



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-04078

Application	General Data
Project Name: Starview Plaza, Lot 1 Location: West side of Baltimore Avenue (US 1), opposite Tecumseh Street. Applicant/Address: Starview Plaza, LLC 8708 Baltimore Avenue College Park, MD 20740	Date Accepted: 08/22/04
	Planning Board Action Limit: 02/02/04
	Plan Acreage: 2.36
	Zone: M-U-I
	Lots: 1
	Election District: 21
	Planning Area: 66
	Tier: Developed
	Council District: 03
	Municipality: College Park
200-Scale Base Map: 210NE04	

Purpose of Application	Notice Dates
MIXED-USE SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 07/13/04 (CB-58-2003)
	Sign(s) Posted on Site: 12/20/04

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04078
Starview Plaza, Lot 1

OVERVIEW

The subject property is located on Tax Map 33, Grid D-1, and is known as Parcels 156, 157 and 67. All are acreage parcels never having been the subject of a record plat of subdivision. Although used for many years for a variety of strip-commercial uses, the site is now vacant.

The applicant is proposing to combine these three properties and resubdivide them into one lot. The applicant is proposing to construct a 110-unit high-rise apartment building, 20,000 square feet of office space, and 12,000 square feet of retail-commercial space. Staff would note that the preliminary plan of subdivision does not establish the permitted use on a property or approve the improvements on the property.

The property is zoned Mixed-Use Infill (M-U-I) and is located within the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*. The sectional map amendment (SMA) also placed the property in the Development District Overlay Zone. Development is subject to the requirements of that plan as discussed further in Finding 3 of this report. The sector plan identifies US 1 as a major collector facility; however, the State Highway Administration has indicated that at this location US 1 is an arterial facility. The applicant has submitted a variation to Section 24-121 for direct access to an arterial as discussed further in Finding 6 of this report to ensure compliance with all applicable regulations. Access would be via a left-in/right-in only entrance opposite Tecumseh Street and a left-out/right-out exit near the southern property line. The State Highway Administration has approved the access locations as discussed further in Finding 6 of this report.

SETTING

The property is located on the west side of US 1 in the City of College Park, opposite Tecumseh Street. It is surrounded by strip-commercial uses in the M-U-I Zone to the north, east and south and by the Paint Branch to the west.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	M-U-I	M-U-I
Use(s)	Vacant	Mixed-Use 110 high-rise units 12,000 square feet of commercial 20,000 square feet of office
Acreage	2.36	2.36
Lots	0	1
Parcels	3	0

2. **Environmental**—The site is characterized by terrain sloping toward the west of the site and drains into 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 steep slopes on erodible soils associated with the site. There are streams, 100-year floodplain, and highly erodible soils on this 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 Hatsboro and Sunnyside Urban Complex. These soil series generally exhibit slight to moderate limitations to development due to high water table, poor drainage, and steep slopes. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “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. This property is located in the Developed Tier as delineated on the adopted *General Plan*.

Environmental Issues (College Park US 1 Corridor Sector Plan)

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

Paragraphs B and C state 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 trees planted on abutting road rights-of-way may also be counted toward meeting the requirement.**”
- “**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 2.36 acres, or 102,801.60 square feet, resulting in

an afforestation requirement of 10,280.16 square feet, or 0.23 acre. The method for meeting this requirement will be detailed on the Type II tree conservation plan.

S7. Stormwater Management

Paragraph A reads as follows:

- “A. Low impact development techniques as contained in the current version in the design manual ‘Low-Impact Development Design Strategies An Integrated Design Approach,’ as published by the Department of Environmental Resources, shall be used on all sites as either the primary or secondary method of collecting and/or treating stormwater.**

A stormwater management concept approval letter dated June 14, 2004, was submitted with the review package. The concept plan was submitted with the December 20th package; however, it shows no provision of stormwater management facilities or even the outfall that is shown on the TCPI. As part of the submission package for the detailed site plan, a concept plan must be submitted that shows how the requirements will be met.

Paragraph 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 currently proposed development does not show the removal of existing woodland for the installation of a stormwater management facility; however, a stormdrain outfall is shown on the southeastern portion of the subject property. It appears that the concept proposed is that of an underground facility, in keeping with the guidelines of the sector plan, however, no facility is shown on the plan.

The current concept for an underground facility is appropriate and in conformance with the sector plan guidelines. The condition recommended above will address the need for a plan showing the proposed facilities.

S8. Noise

Paragraphs A and B of the Noise Standards describe how noise is measured and how it is to be mitigated for residential uses. The subject application currently proposes residential uses in close proximity to Baltimore Avenue, a noise generator. Baltimore Avenue/US1 was an arterial

roadway generally regulated for noise impacts when the sector plan was prepared. Currently, Baltimore Avenue is classified as a major collector with a noise impact zone (65dBA Ldn noise contour) extending approximately 351 feet from the centerline of the roadway as calculated using the Environmental Planning noise model. The 65 dBA (Ldn) noise contour has been shown on the plan based on the noise model projection. If residential uses are located within the limits of the 65 dBA Ldn noise contour, appropriate noise mitigation measures shall be identified.

Streams, Wetlands and Floodplain

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state unless the Planning Board approves a variation request. The preliminary plan and TCPI as revised show the delineation of the expanded stream buffer, which include slopes 25 percent and greater. The floodplain, as identified on the plan, has been recorded and is also included as part of the expanded buffer.

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. Impacts require variations to the Subdivision Regulations.

The revised variation received dated January 6, 2005, describes two requests and the exhibits show four impact areas. The first request relates to impact areas 1 and 2 and is related to the stormwater management outfall proposed in the southwest corner of the property. Because the concept plan does not show this structure, and the exact location and configuration may change in the future, staff recommends approval of the request, with a condition that the impacts be evaluated in more detail during the review of the detailed site plan.

The second request relates to impact areas 3 and 4 and is related to the stream stabilization work that has yet to be designed. The exhibits show the "worst case scenario" for disturbances, in order to obtain approval from the Planning Board and to prevent a need to revise the preliminary plan in the future. The impacts associated with the stream stabilization project are recommended for approval by staff in concept, subject to a recommended condition.

In addition, the exhibits show the removal of the parking areas within the expanded stream buffer; however, in order to construct the parking areas as shown, grading into the expanded stream buffer will be required. Staff does not support this level of impact to the expanded stream buffer that is merely for the construction of the parking area. This area of impact will be reviewed in more detail during the review of the detailed site plan.

In order to build on this site, the slope of the bank must be stabilized in addition to the streambank stabilization work. A geotechnical study was submitted and has been reviewed. The report meets the submission requirements and adequately addresses the issues. It makes several recommendations for the stabilization of the slope; however, the plans reflect none of these recommendations. The revised variation request also does not address the recommendations of the geotechnical study. The plans must be revised in the future to stabilize the streambanks, minimize the removal of stable vegetation, eliminate the proposed structures from the location of the expanded buffer, and provide adequate stabilization for the proposed building and parking areas.

An initial variation request was submitted with the review package dated December 20, 2004. A revised variation request was received January 6, 2005. The revised variation request contains adequate information to address all needed variations on the subject property.

Analysis of the Variation Requests to Section 24-130(b)(6)

The following is an analysis of the variations requested. The text in bold represents the text from the Subdivision Regulations.

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

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

The variations requested are associated with the necessary installation of a stormwater management outfall structure and streambank stabilization work associated with Paint Branch. The stormwater management outfall is necessary and required by other ordinances. The streambank stabilization work will improve the existing stream condition and will be a benefit to the public safety and health and will help to prevent further degradation of other properties.

- (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 placement of the existing stream, the associated buffer, and the required placement of the necessary stormdrain outfall. This property does not contain the stream itself, but contains its associated severe slopes. As such, this is a unique situation that needs to be addressed either before or during the development of the subject property.

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

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are other permitting processes to review the proposed impacts to the regulated stream, the construction proposed does not constitute a violation.

- (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 100-year floodplain, 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 variation. In addition, because of the particular surroundings of this property, the streambank stabilization work is necessary so that any development on the property is also stable.

Based on the preceding analysis, staff supports the requested variations.

Woodland Conservation

A revised forest stand delineation (FSD) was submitted with the December 20th package. This plan meets the requirements of the Woodland Conservation Ordinance. 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. The Type I Tree Conservation Plan (TCPI/74/04) has been reviewed and was found to require minor revisions to conform to the requirements of the Woodland Conservation Ordinance.

A revised TCPI was not submitted with the revised variation request, and as such the TCPI is not in conformance with the variation request submitted. The TCPI needs to be revised to reflect the conceptual clearing shown on the variation request. In addition, the following note should be placed on the plan as a revision to the first TCPI note: "This TCPI is conceptual in nature and is submitted to fulfill the woodland conservation requirements for Preliminary Plan 4-04078. This plan shows the maximum amount of clearing that may be necessary for the stream stabilization of Paint Branch. If off-site clearing is necessary, it shall be included on this plan and replaced at a ratio of 1:1. Specific details and the Type II tree conservation plan are required to be reviewed and approved at the time of detailed site plan." Any other outstanding comments that are required to meet the requirements of the Woodland Conservation Ordinance shall also be addressed prior to signature approval of the TCPI.

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.

3. **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 Subarea 4a (Central Gateway Mixed-Use Area). The land use recommendation is for a mix of office, retail/commercial, and multifamily residential uses. 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 4A:

- “Compact mixed-use development;
- “Maximize the views of parkland;
- “Maintenance of appropriate stream buffers; and
- “Shared parking.”

The entire site is within the Paint Branch 100-year floodplain and 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; it placed the property in the Mixed-Use Infill (M-U-I) Zone.

The sector plan encourages mixed-use redevelopment for the entire Subarea 4A 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.

4. **Parks and Recreation**—The adopted and approved sector plan and SMA 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 0.35-acre of the subject property be dedicated for public parkland. This acreage shall be “suitable and adequate for active or passive recreation.”

M-NCPPC conducted a level of service analyses in an effort to assess the need for recreation facilities geographically, throughout the county, and to prioritize communities according to their need ranking. Level-of-service measurements for the community in the vicinity of the project area indicates that it is in “moderate need” for recreation facilities. DPR staff recommends that the private recreational facilities including indoor and outdoor facilities should be provided on subject property.

The subject subdivision is adjacent to the Paint Branch Stream Valley Park, which is owned and maintained by M-NCPPC. Paint Branch Stream is directly adjacent to the rear property line. DPR staff has concerns about the close proximity of 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. Staff is concerned 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.

Since M-NCPPC owns the property on which the stream is located, DPR staff is also concerned about liability for any damages to the improvements on the subject site. DPR staff believes that preventive measures should be taken, such as construction of a retaining wall or other engineered structure, to prevent the continuing stream bank erosion. At the time of approval of a similar case (Preliminary Plan 4-03139, North Gate Taco Bell), the Planning Board required the applicant to provide an indemnification agreement to DPR, indemnifying M-NCPPC from any damages or losses caused by the stream erosion on adjacent parkland. DPR staff believes that similar measures should be applicable to the subject property.

5. **Trails**—The approved College Park US 1 Corridor sector plan and sectional map amendment designates US 1 as a master plan bicycle/pedestrian corridor. Figure 3 of the sector plan shows a preferred cross section for US 1 that includes five-foot-wide sidewalks (with wider sidewalks recommended in areas of higher pedestrian traffic) and wide outside curb lanes to accommodate bicycle traffic. Staff recommends that any road frontage improvements for US 1 along the subject site be in conformance with this recommendation.

There is an existing sidewalk along the subject site's frontage of US 1. However, it is directly behind the curb and does not include a buffer between it and the adjacent high-speed travel lanes. Staff recommends the provision of a five-foot-wide sidewalk, separated from the curb by a landscape strip along US 1, unless modified by SHA. This buffer would allow for a more pleasant and safe pedestrian experience by providing some distance between pedestrians and the adjacent travel lane, as well as place the sidewalk outside of the splash zone of the roadway.

6. **Transportation**—The Transportation Planning Section has reviewed the submitted preliminary plan, the traffic impact study prepared in support of the proposed development, and the variation request prepared in support of the provision of left-in/right-in entrance access point from US1 southbound and left-out/right-out entrance to US1 southbound. The proposed development is planned on a tract of land along US 1 and is located within the approved and adopted College Park US1 Corridor Sector Plan.

The findings and recommendations outlined below are based upon staff evaluation of the submitted preliminary plan and the companion traffic impact study and the ways in which the proposed development conforms to the regulatory and performance standards outlined in the approved sector plan.

The sector plan identifies the area in which the subject property is located as Subarea 4a. The property is located along US 1, south of Metzert Road and opposite of Tecumseh Street. Ingress/egress to the site will be from two proposed locations on US 1. The northern access point is proposed to be the main entrance, and will be located directly opposite of Tecumseh Street. The southern access point will be constructed such that it can be used to exit the site. This access point is proposed to be located less than 200 feet south of the proposed entrance point.

Summary of Traffic Impacts

The proposed application is for construction of 110 high-rise residential units, 20,000 square feet of office space, and 12,000 square feet of commercial retail. Using the generalized trip rates for

the proposed uses as recommended in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the proposed development would generate 204 AM (110 in, 94 out) and 269 PM (139 in, 130 out) peak-hour vehicle trips.

The traffic impact study submitted in support of the proposed application was found to be acceptable. Staff forwarded the submitted traffic impact study to appropriate county and state agencies for their review and comments. This traffic study was prepared in accordance with the recommended procedures outlined in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* and the sector plan's recommended adequacy standard for transportation facilities. The sector plan recommends level-of-service E as an adequacy standard for any proposed development within the sector plan boundary. This standard is also based on the average peak period levels of service for all signalized intersections along a certain segment of US 1, in this case, the segment between the University Boulevard (MD 193) and the Paint Branch Parkway/ Campus Drive.

Based on the analysis conducted for the subject site and reported in the submitted traffic study, all signalized intersections along this segment of US 1 would operate at acceptable levels of service under existing, background and total traffic, which includes the traffic generated by the proposed development. It is important to note again that this finding is in accordance with the adequacy requirements (average peak period LOS E for all signalized intersections along the corridor), as specified in the approved and adopted US 1 sector plan.

The review of the plan itself has revealed no significant problems. While it would have been ideal to limit the subject property to only one point of access along US1, the proposed two access points, considering the site layout and the existing physical limitations, are deemed acceptable. These two proposed access locations are deemed acceptable to the State Highway Administration (SHA memo dated 09/22/04 from Steven D. Foster to Eric Foster.) The SHA's ongoing project planning study for US 1 proposes a bus pull-out area along this segment of US 1. In light of this proposed concept and in order to improve the existing transit usage along US 1, staff recommends the applicant to show and incorporate a safe bus pull-out area and a bus shelter between the two proposed access driveways and in accordance with SHA, DPW&T and Washington Metropolitan Area Transit Authority (WMATA) standards. Finally, US 1 is proposed as a major collector with 90-110 feet of rights-of way in the US 1 sector plan. Review of the preliminary plans prepared by SHA demonstrate the need for at least 55 feet of rights-of-way from the existing center line along US1 in the proximity of the subject site.

Conclusions and Recommendations

Based on the preceding findings, the Transportation Planning Section concludes that adequate roads will exist as required by Section 24-124 of the Prince George's County Code, if the proposed Preliminary Plan of Subdivision 4-02031 is approved with conditions limiting the amount of development, requiring dedication and roadway improvements along US 1.

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	110 sfd	110 sfd	110 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	26	7	13
Actual Enrollment	36,236	11,113	16,710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	201.12	50.26	100.56
Total Enrollment	36,736.16	11,238.02	16,951.37
State-Rated Capacity	38,817	10,375	14,191
Percent Capacity	94.64	108.32	119.45

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

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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.

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.

8. **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 0.71 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 0.71 minute, 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 0.71 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 0.85 minute, 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.

9. **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 the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **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.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan #8073-2004-00 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.
12. **Variation to Section 24-121(a)(3)**— The entrances along US 1 will require a variation from Section 24-121(a)(3) of the Subdivision Regulations. A variation is required to allow access to the property from US 1, a four-lane undivided highway.

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:

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

Comment: Any entrances along US 1 will require approval from the Maryland State Highway Administration, which may require frontage improvements. For many years, the site had unrestricted access along nearly its entire frontage. While a single point of access would be preferable, in this case a single entrance opposite Tecumseh Street and a single exit to the south will provide safe and adequate access to the site.

- (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 that the site is largely within the 100-year floodplain, except for the street frontage with US 1, with no possibility for a rear access or service lane. Any development proposed for this site would require this variation.

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

Comment: Review and approval of access permits by SHA will ensure that the proposed entrances will not constitute a violation of any other applicable law, ordinance, or regulation. The property is in a designated development subarea of an adopted sector plan. The sector plan recommends the mix of uses being proposed in this plan.

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

Comment: It has been determined by SHA that the primary access for the site should be US 1. They are in agreement with the applicant's plan for two access points. If access were not permitted, development of the site would be adversely impacted by inadequate on-site circulation resulting in a particular hardship to the owner.

Based on the preceding analysis, staff supports the requested variation.

13. **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.
14. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The Type I tree conservation plan shall contain a note that states: "The Type II tree conservation plan shall show the provision of 0.23 acre of preservation, reforestation, afforestation or tree cover." The first detailed site plan and Type II tree conservation plan submission shall contain a note stating how the site has provided 0.23 acre of preservation, reforestation, afforestation, or tree cover and the areas used to meet this requirement shall be shown on the plans.
2. As part of the detailed site plan submission, an approved stormwater concept plan shall be submitted that show the outfall and structures that will be used to meet the requirements.
3. If residential uses are proposed, prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building

permits stating that building shells of structures within the 65 dBA Ldn noise corridor have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

4. During the review of the detailed site plan, the proposed impacts associated with the stormwater management outfall shall be evaluated in greater detail and the impacts shall be minimized to the fullest extent possible.
5. Prior to submission of the detailed site plan, a site visit shall be conducted by all affected parties to review the existing conditions on-site and to provide recommendations for the streambank stabilization project. The applicant shall coordinate this meeting and shall coordinate the design of the project with adjacent property owners.
6. The detailed site plan shall show how the recommendations of the geotechnical study reviewed with the preliminary plan application have been addressed.
7. The first submission of the detailed site plan shall include a plan that shows the stabilization of the streambanks, minimization of the removal of stable vegetation, elimination of the proposed structures and associated features from the location of the expanded buffer, and provide adequate stabilization for the proposed building and parking areas. No building or parking areas, or related stabilization walls or grading, shall be shown within the expanded stream buffer.
8. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated expanded stream buffer area 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 tree, limbs, branches, or trunks is allowed.”
9. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the MNCPPC Planning Department.
10. Prior to signature approval of the preliminary plan and TCPI, the TCPI shall be revised as follows:
 - a. Revise the plan to reflect the clearing associated with the variation request
 - b. Revise the worksheet to reflect all proposed on-site and off-site clearing. Off-site clearing shall be mitigated by the applicant at a ratio of 1:1.
 - c. Address all other comments necessary to bring the TCPI into conformance with the Woodland Conservation Ordinance.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

11. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/74/04). 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 (TCP I/74/04), 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.”
12. The total development within the subject property shall be limited to 110 high-rise residential units, 20,000 square feet of office space, and 12,000 square feet of commercial retail, or different uses generating no more than 204 AM and 269 PM peak hour trips.
13. Prior to the signature approval of the preliminary plan, the applicant shall demonstrate dedication of at least 55 feet from the existing centerline along US 1.
14. Prior to the issuance of any building permit, the following improvement shall (a) have full financial assurances, (b) have been permitted for construction and (c) have been agreed-upon timetable for construction: The provision of a bus pull-off area along southbound US 1 and any necessary pavement marking modifications per SHA and/or WMATA standards along the property frontage with US 1. The proposed location of bus pull-off area must be acceptable to SHA, DPW&T and/or WMATA.
15. 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*.
16. The applicant shall allocate appropriate and developable areas for private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, at the time of detailed site plan.
17. The proposed private recreational facilities shall comply with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
18. The applicant shall submit three original, executed recreational facilities agreements (RFAs) to DRD for its 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.
19. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
20. 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.
21. Prior to signature approval of the preliminary plan, DPR staff shall review and approve the stormwater management plan to ensure that there are no negative impacts from the planned stormdrain outfalls onto adjacent parkland. If the outfalls require drainage improvements on land

owned by M-NCPPC, the Department of Parks and Recreation (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.

22. The adjacent parkland shall not be disturbed in any way without the **prior written consent** of the Department of Parks and Recreation. Any parkland disturbance for the sewer line extension on existing parkland shall be reviewed and approved by DPR staff prior to applying for grading permit. A performance bond shall 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.
23. 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 caused by the stream erosion on adjacent parkland or movement of the stream over time.
24. The applicant shall provide a five-foot-wide sidewalk, separated from the curb by a landscaped strip, along the site's frontage of US 1, unless modified by SHA. The sidewalk shall connect to the existing sidewalks to both the north and the south of the subject site.
25. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.
26. Development of this subdivision shall be in accordance with the approved stormwater concept plan (#8073-2004-00) or any approved revision thereto.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/74/04.

STAFF RECOMMENDS APPROVAL OF THE REQUESTED VARIATIONS TO SECTION 24-130(b)(6) AND SECTION 24-121(a)(3).