

PGCPB No. 2023-66(A)

File No. CSP-21001

A M E N D E D R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Curtis Investment Group, Inc, submitted an application for approval of a conceptual site plan; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development applications or permit applications of any type for properties in all other zones of the County may utilize the prior Zoning Ordinance or Subdivision Regulations for development of the subject property; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on June 1, 2023, regarding Conceptual Site Plan CSP-21001 for Linda Lane Property; ~~†[the Planning Board finds:]~~ and

†WHEREAS, by a notice of decision sent on September 29, 2023 by the Office of the Clerk of the Council, this Conceptual Site Plan application was remanded by the Prince George's County District Council. The District Council was informed that several persons of record failed to attend the evidentiary hearing before the Planning Board, due to a misunderstanding of the time, place, and manner of the Board's evidentiary hearing. As a result, the District Council found that several persons of record who were lawfully pre-registered to testify or participate at the Board's evidentiary hearing were deprived the right to do so. The Planning Board was directed to reissue notice to all persons of record of the time, place, and location of a new evidentiary hearing, and reopen the record and take further testimony or evidence from any person of record; and

†WHEREAS, after consideration of the evidence presented at the public hearing on December 7, 2023, the Prince George's County Planning Board finds:

1. **Request:** This conceptual site plan (CSP) is for a mixed-use development consisting of 105 multifamily units and 104,600 square feet of commercial/retail space. There are two existing single-family detached dwellings and a commercial/office building on the property, which will be razed.

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2. **Development Data Summary:**

	EXISTING	EVALUATED
Zone(s)	CN (Prior M-X-T)	CN (Prior M-X-T)
Use(s)	Single-Family Residential; Commercial/Office	Multifamily Residential; Commercial/Retail
Gross Tract Acreage	5.60	5.60
Total Parcels	3	3
Total Lots	0	0
Total Gross Floor Area	37,107 sq. ft.	339,000 sq. ft.
Residential	34,568 sq. ft.	234,400 sq. ft.
Nonresidential	2,539 sq. ft.	104,600 sq. ft.
Total Dwelling Units	2	105
Parcel 25, Dwelling 1	1 (to be razed)	-
Parcel B, Dwelling 2	1 (to be razed)	-
Parcel C	-	-

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

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Evaluated:	1.39 FAR*

Note: *Pursuant to Section 27-545(a)(1) of the prior Zoning Ordinance, under the optional method of development, greater densities shall be granted, in increments of up to a maximum floor area ratio (FAR) of eight, for each of the uses, improvements, and amenities (listed in Subsection (b)) which are provided by the developer and are available for public use. Section 27-545(b)(4) states an additional gross floor area equal to a FAR of one shall be permitted where 20 or more dwelling units are provided. The subject application approves 105 multifamily dwelling units. Utilizing the residential optional method, the total FAR permitted is 1.40. The total approved gross floor area of the project is 339,000 square feet, which equals a total FAR of 1.39.

3. **Location:** The subject site is located in the southwest quadrant of the intersection of Linda Lane and MD 5 (Branch Avenue). The site is improved with two single-family detached dwellings and a commercial/office building, which are to be razed.
4. **Surrounding Uses:** North of the project site is Linda Lane, a two-lane roadway, with an existing place of worship beyond, in the Residential, Single-Family-95 (RSF-95) Zone (formerly in the One-Family Detached Residential (R-80) Zone). The site is bound to the east by Branch Avenue,

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a master-planned freeway, with single-family detached homes beyond, in the RSF-95 Zone. The site is bound to the south by single-family detached homes in the RSF-95 Zone. To the west of the site is C-716 (Old Branch Avenue), a collector roadway, with single-family detached dwellings beyond, in Residential, Rural (RR) Zone (formerly in the Rural Residential (R-R) Zone). In addition, nearby park facilities include the Woodberry Forest Neighborhood Park and the Middleton Valley Park, which are less than a mile southwest of the development site.

5. **Previous Approvals:** A portion of the property (Parcels B and C) was the subject of Special Exception SE-2283 (Prince George's County Council Resolution No. 168-1970), which was approved on April 15, 1970, to allow the use of an automobile parking compound. The SE was approved with three conditions that do not affect the subject application.

Parcels B and C were also subject to Preliminary Plan of Subdivision (PPS) 4-87035, which was approved by the Prince George's County Planning Board on March 26, 1987 (PGCPB Resolution No. 87-111), subject to three conditions. This PPS approved two parcels for development of residential and commercial uses. The conditions of the PPS do not affect the subject application. Parcels B and C were platted after the approval of PPS 4-87035. Parcel 25 has never been the subject of a PPS or a Prince George's County land record plat. However, the entire property will require a new PPS and certificate of adequacy, in accordance with Section 24-1904(b) of the Prince George's County Subdivision Regulations, following approval of a CSP. Also, a detailed site plan (DSP) and final plat of subdivision will be required following the approval of a new PPS, before any building permits may be approved for development of this site.

Subsequent to PPS 4-87035, Zoning Map Amendment (ZMA) A-10043 (Zoning Ordinance No. 9-2018) was approved by the Prince George's County District Council on July 2, 2018. The ZMA rezoned the subject property from the Commercial Shopping Center (C-S-C)/R-80 /Military Installation Overlay (M-I-O) to the M-X-T/M-I-O Zones. No conditions were associated with this ZMA.

†Remand

This case was previously heard at the June 1, 2023 Planning Board meeting. This conceptual site plan application was remanded by the Prince George's County Office of the District Council to reopen the record and take further testimony or evidence from any person of record. Staff has confirmed that the required notices were reissued to all persons of record of the time, place, and location of a new evidentiary hearing.

6. **Design Features:** The property will be developed as a mixed-use development project, consisting of a maximum of 105 residential units and 104,600 square feet of commercial/retail space. Only one building is shown with this CSP. The building is located on three individual parcels along the western portion of the site, oriented toward Branch Avenue. Surface parking surrounds the building on three sides, and structured parking is noted to be on the lower floor of the building. The mixed-use building will be five stories high, with both internal and surface parking spaces available for future residents and customers. The 104,600 square feet of commercial and retail space will be located on the first and second floors of the building. The approved 105 multifamily dwelling units will be located on the third through fifth floors.

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The site will be accessed from Linda Lane and Old Branch Avenue, both fully improved roadways. These access points will be further evaluated with the PPS and DSP applications. The site design shows pedestrian connections from the public right-of-way of Linda Lane to the entrance of the building, and to the surface parking lot. The illustrative plan submitted with the application shows the mixed-use buildings, residential/retail/commercial components, and the parking configuration. Given the scale, configuration, and uses of the approved development, there are ample opportunities for sustainable and green building techniques. The applicant shall apply those techniques, as practical, at the time of the DSP.

Recreational facilities are shown on-site, and are represented as a 6,886 square-foot amenity area. The details of the amenity area were not provided with this application and will be evaluated with the PPS and DSP applications. The Prince George's County Department of Parks and Recreation (DPR) supports the provision of on-site recreational facilities including increased green areas, and outdoor active and passive amenities, to fulfill the mandatory dedication of parkland requirement.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** This CSP application has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the prior Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547 of the prior Zoning Ordinance, which governs permitted uses in the M-X-T Zone. The application shows one mixed-use building consisting of 105 dwelling units and 104,600 square feet of commercial/retail space. Multifamily residential dwelling units and commercial/retail uses are permitted in the M-X-T Zone. Section 27-547(d) of the prior Zoning Ordinance requires at least two out of the following three categories of uses be present in every development in the M-X-T Zone:

Section 27-547(d)

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

The Linda Lane property development approves a mix of uses including residential, commercial, and retail, thus conforming to Section 27-547(d). Per Footnote 7 of Section 27-547(b) - Table of Uses, the maximum number and type of dwelling units shall be determined at the time of CSP approval. Therefore, development of this property would be limited to the numbers and types, as approved in this CSP, that cannot exceed 105 multifamily dwelling units.

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

(a) Maximum floor area ratio (FAR):

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

CSP-21001 uses the optional method of development for the project by containing a residential component of more than 20 units as part of the development. This increases the permitted FAR by 1.0 above the base of 0.40. Therefore, 1.40 FAR is permitted for the overall development. The approved FAR for this development is 1.39; and therefore, is below the allowed 1.40 FAR for the entire area of the CSP.

- (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 overall development shows multiple uses in one building and is located on three parcels. No lots are approved with this application.

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

This requirement is not applicable as this application is for a CSP. Subsequent DSP approvals will provide the dimensions for the location, coverage, and height of all improvements, along with other applicable regulations for development on this property.

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

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone, and to protect the character of the M-X-T Zone from adjoining and interior incompatible land uses, at the time of DSP.

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

The FAR for the approved development, of up to 339,000 square feet on the 5.6-acre property, is 1.39. This will be refined further, at the time of the DSP, relative to the final gross floor area of the building, in conformance with this requirement.

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

There are no private structures within the air space above, the ground below, or in public rights-of-way, as part of this project. Therefore, this requirement is not applicable to the subject CSP.

- (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.**

All development parcels have frontage on, and direct access to, public streets. The subject property fronts Branch Avenue to the east, Old Branch Avenue to the west, and Linda Lane to the north. Vehicular access points to the site will be provided along Linda Lane and Old Branch Avenue.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one**

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

The subject project does not involve the development of townhouses; therefore, this requirement is not applicable to this CSP.

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

The subject application shows one mixed-use building with a maximum height of five stories. The height limit of the mixed-use building, which includes a multifamily component, will be further evaluated at the time of the DSP, to demonstrate conformance with this requirement and also the requirements of the M-I-O Zone.

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

The subject property was placed in the M-X-T Zone through ZMA A-10043 (Zoning Ordinance No. 9-2018), which was approved by the District Council on July 2, 2018. Therefore, this requirement is not applicable to this CSP.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the prior Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

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

The approved development is in conformance with the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote the orderly development of land in the vicinity of major intersections, to enhance the economic status of Prince George's County. The approved development, consisting of residential, commercial, and retail uses, is located approximately 0.5 mile from the intersection of Branch Avenue and I/95-495 (Capital Beltway). The location of this mixed-use development will allow for increased economic

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activity in this area. It also allows for a reduction of the number and distance of automobile trips, by constructing residential and nonresidential uses near each other. Another purpose of the M-X-T Zone is to create compact, mixed-use, and walkable communities that emphasize the pedestrian experience, with active street fronts. This CSP shows one mixed-use building, which will contain residential, commercial, and retail uses. The site is surrounded by public streets on three sides, which promotes pedestrian connectivity to the larger neighborhood. Pedestrian circulation and activation will also be further evaluated at the time of the PPS and DSP applications. The approved development also addresses another purpose, which is to encourage an appropriate horizontal and vertical mix of land uses that blend harmoniously. The approved mix of uses will facilitate and encourage a 24-hour environment, to ensure continuing functioning of the project after workday hours, through a maximum of activity. This CSP promotes the purposes of the M-X-T Zone and contributes to the orderly implementation of the 2014 *Plan Prince George's 2035 Approved General Plan*.

- (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 subject site was rezoned to the M-X-T Zone through ZMA A-10043 (Zoning Ordinance No. 9-2018), which was approved by the District Council on July 2, 2018. No conditions were approved with the ZMA. Therefore, this requirement is not applicable to this CSP.

- (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 approved development will be outward oriented. The mixed-use five-story building consisting of residential, retail, and commercial uses will be oriented toward the site's frontage, along Linda Lane. As discussed above, the applicant shall consider providing active street fronts by locating the commercial/retail uses or other public oriented functions close to pedestrian access points, and by providing active storefronts at ground level to allow synergy among the different commercial/retail uses. The development will also shield its surface parking from view through various landscaping, in the hope of creating an attractive and desirable streetscape. The Planning Board recommends creating an L-shaped development, with the building relocated closer to Old Branch Avenue and oriented toward Linda Lane. Parking shall be towards the rear of the building, adjacent to Branch Avenue and the single-family dwellings, to the south. This placement lowers the visual impact to the single-family dwellings to the south, while creating an active street frontage along Old Branch Avenue.

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Based on the CSP provided, this development will contribute to the vibrancy of the community by providing commercial and retail uses to the surrounding residential neighborhoods. The building's relationship to the street, and other urban design considerations, will be addressed at the time of DSP to ensure continued conformance with this requirement.

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

The surrounding area is developed with various institutional, auto-oriented, commercial, and residential uses that are older. The approved development will improve the general appearance of the area and will set a high standard for future developments in the vicinity. The design of the five-story building, which faces three public roads, shall include landmark elements that will be further reviewed at the time of the DSP. The surrounding residential neighborhoods are mostly composed of older single-family detached homes. The mixed-use building will serve as a catalyst for additional development in the surrounding areas.

(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, arrangement of buildings, and other improvements and amenities produce a cohesive development, capable of sustaining an independent environment of continuing quality and stability. The approved development concept includes a mix of residential and commercial/retail uses with the associated on-site improvements. Recreational facilities are shown on-site with this application and are represented as a 6,886 square-foot amenity area. Indoor and outdoor amenities will be provided and demonstrated at the time of the DSP.

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

The development approved with this CSP will be completed in one phase.

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

This requirement will be evaluated in detail at the time of the PPS and DSP. The illustrative plan submitted with the CSP shows sidewalks surrounding the building and connecting the front entrance to Linda Lane. An additional conceptual pedestrian connection shall also be provided from the building to Old Branch Avenue, as conditioned herein.

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

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

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

The subject site was rezoned to the M-X-T Zone through ZMA A-10043 (Zoning Ordinance No. 9-2018), which was approved by the District Council on July 2, 2018. The subject site is not governed by any previously approved development applications that contain conditions related to transportation adequacy, access, or circulation. Transportation adequacy will be evaluated at the time of the PPS.

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

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

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses**

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may be approved in accordance with the provisions set forth in this Section and Section 27-548.

The subject property measures 5.6 acres and does not meet the above acreage requirement. Furthermore, this CSP does not include development of a mixed-use planned community. Therefore, this requirement is not applicable.

- d. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The approved development concept provides a mix of new multifamily housing, and commercial/retail uses, designed to front on roadways. Vehicle and pedestrian systems and connections will be further reviewed at the time of DSP.
 - e. In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval, at the time of the DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). The methodology in Section 27-574(b) requires that parking be computed for each use in the M-X-T Zone. At the time of the DSP review, demonstration of adequacy of parking, including visitor parking and loading configurations, will be required for the development.
8. **2010 Prince George's County Landscape Manual:** This development, located in the prior M-X-T Zone, will be subject to the requirements of the Landscape Manual at the time of the DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The approved CSP shows the approximate locations of the various landscape buffers. A condition has been included requiring the applicant to revise the landscape plan legend to show the correct Section 4.6 bufferyard requirement of 75 feet, or to remove the distance specifications on the CSP.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site qualifies for a standard exemption from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Although the property is greater than 40,000 square feet, this site qualifies for a standard exemption from the provisions of the WCO, because there are no woodlands present. A WCO Standard Exemption Letter (S-164-2022) was approved on September 15, 2022, and was submitted with this application. Future land development applications and permits will require a woodland conservation ordinance exemption letter.

The approved natural resources inventory (NRI) identifies three on-site specimen trees (Southern Red Oak) in fair condition, which are shown in areas approved for impact with this application. Although it is not required because the site is exempt from the woodland conservation ordinance,

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the Planning Board recommends that the applicant consider preserving as many of the specimen trees located on-site as possible, during the design process.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area in TCC. The subject site is 5.6 acres in size and, therefore, requires 0.566 acre of TCC. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of the DSP.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts the referral comments that are summarized as follows, and incorporated herein by reference:
 - a. **Subdivision Section**—In a memorandum dated May 1, 2023 (Vatandoost to Lockhart), it was noted that the entire property will require a new PPS and a certificate of adequacy, in accordance with Section 24-1904(b) of the Subdivision Regulations, following approval of a CSP. Also, a final plat of subdivision will be required subsequent to approval of a CSP and following the approval of a new PPS, before any building permits may be approved for development of this site. Additional comments include the following:
 - (1) Recreational facilities shall include a mix of active and passive recreation, indoor and outdoor, for all seasons and age groups.
 - (2) A Phase I noise study will be required with the PPS to demonstrate that any planned outdoor recreation areas and the multifamily dwelling units are not impacted by noise. Also, at the time of the DSP, when the positions of dwellings and details of the recreation facilities are known, Phase II noise studies will be required.
 - b. **Transportation Planning**—In a memorandum dated May 5, 2023 (Ryan to Lockhart), the following comments were provided:

Master Plan Compliance

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

Master Plan Roads

The subject property fronts Branch Avenue along the east side of the approved development. The MPOT recommends this portion of Branch Avenue as a 6–8 lane freeway, within 300 feet of the right-of-way. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* does not contain any right-of-way recommendations for this portion of Branch Avenue.

The subject property also fronts Old Branch Avenue (C-716) along the west side of the approved development. The MPOT recommends this portion of Old Branch Avenue as a

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2–4 lane collector roadway within 80 feet of the right-of-way. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* does not contain any right-of-way recommendations for this portion of Old Branch Avenue.

Master Plan Pedestrian and Bike Facilities

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

- Planned Bicycle Lane: Old Branch Avenue

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

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

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

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

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

Bicycle and pedestrian facilities will be further addressed at the PPS and DSP stage of development. In addition, to facilitate the MPOT policies regarding site-connected active transportation networks and complete streets, the Planning Board recommends that the site is served by an interconnected network of on-site bicycle and pedestrian facilities. The exact location and details of all pedestrian and bicycle facilities shall be provided at the time of the DSP.

Transportation Planning Review

Section 27-546(d)(9) requires a finding of adequate transportation facilities at the time of the CSP for properties placed in the M-X-T Zone by a sectional map amendment. The subject property was placed in the M-X-T Zone by a ZMA during which transportation adequacy was tested; therefore, the requirement for traffic review during this plan is not applicable. The subject plan will be required to have a PPS, and the review of adequacy will be completed concurrently with that plan.

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The application approves two points of vehicle access to the site; one along Linda Lane and a second along Old Branch Avenue. An internal circulation loop provides vehicular access throughout the site. Parking is primarily demonstrated along the portion of the site fronting Branch Avenue. However, additional parking is also shown along the north and west sides of the building. The Planning Board recommends relocating the building closer to Old Branch Avenue and oriented toward Linda Lane. Parking shall be located adjacent to Branch Avenue and the single-family dwellings to the south. This will create an active and pedestrian oriented streetscape towards the property entrances, while allowing parking to remain further away from the primary roadways. A condition has been included requiring the applicant to relocate the building and parking.

Conceptual pedestrian access has been provided along a portion of Linda Lane and a portion of Old Branch Avenue. At the time of subsequent development applications, the Planning Board will evaluate additional bicycle and pedestrian facilities.

Section 27-574 allows the Planning Board to develop a criterion for parking standards, specific to the approved development (subject to the evaluation on an analysis), for developing parking standards in the M-X-T zoning district. The Board added, as a condition of approval, prior to acceptance of a DSP, the applicant shall submit a parking analysis to determine the parking rate for the development, which examines both residential and nonresidential uses, in accordance with Section 27-574.

- c. **Environmental Planning**—In a memorandum dated May 1, 2023 (Schneider to Lockhart), an analysis of the CSP was provided and comments are summarized, as follows:

Natural Resources Inventory/Existing Conditions Plan

NRI-083-2017-01 was approved on September 9, 2022, and is provided with this application. The site does not contain 100-year floodplain, wetlands, or their associated buffers. There are three specimen trees scattered throughout the property. The CSP shows all required information correctly, in conformance with the NRI.

Woodland Conservation

This site qualifies for a standard exemption from the provisions of the WCO. Although the property is greater than 40,000 square feet, this site qualifies for a standard exemption from the provisions of the WCO, because there are no woodlands present. A WCO Standard Exemption Letter (S-164-2022) was approved on September 15, 2022, and was submitted with this application.

Specimen Trees

The approved NRI identifies three on-site specimen trees (Southern Red Oak) in fair condition, which are shown in areas approved for impact with this application. Although it is not required because the site is exempt from the woodland conservation ordinance, the Planning Board recommends that the applicant consider preserving as many of the specimen trees located on-site as possible, during the design process.

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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 Beltsville-Urban land complex and Grosstown-Urban land complex soils. Marlboro clays or Christiana complexes are not identified on, or in, the vicinity of this property.

Stormwater Management (SWM)

An unapproved stormwater management (SWM) concept plan was submitted with the subject application. Currently, SWM Concept Plan No.16942-2022-00 is under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). SWM features include six micro-bioretenention facilities and one large underground stormwater storage area. The submittal of an approved SWM concept plan and approval letter showing the buildings, interior roads, and surface parking, will be required with future development applications.

- d. **Historic Preservation**—In a memorandum dated April 10, 2023 (Stabler, Chisholm, and Smith to Lockhart), the following comments were provided:

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 commercial building located on Branch Avenue was constructed in 1986. The house located at 5710 Old Branch Avenue was built in 1940, according to tax records. The house located at 5702 Old Branch Avenue was built in 1954. The two residences were recorded on Determination of Eligibility Short Forms by architectural historians from the Maryland Department of Transportation State Highway Administration (SHA) in 2006. Both residences were found not to be eligible for listing in the National Register of Historic Places. Although the two residences were recorded on Determination of Eligibility Short Forms, there are no photographs of the structures. Historic Preservation staff will photograph all buildings on the subject property prior to demolition. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

- e. **Community Planning**—In a memorandum dated April 25, 2023 (Perry to Lockhart), it was noted that, pursuant to Part 3, Division 9, Subdivision 2 of the Prior Zoning Ordinance, master plan conformance is not required for this application.
- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated May 1, 2023 (Thompson to Lockhart), which supports on-site recreational facilities including increased green areas, outdoor active and passive amenities to fulfill the dedication of parkland requirement.
- g. **Special Projects**—At the time of the writing of this resolution, no comments were offered on this application.

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- h. **Prince George's County Fire/EMS Department**—At the time of the writing of this resolution, no comments were offered on this application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPiE)**—In a memorandum dated April 20, 2023 (Giles to Lockhart), an evaluation of the subject application was provided with the following comments:

Linda Lane is an existing state-maintained roadway to the north of the subject property, with variable right-of-way width. The applicant shall coordinate right-of-way dedications and construct roadway/frontage improvements as required, in accordance with the SHA, as determined necessary. This work shall be permitted prior to the issuance of a fine-grading permit.

Branch Avenue is an existing state-maintained roadway to the east of the subject property, with variable right-of-way width. The applicant shall coordinate right-of-way dedications and construct roadway/frontage improvements as required, in accordance with the SHA, as determined necessary. This work shall be permitted prior to the issuance of a fine grading permit.

Old Branch Avenue is an existing County-maintained urban collector roadway to the west of the subject property with a varying right-of-way width, requiring an 80-foot right-of-way width, as per the 2009 *Approved Countywide Master Plan of Transportation* (Master Plan Road C-716). The applicant shall provide right-of-way dedications and roadway/frontage improvements as required, in accordance with the Prince George's County Department of Public Works and Transportation Urban Collector Roadway Standard (Std. 100.03). This work shall be permitted prior to, or concurrent with, the issuance of a fine grading permit.

- j. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this resolution, no comments were offered on the subject application.
12. **Planning Board:** †The Planning Board held a public hearing on this application on December 7, 2023. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. Eight members of the community signed up to speak at the public hearing. The concerns expressed included traffic, emergency services response times, pedestrian safety, and disagreement with the multifamily and commercial/retail use. Multifamily and commercial/retail use is allowed within the zone. In addition, the other expressed citizen concerns will be evaluated during subsequent applications for development.

The Planning Board †previously held a public hearing on this application on June 1, 2023. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. No members of the community signed up to speak at the public hearing, however, the Planning Board did receive a letter of opposition from Ms. Valerie Love. Ms. Love expressed concerns regarding traffic. †As

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stated previously, [†] these concerns will be evaluated during subsequent applications for development.

13. Based on the foregoing, and as required by Section 27-276(b)(1) of the prior Zoning Ordinance, the CSP, as approved with the conditions contained herein, will represent a most 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 costs and detracting substantially from the utility of the approved development, for its intended use.
14. Section 27-276(b)(4) of the prior Zoning Ordinance requires that, for approval of a CSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Subdivision Regulations. NRI-083-2017-01 was approved on September 9, 2022, and is provided with this application. The site does not contain 100-year floodplain, wetlands, or their associated buffers.

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 Conceptual Site Plan CSP-21001 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the conceptual site plan (CSP), the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Show all bearings and distances to be consistent with the legal description and record plat.
 - b. Show the limits of the ultimate right-of-way as being 300 feet wide along the subject property's frontage of Branch Avenue.
 - c. Provide a note on Sheet 4 of the CSP stating that all improvements shown are conceptual.
 - d. Revise the landscape legend to note the correct distance for the Section 4.6 bufferyard requirement of 75 feet as noted in the 2010 Landscape Manual, or remove the distance specifications from the table.
 - e. Revise the landscape legend to reference the 2010 Prince George's County Landscape Manual.
2. Prior to acceptance of the preliminary plan of subdivision for this site, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit a new and approved Traffic Impact Study Scoping Agreement as part of a new traffic impact study to evaluate transportation adequacy.

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- b. Provide an approved stormwater management concept plan issued by the Prince George's County Department of Permitting, Inspections, and Enforcement.
3. Prior to acceptance of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit a parking analysis to determine the parking rate for the development, which examines both the residential and office/commercial/retail uses, in accordance with Section 27-574 of the prior Prince George's County Zoning Ordinance.
 - b. Submit a bicycle and pedestrian plan which displays the details, location, and extent of an interconnected network of on-site bicycle and pedestrian facilities.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, June 1, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2023.

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†This is to certify that the foregoing is a true and correct copy of the remand 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, December 7, 2023, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

†Adopted by the Prince George's County Planning Board this 4th day of January 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:DL:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 6/19/23


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

12/28/23

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