, Expedited: A development proposal, designated for expedited review in accordance with Section 27-290.01 of this Subtitle, where**

- (B) **for a constructed Washington Metropolitan Area Transit Authority (“WMATA”) Metrorail station for which there is no approved TDOZ, the subject property has greater than fifty percent (50%) of its net lot area located within a one-half mile radius of the constructed WMATA Metrorail station as measured from the center of the transit station platform**

The subject site is located completely within a one-half mile radius of the Southern Avenue Metro Station platform. Section 27-290.01 of the prior Zoning Ordinance sets out the requirements for reviewing ETOD projects, including submittal requirements, use restrictions, review procedures, the roles of the Prince George’s County District Council and Planning Board, and the time limit for both Planning Board and District Council actions.

- (b) **As a condition of site plan approval, an Expedited Transit-Oriented Development Site Plan shall:**

- (1) **Use the best urban design practices and standards, including:**

- (A) **Encouraging a mix of moderate and high-density development within walking distance of a transit station to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station and gradual transition to the adjacent areas;**

This site is located within one-half mile of the Southern Avenue Metro station. The proposed development is considered a high-density development surrounded by various other uses.

**(B) Reducing auto dependency and roadway congestion by:**

- (i) Locating multiple destinations and trip purposes within walking distance of one another;**
- (ii) Creating a high quality, active streetscape to encourage walking and transit use;**
- (iii) Minimizing on-site and surface parking; and**
- (iv) Providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;**

This site is located within one-half mile of the Southern Avenue Metrorail station and has a public bus stop along its frontage. The proposal is minimizing parking to the extent practical, is providing a Capital Bikeshare station on-site, and is designed for a pedestrian focused lifestyle.

**(C) Minimizing building setbacks from the street;**

The site has very limited frontage on Southern Avenue. However, given this constraint, the applicant is developing the site with minimal setbacks to Southern Avenue and to the main roads within the community for an active, urban experience.

**(D) Utilizing pedestrian scale blocks and street grids;**

The site is limited in area, but the proposal provides a main avenue through the center of the site, with variation and visual interest for a pedestrian scale experience.

**(E) Creating pedestrian-friendly public spaces; and**

Plazas, patios, and recreation areas have been provided throughout the site, accessed by sidewalks on both sides of the internal roads.

**(F) Considering the design standards of Section 27A-209.**

Although Subtitle 27A was technically repealed by Prince George's County Council Bill CB-77-2021, the former subtitle is a pertinent reference regarding design standards in an ETOD development. Section 27-209 of the prior Zoning Ordinance contains general design principles of urban centers as stated below:

- (a) Building Façades should be aligned and close to the Street. Buildings form the space of the Street.**
- (b) The Street is a coherent space, with consistent building forms on both sides. Buildings facing across the Street-Space contribute to a clear public space and Street-Space identity.**
- (c) Multimodal, complete Streets incorporating well-designed pedestrian, bicycle, transit, and auto facilities are essential elements of the Urban Centers and Corridor Nodes.**
- (d) Consideration of the natural environment is paramount in the Urban Centers and Corridor Nodes. All new development should be designed in accordance with best practices of environmentally-sensitive site design and sustainability. Development within the Urban Centers and Corridor Nodes shall demonstrate consideration of the natural environment through several means, including the environmental infrastructure Functional Overlay, Regulating Plan, and Permit Site Plan application.**
- (e) Regulated Environmental Features shall be preserved, protected, and restored to a natural state to the fullest extent possible.**
- (f) Buildings oversee the Street-Space with active fronts. This overview of the Street-Space contributes to safe and vital public spaces.**
- (g) In an urban environment, property lines are generally physically defined by buildings, walls, or fences. Land should be clearly public or private—in public view and under surveillance or private and protected from view.**

- (h) Buildings are designed for neighborhoods, towns, and cities. Rather than being simply pushed closer together, buildings should be designed for the urban situation within towns and cities. Views are directed to the Street-Space and interior gardens or courtyards to highlight these key amenities for the community and reinforce visual surveillance and sense of communal ownership of these spaces.**
- (i) Vehicle storage and parking (excluding on-Street parking), garbage and recycling storage, and mechanical equipment are kept away from the Street-Space.**

The DSP is consistent with the applicable design principles of Section 27A-209 of the prior Zoning Ordinance regarding the following: building façades, complete streets, multimodal transportation options, active street fronts, pedestrian-friendly public plaza, well-defined street walls, and attractive streetscapes.

- (2) provide a mix of uses, unless a mix of uses exists or is approved for development in the adjacent areas,**

The DSP proposes multifamily residential and commercial/retail uses, including a grocery store.

- (3) not include the following uses, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in this Subtitle (or otherwise, the normal dictionary meaning):**

- (A) Adult entertainment;**
- (B) Check cashing business;**
- (C) Liquor store;**
- (D) Pawnshop or Pawn Dealer;**
- (E) Cemetery;**
- (F) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);**
- (G) Wholesale trade, warehouse and distribution, or storage (including self-service storage, mini-storage, and any storage or salvage yards);**



- (H) Industrial;**
- (I) Amusement park;**
- (J) Strip commercial development (in this Section, “Strip commercial development” means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);**
- (K) Sale, rental, or repair of industrial or heavy equipment;**
- (L) Any automobile drive-through or drive-up service;**
- (M) Secondhand business (in this Section, a “Secondhand business” is an establishment whose regular business includes the sale or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);**
- (N) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary use;**
- (O) Beauty supply and accessories store (in this Section, a “Beauty supply and accessories store” is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail.), except as an ancillary use; or**
- (P) Banquet halls, unless accessory to a restaurant, tavern, hotel, or convention center.**

None of the above prohibited uses are included in this DSP.

**(4) Comply with the use restrictions of Section 27A-802(c), and**

Section 27A-802(c) provides restrictions on public utility uses or structures within the Urban Center District that also require the overall design of those uses and structures to be harmonious with development in general. This site has very limited frontage, approximately 250 feet, along Southern Avenue. All the public utilities serving this site are already installed within Southern Avenue and this project only needs to connect to the existing utilities.

- (5) **Be compatible with any site design practices or standards delineated in any Master Plan, Sector Plan or Overlay Zone applicable to the area of development. To the extent there is a conflict between the site design practices or standards of subsection (b)(1), above, and those of a Master Plan, Sector Plan or Overlay Zone applicable to the area that is proposed for development under this Section, the site design practices, and standards of the Master Plan, Sector Plan or Overlay Zone shall apply.**

This application is generally compatible with the governing Southern Green Line Station Area Sector Plan and SMA; however, there are no standards that apply to this subarea within the sector plan.

- (6) **Nothing in this Section shall be interpreted to preclude projects that include the uses described in subsection (b)(3), above, from proceeding without the use of expedited review prescribed in this Section.**

This requirement is not applicable to this DSP because none of the uses listed in (b)(3) are specified in this DSP.

- e. **Departure from Design Standards DDS-685:** The applicant has submitted a DDS to allow the following:

1. A reduction of the standard, nonparallel parking space size from 9.5 feet by 19 feet to 9 feet by 18 feet, pursuant to Section 27-239.01 of the prior Zoning Ordinance.
2. Relief from Section 27-579 of the prior Zoning Ordinance, to allow loading spaces less than the required 50 feet from residential uses. On Parcel 1, the applicant proposes to accommodate a grocery store footprint with two enclosed loading areas. The distance from the grocery loading access on Parcel 1 is 36 feet from the property line, and thus, the departure request is for 14 feet. In addition, a combined total of three loading spaces on Parcels 2, 3, and 4 are proposed at 42 feet from the residential use, thus requiring a departure of 8 feet. The loading areas will be interior, within the parking garages, and completely screened; and
3. A reduction in the street trees along the private roads, as required in the 2010 *Prince George's County Landscape Manual* (Landscape Manual), Landscape Section 4.10(c)(2). The applicant provides that with the limited space within the private rights-of-way for the placement of necessary utilities, stormwater management (SWM) devices, the required shade trees, and the topographical challenges of the site, the applicant is seeking relief for Private Roads A and B, and Fire Access Road A. Alternative Compliance AC-22002 was recommended for disapproval by the Planning Director on November 1, 2022.

The applicant has submitted a statement of justification to address the required findings for a DDS indicated in Section 27-239.01(b)(7)(A) of the prior Zoning Ordinance.

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

**(i) The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

The applicant intends to develop a vibrant, pedestrian-oriented, mixed-use site, and due to site constraints such as size, configuration, topography, and regulated environmental features, the applicant is seeking relief from the strict conformance to the Prince George’s County Code. The purposes of this Subtitle will be better served by fulfilling the purposes of the sector plan and concentrating development with a mix of uses within one-half mile of the metro station. Specifically, the reduced parking space size allows for a more compact and efficient structured parking design, while providing off-street parking sufficient to serve the needs of the project. The reduction in the distance from the loading spaces to the residential uses is an inevitable byproduct of consolidating a mix of uses on a site. To counter the reduction in the shade trees, the applicant is providing several other amenities, and extra evergreen and ornamental trees.

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

The departure is necessary to fulfill the vision of the sector plan by providing a compact, vibrant, mixed-use community close to the metro station, while preserving the regulated environmental features on the property.

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

Staff agrees that the departure is necessary to alleviate circumstances specific to the site. In addition to the topographical and environmental conditions of the site, consideration should also be given to the fact that the proposed development is in an urban setting, situated along the border of the District of Columbia. Developing in an urban setting often requires a more compact approach to the layout.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

Staff finds that the departures will enhance the visual and functional quality of this community and the surrounding neighborhoods by providing a walkable community in close proximity to the Southern Avenue Metro Station and will be providing several retail amenities for the surrounding communities. The departure will allow for a more efficient yet fully functional parking and circulation design that will serve the needs of the community.

Based on the analysis above, staff supports Departure from Design Standards DDS-685, for a departure to allow standard, nonparallel parking space size of 9 feet in width by 18 feet in length; to allow loading spaces to be located 36 feet and 42 feet from residential uses; and to allow a reduction in the number of street trees provided along a private road, in accordance with Section 4.10 of the Landscape Manual.

- f. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance, as cross-referenced in Section 27-283 of the prior Zoning Ordinance. The site design guidelines address general site and building design including parking, loading and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture. The specific applicable elements, as set forth in Section 27-274, are addressed below.

The surface and garage parking are located and designed to provide safe and efficient vehicular and pedestrian circulation for the site.

The vehicular and pedestrian circulation routes are designed in accordance with the guidelines to ensure safe, efficient, and convenient traffic flow and access. Parking and loading spaces will be clearly marked and signed and are separated, to the extent possible, from conflicting vehicular circulation. Barrier-free access is provided to the various building entrances.

A photometric plan is included with the DSP and shows that the lighting provided will illuminate important on-site elements such as the parking areas, entrances, and pedestrian pathways.

This development will create an inviting and well scaled main entrance along Southern Avenue and will provide tree canopy coverage (TCC) in accordance with the current regulations.

The green area will be provided on-site in accordance with the Landscape Manual.

The site and streetscape amenities are designed in accordance with these guidelines with on-site lighting fixtures, seating, and plazas coordinated to be attractive.

The site is designed to meet the grading requirements and the proposed SWM is designed to meet or exceed current Prince George's County regulations.

Service and loading areas are located inside the parking garages. These service areas are accessible, but not obtrusive. They will be adequately screened from the public view.

Public spaces and plazas are designed throughout the community. The architectural and landscape site plans show the spaces, and their organization, design, and features. The spaces are well defined by the building massing and facade design. The plazas comprise shade trees, landscaping, furnishings, lighting, and paving scaled to accommodate groups or individuals. Pedestrian pathways are clearly indicated.

The architecture proposed for this site is contemporary and serves the purposes of the intended building typologies. The finish materials are durable and of good quality.

- g. Section 27-574 provides that the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b) of the prior Zoning Ordinance.

The applicant submitted a parking analysis detailing the proposal for 860 on-site parking spaces for all the proposed uses. The methodology in Section 27-574 requires that parking be computed for each use, in accordance with Section 27-568. Using the parking schedule, the analysis determined that under a conventional review, the uses on this site would require 1,214 parking spaces. The parking analysis then considered the peak parking demand for each use, the provisions of mass transit with public bus service at the frontage on Southern Avenue and Metrorail within a half mile of the site, and the mix of residential, retail, grocery, and daycare services provided on the site, and concluded that an overall parking requirement of 827 parking spaces would be sufficient.

In consideration of the information provided in the applicant's parking study, staff agrees that the site plan provides adequate parking for the proposed uses in accordance with Section 27-574.

- 9. **Preliminary Plan of Subdivision (PPS) 4-19052:** On November 18, 2021, the Planning Board approved PPS 4-19052 (PGCPB Resolution No. 2021-141) for this property with 18 conditions. The following conditions in **bold** text are relevant to this DSP application, with the staff analysis of the project's conformance to the conditions following each condition in plain text:

- 2. **A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.**

This DSP is proposing development consistent with the approved PPS.

3. **Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, 36900-2020-00, and any subsequent revisions.**

The approved SWM concept plan and letter were submitted with the subject DSP. The concept plan shows only one outfall structure to the northeast of the facility that outlets into an ephemeral stream channel that drains into the on-site stream system. No SWM fee for on-site attenuation/quality control measures is required.

6. **Total development within the subject property shall be limited to uses which generate no more than 492 AM peak-hour trips and 523 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require approval of a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.**

The uses and total gross floor area proposed in this application are within the development anticipated per PPS 4-19052. The applicant has submitted a trip generation memo as part of the DSP submission. The trip generation memo indicates that the approved trip cap established in the PPS considers the development of 1,032 dwelling units, an 18,500-square-foot grocery store, 10,275 square feet of retail use, and a 10,894-square-foot day care center. The number of dwelling units and overall density for the retail use approved with the PPS are slightly higher than the overall amount proposed with the subject DSP, but the square footage of the grocery store approved with the PPS is slightly lower than the amount proposed with the DSP. The trip generation study considers the construction of a proposed mixed-use development, as previously described above, that consists of a combination of residential units, a grocery store, general retail uses, and day care uses resulting in the generation of 384 AM peak period trips and 482 PM peak period trips. While the subject DSP differs slightly from the approved PPS, the trips associated with this proposal are within the peak-hour trip cap approved in PPS 4 19052. However, staff has identified inconsistencies in the latest DSP submission which misallocates the number of overall proposed dwelling units. Specifically, the density provided in the general notes section is not consistent with the rest of the plan sheets, and staff has confirmed with the applicant that the calculation was provided in error. As a condition of approval, staff recommends that the general note sheet is updated to reflect 481 multifamily residential units and 504 senior living housing units, which results in a total of 981 residential units.

11. **Prior to acceptance of a detailed site plan, the package shall contain an arborist's evaluation, prepared in accordance with Part B, Section 5.2.3C of the Environmental Technical Manual, for all specimen trees whose critical root zones cannot be wholly preserved. Every effort shall be made to preserve the specimen trees not approved for removal with the preliminary plan of subdivision.**

This condition was met with the DSP submission and the arborist evaluation provided the professional determination about the status of the specimen trees with proposed impacted root zone.

- 13. The applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicyclist adequacy improvements approved with Preliminary Plan of Subdivision 4-19052, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations as part of any Detailed Site Plan submission.**

The applicant has provided a bicycle and pedestrian facilities plan on sheets 1D-1E of the DSP, which includes locations, limits, specifications, and details of bicycle and pedestrian facilities.

- 14. Prior to acceptance of any detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide plans that illustrate the location, limits, specifications, and details displaying the following facilities, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence:**

- a. Standard sidewalks along both sides of all new roads.**
- b. Crosswalks at all locations where sidewalks intersect with roads.**
- c. Bicycle parking throughout the development.**

The applicant's submission accurately displays crosswalks at all locations where sidewalk facilities intersect with roadways. In addition, bicycle parking has been provided throughout the proposed development at locations that staff finds suitable. However, the applicant indicates that the facility labeled as "Fire Access Road A" is designed to provide general circulation throughout the development, and therefore, should be labeled as a private road and brought up to the standards of a private road, which requires sidewalks on both sides of the road. As a condition of approval, staff recommends the applicant update the DSP to bring the facility labeled as "Fire Access Road A" to private road standards and include sidewalks along both sides of the facility consistent with Condition 14, prior to certification of the DSP.

- 15. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site indoor and outdoor recreational facilities.**

On-site recreational facilities proposed by the applicant include a fitness center for each multifamily building, courtyards for each multifamily building, two play sculptures, a dog park, plazas, and a picnic pavilion. Staff finds that these facilities are adequate.

- 16. At the time of detailed site plan review, the on-site indoor and outdoor recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines and the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment*.**

The applicant has proposed on-site recreational facilities with this DSP, which include fitness centers and courtyards for each multifamily building, two play sculptures, a dog park, plazas, a picnic pavilion, and benches throughout the community. The applicant has provided a recreational facilities calculation table on the cover sheet of the DSP with associated costs and construction triggers for these facilities; however, not all of the recreational facilities are included in the table. The dog park, plazas, open-access play sculpture, and picnic pavilion are missing from the table and the table only lists one fitness center, at 600 square feet, while the applicant has proposed 6 (one for each multifamily building) fitness centers ranging from 650 square feet to 900 square feet. The applicant has listed the trigger for construction as prior to record plat. However, these triggers on the chart should be revised to include the triggers relative to actual building construction or number of dwelling units.

- 10. 2010 Prince George’s County Landscape Manual:** Per Section 27-544(a) of the prior Zoning Ordinance, landscaping, screening, and buffering for property zoned M-X-T are subject to the provisions of the Landscape Manual. Specifically, this application is subject to the requirements of Section 4.1, Residential Requirements; Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. The landscape plan provided with this DSP contains errors and deficiencies, which have been addressed as conditions in the Recommendation section. The required plantings and schedules are provided in conformance with the Landscape Manual and are acceptable, except for Section 4.2.

Alternative compliance is requested from the requirements of the Landscape Manual, specifically from Section 4.2, Requirements for Landscape Strips Along Streets, for the site’s Southern Avenue frontages, and from Section 4.10, Street Trees Along Private Streets, for the private streets in the development.

**Section 4.2-1, Requirements for Landscape Strips Along Streets**

**REQUIRED: Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, along Southern Avenue**

Length of Landscape Strip	150 feet
Width of Landscape Strip	10 feet
Shade Trees (1 per 35 linear feet)	5
Shrubs	43

**PROVIDED: Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, along Southern Avenue**

Length of Landscape Strip	150 feet
Width of Landscape Strip	10 feet
Shade Trees (1 per 35 linear feet)	0
Ornamental/Evergreen Trees	5
Shrubs	58



**Justification of Recommendation**

The applicant is requesting alternative compliance from Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, which requires a landscape strip be provided for the entire 150 feet of property’s frontage along Southern Avenue.

The applicant is proposing to use Option 1 to satisfy the requirements of Section 4.2 of the Landscape Manual, which requires a 10-foot landscape strip, planted with 1 shade tree and 10 shrubs per 35 feet of linear frontage. The applicant is proposing a varied width landscape strip that is a minimum of 12.6 feet, and a maximum of 21.5 feet wide. The landscape yard includes a slope that rises approximately six feet to the building and includes additional planting. None of the required shade trees are included in the landscape strip in this area and have been replaced by ornamental flowering trees. The planting strip includes 58 shrubs along the roadway which exceeds the 43 shrubs that are required.

The Alternative Compliance Committee found that the applicant’s proposed solution meets the requirements of the width of the landscape strip but is deficient in the required number of shade trees, and does not find the applicant’s proposal equally effective as normal compliance with Section 4.2, Requirements for Landscape Strips Along Streets.

While the committee understands the special constraints created by the building’s placement and the location of the public utility easement along Southern Avenue, staff recommends that a minimum of six columnar evergreens be substituted for the shrubs adjacent to the building and retaining wall. Evergreen trees provide a greater number of planting units than shrubs and the replacement of shrubs with columnar evergreens will increase the total number of planting units. If replaced, the total planting units will be closer to the number of plant units normally required and the columnar habitat of these evergreen trees will provide a vertical accent. A condition is included herein, requiring the applicant to substitute the shrubs with columnar evergreens.

**REQUIRED: Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, on Private Road A to screen the parking lot**

Length of Landscape Strip	155 feet
Width of Landscape Strip	10 feet
Shade Trees (1 per 35 linear feet)	5
Shrubs	44

**PROVIDED: 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, on Private Road A to screen the parking lot**

Length of Landscape Strip	155 feet
Width of Landscape Strip	7 feet
Shade Trees (1 per 35 linear feet)	5
Shrubs	52

**Justification of Recommendation**

The applicant is requesting alternative compliance from Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, which requires a landscape strip be provided for the entire 155 linear feet of frontage of the parking lot on Parcel 6.

The applicant is proposing to use Option 1 to satisfy the requirements of Section 4.2 of the Landscape Manual, which requires a 10-foot-landscape strip, planted with 1 shade tree and 10 shrubs per 35-feet of linear frontage. The applicant is proposing a 7-foot-wide landscape strip for the entire frontage and is meeting the required number of shade trees by proposing five shade trees. The landscape strip is required to provide 44 shrubs and the applicant is providing 52 shrubs. Due to spatial limitations between the proposed right-of-way and curb-line of the proposed parking lot, the proposed buffer area has been reduced by 3 feet. The applicant is providing 8 more plant units than would be required for a total of 102 planting units.

Due to the increase in the number of shrubs and total number of plant units, the Planning Director has determined that the parking lot will be adequately screened and finds that the applicant’s proposal is equally effective as normal compliance with Section 4.2, Requirements for Landscape Strips Along Streets.

The application is subject to Section 4.10, Street Trees Along Private Streets, of the Landscape Manual which requires a 5-foot-wide landscape strip between the street curb or edge of paving and the sidewalk, and a minimum number of shade trees per linear feet of roadway. Private Street A has a total of 5,684 linear feet in length. Using this ratio, the applicant would be required to plant 162 street trees. The applicant is proposing to plant 17 shade trees on this roadway rather than the required number of shade trees. Private Street A includes both the central primary roadway for the development and a road located at the rear of the buildings that is proposed as an emergency access road. The primary road includes planting areas and landscaping, however the emergency access roads do not.

**Section 4.10, Street Trees Along Private Streets**

**REQUIRED: Section 4.10(c)(1), Street Trees Along Private Streets, along Private Street A**

Length of Landscape Strip	5,684 linear feet*
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	162 (Total)

**PROVIDED: Section 4.10(c)(1), Street Trees Along Private Streets, along Private Street A**

Length of Landscape Strip	5,684 linear feet*
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	17 (Total)

**Note:** \*A portion of this Private Road A includes the emergency access road and the applicant does not propose any landscape treatment on this roadway.

### **Justification of Recommendation**

The applicant requests alternative compliance from Section 4.10, Street Trees Along Private Streets, of the Landscape Manual, along Private Road A on the subject property. On the central primary road of the development, landscape treatment is provided along the roadway by including ornamental trees, shrubs, and perennials throughout the development, with specific attention to the green space areas along the private streets. However, this roadway continues behind the buildings on site and no landscaping is provided in these areas, because this portion of Private Road A is intended to provide emergency access only. Therefore, the applicant's proposal does not meet the required number of shade trees for the private streets on site. The applicant states that strict conformance to the requirements of the Landscape Manual cannot be met due to limited space within the private right-of-way for the placement of necessary site utilities, SWM devices, and the number of required street trees.

While the Planning Director understands that the limitations of the site hinder the ability to meet the requirements of Section 4.10, the Director finds that the applicant's proposal is not equally effective as normal compliance in fulfilling the intent and purposes of Section 4.10, which has the intent and purpose to define the private streets, establish human scale, and promote pedestrian activity by fostering a safe, pedestrian-friendly streetscape along private streets. Therefore, it is determined that the proposed alternative design solution fails to meet the approval criteria.

### **Recommendation**

The Planning Director recommends APPROVAL of Alternative Compliance AC-22002 from the Landscape Manual for Section 4.2, Requirements for Landscape Strips Along Streets, on Private Road A screening the parking lot on Parcel 6, and for the site's Southern Avenue frontage, and DISAPPROVAL of Alternative Compliance AC-22002 from the Landscape Manual for Section 4.10, Street Trees on Private Streets, subject to a condition provided herein.

- 11. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 tree conservation plan (TCP2-036-2022) was submitted with the DSP application.

Based on the revised TCP2, the overall 15.10-acre site contains a total of 10.31 acres of net tract woodlands and does not contain floodplain. The plan shows a proposal to clear 7.04 acres of net tract woodland and no off-site woodlands. The resulting woodland conservation requirement is 4.02 acres, which is proposed to be met with 3.14 acres of on-site preservation, 0.12 acre of landscape credit, and 0.76 acre of off-site woodland credits.

Technical revisions are required to the TCP2, which are conditioned herein.

- 12. Prince George's County Tree Canopy Coverage Ordinance:** A 10 percent TCC requirement applies to sites zoned M-X-T, in accordance with the Tree Canopy Coverage Ordinance. The subject site is 15.10 acres in size and the required TCC amounts to approximately 1.51 acres, or approximately 65,732 square feet. The subject application

provides a schedule showing that 4.33 acres, or 188,828 square feet has been provided through the proposed on-site tree plantings, in conformance with the TCC.

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

- a. **Community Planning**—In a memorandum dated October 5, 2022 (Lester to Zhang), incorporated herein by reference, the Community Planning Division indicated that pursuant to Section 27-548.25(b), this DSP application meets the pertinent D-D-O Zone standards of the Southern Green Line Station Area Sector Plan and SMA and is keeping with the purposes of the M-X-T Zone.

The Community Planning Division further noted that this site is located within the Southern Avenue Metro Neighborhood Center, and the vision for neighborhood centers is lower density mixed-use development that is primarily residential with neighborhood-serving retail and office uses. The Southern Green Line Station Area Sector Plan and SMA recommends mixed land uses on the subject property.

- b. **Subdivision Review**—In a memorandum dated October 10, 2022 (Heath to Burke), incorporated herein by reference, the Subdivision Section evaluated the conditions of the PPS. In addition, staff noted that with the 65 dBA Ldn Unmitigated Noise Contour overlapping Parcel 1, a noise study was provided showing four residential units at the northwest elevation of the building at levels 3-6 effected by noise levels above 65 decibels. Noise Mitigation has been proposed to reduce the interior noise levels to 45 decibels or less with 34 Sound Transmission Class windows and doors. Units needing mitigation should be listed in the general notes, prior to certification of the DSP. In addition, both the modeled unmitigated and mitigated noise lines should be depicted on the DSP. Conditions have been provided in the Recommendation section.

- c. **Environmental Planning**—In a memorandum dated October 12, 2022 (Schneider to Burke), incorporated herein by reference, the Environmental Planning Section provided findings as follows:

**Specimen Trees**

A Subtitle 25 variance was submitted with PPS 4-20018 to remove six specimen trees (ST-1, ST-2, ST-8, ST-9, ST-16, and ST-23). The PPS approval condition requested that the applicant provide an arborist evaluation of all on- and off-site specimen trees whose critical root zones cannot wholly be preserved with the DSP submission. This evaluation looked at the two off-site trees (ST-7 and ST-10) and determined that these trees can be saved with pre- and post-construction methods.

**Stormwater Management**

A SWM concept approval letter (36900-2020-00) and associated plan were issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on July 23, 2021, and were submitted with this application. The applicant proposes to construct 26 micro-bioretenion facilities, one green roof, and six subsurface filters. The concept plan shows only one outfall structure to the northeast of the facility that outlets into an ephemeral stream channel that drains

into the on-site stream system. No SWM fee for on-site attenuation/quality control measures is required.

- d. **Transportation Planning**—In a memorandum dated October 24, 2022 (Ryan to Burke), incorporated herein by reference, the Transportation Planning Section provided a review of the application using the standards of Subtitle 27 of the prior Zoning Ordinance, and a response to preliminary plan conditions.

The applicant submitted an operational analysis dated October 24, 2022, which provides details of the site access points along Southern Avenue, the site layout configuration, and the proportional distribution of trips to each building based on the assigned density and land use. The analysis reported the extent of queuing at each on-site garage access and intersection, which showed nominal queues at these locations that did not exceed the available storage between each facility.

Fire Access Road A is the southern point of access along Southern Avenue. Upon initial receipt of the subject application, staff requested that the applicant clarify the functionality of Fire Access Road A and recommended that if the facility is intended for emergency vehicles only, that the applicant would need to provide signage restricting Fire Access Road A to emergency vehicles only. The applicant's response to comments (Agesen to Burke, October 6, 2022) provided that "Fire Access Road A is not intended to be restricted to emergency vehicles only and is open to private vehicles and delivery trucks." A condition is provided herein, to label "fire lane" to "private road". In addition, staff recommends a 5-foot-wide sidewalk along both sides of this road, to meet the standards of a private road, as required by both the 2009 *Approved Countywide Master Plan of Transportation* and Condition 14 of the approved PPS.

The operational analysis indicated that the site layout used in the study was sufficient to support the nominal queuing at each intersection and garage. As a condition of approval provided herein, staff requests the applicant update the DSP to include a plan sheet that displays the distances between each on-site intersection and on-site garage, consistent with the operational analysis.

The truck turning plan provided with this application adequately demonstrates that heavy vehicles and emergency vehicles safely and effectively maneuver through the site.

The DSP includes a rideshare pickup and drop-off location at each residential building, except for Parcel 1. Staff recommends that the applicant provide a rideshare pickup and drop-off location at Parcel 1 at a location convenient to the entrance but that will not impede traffic operations along Private Road A and Fire Access Road A. In addition, staff recommends the applicant include on-site signage directing drivers to the rideshare pickup and drop-off locations at all residential buildings.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—In an email dated October 11, 2022 (Thompson to Burke), incorporated herein by reference, DPR indicated that pursuant to Conditions 15–16 of PPS 4-19052, the applicant shall provide adequate on-site indoor and outdoor recreational facilities.

- f. **Historic Preservation**—In a memorandum dated September 20, 2022 (Stabler to Zhang), incorporated herein by reference, the Historic Preservation Section stated that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended.
  - g. **Permits**—At the time of the writing of this technical staff report, the Permits Section did not offer official comments on the subject application.
  - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not offer official comments on the subject application.
  - i. **Prince George’s County Health Department**—In a memorandum dated September 20, 2022 (Adepoju to Zhang), incorporated herein by reference, the Health Department offered seven comments on this application. The comments on noise and dust have been included as conditions in the Recommendation section of this report.
  - j. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated September 16, 2022 (Madagu to Zhang), incorporated herein by reference, WSSC provided a marked-up plan and comments on the water and sewer details of this application.
  - k. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, Prince George’s County Police Department did not offer official comments on the subject application.
14. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with the conditions recommended below, will represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(15).**

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The two primary management area (PMA) impacts

for a stormwater pipe installation and a stormwater outfall remain unchanged, as approved under PPS 4-19052. No new PMA impacts are proposed with this DSP.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE this application, as follows:

- A. APPROVE Departure from Design Standards DDS-685, for The Promise, to allow standard, nonparallel parking space size of 9 feet in width by 18 feet in length; to allow loading spaces to be located 36 feet and 42 feet from residential uses; and to allow a reduction in the number of street trees from 162 required shade trees to 17 shade trees provided along a private road, in accordance with Section 4.10 of the 2010 *Prince George's County Landscape Manual*.
- B. APPROVE Detailed Site Plan DSP-19071, and Type 2 Tree Conservation TCP2-036-2022, for The Promise, subject to the following condition:
  1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information be submitted:
    - a. Provide a column in the Development Use Summary for building area devoted to vehicular parking and parking access
    - b. Provide elevations of the proposed picnic pavilion on the existing foundation platform.
    - c. Provide the details on the wooden arch and bridge, as proposed on the central, open access recreation area.
    - d. Locate benches closer to the residential entrances throughout the site.
    - e. Clearly indicate the floor area ratio on the DSP.
    - f. The symbol for signs is provided on the plan; however, the symbol is not defined in the legend. Provide a symbol for the signs and identify the bus stop located to the south of the proposed private road.
    - g. Identify the existing sanitary sewer line on Southern Avenue.
    - h. Provide a general note addressing how noise attenuation for the interior of dwellings is proposed to be provided.
    - i. Depict and label the modeled unmitigated and mitigated noise lines.
    - j. The Type 2 tree conservation plan (TCP2) shall be revised as follows:
      - (1) Remove Note 2 under the specimen tree table.

- (2) Have the revised plan signed and dated by the qualified professional preparing the plan.
- (3) Documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

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

- k. Revise the DSP sheets to include 5-foot-wide sidewalks along both sides of “Fire Access Road A”.
  - l. Relabel “Fire Access Road A” to “Private Road”
  - m. Provide a DSP sheet which displays the distances between each on-site intersection, as well as the distance between each on-site garage.
  - n. Revise the DSP to include a rideshare pickup and drop-off location at Parcel 1, at a location convenient to the entrance, but that will not impede traffic operations along the on-site private roadways.
  - o. Revise the DSP to include on-site signage directing drivers to rideshare pickup and drop-off locations at all residential buildings.
  - p. Revise the DSP to modify the limits of the proposed public use easement, to extend behind the proposed bike share station.
  - q. Substitute a minimum of six columnar evergreens for evergreen shrubs adjacent to the building and retaining wall.
- 2. Prior to issuance of building permits with residential units other than Building 4, an approved, amended detailed site plan will be required to show all internal and courtyard recreational facilities for all buildings.
  - 3. Prior to certificate of occupancy for Building 4, the indoor and courtyard recreational facilities, dog park, picnic pavilion, and outdoor, Central Access Recreation Area shall be fully constructed.
  - 4. Prior to certificate of occupancy for all residential buildings, the indoor and courtyard recreational facilities shall be fully constructed.