

Case No. SP-99048/01

Applicant: Marvin Blumberg Company

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 07-161(A), to approve with conditions, on remand, a detailed site plan for construction of a one story building to include 406 multifamily dwelling units within Subarea 1 of the Prince George's Plaza Transit District Overlay Zone, with commercial and associated parking facilities, on property called the Landy tract, described as approximately 33.94 acres of land in the R-10 and TDO zones, in the northwest corner of Belcrest Road and Toledo Terrace, Hyattsville, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certification of the detailed site plan:
 - a. A copy of the stormwater management site development plan shall be submitted for review by the Department of Public Works and Transportation (DPW&T), Soil Conservation District (SCD), the Town of University Park and the Maryland-National Capital Park and Planning Commission (M-NCPPC) for conformance with the detailed site plan and TCP II. If the Nine Ponds option is not being used as part of the plan, the applicant shall provide its reasons.
 - b. The TCP II shall be revised to amend the plant schedule for the afforestation adjacent to the school site to provide a combination of 25 percent whips, 25 percent one-inch caliper, and 50 percent two-and-one-half- to three-inch caliper trees. All associated notes shall also be revised as necessary.

- c. The applicant and staff shall explore opportunities to further minimize the impact of the fire lane on the stream buffer and the plans shall be revised accordingly.
- d. The DSP and the sediment and erosion control plan shall include notes and a detail regarding the stenciling of storm drain inlets with "Do Not Dump - Chesapeake Bay Drainage."
- e. Submit a revised signed Natural Resources Inventory (NRI). The NRI shall be prepared in accordance with the Environmental Technical Manual. At a minimum, the NRI shall show all slopes 15 percent or greater, a 60-foot-wide stream buffer for the existing stream, and shall include a condition analysis of all on-site specimen trees using the methods in the Environmental Technical Manual. Revise all plans as necessary to reflect the existing conditions as shown on the approved NRI.
- f. The plans shall be revised to extend the existing walkway from Plaza Towers to the parking lot south of the west courtyard. This walkway connection shall include sidewalk connections to the crosswalks on the east and west sides of the parking lot
- g. The plans shall be revised to include one bicycle rack per building, for a minimum of 20 bicycle parking spaces. Bike rack details and locations shall be approved by the Urban Design Section and the Transportation Planning Section.
- h. Submit a photometric plan which shall demonstrate a minimum of 1.25-foot-candles for the parking compounds and walkways within the development.
- i. Demonstrate conformance to Section 24-111(c)(4) of the Subdivision Regulations by adding a note to the plans specifically stating that 307,866 square feet of gross floor area were constructed on the site pursuant to a building permit issued before December 31, 1991.
- j. Revise the landscape schedules demonstrating conformance to Sections 4.1, 4.3 and 4.7 of the *Prince George's County Landscape Manual* in accordance with Finding 16.
- k. Submit the details and specifications of the proposed signage for review and approval by the Urban Design Section.
- l. Shade trees shall be added to the plans along the green area adjacent to the pedestrian zone along the Belcrest Road frontage to enhance the area in front of the existing multifamily structure.

- m. Shrubs shall be added to the plan along the existing parking areas located adjacent to the right-of-way where current grades are steep, in order to stabilize the soils and prevent further erosion and degradation of those areas.
 - n. Revise the size of proposed street trees along Belcrest Road to be a minimum of 3½-inch caliper to 4-inch caliper in size.
- 2. Prior to the issuance of a grading permit for Phase One, the applicant shall submit to both the M-NCPPC and the DPW&T a report prepared by a certified arborist for review by a staff certified arborist, evaluating the street trees along Toledo Terrace to include an assessment of the appearance and health of the existing trees. This report shall include recommended pruning, timing of necessary treatments for management of disease or pest problems, and removal and replacement of dead, dying or hazardous trees with 3 ½ to 4-inch caliper willow oaks. Prior to the issuance of a building permit for Phase One, the implementation aspect of the report should be executed.
- 3. Prior to the approval of a detailed site plan for Phase Two, the applicant, the applicant's heirs, successors and/or assignees, shall submit a detailed site plan for the implementation of the Toledo Terrace streetscape in accordance with P1. The undergrounding of overhead utilities shall be reviewed at that time.
- 4. Prior to the issuance of a grading permit, the final stormwater management design plan and sediment and erosion control plan shall be reviewed by M-NCPPC, the Department of Public Works and Transportation, the Town of University Park and the Prince George's Soil Conservation District. The review shall ensure that the proposed design meets the requirements of the Stormwater Management Act of 2007, and COMAR Title 26, Department of the Environment, Part 3, Subtitle 17, Water Management, Chapter 2, Stormwater Management, 26.17.02.00 et seq., as amended, incorporating by reference 2000 Maryland Stormwater Management Design Manual as revised in April, 2009 and conforms to the DSP and TCP2. If the Nine Ponds option is not being used as part of the plan, the applicant shall provide its reasons.
- 5. Prior to issuance of a building permit, the building plans shall be certified by an acoustical engineer that the interior noise levels shall not exceed 45 dBA (Ldn).
- 6. Prior to certification of the detailed site plan, and upon the approval of the NRI, all associated plans shall be revised to reflect the information shown on that plan.
- 7. Prior to the certification of the detailed site plan, the TCP II shall be revised as follows:

- a. Delete the current note under the TCP worksheet and replace with the following note: "Reforestation Areas A and B shall be designed using the criteria in 25-122(c)(1)(K)."
- b. Show tree signage for all woodland conservation areas on the site.
- c. Identify and label all proposed clearing areas and provide a table on the plan.
- d. Have the qualified professional who prepared the plans sign and date them.
- e. Prior to certification of the detailed site plan, the TCP II shall be revised to show the following tree canopy coverage note below the woodland conservation worksheet:

"Tree Canopy Coverage Note: The tree canopy coverage requirement on this site is being met using woodland conservation as follows:

Tree canopy coverage required: ____ or ____ square feet
Tree canopy coverage provided: ____ or ____ square feet"

8. Prior to the issuance of a building permit, shared-lane markings for bicycles shall be provided along both sides of the entire length of Toledo Terrace, and the plans shall be revised to show these markings, unless modified by DPW&T. All pavement markings shall be consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), Section 9C.07, unless modified by DPW&T or other applicable regulatory authority.

However, prior to the implementation of this condition, the property owners shall hold a meeting with the following stakeholders: the Department of Public Works and Transportation, Maryland-National Capital Park and Planning Commission, City of Hyattsville, and Town of University Park as well as adjacent and neighboring property owners surrounding Toledo Terrace. The purpose of the meeting will be to discuss the future design of the street, its streetscape, and its activation. If at that time, it is determined that the street needs to be designed differently causing the bike lanes to be designed differently, the property owner shall be relieved of this condition.

9. Prior to the issuance of a building permit, in conjunction with the shared-lane markings, the applicant shall provide a minimum of eight “Bicycles May Use Full Lane” signs (R4-11, MUTCD) along Toledo Terrace, consistent with the Federal Highway Administration’s 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), Section 9B.06, unless modified by DPW&T or other applicable regulatory authority.
10. In conformance with Mandatory Development Requirement P20, a standard sidewalk shall be provided along the subject property’s entire road frontage of Dean Drive, to be constructed concurrent with the development of the western portion of the Landy Property.
11. In conformance with Mandatory Development Requirement P20, a standard sidewalk shall be provided along the subject property’s entire road frontage of Northwest Drive, to be constructed concurrent with the development of the western portion of the Landy Property.
12. Prior to the issuance of any building permit, the applicant shall provide funding for provision of bus shelters, at the existing bus stops along both sides of Belcrest Road, closest to the proposed building entrance driveways, if deemed necessary by the Prince George’s County Department of Public Works and Transportation and/or the Washington Metropolitan Area Transit Authority.
13. Prior to the issuance of any building permit, the applicant, his successor, and/or assignees shall provide payment of \$20,000 (calculated as \$400.00 per parking space X 50 proposed new preferred surface parking spaces) to DPW&T. The required fee (\$20,000) is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment using the following formula: \$20,000 X (most recent Federal Highway Administration Construction Cost Composite Index four-quarter average available at time of building permit application/Federal Highway Administration Construction Cost Composite Index four-quarter average for 1998). The collected fee shall be applied toward the construction of the required transportation improvements listed in Table 4 of the 1998 PG-TDDP.
14. Prior to the issuance of any building permit, the applicant and the applicant’s heirs, successors or assignees, shall construct left-turn lanes along the median of Belcrest Road, construct any associated geometric improvements, provide appropriate traffic control devices, and provide ADA accessible crosswalks with special pavement and details, identified by Figure 7; Page 29 of the TDDP, on all approaches at all proposed access driveways. All improvements shall be constructed if deemed warranted by DPW&T and built in accordance to DPW&T standards and requirements.

15. The architectural plans shall be revised to demonstrate that the plans show the following:
- a. Party and community rooms shall have a fully-equipped kitchen, which includes a sink refrigerator, dishwasher, microwave oven and ample counter space.
 - b. The main entrance lobby off Belcrest Road shall be fully furnished and have a centrally-located front desk with 24-hour attendant staffing and/or at least one roaming security staff person.
 - c. There shall be an interior fully-furnished fitness facility.
 - d. The exterior swimming pool shall include lockers, toilet facilities, and shower rooms (or equivalent facilities).
 - e. A social room for cards and/or games shall be provided within the common area.
 - f. The main lobby shall have a well-lighted covered drop-off area viewable from the front desk.
 - g. Near the main lobby there shall be a business and computer center, with at least five PC work stations and with facsimile and photocopy facilities, available to residents with or without charge. If after one year, the PC workstations are not substantially utilized by the residents, they may be removed and the room may be equipped with some other amenity. The facsimile and photocopy facilities may be relocated to the front desk for residents' use.
 - h. Structured parking areas shall be well-lighted with well-placed video cameras covering all parking areas, and at least one roaming security staff person shall also provide coverage. Entry into parking structures shall be through garage doors/gates activated by a control system which restricts access to residents. The same system shall be used for elevator and stairway access, subject to the Fire Marshal's approval.
 - i. All sleeping and living areas shall have wall-to-wall carpeting or hardwood flooring. Bathrooms shall have ceramic tile flooring, and tubs and showers shall be tiled up to six feet minimum.
 - j. Floor to ceiling clearance shall be at least eight feet, eight inches with crown molding in the living area.

- k. Each floor shall have one or more trash chutes connected to a commercial trash compactor accessible to a loading area. The trash room on each floor shall have recycling bins.
 - l. Each unit shall have thermostatically-controlled, on-demand heating and air conditioning.
 - m. Each unit shall be provided with a washer and dryer.
 - n. The master bedroom in each unit shall have its own separate bathroom.
 - o. Window size and placement shall follow these requirements: Windows shall be at least 2.5 feet off the floor, at least five feet high, at least three feet wide, uniform in appearance on outside façades, recessed, and designed to maximize views from living areas.
 - p. At least 60 percent of the units shall have a walk-in closet.
 - q. All units shall be wired before initial occupancy for telephone, cable, and internet access.
 - r. On Elevation No. 1, the residential units facing Adelphi Road and fronting the garage shall be increased, by no more than 15 units, so that the residential façade conceals the garage from public view. Access shall be moved to the side of the garage.
- 16. Three original, executed private Recreational Facilities Agreements (RFA) or other suitable guarantee shall be submitted to DRD for their approval three weeks prior to applying for building permits. Upon approval by DRD, the RFA (or suitable alternative) shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - 17. The applicant shall submit to the Prince George's County Planning Department, the Development Review Division (DRD), a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
 - 18. The number of parking spaces shall not exceed 2.0 spaces per unit.
 - 19. The applicant and its successors and assigns shall complete or comply substantially with all proffers and representations in the letter in the record from the applicant, dated October 25, 2010.

Ordered this 26th day of October, 2010, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Exum, Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Dean

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council