



PGCPB No. 2023-72

R E S O L U T I O N

1. The proposed development represents a reasonable alternative for satisfying the applicable standards of this Subtitle, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;
2. The proposed development complies with all conditions of approval in any development approvals and permits to which the detailed site plan is subject;
3. The proposed development demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-4303(D)(5) of Subtitle 24: Subdivision Regulations;
4. Proposed development located within a Planned Development (PD) zone shall be in conformance with the PD Basic Plan and PD Conditions of Approval that apply to that development;
5. The proposed development conforms to an approved Tree Conservation Plan, if applicable;
6. The development in the detailed site plan (minor and major) shall be consistent with the General Plan and shall conform to the relevant goals, policies, and strategies of the Area Master Plan or Sector Plan, applicable Functional Master Plans, and the Growth Policy Map as it relates to centers in the 2014 General Plan, *Plan Prince George's 2035*, for the subject property and its surrounding area (unless the subject property has been rezoned pursuant to a Zoning Map

Amendment subsequent to the adoption of the relevant Area Master Plan, Sector Plan, or Functional Master Plan);

7. The development proposed in a detailed site plan for infrastructure complies with applicable regulations of PART 27-6: Development Standards, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge; and
8. Places of worship located on a lot between one (1) and two (2) acres in size shall also meet the following standards:
 - a. The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
 - b. When possible, there should be no parking or loading spaces located in the front yard; and
 - c. The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased. (See III.A.)

In addition, to utilize the proposed use on the property, which is permitted by right in the Town Activity Center-Core (TAC-C) Zone, the subject application must conform with the standards in Section 27-4204(b), which are applicable to all Transit-Oriented/Activity Center Base Zones.

As part of this DET, the applicant requests a major departure from the pedestrian entrance requirements of Section 27-4204(b)(1)(F)(iii)(aa), and by reference Section 27-4204(b)(1)(C)(ii). To grant a major departure, the Planning Board must make the findings required by Section 27-3614(f) (See III. B). In addition, the applicant is requesting a variance from the building façade fenestration/ transparency standards in Section 27-4204(d)(3). To grant a variance, the Planning Board must make the findings required by Section 27-3613(d) (See III. C.).

The applicant also requests alternative compliance from the requirements of Section 4.3, Parking Lot Requirements, and Section 4.6, Buffering Development from Streets, of the 2018 *Prince George's County Landscape Manual*. (See III. D).

- B. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.** Pursuant to Section 25-119(a)(2)(B) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, applications for a DET shall include a Type 2 tree conservation plan (TCP2) or a standard letter of exemption. If a site requires approval of a TCP2, with an associated DET application, the TCP2 is reviewed simultaneously with the associated plan (See IV).

- C. **Prince George's County Tree Canopy Coverage Ordinance.** The site is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance and must provide a minimum of 10 percent of the site to be covered in tree canopy because the site is zoned TAC-C (See V).

II. BACKGROUND

- A. **Request:** The subject DET is for development of 221 multifamily dwelling units, consisting of 132 one-bedroom and 89 two-bedroom units, in five buildings. As part of the application, the applicant has requested a major departure from Sections 27-4204(b)(1)(C)(ii) and 27-4204(b)(1)(F)(iii)(aa) of the Prince George's County Zoning Ordinance, regarding pedestrian entrance requirements on a building façade that faces a street frontage. The applicant also filed a variance to Section 27-4204(d)(3) for the building façade fenestration/transparency standards and an alternative compliance request from the requirements of Section 4.3 (Parking Lot Requirements) and Section 4.6, (Buffering Development from Streets) of the 2018 *Prince George's County Landscape Manual* (Landscape Manual).

- B. **Development Data Summary:**

	EXISTING	EVALUATED
Zone(s)	TAC-C	TAC-C
Use	Vacant	Multifamily Residential
Total Gross Acreage	8.27	8.27
Floodplain	0.35 acre	0.35 acre
Total Net Acreage	7.92	7.92
Dwelling Units	-	221
One-Bedroom Units	-	132
Two-Bedroom Units	-	89

- C. **Location:** The subject DET is located on the east side of Matapeake Business Drive, approximately 1,280 feet north of the intersection with Timothy Branch Drive. The property is located in Planning Area 85A and Council District 9 and is zoned Town Activity Center-Core (TAC-C).
- D. **Proposed Uses:** The subject DET illustrates a single use on the property, which is multifamily residential dwelling units. The multifamily dwelling use is permitted in the TAC-C Zone, subject to the applicable standards in Section 27-4204.
- E. **Surrounding Uses:** The site is generally bounded by vacant land zoned either TAC-C or Town Activity Center-Edge (TAC-E). The property is bounded by environmental

features to the north and the east, which includes primary management area (PMA) for Timothy Branch and Mattawoman Creek. The property is also bounded to the north by a proposed master plan arterial roadway, A-55. However, this alignment will likely not be constructed, as shown, as it is located directly on top of an off-site stream, Mattawoman Creek within a PMA. The property is bounded to the south by a vacant parcel of land that has an approved Detailed Site Plan, DSP-17011-01, to develop 312 multifamily residential dwelling units; and to the west by Matapeake Business Drive and commercial uses beyond.

- F. **Previous Approvals:** The property is subject to Preliminary Plan of Subdivision PPS-2022-003, approved by the Prince George's County Planning Board on February 9, 2023 (PGCPB Resolution No. 2023-05) as one parcel for development of 221 multifamily dwelling units, subject to 16 conditions. The PPS also approved one open space parcel for future dedication as public right-of-way (ROW). Pursuant to Section 24-3402(e)(1)(A)(x) of the Prince George's County Subdivision Regulations, the PPS will be valid until February 9, 2029. This PPS approval superseded a prior subdivision approval for the subject property, PPS 4-97124 (PGCPB Resolution No. 98-84), which covers 176.44 acres and was approved on March 26, 1998, for 19 parcels to support development of 1,353,020 square feet of warehouse space; 66,900 square feet of industrial park space; and 219,000 square feet of light service industrial space or different uses generating no more than 778 AM and 779 PM peak-hour trips.

On November 29, 2021, the Prince George's County District Council approved Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the Mixed Use-Transportation Oriented (M-X-T) Zone to the TAC-C Zone, effective April 1, 2022.

- G. **Design Features:** This DET approves development of 221 multifamily dwelling units, in five buildings, on one 8.27-acre parcel, known as Parcel 12. The project provides 132 one-bedroom and 89 two-bedroom dwelling units. Parcel 12 lies to the east of Matapeake Business Drive and will have one access point, divided by a median with a freestanding sign identifying the residential property. The access point will allow vehicular traffic to enter or exit the site in separate one-way lanes. The five buildings are all four stories tall and are known as Buildings 1000, 2000, 3000, 4000, and 5000. Buildings 1000 and 2000 have frontage on Matapeake Business Drive and the access point is located between them. The remaining buildings are accessed via an internal parking lot and drive aisle. The project also provides a one-story clubhouse and pool as on-site recreation facilities.

1. **Architecture.** This DET shows five, 4-story, sloped asphalt shingle pitched-roof buildings. Each building will be constructed of cementitious siding, metal painted panels, and brick in multiple shades of white and gray.

The front elevations of each building face the internal site parking lot and have a mixture of window types and metal canopies over all door entrances. Units with full balconies are provided on most buildings, which will enhance views of the surrounding natural features and on-site recreation amenities. Buildings 1000 and 2000 have frontage that faces Matapeake Business Drive, which is enhanced via Juliet balconies, windows with 5-inch trims, and wall façade offsets. In addition, a stone masonry retaining wall and black metallic fencing separate the façade of Building 2000 from the Matapeake Business Drive streetscape.

2. **Parking.** Internal surface parking is provided via a combination of compact and standard parking spaces. A single access point is provided on Matapeake Business Drive, which has been designed to allow vehicular traffic to enter or exit the site in separate one-way lanes. Bicycle racks are combined in groups in front of each building and an internal bicycle storm room is provided within the clubhouse. Conditions have been provided herein, requiring the applicant to revise the DET and bicycle and pedestrian facilities plan to label the location of long-term bicycle parking and the number of bicycle parking spaces. The applicant shall also update the vehicular parking requirements on the DET coversheet, to be consistent with the provided unit breakdown by dwelling type.
3. **Signage.** The applicant has provided a signage plan and signage schedule on the DET coversheet for the site. One freestanding, permanent, real estate identification sign is provided between the median of the site's access point, along Matapeake Business Drive. The sign will be approximately 5.5 feet tall by 7.5 feet wide and ground-mounted on a brick base, which will match the building color and materials. Static lighting will be provided, with light being directed toward the sign.

The DET also identifies other signage provided for the property. This signage includes identification signs for tree conservation areas, the locations of specific types of parking spaces, building addresses, and breezeway identification.

4. **Lighting.** The applicant will provide lighting throughout the surface parking lots and on the sides of the buildings. Photometric plans and lighting details have been provided for the site.
5. **Recreation Facilities.** The applicant will provide on-site recreational facilities. The applicant has identified that these facilities will be contained within the clubhouse building, including a pool and pool courtyard area. Conditions have been provided herein, requiring the applicant to revise the recreational facilities table on the DET, to include the number of dwelling units, the total project population, and the required value of recreational amenities to be provided. In addition, the applicant shall provide a cost breakdown of the equipment, to be included in the Recreational Facilities Table.

III. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE

A. Detailed Site Plan Decision Standards (Section 27-3605(e))

- (1) The proposed development represents a reasonable alternative for satisfying the applicable standards of this Subtitle, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;**

The applicable standards of this Subtitle consist of Standards Applicable to all Transit-Oriented/Activity Center Base Zones (Section 27-4204(b)); standards applicable in the Town Activity Center (TAC) Zone - Intensity and Dimensional Standards (Section 27-4204(d)(3)); and applicable Development Standards (Part 27-6).

1. Standards Applicable to all Transit-Oriented/Activity Center Base Zones

- a. Connectivity
- b. Vehicular Access and Circulation
- c. Pedestrian Access and Circulation
- d. Off-Street Parking
- e. Arrangement and Design of Off-Street Vehicle Parking
- f. Building Form Standards

2. Standards applicable in the Town Activity Center (TAC) Zone - Intensity and Dimensional Standards

As described in the applicant's statement of justification (SOJ), dated May 17, 2023, incorporated herein by reference, the DET is in conformance with the applicable standards in Section 27-4204(b) and Section 27-4204(d)(3), except pursuant to the waivers granted with PPS-2022-003 (PGCPB No. 2023-05) and as discussed in Findings III.B. and III.C. below. These include standards relative to vehicular and pedestrian access, the arrangement and design of off-street vehicle parking and building form standards. A condition has been provided herein, requiring the applicant to revise the lot coverage standard on the DET coversheet to 53.3 percent. The applicant indicated that this standard was updated since the 35-day filing deadline for revised plans, via an email received on June 7, 2023 (Tedesco to Shelly).

Parking Requirements

	Min. Required	Provided
Parking Spaces @ 1 space per 132 one-bedroom dwelling units and 1.2 spaces per 89 two-bedroom dwelling units	240	299 148 compact spaces and 151 standard spaces (10 ADA parking spaces)
Loading Spaces @ 1 per 100 to 300 dwelling units	1	1
Bicycle Spaces @ 1 per 4 dwelling units (with no fewer than 2 bicycle parking spaces provided and no more than 49 bicycle spaces required)	49*	62
Visitor Parking @ 1 per 20 dwelling units	12	12 (6 compact)
Electric Vehicle Spaces	N/A	21 (4 compact parking spaces and 1 ADA parking space)
Ride-Share Spaces	N/A	6 (4 compact)

Note: *A condition has been provided herein, requiring the applicant to revise the required number of bicycle parking spaces on the DET coversheet, to conform with Section 27-6309(a)(1)(A).

3. Applicable Development Standards

The DET is consistent with the applicable standards in Part 27-6, as described in the applicant's SOJ dated December 11, 2022, incorporated herein by reference. The following discussion is offered:

a. Section 27-6200 Roadway Access, Mobility, and Circulation

The DET is in conformance with the applicable standards in Section 27-6200 of the Zoning Ordinance. A circulation plan was provided demonstrating sufficient vehicular, pedestrian, and bicycle access and circulation. A condition has been provided requiring the applicant to demonstrate the locations of the dog waste stations on the bicycle and pedestrian facilities plan. Below is an analysis of the waiver requests approved with PPS-2022-003 and carried forward with the DET application.

Site circulation is confined only to the site; thereby, ensuring that no cut-through traffic will take place from any neighboring developments. Sections 27-6206(e), 27-6207(b), and 27-6208(b) contain requirements for cross access between adjoining

developments' internal vehicular, pedestrian, and bicycle circulation systems (respectively) which apply to this site. The Planning Board has examined providing cross access to neighboring developments and does not support implementation of this requirement for the subject site. The subject site and the property to the south, where cross access would conceivably be placed, have each been evaluated for site access, circulation, and parking, and have been found to operate adequately with each site only having direct access along Matapeake Business Drive. An additional point of vehicle entry could negatively impact vehicular and pedestrian safety. In addition, the likelihood of cut-through traffic from the neighboring development to the south could impact site circulation and vehicle stacking, which was analyzed using only one point of access. The Planning Board finds that, in the interest of maintaining vehicular, pedestrian, and bicycle safety, implementation of cross access between adjoining developments should not be pursued with the subject application. At the time of PPS approval, the Planning Board granted waivers to Sections 27-6206(e)(2)(c), 27-6207(b)(2), and 27-6208(b)(2) from the requirements of providing vehicular, pedestrian, and bicycle cross access to adjoining sites.

b. Section 27-6300 Off-Street Parking and Loading

The DET is in conformance with the applicable standards in Section 27-6300, including parking, loading, and bicycle parking requirements and standards. However, conditions have been provided herein, requiring the applicant to revise the DET and bicycle and pedestrian facilities plan to label the location of long-term bicycle parking and the number of bicycle parking spaces. The applicant shall also update the vehicular parking requirements on the DET coversheet, to be consistent with the provided unit breakdown by dwelling type; and the required number of bicycle parking spaces, to be consistent with Section 27-6309(a)(1)(A). At the time of PPS approval, the Planning Board granted a waiver to Section 27-6207(a)(2)(C) and by reference Section 27-4204(b)(1)(C), permitting the provided sidewalk for the Timothy Branch Trail along the frontage of the property to be 8 feet wide, instead of the Code required 10 feet.

c. Section 27-6400 Open Space Set-Asides

The DET is in conformance with the applicable standards in Section 27-6400. The applicant provided an open space set-aside

plan showing the required 7.5 percent of open space being provided in natural features, active recreation areas, passive recreation areas, and required landscaped areas. A condition has been provided herein, requiring the applicant to revise the open space set-aside plan to remove the stormwater management (SWM) facilities, except for BMP-2 and BMP-3, as they are treated as site amenities.

d. **Section 27-6500 Landscaping**

The DET is in conformance with the applicable standards in the Landscape Manual, including Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscaping Requirements; and Section 4.11, Requirements for Nonresidential and Mixed-Use Development. The required schedules have been provided, demonstrating conformance to all of these sections, subject to technical corrections provided herein.

e. **Section 27-6600 Fences and Walls**

The DET is in conformance with the applicable standards in Section 27-6600, including fence and wall heights, locations, and appearance.

f. **Section 27-6700 Exterior Lighting**

The DET, which includes a photometric plan, is in conformance with the applicable standards in Section 27-6700, including maximum illumination measured in foot-candles at ground level at the lot lines.

g. **Section 27-6800 Environmental Protection and Noise Controls**

Section 27-6805 requires an approved grading, erosion, and sediment control plan. Development shall comply with the requirements for sedimentation and erosion control, in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code.

The County requires approval of an erosion and sediment control plan. The TCP2 must reflect the ultimate limits of disturbance (LOD), not only for installation of permanent site infrastructure, but also for installation of all temporary infrastructure, including erosion and sediment control measures. The approved conceptual grading, erosion, and sediment control plan shows the LOD within the PMA, in the northwest corner of the property. The applicant stated that the current development proposal will not impact the PMA. Technical grading, erosion, and sediment control design are subject to approval by the Prince George's County Soil Conservation District, prior to issuance of permits. With the subsequent technical plan reviews, the applicant shall not propose impacts to the PMA.

Relative to Section 27-6810, Noise Control, of the Zoning Ordinance, the applicant provided a Phase 2 noise study, relative to noise generated by the proposed master plan arterial roadway, A-55, that is anticipated to be located to the north of the property. It was found that certain units within Buildings 1000 and 3000 would be exposed to future transportation noise levels above 65 dBA Ldn, with noise impacts as high as 75 dBA Ldn upon units on the north elevation of Building 1000. Building construction modifications were found to be required to comply with Prince George's County's interior noise limit of 45 dBA Ldn. These modifications included providing windows and doors that had a minimum sound transmission class (STC) rating between 26 and 32. The applicant identified the units that required these modifications, within the architectural elevations, and stated that the minimum STC rating for the provided windows and doors would be between 28 and 30. A condition has been provided herein, requiring the applicant to revise the Phase 2 noise study to indicate if the outdoor activity areas will have a noise level of no more than 55 dBA/Leq, between the hours of 10:00 p.m. and 7:00 a.m. The DET shall then be updated if mitigation is required.

h. Section 27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards

The DET is in conformance with the applicable standards in Section 27-66900, including building orientation and configuration, building façade materials, and articulation, as shown on the architectural elevations.

i. **Section 27-61200 Neighborhood Compatibility Standards**

The subject application is exempt from the neighborhood compatibility standards because it is not located adjacent to, or across a street or alley from, existing single-family detached dwellings, two-family dwellings, townhouse dwellings, or vacant lands in the Residential Estate, Residential, Rural, Residential, Single-Family-95, and Residential, Single-Family-65 Zones.

j. **Section 27-61300 Agricultural Compatibility Standards**

The subject application is exempt per Section 27-61302 because it is not adjacent to an ongoing agricultural use or activity in the Reserved Open Space, Agriculture and Preservation, and Agricultural-Residential base zones.

k. **Section 27-61400 Urban Agriculture Compatibility Standards**

The subject application is exempt per Section 27-61402 because it is not adjacent to on-going urban agriculture use.

l. **Section 27-61500 Signage**

The permanent real estate identification sign meets the requirements in Section 27-61506(a). The remaining building-attached signage also meets the requirements of this section.

m. **Section 27-61600 Green Building Standards**

Development of more than 25 dwelling units requires the provision of four points from the Green Building Point System in Table 27-61603(b). The applicant has indicated on the DET coversheet that this requirement will be met through the location of the development, the retention of existing pre-development natural vegetation, and transportation improvements.

Based on the analysis herein, the DET, if revised as conditioned, will represent a reasonable alternative for satisfying the applicable standards of Subtitle 27, including those in Parts 4 and 6 of the Zoning Ordinance, without requiring unreasonable costs and without detracting substantially from the utility of the development for its intended use.

(2) The proposed development complies with all conditions of approval in any development approvals and permits to which the detailed site plan is subject;

The DET is subject to the conditions of approval of PPS-2022-003 and Certificate of Adequacy ADQ-2022-061. If the application is revised, as conditioned herein, the DET will comply with all of the relevant conditions of approval.

1. Preliminary Plan of Subdivision PPS-2022-003

The site is the subject of PPS-2022-003, approved by the Planning Board on February 9, 2023 (PGCPB Resolution No. 2023-005), as one parcel for development of 221 multifamily dwelling units, subject to 16 conditions. The PPS also approved an open space parcel for future dedication as public ROW and four waivers from regulations in the Zoning Ordinance. Three waivers were approved to Sections 27-6206(e)(2)(c), 27-6207(b)(2), and 27-6208(b)(2) from the requirements of providing vehicular, pedestrian, and bicycle cross access to adjoining sites. A fourth waiver was approved to Section 27-6207(a)(2)(C), and by reference Section 27-4204(b)(1)(C), permitting the provided sidewalk for the Timothy Branch Trail along the frontage of the property to be 8 feet wide, instead of the Code required 10 feet. Of the 16 conditions approved with the PPS, the following are applicable to this DET:

PPS 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 16172-2022-0, and any subsequent revisions.

A copy of the approved SWM Concept Plan, 16172-2022-0, was submitted with this application. The site layout shown in the DET is in conformance with the SWM concept plan.

Conformance to this condition should be further reviewed by the Environmental Planning Section.

PPS 3. Prior to approval, the final plat of subdivision shall include:

a. The granting of public utility easements along the public rights-of-way.

The required public utility easement, along Matapeake Business Drive, is provided on the DET. Conformance to this condition will be further reviewed at the time of final plat.

b. Dedication of public right-of-way, in accordance with the approved preliminary plan of subdivision.

Dedication of public ROW, along Matapeake Business Drive, is shown on the DET, in accordance with the approved PPS. Conformance to this condition will be further reviewed at the time of final plat.

c. Extinguishment of any existing trail easement for the Timothy Branch Trail, within the boundaries of the property, due to the trail's relocation to the right-of-way.

Conformance to this condition will be reviewed at the time of final plat.

d. A parcel for future widening of Matapeake Business Drive, which shall be labeled on the plat as "to be retained in private ownership in common with the abutting development parcel and reserved in perpetuity, for dedication upon demand by the operating agency, for the widening of Matapeake Business Drive, as designated in the 2009 Master Plan of Transportation and the 2013 Subregion 5 Approved Master Plan and Sectional Map Amendment."

Parcel A has been provided for this area, for future dedication on the DET. Conformance to this condition will be further reviewed at the time of final plat.

PPS 4. In accordance with Section 24-4601 of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.

The applicant has provided a recreational facilities chart on the coversheet of the DET. However, the table should be revised to provide the number of dwelling units, the total project population, and the required value of recreational amenities to be provided. In addition, a tech lounge and coworking space are listed on the recreational facilities chart. These facilities are not considered recreational, and should not be used to meet the

project's mandatory dedication of parkland requirement. The Urban Design Section should further review the list and design of the recreational facilities, and evaluate their adequacy.

PPS 6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, Prince George's County Planning Department, for adequacy and proper siting, per the *Parks and Recreation Facilities Guidelines*, with the review of the detailed site plan (DET). Timing for construction shall also be determined at the time of DET review.

The applicant is proposing a clubhouse with tech lounge, a fitness center, and a clubroom. A pool and associated courtyard area are also provided. Construction of these facilities will be completed in two phases. A condition has been provided herein, requiring the applicant to submit a cost breakdown of the equipment, to be included in the Recreational Facilities Table. The applicability of the facilities provided in the cost breakdown will be approved by the Urban Design Section.

PPS 8. At the time of detailed site plan, the internal sidewalk network shall be connected around Building 3000.

This condition has been met. The DET shows an internal network of sidewalks, which is continuous around Building 3000 and is connected to the other buildings on the site by crosswalks.

PPS 9. The applicant and the applicant's heirs, successors and/or assignees shall provide the following improvements, and shall show the following improvements on the detailed site plan (DET), prior to its acceptance:

- a. Provide a traffic calming analysis to demonstrate the most sufficient transportation management devices for the site. Traffic calming devices shall be provided throughout the site, in accordance with Prince George's County Department of Public Works and Transportation design standards or any other nationally recognized standards for traffic control devices. The exact location and details of said improvements shall be evaluated with the DET review.**

This condition has been met. The applicant's submission contains a traffic calming exhibit that displays stop signs, at strategic locations, where vehicles make turns on-site. In addition, the traffic calming exhibit shows speed bumps approximately midway through the north-south circulation routes on-site.

b. Designated parking spaces for rideshare activities and deliveries at each building and signage directing drivers to these locations.

The DET includes designated parking spaces for rideshare activities and appropriate signage directing drivers to the location of parking facilities, to include rideshare.

c. A minimum stacking area of 140 feet, from the single access driveway along Matapeake Business Drive to the first intervening intersection on-site.

This condition has been met. The provided bicycle and facilities plan indicates a minimum stacking area of 140 feet, from the site entrance to the first intervening intersection on-site.

PPS 11. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCP1-026-91-05). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP1-026-91-05 or most recent revision), 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 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, Prince George's County Planning Department."

Conformance to Condition 11 will be evaluated at the time of final plat review.

PPS 14. At the time of detailed site plan and final plat, the open space set-aside areas required by Section 27-6400 of the Prince George's County Zoning Ordinance shall be delineated on the plans for placement under an easement or covenant. The easement or covenant shall be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George's County Planning Department and be fully executed prior to approval of a final plat for the development. The documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Maryland-National Capital Park and Planning Commission. The documents shall be recorded in the Prince George's County Land Records, and the Liber/folio indicated on the final plat, prior to recordation.

The applicant provided an open space set-aside exhibit, as required by Section 27-6400, which meets the requirements, subject to conditions as discussed above. Neither the exhibit nor the DET specifies whether the areas for open space set-aside are to be placed under an easement or a covenant for maintenance. This condition will be further reviewed for conformance, at the time of final plat.

PPS 15. Prior to acceptance of a detailed site plan, a Phase 2 noise study shall be submitted. The Phase 2 noise study shall determine any mitigation needed to bring interior noise levels down to a maximum of 45 dBA/Ldn, in all buildings which will be exposed to noise levels above 65 dBA/Ldn. The Phase 2 noise study shall also determine any mitigation needed to bring noise levels down to a maximum of 65 dBA/Ldn, between the hours of 7:00 a.m. and 10:00 p.m., and to 55 dBA/Ldn, between the hours of 10:00 p.m. and 7:00 a.m., in outdoor activity areas.

Equivalent Continuous Sound Level (Leq) is a method to describe sound levels that vary over time, resulting in a single decibel (dBA) value which takes into account the total sound energy over the period of time of interest. Leq is the common

name for the equivalent continuous or average sound level - dBA is the measurement of loudness. The applicant submitted a Phase 2 noise study that indicates which dwelling units in Buildings 1000 and 3000 are affected by noise levels above 65 dBA/Ldn, and gives details for necessary mitigation to reduce noise in these units. The units affected by noise levels above 65 dBA/Ldn should be listed in the general notes. The Phase 2 noise study does not indicate if the outdoor activity areas will have a noise level of no more than 55 dBA/Leq, between the hours of 10:00 p.m. and 7:00 a.m. A condition has been provided herein, requiring the applicant to update the Phase 2 noise study, to determine if any mitigation is needed to bring noise levels down to a maximum of 55 dBA/Leq, between the hours of 10:00 p.m. and 7:00 a.m., in outdoor activity areas. The DET shall show the details of such mitigation, if required by the updated noise study.

PPS 16. Short-term bicycle parking shall be provided near an entrance of each principal building. Long-term bicycle parking shall be provided at a location(s) on-site, available and accessible to the residents, with the location(s) to be determined at the time of detailed site plan.

The applicant's submission displays short-term bicycle parking at each building. However, an indoor location for long-term bicycle parking, as discussed in the SOJ, was not included on the DET or the bicycle and pedestrian facilities plan. Regarding the amount of bicycle parking being provided, the parking tabulation indicates that a total of 62 bicycle parking spaces will be provided throughout the site. The Planning Board finds that the current submission displays 24 U-shaped racks, which equates to 48 bicycle parking spaces. Conditions have been provided herein, requiring the applicant to update the DET and bicycle and pedestrian facilities plan, to indicate the location where long-term bicycle parking will be provided. The applicant shall also indicate the number of bicycle parking spaces provided on the DET and bicycle facilities plan, and update the bicycle parking space requirements on the DET coversheet, in accordance with Section 27-6309(a)(1)(A).

2. Certificate of Adequacy ADQ-2022-061

The site has an approved Certificate of Adequacy, ADQ-2022-061, associated with PPS-2022-003, which is valid for 12 years from its date of approval (January 9, 2023), subject to the additional expiration

provisions of Section 24-4503(c) of the Subdivision Regulations. There are six conditions associated with this certificate. Those that apply to this DET are as follows.

ADQ1. Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 115 AM peak-hour trips and 133 PM peak-hour trips

This DET submission includes trip generation information which demonstrates conformance to the approved trip cap. The subject application considers a 221-unit multifamily dwelling, which results in 115 AM peak-hour trips and 133 PM peak-hour trips. The Planning Board finds that the subject DET is within the trip cap established with ADQ-2022-061.

ADQ3. Prior to the acceptance of the detailed site plan, the applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements approved with ADQ-2022-061 consistent with Section 24-4506(c)(G) of the Prince George's County Subdivision Regulations.

The applicant's submission includes a bicycle and pedestrian facilities plan, which details improvements associated with ADQ-2022-061. As discussed above, the location of long-term indoor bicycle parking has not been provided. A condition has been included herein to provide the location of long-term indoor bicycle parking at the time of certification of the detailed site plan.

ADQ4. The applicant shall provide a network of on-site pedestrian and bicycle facilities consistent with Section 24-4506(c)(1)(A) of the Prince George's County Subdivision Regulations. The details of the on-site facilities shall be provided as part of the Detailed Site Plan submission.

Sidewalks and crosswalks are provided throughout the development, allowing for safe pedestrian movement throughout the site. A series of traffic calming devices including stop signs and speed bumps also add to pedestrian and bicycle safety. The Planning Board finds that the applicant has fulfilled the above-referenced condition.

- (3) **The proposed development demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-4303(D)(5) of Subtitle 24: Subdivision Regulations;**

This site contains regulated environmental features (REF) that are required to be preserved and/or restored, to the fullest extent possible, under Section 24-4300(D)(5) and Section 27-6808. PPS-2022-003 did not approve any impacts to REF and neither does the subject DET. However, a condition has been provided herein, requiring the applicant to revise the layout on the TCP2, the site plan, and the landscape plan, to remove any impacts to the PMA.

- (4) **Proposed development located within a Planned Development (PD) zone shall be in conformance with the PD Basic Plan and PD Conditions of Approval that apply to that development;**

The DET is not within a Planned Development Zone. Therefore, this finding is not applicable.

- (5) **The proposed development conforms to an approved Tree Conservation Plan, if applicable;**

The DET has a companion TCP2-133-91-17, which the Planning Board recommends for approval, with conditions, as included herein.

- (6) **The development in the detailed site plan (minor and major) shall be consistent with the General Plan and shall conform to the relevant goals, policies, and strategies of the Area Master Plan or Sector Plan, applicable Functional Master Plans, and the Growth Policy Map as it relates to centers in the 2014 General Plan, *Plan Prince George's 2035*, for the subject property and its surrounding area (unless the subject property has been rezoned pursuant to a Zoning Map Amendment subsequent to the adoption of the relevant Area Master Plan, Sector Plan, or Functional Master Plan);**

This DET is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conforms to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), as described herein.

The DET is consistent with Plan 2035's Local Center designation, with the property located in the Brandywine Town Center. The vision for this type of Local Center is to "typically have a walkable core or town center. Often the mix of uses is horizontal rather than vertical... While master plans may call for future heavy or light rail extensions or bus rapid transit, no transit alternatives have

been approved for construction” (Plan 2035, Table 16, Plan 2035 Center Classification System).

To achieve these objectives, Plan 2035 includes the following policies and strategies:

Housing and Neighborhoods

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

Policy 2 **Preserve and expand the range of housing types and ownership opportunities, such as owner/resident of multifamily building and housing cooperatives, at different price points ranging from workforce and affordable units to upper-income housing to reduce housing and transportation cost burdens. (page 187)**

Community Heritage, Culture, and Design

Policy 12 **Emphasize compact design strategies for new development and redevelopment in Regional Transit Districts and Local Centers. (page 217)**

The development is consistent with these objectives, as the application provides 221 dwelling units, which equates to a density of 27.90 dwelling units per acre. This density is within the permitted range in the TAC-C Zone and the provided housing will enhance the existing commercial uses to the west across Matapeake Business Drive.

The master plan recommended mixed-use as the future land use for the subject property. A mixed-use area may have “various residential, commercial, employment, and institutional uses. Residential uses may include a range of unit types. Different mixed-use areas may vary with respect to their dominant land uses.” (Table IV-1: Future Land Use Map Designations, Descriptions, and Applicable Zones [Subregion 5], page 31)

The property is located in the Core area of Brandywine Community Center. “The core is envisioned as a mixed-use area containing moderate to high density residential (15 to 30 dwelling units per acre), commercial, and employment uses that would generate approximately 25 employees per acre. Public uses, such as schools, parks, and the transit station, would comprise 10 percent to 20 percent of

the total area. This area would abut existing and planned major retail land uses to the south, such as Costco and Target. Big box retail is inappropriate within the community center core.” (page 46)

The development is consistent with the master plan, as the application provides moderate- to high-density residential development in the Core area of Brandywine Community Center. While the subject property itself does not contain a mix of uses, it does support the Brandywine Community Center Core and other mixed-use properties that do not have a residential use.

- (7) **The development proposed in a detailed site plan for infrastructure complies with applicable regulations of PART 27-6: Development Standards, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge; and**

This application is not a DET for infrastructure. Therefore, this finding is not applicable.

- (8) **Places of worship located on a lot between one (1) and two (2) acres in size shall also meet the following standards:**

- (A) **The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;**
- (B) **When possible, there should be no parking or loading spaces located in the front yard; and**
- (C) **The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.**

The DET does not propose a place of worship. Therefore, this finding is not applicable.

B. Prince George’s County Zoning Ordinance: Major Departure to Sections 27-4204(b)(1)(C)(ii) and Section 27-4204(b)(1)(F)(iii)(aa).

The applicant has requested a major departure to Section 27-4204(b)(1)(F)(iii)(aa) and by reference Section 27-4204(b)(1)(C)(ii), to not provide pedestrian entrances along the façades of Buildings 1000 and 2000 that face Matapeake Business Drive. Section 27-3614(f) of the Zoning Ordinance contains the following required findings for approval of a major departure:

- (1) The departure falls within the thresholds provided in Subsection 27-3614(b)(2), Major Departures, above, for the applicable type of departure;**

In the applicant's major departure SOJ, dated May 17, 2023, incorporated herein by reference, it was indicated that the criterion is met, as Section 27-3614(b)(2) allows for a major departure from 100 percent of all standards in Section 27-4204(b). The Planning Board finds that a major departure can be filed for this standard, as it is within Section 27-4204(b).

- (2) The departure is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;**

In the SOJ, the applicant states that the major departure is consistent with the character of development on surrounding land and is compatible with surrounding land uses. As the Planning Board found in approving PPS-2022-003, the development supports the objectives or goals from the purpose and intent statements of the TAC-C Zone, as this application is consistent with Plan 2035 and conforms to the land use recommendations of the master plan. Although the development for this site is solely for residential use, the overall Brandywine Town Center will retain a mix of uses. The applicant also references a recently completed multifamily project consisting of four buildings, which was approved to the north in the Timothy Branch community. None of the buildings approved provide pedestrian entrances from the sidewalk along Mattawoman Drive. The Planning Board found that the departure is consistent with the surrounding land and land uses. The use conforms with Plan 2035 and the master plan, and several other properties in the region do not have sidewalk connections to designated arterial roadways.

- (3) The departure:**

- (A) Compensates for some unusual aspect of the site or the proposed development that is not shared by landowners in general, and**
- (B) Supports an objective or goal from the purpose and intent statements of the zone where it is located, or**
- (C) Saves healthy existing trees.**

In the SOJ, the applicant states that, not impacting the existing PMA and woodland conservation areas, while also meeting the tree canopy coverage requirement and exceeding the landscape requirements, not only saves healthy existing trees, but will also add a significant number of trees to the property. In addition, and notwithstanding, pedestrian connections from Buildings 1000 and 2000 to Matapeake Business Drive are impractical, due to necessary grading for

the project. Specifically, along the west side of Building 2000, a retaining wall is necessary to accommodate building code requirements associated with the lower level. Along the west side of Building 1000, a swale is shown to ensure positive drainage to the Timothy Branch stream. Neither condition is suitable for a sidewalk connection to the proposed 8-foot-wide Timothy Branch Trail within the Matapeake Business Drive ROW. Nevertheless, the design and layout provide adequate, safe, and efficient pedestrian access to the proposed buildings by providing a sidewalk along Matapeake Business Drive, connecting to the entrance aisle to the community, and directly to the building entrances over an internal sidewalk system. The Planning Board finds that the development, including the departure, saves healthy existing trees by not impacting the PMA and woodland conservation area. The Planning Board also finds that the departure compensates for the physical characteristics of the property, which are unusual, given the level of PMA and woodland preservation on the subject property.

(4) The departure will not pose a danger to the public health or safety;

In the SOJ, the applicant states that the major departure will enhance and not pose a danger to the public health or safety, based on the purposeful design to have all operable resident entrances internal to the site. If the major departure were not granted, residents of Buildings 1000 and 2000 would have entrances to their buildings accessible from the public sidewalk along Matapeake Business Drive. The applicant also contends that, since mixed-use development is not planned, as a significant amount of commercial, retail, and office development exists within walking distance of the property, it would not be appropriate to provide direct public pedestrian access from Matapeake Business Drive into private residential buildings. The Planning Board found that there will not be a danger to the public health or safety by granting this departure. The Planning Board has evaluated the internal pedestrian entrances shown on the DET and found them to be safe, while still maintaining pedestrian access to Matapeake Business Drive and the proposed 8-foot Timothy Branch Trail along the roadway.

(5) Any adverse impacts are mitigated, to the maximum extent practicable;

In the SOJ, the applicant states that no adverse impacts will be created by not providing pedestrian access from Matapeake Business Drive to the western façades of Buildings 1000 and 2000. Instead, and as described in more detail herein and depicted on the DET, pedestrian access from Matapeake Business Drive is provided along both sides of the main entrance into the property. This pedestrian access leads to the building entrances internal to the site, which is not an adverse impact. This design treatment has been successfully implemented throughout the County in suburban settings, with surface parked multifamily development, including immediately to the north with the multifamily component

of the Timothy Branch project. The Planning Board agrees with the applicant and finds that adverse impacts are mitigated by this proposal. The development still provides sidewalk access to Matapeake Business Drive, and residents may enter Buildings 1000 and 2000 internally to the site. This increases security and safety, without minimizing the connectivity and pedestrian circulation of the site.

- (6) **The site is not subject to a series of multiple, incremental departures that result in a reduction in each development standard by the maximum allowed over the previous twenty (20) years. (Relevant development standards cannot be reduced beyond the maximum thresholds allowed in this Subsection, through more than one departure, over the previous twenty (20) years); and**

In the SOJ, the applicant states that the site is not the subject of a series of multiple, incremental departures, which is agreed upon by the Planning Board.

- (7) **For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

In the SOJ, the applicant states that the site is not the subject of a departure from a standard contained in the Landscape Manual, which is agreed upon by the Planning Board.

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this DET, the Planning Board recommends approval of a major departure from Section 27-4204(b)(1)(F)(iii)(aa) and by reference Section 27-2404(b)(1)(C)(ii) to remove the requirement, to construct at least one street-facing pedestrian entrance per 150 feet of frontage along Matapeake Business Drive for Buildings 1000 and 2000.

C. Prince George's County Zoning Ordinance: Variance to Section 27-4204(d)(3).

The applicant has requested a variance to Section 27-4204(d)(3), to allow for a reduction to the minimum percentage of street-level building façade fenestration/ transparency in Section 27-2404(d)(3) and by reference Section 27-4204(b)(1)(F)(iv)(aa). The minimum street-level building façade fenestration/transparency percentage in the TAC-C Zone is 40 percent. Two buildings in this DET have frontage along Matapeake Business Drive and are thus subject to this development standard. The applicant requested a street-level façade building fenestration/transparency percentage of 16.90 percent for Building 1000 and 17.16 percent for Building 2000. Section 27-3613(d) of the Zoning Ordinance contains the following required findings for approval of a major departure:

- (1) **A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);**

In the applicant's variance SOJ, dated May 17, 2023, incorporated herein by reference, it is stated that Parcel 12 is oddly shaped and reduced in developable size, due to the existing 100-year floodplain, the stream system located to the north, the on-site woodland conservation easement, and grading requirements for Buildings 1000 and 2000 that are necessary to accommodate building code requirements and create a swale to ensure positive discharge to Timothy Branch. The applicant also states that the property is located on the edge of the TAC-C Zone, with the TAC-E Zone to the north. The TAC-E Zone does not require a minimum street-level building façade fenestration/transparency percentage for residential uses, which the applicant argues creates an extraordinary condition on this property as a transition point between the TAC-C and TAC-E Zones. The character of the surrounding area is classified as suburban, with site layouts with building entrances oriented inward, reducing the percentage of doors and windows that face a street frontage. The Planning Board found that Parcel 12 is oddly shaped, with environmental features and exceptional topographic conditions that limit the site's developable area. The site is located on the edge of the TAC-C Zone, bordering the TAC-E Zone to the north and east, in a primarily suburban area.

- (2) **The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;**

In the SOJ, the applicant states that meeting the minimum street-level façade fenestration/transparency percentages for Buildings 1000 and 2000, which is 40 percent, would result in an unusual practical difficulty. The applicant states that a strict application of the Zoning Ordinance would negatively impact the future residents of the ground floor, from a health, safety, and general welfare perspective, as the zoning provision would drastically restrict privacy, amongst other impacts. The Planning Board found that, based on the residential use, meeting the minimum street-level façade/fenestration requirement would likely necessitate providing entry doors along the street frontage, thus decreasing the safety and privacy of future residents as the applicant contends. Furthermore, the Planning Board found that such a design is not consistent with other multifamily developments within the suburban region of the Brandywine Local Town Center. The Planning Board also finds that providing entrances could negatively impact the safety of residents living on the ground floor of Buildings 1000 and 2000.

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

In the SOJ, the applicant states that the requested variance is the minimum needed for this DET, while also meeting all other development requirements within the zone, resulting in consistency between the required standards in Sections 27-6903(g) and 27-4204(b)(1)(F)(iv)(aa). The Planning Board agrees that the requested variance is the minimum needed to address safety and privacy concerns of future residents.

(4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;

In the SOJ, the applicant states that, in approving PPS-2022-003, the Planning Board found that “pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, this application is consistent with Plan 2035 and conforms to the land use recommendations of this master plan. Although the development for this site is solely for residential use, the overall town center will retain a mix of uses, given the existing nearby commercial development” (PGCPB No. 2023-05, pages 8–9). The Planning Board found that, due to the location of the property which lies on the border of the TAC-C and TAC-E Zones, a reduction in the minimum street-level building façade fenestration/transparency percentage would not impair the intent, purpose, or integrity of Plan 2035 and/or the master plan.

(5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and

In the SOJ, the applicant states that the subject development is consistent with the character of the adjacent properties. The applicant indicates that, even with a variance reducing the minimum street-level building façade fenestration/transparency percentage, the development would still be consistent and compatible with the adjacent properties, without impairing their use or enjoyment. The Planning Board found that a reduction in the minimum street-level building façade fenestration/transparency percentage would not impair the use and enjoyment of the adjacent properties. The façades provided are typical for multifamily residential buildings in a suburban setting, and harmonious with adjacent properties with multifamily residential development.

(6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

In the SOJ, the applicant states that the variance is not self-inflicted, but rather stems from a collection of extraordinary conditions related to the property. These include being on the edge of the zoning district, creating a standard that does not

exist on adjacent properties; the existing and approved development in the area, which is suburban in nature, and is consistent with the application; the development being solely for residential use and not a mixed-use project with residential units above commercial retail storefronts; the existing commercial development nearby is developed pursuant to the prior C-S-C Zone; the auto-oriented nature of the Local Center; the project's conformance with the requirements of Section 27-6903(g); and the need to ensure the health, safety, and general welfare of future residents of the project. The Planning Board finds that the collection of extraordinary conditions listed above make meeting the minimum street-level building façade fenestration/transparency percentage a practical difficulty that is not self-inflicted by the owner of the property.

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this DET, the Planning Board recommends approval of a variance from Section 27-4204(d)(3), to allow a reduction to the minimum street-level building façade fenestration/transparency percentage in Section 27-2404(d)(3), and by reference Section 27-4204(b)(1)(F)(iv)(aa), to 16.90 percent for Building 1000 and 17.16 percent for Building 2000.

D. Request for Alternative Compliance from the 2018 Prince George's County Landscape Manual.

Alternative compliance is requested from the requirements of the Landscape Manual for Section 4.3(c)(2)(D)(I), Parking Lot Requirements, regarding the square footage of contiguous pervious land area provided for each tree in the interior parking lot planting areas; and for Section 4.6(c)(1)(B)(III), Buffering Development from Streets, regarding the buffer width along the northern property line adjacent to a master plan arterial road (known as A-55). This alternative compliance request is a companion to Detailed Site Plan DET-2022-003, Allora Brandywine 2.0, which proposes 221 multifamily dwelling units within five buildings on one parcel.

Location

The subject property is located on the east side of Matapeake Business Drive, approximately 1,280 feet north of its intersection with Timothy Branch Drive, in Planning Area 85A and Council District 9. The property is approximately 8.27 acres in the TAC-C Zone.

Section 4.3

The applicant has requested alternative compliance to grant relief from the requirements of Section 4.3(c)(2)(D)(I) of the Landscape Manual, regarding the 300 square feet of contiguous pervious land area required for each shade tree within the interior parking lot planting area. The applicant is required to provide 50 shade trees and meets this requirement by providing 57 shade trees; however, 10 trees (20 percent) do not have the 300 square feet of contiguous pervious land area required. All other Section 4.3 standards are met.

Justification of Recommendation

The applicant has exceeded the minimum shade tree requirement by providing seven additional trees and notes that the provided landscape plan conforms to all other requirements within Section 4.3.

The Planning Board finds the applicant's proposal equally effective as normal compliance with Section 4.3 of the Landscape Manual, subject to a condition requiring the applicant to provide at least 10 additional shade trees along the parking lot perimeter to the north and south. These 10 shade trees should be located adjacent to the interior parking area and will support the purposes of Section 4.3. Ten shade trees are recommended, as this number represents the number of shade trees that do not meet the 300 square feet of contiguous pervious land area standard.

Section 4.6

The applicant has also requested alternative compliance to grant relief from the requirements of Section 4.6(c)(1)(B)(III) of the Landscape Manual, to reduce the minimum buffer width from 20 feet to 18.67 feet. The total length of the Section 4.6 landscape buffer is 650 linear feet, but the width is only reduced for 97.5 linear feet of the total buffer. An email received from the applicant on May 23, 2023, indicated to staff that invasive understory vegetation was present within the linear frontage, subject to Section 4.6.

REQUIRED: Section 4.6(c)(1)(B)(III), Buffering Residential Development from Streets

Name of street adjacent to yard	A-55
Type of street adjacent to yard	Arterial
Linear feet of frontage, not including driveway entrances	650 linear feet
Percentage of required buffer occupied by existing trees	69.5% (452.25 linear feet)
Invasive species in the buffer area	Yes
Six-foot-high fence or wall included in the bufferyard	Yes
Minimum buffer width	20 feet
Number of plant units (105/100 l. f.)	105 plant units

PROVIDED: Section 4.6(c)(1)(B)(III), Buffering Residential Development from Streets

Name of street adjacent to yard	A-55
Type of street adjacent to yard	Arterial
Linear feet of frontage, not including driveway entrances	650 linear feet
Percentage of required buffer occupied by existing trees	69.5% (452.25 linear feet)
Invasive species in the buffer area	Yes
Six-foot-high fence or wall included in the bufferyard	Yes
Buffer width	18.67 – 40 feet
Number of plant units	95 plant units

Justification of Recommendation

The applicant requests alternative compliance from the minimum buffer width requirement for 97.5 linear feet of the frontage, subject to Section 4.6 of the Landscape Manual. The applicant requests a minimum buffer width of 18.67 feet and provides slightly less than the required number of plant units. The reduction in width is limited to only 15 percent of the total frontage and is only a reduction of 1.33 feet. Existing vegetation within a woodland conservation area will be utilized to meet approximately 69.5 percent of the planting requirements for the frontage. The unconstructed master plan arterial road's current alignment is directly on top of an off-site stream (Mattawoman Creek) within a primary management area. It is unlikely that the road would be constructed in this location due to these conditions and therefore, could potentially, not be adjacent to this property in the future.

The Planning Board finds the applicant's proposal is equally effective as normal compliance with Section 4.6, subject to conditions included herein, including to provide five additional native shade trees (adding 50 plant units), to ensure effectiveness of the buffer and exceed the required number of plant units. In addition, the applicant shall update the provided landscape schedule to demonstrate conformance with Section 4.6-1, not Section 4.6-2, note on the landscape schedule and plans that invasive understory is present within the frontage, and provide a site detail of the retaining wall and fence on the landscape plan.

For all of the reasons above, the Planning Board approves the Alternative Compliance ACL-2023-002, from the Landscape Manual for Section 4.3(c)(2)(D)(I), Parking Lot Requirements, regarding the square footage provided for each tree in the interior parking lot planting area; and for Section 4.6(c)(1)(B)(III), Buffering Development from Streets, regarding the buffer width along the northern property line, adjacent to a master plan arterial road (known as A-55), subject to conditions contained herein.

IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2010 PRINCE GEORGE'S COUNTY WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO) adopted in 2010. The TCP2 associated with this DET is the -17 revision to TCP2-133-91.

Although the site was part of an overall boundary that has a previously approved TCP2 for an industrial project, approved under the 1993 WCO, this application is substantially different from that approval, and provides residential development. The site is part of an overall TCP2 and will be reviewed as part of that plan because the 2010 WCO requirements will not impact the TCP2 review. Prior to certification of the TCP2, the reforestation area provided on Parcel 12 shall be placed in a woodland conservation easement.

The overall woodland conservation threshold (WCT) for this 182.35-acre property is 15 percent of the net tract area, or 24.55 acres. There are inconsistencies in the amount of clearing and woodland preservation shown on the TCP2, between the amounts in the worksheet, the Tree Preservation Area Table, and the Lot-by-Lot Woodland Conservation Table. The total woodland conservation requirement, based on the amount of clearing with the prior TCP2 approval, is 33.94 acres. This requirement will be satisfied with on-site preservation, reforestation, and 19.74 acres of off-site woodland conservation credits. The off-site woodland conservation credits were secured with prior development proposals on the overall TCP2. Prior to certification of the DET, the overall TCP2 worksheet, the Tree Preservation Area Table, and the Lot-by-Lot Woodland Conservation Table shall reflect the same totals for woodland preservation and woodland clearing.

With the review of NRI-158-06-08, the floodplain delineation was updated to reflect the current conditions, as approved by FPS 201726, issued on August 25, 2022, by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The floodplain increased slightly on Parcel 12, as well as the overall site. The floodplain area will be protected within a revised floodplain easement. This new floodplain delineation slightly decreased the woodland conservation numbers because the woodland conservation requirement is generated from the net tract area, removing the floodplain from the calculations. The result is that the woodlands to remain will be protected by either a woodland conservation easement or a floodplain easement. Specimen Trees 564 and 565 are tulip poplars and are located on the eastern portion of the DET, within the PMA. Both specimen trees are to remain. Every effort should be made to preserve the trees in place, considering the species' poor ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances). The critical root zone of these trees should not be disturbed.

V. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRINCE GEORGE'S COUNTY TREE CANOPY COVERAGE ORDINANCE

The site is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. Since the site is zoned TAC-C, a minimum of 10 percent of the site must be covered by tree canopy. As the site measures 8.27 acres, approximately 0.83 acre (36,024 square feet) of tree canopy must be provided. The site plan provides sufficient tree canopy coverage between on-site woodland conservation and landscape trees. However, the number of trees provided on the plant schedule on Sheet 2 of the landscape plan does not match the Tree Canopy Coverage schedule. Therefore, a condition is included in the Recommendation section, requiring the applicant to correct the schedules.

VI. REFERRAL COMMENTS

The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and are summarized, as follows:

- A. **Community Planning**—In a memorandum dated May 23, 2023 (Calomese to Shelly), the following comments were offered:

Pursuant to Section 27-3605(e)(6), this DET application is consistent with Plan 2035 and conforms to the master plan. A summary of the analysis of Plan 2035 and the master plan is found in Finding III. A.

- B. **Transportation Planning**—In a revised memorandum dated June 6, 2023 (Ryan to Shelly), the following comments were offered, which included a review of conditions attached to prior approvals and of the applicable Part 27-6 development standards, which are incorporated into the findings above.

The subject property is governed by the Subregion 5 Master Plan and SMA, as well as the 2009 *Approved Countywide Master Plan of Transportation*. This development will be served by Matapeake Business Drive, which is a major collector and may border a master-planned arterial roadway, A-55, depending on the alignment, as discussed previously.

The application is acceptable, subject to two conditions which are included herein. These conditions require the applicant to revise the DET and bicycle and pedestrian facilities plan. Revisions shall label the location of long-term bicycle parking and the number of bicycle parking spaces. The applicant also shall revise the required number of bicycle parking spaces, to conform with Section 27-6309(a)(1)(A).

- C. **Environmental Planning**—In memorandum dated May 23, 2023 (Nickle to Shelly), the following comments were offered, which have been incorporated into Findings III and IV above, and demonstrated conformance with the master plan and applicable sections of the

Zoning Ordinance. The Environmental Planning staff recommends approval of the DET and TCP2, subject to conditions that have been included herein.

Approved NRI-158-06-08 was submitted with the application. The mapped Green Infrastructure network on this site contains regulated and evaluation areas over most of the site. The site contains stream buffers and 100-year floodplain within the delineated PMA. The TCP2 and DET show all of the required information correctly, in conformance with the NRI.

An approved SWM Concept Plan (16172-2022) was submitted with the DET material, which shows the use of eight micro-bioretenion ponds, one submerged gravel wetland, and an underground storage containment to manage stormwater. The concept plan was approved on December 15, 2022, and expires on December 15, 2025. The approved stormwater concept shows grading impacts to the PMA in the northwest corner of the property. The applicant stated to the Planning Board that the development will not impact the PMA. Technical SWM design is subject to approval by DPIE, prior to issuance of permits. With the subsequent technical stormwater plan reviews, the applicant shall not propose impacts to the PMA.

Soils within the project area include Aquasco silt loam, Beltsville silt loam, Grosstown gravelly silt loam, Potobac-Issue complex, and Udorthents reclaimed gravel pits. No unsafe soils, such as Marlboro clay or Christiana complexes, have been identified on or within the immediate vicinity of this property.

- D. **Subdivision**—In a memorandum dated May 22, 2023 (Heath to Shelly), the following comments were provided, which included a review of conditions attached to prior approvals and noted technical revisions to the general notes on the DET coversheet, provided herein. A condition has been provided requiring the applicant to update the Phase 2 noise study, to determine if any mitigation is needed to bring noise levels down to a maximum of 55 dBA/Leq, between the hours of 10:00 p.m. and 7:00 a.m., in outdoor activity areas. The DET shall show the details of such mitigation, if required by the updated noise study.
- E. **Historic Preservation**—In a memorandum dated April 12, 2023 (Stabler to Shelly), it was noted that the subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources, and the following comments were offered:

A Phase I archeological survey was conducted on the subject property in April 2022. The archeological survey consisted of documentary research and fieldwork. The testing of the project area consisted of a systematic shovel test pit (STP) survey, conducted at 15m and 30m intervals, to determine the presence of cultural deposits. A total of 188 STPs were excavated. One prehistoric archeological Site, 18PR1227, was identified and was designated the Obie Rocks site. Two adjacent STPs contained lithic debitage indicating the presence of a precontact Native American site. One STP (N1180 E1150) contained a

fragment of quartz shatter recovered from the Ap horizon. The adjacent STP, N1165 E1150, contained one rhyolite secondary flake fragment, also recovered from the upper plowzone soil layer. Subsequent close-interval radial testing, at cardinal directions around each positive STP, did not result in the recovery of additional artifacts.

Due to the nature of artifacts recovered from the Obie Rocks site, it is categorized as an ephemeral lithic scatter. Sites of this type are of short duration and, due to the lack of diagnostic artifacts, cannot be attributed to a specific time period. Sites of this type are generally considered to be satellite hunting or resource procurement forays tied to a larger habitation site. A review of previously identified sites in the vicinity indicates that there are three similar low-density scatters and four sites with denser artifact assemblages dating to the Middle to Late Archaic periods, any of which could be the base for Site 18PR1227.

The Obie Rocks site is a low-density scatter of lithic artifacts that were recovered entirely from a plowzone context. No diagnostic artifacts or cultural features were identified during the survey. As such, the site holds minimal research value, and no further testing or evaluation was recommended on the site. Historic Preservation staff concur that no additional archeological investigations are necessary on the subject property.

- F. **Permit Review**—In a memorandum dated May 18, 2023 (Chaney to Shelly), comments were provided, indicating that technical corrections were needed to the DET. The applicant provided a memorandum addressing these comments, prior to the 35-day revised information deadline, and all technical comments have been addressed.
- G. **Prince George's County Department of Parks and Recreation (DPR)**—In an email dated April 10, 2023 (Holley to Shelly), it was noted that the DET is subject to Conditions 4–7 of PPS-2022-003 (PGCPB Resolution No. 2023-005), which require on-site private recreational facilities to be reviewed by the Urban Design Section.
- H. **Prince George's County Fire/EMS Department**—In an email dated April 4, 2023 (Reilly to Shelly), it was noted that fire department connections (FDCs) are not shown. A condition has been provided for the applicant to update the DET to indicate that the FDC for each building will be within 200 feet of a fire hydrant, measured as hose is laid by the fire department; around corners, obstacles, etc.
- I. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 8, 2023 (Giles to Shelly), numerous comments were provided to the applicant, which will be addressed in the agency's separate permitting process. However, it should be noted that the bicycle pedestrian impact statement was reviewed and approved with PPS-2022-003 and Certificate of Adequacy ADQ-2022-061. Any revisions to the cost cap by DPIE would require an amendment to the ADQ.

- J. **Maryland State Highway Administration (SHA)**—The Prince George’s County Planning Department has not received any written correspondence from the SHA for this subject application.
- K. **Prince George’s County Health Department**—The Prince George’s County Planning Department has not received any written correspondence from the Health Department for this subject application.
- L. **Washington Suburban Sanitary Commission (WSSC)**—The Prince George’s County Planning Department has not received any written correspondence from the WSSC for this subject application.

VII. COMMUNITY FEEDBACK

The Prince George’s County Planning Department received a letter of support for the project, prior to the Planning Board hearing on June 22, 2023, but after the hearing deadline. The letter supported the project, stating it would address the housing demand; provide a variety of dwelling unit types; be within close proximity to amenities, transportation networks, and employment centers; and lead to job creation.

VIII. PLANNING BOARD

The Prince George’s County Planning Board held a public hearing on this application on June 22, 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 provide input on this subject application. However, as noted in Finding VII, a letter of support was received after the hearing deadline and was acknowledged by the Board. Staff presented a review of the application and testimony was provided by the applicant’s representatives.

Prior to the hearing, and in accordance with the Planning Board’s procedures, the applicant provided an exhibit, known as Applicant Exhibit 1, which provided revised findings and conditions regarding the technical staff report. The revised findings and conditions are agreed upon by staff and the applicant. These findings and conditions allow certain SWM features, nearest the pool and clubhouse, to be considered amenities; therefore, counting as part of the open space set-aside and green space exhibits. These facilities are known as BMP-2 and BMP-3, respectively. In addition, the exhibit revises the duration of noise measurement from Ldn, which is a 24-hour measurement, to Leq, a measurement for a specified period of time. This measurement is also the standard provided in Section 27-6810 of the Zoning Ordinance.

During the hearing, staff and the applicant noted that this exhibit was submitted into the record. The Board voiced support of the applicant’s design with two of the five buildings being provided along the street frontage. Following this discussion, the Board voted to approve Detailed Site Plan DET-2022-018; Major Departure MJD-2022-001 from Section 27-4204(b)(1)(F)(iii)(aa), and by

reference Section 27-4204(b)(1)(C)(ii); Type 2 Tree Conservation Plan TCP2 133-91-17; a Variance to Section 27-4204(d)(3), and by reference Section 27-4204(b)(1)(F)(iv)(aa); and Alternative Compliance ACL-2023-002, subject to the revised conditions provided by the applicant and agreed upon by technical staff in Applicant Exhibit 1.

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 Major Departure MJD-2022-001 from Section 27-4204(b)(1)(F)(iii)(aa) and by reference Section 27-4204(b)(1)(C)(ii) and APPROVED Type 2 Tree Conservation Plan TCP2 133-91-17 and APPROVED a Variance to Section 27-4204(d)(3) and by reference Section 27-4204(b)(1)(F)(iv)(aa), and APPROVED Alternative Compliance ACL-2023-002, and further APPROVED Detailed Site Plan DET-2022-003 for the above-described land, subject to the following conditions:

1. Prior to certification of this detailed site plan (DET), the applicant shall:
 - a. List the dwelling units affected by interior noise levels above 65 dBA/Ldn in the general notes on the DET coversheet.
 - b. Revise the Recreational Facilities Table to state the number of dwelling units, the total project population, and the required value of recreational amenities to be provided.
 - c. Provide a cost breakdown of the equipment to be included in the Recreational Facilities Table. The applicability of the facilities provided in the cost breakdown will be approved by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department.
 - d. Update the vehicle parking requirements on the DET coversheet, based on the breakdown of dwelling unit types.
 - e. Update the bicycle parking requirements on the DET coversheet to conform with Section 27-6309(a)(1)(A) of the Prince George's County Zoning Ordinance.
 - f. Revise the provided lot coverage on the DET coversheet to 53.3 percent, as indicated in an email dated June 7, 2023 (Tedesco to Shelly).
 - g. Provide the dimensions of the maintenance building, the trash compactor enclosure, and the recycling enclosure on the DET.
 - h. Update the DET, and the bicycle and pedestrian facilities plan to indicate the location where long-term bicycle parking will be provided.
 - i. Update the DET, and bicycle and pedestrian facilities plan to label all bicycle parking spaces, to conform to Section 27-6309 of the Prince George's County Zoning Ordinance.

- j. Revise the Open Space Set-Aside exhibit to conform with Section 27-6404 of the Prince George's County Zoning Ordinance. The revision shall be accepted and approved by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department.
- k. Update the Phase 2 noise study to determine if any mitigation is needed, to bring noise levels down to a maximum of 55 dBA/Leq, between the hours of 10:00 p.m. and 7:00 a.m., in outdoor activity areas. The DET shall show the details of such mitigation, if required by the updated noise study.
- l. Provide the locations of dog waste stations on the bicycle and pedestrian facilities plan.
- m. Revise the landscape schedules provided on the landscape plans, as follows:
 - (1) Revise the green space exhibit and associated Section 4.1-4 landscape schedule, removing the stormwater management facilities, except BMP-2 and BMP-3.
 - (2) Provide a total of 10 additional shade trees along the northern and southern parking lot perimeters.
 - (3) Revise the Section 4.6-2 landscape schedule to demonstrate conformance to Section 4.6-1 of the 2018 *Prince George's County Landscape Manual*.
 - (4) Note on the Section 4.6-1 landscape schedule and plans that invasive understory is present, within the Section 4.6 frontage, and is to be removed.
 - (5) Provide a site detail of the retaining wall and fence on the landscape plan.
 - (6) Provide an additional five native shade trees within the Section 4.6 buffer along the northern property line, outside of the woodland conservation area.
 - (7) Revise the Section 4.8-2 landscape schedules to match the building frontage zone percentages shown on the landscape plans.
 - (8) Identify the existing shade tree provided in the right-of-way in the building frontage of Building 1000.
 - (9) Revise the Section 4.9-1 schedule to demonstrate conformance to the species diversity requirements in Section 4.9 of the 2018 *Prince George's County Landscape Manual*.
 - (10) Revise the Tree Canopy Coverage schedule to be consistent with the plant schedule provided with the landscape plan.

- n. Update the DET to indicate that a fire department connection (FDC), for each building, will be within 200 feet of a fire hydrant, measured as hose is laid by the fire department; around corners, obstacles, etc.
- o. The Type 2 tree conservation plan (TCP2) shall meet all of the requirements of Subtitle 25, Division 2, of the Prince George's County Code and the Environmental Technical Manual, prior to certification, and shall be revised as follows:
 - (1) The layout on the TCP2, site plan, and landscape plan shall be revised to remove any impacts to the primary management area.
 - (2) The worksheet, the Tree Preservation Area Table, and the Lot-by-Lot Woodland Conservation Table shall reflect the same totals for woodland preservation and woodland clearing.
 - (3) The proposed reforestation area shall be placed in a woodland conservation easement.
 - (4) Have the TCP2 signed by the qualified professional who prepared it.
- p. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to Prince George's County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:

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

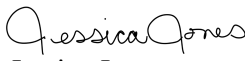
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

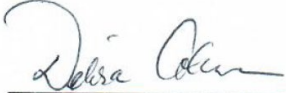
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Doerner, with Commissioners Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Washington and Geraldo absent at its regular meeting held on Thursday, June 22, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of July 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AS:jah


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 7/11/23