

R E S O L U T I O N

WHEREAS, a 2.87-acre parcel of land known as Parcel C and Parcel 8, being located on Tax Map 33, Grid D-1, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned M-U-I; and

WHEREAS, on December 30, 2003, Mark Vogel Companies filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03139 for North Gate was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 13, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on May 13, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-03139, for Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To provide a general note that the property is located within APA-6 and is subject to the regulations of Part 10B Airport Compatibility of the Zoning Ordinance.
  - b. To label denied access to US 1 from Parcel B.
  - c. To label that the access easement is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - d. To revise the wetland note consistent with the wetland report submitted by the applicant.
2. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.

3. The applicant shall ensure conformance to Section 27-548.43 of the Zoning Ordinance, Notification of Airport Environment, and all applicable notice requirements for development within APA-6.
4. The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:
  - a. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
5. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
6. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
7. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the detailed site plan.
8. US 1 and Quebec Street/north site access: Prior to the approval of the initial building permit for the subject property (Parcels A and B), the applicant shall submit an acceptable traffic signal warrant study to SHA and, if necessary, DPW&T for a signal at the intersection of US 1 and the north site access or Quebec Street, whichever one is deemed by SHA to be the better potential site for a traffic signal. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by the appropriate permitting agency.
9. At the time of final plat approval, the applicant shall dedicate a right-of-way along US 1 of 55 feet from centerline.
10. At the time of detailed site plan and TCP II approval, the plan shall demonstrate that the minimum requirement for tree cover of 10 percent of the gross site area has been provided.
11. Prior to signature approval of the preliminary plan, a stormwater management concept approval

letter and the associated plan shall be submitted.

12. Prior to signature approval of the preliminary plan, the TCP I shall be revised to include the following note:

“Off-site mitigation shall be provided within the Developed Tier as a the first priority. The applicant must demonstrate due diligence with regard to obtaining a site within the Developed Tier for off-site mitigation.”
13. Prior to signature approval of the preliminary plan, the forest stand delineation shall be revised and submitted to reflect the following:
  - a. Provide a DER-approved floodplain study and delineate the 100-year floodplain in accordance with the approved study;
  - b. Show the entire limits of the banks of Paint Branch; and
  - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
14. Prior to signature approval of the preliminary plan, the Type I Tree conservation plan shall be revised as follows:
  - a. Clearly show the banks of the stream, a 50-foot buffer from the stream, and an expanded stream buffer that includes the 100-year floodplain.
  - b. Revise the plan to show the preservation of the 50-foot-wide stream buffer along the southwest property line.
  - c. Revise the TCPI as needed to address other conditions of approval as necessary.
  - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
15. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
17. Prior to submittal of the detailed site plan, the applicant shall submit a proposal to Planning Department and DPR staff and they shall determine if the applicant will convey to M-NCPPC 0.35± acre of parkland as shown on DPR Exhibit “A” or if the applicant will construct a trail or promenade (minimum width of eight feet) from the rear of the property extending to the

pedestrian bridge to the south of the property to be build in association with the University View project.

18. If land is to be conveyed to M-NCPPC, it shall be subject to the following:
  - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these

features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

19. Prior to final plat of subdivision the subdivider, his successors and/or assignees shall, if land is to be dedicated to M-NCPPC, submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
20. If a trail is to be constructed in lieu of mandatory dedication of the parkland, the applicant shall incorporate the construction drawings for the trail into the detailed site plan and construct the trail prior to issuance of a use and occupancy permit for the residential building.
21. Prior to signature approval of the preliminary plan, DPR staff shall review and concur with the stormwater management plan. Their review will assess the impact of the stormwater management outfall on the Paint Branch stream valley.
22. Prior to signature approval of the preliminary plan, the applicant shall provide an indemnification agreement to DPR, indemnifying M-NCPPC from any damages or losses to the subject property caused by the stream erosion on adjacent parkland.
23. The applicant shall construct a retaining wall or other engineered structure to mitigate development impact from the subject property to the environmentally sensitive areas of Paint Branch Steam Valley Park and to prevent the possibility of damage to the improvements on the site. Construction drawings shall be reviewed and approved by DPR at the time of detailed site plan review.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the west side of US 1 in the City of College Park, approximately one-half mile south of MD 193 and opposite Quebec Avenue.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-U-I	M-U-I
Use(s)	Eating and Drinking	Mixed/Use 376 condominium units 12,000 square feet of commercial fast food restaurant
Acreage	2.86	2.86
Lots	0	0
Parcels	2	2

4. **Environmental**—A review of the information available indicates that the site is partially wooded and is characterized with terrain sloping toward the northwest portion of the subject property and it drains directly into Paint Branch in the Anacostia River basin. The subject property is located predominantly within the 100-year floodplain of Paint Branch based on a 1993 DER study. The predominant soil types found to occur on this property, according to the Prince George’s County Soil Survey, are Hatboro, Sunnyside, and Woodstown. These soil series generally exhibit moderate to severe limitations to development due to seasonally high water table, impeded drainage, poor stability, and flood hazard. Due to the flat topography and hydric soils in the floodplain, there is a strong likelihood that there may be nontidal wetlands present on site. No Marlboro clay has been identified on this site. There are streams and Waters of the U.S. associated with the site. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. There are no historic or scenic roads affected by the proposal. No adverse noise impacts would normally be associated with the site due to a reclassification of US 1 from an arterial to a collector roadway, which are not generally regulated for noise impacts. The site is subject to specific requirements approved within the sector plan. The subject property is located in the Developed Tier as delineated on the approved General Plan.

**Environmental Issues Addressed in the College Park US 1 Corridor Sector Plan**

Under “Environmental Framework,” the adopted sector plan makes the following general environmental recommendations based on the identified goals, issues and concepts:

- “1. **Avoid and enhance environmentally sensitive areas.** Development shall be avoided in environmentally sensitive areas. All development should enhance the existing environmental features and replace lost environmental features to the fullest extent possible.

- “2. Incorporate low-impact development design features and implement green building techniques.** New building designs and building rehabilitation and redevelopment projects should strive to incorporate the latest environmental technologies in project building and site design.
- “3. Affirm county Commission 2000 and state Smart Growth initiatives.** New development and redevelopment within the plan area should enhance existing green infrastructure elements such as wetlands, woodlands, open space, landscaped areas, street tree corridors, sensitive species habitats, and establish open space linkages where they do not currently exist.
- “4. Seek opportunities to create new, connected green infrastructure elements.** When proposals for new or redevelopment projects are reviewed, emphasis should be placed on opportunities to establish new landscaped open space with particular attention paid to open space connections with adjacent parcels.”

Comment: The TCPI shows that all the existing woodland on site is proposed to be removed except for an area of stream buffer along the southwestern property line.

Specific recommendations related to the environmental elements of stormwater management, stream restoration, floodplain, wetlands, woodland conservation, noise pollution, and air quality are also contained in the sector plan. These recommendations have been formalized within the plan as “Development District Standards,” some of which are regulatory and some of which are performance standards.

There are three environmentally related Development District Standards and related Design Standards that apply to the subject property. The applicable sections are addressed below.

#### **S6. Trees, Planting and Open Space**

Paragraph B states the following:

- “B. The planting of trees on sites...shall be counted toward meeting the Woodland Conservation Ordinance requirements. Street trees planted on abutting road rights-of-way may also be counted toward meeting the requirement.”**

Comment: A forest stand delineation and Type I tree conservation plan were submitted with the subject application as required. Additional comments will be provided on them later in this memorandum.

Paragraph C states the following:

- “C. Afforestation shall be accomplished through the provision of shade and ornamental trees. Tree cover shall be provided for a minimum of 10 percent of the gross site**

**area and shall be measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting right-of-way may be counted toward meeting this standard. Exception to this standard shall be granted on redevelopment sites where provision of 10 percent tree cover is not feasible due to existing buildings and site features.”**

The gross tract area of the preliminary plan is 2.86 acres or 124,581 square feet, resulting in an afforestation requirement of 12,458.10 square feet or 0.29 acre. Additional information should be provided with regard to proposed landscaping and street tree planting to determine how much tree cover will be provided. An evaluation of tree cover should be performed at the time of the detailed site plan (and accompanying TCPII), which is required within the adopted sector plan.

## **S7. Stormwater Management**

Paragraph A reads as follows:

**“A. Low impact development techniques...shall be used on all sites as either the primary or secondary method of collecting and/or treating stormwater.**

The preliminary plan submitted stated in notes 19, 22, and 25 that the subject property has an approved stormwater management concept plan, CSD #30781-2003, with conditions to be addressed during subsequent reviews. The subject property is located in Subarea 3a, where underground retention facilities are strongly encouraged. The subject property has an approved stormwater management concept plan with bioretention filtration system facilities in compliance with required standards as stated above; however, a copy of the stormwater management concept approval letter is yet to be submitted.

Paragraphs C, D, and E read as follows:

**“C. If the construction of stormwater management facilities results in the removal of trees or existing woodland, the area should be replaced within the same site. Wherever possible, bioengineering techniques should be used to reestablish the woodland lost.**

**“D. The use of underground retention facilities shall be considered through the development district, especially in the main street (3a and 3b) and town center (1a, 1b, 1c, 1d and 1e) subareas.**

**“E. Stormwater management facilities should be designed as visual amenities that are visible from a building or a street, rather than located in isolated areas. Openings in any screening treatments shall be provided to facilitate observation of the area.”**

The plan shows significant clearing, except for an area of 50-foot-wide stream buffer along the southwestern property line. Off-site mitigation should take the form of stream restoration and



tree planting within the Developed Tier.

### **Woodland Conservation**

A forest stand delineation (FSD) has been submitted for the subject property, which was found to generally address the requirements of a detailed FSD. Extensive floodplain has been shown on the plan; a new 100-year floodplain should be submitted to verify the 1993 approved DER floodplain delineation. The limits of the stream channel for both sections of Paint Branch are not shown consistently on all plans (the FSD shows a hand drawn line for the limit of the stream channel). Note 14 on the preliminary plan states that, "The wetlands are located along the western property line of the subject property," but no wetlands have been shown on the FSD. A wetland study submitted states that there are no wetlands on the subject property, based on a single sample point. Additional evaluation may occur at the time of review of the DSP.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/01/04) has been reviewed and was found to require revisions.

The plan lacks information, including but not limited to: a clear delineation of the stream banks; delineation of the 50 foot-wide stream buffer; and some of the symbols used on the plan are not in the legend. Additional evaluation will occur at the time of review of the Detailed Site Plan.

The plan as submitted shows a stream flowing north to south, which is adjacent to the subject property to the west. Section 24-130 of the Subdivision Regulations requires the preservation of stream buffers associated with streams. The expanded stream buffer as shown on the plans incorporates approximately two-thirds of the site. To disturb a stream buffer, a variation is required. A variation request was filed in conformance with the requirements of Section 24-113, for impacts to all of the expanded buffer on the subject property. Exhibits submitted on May 3, 2004, show a revised request that preserves the 50-foot-wide stream buffer adjacent to Paint Branch along the southwestern property line.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Based on the following findings, staff supports the variation requests with the exception of the 50-foot-wide stream buffer along the southwest property line per the revised exhibits submitted May 3, 2004. Section 24-113(a) reads:

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

**case that:**

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

Comment: The plan proposes the filling within the 100-year floodplain in order to develop the site. To ensure that the proposed development does not impact other properties, the Department of Environmental Resources will enforce requirements related to compensatory storage and stormwater management.

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

**Comment:** The uniqueness of this property is limited to the fact that the proposed development is predominantly located within the 100-year floodplain. The sector plan intends for this land to be developed, and in order to do so the requested variation must be granted.

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

Comment: Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. In addition, the requirements of the Floodplain and Stormwater Management Ordinances will be required to be met by the Department of Environmental Resources. As such there is no violation of other applicable laws.

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

Comment: If this variation is not approved, the property could not be developed as proposed, and the existing uses will be allowed to remain. In keeping with the recommendation of the sector plan, not granting the variation could be construed as being a particular hardship.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

5. **Community Planning**—The 2002 General Plan places this property in the Developed Tier and the property is located within the limits of the College Park US 1 Corridor Sector Plan, Planning Area 66 in Sector Plan Community 3A (Main Street Area). The land use recommendation is for mixed-use residential. The proposed preliminary plan is consistent with the sector plan.

The College Park US 1 Corridor Sector Plan was approved on April 30, 2002 (CR-18-2002) and recommends a mixed-use redevelopment for this area and provides the following land use and urban design recommendations for Subarea 3A:

- “Compact development with offices located above ground floor retail to take advantage of technology linkages to the university;
- “Vertical, mixed-use development where feasible outside of the floodplain;
- “Compliance with Prince George’s County floodplain regulations;
- “A rear service road to improve access and circulation as part of a comprehensive effort;
- “Introduction of a one-way service lane adjacent to US 1 with on-street parking between Berwyn Road and Berwyn House Road;
- “Shared and/or structured parking;
- “Pedestrian bridges across Paint Branch Creek to connect with the campus over a system of trails and boardwalk; and
- “No building balconies for housing facing directly onto US 1.”

The sector plan establishes the intended character of development in Subarea 3A by encouraging compact and vertical mixed-use redevelopment that establishes a “main street” character along US 1. In addition to the Subarea 3A land use and urban design recommendations quoted above, the sector plan also includes a corridorwide urban design recommendation to relocate overhead utility lines underground along US 1. Also, in approving the sector plan, the District Council amended the corridorwide land use and zoning recommendations to indicate that properties proximate to the College Park Airport should be developed in a manner compatible with airport operations.

The site is partially within the Paint Branch 100-year floodplain and the site is shown with partial woodlands existing. The sector plan recommends that buildings be elevated out of the floodplain when redevelopment occurs. Accordingly, appropriate compensatory storage of floodwater will be provided in accordance with Department of Environmental Resources requirements.

Portions of the property are adjacent to the Paint Branch Stream Valley Park and the sector plan recommends trail connections from properties along the west side of US 1 across Paint Branch to the university campus and the Paint Branch Stream Valley trail system.

The *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* was approved on April 30, 2002, and placed the property in the Mixed-Use Infill (M-U-I) Zone.

The sector plan encourages mixed-use redevelopment for the entire Subarea 3A along the west side of US 1 and establishes specific urban design Development District Standards under a Development District Overlay Zone (DDOZ) to guide redevelopment. These Development District Standards must be addressed and complied with at the time of detailed site plan (DSP) review. The applicant has submitted a Detailed Site Plan (DSP-03060) that is currently pending.

The proposed subdivision does not provide a rear service road or one-way service lane along US 1 as recommended by the sector plan as the preferred means of improving access and circulation in Subarea 3A. Because of the proximity of Paint Branch, a service road in the rear is not feasible.

This site is located in an area underneath the air traffic/flight pattern for College Park Airport, which is a small, public, general aviation airport. The property is located with APA-6. In approving the sector plan, the District Council approved an amendment to the plan's corridorwide land use and zoning recommendations which states:

**Proximity to College Park Airport—Because portions of the sector plan area are proximate to the College Park Airport, strategies to develop these areas in a manner compatible with airport operations should be part of the development planning process.**

Subsequent to the approval of the College Park US 1 Corridor Sector Plan Sectional Map Amendment the District Council approved CB-51-2002, an ordinance regarding general aviation airports. This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) Zoning Ordinance, Part 10B. Residential land uses are allowed in APA-6 in accordance with standard zoning regulations. The regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for residential property sales in Section 27-548.43 that apply within all APAs. Section 27-548.42(b) establishes that no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with FAR Part 77. The applicant will be required to address these issues at the time of review of the DSP for development.

6. **Parks and Recreation**—The subject property is adjacent to the Paint Branch Stream Valley Park, which is owned and maintained by The Maryland-National Capital Park and Planning Commission. More than 50 percent of the property is located in the 100-year floodplain. At the rear property line, in some areas the stream bank is 35 feet from the property line. The applicant is proposing to subdivide the property into two parcels. Parcel B is exempt from mandatory dedication of parkland, because it's a nonresidential use. A proposed 376-unit condominium building is proposed on Parcel A. The mandatory dedication requirement for this portion of the subdivision would be 0.35 acre of parkland.

The Department of Parks and Recreation (DPR) has concerns about the close proximity of the Paint Branch Stream to the site and the condition of the stream bank along this property. The applicant proposes a stormwater management outfall into the stream; the proposed outfall may increase the erosion along the stream bank. Concerns about the impact of the development on the environmentally sensitive areas of Paint Branch and the possibility of damage to the improvements on the site in the event of stream movement or stream bank erosion have resulted in recommended conditions to address these concerns.

Since M-NCPPC owns the property on which the stream is located, DPR is also concerned about liability for any damages to the improvements on subject site. Preventive measures should be taken, such as construction of the retaining wall or other engineered structure, to prevent the continuing stream bank erosion. DPR met with the applicant and discussed the above-mentioned concerns. The applicant agreed to consider indemnifying M-NCPPC as a property owner from any damages or losses caused by the stream erosion and negative impacts to the proposed development. They also agreed to consider construction of a retaining wall.

The applicant also agreed to convey 0.27 acre of parkland as shown on staff Exhibit "A," or construct a trail or promenade along the rear of the property extending to the pedestrian bridge to the south of the property to be built in association with the University View project. The trail connection could provide important recreational benefits and a safe pedestrian linkage to the University of Maryland. If the applicant proposes to construct a promenade, prior to submission of the detailed site plan, the applicant should provide to the Urban Design Section and DPR construction drawings for trail construction. The Planning Board will determine whether recreational facilities (the promenade) or mandatory dedication is appropriate.

At the Planning Board hearing an abutting property owner requested clarification that it was not the desire of M-NCPPC to locate the trail on private property. The property owner was concerned that if the trail were to be located on the subject property and not in abutting parkland, that an extension of the trail south would cross the (his) abutting property to the south. The Department of Parks and Recreation clarified that the trail is not proposed across the abutting property to the south, it is not in the public interest to locate the trail on private property, and the public trail is preferred to be located entirely on Park property where feasible.

7. **Trails**—The approved College Park US 1 Corridor sector plan and sectional map amendment designates US 1 as a master plan bicycle/pedestrian corridor. Accommodating the large number of bicycle and pedestrian trips being made to the University of Maryland and other destinations along US 1 is a priority. Existing sidewalks are extremely narrow and disjointed. The State Highway Administration (SHA) studies for US 1 have recommended 16-foot-wide outside curb lanes (accommodating a five-foot-wide bicycle lane) and continuous minimum five-foot-wide sidewalks along both sides of the road. The submitted plan meets this goal by providing a five-foot-wide sidewalk separated from the curb by a landscape strip. This is an improvement over the existing sidewalks in the vicinity of the subject site that are four feet wide and immediately behind the curb. In-road bicycle facilities will be provided comprehensively for the corridor

through an SHA road improvement project.

8. **Transportation**—The applicant proposes a mixed-use subdivision consisting of 376 condominium units, 12,000 square feet of commercial space within the condominium complex, and a stand-alone fast food restaurant of approximately 2,500 square feet.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated February 2004 that was referred for comment to the State Highway Administration (SHA) and the county Department of Public Works and Transportation (DPW&T), and these agencies' comments are attached. The study was also referred to the City of College Park, and the city will provide comments directly to the Planning Board. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

#### **Growth Policy—Service Level Standards**

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. The subject property is also located within the area of the College Park US 1 Corridor sector plan. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better, is the standard within the developed tier. The sector plan, as a recommendation within the Transportation and Circulation chapter, specifies that "Establishment of a traffic Level-of-Service E is recommended based on the average peak-period levels of service for all signalized intersections." This is further specified to occur over three sections of the corridor, and this measure is reflected in the table showing results for total traffic.

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

#### **Analysis of Traffic Impacts**

The traffic study for this site examined the site impact at five intersections:

- US 1/Greenbelt Road (signalized)

- US 1/Berwyn Road (signalized)
- US 1/Navahoe Street (signalized)
- US 1/Melbourne Place (signalized)
- US 1/Quebec Street (unsignalized)

The intersections of US 1/Pontiac Street and US 1/Berwyn House Road were included in the original traffic study, but were dropped from further consideration and analysis after the applicant proposed the site access point closer to Quebec Street. The existing conditions for the peak period at the study intersections are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 1 and Greenbelt Road	1,292	1,582	C	E
US 1 and Berwyn Road	1,415	1,260	D	C
US 1 and Navahoe Street	1,099	1,150	B	B
US 1 and Melbourne Place	1,040	1,058	B	B
US 1 and Quebec Street	62.1*	190.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.				

The area of background development includes four properties in the vicinity of the subject property. Background conditions also assume through traffic growth of 2.6 percent annually along US 1. There are no programmed improvements in the county's Capital Improvement Program (CIP) or the state's Consolidation Transportation Program (CTP). Background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 1 and Greenbelt Road	1,594	1,931	E	F
US 1 and Berwyn Road	1,717	1,583	F	E
US 1 and Navahoe Street	1,535	1,515	E	E
US 1 and Melbourne Place	1,232	1,268	C	C

US 1 and Quebec Street	128.9*	+999*	--	--
Average Corridor Level-of-Service for signalized intersections – see Service Level Standards at beginning of memorandum	1,520	1,574	E	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 376 apartments, 12,000 square feet of commercial/retail space, and 2,500 square feet for a fast food restaurant. It should be noted that retail space is required to include AM trip generation per the *ITE Trip Generation Manual* unless it is intended to be restricted to non-AM trip generation uses. As there is no indication that such a restriction is intended, staff has added the small number of trips that would be generated. The site trip generation would be a net of 159 AM peak hour trips (43 in, 116 out), with net trips being total trip generation less projected pass-by (i.e., already on the adjacent roadway) trips. The afternoon site trip generation would be 283 PM peak hour trips (160 in, 123 out). With the trip assignment as assumed in the traffic study, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 1 and Greenbelt Road	1,601	1,977	F	F
US 1 and Berwyn Road	1,724	1,617	F	F
US 1 and site access	1,654	1,498	F	E
US 1 and Navahoe Street	1,566	1,549	E	E
US 1 and Melbourne Place	1,263	1,273	C	C
US 1 and Quebec Street	143.1*	+999*	--	--
Average Corridor Level-of-Service for signalized intersections—see Service Level Standards at beginning of memorandum	1,562	1,583	E	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe				



inadequacy.

In the course of the public hearing, it was noted that the corridor of US 1 under analysis is strictly defined in the sector plan and should have included the US 1/Lakeland Street and US 1/Campus Way/Paint Branch Parkway intersections as well. These intersections were not included in the traffic study. Older available counts at these unstudied intersections were adjusted based on the through volumes from the recent counts presented in the traffic study, the background development and site development were added, and CLVs were calculated. Also, because the site entrance is not yet existing or signalized, that intersection was excluded from the corridor level of service computation. Given the additional information, the following results are obtained under total traffic:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 and Greenbelt Road	1,601	1,977	F	F
US 1 and Berwyn Road	1,724	1,617	F	F
US 1 and site access (not part of Corridor LOS)	1,654	1,498	F	E
US 1 and Navahoe Street	1,566	1,549	E	E
US 1 and Melbourne Place	1,263	1,273	C	C
US 1 and Lakeland Street	1,464	1,377		
US 1 and Campus Drive/Paint Branch Parkway	1,276	1,561		
US 1 and Quebec Street	143.1*	+999*	--	--
<i>Average Corridor Level-of-Service for signalized intersections – see Service Level Standards at beginning of memorandum</i>	<i>1,501</i>	<i>1,592</i>	<i>E</i>	<i>E</i>
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.				

Given these analyses, the corridor would operate at LOS E during both peak periods. This is within the peak period LOS E standard that has been set by the sector plan.

The traffic study identifies an inadequacy at the unsignalized intersection of US 1/Quebec Street, and it also proposes creating a signalized intersection at the north site access point. In response to the inadequacy, the Planning Board has generally recommended that the applicant provide a

traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency. In this circumstance, the applicant has indicated an intent to provide a warrant study at the site access; as this access point is approximately 100 feet south of the Quebec Street intersection, the final warrant study should be required to be done at the location deemed to be better-suited for placement of a signal. It is recommended that a new warrant study be conducted prior to building permit for review by SHA, with the applicant to be responsible for installation of the signal if SHA deems it to be warranted.

DPW&T had no comments on the study. SHA generally agreed with the conduct of the study, but also indicated that the site access will require further study.

It should be noted that the proposal for the site on which the analysis is based includes 376 apartments, 12,000 square feet of commercial/retail space, and 2,500 square feet of fast-food restaurant. Once there are approved detailed site plans covering the entire site, those plans will form the basis for analyzing this site as background for future applications in the area, as is the normal practice when performing traffic analyses.

### **Plan Comments**

As noted during initial comments on the subdivision, US 1 is a master plan major collector within a 110-foot right-of-way south of MD 193, and the subject plan must be revised to show an additional five feet of dedication (i.e., 55 feet from centerline).

Due to the size of the subject property and its location, there are not effective options to driveway access onto US 1. Even if a public street were to be provided, it would function as a driveway. Therefore, transportation staff support the variation request filed by the applicant for access onto US 1. It should be noted that the applicant's access is subject to any requirements that may be imposed by SHA. SHA's memorandum of March 2, 2004, appears to support a full movement access at the location of the proposed easement to serve the proposed parcels and also appears to limit the south access point to a right-out onto southbound US 1. SHA shall determine the improvements needed for safe access to this site.

The proposed main access to this site is slightly offset from existing Quebec Street by about 100 feet. The sector plan includes an illustrative concept that a closure of the existing Quebec Street, with access to existing uses on the east side of US 1 and planned uses on the west side of US 1 slightly south of existing Quebec Street. Although transportation staff would agree that there is a great need to avoid creating new offset streets along US 1, there are no specific recommendations within the Transportation and Circulation chapter of the same sector plan to guide decisions.

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

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the

Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	376 sfd	376 sfd	376 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	90.24	22.56	45.12
Actual Enrollment	36,236	11,113	16,710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	203.04	50.76	101.52
Total Enrollment	36,738.32	11,238.58	16,952.45
State Rated Capacity	38,817	10,375	14,191
Percent Capacity	94.64%	108.32%	119.46%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public fire and rescue facilities.
  - a. The existing fire engine at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 0.57 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at College Park Fire Station, Company 12, has a service travel time of 0.57 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at College Park Fire Station, Company 12, has a service

travel time of 0.57 minute, which is within the 7.25-minute travel time guideline.

- d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue, has a service travel time of 2.28 minutes, which is within the 4.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.” The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the existence of debris and scrap tires on the property. The applicant will need to remove this debris at the time of grading. Scrap tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. DER has indicated that the approval is forthcoming. Development must be in accordance with this approved plan.
14. **Variation to Section 24-129(a)(5)**—The floodplain regulations in Section 24-129(a)(5) of the Subdivision Regulations require a 25-foot setback for residential uses from the 100-year floodplain. The project proposes residential uses on Parcel A. A variation request was received April 9, 2004, in conformance with the requirements of Section 24-113 of the Subdivision Regulations. Staff recommends approval of the variation based on the following findings:

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation request based on the following findings.

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

Comment: Provisions are being made by the applicant to address the proposed impacts on the 100-year floodplain that include compensatory storage, stream restoration, and low-impact development techniques.

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

Comment: The uniqueness of this property is that Parcel A is almost entirely within the 100-year floodplain, saving the street frontage with US 1. Other sites in the area are only partially impacted by the floodplain. The applicant's proposal is also unique in that the residential units will be above the floodplain. Flood damage to these units is not expected. The residential units will be constructed above the floodplain.

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

**Comment:** The approval of this variation does not appear to constitute a violation of any other applicable law, ordinance, or regulation. During subsequent phases of development, all applicable permits will be required at the federal, state, and local levels. The property is in a designated development subarea of adopted sector plan. The sector plan intends for residential uses.

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

Comment: If this variation is not approved, development of the property with a residential use in accordance with the recommendations of the sector plan and applicable zoning would be very problematic. Therefore, the denial of this variation would impose a particular hardship on the property owner.

As indicated, the property is located within Subarea 3A, Main Street, in the College Park US 1 Corridor Sector Plan. One subarea recommendation is to comply with the Prince George's County floodplain regulations for the portion of the subarea impacted by floodplain. The Department of Environmental Resources has evaluated the proposed plan of development and recommends approval of the plan in accordance with Prince George's County floodplain regulations.

15. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

16. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.
17. **Applicant Proffer**—At the Planning Board hearing several issues were raised by the Planning Board that are to be further evaluated at the time of review of the detailed site plan:
  - a. To address concerns raised by the City of College Park regarding existing US 1 traffic issues the applicant proffered to provide or to have shuttle bus service from the subject site to the University of Maryland. Details of the implementation of the service are to be reviewed at the time of review of the DSP.
  - b. To address concerns of providing a greater degree of mixed-use development, the applicant proffered to evaluate providing an increase in the 12,000 square feet of retail/commercial proposed on Parcel A. Details to be evaluated at the time of DSP review
  - c. To address concerns regarding existing US 1 traffic issues, the applicant proffered to evaluate the use of traffic demand management strategies.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 13, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator