

R E S O L U T I O N

WHEREAS, Greenbelt Sprghll LK Assoc LLC, Greenbelt GKA Realty LLC, and Greenbelt L Realty are the owners of a 15.89-acre parcel of land known as Parcel J, Parcel K, and Parcel L, said property being in the 21st Election District of Prince George’s County, Maryland, and being zoned Commercial Office (C-O) within the Development District Overlay (D-D-O) Zone; and

WHEREAS, on July 5, 2019, The NRP Group, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19010 for Greenbelt Metro 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 October 10, 2019, 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 October 10, 2019, 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 Type 1 Tree Conservation Plan TCP1-009-2019, and further APPROVED Preliminary Plan of Subdivision 4-19010 for one 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 21 to provide the stormwater management concept plan approval date of May 31, 2019.
  - b. Revise General Note 4 to state the purpose of this subdivision is to consolidate three parcels into one parcel for a 354-unit multifamily development.
  - c. Revise General Note 5 to provide the previous PPS number, 4-94080, and include the approved Zoning Map Amendment number, A-9540-C.
  - d. Remove the “Lotting and Right of Way Diagram” from the plan.

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
3. Development of the site shall be limited to uses that would generate no more than 184 AM and 212 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. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (59556-2018-0) and any subsequent revisions.
5. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. A minimum 5-foot sidewalk along the subject site's entire frontage of Cherrywood Lane, unless modified by the City of Greenbelt.
  - b. Retain the existing bike lane along Cherrywood Lane, during the implementation of road frontage improvements, unless modified by the City of Greenbelt.
6. Prior to the 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 Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
  - a. One bikeshare docking station on the subject site to enable this form of transportation to be used by residents and visitors at the subject site. The vendor of the bikeshare must be approved by the Prince George's County Department of Public Works and Transportation (DPW&T). The final location of this docking station will be selected by the County and the applicant, based upon the requirements of the bikesharing system, and in a highly visible, convenient, and well-lit location on the subject site. The location requires at least four hours of solar exposure per day year-round. In the event an appropriate location cannot be located on-site that meets bikeshare siting criteria, DPW&T will select another off-site location for the station based upon the requirements of the bikesharing system in the County, as close as possible to the subject site.
  - b. The applicant shall allow the Prince George's County Department of Public Works and Transportation or its contractors/vendors access to the subject site to install, service, and maintain the bikeshare station.

- c. Installation of one bus shelter at a location serving the subject site and complying with the requirements of Section 24-124.01.
7. Prior to acceptance of a detailed site plan, an exhibit shall be provided that illustrates the location, limits, and details of the bikeshare station and off-site bus shelter improvement approved with Preliminary Plan of Subdivision, PPS 4-19010, consistent with Section 24-124.01(f) of the Subdivision Regulations.
8. Prior to approval of a final plat:
  - a. The final plat shall grant a 10-foot-wide public utility easement along Cherrywood Lane, in accordance with the approved preliminary plan of subdivision.
  - b. A conservation easement shall be described by bearings and distances. The conservation easement shall contain the floodplain, as determined by the Prince George's County Department of Permitting, Inspections and Enforcement, and all stream buffers shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M–NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
  - a. Revise all landscaped areas proposed to receive woodland conservation credit to meet the minimum size, width, and location requirements per Subtitle 25.
  - b. Remove the following forest stand delineation and natural resources inventory (NRI) information from the plan:
    - (1) The forest stand narrative
    - (2) The forest analysis and priorities table.
    - (3) All forest samples points from the plan and legend.
    - (4) The NRI general notes.
  - c. Have the qualified professional complete, sign, and date a TCP1 checklist.
  - d. Make the following revisions to the TCP1 General Notes:
    - (1) Revise General Note 1 by citing the correct Preliminary Plan of Subdivision number, 4-19010.

- (2) Revise General Note 7 by stating that the site is within the Environmental Strategy Area 1 (formerly the developed tier).
        - (3) Remove General Note 12.
      - e. Remove all tree protection devices from the plan.
      - f. Identify the location of all proposed utilities and their associated easements on the plan.
      - g. Identify the location of all proposed stormwater management easements on the plan.
      - h. Provide the assigned TCP number on the plan approval block.
      - i. Have the revised plan and TCP1 worksheet signed and dated by the qualified professional preparing the plan.
10. Development of this subdivision shall be in conformance with the approved Type 1 Tree Conservation Plan, TCP1-009-2019. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan, TCP1-009-2019, or as modified by the Type 2 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
11. Prior to approval of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
12. 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.
13. Prior to acceptance of a detailed site plan, a Phase II noise analysis that demonstrates that any outdoor activity areas are located outside of the mitigated 65 dBA Ldn and that the building structures proposed mitigate interior noise levels to 45 dBA Ldn or less shall be provided.

14. Prior to approval of a building permit, which includes residential dwelling units located within the unmitigated 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
15. Prior to approval of a detailed site plan, the applicant shall provide details of private recreational facilities, in accordance with the standards outlined in the *Prince George's County Parks and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the City of Greenbelt and shall include a pool, associated club house and amenities, pet spa, pet wash equipment, dog park, tot lot, and community garden.
16. Prior to approval of a building permit, the timing of a financial payment of \$50,000.00 by the applicant to the City of Greenbelt's Parks and Recreation Department, for use towards City improvements planned for the Springhill Lake Recreation Center, shall be agreed upon.
17. Prior to approval of a final plat, the applicant shall submit three original Recreational Facilities Agreements (RFAs) to the City of Greenbelt for construction and maintenance of recreational facilities. Upon approval by the City of Greenbelt, the RFA shall be recorded among the Prince George's County Land Records with the Liber and folio noted on the final plat prior to recordation.

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 site consists of three existing properties, which are known as Parcel J, Parcel K, and Parcel L, all recorded in Plat Book VJ 182-39 on December 22, 1997. The site is located on the north side of Cherrywood Lane, approximately 800 feet west of its intersection with Kenilworth Avenue, and is in the Commercial Office (C-O) Zone within the Development District Overlay (D-D-O) Zone. The three properties combined form the subject site of approximately 15.89 acres.

The subject site was rezoned from the Multifamily Medium Density Residential (R-18) Zone to the C-O Zone, pursuant to the approval of Zoning Map Amendment A-9540-C. The site was also the subject of a previous Preliminary Plan of Subdivision (PPS) 4-94080 approved for office development. The subject application proposes 1 parcel for the development of 354 multifamily dwelling units. The site is currently vacant and mostly cleared with wooded areas occurring towards the site's perimeter.

The D-D-O Zone was established on the subject site by the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment* (Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA). Section 27-461 of the Zoning Ordinance contains the

use table, which states the uses permitted in the C-O Zone. However, being classified in the D-D-O Zone relegates the subject site to the permitted uses for the C-O Zone found in the D-D-O Zone use table within the Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA, in accordance with Section 27-548.22(f) of the Zoning Ordinance.

The sector plan use table contains a number of footnotes and references to council bills. The Planning Board carefully considered the applicability of both the footnotes and council bills to the uses established in the D-D-O Zone use table. The Planning Board acknowledges that the footnotes and council bills appear to have been copied from the Zoning Ordinance and were included in the use table. However, the Planning Board has determined that, similar to the application of footnotes in the Zoning Ordinance, the footnotes to the use table only apply if they are noted adjacent to a use or category of uses. In addition, the Planning Board determined that the council bill references included in the use table are for informational purposes only, designed to provide reference into legislative history; whether found in the Zoning Ordinance or the use table of the D-D-O Zone, the inclusion of the council bill references does not alter the information in the use table.

A “Dwelling, Multifamily” use is permitted in the C-O Zone and is subject to Footnotes 46 and 65 per the use table found in Section 27-461. These two footnotes provide additional criteria for the permitting of multifamily dwellings in the C-O Zone. Nevertheless, the D-D-O Zone use table is the determinant for permitted uses on the subject site. This PPS proposes multifamily units on the site pursuant to the Dwelling, Multifamily use found in the use table on page 382 of the sector plan. While footnotes do appear in the use tables, no footnote is referenced adjacent to the particular Dwelling, Multifamily use in the use table. Given the determination on the applicability of footnotes previously mentioned, the Planning Board determined that no footnote applies to the particular Dwelling, Multifamily use proposed with this PPS.

3. **Setting**—The site is located on Tax Map 26 in Grid C-2 and is within Planning Area 67. The three properties combined form a triangular shaped tract located at the northeast corner of the intersection of the I-495/I-95 (Capital Beltway) and Cherrywood Lane. The site is bounded by Cherrywood Lane to the south with office uses in the C-O and D-D-O Zones beyond, the United States District Courthouse on abutting property to the north and east in the Open Space and Reserved Open Space Zones, and vacant land to the north and west located in the Rural Residential Zone.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-O/D-D-O	C-O/D-D-O
Use(s)	Vacant	Multifamily
Acreage	15.89	15.89
Parcels	3	1
Dwelling Units:	0	354
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on July 26, 2019.

5. **Previous Approvals**—The site was rezoned from the R-18 Zone to the C-O Zone per A-9540-C, approved by the Prince George’s County District Council on November 25, 1985. This approval rezoned the property to permit offices and allied commercial uses on the site, and was approved with the following condition:

**The rezoning approved herein is subject to the condition that a development phasing plan be approved by the Planning Board at the time of subdivision. In this plan, transportation needs shall be assessed for each phase, to assure that necessary transportation improvements will be in place when they are needed.**

The subject site was subdivided for office development in 1994 and phasing of transportation improvements were conditioned with the subdivision approval, as further detailed with PPS 4-94080 below. The subject PPS supersedes PPS 4-94080. The transportation adequacy requirements needed to support the proposed development have already been implemented, as further discussed in the Transportation finding of this resolution, and no further phasing is required.

The site was the subject of PPS 4-94080, approved by the Prince George’s County Planning Board on October 27, 1994 (PGCPB Resolution No. 94-333). This PPS was approved for three parcels and one outlot, subject to ten conditions, of which the following is applicable to the review of this PPS:

2. **In the event the County or State are prepared to construct the improvements summarized as "MD 201 at Ivy Lane" (CIP project no. FD666051) and are ready to release the project for advertisement of the bid for construction, the owners shall be obligated to pay \$250,000 to DPW&T even if the owners are not ready to apply for the first building permit. In such event, the owners shall deliver payment of the \$250,000 to DPW&T 60 days before advertisement of the project for construction bids, but only**

**after receipt of written notice six months before the \$250,000 is due to be paid. After payment of the \$250,000, the first office building up to 200,000 square feet in size may be permitted without the requirement for any payment. Prior to the issuance of any building permit in excess of the first 200,000 square feet and up to 400,000 square feet, an additional payment in the amount of \$341,500 shall be made to DPW&T. Prior to the issuance of any building permit in excess of the first 400,000 square feet, the final payment in the amount of \$341,500 shall be made to DPW&T. Each payment shall be adjusted by the annual Composite Bid Price Index compiled by the Federal Highway Administration with the base year being 1994.**

A letter was submitted by the applicant with this PPS dated May 12, 1998 (Kowalsky to Hewlett), which details that a payment by the property owner of \$250,000 was received by the Maryland State Highway Administration (SHA) done in agreement with the Prince George's County Department of Public Works and Transportation, to satisfy Condition 2. A new transportation analysis was conducted based on the proposed residential development of this PPS and the findings are provided in the Transportation finding. The peak-hour trips generated by the proposed residential development of this PPS are fewer than the trips generated by the 200,000 square feet of office space, for which the required payment has been made.

6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject property in the Greenbelt Metro Regional Transit District, which is one of eight regional transit districts identified in Plan 2035. The regional transit districts are described, as follows:

**Moderate- to high-density and intensity regional-serving centers. Destinations for regional workers and residents that contain a mix of office, retail, entertainment, public and quasi-public, flex, and medical uses; the balance of uses will vary depending on the center's predominant character and function. Walkable, bikeable, and well-connected to a regional transportation network via a range of transit options. Density and intensity are often noticeably greater within a quarter mile of Metro and light rail stations.**

Plan 2035 also locates the subject site within a designated employment area. As indicated in Plan 2035, employment areas have the highest concentrations of economic activity in the four targeted industry clusters: healthcare and life sciences; business services; information, communication, and electronics; and the Federal Government. Plan 2035 recommends continuing to support business growth in these geographic areas, particularly in the targeted industry clusters, concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies.



The subject property is also located within a Plan 2035 Innovation Corridor. The Innovation Corridor encompasses parts of the City of College Park, the City of Greenbelt, areas along the US 1 corridor, and the area surrounding the Beltsville Agricultural Research Center. The Innovation Corridor capitalizes on the synergy that comes from businesses, research institutions, and incubators being in close proximity to one another. The Innovation Corridor, as detailed in Plan 2035, has countywide importance as a key opportunity to leverage existing strengths and act as an employment catalyst.

### **Master Plan**

The Greenbelt Metro and MD 193 Sector Plan and SMA identifies the approved future land use on the subject property as “Commercial (Office and/or Retail).” The site is located within the Capital Office Park Focus Area within the Greenbelt Metro Metropolitan Center.

### **Sectional Map Amendment/Zoning**

The Greenbelt Metro and MD 193 Sector Plan and SMA retained the subject site in the C-O Zone and superimposed the D-D-O Zone over the site. Although the approved future land use on the site is Commercial (Office and/or Retail), multifamily is a permitted use in the C-O Zone.

As previously mentioned, the subject site was placed in the C-O Zone through approved A-9540-C in 1985, with one condition for the phasing of development to provide necessary transportation improvements. Following the 1985 rezoning, subsequent sectional map amendments in 1990 and 2001 applicable to the site show that the site was retained in the C-O Zone, with the D-D-O Zone being applied through the SMA. As the County Zoning Map did not reflect A-9540-C and should have given the condition of rezoning, an administrative correction to the Zoning Map and the SMA was authorized on October 10, 2019 to annotate the subject property in the Zoning Map as A-9540-C.

### **Overlay Zone**

The platting of the proposed subdivision does not preclude conformance with the requirements of the Greenbelt Metro and MD 193 Sector Plan and SMA D-D-O Zone standards. The TCP submitted with this PPS shows a layout which does not conform to all of the D-D-O Zone standards. The intent of the D-D-O Zone standards is to shape high-quality public spaces with buildings and other physical feature to create a strong sense of place. The detailed site plan (DSP) will evaluate the site development proposal, at which time the applicant should demonstrate conformance with the following standards unless modified pursuant to Section 27-548.25(c): (the standards provided below with their page reference within sector plan, are provided in **BOLD** with comments immediately following):

- **The vehicular access drive of a parking lot or garage shall be no wider than 22 feet. (page 227)**

The Type 1 Tree Conservation Plan (TCP1) shows a proposed 55-foot-wide vehicular access to the development that exceeds the Building Form/ Parking Access standards by 33 feet.

- **When alleys, secondary frontage, or side streets are not present, primary frontage streets may be used as the primary source of access to off-street parking, with a driveway that either passes to the side of the building or thorough the building. See Figures 3 and 4 on the right. This condition should be avoided to the fullest extent possible... (page 227)**

The primary access shown on the TCP does not pass through the buildings or to the side of them as prescribed in the Building Form-Parking Access standards.

- **...fronts display a building's façade and shall face the public realm... (page 211)**

The building fronts do not face the public realm as required by the Building Orientation standards.

- **The frontage buildout shall be a minimum of 60 percent at the build-to line. (page 219)**

The buildings do not meet the 60 percent frontage buildout and build-to lines as required by the Lot Occupation standards for the Capital Office Park.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the proposed preliminary plan conforms to the Plan 2035 because the property is located in the Greenbelt Metro Regional District Center. Consistent with the residential development proposed, page 19 of Plan 2035 recommends directing the majority of the future employment and residential growth in the County to the Regional Transit Districts.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan (59556-2018-0) and letter were submitted with the subject application and were approved on May 31, 2019, with conditions requiring the use of micro-bioretenion, 100-year attenuation and a detention pond. The concept approval expires May 31, 2022. Development shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.
8. **Parks and Recreation**—The subject property is located within the City of Greenbelt, which is located outside the Maryland-Washington Metropolitan District. The City of Greenbelt provides its own parks and recreation to the residents of the City. According to Section 24-134(a) of the Subdivision Regulations, the proposed development is not subject to the mandatory dedication of parkland to the Maryland-National Capital Park and Planning Commission requirement because it is located outside the Maryland-Washington Metropolitan District. However, this code provision requires the mandatory dedication of parkland to a municipality, upon a request from such municipality. In accordance with Section 24-134(a), the City of Greenbelt requested that the mandatory dedication of parkland requirement be met through the provision of a fee-in-lieu and private on-site recreational facilities, as discussed further in the City of Greenbelt finding.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Masterplan of Transportation* (MPOT) and the Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA. The site is located within the Greenbelt Metro Center and is subject to Section 24-124.01 (Adequacy of Bicycle and Pedestrian Facilities in Centers and Corridors) of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2,” at the time of PPS.

One master plan trail impacts the subject site with continuous sidewalks and designated bicycle lanes recommended along Cherrywood Lane. The bicycle lanes are in place along the site’s frontage, but the sidewalk appears to extend along only part of the site’s frontage. Strategy 5.2 below, from the sector plan, supports the expansion of bikeshare to the Greenbelt Metro Area:

**Strategy 5.2: Support both the City of Greenbelt and Prince George’s County in their efforts to study the feasibility of future bikeshare facilities. Consider bikeshare stations at Greenbelt Metro Station, Historic Greenbelt, Greenway Center, and Beltway Plaza as initial locations, and provide signage and education materials that will clearly indicate the regional connections to soon-to-be implemented bikeshare systems in College Park and the University of Maryland, College Park campus, as well as the expanding system in Washington, D.C. Support additional expansion of bikeshare programs to Berwyn Heights and other locations within and near the sector plan area.**

The Prince George’s County Department of Parks and Recreation (DPR) has begun implementing bikeshare stations in the Anacostia Heritage Trails Area and plans to expand to the City of Greenbelt. The installation of a bikeshare station at the subject site is consistent with Strategy 5.2 and would assist the County’s efforts to expand bikeshare coverage in the area. As the site is approximately 4,500 feet or 0.85 miles from the Greenbelt Metro Station, it is beyond the 0.5-mile distance typically desired by pedestrians, but well within the range of a quick and convenient bikeshare trip. In addition, the bicycle lanes implemented by the City of Greenbelt along Cherrywood Lane and other municipal roads provide designated facilities for cyclists.

The D-D-O Zone of the area sector plan also includes specific requirements regarding bicycle parking, provided below from page 226 of the sector plan:

- **A minimum of one bicycle parking space shall be provided within the public or private frontage for every 10,000 gross square feet of retail space.**
- **A minimum of one bicycle parking space shall be provided for every two multifamily dwelling units.**
- **A minimum of 4 bicycle parking spaces shall be provided for every 50 anticipated or actual employees of an office, mixed-use, civic/recreation, retail use, or combination of uses.**

- **Bicycle racks shall be placed in highly visible areas along the street or within parking garages as appropriate. Dedicated bicycle storage rooms may also be used to accommodate required bicycle parking spaces.**

Bicycle parking will be required in conformance with the D-D-O Zone, at the time of DSP. The amount, location, and type of bicycle parking will be evaluated with the DSP.

The D-D-O Zone also includes standards regarding appropriate parking reductions when programs like bikeshare are provided, including the following standard:

- **Off-street parking requirements may be further reduced by a maximum of 20 percent beyond the requirements specified above if incentives and provisions that encourage the use of alternate modes of transportation (other than single-occupancy vehicles) are included in the development. Features such as bike share stations, electric vehicle charging stations, shared car programs, financial incentives to employees for transit and car- and van-pooling, and the provision of private shuttle bus services, may qualify for parking reductions. The determination of appropriate parking reductions will be made at the time of detailed site plan approval based on evaluation of data provided by the applicant justifying reductions to the parking requirements.**

Because bikeshare is proffered as part of this PPS, this standard will be further evaluated at the time of DSP.

The D-D-O Zone also includes a standard for sidewalks to be 4–8 feet in width and dedicated exclusively to pedestrian activity.

The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**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.**

Consistent with the policies of the MPOT, the conceptual site layout shown on the submitted TCP1 shows a comprehensive network of sidewalks provided on-site that connect the proposed buildings with the public right-of-way. The site's main ingress/egress point is designed with sidewalks, landscaping, and SWM. As the sidewalks proposed on-site connect all of the potential pedestrian destinations on-site and provide access to the sidewalk along the public right-of-way, no additional internal sidewalk connections are recommended at this time. The sidewalk network,

as shown on the TCP, does not preclude further evaluation of the sidewalk network at the time of DSP. In addition, frontage improvements along Cherrywood Lane should be consistent with the streetscape standards of the D-D-O Zone, unless modified pursuant to Section 27-548.25(c).

**Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:**

Due to the location of the subject site within the Greenbelt Metro Center, this PPS is subject to Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

CB-2-2012 also includes specific guidance regarding the cost cap for the off-site improvements. The amount of the cost cap is determined pursuant to Section 24-124.01(c):

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and three hundred dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on Section (c) and the 354 residential units proposed, the cost cap for the application is \$106,200.

A scoping meeting was held with the applicant on May 3, 2019. The Greenbelt Metro was noted as a major bicycle/pedestrian trip generator and a bikeshare station was mentioned as a possible suitable off-site improvement for the site.

The bicycle and pedestrian impact statement exhibit shows both a bikeshare station and bus shelter installation. The Planning Board approved the off-site improvements proffered by the applicant. The bikeshare station needs to be coordinated with DPR, while the bus shelter installation needs to be coordinated with the City of Greenbelt.

**Demonstrated nexus between the subject application and the off-site improvements:**

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities.

The bikeshare station proffered by the applicant will provide the future residents of the subject site with a non-motorized transportation option for accessing the Greenbelt Metro and other area destinations. The bus shelter will provide enhanced and protected facilities for the residents who choose to use bus transit to access regional destinations. Both facilities will provide beneficial amenities for future residents of the subject site and encourage the use of transit and active transportation for some trips consistent with the recommendations of the area master plan.

**Finding of Adequate Bicycle and Pedestrian Facilities:**

CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. CB-2-2012 is applicable to preliminary plans within designated centers and corridors. The subject PPS is located within the designated Greenbelt Metro Center. CB-2-2012 also includes specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Sections 24-124.01(b)(1) and (2) include the following criteria for determining adequacy:

**(b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**

- 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
  - a. The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
  - b. The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design**

**features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

- 2. The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - a. The degree to which bike lanes, bikeways, and trails recommended in the MPOT and applicable area master plans or sector plans have been constructed or implemented in the area;**
  - b. The presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
  - c. The degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
  - d. The availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The Planning Board finds that the sidewalks and bicycle lanes proposed by the applicant on-site, and the proffered bikeshare station and bus shelter are adequate bicycle and pedestrian facilities to serve the subject property. The sidewalks proposed on-site and along Cherrywood Lane complement the Complete Streets network envisioned in the area master plan, while the bikeshare station will facilitate bicycle trips in the area and the bus shelter will provide enhanced transit accommodations consistent with the examples for adequate pedestrian and bikeway facilities mentioned in Section 24-124.01(d).

- 10. Transportation**—The PPS is required to consolidate three existing parcels into one parcel and to convert a proposed commercial subdivision in the C-O Zone to a residential subdivision. Transportation-related findings related to adequacy are made with this PPS, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are proposed by means of private driveways from existing Cherrywood Lane.

The site has been previously platted pursuant to PPS 4-94080 approved in 1994 with a trip cap of 945 AM and 875 PM peak-hour trips. Per Condition 2 of the resolution approving PPS 4-94080, the applicant was required to make a \$250,000 payment within 60 days of the advertisement of the MD 201 project by SHA. This payment was to be made regardless of whether the applicant was ready to seek building permits or not, and the applicant has provided a letter from SHA to the Planning Board, dated May 12, 1998 (Kowalski to Hewlett) stating that the \$250,000 payment was made to SHA. Per Condition 2, this payment entitled the applicant to develop up to

200,000 square feet of office space as Phase I of this development. The MD 201 roadway project referenced by the condition has been constructed and has been operational for nearly 20 years.

As noted above, the payment entitled the applicant to construct up to 200,000 square feet of office space as part of Phase I of the development, which would generate 400 AM and 370 PM peak-hour trips. The applicant has determined that the current proposal of 354 multifamily residences would generate 184 AM and 212 PM peak-hour trips. This trip generation would fall within the overall trip cap for the site. It also falls within Phase I as allowed by the payment that was made. There were other payments and transportation demand management requirements under the conditions that would have been triggered by later phases of development. Under this PPS, the residential trips will never exceed the equivalency of 200,000 square feet of office space, and so these additional requirements will never be triggered.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and Signalized Intersections:** Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

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

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

Trip Generation Summary: 4-19010: Greenbelt Metro								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
<b>Proposed Development for 4-19010</b>								
Multifamily Residences	354	units	35	149	184	138	74	212
<b>Total Proposed Trips for 4-19010</b>			<b>35</b>	<b>149</b>	<b>184</b>	<b>138</b>	<b>74</b>	<b>212</b>
<b>Trip Cap – 4-94080</b>					<b>945</b>			<b>875</b>
<b>Recommended Trip Cap for 4-19010</b>					<b>184</b>			<b>212</b>



The applicant provided a trip generation memorandum as a part of the submittal. A traffic study was not needed because the site was previously platted pursuant to PPS 4-94080 with a trip cap of 945 AM and 875 PM peak-hour trips. Those trips have remained with the site as the subject properties were platted, in accordance with PPS 4-94080. The Planning Board concludes that the proposal is consistent with the trip cap established by the underlying platted subdivision. The subject PPS supersedes PPS 4-94080 for the subject site.

It is the Planning Board's understanding that the City of Greenbelt believes that a signal may be needed at the intersection of Cherrywood Lane, Ivy Lane, and the proposed site access, and that this applicant should have a responsibility for studying that signal and funding it. As previously stated, the Planning Board authorized the use of payments, described in Conditions 1 and 2 of the resolution for PPS 4-94080, in lieu of requiring the improvements listed in findings on pages 8 through 10 of the resolution.

This list of improvements included possible signalization of this intersection. The resolution clearly states that with the payment in 1998 of the \$250,000 that this applicant is entitled to obtain permits for up to 200,000 square feet of office space. This is equivalent to 285 AM and 295 PM trips, and the current proposal for 354 apartments generates 184 AM and 212 PM trips, which is recommended as the new trip cap for the site. The site has an entitlement achieved through platting the 1994 PPS and has paid money to gain entitlement to obtain building permits. The City owns and maintains Cherrywood Lane, and the City would have the authority to require improvements along the frontage and at the site's accesses. The exercise of that authority would provide a legal means of studying and obtaining funding for the signal at the site access, if warranted by the traffic impact study required by the City pursuant to the MOU between the City and the applicant. This is discussed in more detail in Finding 18 below.

The site is adjacent to Cherrywood Lane, a collector facility designated by the MPOT. Likewise, the Capital Beltway F-1 freeway facility is adjacent to the site. Dedication, in accordance with the master plan requirements, has occurred along both facilities with the platting of the site.

The Maryland Department of Transportation (MDOT) is currently conducting the I-495 and I-270 Managed Lanes Study. The subject site is adjacent to I-495, and alternatives under study as a part of this project may extend onto the subject site. The I-495 and I-270 Managed Lanes Study is not included in the MPOT or as part of the ultimate right-of-way for the area. It is strongly recommended that the applicant coordinate with MDOT and/or SHA to identify potential impacts.

The prior application A-9540-C included the following condition:

**The rezoning approved herein is subject to the condition that a development phasing plan be approved by the Planning Board at the time of subdivision. In this plan, transportation needs shall be assessed for each phase, to assure that necessary transportation improvements will be in place when they are needed.**

The applicant has indicated that PPS 4-94080 included findings and conditions, which were consistent with the conditional zoning approval.

Conformance to Section 24-124 was found with the approval of PPS 4-94080 (PGCPB Resolution No. 94-333), and several conditions were included with that approval, as noted below:

- 1. Prior to the issuance of any building permit for the first 200,000 square feet (or equivalent development generating 400 AM and 370 PM peak-hour trips), a payment in the amount of \$311,000 shall be made to the Department of Public Works and Transportation (DPW&T). Prior to the issuance of any building permit in excess of the first 200,000 square feet (or equivalent development generating 400 AM and 370 PM peak-hour trips) and up to 400,000 square feet (or equivalent development generating 800 AM and 740 PM peak-hour trips), an additional payment in the amount of \$311,000 shall be made to DPW&T. Prior to the issuance of any permit in excess of the first 400,000 square feet (or equivalent development generating 800 AM and 740 PM peak-hour trips), the final payment in the amount of \$311,000 shall be made to DPW&T. Each payment shall be adjusted by the annual Composite Bid Price Index compiled by the Federal Highway Administration, with the base year being 1994.**

This condition is related to Condition 2, and a payment of \$250,000 was made pursuant to Condition 2 in 1998 and thus, this condition was satisfied with that payment.

- 2. In the event the County or State are prepared to construct the improvements summarized as "MD 201 at Ivy Lane" (CIP project no. FD666051) and are ready to release the project for advertisement of the bid for construction, the owners shall be obligated to pay \$250,000 to DPW&T even if the owners are not ready to apply for the first building permit. In such event, the owners shall deliver payment of the \$250,000 to DPW&T 60 days before advertisement of the project for construction bids, but only after receipt of written notice six months before the \$250,000 is due to be paid. After payment of the \$250,000, the first office building up to 200,000 square feet in size (or equivalent development generating 400 AM and 370 PM peak-hour trips) may be permitted without the requirement for any payment.**

Although development proposed by PPS 4-94080 never occurred, the applicant provided the \$250,000 payment associated with the "MD at Ivy Lane" project in 1998. As such, the applicant was entitled to develop up to 200,000 square feet of office space or an equivalent development generating 400 AM and 370 PM peak-hour trips. The subject PPS includes 354 residential dwelling units, which would generate fewer trips than the initially permitted 200,000 square feet of office development. Since the current development will neither exceed the trips

associated with the 200,000 square feet of office nor the subsequent phases of development envisioned in the 4-94080 PPS, it is not necessary to retain these conditions in this approval. A new PPS, with an assessment of adequacy at that time, shall be required for any amount of development proposed for the subject site that would exceed the peak-hour trips associated with the 354 residential dwellings; 184 AM and 212 PM peak-hour vehicle trips.

Based on the findings presented in this section, the Planning Board concludes that adequate transportation facilities will exist to serve the subject subdivision, as required under Section 24-124.

- 11. Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, and the results of the analysis are as follows:

**Impact on Affected Public School Clusters  
 Multifamily Attached Dwelling Units**

Affected School Clusters #	Elementary School Cluster #1	Middle School Cluster #1	High School Cluster #1
Dwelling Units	354	354	354
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	42	19	26
Actual Enrollment in 2018	9,602	4,452	5,514
Total Enrollment	9,570	4,435	5,539
State Rated Capacity	8,780	4,032	5,770
Percent Capacity	109%	110%	96%

Section 10-192.01 of the Prince George’s County Code establishes school facilities surcharges and an annual adjustment for inflation. The current amount is \$16,698, as this project falls outside of I-95/I-495. This fee is to be paid to Prince George’s County at the time of issuance of each building permit.

- 12. Public Facilities**—In accordance with Section 24-122.01, 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 August 16, 2019 (Hancock to Davis), incorporated by reference herein.
- 13. Use Conversion**—The total development included in this PPS is for 354 multifamily units in the C-O and D-D-O Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

- 14. Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public 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 public utility easements is 10 feet wide along both sides of all public rights-of-way. The property’s frontage abuts Cherrywood Lane, which is a public road, and the subject PPS provides the required PUE.

- 15. Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.

- 16. Environmental**—The following applications are previously reviewed for the subject property:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-185-2018	N/A	Staff	Approved	2/01/2019	N/A
4-19010	TCP1-009-2019	Planning Board	Approved	10/10/2019	19-118

**Proposed Activity**

The current application is for the consolidation of three lots into one parcel for development of two multifamily residential buildings.

**Grandfathering**

The project is subject to the current regulations of Subtitle 25 (2010 Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27, that came into effect on September 1, 2010 and February 1, 2012, because the application is for a new PPS.

**Master Plan Conformance**

**Conformance with the Green Infrastructure Plan**

The site is within the designated network of the *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* and contains Regulated and Evaluation Areas. The mapped Regulated Areas extend onto the site beyond the regulated floodplain and the remainder of the site is mapped as Evaluation Area.

The site was cleared and graded prior to the enactment of the Woodland and Wildlife Habitat Conservation Ordinance (WCO). While proposed development will impact regulated environmental features, these features are located within the limits of previous disturbance and are not currently wooded. Two wooded areas located on the southeastern corner of the site are proposed to be cleared. These areas are within the Evaluation Area and have regenerated since the initial clearing. Minor clearing for a SWM outfall is proposed within the Regulated Area.

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.

#### **Conformance with the Sector Plan**

The site is within the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA. The site is mapped within the Capital Office Park Focus Area of the plan and is designated as Commercial (office and/or retail) land use. The Capital Office Park portion of the plan does not include specific environmental related policies or strategies. However, the environmental policies and strategies that are included in the sector plan are reflected in the Environmental Regulations, which are discussed in the next section.

#### **Environmental Review**

##### **Natural Resources Inventory Plan/Existing Features**

An approved Natural Resources Inventory, NRI-185-2018, was submitted with the application. There is a primary management area (PMA) comprised of streams and wetlands including their associated buffers, and floodplain. The forest stand delineation indicates the presence of two forest stands in the early to mid-successional stages. The site has 3.70 acres of gross tract woodland and no specimen trees.

##### **Regulated Environmental Features**

The site contains regulated environmental features, which 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 streams and their associated 60-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain.

##### **Statement of Justification for impacts to Regulated Environmental Features**

A statement of justification (SOJ) dated August 29, 2019 and associated exhibit were submitted by the applicant and included a request for seven PMA impacts associated with a pond and outfall, parking, micro-bioretenion, SWM facilities, a building, and areas associated with compensatory floodplain storage. These impacts total 1.77 acres of the overall 5.77-acre PMA, located on the 15.89-acre property.

The site was rough graded prior to the enactment of the WCO for the installation of a SWM pond and the installation of a sewer main that serves the adjacent federal courthouse, the subject site, and part of the office park on the south side of Cherrywood Lane. The sewer line has a 20-foot easement and is located largely within the PMA along the eastern and northern property boundaries.

### **Analysis of Impacts**

Based on the SOJ, the applicant requested a total of seven impacts noted below:

#### **Impacts 1, 2, 6, and 7: SWM Pond and Outfall, Compensatory Storage, and Bioretention Facilities**

The existing SWM pond located on-site is functioning as designed under the regulations that were in place at the time of construction. Revisions to the pond to accommodate the development would require that the existing pond be redesigned under the current regulations and modified on-site accordingly. These revisions would require the pond to be raised and enlarged significantly, which would result in more PMA impacts than the approved design. For these reasons, the applicant proposed a separated SWM facility to address the requirements of the residential development.

The SWM pond has been placed in the lowest possible area of the site while not impacting the existing on-site sewer line and providing the required water quality and quantity controls required by code. The bioretention areas have been placed to provide water quality prior to draining into the proposed pond. The stormwater design and associated compensatory floodplain storage, along with a floodplain waiver have been approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) in SWM Concept Plans 59556-2018 and 58937-2018, respectively.

#### **Impacts 3 and 4: Parking Areas**

The parking was designed such that terminus of one parking bay is within the PMA, which accounts for approximately seven parking spaces. The on-site parking is located between the pond, bioretention areas, and the proposed building and is needed to serve the site. Compensatory storage for the impacts to the floodplain has been approved by DPIE.

#### **Impact 5: Building and General Development**

The site was previously rough graded and very little woodland has regenerated on the site. While the design for a proposed clubhouse building is located within the existing floodplain, this area was previously disturbed and is not wooded. DPIE has approved the SWM concept plan and floodplain waiver allowing the building in its proposed location because the ultimate floodplain elevation will be below the building.

The TCP1 showed planting within the PMA on the eastern portion of the site to the extent practicable. This planting cannot meet the woodland conservation requirements because the sewer connection is located in the stream valley, which reduces the width of the available planting area. However, the planting will meet the landscaping requirements, which may also allow for woodland conservation credits. Additional detail regarding this planting area must be provided.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the submitted TCP.

### **Woodland Conservation**

This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodlands. A Type 1 Tree Conservation Plan (TCP1-009-2019) was submitted with this PPS.

The TCP1 shows a woodland conservation threshold of 1.57 acres and a woodland conservation requirement of 3.32 acres. The worksheet shows this requirement will be met through a combination of 3.04 acres of off-site woodland conservation credits, and 0.28 acre of on-site landscape credits. The on-site landscape credits are comprised of two separate proposed landscape areas located in the northern corner of the property. The first proposed landscape area is 0.055 acre (2,396 square feet), which cannot be credited, as it does not meet the minimum 5,000 square-foot requirement to receive credit per Section 25-122(b)(1)(I). The second proposed landscape area is 0.227 acre (9,888 square feet), which meets the minimum 5,000 square feet requirement, but cannot be fully credited, as portions of this landscape area do not meet the minimum 35-foot-width requirement per Section 25-122(b)(1)(J). Both of these landscape areas may also potentially overlap with required SWM easements not currently shown on the TCP1 plan. Both of these areas must be revised to meet the required size, width, and location requirements to be credited.

17. **Urban Design**—The development of 354 multifamily residential dwellings will be subject to DSP approval. There is no previously approved DSP governing this site.

### **Conformance with the Zoning Ordinance and the D-D-O Zone of the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA**

At the time of DSP, conformance with the applicable D-D-O Zone standards will be analyzed. The D-D-O Zone standards replace the standards and regulations required by the Zoning Ordinance. Wherever a conflict between the sector plan and the Zoning Ordinance or 2010 *Prince George's County Landscape Manual* (Landscape Manual) occur, the D-D-O Zone shall prevail. For development standards not covered by the Sector Plan, the Zoning Ordinance or Landscape Manual requirements, govern the site, as stated in Section 27-548.04.

This PPS approves one parcel for the multifamily dwelling units, which is a permitted use pursuant to the D-D-O Zone use table. Based on the preliminary design, as shown on the TCP1, the proposed multifamily residential buildings do not comply with the D-D-O design standards, which shall be further reviewed at the time of DSP and may require revisions to the proposed development or modifications to design standards pursuant to Section 27-548.25(c).

### **Conformance with the 2010 Prince George's County Landscape Manual**

Unless modified by the development district standards as stated on page 206 of the Greenbelt Metro Area and MD 193 Sector Plan and SMA, the proposed development is subject to the requirements of the Landscape Manual, including the following sections:

- a. Section 4.1, Residential Requirements
- b. Section 4.2, Requirements for Landscape Strips Along Streets
- c. Section 4.3, Parking Lot Requirements
- d. Section 4.4, Screening Requirements
- e. Section 4.9, Sustainable Landscaping Requirements
- f. Section 4.10, Street Trees along Private Streets

Conformance with the requirements of the Landscape Manual will be evaluated at time of DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. Properties zoned C-O are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 15.89 acres in size and requires 1.59 acres of tree canopy coverage. Compliance with this requirement will be further evaluated at the time of DSP review.

- 18. City of Greenbelt**—The Greenbelt City Council convened on September 23, 2019 and reviewed the subject application. By letter dated September 24, 2019 (Jordan to Hewlett), the City of Greenbelt provided their support for this PPS with requested conditions. The recommended City Conditions 1 through 5 below have either been addressed in other findings and conditions herein; will be carried out through the permitting process authorized by the City of Greenbelt; or, as communicated to staff by the applicant and the City, will be executed through a Memorandum of Understanding between the applicant and the City of Greenbelt. The City's recommended conditions are provided below in **BOLD**, with comments provided immediately following:

- 1. The applicant shall obtain a construction in the right-of-way permit from the City of Greenbelt for the construction of the proposed access drives on Cherrywood Lane, and frontage improvements prior to the issuance of the first building permit. The access permit application shall include a traffic impact study. The traffic impact study shall be conducted in accordance with the adopted M-NCPPC Transportation Guidelines, which shall also include an unsignalized intersection analysis for the Cherrywood Lane and Ivy Lane intersection. If that intersection fails the applicable unsignalized intersection analysis, the applicant shall then provide a signal warrant analysis, as required by the City, and if traffic improvements are required as a result of the findings of the traffic impact study, said improvement shall be funded and constructed by the applicant, with timing to be agreed upon prior to the issuance of the first building permit.**

As detailed in the Transportation finding, a traffic impact study was not warranted with this PPS because a required payment, conditioned from the previously approved PPS on the site, was made in 1998, which entitled the development of up to 200,000 square feet of office space on the subject site. It has been determined that the residential development approved with this PPS will fall within the trip cap entitled with the office development



for which the payment was made. The requirements stated herein may be carried out by the City of Greenbelt at the time of permitting.

2. **The applicant shall construct frontage improvements along Cherrywood Lane that include sidewalk, bike lane, lighting, bus stop/shelter, and street trees consistent with the City's approved Complete and Green Street Policy. In addition, the applicant agrees to contribute \$100,000.00 towards the City's Cherrywood Lane Complete and Green Street Project. Timing of said contribution shall be agreed upon prior to the issuance of the first building permit by the City.**

Ultimate frontage improvements associated with the development are determined by the City of Greenbelt, which has authority over the permitting of roadway improvements on Cherrywood Lane. The recommended City Condition 2 above will be determined by the City of Greenbelt at the time of permitting.

3. **The applicant agrees to provide off-site woodland mitigation/conservation in conformance with and pursuant to Subtitle 25 of the County Code and the Woodland and Wildlife Habitat Conservation Technical Manual, and agrees to work with the City to identify if there are any suitable woodland mitigation banks within the City. All costs associated with such mitigation shall be the responsibility of the Applicant.**

The TCP1 provides off-site woodland conservation in conformance with Subtitle 25. The location of off-site woodland conservation is prioritized from woodland conservation banks in the same sub-watershed as the site; then from banks within the same watershed; and lastly from banks within the county. The location of off-site woodland conservation will be addressed at the time of permitting for the project. The Planning Board has no objection to the meeting of off-site woodland conservation in the City, if such location is consistent with the locational priorities established in Subtitle 25.

4. **Excluding non-native invasive species, the applicant agrees to mitigate the loss of trees ( $\geq 6$  inches in caliber) in the stream buffer associated with utility installation and grading operations. At the time of Detailed Site Plan, a mitigation plan shall be submitted for review by the City of Greenbelt.**

All required tree conservation requirements will be addressed with the submitted TCP1, in which the clearing in the stream buffer does not require replanting as part of an approved impact to the PMA. The provision of a mitigation plan for the loss of trees in the stream buffer, as part of the approved PMA impact, for utility installation and grading is not required, and would be above and beyond what is required by the Environmental Technical Manual. It has been communicated to staff that this condition will be reflected in a Memorandum of Understanding agreement between the applicant and the City of Greenbelt.

5. **At the time of Detailed Site Plan, the applicant shall submit a Phase II noise study in accordance with M-NCPPC guidelines for review by the City.**

Conditions of this approval address mitigation of noise on the site.

6. **At the time of Detailed Site Plan, the applicant shall submit a recreation package to the County and to the City of Greenbelt that includes details of the private recreational facilities in accordance with the standards outlined in the Prince George's County Park and Recreation Facilities Guidelines to include a pool and associated club house and amenities, pet spa, pet wash equipment, dog park, tot lot, and community garden. In addition, the applicant agrees to contribute \$50,000.00 to the City's Parks and Recreation Department for use towards City improvements planned for the Springhill Lake Recreation Center. Timing of said contribution shall be agreed upon prior to the issuance of the first building permit by the City.**
7. **Prior to the submission of a final record plat, the Applicant agrees to execute a Private Recreation Facilities Agreement with the City to provide for the retention and future maintenance of proposed private recreation facilities. The executed agreement shall be recorded among the land records of Prince George's County.**

The recommended City Conditions 6 and 7 above are pursuant to the City's request for the mandatory dedication of parkland requirement to be met with the provision of a fee-in-lieu and private recreational facilities. These two conditions have been incorporated within the Planning Board's approval.

19. **Noise**—This PPS proposes one residential parcel adjacent to I-95/I-495, a master-planned freeway. In order to address the noise generated by the freeway, the parcel is required to be platted with a depth of 300 feet, in accordance with Section 24-124(a)(4), and the PPS shows the required lot depth.

A Phase I noise analysis dated March 20, 2019 was prepared by Phoenix Noise and Vibration and was submitted by the applicant with this PPS. The analysis measured road noise from I-95/I-495 and Cherrywood Lane. The analysis addressed outdoor noise based on conceptual building location and the noise measurement results indicate that the site will be subject to noise levels above 65 dBA Ldn (day-night average noise level). The analysis further indicated that while areas of the site will be impacted by the 65 dBA Ldn noise contour, outdoor activity areas proposed on-site will be maintained below the 65 dBA Ldn noise limit based on the conceptual building location provided in the analysis. The noise study concluded that the proposed multifamily buildings will be impacted by noise levels above 65 dBA Ldn, and further analysis of the building architecture would be needed to determine whether an interior noise level of 45 dBA Ldn for the residences could be maintained. A Phase II noise analysis, which evaluates whether the building structures proposed will mitigate the noise impacts, should be provided prior to the acceptance of the DSP. To ensure that the necessary interior noise levels are maintained, at the time of building permit, all residential buildings should have acoustical certification, which shows that building shells have been designed to reduce interior noise levels to 45 dBA Ldn or less.

**20. Planning Board Hearing**—At the Planning Board Hearing, there was a discussion by the Planning Board and testimony given in regard to the applicability of the footnotes and council bill references found in the D-D-O Zone use table within the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA. Testimony was given by Mr. Chad Williams, who was the project manager and principal author for the sector plan and SMA. In his testimony, Mr. Williams reaffirmed the Planning Board’s interpretation, as detailed in Finding 2 above, on the applicability of footnotes and council bill references found in the D-D-O Zone use table. Mr. Williams provided a discussion on the history and development of the sector plan and SMA and indicated that there was consideration and a deliberative action by the District Council to not include in the D-D-O Zone use table, Footnote 46, which provides specific requirements for multifamily dwellings in the C-O Zone, found in the use table of Section 27-461 of the Zoning Ordinance. Legal counsel for the opposing party argued that Section 27-548.23(b) prevents the D-D-O Zone standards from permitting density in excess of that permitted in the underlying zone. However, Mr. Williams concluded that the SMA, which placed the subject property in the D-D-O Zone, superseded the prior C-O zoning for the property, the applicability of the footnotes found in the Zoning Ordinance for the C-O Zone, and Section 27-548.23(b). In consideration of the testimony given by Mr. Williams, the legal analysis provided by the Planning Board’s Principal Counsel, and other evidence presented at the public hearing, the Planning Board disagreed with the opposing arguments and adopted the findings and legal conclusions regarding the applicability of Footnote 46 and Section 27-548.23(b), as recommended by technical staff and its Principal Counsel.

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.

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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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 10, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of October 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:CD:gh