

R E S O L U T I O N

WHEREAS, Mazza Family College Park, LLC is the owner of a 22.40-acre parcel of land known as Parcels 37, 44 and 111, Lots 1-8 and 10-17, Block D, Tax Map 25 D-1, Record Plat 1@49 said property being in the 21st Election District of Prince George's County, Maryland, and being zoned M-U-I; and

WHEREAS, on June 8, 2004, PPC/CHP Marilyn Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04104 for Mazza Property 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 November 18, 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 November 18, 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 the Type I Tree Conservation Plan (TCPI/50/04), and further APPROVED Preliminary Plan of Subdivision 4-04104, Mazza Property for Parcels 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. Revise the density table to accurately reflect that the density calculations are based on the net tract area and that the allowable density in the M-U-I, pursuant to Section 27-546.18(a)(4), is 48 units per acre for multifamily dwelling units.
  - b. Add a general note that states that the final dwelling unit count is to be determined at the time of review of the detailed site plan, "but shall not be increased above that established by the approved preliminary plan."
  - c. Add a note that Parcel 3 is to be retained by the property owner and that the use is multifamily rental units.

- d. Add a note indicating that direct access to US 1 from Parcels 1 and 2 is denied and that access is provided via an access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - e. Reflect DPR Exhibit A for lands to be conveyed to M-NCPPC.
2. A Type II Tree Conservation Plan shall be approved with the detailed site plan.
  3. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan # 5898-2004-00 and any subsequent revision.
  4. The applicant shall complete and submit a Phase I archeological investigation with the application for DSP (including research into the property history and archeological literature). At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined to be needed by DRD staff. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.
  5. The applicant shall provide a minimum five-foot-wide sidewalk along the subject site's entire frontage of US 1, unless modified by SHA.
  6. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval prior to the submission of final plats, for construction of private on-site recreational facilities. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
  7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of private on-site recreational facilities on Parcel 3.
  8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
  9. Prior to the approval of the final plat, the existing right-of-way of Autoville Drive shall be vacated in accordance with Section 24-112 of the Subdivision Regulations.
  10. The final plat shall indicate that direct access to US 1 from Parcels 1 and 2 is denied and that access is provided via an access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

11. At the time of review of the DSP the new alignment (including width and length) of Autoville Drive shall be determined and the applicant shall dedicate the 50 to 60-foot wide right-of-way at the time of final plat, if dedication has occurred to connect to an existing public street. If at the time of final plat a connection cannot be demonstrated, the applicant shall create a parcel to contain the alignment of the future right-of-way, and shall convey that parcel to the City of College Park upon demand. The re-alignment of Autoville Drive shall provide for direct access from all of the proposed parcels to the new public street and ultimately to the intersection of Hollywood Drive and US 1.
12. The review of the detailed site plan shall include the following:
  - a. The orientation of buildings and parking.
  - b. Provision of recreational facilities for children.
  - c. Determination if the trail is to be a public trail connection and the extent of the public use easement if appropriate.
  - d. A determination of the extent of the lands to be conveyed to M-NCPPC, as proffered by the applicant.
  - e. Evaluate the proffered shuttle bus service to the University of Maryland, including the hours of operation, the location of shuttle stop, and agreement from the University of Maryland.
  - f. Finalize the plan for approval of on-site stream restoration and the trigger for completion.
13. **US 1 and Greenbelt Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Provision of a double right-turn lane along the westbound Greenbelt Road approach.
14. At the time of final plat approval, the applicant shall dedicate right-of-way along US 1 of 50 feet from centerline, as shown on the preliminary plan.
15. Total development of the subject property shall be limited to uses that generate no more than 172 AM and 265 PM peak-hour vehicle trips. Any development that generates an impact greater than that identified herein above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
16. Prior to approval of any detailed site plan for the subject property, the applicant shall have the

design and location of any proposed access to US 1 approved by the State Highway Administration.

17. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan (TCPI/50/04) shall be revised as follow:
  - a. Add to the plan standard notes as required exclusively for TCPI.
  - b. Remove soils information from the plan.
  - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
18. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/50/04). The following note shall be placed on the final plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/50/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
19. At the time of detailed site plan review, the impacts associated with the trail connection shall be further evaluated to reduced the impacts in compliance with an alignment approved by the Department of Parks and Recreation.
20. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the streams and wetlands and their associated buffers, except for areas of approved variations, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
21. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter and associated plans shall be submitted.
22. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
23. The development of this property shall be subject to the following conditions as recommended

by the Department of Parks and Recreation:

- a. The conveyance to M-NCPPC of 7± acres of the 100-year floodplain along the Paint Branch Stream Valley to the Commission, as shown on attached DPR Exhibit A
- b. Land to be conveyed subject to conditions 1 through 9 of DPR Exhibit B.
- c. The subdivider, his successors and/or assignees shall 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 the M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision
- d. The applicant shall construct an eight-foot-wide trail connection to the existing trail in the Paint Branch stream valley as shown on DPR Exhibit A. The trail shall be set back a minimum of 35 feet from the top of bank; farther in the locations along eroding meander bends of the creek. A boardwalk shall be installed when the trail crosses wetlands.
- e. All dead trees and dead tree limbs and branches that may impact upon the trail shall be removed. A distance of six feet shall be cleared beyond the edge of pavement.
- f. At the time of the detailed site plan review, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignment of the connector trail. The alignments shall be approved by DPR.
- g. Submission of three original, executed public recreational facilities agreements (RFA) for trail construction to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- h. The location of the trail shall be staked in the field and approved by DPR prior to construction.
- i. The applicant, his successors, and/or assignees shall construct the trail in phase with development. The timing for construction and completion of the trail shall be determined at the time of review of the DSP.
- j. With the submission of the detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
- k. Trail shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR.

- l. The handicapped accessibility of all trails shall be addressed during the review of the DSP.
- m. 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 private recreational facilities.
- n. At the time of DSP, determination its to be made if the public use easement is appropriate from US 1 over the internal driveways and section of the connector trail on private property to the Paint Branch stream valley trail.

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 Baltimore Avenue (US 1), approximately 250 feet south of the intersection of Peru Road and US 1.
- 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)	Vacant	Mixed Use Multifamily Dwellings (240) Commercial (12,000 sq.ft.)
Acreage	22.37	22.37
Lots	16	0
Parcels	3	3

- 4. **City of College Park**—At the Planning Board hearing a representative of the City Council of the City of College Park presented the decision of the City Council, recommending approval of the preliminary plan. That decision was entered into the record and the Planning Board was advised the all of the conditions of the City had been reviewed and incorporated where appropriate into the recommendations of staff.

The City Council found that the proposed development is consistent with sector plan recommendations for subarea 4f that call for “a mix of commercial uses along Route 1 and multifamily residential to the rear, taking advantage of views into the Paint Branch Stream Valley Park.” The sector plan also calls for “a new road (60’ right-of-way) to provide alternative access to the subarea by extending the existing Autoville Drive North to the south with connections to an

extended Hollywood Road and Fox Street, with traffic signals at US 1.” The subdivision plan does not show this new road and assumes that the unimproved Autoville Drive right-of-way is vacated. Staff is recommending that at the time of review of the DSP that the new alignment of Autoville Drive be determined and that the applicant dedicate the new right-of-way at the time of final plat. The alignment of Autoville Drive should provide for direct access from all of the proposed parcels to the new public street and ultimately to the intersection of Hollywood Drive and US 1.

The western portion of the site contains significant environmental features and two tributaries of Paint Branch. Stream restoration work is proposed to address the degradation and erosion that has occurred. The final stream restoration design is not completed and should be addressed at the time of review of the DSP.

The applicant’s proposed construction avoids the environmentally sensitive areas of the site with the exception of some construction on steep slopes. The variation requests to Section 24-130 of the Subdivision Regulations are needed either to enable construction on the remaining areas of the site or to facilitate desired improvements such as stream restoration and trail construction.

The subject property is adjacent to the Paint Branch Stream Valley Park, which is owned and maintained by M-NCPPC. The applicant is proposing on-site recreational facilities including a swimming pool and indoor activities geared to students. A trail is proposed to connect to the existing Paint Branch Trail. The requirement for dedication of parkland is likely to be satisfied through the dedication of floodplain forest area to expand the stream valley park.

A public use easement for the trail should be provided and a possible connection to US 1 should be explored at the time of review of the DSP. The Department of Parks and Recreation has indicated that an alternative public trail system may be more appropriate to the north of this site, and that the trail on this site be a private trail connection.

5. **Environmental**—The site is characterized by terrain sloping toward the center of the site and drains into unnamed tributaries of the Paint Branch watershed in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes, and there may be steep slopes on erodible soils associated with the site. There are streams, Waters of the US, wetlands, and 100-year floodplain found to occur on the site. There are no Marlboro clays found to occur on the site. Baltimore Avenue is currently a collector roadway generally not regulated for noise. The soils found to occur on the site, according to the Prince George’s County Soil Survey, are Sassafrass, Croom, Hatboro and Sunnyside Urban Complex. These soil series generally exhibit moderate to severe limitations to development due to steep slopes, high water table, flood hazard, and poor drainage. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property.

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

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 proposed for new development and/or redevelopment shall be counted toward meeting the Woodland Conservation Ordinance requirements. Street tree planted on abutting road rights-of-ways 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. Exceptions 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 22.38 acres and substantially wooded. A substantial portion of the site is within the 100-year floodplain. It is clear that this requirement will be met.

Comment: No additional information is required with regard to this design standard.

### **S7. Stormwater Management**

Paragraph A reads as follows:

- “A. Low impact development techniques, as contained in the current version of the design manual “Low-Impact Development Design Strategies—An Integrated Design Approach” 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 note #13 that the subject property has an approved stormwater management concept plan, CSD #5898-2004-00, with conditions to be addressed during subsequent reviews. The subject property is located in Subarea 4f, where underground retention facilities are strongly encouraged. The plan shows the provision of an underground facility and substantial areas of stream restoration work. A copy of the stormwater management concept approval letter is yet to be submitted.

Recommended Condition: Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter and the associated plan shall 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 requirements for stormwater management will be reviewed during subsequent reviews by the Department of Environment Resources. Mitigation will take the form of stream restoration within the Developed Tier and on-site.

Comments: No additional information is required with respect to these design standards.

### **Environmental Review**

Note: As revisions are made to the submitted plans the revision box on each sheet shall be used to describe in detail the revisions made, when and by whom. In the case of forest stand delineation and tree conservation plans, the sheet shall also be signed and dated by the qualified professional preparing the plans.

The forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for detailed FSD in compliance with the Woodland Conservation Ordinance. An examination of recent and historic aerial photos suggests that the site is predominantly wooded, traversed by streams, and pervaded with severe and steep slopes as shown on the FSD map.

Comment: No further information is needed with regard to the forest stand delineation.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Type I Tree The Conservation Plan, (TCPI/50/04), has been reviewed and was found to require revisions to conform to the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 2.00 acres of the net tract. An additional 2.42 acres are required due to the removal of woodlands, for a total woodland conservation requirement of 4.42 acres. The plan shows the requirement being met with 3.47 acres of on-site preservation and 1.4 acres of on-site reforestation, for a total of 4.87 acres of woodland conservation provided.

The plan also contains sensitive environmental features, which are shown as protected to the extent possible. The TCPI clearly shows the banks of the stream on site and on abutting properties on site to the north, a 50-foot buffer from each bank, and the expanded buffer that includes all areas of highly erodible soils on slopes 15-25 percent in grade and all slopes 25 percent in grade and greater. All of the symbols used on the plan are shown in the legend; however, minor revisions to the TCPI are needed prior to signature approval. Soils information is not appropriate on a TCPI, and only standard Type I tree conservation plan notes are required.

Noise is not a major consideration in the review of this submittal. Baltimore Avenue is currently a major collector roadway as defined in the sector plan. Collector roadways generally do not carry sufficient traffic to generate noise levels above the state noise standards. No additional information is required with regards to noise impacts at this time, except if residential units are proposed on parcels 1 and 2.

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state unless the Planning Board approves a variation request. The stream buffer as delineated on the preliminary plan and TCPI is correct and consistently reflected. The expanded buffer includes the stream, a 50-foot stream buffer, wetlands, a 25-foot wetland buffer, 100-year floodplain, and adjacent 25 percent slopes and slopes 15-25 percent on highly erodible soils. The plan shows significant clearing and grading of the expanded stream buffer due to the proposed stream restoration project and the installation of stormwater management outfalls.

All disturbances not essential to the development of the site as a whole are prohibited within expanded stream buffers. Essential development includes such features as public utility lines

[including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

The variation request submitted for review dated October 19, 2004, meets the minimum submission requirements. According to the request there are seven types of proposed impacts. Impact areas 1- 4 are for stormwater management outfalls, impact area 5 is for a sewer connection, impact area 6 is for stream restoration, and impact area 7 is for a trail connection.

### **Review of Variation Requests**

**Impact Areas 1-4:** (Stormwater management outfalls). The total proposed impacted areas in the expanded buffer for stormwater management outfalls is 16,061 square feet.

**Impact Area 5:** (Sewer connection). The proposed sewer connection will impact 129 square feet of wetland areas and 1,981 square feet of the expanded buffer area.

**Impact Area 6:** (Stream restoration) The stream restoration will impact 64,704 square feet of the expanded buffer and 2,748 square feet of wetland and wetland buffer areas. Staff supports the impacts.

**Impact Area 7** (Trail connection): The trail connection as proposed will result in the disturbance of 948 square feet of wetlands, 11,395 square feet of wetland buffers, and 12,298 square feet of expanded stream buffer areas. The final alignment of the existing trail connection remains the responsibility of the Department of Parks and Recreation, which supports the proposal with reduced impacts. During the review of detailed site plan, the trail connection will be further evaluated in compliance with the Department of Parks and Recreation-approved trail connection alignment.

Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. 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. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. 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 evidence presented to it in each specific case that:**

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

The following is an analysis of the required findings of Section 24-113 of the Zoning Ordinance. The findings are evaluated for all the impacts as a group, because all of the impacts as shown on the exhibits provided are recommended for approval.

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

The variation requests will not be detrimental to the public safety, health, or welfare or be injurious to other properties because the impacts are the minimum necessary to develop the site and additional reviews by various agencies will ensure that the proposed impacts are not injurious to other properties. All of the impacts are necessary to protect the public safety and welfare as required by various regulations; in particular, the stream restoration work proposed will be a public benefit.

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

The conditions of the property are unique with respect to the location of the existing streams, wetlands and their associated buffers. Degraded stream channels with extensive erosion problems currently traverse the site. The proposed stream restoration project will create long-term stability and enhance the stream. The variations sought are unique to this property because these features are uniquely located on the property.

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

No other Zoning Ordinance variances, departures, or waivers are required with regard to the development proposed. No violations of applicable laws would result from the approval. All appropriate federal and state permits must be obtained before the construction can proceed.

**(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;**

Due to the configuration of this site, the location of the stream, and the fact that no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations. Disapproval of the variation would result in a hardship to the applicant because the developable areas are limited outside the expanded buffer and the stormwater outfall impacts are required to meet ordinance requirements.

Based on note #13 on the preliminary plan, this site has a stormwater management concept approval letter (CSD# 5898-2004-00), dated March 9, 2004. However, the stormwater management concept approval letter has not been submitted with this application. Evidence of the stormwater management compliance is required. The requirements for the stormwater management will be met through subsequent reviews by the Department of Environmental Resources.

Grading or filling of streams and nontidal wetlands and their buffers requires the permission of the appropriate state and/or federal agencies. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

**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 and will, therefore, be served by public systems.

6. **Community Planning**—The property is located within the limits of the 2002 approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment, Planning Area 66 in the City of College Park. The site is recommended for mixed-use development, consisting of open space, office, multifamily residential, retail, and service commercial uses. The proposed preliminary plan is consistent with the recommendation of the sector plan.

The 2002 General Plan locates the property in the Developed Tier and is in a designated Corridor (Baltimore Avenue US 1). One of the visions for the Developed Tier is to provide a network or sustainable, transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The proposed preliminary plan is compatible with this recommendation.

The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* locates this site in Subarea 4f and is part of the central gateway mixed-use area. The vision for the central gateway mixed-use area “is a mix of uses with an emphasis on new residential development if adequate land can be assembled to provide amenities necessary for high-quality

development” (p. 40). The specific recommendation for the site is redevelopment for an auto sales and service park, with other auto-related uses in the Corridor possibly being consolidated at this location.

A new US 1 service road “bypass” is proposed in the sector plan to provide alternative access to the subarea by extending Autoville Drive (as proposed Autoville Drive North) in a curvilinear loop to the west with a connection to an extended Hollywood Road and Fox Street, with traffic signals at US 1 (pp. 42, 61). This proposed road is not located on the preliminary plan. The alignment for the dedication of a new dedicated 60-foot-wide public street should be determined at the time of review of the DSP. The new public street should provide frontage on the public street for all three proposed parcels and ultimately provide a public street connection to a future light at Hollywood and US 1. The City of College Park has indicated the desire to provide a through connection on this property, ultimately connecting Autoville Drive north and south.

The existing situation along the US 1 corridor is one of businesses with little or no congruity in terms of setback, landscaping, signage or parking lot lay-out, projecting an image “of a sprawling commercial strip of low-profile buildings on a sea of pavement and minimal landscaping (p. 20).” To promote pedestrian activity and reduce the automobile-oriented nature of the existing environment, buildings proposed for this site should be developed in accordance with the urban design recommendations outlined on pp. 35-36 at the time of review of the DSP:

- “Buildings should be placed directly facing the street, separated by wide sidewalks, with parking provided in lots located to the sides or rear of properties.”
- “The primary building entrance should be provided from the street to facilitate convenient pedestrian connections.”
- “Buildings should incorporate pedestrian-scaled features such as awnings, arcades, display windows and balconies to respond to the human activity at street level.”

7. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced preliminary plan of subdivision for conformance with the requirements of the adopted and approved sector plan and sectional map amendment for the College Park US 1 Corridor (CR-18-2002), and subdivision regulations as they pertain to public parks and recreation.

The adopted and approved sector plan and sectional map amendment for the College Park US 1 Corridor (CR-18-2002) states the following pertaining to parks:

“As a condition of approval, new residential subdivisions in Prince George’s County are required to either dedicate land for park and recreation use, provide a fee-in-lieu, or develop private recreation facilities on site, the contribution levels being defined in the Subdivision Regulations.”

Section 24-134 of the Subdivision Ordinance (mandatory dedication of parkland) requires that 2.1 acres of the subject property be dedicated for public parkland. This acreage shall be “suitable and adequate for active or passive recreation.”

The Commission conducted a level of service analyses in the effort to assess the need for parkland and recreation facilities geographically, throughout the county, and prioritize communities according to their need ranking. Level of service measurements for acreage for the community (NK) in the vicinity of the project area indicates that it is in “high need” for acreage and in “moderate need” for recreation facilities.

**Sector Plan and Sectional Map Amendment for the College Park US 1 Corridor requires:**

- Protection of sensitive environmental features and provisions of site amenities
- Provision of a trail connections to link new development with the Paint Branch Stream Valley Park

The applicant proposes to provide on site private recreational facilities, to donate a portion of the floodplain for addition to the Paint Branch Stream Valley Park, and to provide a hiker/biker trail connection linking the residents of the development to the existing trail system in the Paint Branch Stream Valley.

DPR staff believes that the trail connection will provide essential pedestrian connection to the public recreational facilities in the area such as Cherry Hill Community Park (tennis courts, soccer field garden plats), Cherry Hill Neighborhood Park (softball field, play equipment, basketball court), Paint Branch Golf Course (nine-hole golf course, clubhouse, driving range, mini-golf) and Acredale Community Park (two soccer fields/softball fields, shelter, restroom, dog park). In addition, this trail will provide a pedestrian and bicyclist connection to the University of Maryland facilities on the south.

**Environmental Impact on Paint Branch Stream**

The site is directly adjacent to Paint Branch Creek on the west. Approximately nine acres of the 21-acre site is located within a 100-year floodplain. The sector plan recognizes that redevelopment must occur at elevations above the floodplain. The proposed development on all three parcels will be above floodplain elevation.

DPR staff believes that a combination of the private recreational facilities, parkland dedication along the environmentally sensitive area of the Paint Branch stream valley, and trail connector construction will adequately address the requirements of the adopted and approved sector plan and sectional map amendment for the College Park US 1 Corridor (CR-18-2002), and subdivision regulations as they pertain to public parks and recreation.

8. **Trails**—The approved College Park US 1 Corridor sector plan designates US 1 as a master plan bicycle/trail corridor. Figure 3 of the sector plan shows a preferred cross section for US 1 that includes five-foot sidewalks (with wider sidewalks recommended in areas of higher pedestrian traffic) and wide outside curb lanes to accommodate bicycle traffic (see attached figure). Staff recommends that any road frontage improvements for US 1 along the subject site be in conformance with this recommendation and include a minimum five-foot-wide sidewalk and a wide outside curb lane, with the concurrence of the State Highway Administration (SHA).

The sector plan also addressed access to the existing stream valley trail network, which runs immediately west of the subject site on the opposite side of Paint Branch. Several connections to this trail network were proposed in the sector plan, with one being planned as part of the recently approved University View development to the south. A bicycle/pedestrian connection to the existing stream valley trail is shown on the sector plan just north of the subject site in the vicinity of Kiernan Road. Some discussions have occurred between the applicant and the Department of Parks and Recreation (M-NCPPC) concerning a possible connection from the subject site to the stream valley trail. A trail connection from the site to the trail would provide for nonmotorized (pedestrian and bicycle) access for students living on the site to the University of Maryland and could potentially reduce motor vehicle trips.

#### SIDEWALK CONNECTIVITY:

Sidewalks are currently fragmented in the vicinity of the subject site and are in poor condition in some places where they do exist. The subject site's frontage does not currently have a sidewalk. Staff recommends the provision of a sidewalk along the site's frontage, in keeping with the sector plan.

9. **Transportation**—The applicant proposes a mixed-use subdivision consisting of 240 apartment units (per the submitted plan) and two 6,000 square foot commercial buildings.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated May 2004 (the front cover erroneously shows May 2003) that was referred for comment to the State Highway Administration (SHA) and the county Department of Public Works and Transportation (DPW&T). 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/Edgewood Road (signalized)
- US 1/Cherry Hill Road (signalized)
- US 1/Fox Street (signalized)
- US 1/Greenbelt Road (signalized)

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 Edgewood Road	1,341	1,373	D D
US 1 and Cherry Hill Road	1,121	1,524	B E
US 1 and Fox Street	1,288	1,250	C C
US 1 and Greenbelt Road	1,087	1,753	B F
Average corridor LOS for signalized intersections—see service level standards at beginning of memorandum	1,211	1,483	C E

The area of background development includes six properties in the vicinity of the subject property. Background conditions also assume through traffic growth of two 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). Although they were approved after the traffic study was scoped and submitted, Northgate (Preliminary Plan 4-03139) and Jefferson Square (Preliminary Plan 4-03141) should have been included in background traffic. Background conditions, as modified with the addition of the above two projects, are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>					
Intersection	Critical Lane Volume		Level of Service		
	(AM & PM)		(AM & PM)		
US 1 and Edgewood Road	1,578	1,632	E	F	
US 1 and Cherry Hill Road	1,280	1,712	C	F	
US 1 and Fox Street	1,536	1,537	E	E	
US 1 and Greenbelt Road	1,417	2,211	D	F	
Average corridor LOS for signalized intersections— see service level standards at beginning of memorandum.	1,448	1,780	D	F	

The site is proposed for development as college dormitory-style housing, with two restaurants on two front parcels. It must be noted that there is an inconsistency between the subdivision plan and the traffic study. The traffic study is based upon 219 units (containing 624 beds) of student housing, while the plan shows 240 units. The traffic study is based upon 10,000 square feet of restaurant space, while the plan shows 12,000 square feet. For computation purposes, the numbers based upon the submitted plan will be used. The site trip generation would be 172 AM peak-hour trips (63 in, 109 out) and 265 PM peak-hour trips (148 in, 117 out). With the trip distribution and assignment as assumed in the traffic study, the following results are obtained under total traffic:

<b>TOTAL TRAFFIC CONDITIONS</b>					
Intersection	Critical Lane Volume		Level of Service		
	(AM & PM)		(AM & PM)		
US 1 and Edgewood Road	1,584	1,649	E	F	
US 1 and Cherry Hill Road	1,284	1,722	C	F	
US 1 and Fox Street	1,588	1,625	E	F	
US 1 and Greenbelt Road	1,445	2,304	D	F	
Average Corridor LOS for signalized intersections—see service level standards at beginning of memorandum.	1,469	1,832	E	F	

Given these analyses, the corridor would operate at LOS F during the PM peak period. In response, the applicant proposes a westbound double right-turn lane on the Greenbelt Road approach to US 1. SHA did agree in concept with this improvement. With this improvement in place, total traffic would be summarized as follows:

<b>TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENT</b>				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
US 1 and Edgewood Road	1,584	1,649	E	F
US 1 and Cherry Hill Road	1,284	1,722	C	F
US 1 and Fox Street	1,588	1,625	E	E
US 1 and Greenbelt Road	1,445	2,304	D	F
Average corridor LOS for signalized intersections—see service level standards at beginning of memorandum	1,469	1,754	E	F

The improvement is provided as a mitigation action. While mitigation is generally allowed in the area, it is not specifically disallowed by the sector plan, and it is analyzed herein using the standards allowed by the sector plan. Therefore, the impact of the mitigation action within the corridor is summarized as follows:

<b>IMPACT OF MITIGATION</b>				
Intersection	LOS and CLV		CLV Difference	
	(AM & PM)		(AM & PM)	
US 1 Corridor				
Background Conditions	D/1448	F/1780		
Total Traffic Conditions	E/1469	F/1832	+21	+52
Total Traffic Conditions w/Mitigation	E/1469	F/1754	0	-78

As the CLV is between 1,450 and 1,813 during the PM peak, the proposed action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak. The above table indicates that the proposed action would mitigate 150 percent of site-generated trips during the PM peak. The mitigation action has no impact on the AM peak, but the corridor service level is within the LOS E standard, which is acceptable. Therefore, the proposed mitigation action meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

While SHA comments have been summarized during the discussion of the various improvements, it should be noted that DPW&T had no comments on the study.

### **Plan Comments**

US 1 is a master plan major collector within a 100-foot right-of-way north of MD 193, and sufficient right-of-way dedication is reflected on the submitted plan.

However, at the Subdivision Review Committee meeting on July 1, 2004, it was requested that the applicant obtain preliminary approval of any proposed access onto US 1 prior to subdivision approval. It appears that SHA has agreed conceptually to a right-in, right-out access for the site, but has not specified exactly where such access should be precisely located. While this appears to be sufficient for preliminary plan approval, firmer SHA approval must be required prior to detailed site plan approval.

The approved College Park US 1 Corridor Sector Plan includes a recommendation that Autoville Drive be extended southward within a 60-foot right-of-way to Fox Street. Aside from providing direct access to adjacent properties, it is recommended that this roadway provide access to “commercial properties fronting on US 1 as a means of minimizing turning movements on US 1.” The submitted plan does not recognize this right-of-way, and no plan ever submitted by the applicant has attempted to address this need. The proposed extension of Autoville Drive, designated as P-200 on the plan, is a centerpiece of plan by providing access for properties on the west side of US 1 to likely traffic signal locations. This is particularly important, as the SHA plans for US 1 would redesign this roadway with a median. This facility is so important that this function is repeated in the description of Subarea 4F of the Development District Standards (page 161). Its deliberate omission is a serious limitation for this plan, and the approval of this plan without P-200 is a detriment to this plan and to the realization of the sector plan objectives in the immediate area. Therefore, it is recommended that the detailed site plan provide this connection and the final plat for this site recognize a dedicated 60-foot public right-of-way for P-200 from north to south across proposed Parcel 3

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

10. **Schools**—The 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 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	240 sfd	240 sfd	240 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	57.60	14.40	28.80
Actual Enrollment	36236	11113	16710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	693.12	173.28	346.56
Total Enrollment	37195.76	11352.94	17181.17
State Rated Capacity	38817	10375	14191
Percent Capacity	95.82%	109.43%	121.07%

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 an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Branchville Fire Station, Company 11, located at 4905 Branchville Road has a service travel time of 1.52 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Branchville Fire Station, Company 11, located at 4905 Branchville Road has a service travel time of 1.52 minutes, which is within the 4.25-minute travel time guideline.

- c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue has a service travel time of 1.99 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue has a service travel time of 1.99 minutes, which is within the 4.25-minute travel time guideline.

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 services. 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*.

- 12. **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.
- 13. **Health Department**—The Health Department notes that a significant amount of trash exists on the property that should be properly stored or discarded. The applicant should be aware of the adverse impact that significant amounts of trash on this property has on the surrounding community.
- 14. **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, # 5898-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The stormwater management concept approval is for a private, underground filtration/detention system that addresses water quality controls. No water quantity controls are required.
- 15. **Cemeteries**—The Planning Board has recently identified that the possible existence of prehistoric archeological sites on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that prehistoric archeological sites are known to exist in environmental settings similar to that in the project area and there may be archeological resources of the antebellum period in the area of the subject site.

Prior to the submittal of the detailed site plan (DSP) or any grading or clearing on site, the

applicant should submit a Phase I archeological investigation. The applicant's findings should be submitted to the Planning Department staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation, which may include research into the property history and archeological literature, and submit the Phase I investigation with the application for DSP.

At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined to be needed by Planning Department staff. The investigation should provide a plan for avoiding and preserving the resource in place or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, November 18, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of December 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator