

R E S O L U T I O N

WHEREAS, Lanham Development Group, LLC is the owner of a 6.80-acre parcel of land known as Parcel 1, 2, and E, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Mixed Use Transportation Oriented (M-X-T); and

WHEREAS, on February 12, 2021, Lanham Development Group, LLC filed an application for approval of a Preliminary Plan of Subdivision for 14 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20022 for Vista Gardens West, 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 April 29, 2021, for its review and action in accordance with the Land Use Article of the 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 April 29, 2021, 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 TCP1-048-96-03, and APPROVED Preliminary Plan of Subdivision 4-20022, including a Variation from Section 24-121(a)(4), for 14 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Reference the recorded plat for the existing site in the general notes.
 - b. Revise General Note 24 to remove Parcel G, which is not included in the PPS boundaries.
2. Prior to signature approval of Preliminary Plan of Subdivision 4-20022, the applicant shall submit an approved stormwater management (SWM) concept plan. The limits of disturbance shall be consistent between the SWM concept and Type 1 tree conservation plans.
3. 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 approval of any permits.

4. Development of the site shall be in conformance with a Stormwater Management Concept Plan (47327-2007-05) and any subsequent revisions.
5. Prior to approval of a final plat:
 - a. The final plat shall grant 10-foot-wide public utility easements along the public and private rights-of-way.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall provide a draft access easement agreement or covenant for emergency access from the residential development through Parcel 3 to Business Parkway, to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Development Review Division, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision.
 - d. The final plat shall note the Prince George's County Planning Board's approval of a lot depth variation from Section 24-121(a)(4) of the Prince George's County Subdivision Regulations, for Parcels 7 and 8, in accordance with Preliminary Plan of Subdivision 4-20022.
6. Prior to the approval of any detailed site plan, provide plans that illustrates the location, limits, specifications, and details displaying the following facilities listed below, unless modified by the appropriate operating agency (Maryland State Highway Administration (SHA) or Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)), with written correspondence:
 - a. Standard five-foot-wide sidewalks along both sides of all roads, public or private, excluding alleys.
 - b. Ten-foot-wide shared-use path along the subject property's entire frontage of MD 704.
 - c. A standard sidewalk along the subject site's entire frontage of Business Parkway.
 - d. Perpendicular Americans with Disabilities Act ramps and marked crosswalks crossing all legs of both intersections of Vista Sola Way and Vista Green Lane; Vista Glen Lane and Vista Sola Way; and the intersection of Vista Green Lane and Vista Glen Lane.

- e. A bicycle lane along the subject property's frontage of Business Parkway.
 - f. A pedestrian connection between the residential and commercial portion.
 - g. Outdoor bicycle parking on Parcel D.
 - h. Continental style crosswalks crossing the subject's site's entrance along Business Parkway.
7. Prior to the acceptance of any detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the pedestrian and bicyclist adequacy improvements approved with Preliminary Plan of Subdivision 4-20022, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.
 8. 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, private on-site recreational facilities.
 9. The private 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 Park and Recreation Facilities Guidelines, at the time of detailed site plan.
 10. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of private on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the RFAs shall be recorded among the Land Records of Prince George's County, Maryland and the liber and folio of the RFAs shall be noted on the final plat, prior to recordation.
 11. 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 the construction of recreational facilities, prior to issuance of building permits.
 12. Total development within the subject property shall be limited to uses that would generate no more than 36 AM and 41 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision (PPS), with a new determination of the adequacy of transportation facilities. Furthermore, it is noted that this cap is part of the original trip cap for Vista Gardens West, PPS 4-13024, and is in no way intended to represent an additional entitlement for the overall area covered by PPS 4-13024.

13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-048-96-03). 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 (TCP1-048-96-03 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 (WCO). 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 (M-NCPPC), Prince George’s County Planning Department.”

14. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George’s County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation 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 stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George’s County Planning Department.
 - f. The Prince George’s County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

15. Prior to the approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that following required adequate pedestrian and bikeway facilities have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency, as approved under Preliminary Plan of Subdivision 4-13024, and in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations:
 - a. One off-site bus shelter installation along MD 704.
 - b. One off-site bus shelter installation along MD 450.
 - c. Pedestrian crossing beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalk for crossing the center island at the intersection of MD 704 and existing Lottsford Vista Road.
 - d. Pedestrian crossing beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalk for crossing the center island of MD 704 at the MD 450 intersection.
 - e. Rapid flashing pedestrian beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalks for crossing the center island of MD 450 as indicated on the bicycle/pedestrian improvements map.
16. Prior to approval of building permits, certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less for dwelling located on Parcels 7 and 8.

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 northeast quadrant of the Business Parkway and Martin Luther King Jr Highway (MD 704) intersection. The property consists of three parcels on 6.80 acres known as Parcel 1, 2, and E as described in Plat Book SJH 251, page 14. The site is located within the Mixed Use-Transportation Oriented (M-X-T) Zone and is within the area of the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA). This preliminary plan of subdivision (PPS) includes 13 parcels for 51 single-family attached units, and 1 parcel for 14,881 square feet of commercial development. The 14,881 square feet of

commercial development is an existing office building on the property, which is to remain. The proposed development is subject to a PPS, in accordance with Section 24-107 of the Prince George’s County Subdivision Regulations, in order to further subdivide the property for the uses proposed.

3. **Setting**—The property is located on Tax Map 45 in Grid A4, in Planning Area 70, and is zoned M-X-T. The abutting properties to the east are located within the M-X-T Zone and contain single-family attached development. The property to the north of the subject site is located in the Light Industrial (I-1) Zone and is developed with a warehouse. The adjacent properties to the south, located beyond MD 704, consist of office, commercial, and warehouse uses, within the I-1, Commercial Shopping Center, and Commercial Office Zones. The properties to the southwest of the subject site, beyond Business Parkway, contain industrial uses and are located within the I-1 and Heavy Industrial Zones.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Office	Office/Residential
Acreage	6.80	6.80
Lots	0	0
Parcels	3	14
Dwelling Units	N/A	51
Gross Floor Area	14,881	14,881
Variance	No	No
Variation	No	Yes Section 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this PPS was heard at the Subdivision and Development Review Committee (SDRC) meeting on March 5, 2021, and the requested variation was heard at the April 16, 2021 SDRC meeting, as required, in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—Prior approvals for this site include Basic Plan A-10028, Conceptual Site Plan CSP-14002, PPS 4-13024, and Detailed Site Plan DSP-16055. Basic Plan A-10028 was approved by the Prince George’s County District Council on August 25, 2014, to rezone property in the I-1 and Rural Residential (R-R) Zones to the M-X-T Zone, subject to seven conditions. CSP-14002 was approved February 7, 2016 (PGCPB Resolution No. 16-90), for 75,000 square feet of commercial space, 124 hotel rooms, 115 single-family attached dwelling units, a gas station, and an addition to an existing 14,881-square-foot office building. PPS 4-13024 was approved by the Prince George’s County Planning Board on February 7, 2016 (PGCPB Resolution No. 16-91(C)), for 80 lots and 24 parcels for mixed-use development.

DSP-16055 was approved by the Planning Board on December 14, 2017 (PGCPB Resolution No. 17-158), for the development of 277,803 square feet of commercial retail, a gas station, hotel, 115 single-family attached dwelling units, and 103 hotel rooms. The subject site was approved for commercial development under these approvals; however, the development has not been implemented and single-family attached development is now proposed along with the existing 14,881-square-foot office, which is to remain.

The relevant conditions of the prior approvals are discussed within this resolution. This PPS supersedes PPS 4-13024 for the subject area, and a revised DSP will be required for the proposed development.

6. **Community Planning**—The subject site is within the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA. The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and sector plan are evaluated as follows:

Plan 2035

The application is in the Established Communities Growth Policy area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and Low- to Medium-Density development (page 20).

Sector Plan Conformance

The Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA retained the subject site's zones, which were I-1 and R-R at the time. The subject site was rezoned to M-X-T with the approval of A-10028 in 2014. The Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan recommends mixed-use and residential medium-density (3.6 to 8.0 dwellings per acre) development for the subject property.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan (47327-2007-05) was submitted with the subject application which shows the proposed development change and is pending approval by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes three bioretention facilities, and one wet pond. The applicant will need to submit an approved SWM concept plan prior to signature approval of this PPS. In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.
8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of CSP-14002, the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan, the Land Preservation, Parks and Recreation Plan for Prince George's County, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*.

The site includes a master plan trail extension of the Washington, Baltimore and Annapolis (WB&A) Trail, which bisects the property, separating the residential and the commercial uses. Across Annapolis Road (MD 450) to the north, the WB&A Trail is developed and extends northeast to the Patuxent River where a bridge is proposed to connect with Anne Arundel County. Other parks in the vicinity of this site include Lanham Forest Park, located approximately 1.5 miles to the west, and Folly Branch Stream Valley Park, located approximately 200 feet east of the site on MD 704. Lanham Forest Park contains a playground, pavilions, ballfields, tennis courts, and a basketball court. Both parks contain hiker/biker trails with valuable connections to the neighboring communities.

Previous Approvals

CSP-14002

The following condition affects on-site recreational facilities.

- 3. Prior to signature approval of the preliminary plan of subdivision (PPS), the following shall be addressed:**
 - b. Adequate on-site private recreational facilities shall be provided in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the M-NCPPC, Development Review Division (DRD), Urban Design Section, for adequacy and proper siting. The private recreational facilities package to be provided shall include those facilities proposed with the conceptual site plan application, which include, but are not limited to bike racks, benches, tables, lighting, and landscaping.**

PPS 4-13024

The following condition affects on-site recreational facilities.

- 21. As per Zoning Ordinance 11-2014, the applicant shall provide the WB&A Public Trail extension through the subject property Parcel A, Block C with connections to the residential and commercial developments to the east and west in accordance with the following:**
 - a. The applicant shall enter into a Memorandum of Understanding (MOU) with the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department for the land area needed (Parcel A, Block C) for the linear park and it shall set forth the rights, responsibilities and liabilities of the parties. The MOU between the applicant and M-NCPPC shall be preceded by a MOU between SHA and M-NCPPC for the use of the 66-foot-wide SHA**

easement currently identified for “future transportation use” for the public trail (SHA Plat 53896 described in Liber 10751 on folio 655). Said MOU Agreements shall include but not be limited to discussions concerning bike paths, maintenance, grading, landscaping, utilities and construction. Both MOUs shall be recorded in the County Land Records and noted on the final plat of subdivision for Parcel A, Block C.

- b. The applicant shall design, construct, and maintain the master planned WB&A Trail extension as a public linear park in accordance with the MOU.**
- c. The public recreational facilities within the linear park shall be designed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. Detailed drawing for the facilities shall be included with the Detailed Site Plan for the trail and linear park.**
- d. Prior to the approval of final plats for Parcel A, Block C, the applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division, a Recreational Facilities Agreements (RFA) for construction of the linear Park on Parcel A, Block C, and connector trails. Upon approval of the RFA, by the DPR, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.**
- e. Prior to the approval of the final plat for Lots 7-18, Lots 35-42 and Lots 85-115 abutting the west side of Parcel A, Block C, and the final plat for Parcels 1-3 , Block C, (east of Parcel A, Block C) the applicant, his heirs, successors and/or assignees shall have an approved DSP for the WB&A trail extension on Parcel A, Block C and shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of the public recreational facilities on Parcel A, Block C, in accordance with the approved DSP.**
- f. The detailed site plan for the WB&A Trail extension on Parcel A, Block C shall establish appropriate triggers for the construction of the Linear Park, as designed with the site plan.**

DSP-16055

The following condition affects on-site recreational facilities.

3. Prior to the approval of the 86th residential building permit, the applicant shall design and construct the master planned WB&A Trail extension, including the historic interpretive signage and adjacent improvements on homeowner's association Parcel M.

Since this development consists of a residential subdivision, Section 24-134(a) of the Subdivision Regulations is applicable with this PPS. A 1.83-acre public linear park with a 10-foot-wide multiuse trail, which is an extension to the WB&A trail, abuts the subject site and has been provided with previous applications approved for the site. The linear park, which has already been constructed, includes plazas with a pergola, benches, an amphitheater with seating, trail connections to the commercial and residential sections, interpretive signage, bicycle parking, and water fountains. The public recreational facility agreement (RFA) is recorded in Liber 41248 Folio 416. The applicant shall provide private on-site recreational facilities and improvements to the abutting public park facilities to address the mandatory parkland dedication requirement, in accordance with Section 24-135(b) of the Subdivision Regulations. A private RFA is recorded in Liber 41382 Folio 41 and was previously approved for the construction of private on-site recreational facilities to serve the residential development approved under PPS 4-13024. The previously approved private on-site recreational facilities are provided on homeowners association Parcel M, will also be available to serve the residents of this subdivision, and are accessible through the internal sidewalk connections that extend through this portion of the site.

The applicant shall provide a trail connection to the previously approved public linear park on proposed Parcel F of this PPS. This connection will ensure accessibility to the public linear park facilities for residents of this subdivision. In addition, the applicant indicated during the SDRC meeting that improvements to the existing recreational facilities on the 1.83-acre linear park such as additional pavers for improved traffic flow between cyclists and pedestrians, and shade structures may also be provided. The recreational facilities previously provided with PPS 4-13024 and the trail connection proposed with this PPS are adequate to serve the residential development included in this PPS, as well as the previously approved PPS 4-13024. The on-site recreational facilities will be detailed further with the revised DSP application for this project and shall be designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

The applicant's proposal to use previously approved private and public recreational facilities with the trail connection proposed with this application will meet the requirements of Section 24-135(b).

- 9. Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan, to provide the appropriate pedestrian and bicycle transportation facilities.

Existing Conditions, Sidewalks and Bike Infrastructure

The subject site is located at the northeast quadrant of the intersection of MD 704 and Business Parkway. The western portion of the site is improved with a 14,881-square-foot commercial

building approved under PPS 4-13024. The eastern portion of the site, which is the focus of the subject application, has been graded for development but is otherwise unimproved. There are currently no sidewalks or bicycle facilities along the subject property's frontage of MD 704 or Business Parkway. The area under review for the subject application is within a General Plan Corridor and therefore, is subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines – Part 2."

Previous Conditions of Approval

PPS 4-13024 was approved for 80 lots and 24 parcels for mixed-use development, which includes the subject property. Condition 21 of that PPS discusses the WB&A Trail extension. Condition 21 also references 11-2014, a zoning ordinance number which refers to Zoning Map Amendment A-10028-C, for the conversion of land-use from industrial to mixed-use.

Basic Plan A-10028

The following conditions affect bicycle and pedestrian facilities.

2. **The following recommendations should be observed during the preparation and review of the Conceptual Site Plan (CSP) and preliminary plan of subdivision:**
 - b. **Wherever possible, existing living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.**

The parcels will provide a connection to the existing residential development to the north, through a trail connection and sidewalks.

- d. **Provide a bikeway through the subject property that connects the Washington, Baltimore and Annapolis (WB&A) Trail to internal streets and area roads, and connect specifically to Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Also provide pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations shall be approved by the Department of Public Works and Transportation (DPW&T) and shall be designed to meet or exceed County and State standards.**

The improvements listed above were provided with DSP-16055 and connectivity to the WB&A Trail will be extended to the development proposed with this application.

- e. **Provide sidewalks on both sides of all proposed internal streets. Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the**

Department of Public Works and Transportation and shall be designed to exceed County and State standards.

Sidewalks shall be shown along both sides of internal roads prior to approval of this PPS.

- g. Provide right-of-way dedication along Martin Luther King Junior Highway (MD 704) that is sufficient for the inclusion bicycle lanes and a side path. Right-of-way dedication and locations for side paths and bike lanes shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation (DPW&T) and construction shall be designed to meet or, exceed County and State standards.**

The improvements listed above were provided with DSP-16055.

PPS 4-13024

The following conditions affect bicycle and pedestrian facilities.

- 21. As per Zoning Ordinance 11-2014, the applicant shall provide the WB&A Public Trail extension through the subject property Parcel A, Block C with connections to the residential and commercial developments to the east and west in accordance with the following:**
 - a. The applicant shall enter into a Memorandum of Understanding (MOU) with the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department for the land area needed (Parcel A, Block C) for the linear park and it shall set forth the rights, responsibilities and liabilities of the parties. The MOU between the applicant and M-NCPPC shall be preceded by a MOU between SHA and M-NCPPC for the use of the 66-foot-wide SHA easement currently identified for “future transportation use” for the public trail (SHA Plat 53896 described in Liber 10751 on folio 655). Said MOU Agreements shall include but not be limited to discussions concerning bike paths, maintenance, grading, landscaping, utilities and construction. Both MOUs shall be recorded in the County Land Records and noted on the final plat of subdivision for Parcel A, Block C.**
 - b. The applicant shall design, construct, and maintain the master planned WB&A Trail extension as a public linear park in accordance with the MOU.**
 - c. The public recreational facilities within the linear park shall be designed in accordance with the standards outlined in the *Park and***

Recreation Facilities Guidelines. Detailed drawing for the facilities shall be included with the Detailed Site Plan for the trail and linear park.

- d. Prior to the approval of final plats for Parcel A, Block C, the applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division, a Recreational Facilities Agreements (RFA) for construction of the linear Park on Parcel A, Block C, and connector trails. Upon approval of the RFA, by the DPR, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.**
- e. Prior to the approval of the final plat for Lots 7-18, Lots 35-42 and Lots 85-115 abutting the west side of Parcel A, Block C, and the final plat for Parcels 1-3 , Block C, (east of Parcel A, Block C) the applicant, his heirs, successors and/or assignees shall have an approved DSP for the WB&A trail extension on Parcel A, Block C and shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of the public recreational facilities on Parcel A, Block C, in accordance with the approved DSP.**
- f. The detailed site plan for the WB&A Trail extension on Parcel A, Block C shall establish appropriate triggers for the construction of the Linear Park, as designed with the site plan.**

The applicant's submission contains an off-site recreational exhibit which displays the WB&A Public Trail extension, originating on MD 450, running southwest, and culminating at the northeast bounds of the subject property. The improvements listed above were all approved under DSP-16055 and are constructed or under construction.

- 22. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:**
 - a. Provide a standard sidewalk along the subject site's entire frontage of MD 450, unless modified by SHA.**
 - b. Provide a ten-foot-wide shared use path along the subject site's entire frontage of MD 704, unless modified by SHA.**
 - c. Provide a standard sidewalk along the subject site's entire frontage of Business Parkway, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE).**

- d. Provide a financial contribution of \$420 to the Department of Public Works and Transportation/Department of Permitting, Inspections, and Enforcement for the placement of one “Share the Road with a Bike” sign assembly along Business Parkway. Note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.**
- e. Provide the extension of the WB&A Trail through the subject site within the linear park.**
- f. Provide standard sidewalks along both sides of all internal roads, unless modified by the Maryland-National Capital Park and Planning Commission Planning Board at the time of DSP.**
- g. The number of location of bicycle racks in the office/commercial/retail component of the subject site will be determined at the time of DSP.**

DSP-16055

The following conditions affect Bicycle and Pedestrian facilities.

- 3. Prior to the approval of the 86th residential building permit, the applicant shall design and construct the master planned WB&A Trail extension, including the historic interpretive signage and adjacent improvements on homeowner’s association Parcel M.**

The improvements listed above were all approved and certified under DSP-16055 and are under construction. Condition 22a discusses sidewalks along MD 450, which is beyond the bounds of the subject application. As previously discussed, the applicant’s submission contains a recreational exhibit detailing the WB&A trail extension and meets the conditions set forth in Condition 22e of PPS 4-13024, as well as Condition 3 of DSP-16055.

In the submitted SDRC response to comments (Horne to Heath, March 11, 2021), the applicant indicated that they have or will comply with the following conditions as required by DPIE: Conditions 22b, 22c, 22f, and 22g. These conditions will be maintained and displayed on plans at the time of DSP.

The applicant shall provide a bicycle lane along the subject property’s frontage of Business Parkway, unless modified by the DPIE, with written correspondence. Condition 22d of PPS 4-13024 required bikeway signage along this roadway. Bikeway signage is still appropriate and complements a bicycle lane. Bicycle lanes are planned around the vicinity of the subject site, specifically along the remainder of

Business Parkway that do not front the subject property, and on Lottsford Vista Road along the south frontage of MD 704. In addition, the subject property's frontage of MD 704 shall include a 10-foot-wide shared use path, unless modified by SHA, which would connect with the bicycle lane along Business Parkway. A bicycle lane along the subject property's frontage of Business Parkway creates a more robust non-motorized transportation network surrounding the property.

Conditions 23 and 24 of PPS 4-13024 discuss off-site bicycle and pedestrian improvements required by Section 24-104.01 of the Subdivision Regulations and are as follows.

- 23. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, (MPOT) and the required findings of Section 24-124.01, the following improvements (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the operating agency.**
 - a. One off-site bus shelter installation along MD 704.**
 - b. One off-site bus shelter installation along MD 450.**
 - c. Pedestrian crossing beacon, thermoplastic pavement markings, handicapped ramps and associated sidewalk for crossing the center island at the intersection of MD 704 and existing Lottsford Vista Road.**
 - d. Pedestrian crossing beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalk for crossing the center island of MD 704 at the MD 450 intersection.**
 - e. Rapid flashing pedestrian beacon, thermoplastic pavement markings, handicapped ramps, and associated sidewalks for crossing the center island of MD 450 as indicated on the bicycle/pedestrian improvements map.**
- 24. Prior to approval and at the time of DSP, provide an exhibit that illustrates the location and limits of all off-site improvements proposed in the BPIS for the review and approval of the operating agencies. This exhibit shall show the location of all off-site sidewalk construction, ADA ramps, pedestrian signals, crosswalk improvements, bus shelter installations, pavement markings and signage. If it is determined at the time of Detailed Site Plan that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section (d), be within one-half mile walking or bike distance of the subject site, within the public**

right-of-way, and within the limits of the cost cap contained in Section (c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of Preliminary Plan of Subdivision approval.

The subject property falls within the 2002 *General Plan Annapolis Road Corridor* and is subject to a finding of pedestrian and bikeway adequacy pursuant to Section 24-124.01. This subject property was already evaluated for pedestrian and bikeway adequacy under PPS 4-13024. At that time, the subject property was proposed to be developed with a 95,000-square-foot hotel, which resulted in a cost cap of \$37,200, which was determined by multiplying the square footage of the hotel (95,000 square feet) by 0.35 per square foot of commercial development, as required by Section 24-104.01. The subject application replaces the hotel with 51 dwellings, which resulted in a cost cap of \$15,300, which was determined by multiplying the number of dwelling units (51) by \$300 per dwelling, as required by Section 24-104.01. In the submitted statement of justification (Horne to Connor November 3, 2020), and the response to SDRC comments (Horne to Heath March 11, 2021), the applicant indicated that the construction of these facilities is underway, as approved with PPS 4-13024 and DSP-16055. The applicant has proffered to maintain the required off-site pedestrian and bikeway adequacy facilities as approved in PPS 4-13024. The conditions of approval related to off-site pedestrian and bikeway adequacy are maintained in this application.

Review of Master Plan Compliance

This development case is subject to the MPOT, which recommends the following facilities:

- Planned Bicycle Lane: Business Parkway, Martin Luther King Jr. Highway, Lottsford Vista Road
- Constructed Side Path: Annapolis Road

The applicant shall update plans and provide a bicycle lane along the subject property's frontage of Business Parkway, subject to modification by the DPIE, with written correspondence.

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

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

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

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

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The property is in the developing tier and will require five-foot-wide sidewalks on both sides of all new internal roads, consistent with the Prince George's County Department of Public Works and Transportation urban standards. The following improvements shall be shown on a DSP prior to its acceptance:

Five-foot-wide sidewalks along both sides of all internal roads throughout the subdivision, 10-foot-wide shared-use path along the subject property's entire frontage of MD 704, unless modified by SHA with written correspondence, standard sidewalk along the subject site's entire frontage of Business Parkway, standard sidewalks along both sides of all internal roads, perpendicular Americans with Disabilities Act ramps and marked crosswalks at all locations where sidewalks intersect with roads or streets, a bicycle lane along the subject property's frontage of Business Parkway, unless modified by DPIE with written correspondence, a pedestrian connection between the residential and commercial portion, two bicycle racks at all Parcel D, and continental style crosswalks crossing the drive aisles at all points of vehicle entry.

This PPS is subject to Section 24-124.01, adequate public pedestrian and bikeway facilities required in County centers and corridors. Condition 23 and 24 of PPS 4-13024 required off-site bicycle and pedestrian improvements. As previously stated, the applicant has proffered to maintain the required off-site pedestrian and bikeway adequacy facilities as approved in PPS 4-13024. Off-site bicycle and pedestrian adequacy was met through the improvements required by PPS 4-13024. In addition, the conditions of approval related to off-site pedestrian and bikeway adequacy are maintained in this application. These facilities have been reviewed by DPIE as well.

Based on the preceding findings, the pedestrian and bicycle transportation facilities will serve the subdivision, meet the findings required by Subtitle 24, and conform to the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and the MPOT.

- 10. Transportation**—The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Transportation-related findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are proposed by means of the streets being dedicated plus several private streets and driveways.

Links and Signalized Intersections: Level of Service D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed:
 (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed:
 (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Analysis of Traffic Impacts

The proposal would create townhouse lots in an area previously approved as a commercial parcel, with the remainder of the development proposal under PPS 4-13024 unchanged. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines). The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site:

Trip Generation Summary: 4-20022: Vista Gardens West								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Existing Trip Cap			--	--	387	--	--	602
Less trips for unchanged portion of PPS 4-13024 (townhouses, office, and commercial uses)			--	--	-281	--	--	-482
Total Remaining Trip Cap from PPS 4-13024 (associated with Parcel 2, Block B, originally proposed as a 200-room hotel)			--	--	106	--	--	120
Proposal								
Townhouses	51	Units	7	29	36	27	14	41
Total Proposed Trips for PPS 4-20022			7	29	36	27	14	41

For the purposes of this application, it is noted that the proposal is within the entitlement of the previous PPS. Given that access to Parcel 2, Block B under this PPS would be redirected from Business Parkway to MD 450/Vista Gardens Lane, the applicant has provided a sensitivity analysis of Total Traffic for the purpose of showing that MD 450/Vista Gardens Lane and

MD 450/MD 704 intersections will continue to operate acceptably with the diverted traffic. This analysis only compares Total Traffic from the PPS 4-13024 findings with the diverted traffic for this proposal.

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines in analyzing PPS 4-13024 were shown to operate as follows:

TOTAL TRAFFIC CONDITIONS: PPS 4-13024				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 450 and Vista Gardens Lane/Baltimore Lane (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	Exceeds 50*	Exceeds 50*	Fail	Fail
CLV Test (1,150 or fewer)	565	552	Pass	Pass
MD 704 and MD 450	1,183	1,609	C	F
With Conditioned Improvements	1,155	1,420	C	D
*In analyzing all-way stop-controlled intersections, a two-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, both tests must fail in order to require a signal warrant study.				

When the same intersections were analyzed with the current proposal as described in the trip generation table above, along with the proposed changes in access, these intersections are shown to operate as follows:

TOTAL TRAFFIC CONDITIONS: PPS 4-20022				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 450 and Vista Gardens Lane/Baltimore Lane (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	Exceeds 50*	Exceeds 50*	Fail	Fail
CLV Test (1,150 or fewer)	575	557	Pass	Pass
MD 704 and MD 450	1,191	1,588	C	E
With Conditioned Improvements	1,163	1,422	C	D
*In analyzing all-way stop-controlled intersections, a two-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, both tests must fail in order to require a signal warrant study.				

It is found that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 36 AM and 41 PM peak-hour vehicle trips is approved. By this finding, it is noted that this cap is part of the original trip cap for Vista Gardens West, PPS 4-13024, and in no way represents an additional entitlement for the overall area covered by PPS 4-13024.

Previous Approvals

Basic Plan A-10028

- 1. The following road improvements shall be constructed as a part of the subject development, with timing to be determined at the time of preliminary plan of subdivision, with approval of the SHA where required:**
 - a. Martin Luther King Highway (MD 704) and Forbes Boulevard: Construction of an additional northbound left turn lane on Forbes Boulevard (resulting in two left-turn lanes and one shared right/through lane on the approach).**
 - b. Martin Luther King Highway (MD 704) and Vista Gardens Shopping center driveway: Construction of a new approach from the north and new traffic signal.**
 - c. Martin Luther King Highway (MD 704) and Annapolis Road (MD 450): Construct a third left-turn lane within the median on the eastbound approach of MD 450.**
 - d. The applicants shall conduct a traffic study which shall include an evaluation of all site access points. Direct access to MD 450 and MD 704 will require approval of a variation.**

All off-site improvements contained within this condition are fully bonded, permitted, scheduled for completion and are under construction. Given the advanced status of these improvements, this condition is not to be carried forward.

PPS 4-13024

- 18. Total development shall be limited to uses that would generate no more than 387 AM and 602 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Consistent with the table presented earlier in this resolution, this condition is met. The proposal is consistent with this trip cap. A separate trip cap consistent with the trip generation assumed for this site, 36 AM and 41 PM peak-hour vehicle trips, shall be used. By this finding, it is noted that this cap is part of the original trip cap for PPS 4-13024, and does not represent an additional entitlement for the overall area covered by PPS 4-13024.

19. **Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have 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:**
 - a. **Construction of an additional northbound left-turn lane on Forbes Boulevard at Martin Luther King, Jr. Highway (MD 704) resulting in two left-turn lanes and one shared right/through lane.**
 - b. **Construction of a new southbound approach from the site to Martin Luther King Jr. Highway (MD 704) opposite the western entrance to the Vista Gardens shopping center. The applicant is responsible for a signal warrant study at this location, and the construction of a traffic signal at this location if approved by the SHA.**
 - c. **Construction of a third left-turn lane on the eastbound approach of Annapolis Road (MD 450) at Martin Luther King, Jr. Highway (MD 704). The applicant is responsible for any traffic signal modifications, signage, and pavement markings at this location as required by the SHA.**

All off-site improvements contained within this condition are fully bonded, permitted, and scheduled for completion and are under construction. Given the advanced status of these improvements, this condition is not to be carried forward.

Master Plan and Site Access

The site is adjacent to MD 704, a master plan arterial facility with a planned right-of-way of 120 feet. Adequate dedication exists, and no further dedication is required of this plan. Access and circulation are acceptable.

A 15-foot-wide extended access easement travels through the proposed Parcel 3, which contains the existing office building, and proposed Parcel A, connecting Business Parkway to the proposed private road (Parcel D), giving emergency access to the residential development given that the residential development is served by sole access from MD 450. This access was required with the previously approved PPS 4-13024 and should be maintained. The final plat shall reflect this easement.

Based on the preceding findings, adequate transportation facilities will exist to serve this PPS, as required, in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolutions CR-23-2001 and CR-38-2002. The subject property is located within School

Cluster 1, as identified the Pupil Yield Factors and Public-School Clusters 2020 update. An analysis was conducted, and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Clusters		
	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Townhouse (TH) Dwelling Units	51 DU	51 DU	51 DU
Pupil Yield Factor (PYF) – Attached	0.114	0.073	0.091
SFA x PYF	6	4	5
Actual Enrollment in 2019	12,632	5,756	6,695
Total Enrollment	12,638	5,760	6,700
State Rated Capacity	11,837	4,725	6,221
Percent Capacity	107 percent	122 percent	108 percent

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,770 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,770 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,748 per dwelling for all other buildings. This project is outside of Interstate 495; thus, the surcharge fee is \$16,748 per dwelling unit. This fee is to be paid to DPIE at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police, fire and rescue, and water and sewerage facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated March 18, 2021 (Thompson to Heath), incorporated by reference herein.
13. **Public Utility Easement (PUE)**—Section 24-122(a) of the 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 PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of MD 704 and Business Parkway and proposes an internal network of private streets. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along one side of all private streets. The required PUEs are delineated on the PPS along the private streets as well as public rights-of-way MD 704 and Business Parkway.

- 14. 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.

Previous Approvals

PPS 4-13024

The following conditions relate to Historic Preservation.

- 14. Prior to signature approval of any preliminary plan, the applicant and the applicant's heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. The MIHP form shall be completed by a 36 CFR qualified architectural historian and the submitted documentation shall meet Maryland Historical Trust submittal standards and include a chain of title, floor plans, and representative interior and exterior photos of the buildings. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section.**

The applicant submitted final copies of the MIHP forms for the dwellings located at 4901, 4823, and 4815 Lottsford Vista Road to the Maryland Historical Trust and Historic Preservation staff. This condition has been satisfied.

- 15. The applicant and the applicant's heirs, successors, and/or assignees shall provide with the detailed site plan for the WB&A master plan public trail (Parcel A, Block C), for the installation of interpretive signage highlighting the history of the Buena Vista Community (including the Burke-Jackson House, 70-037) and the Vista Raceway along the proposed bikeway through the subject property. The wording and placement of the interpretive signage shall be reviewed and approved by Historic Preservation staff. The trigger for the installation of the interpretive signage shall be determined with the DSP for trail construction.**

The applicant has installed the required interpretive signage in the approved location. This condition has been satisfied.

DSP-16055

The following conditions relate to Historic Preservation.

- 1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information provided:**

- n. **Provide a location of the interpretive signage highlighting the history of the Buena Vista Community (including the Burke-Jackson House, 70-037) and the Vista Raceway along the proposed bikeway through the subject property. The wording and placement of the interpretive signage shall be reviewed and approved by Historic Preservation staff.**

The wording and placement of the interpretive signage was reviewed and approved by Historic preservation staff. The signage has been installed at the location specified on the DSP. This condition has been satisfied.

- 52. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
4-96086	TCP1-048-96	Planning Board	Approved	11/14/1996	96-343
A-10028	N/A	District Council	Approved	7/21/2014	N/A
CSP-14002	TCP1-048-96-01	Planning Board	Approved	7/7/2016	16-90
4-13024	TCP1-048-96-02	Planning Board	Approved	7/7/2016	16-91
N/A	TCP2-094-96	Staff	Approved	10/18/1996	N/A
N/A	TCP2-094-96-01	Staff	Approved	11/25/1996	N/A
N/A	TCP2-094-96-02	Staff	Approved	7/21/2004	N/A
N/A	TCP2-094-95-03	Staff	Approved	6/30/2009	N/A
DSP-16055	TCP2-094-96-04	Planning Board	Approved	12/14/2017	17-158
DSP-16055-02	TCP2-094-96-05	Planning Director	Approved	3/13/2020	N/A
NRI-036-13	N/A	Staff	Approved	4/1/2013	N/A
NRI-025-09-01	N/A	Staff	Approved	7/2/2015	N/A
4-20022	TCP1-048-96-03	Planning Board	Approved	4/29/2021	2021-52

Proposed Activity

The applicant requested approval of a PPS and a Type 1 Tree Conservation Plan (TCP1-048-96-03), for 14 parcels for the development of 51 single-family detached dwellings and 14,881 square feet of existing commercial development.

Grandfathering

This project is subject to Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Site Description

The subject PPS application is for 6.90 acres of the overall site. The site is bisected by Lottsford Vista Road. A review of the available information indicates that nontidal wetlands and floodplain are found to occur on the overall property. The predominant soils found to occur according to the US Department of Agriculture Natural Resource Conservation Service, and Web Soil Survey include the Christina-Downer complex, Christina-Downer-Urban land complex, Issue silt loam, and Russett-Christina-Urban land complex soil series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this overall property; however, Christiana complexes are mapped on-site. No Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this overall property. The site drains to Folly Branch, which is a part of the Folly Branch watershed, then to Western Branch and then to the Patuxent River basin. The site has frontage on MD 704 and MD 450, which are both classified as arterial roadways. No designated scenic or historic roadways are adjacent to the project site. The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035. According to the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the site contains regulated areas and evaluation areas.

Previous Approvals

Basic Plan A-10028

Conditions of approval related to environmental review are as follows.

- 3. All future submissions for development activities on the subject property shall contain a Natural Resources Inventory (NRI) plan that covers the entirety of the subject property. The NRI shall be used by the designers to prepare a site layout, which results in nonessential impact to the regulated features of the site.**

The project has an approved Natural Resource Inventory, NRI-025-09-01, which was revalidated for one year on February 12, 2021. It was determined that the information on this NRI plan is correct.

- 6. The Detailed Site Plan shall demonstrate the use of full cut off optic light fixtures to the extent practicable.**

This condition shall be met at time of the detail site plan review.

PPS 4-96086

Conditions of approval related to environmental review are as follows.

1. **Development of this subdivision shall be in accordance with the approved Conceptual Stormwater Management Plan, CSD 978001240.**

Development of this subdivision will be in accordance with the pending SWM Concept Plan (47327-2007-05), discussed in Finding 4 of this report.

2. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/48/96). The following note shall be placed on the Final Plat:**

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/48/96), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25."

This condition shall be met at time of final plat.

3. **Prior to issuance of building permits, the applicant, his heirs, successors and/or assigns shall revise the Type II Tree Conservation Plan (TCPII/94/96), if necessary, to adjust the limits of disturbance.**

As part of this development, a revised tree conservation plan is required with the DSP application. This plan must conform to the current ordinance.

4. **Prior to approval of a Final Plat, the applicant, his heirs, successors and/or assigns shall submit a floodplain study to the Department of Environmental Resources, Watershed Protection Branch for review and approval.**

The floodplain has been reviewed and approved by DPIE as part of the NRI review.

Master Plan Conformance

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035: The Established Communities of the General Plan Growth Policy Map and Residential Low designation of the General Plan Generalized Future Land Use.

Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan

In the sector plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project.

Natural Resources/Environment Recommendations

Goal1: Restore and enhance water quality in areas that have been degraded.

Policy 1: Decrease the amount of pollutants from both storm and non-storm events entering sector plan area wetlands and waterways.

The overall site contains a small wetland that will be retained on-site. There are no wetlands or waterways within the area of this PPS. The implementation of the approved SWM Concept Plan (47327-2007-05) will result in a decrease in the amount of pollutants from storm and non-storm events currently entering the sector plan area wetlands and waterways.

Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.

There are no wetlands or waterways associated with this PPS.

Goal 2: Prevent flooding associated with new and redevelopment.

Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.

There are no wetlands or waterways associated with this PPS.

Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.

Water quality will be addressed through the approved SWM plan.

Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.

Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.

The site was cleared under previous approvals. No on-site woodland preservation is proposed on this subject site.

Policy 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.

The overall development includes 1.53 acres of reforestation onsite. Reforestation is not included in the subject area under previous approvals. The subject property for this PPS does not have any reforestation proposed. Landscaping requirements will be evaluated by

the Urban Design Section in conjunction with the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.

The site was previously cleared under Type 2 Tree Conservation Plan TCP2-094-96-05.

Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.

Policy 1: Require stormwater to be treated non-structurally to the maximum extent practicable.

The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. The site has previously approved SWM Concept Plan, 47327-2007-04. A revised SWM concept plan for the proposed site is under review by DPIE.

Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.

Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.

The use of green building techniques and energy conservation techniques should be used as appropriate.

Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

The minimization of light intrusion from proposed developed areas of this site, located in the Developing Tier, onto the sensitive wetland area to remain onsite, as well as off-site environmentally sensitive areas surrounding the site is of special concern. The use of alternative lighting technologies and the limiting of total light output should be demonstrated at the time of DSP. Full cut-off optic light fixtures should be used.

Conformance with Countywide Green Infrastructure Plan

According to the approved *Countywide Green Infrastructure Plan*, a majority of the site is within the designated evaluation area the designated network of the plan. While the Green Infrastructure elements mapped on the subject site will be impacted, portions of the overall site have been graded under previous approvals and the design of the site meets the zoning requirements and the intent of the growth pattern established in the Plan 2035.

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan/Existing Features

NRI-025-09-01, was revalidated on February 12, 2021 for one year, and was provided with this application. The site contains 100-year floodplain, wetlands, and their associated buffers which comprise the primary management area. There are three specimen trees on-site. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has two approved tree conservation plans: TCP1-048-96-02 and TCP2-094-96-05. The submitted PPS application includes a revised TCP1 (03 revision), which is subject to the current regulations because it is a part of a new PPS application submission.

This PPS is part of a larger overall development. A TCP1 has been submitted showing the site area of the PPS as part of a larger tree conservation plan for the proposed development of the site. The overall site contains 10.03 acres of upland woodlands and 3.79 acres of wooded floodplain woodlands. The area covered under this PPS was previously approved to be cleared under TCP2-094-96-05 and continues to be shown as cleared on the TCP1 under the current application.

This overall site shows clearing of the 10.03 acres of uplands, 0.07 acre within the floodplain, and 1.52 acres of off-site woodlands. The off-site clearing is for right-of-way clearing. The woodland conservation requirement is being met with 1.53 acres of on-site reforestation and 9.55 acres of off-site preservation. Through other permitting activities at the subject site, the overall site has complied with bonding on-site and purchasing off-site woodland credits. No additional clearing is included as part of this submission.

Specimen Trees

A Subtitle 25 variance application to remove Specimen Trees 1, 3 and 5 was reviewed and approved with CSP-14002. These specimen trees were located in the area of this PPS but were removed under TCP1-048-96-01. No additional information is required with regard to removal of Specimen Trees 1, 3 and 5.

Regulated Environmental Features / Primary Management Area (PMA)

The site included with the PPS does not contain regulated environmental features. No review of impacts to regulated environmental features is necessary and no conservation easements are required for this site.

- 16. Urban Design**—Conformance with the Prince George's County Zoning Ordinance (Subtitle 27) is evaluated as follows:

The subject application proposes to subdivide the 6.80-acre site into one commercial parcel, seven residential condominium parcels, and six parcels for private roads and open space. The site consists of three existing parcels, which are located at the intersection of Business Parkway and MD 704 in Lanham, Maryland, in the M-X-T Zone.

Conformance with the Zoning Requirements

The office and proposed single-family attached residential condominium townhouses are permitted in the M-X-T Zone. Conformance with the Zoning Ordinance regulations is required for the proposed development at the time of DSP, including but not limited to the following:

- Section 27-543, Uses (M-X-T Zone)
- Section 27-544, Regulations (M-X-T Zone)
- Section 27-548, Additional Regulations in the M-X-T Zone
- Part 11 Off-street Parking and Loading and
- Part 12 Signs

Conformance with the Prior Approvals

Basic Plan A-10028

Related conditions of approval are below:

2. **The following recommendations should be observed during the preparation and review of the Conceptual Site Plan (CSP) and preliminary plan of subdivision:**
 - b. **Wherever possible, existing living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.**

A continuous pedestrian walkway and bike trail has been provided in the form of a 1.83-acre linear park with a 10-foot-wide multiuse trail through the site, which has been provided with previous applications PPS 4-13024 and DSP-16055. This PPS provides a connection to this facility.

4. **The Preliminary Plan application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450).**

The applicant submitted a noise study dated March 9, 2020, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours.

CSP-14002

Related conditions are listed below:

3. **Prior to signature approval of the preliminary plan of subdivision (PPS), the following shall be addressed:**
 - a. **The PPS and the Type 1 tree conservation plan (TCP1) shall correctly show the lower and upper unmitigated 65 dBA Ldn noise contours along the entire frontage of Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450). The recommended mitigation measures shall also be shown on the TCP1.**

Both upper and lower unmitigated 65 dBA Ldn noise contours are shown on the PPS, and noise mitigation is discussed further in this resolution.

- b. **Adequate on-site private recreational facilities shall be provided in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the M-NCPPC, Development Review Division (DRD), Urban Design Section, for adequacy and proper siting. The private recreational facilities package to be provided shall include those facilities proposed with the conceptual site plan application, which include, but are not limited to, bike racks, benches, tables, lighting, and landscaping.**

As discussed in Finding 5, adequate recreational facilities have been provided, via a connection to a 1.83-acre linear park containing a 10-foot-wide multiuse trail, and other recreational facilities previously approved. These improvements will be detailed further with the DSP.

CSP-14002 specifically includes a hotel use on the subject site. By removing the hotel and replacing it with 51 townhomes, the subject development proposal does not conform with CSP-14002; however, per Section 27-282(g) of the Zoning Ordinance, a CSP application may be amended with the future DSP.

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

The proposed development is subject to the requirements of the Landscape Manual, specifically Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Street. In addition, the DSP should demonstrate that a sufficient buffer between the proposed townhouses and adjacent commercial uses is provided, and that the treatment along the private streets is designed to establish a human-scaled, pedestrian-friendly streetscape. Conformance with the requirements of the above sections will be

evaluated at the time of DSP review, and alternative compliance will be needed if the requirements are not met.

Conformance with the Tree Canopy Coverage Ordinance

In accordance with Section 25-128 of the Tree Canopy Coverage Ordinance, properties in the M-X-T Zone are required to provide 10 percent of the gross tract area in tree canopy coverage (TCC). The subject site is 6.80 acres and is required to provide 0.68 acre of the site in TCC. Conformance with this requirement will be evaluated at the time of DSP.

17. **Noise Analysis**—The subject site is located west of MD 704, which is designated as an arterial roadway. Section 24-121(a)(4) of the Subdivision Regulations requires adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. Specifically, Parcels 7 and 8 of the subject PPS are oriented along MD 704. The proposed grading shows berms between the proposed development parcels and MD 704. Proposed dwellings will be approximately 90 feet from the existing vehicular lanes on MD 704 and approximately 30 feet from the right-of-way line. Landscaping requirements along MD 704 will also be evaluated with the DSP review. The applicant’s noise analysis, as well as the PPS, identifies the location of the unmitigated upper and lower level 65 dBA Ldn noise contours along MD 704. The unmitigated lower 65 dBA Ldn noise contour delineation will not affect the proposed development. However, the upper level unmitigated 65 dBA noise contour delineation is shown to affect development Parcels 7 and 8. The noise analysis provided by the applicant recommends the use of upgraded building materials on these parcels, to ensure interior noise levels are mitigate to 45 dBA or less, and staff recommends that certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to accomplish the necessary mitigation.

Section 24-121(a)(4) also requires residential lots adjacent to existing or planned roadways of arterial classification be platted with a minimum depth of 150 feet. The proposed Parcels 7 and 8 adjacent to MD 704 do not meet this requirement, as they are approximately 97 feet in depth measured from the right-of-way line. The applicant submitted a variation from Section 24-121(a)(4). Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

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

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

The applicant's noise analysis dated December 9, 2020 indicates that the proposed dwelling adjacent to MD 704 will be outside of the ground level 65 dBA Ldn unmitigated line but within the upper level 65 dBA Ldn unmitigated line. Architectural features can be used to mitigate upper level noise impacts. The proposed residential development is an extension of the residential development approved under PPS 4-13024. All proposed parcels are located outside of the master plan right-of-way MD 704 and are designed to be a continuation of the abutting attached residential dwelling units approved under PPS 4-13024. The variation will not be detrimental to the public safety, health, 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 proposed residential parcels are constrained by the established private road network and existing residential development to the north, and MD 704 to the east. The proposed parcel configuration is a continuation of the established lotting pattern and road network for the Vista Gardens West subdivision. These are unique circumstances to the subject site.

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

Granting of the requested variation will not violate any other law or ordinance. The lot depth requirement and approval of a variation are 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 strict letter of these regulations is carried out;

The proposed residential parcels are enveloped by the existing residential development to the north and the existing office parcel to the west. This coupled with the need to connect to the existing residential streets to the north limits the amount of space to increase the lot depth. Strict compliance with the lot depth requirements would prohibit the ability to provide consistency with the established subdivision, which is a particular hardship.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family 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 site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the findings above, the Planning Board approves of the variation from Section 24-121(a)(4), for lot depth adjacent to MD 704. Approval of the applicant’s request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to ensure the protection of residential development from traffic nuisances.


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, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular at its regular meeting held on Thursday, April 29, 2021, in Upper Marlboro, Maryland.

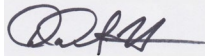
Adopted by the Prince George's County Planning Board this 29th day of April 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: April 22, 2021