

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 14-142

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File No. 4-14009

RESOLUTION

WHEREAS, Southern Management Corporation, Inc. is the owner of a 3.29-acre parcel of land known as Tax Map 33 in Grid B-2 and as part of Parcel 140, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill/Development District Overlay (M-U-I/D-D-O); and

WHEREAS, on October 2, 2014, Southern Management Corporation, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-14009 for The Hotel at University of Maryland 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 December 11, 2014, 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 December 11, 2014, 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 4-14009, The Hotel at University of Maryland, for 1 parcel, including a Variation from Section 24-122 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
 - a. Show and label a public pedestrian use easement over the proposed sidewalk along Baltimore Avenue (US 1), and to whom the easement will be conveyed.
 - b. Label or remove the unlabeled easement at the frontage of Parcel 1.
 - c. Label Paint Branch Parkway.
 - d. Increase the font size for labeling of proposed ingress/egress easement.
 - e. Show denial of access along the frontage of Parcel 1.

- f. Change "Case Number" in the title block to "Preliminary Plan of Subdivision."
 - g. Remove "Greenhouse Rd." from the plan.
 - h. Revise General Note 27 to say: Historic sites in the vicinity of the property: Rossborough Inn (10-66-035-2).
 - i. Remove proposed ownership information from the Parcel 1 label.
 - j. Provide the dimension for the ingress/egress easement at the intersection of Paint Branch Parkway.
 - k. Revise General Note 11 to state the following: "Existing Zoning & Use: M-U-I/D-D-O (Mixed Use-Infill/Development-District-Overlay) & Institutional."
 - l. Add a general note stating that the site is located in Sustainable Growth Tier 1.
 - m. Change all references to the "ingress/egress easement" to "vehicular access easement."
 - n. Revise the pedestrian zones in the vehicular access easement exhibit to match Bicycle and Pedestrian Impact Statement Exhibit 1, and update the revision box.
2. Prior to approval of any use and occupancy permit for the subject property, as designated below, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, 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. If any of these improvements are deemed not feasible by the appropriate operating agency, the applicant shall provide alternative off-site improvements within one-half mile of the site of comparable value equivalent in the amount of the proposed improvements including, but not limited to:
- a. Thirteen (13) pedestrian light poles and fixtures on Hotel Drive South and Hotel Drive North.
 - b. Concrete sidewalks on the north side of Hotel Drive North.
 - c. Concrete sidewalks on the south side of Hotel Drive South.
 - d. Sidewalk markings and asphalt on the east side of Greenhouse Road.

- e. Stamped concrete crosswalks at several locations on Hotel Drive South, Hotel Drive North, Greenhouse Road, and Baltimore Avenue (US 1).
 - f. Six (6) pedestrian crossing signals at Baltimore Avenue (US 1) and Hotel Drive South.
 - g. On-street bicycle lanes on Hotel Drive South.
 - h. Street trees on the north side of Hotel Drive North and on the south side of Hotel Drive South.
3. The total development within the subject property shall be limited to uses which generate no more than 223 and 424 vehicle trips during the AM and PM peak hours, respectively. Any development generating an impact greater than that identified herein-above shall require a new preliminary plan of subdivision.
4. Prior to the issuance of any use and occupancy permits within the subject property, the following road improvements shall (a) have full financial assurances through either private investment or full funding in the Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program;" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. The provision of a traffic signal including all approach modifications, provision of pedestrian/bike push buttons and count-down displays, and inclusion of highly-visible and well-delineated pedestrian crosswalks and stop bars for the proposed intersection of Baltimore Avenue (US 1) with Hotel Drive South, or other acceptable equivalent improvement, shall be provided in accordance with Maryland State Highway Administration standards.
 - b. The provision of a right-in and right-out only at the intersection of Paint Branch Parkway and proposed Greenhouse Drive which physically prohibits any left turning traffic to and from Greenhouse Drive onto Paint Branch Parkway, or other acceptable equivalent improvements, shall be provided in accordance with Prince George's County standards. Alternatively, the applicant shall provide for a complete signalized intersection only if this signal is approved to be interconnected to the Maryland State Highway Administration's (SHA) existing traffic signal at the intersection of Baltimore Avenue (US 1) and Paint Branch Parkway. In addition to the signalization, provision of all additional needed geometric improvements deemed appropriate by SHA and/or the County and in accordance to the appropriate standards which will allow for left turn movements to and from Greenhouse Drive.
5. Prior to issuance of any use and occupancy permits within the subject property, the following road improvement shall (a) have full financial assurances through either private money or full funding

in the Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program;" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Construction of the off-site private vehicular access driveways (Section 24-128(b)(9) of the Subdivision Regulations) of (a) Hotel Drive South, (b) Hotel Drive North, and (c) Greenhouse Road within the prescribed vehicular access easement and in accordance with the proposed cross sections submitted as part of the preliminary plan of subdivision including two travel lanes, with sidewalks or walkways, as depicted on Bicycle and Pedestrian Impact Statement Exhibit 1.
6. The landscape plan for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential areas is minimized.
7. Prior to approval of the final plat of subdivision, a draft vehicular access easement authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement document shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat:
 - a. The easement shall be recorded in the Prince George's County Land Records, and the liber/folio of the easement shall be indicated on the final plat and the limit of the easements reflected for a cross vehicular access easement serving Parcel 1 onto Baltimore Avenue (US 1) and Paint Branch Parkway being authorized pursuant to Section 24-128(b)(9), as reflected on the vehicular access easement exhibit.
 - b. Denial of access along Baltimore Avenue (US 1) for Parcel 1 shall be reflected on the final plat.
8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public streets, or an alternative PUE acceptable to applicable public utility providers, as reflected on the approved detailed site plan.
9. Prior to signature approval of the detailed site plan (DSP), the applicant shall submit a color-coded utility plan approved by the relevant public utility providers. The DSP shall demonstrate public utility easements in conformance with the approved utility plan and coordinate with the Washington Suburban Sanitary Commission (WSSC).
10. Development of this site shall be in conformance with Stormwater Management Concept Plan 22605-2014-00, approved September 24, 2014, and any subsequent revisions.

11. In accordance with Section 27-548.43(b)(2) of the Zoning Ordinance, prior to final plat approval, a disclosure clause shall be approved for placement on the final plats and for inclusion in the deeds, subsequent to approval of this preliminary plan of subdivision that notifies prospective purchasers that the property has been identified as within approximately one mile of a general aviation airport. The disclosure clause shall include the cautionary language from the General Aviation Airport Environment Disclosure Notice.
12. Prior to approval of the final plat, Parcel 1 shall be created by deed pursuant to Section 24-107(c)(5) of the Subdivision Regulations.
13. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit a draft public pedestrian access easement. The easement shall be approved by the University of Maryland and be fully executed, and include the rights of The Maryland-National Capital Park and Planning Commission (M-NCPPC). The easement documents shall set forth the rights, responsibilities, and liabilities of the parties. Prior to recordation of the final plat, the public pedestrian access easement shall be recorded in the Prince George's County Land Records and the liber and folio indicated on the final plat. The location and dimensions of the public pedestrian access easement, abutting Baltimore Avenue (US 1) across the property frontage, shall be delineated on the final plat, as reflected on the preliminary plan of subdivision and the detailed site plan.
14. The following note shall be placed on the final plat:

"This property is located within APA-6 and is subject to the regulations of the Zoning Ordinance, Subtitle 27."

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 (3.29 acres) is located on Tax Map 33 in Grid B-2 and is known as part of Parcel 140, which is a deed-parcel (1,014.41 acres) owned by the University of Maryland. The proposed parcel is located within the Mixed Use-Infill/Development District Overlay (M-U-I/D-D-O) Zone. The site is currently developed with 57,435 square feet of gross floor area (GFA) for a university laboratory. The preliminary plan of subdivision (PPS) proposes to construct 405,000 square feet of GFA for a hotel/retail/restaurant use. Development of more than 5,000 square feet of GFA requires subdivision review, pursuant to Section 24-107 of the Subdivision Regulations, resulting in this application. This PPS is being reviewed concurrently with Detailed Site Plan DSP-14022 for the subject site. The DSP is scheduled for a public hearing before the Prince George's County Planning Board on December 18, 2014.

Prior to approval of the final plat, Parcel 1 will be created by deed through the action of the University of Maryland, pursuant to Section 24-107(c)(5) of the Subdivision Regulations, which provides an exemption from the PPS and final plat for a conveyance to a governmental agency for public use. In this instance, the university will create, by deed, the land that is described as Parcel 1 in the PPS and retain ownership of the land, in order to meet the requirements of the exemption. Subsequent to the creation of Parcel 1 by the action of the university, the parcel will have been created through a legal division of land and may be conveyed to a private entity in accordance with the Subdivision Regulations. If this division does not occur in the order described herein, Parcel 1 may not be platted and the PPS is then subject to expiry (Section 24-119 of the Subdivision Regulations).

This application is located within the innovation corridor and is within a designated employment area per the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The site is also located within the 2010 *Approved Central US 1 Corridor Sector Plan and Adopted Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA) and is situated in the University of Maryland walkable node. This project is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 acres of woodland, and does not have a previously approved tree conservation plan (TCP). The site has received a numbered Woodland Conservation Exemption Letter (E-021-10-01), which expires August 6, 2016.

Access to proposed Parcel 1 shall be via an access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations, as authorized by the Planning Board.

The applicant has filed a variation request from Section 24-122 of the Subdivision Regulations for standard public utility easements (PUEs), which are ten feet wide and adjacent to all public rights-of-way. The PPS proposes an alternative PUE to serve the proposed development, which is approved.

3. **Setting**—The subject site is located on the east side of Baltimore Avenue (US 1), approximately 200 feet south of Paint Branch Parkway. The site is surrounded by M-U-I/D-D-O zoned property that is owned by the University of Maryland. The University of Maryland campus is located to the west of the site, across US 1.

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

	EXISTING	APPROVED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	57,435 square feet of GFA for institutional use	405,000 square feet of GFA for hotel/retail/restaurant use
Acreage	3.29	3.29
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units:	0	0
Public Safety	No	No
Variance	No	No
Variation	No	Yes (24-122)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting on October 10, 2014, and as required by Section 24-113(b) of the Subdivision Regulations, the requested variation to Section 24-122 was accepted on November 6, 2014 and heard on November 21, 2014 at the SDRC meeting, no less than 30 days prior to the Planning Board hearing date.

5. **Community Planning**—This application is located within the innovation corridor and is within a designated employment area per Plan Prince George's 2035. Employment areas are described as "areas commanding the highest concentrations of economic activity in four targeted industry clusters-healthcare and life sciences; business services; information, communication, and electronics; and the Federal Government."

The innovation corridor is a prioritized employment area described by Plan Prince George's 2035 as follows:

Innovation Corridor: The second transformative Plan 2035 recommendation is designating parts of the City of College Park, the City of Greenbelt, the Town of Riverdale Park, the Town of Edmonston, the Town of Berwyn Heights, and areas along the US 1 corridor and around the University of Maryland, College Park and the Beltsville Agricultural Research Center (BARC) as the Innovation Corridor. This area has the highest concentrations of economic activity in our four targeted industry clusters (see Employment Areas on page 18) and has the greatest potential to catalyze future job growth, research, and innovation in the near- to mid-term. This area is well positioned to capitalize on the synergies that derive from businesses, research institutions, and incubators locating in close proximity to one another and on existing and planned transportation investment, such as the Purple Line.

The Plan Prince George's 2035 policies, strategies, and recommendations for employment areas and the innovation corridor are primarily focused on economic and employment growth. The proposed creation of a parcel for the development of a hotel and ancillary retail uses will help achieve Plan 2035 and is consistent with the general plan goals, policies, and strategies for the Innovation Corridor.

The site is also located within the Central US 1 Corridor Sector Plan and SMA and is situated in the University of Maryland Walkable Node (see Map 8 on page 60 of the sector plan). The overall vision for the Central US 1 corridor is a vibrant hub of activity highlighted by walkable concentrations of pedestrian- and transit-oriented mixed-use development, the integration of natural and built environments, extensive use of sustainable design techniques, thriving residential communities, a complete and balanced transportation network, and a world-class educational institution. Walkable nodes are intended for pedestrian-friendly, transit-oriented, mixed-use development at appropriate locations along the Central US 1 corridor. Development should be medium- to high-intensity with an emphasis on vertical mixing of uses. Development within a walkable node should generally be between two and six stories in height. Furthermore, the approved land use south map on page 60 of the sector plan recommends mixed-use residential land uses on the subject property. The Prince George's County Zoning Ordinance classifies hotels as a residential land use; therefore, this application is consistent with the sector plan's land use recommendations.

This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations, Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height restrictions in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to 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. However, this PPS is not approving the building location or architecture, including the height, of the building. That analysis is being done with the review of DSP-14022.

6. **City of College Park**—The PPS is within the municipal boundary of the City of College Park. A referral has been sent to the city accordingly. However, comments have not been received at the time of writing the technical staff report. On December 10, 2014, prior to the Planning Board hearing, the City of College Park submitted to the Planning Board the City Council motion of approval with conditions, dated December 10, 2014 (Schum to Hewlett), for the PPS. The Planning Board determined that Conditions 1 through 3 were addressed in the staff recommended conditions which the Planning Board adopted. Condition 4 was a request for off-site improvements within the proposed off-site vehicular access easement on land owned by the University of Maryland and not a part of the application. As a result, this condition was not carried forward by the Planning Board.

7. **Urban Design**—Development on the subject site is governed by the D-D-O Zone standards approved with the Central US 1 Corridor Sector Plan and SMA. The proposed Parcel 1 is located within a walkable node of the sector plan and is subject to applicable D-D-O Zone standards including, but not limited to, building height, build-to-line, LEED (Leadership in Energy and Environmental Design) Silver certification, and parking. Conformance to the applicable D-D-O Zone standards is further evaluated with DSP-14022.

Conformance with the 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, of the Zoning ordinance 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 proposed development project's further conformance with the applicable requirements of the D-D-O and M-U-I Zones and other applicable requirements in the Zoning Ordinance is being evaluated with DSP-14022.

College Park Airport Aviation Policy Area (APA) 6

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 is being evaluated with DSP-14022.

Conformance with the Prince George's County Landscape Manual

Landscaping, screening, and buffering on the subject site should be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual*, except for those modified by the D-D-O Zone standards. The site's conformance to the applicable landscaping requirements is being reviewed and determined with DSP-14022.

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 Zones, and a minimum ten percent of the property should be covered by tree canopy. The applicant shall show conformance to the tree canopy coverage requirements at the time of DSP.

Proposed Parcel 1 does not have direct access to the public right-of-way of Baltimore Avenue (US 1). Access to the subject site is proposed via an access easement that runs along three sides of Parcel 1 and connects to US 1 (to the west) and Paint Branch Parkway (to the north). The access easement is off-site to this PPS and DSP; however, adequate access (Section 24-124 of the Subdivision Regulations) is dependent on the easement being in place at the time of recordation of the final plat. The property's frontage along US 1 shall be denied, as discussed further in the Transportation Planning Finding.

As previously mentioned, DSP-14022 is being reviewed concurrently with this application. The DSP shows a sidewalk along the property frontage (within the subject site), which connects to the adjacent sidewalk within the public right-of-way (to the north of the site). With this current proposal, a person would be required to move from the public right-of-way, onto the private property, in order to continue using the sidewalk that abuts US 1. Therefore, the proposed sidewalk along the frontage of Parcel 1 shall be placed in the public realm in order to secure public access. Priority should be placed upon dedication of right-of-way in order to place the sidewalk within the public realm. However, as further dedication of right-of-way is not feasible for the proposed development, a public use easement shall be shown and labeled on the PPS and DSP, over the proposed sidewalk along US 1, which would secure public access. At this time, the University of Maryland has indicated conceptual approval of acceptance of such a public access easement. The terms of the easement shall be agreed upon with the university, accordingly, as set forth in the PPS conditions.

8. **Environmental**—The project is subject to the environmental regulations of Subtitles 24 and 25 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012, respectively, because the application is for a new PPS.

The Environmental Planning Section has issued a Woodland Conservation Ordinance numbered Letter of Exemption (E-021-10-01) and approved a Natural Resources Inventory (NRI-027-08-01) for the subject property. This PPS 4-14009 is being concurrently reviewed with DSP-14022 for the subject site.

This project is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 acres of woodland, and does not have a previously approved TCP. The site has received a numbered Woodland Conservation Exemption Letter (E-021-10-01), which expires August 6, 2016.

No woodland areas are located on-site. A review of the available information identified that no regulated environmental features (stream buffers, wetlands, 100-year floodplains, and steep slopes) are found on the property. This site is within the Paint Branch watershed, which flows into the Potomac River basin. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this

property. The site has frontage from Baltimore Avenue (US 1) to the west. Baltimore Avenue is identified as a major collector that does not generate enough traffic to produce noise above the state standard. No adjacent roadways are designated as scenic or historic roads. According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site includes evaluation areas.

Master Plan Conformance

The master plan for this area is the 2010 *Approved Central US 1 Corridor Sector Plan and Adopted Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA). In the master plan and SMA, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Strengthen the sense of place along the Paint Branch greenway in a way that creates balance and showcases the linear park and trail system this is unique to the Central US 1 Corridor and the College Park area.

The Paint Branch greenway is defined by the Paint Branch stream valley system. This site is located along Maryland Avenue and will not have any connection to any adjacent trail system within the Paint Branch greenway.

POLICY 2: Restore and enhance water quality in the Paint Branch stream system and other areas that have been degraded and preserve water quality in areas not degraded.

The project will meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 22605-2014-00 through the use of environmental site design, which includes the use of two micro-bioretenment facilities, three tree micro-bioretenment pits, two underground storage facilities for 100-year attenuation and rainwater harvesting, and a green roof. No stormwater management fee is required.

POLICY 3: Conserve water and avoid using potable water for non-potable uses.

The approved stormwater management concept letter and plan proposes harvesting of rain water for watering on-site vegetation.

POLICY 4: Reduce flooding and its detrimental effects on human and natural resources.

An updated floodplain delineation is required as part of the stormwater management concept approval at the time of the technical approval. Currently, the site is not located in the adjacent Paint Branch 100-year floodplain.

POLICY 5: Implement environmental sensitive design building techniques and reduce overall energy consumption.

The use of green building techniques and energy conservation techniques shall be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power is encouraged.

POLICY 6: Preserve and enhance the existing urban tree canopy.

Currently, the site is void of woodlands, with scattered trees along US 1. The provided landscape plan shows 30 large shade trees located around the perimeter of the site adjacent to the proposed hotel building. No existing trees located along US 1 could be saved as part of the development. The site will be required to demonstrate conformance to provide tree canopy pursuant to Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, on the landscape plan at the time of the DSP, to be reviewed by the Urban Design Section.

POLICY 7: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

The site is adjacent to various University of Maryland operational buildings, roadways, and grass open space areas. No residential communities are located adjacent to the proposed structure and the closest residential buildings (University of Maryland fraternity houses) are over 700 feet south. The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. Full cut-off optic light fixtures shall be used.

POLICY 8: Reduce air pollution to support community health and wellness by supporting development that is accessible by non-motorized and alternative modes of travel, as well as by increasing the urban tree canopy.

The PPS shows the proposed location of sidewalks on the sites' frontage along US 1 as an element of transportation demand management.

POLICY 9: Reduce adverse noise impacts to meet State of Maryland noise standards.

The proposed building will not be a noise generator. Roadways adjacent to the proposed building are identified as being lesser than an arterial roadway. No noise study is required.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

Over 60 percent of the site is located within the designated network of the Green Infrastructure Plan and includes one evaluation area. The evaluation area is located from the northwest corner of the site south towards the southern corner of the site.

Currently, the site is improved with paved parking areas and several buildings within the evaluation area. The only green space within the evaluation area is the maintained lawn area along US 1. The submitted proposed plans show the entire area covered with building or structured parking. This site has been impacted by various uses and has not contained woodlands or green space for over 50 plus years.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The proposed development is in keeping with the goals of the Green Infrastructure Plan and the General Plan by concentrating development in the existing developed areas.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

The project will meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 22605-2014-00 through the use of environmental site design, which includes the use of two micro-bioretenion facilities, three tree micro-bioretenion pits, two underground storage facilities for 100-year attenuation and rainwater harvesting, and a green roof.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The property is exempt from the requirements of the Woodland Conservation Ordinance. Currently, the site is void of woodlands with scattered trees along US 1. The provided illustration of the proposed landscape plan shows 30 large shade trees located around the perimeter of the site adjacent to the proposed hotel building. No existing trees located along US 1 could be saved as part of the development. No specimen trees are located on-site.

Policy 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The use of environmentally-sensitive building techniques and overall energy conservation shall be encouraged.

Environmental Review

An approved revised Natural Resources Inventory (NRI-027-08-01) was submitted with the review package, which was approved on July 9, 2014. The NRI verifies that no regulated environmental features or woodlands occur on the subject property.

According to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey, the site is comprised of one soil type, the Urban land-Woodstown complex soil series. According to available information, Marlboro clay and Christiana complexes are absent from this property.

The subsurface soils found in sections of the subject site have been contaminated by past uses, and now the site is under review by the U.S. Environmental Protection Agency (EPA). The proposed grading for road access to Paint Branch Parkway will disturb a former landfill location (EPA Identification Paint Branch Landfill Area 1A). This subject landfill was used to dispose of fly ash from a former University of Maryland coal burning steam plant, refuse, garbage, and other debris generated by the university. According to the Declaration of Notice of Use Restriction and Easement deed, Liber 27624 Folio 288 found in the Prince George's County Land Records, the Definitions Section 2 under Notice of Use Restriction states "...the groundwater located at or beneath the Landfill Area shall not be used as drinking water. In addition, certain activities, including but not limited to exaction, grading, dewatering, sheeting or shoring, which could result in undesirable exposures to the waste/contaminates previously disposed on the property or interfere with or adversely affect Landfill Areas ('Prohibited Activities') are expressly prohibited without the prior written approval of the Declarant [University of Maryland]. Activity to USEPA for approval may require the request person to obtain USEPA approval of any such work..."

On October 24, 2014, a Subdivision Development Review Committee meeting with staff from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), the Maryland-National Capital Park and Planning Commission (M-NCPPC), University of Maryland officials, and the applicant discussed the proposed development as it relates to the contaminated soil. During these discussions, the University assured the various attending agencies, that they would ensure that all corrective actions to be implemented at the site would be reviewed by the EPA during the proposed development.

In a letter dated October 29, 2014 (Haitham Hijazi, Director of DPIE to M-NCPPC, Development Review Division), it states that "Part of this site to be disturbed is covered by an EPA Permit for Corrective Action (hereinafter, the Permit) that mandates approval from the EPA before the commencement of certain activities, including the disturbance of the surface of land. Accordingly to ensure the safety of the public and compliance with Federal regulations, DPIE's approval of any rough grading activities that are subject to the Permit will be conditioned on the receipt of the approval from EPA from those activities." Therefore, no further action by the Planning Board is required.

The site has an approved site development grading erosion and sediment control plan. The conditions noted on the plan by the Prince George's Soil Conservation District indicate that a

geotechnical study and report for the University of Maryland site has been provided. An environmental impact study report dated April 29, 2014 was prepared for this site by ESC. This document has not been provided to the Environmental Planning Section as part of the submittal package, but may be required at the time of permit review.

9. **Stormwater Management**—DPIE has approved a Stormwater Management Concept Plan, 22605-2014-00, to ensure that development of this site does not result in on-site or downstream flooding. The proposed site will manage stormwater through the use of environmental site design, which includes the use of two micro-bioretenion facilities, three tree micro-bioretenion pits, two underground storage facilities for 100-year attenuation and rainwater harvesting, and a green roof. No stormwater management fee is required. No further action regarding stormwater management is required.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, 100-year floodplain and woodland conservation, and programs implemented by DPIE, the Prince George's County Department of Health, the Prince George's County Department of the Environment, the Prince George's Soil Conservation District, the M-NCPPC Planning Department, and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

10. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential development.
11. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Central US 1 Corridor Sector Plan and Adopted Sectional Map Amendment* (sector plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property is located in a General Plan corridor or center based on Plan Prince George's 2035 transition maps and is therefore subject to Section 24-124.01 of the Subdivision Regulations (CB-2-2012).

The sector plan supports the establishment of additional pedestrian and bicycle facilities adjacent to the right-of-way, where necessary (such as bikeways, transit amenities, landscaping, and sidewalks), to implement the plan vision and foster a true multimodal transportation network. Implementation mechanisms may include easement, rights-of-way dedication, or purchase of land (page 204). The sector plan contains a table of recommended projects to implement the plan's vision, including sidewalks, pedestrian crossings, bicycle enhancements, and transit improvements.

Specifically, the sector plan recommends that Baltimore Avenue (US 1) be improved to accommodate more pedestrians and bicyclists.

The subject property is within the walkable node of the University of Maryland campus on US 1 (page 230 of sector plan). It is also very close to the College Park University of Maryland Metrorail Station, which is approximately one mile east of the subject property at 4931 Calvert Road. The site is also approximately 600 feet north of the planned Purple Line light rail transitway project of the Maryland Transit Administration (MTA). A transitway operator is expected to open fare services by the year 2020. A light rail transit station will be located at the intersection of US 1 and Rossborough Lane, which is a block south of the subject property.

The subject property has frontage on US 1, which contains adequate sidewalks in this location. Baltimore Avenue is the subject of a current SHA project. The area master plan recommends that US 1 contain bicycle lanes and wide sidewalks that are a minimum of ten feet in width. All of the streets that are proposed with this project are to contain wide sidewalks along the subject property frontages, and within a pedestrian zones, which are generally over ten feet in width. The SHA project will add bicycle lanes to the road, improve crosswalks, signal timing, and widen sidewalks. The applicant has demonstrated that they are coordinating with SHA. The applicant's site plan proposal for US 1 shall not conflict with the SHA project. The sidewalks on the US 1 frontage are the subject of an on-going SHA enhancement project. The SHA project will also construct bicycle lanes on US 1.

Paint Branch Parkway is one block north of the subject property. Paint Branch Parkway contains wide sidewalks and provides bicycle and pedestrian access to the Metrorail station. The existing sidewalks located on Paint Branch Parkway are wide, and they are utilized by pedestrians and bicyclists to access the trolley trail and the College Park University of Maryland Metrorail Station. The existing sidepath on Paint Branch Parkway is recommended by the area master plan.

The sector plan recommends that one bicycle parking space be provided for every three vehicular parking spaces (page 239), which is being reviewed with the DSP.

Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors

The adequate public pedestrian and bicycle facilities requirements of Section 24-124.01 of the Subdivision Regulations is applicable to the subject property because it is within a General Plan corridor or center, as defined by the transitions maps of Plan Prince George's 2035. The Subdivision Regulations require that on- and off-site pedestrian and bikeway facilities and other public streetscape improvements be required as a part of any subdivision within centers and corridors.

The Bicycle and Pedestrian Impact Statement Scoping Agreement, dated September 18, 2014, set the cost cap for the off-site public pedestrian and bicycle access improvements that will be provided by the subdivision. The cost cap for the improvements described in the scoping

agreement is \$141,750.00. This money will be utilized by the applicant to construct public improvements for bicycle and pedestrian access and transit improvements.

The applicant provided a bicycle and pedestrian impact statement (BPIS) that defines the public improvements that will be associated with the development as required by Section 24-124.01. These improvements must (a) have 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.

The subject application for development of the site is subject to the adequate public facilities review procedures that are described in Section 24-124.01 of the Subdivision Regulations, which applies to any development project requiring the subdivision or re-subdivision of land within centers and corridors:

- (a) **Statement of Legislative Intent.** This Section establishes general criteria by which to ensure the adequacy of public pedestrian and bikeway facilities in County Centers and Corridors as designated by the General Plan (or as designated, defined, or amended by a subsequent master plan or sector plan). It also sets forth the requirements for those who establish subdivisions within Centers and Corridors to construct on-site and off-site pedestrian and bikeway facilities and other public streetscape improvements as part of any development project. The Approved 2002 General Plan states that the County should provide for a multimodal pedestrian-friendly transportation system at Centers and Corridors that is integrated with the desired development pattern. Accomplishing this requires the incorporation, to the maximum extent possible, of appropriate pedestrian, bicycle and transit-oriented design (TOD) and transit-supporting design (TSD) features in all new development within Centers and Corridors. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety, reduce travel time and offer the most direct routes to destinations for persons of all abilities. These concepts are further articulated in the "complete streets" principles and policies set forth in the 2009 Approved Countywide Master Plan of Transportation.
- (b) Except for applications for development projects 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, at a minimum, include 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.**

There is a coordinated Prince George's County Capital Improvement Program (CIP) streetscape and road improvement project along US 1 at the time of this application. There are adequate sidewalks on US 1, and a buffer exists between the newer sidewalks and the street. SHA is actively improving sidewalks in this area and plans to construct bicycle lanes on US 1. Trees are planted and maintained intermittently along the corridor, and overhead electrical poles are placed along the street. Other streetscape features, such as benches, covered bus stops, or trash containers, have been provided by the state. The DSP shows additional provisions of the streetscape features.

- (B) **The presence of elements that make it 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 markings, "bulb-out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage).**

There is adequate street lighting in the area, and the developer proposes new pedestrian-scale decorative street lights along Hotel Drive South in the BPIS.

There are marked crosswalks on all of the major roadway intersections where sidewalks exist. New crosswalks are proposed with the BPIS and will be coordinated with SHA. A pedestrian-activated signal exists at all signalized intersections.

There are new sidewalks and bicycle facilities within the one-half mile area that surrounds the property. Sidewalks with curb and gutter exist on US 1 and Paint Branch Parkway. These elements are also proposed within the vehicular access easement to surround the subject site.

(2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:

- (A) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation 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;**

The MPOT recommends that all major roadways in the county contain sidewalks and bicycle facilities, and that all road frontage improvements and road capital improvement projects within the Developed and Developing Tiers should be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical. More specifically, the MPOT recommends that US 1 contain bicycle facilities. SHA constructs bicycle facilities on state-maintained roadways and follows state guidelines, which can result in various applications of bicycle lane striping, signage, and or road markings. Sufficient right of-way dedication for the development of bikeways along the subject property frontage by has been demonstrated. Bicyclists currently have to share the road with vehicles in undesignated portions of US 1.

The MPOT recommends that Paint Branch Parkway contain a sidepath, and one currently exists there. This path provides a connection to the nearby Metrorail station.

- (C) the degree to which protected bicycle 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**

Currently, bicyclists have to share the road with vehicles in undesignated portions of US 1. Along Paint Branch Parkway, bicyclists ride on a pathway that is separated from traffic. At this time, regulations for protected bicycle have not been enacted by the state or county.

On-road vehicle parking does not exist on US 1. There is a center median on US 1 that is traversed by vehicles. Additionally, there are planted and curbed medians along US 1.

- (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.

Bicycle parking currently exists sporadically within the area. According to the BPIS, the applicant is providing 130 bicycle parking spaces with the proposed development.

- (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 biking 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 public rights of way. 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.
- (d) Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):
- (1) installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;
 - (2) installing or improving streetlights;
 - (3) building multi-use trails, bike paths, and/or pedestrian pathways and crossings;
 - (4) providing sidewalks or designated walkways through large expanses of surface parking;
 - (5) installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and
 - (6) installing street trees.
- (e) For the purposes of this Section:

- (1) **“Walking or biking distance” is measured from the outer limits of the circumference of the smallest circle encompassing all the land area of the subdivision and includes the entire lot line of any property partially included within such distance; and “throughout the subdivision” includes all the land area within such circumference.**
 - (2) **No developer/property owner shall be required to acquire additional land not already owned by that developer/property owner in order to construct adequate pedestrian and bikeway facilities. All adequate pedestrian and bikeway facilities required under this Section shall be constructed within existing public easements and rights-of-way, or within land dedicated (or to be dedicated) by the applicant to public use.**
- (f) **If a conceptual or detailed site plan approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in Subsection (c) of this Section, along with the location, types, and description of major improvements, property/lot lines, and owners that are within fifty (50) feet of the subject easements and rights-of-way.**
- (g) **Prior to the issuance of any building permit for development within the subdivision, the developer/property owner shall show that all required adequate pedestrian and bikeway facilities have full financial assurances, have been permitted for construction through the applicable operating agency’s access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.**
- (h) **Nothing contained within this Section shall be deemed to inhibit in any way the authority of the Planning Board to require a developer/property owner to construct pedestrian and bikeway facilities beyond those required in Subsection (c) of this Section, if such facilities relate to the implementation of “complete streets”**

principles on roadways required to be improved, constructed, or reconstructed to accommodate motor vehicle traffic that would be generated by proposed subdivisions. Any such pedestrian and bikeway facilities shall be subject to the cost limitations set forth in Subsection (c) of this Section.

There are adequate connections from the subject property to the University of Maryland and other public schools, parks, shopping centers, and bus transit stops within available public rights-of-way. The infrastructure in the area is generally adequate and is actively being improved by SHA Consolidated Transportation Program (CTP) projects. There is a lack of some streetscape elements in the area, such as benches and covered bus stops. The applicant is proposing a number of off-site improvements adjacent to Parcel 1 to implement these streetscape elements. There are no warrants for the construction of new crosswalks at this time.

Based on the foregoing analysis, it is concluded that adequate bicycle and pedestrian transportation facilities will exist to serve the proposed development.

12. **Transportation**—The findings and recommendations outlined below are based upon a review of materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Transportation Review Guidelines, Part 1” (Guidelines).

With the proposed PPS, the applicant submitted a comprehensive traffic analysis dated June 27, 2014 for review. The submitted traffic impact study assumed development of a 276-room hotel with approximately 50,000 gross square feet of commercial space, including retail, restaurants, and meeting and conference facilities, which are less than the comparable levels shown on the submitted DSP. This study was referred to SHA, the Prince George’s County Department of Public Works and Transportation (DPW&T), and the City of College Park for their review and comments.

The proposed development will generate 223 and 424 vehicle trips during the AM and PM peak hours, respectively. The AM and PM peak-hour trip totals include the recommended reduction for pass-by trips for the proposed commercial uses. In addition to the site’s generated traffic, the traffic impact study includes the calculated annual growth of one percent per year for six years and the projected 1,847 AM and 3,007 PM peak hour trips for 21 approved, but not yet built or occupied, development applications within the study area.

The table below shows the reported weighted average of the critical lane volume (CLV) of all of the signalized intersections and resulting level-of-service (LOS) under existing, background, and total traffic for the AM and PM peak periods for the US-1 corridor between Campus Way/Paint Branch Parkway and Guilford Drive (inclusive of both intersections).

Study Period	Existing Traffic CLV/LOS	Background Traffic CLV/LOS	Total Traffic W/O Hotel Drive South Intersection CLV / LOS	Total Traffic W/Hotel Drive South Intersection CLV / LOS
AM peak	719/A	925/A	945/A	943/C
PM peak	845/A	1,125/B	1,184/C	1,170/C

The reported average AM and PM peak CLV results with total traffic are significantly lower than the required average AM and PM CLV of 1,600 vehicle trips, which will result in AM and PM peak LOS better than the minimum acceptable level of E for the critical US 1 corridor segment between Paint Branch Parkway and Guilford Drive as defined by the Central US 1 Corridor Sector Plan.

The submitted traffic impact study and the additional supplemental analysis submitted on November 18, 2014 also include evaluation of the proposed intersection of Greenhouse Drive with Paint Branch Drive as an interim limited intersection (requested by DPW&T) and ultimate full signalized T-type intersection. The study concludes that the proposed intersection of Greenhouse Road with Paint Branch Parkway would operate satisfactorily with acceptable LOS during both AM and PM peak hours with total traffic, as a right-in/right-out limited intersection, as a right-in/right- and left-out limited intersection, or as a full movement signalized T-intersection.

A detailed traffic signal warrant analysis included in the submitted report indicates that, with total projected traffic, signalization is warranted for the intersections of US 1 with proposed Hotel Drive South and proposed Greenhouse Drive with Paint Branch Parkway.

It is important to note that the Central US 1 Corridor Sector Plan recommends the establishment of a corridor-wide transportation demand management (TDM) district and a self-sustaining transportation management association (TMA) to manage it. As of this writing the US 1 TDM district has not been established.

The submitted plan correctly shows the provision of 47 to 57 feet of right-of way measured from the existing centerline along the entire property frontage with US 1, as required by the latest SHA design plans for the US 1.

In response to staff's referral memorandum dated November 25, 2014, the applicant's traffic consultant provided staff with additional analysis for the necessary increase to 295 hotel rooms and 57,000 gross square feet of retail use. This level of development will generate 223 and 424 vehicle trips during the AM and PM peak hours, respectively, which is consistent with the development proposed on the DSP. The AM and PM peak hour trip totals include the recommended reduction for pass-by trips for the proposed commercial uses. The revised findings demonstrate continued adequacy for the critical US 1 corridor and all other studied intersections, including access points.

Although the subject site has frontage on US 1, no direct access to US 1 from the subject site will be permitted by SHA. This is due to the fact that the university has already obtained conceptual approval for the planned two Hotel Drive access points. As a result, this application proposes a vehicular access easement to the north, east, and south of the proposed parcel in order to provide adequate access pursuant to Section 24-128(b)(9) of the Subdivision Regulations. The PPS proposes two access points to Baltimore Avenue (US 1) adjacent to the frontage of Parcel 1 on US 1. A third access point is proposed at Paint Branch Parkway to the north. A 22-foot-wide driveway is required for two-way traffic (Section 27-560 of the Zoning Ordinance) and for the purpose of finding adequacy. The applicant has provided a vehicular access easement exhibit which reflects the street names. The exhibit demonstrates lanes up to 16 feet in width, parking areas, and pedestrian zones, which is approved. The exhibit also references street name designations for the three driveways within the vehicular access easement: Hotel Drive South (south of Parcel 1), Hotel Drive North (north of Parcel 1), and Greenhouse Road (east of Parcel 1). Hotel Drive North and Hotel Drive South provide access to US 1, and Greenhouse Road provides access to Paint Branch Parkway. Street name designations within the University of Maryland property are assigned through the university's own procedures and are separate from the M-NCPPC's property address system. While these facilities are considered to be driveways as reflected in Section 24-128(b)(9), the applicant has elected to construct the facilities according to county street section standards. However, it is recommended that these street sections be revisited by the applicant and the university to reduce the vehicle travel lanes to 11 feet in width to provide dedicated bicycle facilities to foster more of a true complete street character that enhances safety for all users. Denial of access along the property's frontage on US 1 shall be reflected on the PPS, DSP, and final plat.

Based on the preceding findings, the requested vehicular access easement, pursuant to Section 24-128(b)(9) of the Subdivision Regulations, is approved. It is therefore concluded that the existing transportation facilities will be adequate, as required by the Central US 1 Corridor Sector Plan, to serve the proposed development of the site.

13. **Variation**—The applicant has filed a variation request from Section 24-122 of the Subdivision Regulations for standard public utility easements (PUEs), which are ten feet wide and adjacent to all public rights-of-way. The PPS proposes an alternative PUE to serve the proposed development. Section 24-122 states the following:

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

Section 24-113(a) sets forth the required findings for approval of variation request as follows:

- (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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

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

The location of utilities on the site must be reviewed and approved by the applicable utility providers to determine their most adequate location in relation to other easements and the overall development of site, thereby ensuring public safety, health, and welfare.

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

The conditions on which the variation are based are unique because the site is limited in size due to its location between existing university buildings and other vacant property that is also owned by the University of Maryland, but subject to a consent order from EPA.

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

As the location of the alternative PUE would require approval of the applicable public utility providers, it is determined that no other applicable law, ordinance, or regulation would be violated by this variation.

- (4) **Because of the peculiar 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.**

As previously stated, the site is limited in size due to its location between existing university buildings and other vacant property that is also owned by the University of Maryland, but subject to a consent order from EPA. This location creates a situation in which the resulting parcel shape is unique and peculiar within the surrounding area. Provision of a standard

PUE along the property frontage would create a severe loss of space upon which the proposed development may be constructed.

By virtue of the positive findings for each of the criteria for variation approval, the variation from Section 24-122 for an alternative PUE is approved.

14. **Schools**—The subdivision has been reviewed for impact on public school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002), and it was concluded that the subdivision will have no impact on public schools because it is a nonresidential use.
15. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by College Park Fire/EMS Company 12. This first due response station, located at 8115 Baltimore Avenue, is within the maximum seven-minute travel time.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

16. **Police Facilities**—The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
17. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plan or final plat approval.” The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, and will therefore be served by public systems.
18. **Health Department**—The PPS was referred to the Prince George’s County Health Department for review. Comments were received on November 4, 2014 and are addressed below.

1. **Indicated how the project will provide for pedestrian access to the site by residents of the surrounding community.**
2. **Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicated how development of the site will provide for safe pedestrian access to amenities in the adjacent communities.**

The concerns raised in comments 1 and 2 have been addressed with this PPS. A BPIS has been submitted and reviewed for pedestrian access as discussed in the Trails section of this report, and conditions for adequate bicycle and pedestrian facilities are required.

3. **Due to the history and potential for petroleum contamination of both soils and groundwater frequently associated with automobile based operations, it is recommended that an environmental site assessment be completed, and/or such a report submitted for review 35 days prior to the Planning Board Hearing.**

The proposed development has been evaluated for conformance to the environmental regulations of Subtitles 24, 25, and 27 of the County Code, as previously discussed in the Environmental section of this report and is approved. Further review may be required by the Department of the Environment and DPIE at the time of permits.

4. **Indicate the dust control procedures to be implemented during the construction phase of this project. No dust should be allowed to cross over property lines and impact adjacent properties.**
5. **Indicate the noise control procedures to be implemented during the construction phase of this project. No construction noise should be allowed to adversely impact activities on the adjacent properties.**

Review of dust and noise control procedures during the construction phase of the development is outside of the scope of this PPS review. However, these procedures may be evaluated by the appropriate county agencies during the time of construction. Furthermore, notes will be placed on the DSP indicating conformance to construction activity dust and noise control requirements.

6. **Provide documentation indicating WSSC capacity for conveyance of sewage from the proposed project.**

The PPS has been reviewed by WSSC and comments were received on October 9, 2014. WSSC review comments indicate that existing sewer capacity will need to be reevaluated

and that the existing sewer line and manholes may need to be relocated. These facilities will be evaluated during the Phase I hydraulic planning analysis.

7. **Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification.**

Evaluation of the building mechanical systems for mitigation of fine particulate air pollution is outside of the scope of this PPS review. It is recommended that the applicant consider evaluation of their proposed air filtration systems to address this matter, in addition to the standard county regulations.

8. **There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.**

Full cut-off optics are required with the approval of this PPS.

9. **Due to the close proximity of Route 1, Paint Branch Parkway and the College Park Airport, noise could be an issue. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptions/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.**

As discussed in the Environmental Finding, Parcel 1 has frontage on US 1, which is designated as a major collector facility that does not generate enough traffic to produce noise above the state standard. The parcel does not front Paint Branch Parkway. However, it is noted that Paint Branch Parkway is also a collector facility that does not generate enough traffic to produce noise above the state standard. In regard to the site's proximity to the College Park Airport, pursuant to Section 27-548.43(b)(2) of the Zoning Ordinance, appropriate notice shall be provided to prospective purchasers.

10. **There are 39 existing carry-out/convenience store food facilities within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.**

Although a hotel is a designated residential use in the Zoning Ordinance, the nature of this use is mainly for short-term occupancy. Furthermore, a hotel is a permitted use in the M-U-I/D-D-O Zone.

19. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when PUEs are required by a public utility company, the subdivider should include the following statement 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 PPS does not depict a PUE on the subject site to serve the proposed development along US 1. As discussed in the Variation section of this report, the applicant intends to implement an alternative PUE on the site, which is supported. Therefore, prior to certification of the DSP for development of Parcel 1, an approved color-coded utility plan for the alternative PUE shall be submitted for review. The DSP shall demonstrate all of the proposed utility easements in conformance with the approved utility plan and coordinate with WSSC. At the time of final plat, the PUE shall be reflected on the final plat and granted in conformance with the DSP. If the applicant is unable to obtain consent from all of the affected utilities, a standard ten-foot-wide PUE shall be required.

20. **Historic**—There are two designated Prince George’s County historic sites in the vicinity of the subject site. The Rossborough Inn (National Register/Historic Site 66-035-09) is located on the west side of Baltimore Avenue (US 1), within the University of Maryland Campus, approximately 700 feet southwest of the developing property. The College Park Airport (National Register/Historic Site 66-004) is located approximately 2700 feet southeast of the developing property.

Built in 1803 and enlarged in 1938, the Rossborough Inn is a brick tavern of the Federal style; it is distinguished by stone lintels and a handsome fanlight doorway surmounted by a Coade (a fired clay cast stone) keystone in the form of a smiling Silenus head. The lower flanking wings were added in 1938. Owned by the Calverts of Riversdale, the inn was a popular stage-stop on the Baltimore and Washington Turnpike. In 1858 the Rossborough property was deeded by Charles Benedict Calvert as part of the Maryland Agricultural College. First used by the college as a classroom and experiment station, the inn was operated for many years as the University of Maryland Faculty and Alumni Club.

Established in 1909, College Park Airport is the oldest continuously operating airport in the world. The foundations of five hangars have been revealed; on one stands the present maintenance hangar. Wilbur Wright was the first flight instructor for Signal Corps officers here in 1909. College Park Airport was also the terminus of the first commercial airmail service. The airport was

listed in the National Register of Historic Places in 1977, and the College Park Aviation Museum was opened on the grounds in 1998 by M-NCPPC.

Phase I archeological survey is not required on the above-referenced 3.29-acre property. The property has recently been extensively disturbed by the removal of the Harrison Laboratory and its associated greenhouses. 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. This proposal will not impact any archeological resources.

The development of the subject property will have no effect on identified archeological resources. Because the subject property has already been graded for and disturbed by recently removed structures, no archeological investigations are required.

21. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is required. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new PPS is required if residential development is to be proposed.
22. At the hearing on December 11, 2014, the Planning Board approved revised Conditions 2, 4, and 5 per Applicant's Exhibit No. 1 (to specify the number of items referenced in 2(a) and 2(f), and to set the timing trigger at use and occupancy permit rather than building permit) and an additional Condition 14 per staff recommendations (to specify on the final plat that the property is in APA-6), which have been incorporated into the conditions of approval. Additionally, the Town of University Park submitted University Park Exhibit No. 1. The Planning Board determined that Conditions 1 and 2 were addressed in the staff recommended conditions which the Planning Board adopted. Condition 3 was a request for off-site improvements within the proposed off-site vehicular access easement on land owned by the University of Maryland and not a part of the application. This condition was not carried forward by the Planning Board.

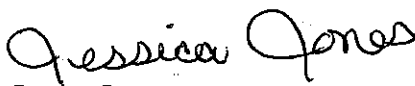
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, December 11, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of December 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WM:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 12/16/14