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PGCPB No. 2020-82

File No. 4-19047

### RESOLUTION

WHEREAS, Jemals Hartwick LTC Partnership is the owner of a 1.84-acre parcel of land known as Parcel C of College Park Towers, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned Mixed Use Infill (M U-I) and Development District Overlay (D-D-O); and

WHEREAS, on March 11, 2020, The Standard at College Park, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 Parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-19047 for Standard at College Park was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 14, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on May 14, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-19047, including a Variation from Section 24-122(a), for 1 Parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Revise General Note 18 to reflect private on-site recreational facilities will be provided to meet the mandatory parkland dedication requirement.
  - b. Delineate the approximate area of the public use easement to be provided for the open space recreational amenity area along Guildford Drive.
  - c. Indicate the 50-foot building restriction line shown on the current recorded plat for the site is to be removed.
  - d. Revise General Note 1 to reflect the property is recorded as Parcel C in Plat Book WWW 47-44.

- e. Dimension the width of the right-of-way to be dedicated and/or encumbered by a public use easement along the eastern boundary of the site as deemed appropriate by the City of College Park.
2. Prior to issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit to the Historic Preservation Section a completed Maryland Inventory of Historic Property form for the standing structure located at 4321 Hartwick Road. The building shall be documented by a 36 CFR qualified architectural historian and the submitted documentation shall include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds.
3. Total development within the subject property shall be limited to uses that would generate no more than 172 AM and 209 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
4. Prior to the approval of any detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the Required Off-Site Facilities necessary to meet pedestrian and bicyclist adequacy, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.
5. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
  - a. 475 linear feet of 6-foot-wide sidewalk along the north side of Hartwick Road across from the subject site, where feasible.
6. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to the issuance of any permits.
7. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions. The approved stormwater management concept number and approval date shall be noted on the final plat.
8. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.



9. At the time of final plat of subdivision, the applicant shall provide a Declaration of Public Use Easement to the Maryland-National Capital Park and Planning Commission, or to the City of College Park for review and approval to allow public access to ground level open space along Guilford Drive. The easement agreement shall be recorded, and the Liber/folio reflected on the final plat, along with the delineation of the easement, prior to recordation. The delineation and terms of the public use easement shall be established at the time of detailed site plan.
10. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Reflect the dedication of the public rights-of-way in accordance with the approved preliminary plan of subdivision, unless modified by the City of College Park.
  - b. Note that public utilities easements are not provided pursuant to the Prince George's County Planning Board's approval of a Variation from Section 24-122(a) of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision PPS 4-19047.
  - c. Demonstrate conformance with the disclosure requirements of Section 27-548.43(b)(2) of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport. The applicant shall provide a note on the plat and provide a copy of the disclosure notice. The disclosure notice shall be included in all lease, rental or purchase contracts for occupants, and the occupants shall sign an acknowledgement of receipt of the disclosure.
  - d. Provide a public use easement to the City of College Park for a sidewalk along the western boundary of the site, if feasible.
11. In accordance with Section 24-135(b) of the Prince Georges County Subdivision Regulations, the applicant, his successors, and/or assigns, shall provide adequate, private on-site recreational facilities.
12. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed Recreational Facilities Agreements to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of private on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the recreational facilities agreements shall be recorded among the Prince George's County land records and the liber and folio of the recreational facilities agreements shall be noted on the final plat prior to recordation.
13. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits.
14. The private on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and

proper siting, in accordance with the Park and Recreation Facilities Guidelines with the submittal of the detailed site plan.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**— The subject property is located on the south side of Hartwick Road, 450 feet east of its intersection with Guilford Drive. The property consists of 1.84 acres, known as Parcel C of College Park Towers, recorded in Plat Book WWW 47-44, in 1963. The site is within the Mixed Use-Infill (M-U-I) and Development District Overlay (D-D-O) Zones and is subject to the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (sector plan). A five-story office building and surface parking are existing on the site, which are proposed to be razed. This preliminary plan of subdivision (PPS) proposes one parcel for mixed-use development, including 6,671 square feet of gross floor area for commercial use and 282 multifamily dwelling units. The proposed development is subject to PPS approval, in accordance with Section 24-111(c) of the Prince George's County Subdivision Regulations. A detailed site plan (DSP) will be required for the development of this site, in accordance with the requirements of the underlying M-U-I and D-D-O zones.

Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along public rights-of-way. Hartwick Drive abuts the site to the north, Guilford Drive abuts the site to the south, and a proposed public access road abuts the site to the east. No PUEs currently exist on the subject property and none are proposed with this application. The applicant requested approval of a variation to remove the PUE requirement, which is discussed further.

3. **Setting**—The subject property is located on Tax Map 33 in Grid C4, in Planning Area 66, and is zoned M-U-I within a D-D-O Zone. To the north of the property is Hartwick Road, and beyond is property in the Multifamily High Density Residential Zone developed with multifamily dwellings; to the south is Guilford Drive, and beyond is property in the Multifamily Medium Density Residential Zone developed with multifamily dwellings; to the west is mixed-use multifamily and commercial development in the M-U-I Zone; and to the east is existing commercial development in the M-U-I Zone, which is approved for redevelopment as mixed-use multifamily and commercial development, per PPS 4-17021 and DSP-17003. All surrounding properties are also in the D-D-O Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.



	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Commercial (approximately 62,220 sq. ft.)	Multifamily (282 dwelling units) Commercial (6,671 sq. ft.)
Acreage	1.84	1.84
Lots	0	0
Parcels	1	1
Outparcels	0	0
Dwelling Units	0	282
Variance	No	No
Variation	No	Yes Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 3, 2020. The variation request from Section 24-122(a) was accepted with this application on March 11, 2020 and also heard at SDRC meeting on April 3, 2020, as required, in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—On May 1, 1963, the Prince George’s County Planning Board approved a final plat for the subject property, Parcel C, recorded in Plat Book WWW 47-44, pursuant to PPS 12-1930 for which there are no available records.
6. **Community Planning**—Conformance with the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035), the sector plan, and the standards of the D-D-O Zone are evaluated, as follows:

**Plan 2035**

The subject property falls within the University of Maryland (UMD) East Local Center and the designated Employment Area. This local center – further identified as a Campus Center – is a focal point for development based on its access to transit and major highways (page 19). The desired development for Campus Center is mid- and low-rise apartments, condos, townhouses, and small-lot single family residential at a density of 10-15 dwelling units/acre. The desired floor area ratio for new development is .5 – 3 (Center Classification, page 108).

Employment Areas have the highest concentration of economic activity in the County’s targeted industry clusters and is where Plan 2035 recommends supporting business growth, concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies (page 19).

This PPS aligns with the growth policy of Local Centers and Employment Areas of Plan 2035 by concentrating residential and commercial development near transit centers and existing industry clusters.

### **Sector Plan**

The sector plan retained the subject property in the M-U-I and D-D-O zones and recommends mixed use commercial land use on the subject property. This PPS conforms to the sector plan land use recommendations.

The subject property is in Downtown College Park, and within the Walkable Node character area of the sector plan. Walkable Nodes “spaced about a half mile to one mile apart along the corridor serve as excellent transit and multimodal stops and encourage pedestrians to congregate at appropriate retail and employment areas” (page 53). Walkable Node Policy 1 recommends development of “a series of pedestrian-friendly, transit-oriented, mixed-use walkable nodes at appropriate locations along the Central US 1 Corridor” (page 65). Applicable strategies to achieve this policy include:

- a. Providing generous sidewalks along US 1 and all side streets in the walkable nodes, with a width between 15 to 20 feet along US 1 and 6 to 10 feet on the side streets.
- b. Ensuring a vertical mix of uses in the walkable nodes. The ground floor of buildings should be designed to look like storefronts, with windows and primary entrances facing the street. Retail and service uses should be provided on the ground floor.
- c. Concentrating office and residential uses above the ground floor.
- d. Locating service uses, such as loading facilities and trash collection, to alleys or secondary streets.

### **Aviation Policy Area 6 (APA 6)**

This site is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area (APA) regulations, Sections 27-548.32 through 27-548.48 of the Prince George’s County Zoning Ordinance. Specifically, the subject property is located in APA 6. The APA regulations contain height restrictions in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to the evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA 6, unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. Because this PPS is not approving building location or architecture, including the height of buildings, the applicant should provide a letter from the Federal Aviation Administration stating that the proposed development does not pose any hazard to air navigation, prior to certification of the DSP. The final plat shall note the site’s proximity to a general aviation airport, in accordance with the notification requirements of Section 27-548.43.

7. **Stormwater Management/Unsafe Soils**—An unapproved stormwater management (SWM) concept plan was submitted with this application. The draft SWM concept plan shows the use of one sand filter. The Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) has granted a floodplain waiver for construction within the 100-year floodplain since almost the entire site is currently located within it. The final site design must be



in accordance with an approved SWM concept plan to ensure that on-site or downstream flooding do not occur. Submittal of an approved SWM concept plan and approval letter will be required at the time of DSP.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, the Land Preservation and Recreational Program for Prince George’s County, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Prince George’s County Subdivision Regulations (Subtitle 24) as they pertain to public parks and recreational facilities. As per Section 24-134 (a)(1) of the Prince George’s County Subdivision Regulations, Mandatory Dedication of Parkland applies to the residential portion of this development proposal. Based on the density of the residential portion of the proposed subdivision, the applicant is required to dedicate 15 percent of their land to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks. In this case, application of the Mandatory Dedication of Parkland requirement would require the dedication of 0.14 acre of land to M-NCPPC. However, mandatory dedication of parkland is not appropriate due to size and location of the parcel.

The subject property is not adjacent to any existing M-NCPPC-owned property, or parks. Parks in the surrounding area include Calvert Park, Lakeland Park, Paint Branch Stream Valley Park, and Lake Artemesia, which is approximately one to two miles north and east of the property. The applicant proposed the mandatory dedication requirement could be met by providing on-site recreational facilities, in accordance with Section 24-135(b) of the Subdivision Regulations. The on-site recreational facilities may be approved by the Planning Board provided that the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and his heirs, successors, and assigns.

The applicant provided a narrative detailing the private on-site recreational facilities to serve the subject development. The list of the facilities proposed includes: publicly accessible ground level open space along Guilford Drive, which includes amenities such as tables and benches; the Contemplative Courtyard which includes a yoga lawn and café seating; the Study Courtyard with benches alcoves and seating; the Active Courtyard, which includes conversation lawn, booths and tables; Study Rooms on each floor of the building; the Main Clubhouse on the 9th floor, including study space, pool table, sauna, yoga room, fitness room and roof deck amenities. The list of the proposed recreational facilities was reviewed, and it was determined that they are equivalent or superior to those that would be provided under provision of mandatory dedication of parkland. The applicant shall provide a public use easement over ground level open space to promote the “Campus Center” public space recommended in the sector plan. The ground level open space will serve the residents of the surrounding neighborhood, as well as those living in the proposed development. The details of amenities provided within public open space area will be refined during DSP review and approval.

9. **Trails**—This PPS was reviewed for conformance the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the sector plan to provide the appropriate pedestrian and bicycle

transportation recommendations. The subject site is in the Central US 1 Corridor and the UMD East Campus Center and is subject to Section 24-124.01 of the Subdivision Regulations.

#### **Existing Conditions, Sidewalks and Bike Infrastructure**

The subject property has existing sidewalks along its southern frontage of Guilford Drive, which is an existing MPOT shared roadway. Hartwick Road fronts the subject property to the north and is a planned MPOT shared roadway. A network of sidewalks is included in the proposed PPS and serves the entire subject site. There are no dedicated bike lanes, only the shared roadway markings along Guilford Road.

#### **Master Plan Conformance**

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

- Guilford Road Shared Roadway (existing)

The submitted plans reflect the pedestrian and bicyclist facilities recommended in the MPOT. The Guilford Road Shared Roadway has already been constructed.

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

#### **POLICY 2**

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

#### **POLICY 4**

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

The submitted network of sidewalks serves the subject site. The subject property fronts on Guilford Drive to its south, which features an existing shared roadway and sidepath. The subject property fronts on Hartwick Road to its north, which is a planned shared roadway. In response to staff comments, the applicant updated their submission to include shared lane markings along Hartwick Road as well as crosswalks and bicycle racks.

This development is also subject to the sector plan. The submitted plans reflect the pedestrian and bicyclist facilities recommended in the sector plan. Existing and Proposed Bikeways and Trails are displayed on Table 7 (pages 141-143). The shared roadway along Guilford Drive has already been constructed.



The sector plan also includes the following recommendations for pedestrian and bicyclist facilities:

**Facilitating Cyclists – Bicycle Parking – Policy 2 - Strategies (page 141)**

- **Provide bicycle parking, including bicycle racks and lockers, to encourage and facilitate bicycle travel**
- **Encourage nonresidential and mixed-use developments to provide shower facilities and bicycle lockers as further incentives for increasing bicycle use**

The submitted plans reflect the pedestrian and bicyclist facilities recommended in the sector plan. The applicant has updated plans to show bicycle racks and interior bicycle parking and an indoor bicycle fix-it station.

**Pedestrian and Bicycle Adequacy**

The development is subject to 24-124.01, pedestrian and bikeway adequacy in centers and corridors. The applicant submitted an off-site adequacy exhibit to provide sidewalk improvements.

**Adequacy of On-Site Improvements:**

The development includes sidewalks along all frontages, continental style crosswalks, indoor and outdoor bicycle parking, shared lane markings along Hartwick Road and an indoor bicycle fix-it station. The proffered on-site facilities will contribute to meeting the pedestrian and bicycle adequacy findings, pursuant to Section 24-124.01(b).

**Adequacy of Off-Site Improvements**

The subject application includes proposed off-site bicycle adequacy improvements, pursuant to Section 24-124.01(c). The cost cap for the site is \$96,501.30. This number was developed by multiplying the nonresidential square footage by \$0.35 (\$2,100), adding the number of dwelling units multiplied by \$300 (\$85,200), and then adjusting the total amount (\$87,300) for inflation based on the U.S. Bureau of Labor Statistics Cost Price Index between June 2013, the effective date of the adequacy legislation, and today.

The applicant proffered to upgrade 475 linear-feet of four-foot-wide sidewalk along the north side of Hartwick Road in the vicinity of the subject property. The upgrade will widen this stretch of sidewalk to six feet wide, where feasible. The estimated cost for these improvements is \$87,875.00 and are within the cost cap. This improvement has also been reviewed and deemed acceptable by the City of College Park.

**Demonstrated Nexus Finding**

The off-site improvements proffered by the applicant will improve pedestrian movement along Hartwick Road while complementing many other development projects in the immediate vicinity of US 1 and the University of Maryland, College Park.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered improvements for the development and nearby destinations. The proffered off-site facilities will contribute to meeting the Pedestrian and Bicycle Adequacy Findings pursuant to Section 24-124.01(b).

The submitted plans meet the necessary findings for this PPS and is deemed acceptable from the standpoint of pedestrian and bicycle transportation.

10. **Transportation**—Transportation-related findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are proposed by means of private driveways from Hartwick Road.

The site is developed with approximately 62,220 square feet of office space, which is only about 20 percent leased. All structures will be razed under this proposal.

The site is within the sector plan area, which requires that traffic counts be averaged, as indicated by the following standard: “Within the Central US 1 Corridor Development District, the transportation facilities adequacy standard shall be Level of Service E, based on the average peak period levels of service for all signalized intersections in three designated segments of the Central US 1 Corridor.” The site falls within the segment between Campus Drive and Guilford Drive. Each traffic count is grouped together and averaged with other signalized intersections within the segment as defined by the sector plan to determine adequacy. This procedure is explained in the “Transportation Review Guidelines, Part 1” (Guidelines) on pages 31 and 32. The study area includes the following signalized intersections:

- US 1 and Campus Drive
- US 1 and Hotel Drive
- US 1 and Rossborough Drive
- US 1 and College Avenue/Regents Drive
- US 1 and Knox Road
- US 1 and Hartwick Road
- US 1 and Calvert Road
- US 1 and Guilford Drive

An additional intersection, Guilford Road and Hartwick Road/Rosburg Drive, is included in the study area as an unsignalized intersection. The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted, and the standards are explained below:

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.



For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

**Analysis of Traffic Impacts**

The application is a PPS for a plan that includes residential and commercial uses. The trip generation is estimated using trip rates and requirements in the Guidelines. Pass-by and internal trip capture rates are in accordance with the Trip Generation Handbook (Institute of Transportation Engineers). It is noted that the traffic study notes the 6,671 square feet of retail/restaurant space, and that this use is intended to occupy an additional 1,775 square feet of outdoor space. This would explain the use of the higher number to evaluate site trip generation.

The table below summarizes trip generation in each peak-hour that was used in reviewing traffic for the site:

<b>Trip Generation Summary: 4-19047: Standard at College Park</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
<b>Student Housing</b>	<b>951</b>	<b>Beds</b>	<b>29</b>	<b>95</b>	<b>124</b>	<b>95</b>	<b>67</b>	<b>162</b>
Retail/Restaurant	8,446	square feet	46	38	84	51	32	83
Less Pass-By (43 percent)			-20	-16	-36	-22	-14	-36
<b>Net Retail Trips</b>			<b>26</b>	<b>22</b>	<b>48</b>	<b>29</b>	<b>18</b>	<b>47</b>
<b>Total Proposed Trips for 4-19047 (sum of all bold numbers above)</b>			<b>55</b>	<b>117</b>	<b>172</b>	<b>124</b>	<b>85</b>	<b>209</b>

A January 2020 traffic impact study was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
	Guilford Drive and Hartwick Road/Roszburg Drive	8.5*	10.7*	--
US 1 and Campus Drive	935	967	A	A
US 1 and Hotel Drive	533	753	A	A
US 1 and Rossborough Drive	575	723	A	A
US 1 and College Avenue/Regents Drive	587	714	A	A
US 1 and Knox Road	679	890	A	A
US 1 and Hartwick Road	422	549	A	A
US 1 and Calvert Road	428	653	A	A
US 1 and Guilford Drive	633	722	A	A
<b>Link Peak-Period Level of Service</b>	<b>598</b>	<b>724</b>	<b>A</b>	<b>A</b>

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program", or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using a listing of 16 approved developments in the area and a growth rate of one percent per year over six years. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:



<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM and PM)</b>		<b>Level of Service (LOS, AM and PM)</b>	
	Guilford Drive and Hartwick Road/Roszburg Drive	8.9*	12.7*	--
US 1 and Campus Drive	1,091	1,211	B	C
US 1 and Hotel Drive	781	986	A	A
US 1 and Roszbrough Drive	711	952	A	A
US 1 and College Avenue/Regents Drive	643	806	A	A
US 1 and Knox Road	838	1,141	A	B
US 1 and Hartwick Road	549	734	A	A
US 1 and Calvert Road	624	923	A	A
US 1 and Guilford Drive	721	873	A	A
<b>Link Peak-Period Level of Service</b>	<b>735</b>	<b>936</b>	<b>A</b>	<b>A</b>

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM and PM)</b>		<b>Level of Service (LOS, AM and PM)</b>	
	Guilford Drive and Hartwick Road/Roszburg Drive	9.1*	12.9*	--
US 1 and Campus Drive	1,109	1,243	B	C
US 1 and Hotel Drive	802	1,016	A	B
US 1 and Roszbrough Drive	731	983	A	A
US 1 and College Avenue/Regents Drive	663	838	A	A
US 1 and Knox Road	858	1,188	A	C
US 1 and Hartwick Road	772	908	A	A
US 1 and Calvert Road	637	943	A	A
US 1 and Guilford Drive	745	909	A	A
<b>Link Peak-Period Level of Service</b>	<b>778</b>	<b>983</b>	<b>A</b>	<b>A</b>

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

It is found that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 172 AM and 209 PM peak-hour vehicle trips is required.

However, more needs to be stated regarding the intersection of US 1 and Hartwick Road. The applicant used this intersection as a signalized intersection within the adjacent link of US 1.

However, the intersection currently is not signalized. The signalization was a condition of approval for PPS 4-17021 for BA/WRPR College Park, and that entity has bonded and received permit approval from the Maryland State Highway Administration.

Given that this signal has been funded, fully designed, and scheduled for construction, this applicant may use that signal as a part of his background, and a condition regarding this signal is not necessary.

**Master Plan Roads**

The site is not within, or adjacent to any master plan transportation facilities. Access and circulation are acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required, in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—The residential development proposed with this PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George’s County Council Resolution CR-23-2001. The subject property is located within Cluster 2, as identified in the Pupil Yield Factors and Public School Clusters 2020 Update, which is within the I-495 Beltway. An analysis was conducted, and the results are as follows:

**Impact on Affected Public School Clusters by Dwelling Units**

Affected School Clusters Number	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Multi-family Total Dwelling Units (TDU):	282 DU	282 DU	282 DU
Multi-family Pupil Yield Factor (PYF):	0.162	0.089	0.101
TDU * PYF	45.684	25.098	28.482
Total Future Subdivision Enrollment	47	25	28
Adjusted Enrollment in 2019	22492	9262	9372
Total Future Enrollment	22539	9287	9400
State Rated Capacity	19425	7121	8494
Percent Capacity	116%	130%	111%



Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 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 \$16,698 per dwelling for all other buildings. This fee is to be paid to DPIE at the time of issuance of each building permit. Non-residential development is exempt from a review for school facilities.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated April 17, 2020 (Thompson to Sievers), incorporated herein by reference.
13. **Use Conversion**—This PPS was analyzed based on the proposal for a mixed-use development with 282 dwelling units and 6,671 square feet of gross floor area in the M-U-I and D-D-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights of way. The subject site fronts on the public rights-of-way of Hartwick Road and Guilford Drive, and a proposed public access road to the east. The applicant requested approval of a variation from the standard requirement, in accordance with the findings outlined below.

**Variation Request**—Section 24-122(a) requires the following (in BOLD), followed by review comments:

**Section 24-122. Public Facilities Requirements.**

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following state in the dedication document: Utility easements are granted pursuant to a declaration record among the County Land Record in Liber 3703 at Folio 748.**

The standard requirement for PUEs is in the form of an easement, which is typically ten (10) feet wide along both sides of all public rights-of-way. The property has frontage

along two (2) public rights-of-way: Hartwick Road and Guilford Drive and a proposed public access road to the east. Requiring a 10-foot-wide PUE along each of these public rights-of-way is unnecessary and would make it very challenging for the project to implement the Development District Standards associated with the Walkable Node University (WNU).

The standard PUE is not necessary for the proposed project as there is no need to extend electric, telecommunications, and gas facilities around or through the property. Such utilities are already provided along Hartwick Road, and the petitioner will coordinate with the appropriate providers in order to underground existing electric and telecommunications services that will support the project.

The applicant requested a variation from the standard PUE requirement, in accordance with Section 24-113, which sets forth the following required findings for approval of a variation (in BOLD), followed by review comments:

#### **Section 24-113 Variations**

- (a) **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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other properties. As previously described, the standard PUE is not necessary for the site as there is not a need to extend electric, telecommunications and gas facilities around or through the property. Utilities are currently existing in the public right-of-way and provide adequate utility service to the developed site. The petitioner is actively coordinating with the necessary wet and dry utility providers to ensure that the project remains adequately served.

- (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 property is located within the WNU character area of the sector plan. The project cannot implement the associated Development District Overlay Standards



and simultaneously accommodate the requisite ten (10) foot PUE width required by Section 24-122(a) of the Subdivision Regulations. The front build-to line requirements under the WNU (i.e. 0 feet minimum, 10 feet maximum) and dual street frontage create a condition that is unique to the property and is not generally applicable to other properties throughout the County, let alone other properties covered by the sector plan.

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

The requested variation does not constitute a violation of any other applicable law, ordinance, or regulation. More specifically, the requested variation will facilitate the redevelopment of the property as envisioned by the sector plan. The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This PPS and variation request for the location of PUEs was referred to the public utility companies and none have opposed this request.

- (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;**

The property's physical surroundings give rise to a particular hardship that can be distinguished from a mere inconvenience. As discussed above, the property is located within the WNU character area as designated by the sector plan. The WNU is defined by "small blocks with wide sidewalks and buildings set close to the frontages." In addition, the property will ultimately have frontage along both Hartwick Road and Guilford Drive. These conditions can be distinguished from a mere inconvenience, as the petitioner simply cannot accommodate a 10-foot-wide PUE and implement the applicable District Development Standards.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned M-U-I; therefore, this provision does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and

purpose of the Subdivision Regulations which is to guide development according to the sector plan.

Therefore, the variation from Section 24-122(a), for omission of the required PUEs is APPROVED.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George’s County Historic Sites or Resources.

The existing building at 4321 Hartwick Road was built in 1965, designed by Edward Weihe and Associates, and built by the Robert Silverman Company. The buildings and cultural landscapes of the Modern Movement from the mid-twentieth century are among the most under-appreciated and vulnerable aspects of Prince George’s County’s heritage. Since the 1980s, an increasing campaign of demolition and alteration has eroded the physical fabric of the County’s recent past with little consideration of its community importance, design significance, or role in a sustainable future. Identifying these properties and exploring their architectural and cultural significance is the first step to increasing awareness of their merits and fostering advocacy for their preservation. The existing building shall be documented and a Maryland Inventory of Historic Property (MIHP) form be completed for the property prior to the approval of a grading or demolition permit.

16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
N/A	NRI-104-2019	Staff	Approved	10/09/2019	N/A
N/A	S-172-2019	Staff	Approved	11/19/2019	N/A
4-19047	S-172-2019	Planning Board	Pending	Pending	Pending

**Proposed Activity**

The current application is a PPS for a new subdivision for one parcel for mixed use development with 6,671 square feet of commercial and 282 multifamily dwelling units.

**Grandfathering**

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS.



**Master Plan Conformance**

The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, the Established Communities of the General Plan Growth Policy.

***2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment***

The site is located in the sector plan and falls within the Downtown College Park portion of the plan. The sector plan does not indicate any environmental issues associated with this property.

***Countywide Green Infrastructure Plan***

The southern edge of the site is mapped within the designated network of the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. This area is mapped as a Regulated Area associated with an existing regulated 100-year floodplain.

The site was entirely cleared, graded and developed prior to the enactment of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). While the proposed development will impact regulated environmental features, these features are located within the limits of previous disturbance and are not currently wooded.

While the Green Infrastructure elements mapped on the subject site will be impacted, the overall site has been graded under previous approvals and the design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035.

**Environmental Review**

**Natural Resources Inventory/Existing Conditions**

The site has an approved Natural Resources Inventory Plan (NRI-104-2019), which correctly shows the existing conditions of the property. No specimen or historic trees are associated with this site. Almost the entire site is mapped within regulated environmental features, which include 100-year floodplain, and primary management area.

**Woodland Conservation**

The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous Tree Conservation Plan (TCP) approvals. A standard letter of exemption from the WCO was issued for this site (S-172-2019), which expires on November 19, 2021. No additional information is required regarding woodland conservation.

**Preservation of Regulated Environmental Features/Primary Management Area**

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include the 100-year floodplain.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by the Prince George's County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

A letter of justification for the proposed impacts was date stamped as received on March 31, 2020. This property is entirely within the 100-year floodplain. This feature comprises the entire primary management area on the subject property, in accordance with the Subdivision Regulations.

The letter requested the validation of 0.67 acre (29,185 square feet) of on-site existing impacts to the primary management area for the removal of an existing parking lot and building, and for the construction of a new 10-story mixed used building. Additional off-site impacts along the surrounding rights-of-way are also proposed for utilities and road improvements.

An exhibit was submitted along with the letter showing that the proposed use is for the general redevelopment of the site including all associated infrastructure. Because the site is already developed and because the proposed redevelopment will require SWM approval with the required floodplain controls, thus improving water quality over what exists on-site, staff supports this proposed impact.

A copy of an approved floodplain waiver from DPIE dated December 13, 2019 was submitted with this application.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the plans submitted.



**Soils**

The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Urban Land-Christiana-Downer complex (5-15 percent slopes); Urban Land-Russett-Christiana complex (0-5 percent slopes); Zekiah-Urban Land Complex, Frequently flooded; and Urban Land. Unsafe soils containing Christiana complexes have been identified on-site. No unsafe soils containing Marlboro clay have been identified on or within the immediate vicinity of this property.

As part of the referral process, this case was referred to DPIE for review to evaluate if further information is required regarding the unsafe soils on-site. In an email dated March 31, 2020, DPIE stated that no further information is required, as there are no slopes of significant concern identified within the area of this soil type and the applicant is proposing to cut and fill the site to a 1 percent grade for a buildable area. A geotechnical review was not requested with this application but may be required for review with a future development application.

No further action is needed as it relates to this application. The County may require a soils report in conformance with Prince George's County Council Bill CB-94-2004 during future phases of development.

**Specimen, Champion, or Historic Trees**

In accordance with approved NRI-104-2019; no specimen, champion, or historic trees have been identified on the subject property. No further information is required regarding specimen, champion, or historic trees.

17. **Urban Design**—Conformance with the D-D-O Zone standards and the Prince George's County Zoning Ordinance are evaluated as follows:

**Conformance with the Requirements of the Development District Overlay (D-D-O) Zone Standards of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment***

The subject site is governed by the D-D-O Zone standards approved with the sector plan that requires DSP review for the proposed redevelopment of the subject site. There is no previous approved DSP governing the site. In accordance with the sector plan, D-D-O standards replace comparable standards and regulations in the Zoning Ordinance. Wherever a conflict exists between the D-D-O standards and the Zoning Ordinance, or the Prince George's County Landscape Manual (Landscape Manual), the D-D-O shall prevail. For development standards not covered by the D-D-O Zone, the Zoning Ordinance, or the Landscape Manual shall serve as the requirements, as stated in Section 27-548.21.

The subject site is within the Walkable Node (University) development Character Area of the D-D-O Zone as defined on page 228 of the sector plan. There are approximately 40 pages of development standards focused on building form, architectural elements, sustainability, streets and open space requirements. While conformance with these requirements will be evaluated at the time of DSP, the applicant should be particularly mindful now of Walkable Node (University)

development standards that define spatial relationships within the development area, including requirements that limit lot coverage to 80 percent, and define criteria for parking, sidewalks and streetscapes.

The vertical mixed-use development concept provided in the PPS, including ground floor retail and multifamily units above in a multistory building is appropriate for the M-U-I/D-D-O Zones and this location in the Walkable Node (University) of the sector plan.

**Conformance with the Requirements of the Prince George's County Zoning Ordinance**

All development proposals in a D-D-O Zone are subject to DSP review, as indicated in Section 27 548.25, Site Plan Approval, which states:

- (a) **Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.**

The subject site is located in College Park Airport APA 6, which is a traffic pattern area. In APA 6, development densities and intensities are the same as in the underlying zones. The uses of all APA lands may not endanger the landing, taking off or safe maneuvering of aircraft. In accordance with Section 27- 548.42(b), no building permits may be approved for any structure higher than 50 feet within APA 6, unless the applicant demonstrates compliance with FAR Part 77. Conformance to these requirements should be evaluated at the time of DSP.

**Conformance with the Requirements of the Prince George's County Landscape Manual**

Landscaping, screening, and buffering on the subject site should be provided pursuant to the provisions of the Landscape Manual, except for those modified by the D-D-O Zone standards. The site's conformance with the applicable landscaping requirements of both D-D-O Zone and the Landscape Manual will be reviewed and determined at time of DSP.

**Conformance with the Prince George's County Tree Canopy Coverage Ordinance**

This application is also subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the M-U-I and D-D-O Zone and is required to provide a minimum tree canopy coverage of 10 percent of the site. The 1.84-acre site will be required to provide 0.185 acre in tree canopy coverage. In a letter dated April 9, 2020, the applicant indicated intent to request a waiver from this requirement. While conformance will be determined at the time of DSP, the applicant is encouraged to provide a design that conforms to the tree canopy coverage requirement at that time.

18. **City of College Park**—By letter dated May 12, 2020 (Schum to Hewlett), the City of College Park recommended approval of this application subject to eight conditions. The conditions



recommended were considered by the Planning Board and those appropriate for inclusion have been made part of this approval.

19. **Town of University Park**—The Town of University Park provided a memorandum dated May 6, 2020 (Carey to Hewlett), which is incorporated by reference herein, outlining five items for consideration of the Planning Board. These items were discussed at the Planning Board hearing and those appropriate for inclusion have been made part of this approval.

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 date of notice of the adoption of this Resolution.

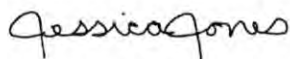
\* \* \* \* \*

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 14, 2020, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 4th day of June 2020.

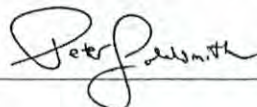
Elizabeth M. Hewlett  
Chairman



By Jessica Jones  
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department  
Date: May 20, 2020