



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco  
File No. 4-19019

## CORRECTED RESOLUTION

WHEREAS, 8430 Baltimore Avenue, LLC is the owner of two existing parcels totaling 2.05 acres. The northern parcel is known as Parcel A of the Inman-Turner Property, recorded in Plat Book NLP 97-27 in 1977, and is 1.0 acre. The southern property is known as Parcel A of Northgate, recorded in Plat Book PM 223-52 in 2007, and is 1.05 acres, said property being in the 21st Election District of Prince George's County, Maryland, and is in the Mixed-Use Infill (M-U-I) Zone, within the Development District Overlay (D-D-O) Zone; and

WHEREAS, on October 17, 2019, 8430 Baltimore Avenue, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19019 for Northgate 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 January 16, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 16, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-012-2019 and APPROVED a Variance from Section: 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-19019 for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Show a public use and access easement across the front of the property to cover the portions of the frontage sidewalk and amenities on the subject property along US 1.
  - b. Show a public use easement across the rear of the property sufficient to cover the areas of the proposed promenade, which are on-site. This easement may be an extension of the easement already shown along the southern edge of the site, over the 8-foot-wide trail connector.
  - c. Show a minimum 10-foot-wide public use and access easement along the rear of Parcel A of the Inman-Turner Property to allow for the future extension of a trail from the proposed promenade to the northern property line.

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
3. Development of the site shall be limited to uses that would generate no more than 130 AM and 170 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (13327-2019-0) and any subsequent revisions.
5. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable agency, and (c) have an agreed-upon timetable for construction and completion with the appropriate entity ensuring completion prior to occupancy of the building:
  - a. The trail connection and associated off-site improvements as outlined in the Maryland-National Capital Park and Planning Commission Value Exhibit submitted with the preliminary plan of subdivision at the rear of the subject property.
6. Prior to approval of a final plat:
  - a. The final plat shall grant a 10-foot-wide public utility easement along Baltimore Avenue, in accordance with the approved preliminary plan of subdivision.
  - b. The applicant and the applicant's heirs, successors, and/or assignees shall enter into a Public Use Easement Agreement with the Maryland-National Capital Park and Planning Commission for the public use of the privately maintained 8-foot-width concrete connector trail along the southern property line, as well as for the portion of the promenade, which extends onto the subject property. The easement agreement shall be approved by the Prince George's County Department of Parks and Recreation, recorded in land records, and the Liber/folio shown on the final plat prior to recordation. The final plat shall reflect the location and extent of the easement.
  - c. The applicant and the applicant's heirs, successors, and/or assignees shall enter into a Public Use Easement Agreement with the City of College Park for the public use of the portion of frontage sidewalk on the subject property. The easement agreement shall be approved by the City of College Park, recorded in land records, and the Liber/folio shown on the final plat prior to recordation. The final plat shall reflect the location and extent of the easement.

7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
  - a. Have the qualified professional sign and date the TCP worksheet.
  - b. Add the existing tree-line to the TCP1 per the approved Natural Resources Inventory plans.
  - c. Indicate that the symbol used for specimen trees in the legend is for their proposed removal.
  - d. Add a column entitled "Deposition" to the Specimen Trees Table and indicate that all the specimen trees are proposed to be removed.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-012-2019. The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-012-2019 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."
9. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams, or Waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. At the time of detailed site plan, the use of full cut-off light fixtures shall be demonstrated. Lighting shall be focused away from the primary management area to minimize intrusion into wildlife habitat.
11. Prior to any work being performed on the Maryland-National Capital Park and Planning Commission property, the applicant, their successors, and/or assigns shall obtain a Right of Entry permit from the Prince George's County Department of Parks and Recreation.
12. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The applicant shall allocate appropriate and developable areas

for the private recreational facilities within the common areas of the development. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division of the Planning Department for adequacy and property siting, including appropriate triggers for construction, with the submittal of the detailed site plan.

13. The public recreational facilities on parkland shall be reviewed and approved by the Prince George's County Department of Parks and Recreation. The public recreational facilities shall be designed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
14. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of public on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DPR, the RFA shall be recorded among the County land records of Prince George's County and the liber and folio of the RFA shall be noted on the final plat prior to recordation.
15. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFAs) to the Development Review Division (DRD) of the Planning Department for construction of private on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the RFA shall be recorded among the County land records of Prince George's County and the liber and folio of the RFA shall be noted on the final plat prior to recordation.
16. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities prior to the issuance of building permits.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**— The subject site consists of two existing parcels totaling 2.05 acres. The northern parcel is known as Parcel A of the Inman-Turner Property, recorded in Plat Book NLP 97-27 in 1977, and is 1.0 acre. The southern property is known as Parcel A of Northgate, recorded in Plat Book PM 223-52 in 2007, and is 1.05 acres. The site is located on the west side of US 1 (Baltimore Avenue) at its intersection with Quebec Street, and is in the Mixed-Use-Infill (M-U-I) Zone, within the Development District Overlay (D-D-O) Zone and is subject to the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA). The property is also within Aviation Policy Area (APA) 6.



Two commercial buildings exist on the subject site, which are to be razed. The subject application is for consolidation of the properties into one parcel, known as Proposed Parcel 1, for the development of 296 multifamily dwelling units and 1,084 square feet of commercial space.

The subject site abuts the Paint Branch Stream Valley Park, owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), to the west. The master-planned Paint Branch Connector Trail is located along the western property line of the site. As part of this project, the applicant proposes to construct a portion of this trail and other amenities, partially on the subject property and partially on the M-NCPPC-owned land. The trail is proffered to meet multiple requirements as discussed in Finding 4 (Stormwater Management), Finding 5 (Parks and Recreation), and Finding 6 (Trails) of this technical staff report. The section of trail on M-NCPPC land will be subject to a future mandatory referral review.

A variance was filed to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of three specimen trees. The project proposes to clear all of the existing woodland on-site to accommodate the proposed development, which is discussed further.

A variation was filed from Section 24-121(a)(3) of the Prince George's County Subdivision Regulations to allow direct access to an arterial street. However, US 1 is classified as a major collector roadway at its frontage along the subject property. The applicant withdrew the variation request by letter dated December 9, 2019 (Haller to Diaz-Campbell), incorporated by reference herein.

3. **Setting**— The property is located on Tax Map 42 in Grids A-1 and A-2, in Planning Area 68, is zoned M-U-I, and is within a T-D-O Zone. The subject site is irregularly shaped and is bounded by Toledo Road to the south. The north, east, and west boundaries of the property are surrounded by land identified as the Dewey Property. The site is abutting to a significant environmental feature to its east, located on proposed Parcel 4 of the adjacent Dewey Property.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Commercial	Residential (multifamily)/Commercial
Acreage	2.05	2.05
Parcels	2	1
Dwelling Units	0	296
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on November 1, 2019.

5. **Previous Approvals**—There are currently two parcels which comprise the subject site, each of which have separate prior approvals associated with them. The southern parcel is known as Parcel A of Northgate (Plat Book PM 223-52). This parcel was previously the subject of PPS 4-03139 (PGCPB Resolution No. 04-103), approved by the Prince George's County Planning Board on May 13, 2004 for two parcels, subject to 23 conditions, for the development of a 376-unit multifamily building. A Detailed Site Plan (DSP-05026) and a Final Plat (5-07412) were also approved for this parcel, in 2006 and 2007 respectively. This development ultimately did not move forward to construction. PPS 4-19019 supersedes PPS 4-03139. The existing DSP and final plat will also be superseded by future applications.

The northern parcel is known as Parcel A of the Inman-Turner Property (Plat Book NLP 97-27). This parcel was previously the subject of PPS 4-76196. There are no records available for this PPS, however it was followed by a Final Plat (5-77087), which was approved on May 12, 1977. The property was zoned Commercial Shopping Center before 2002, so the prior PPS would have been evaluated and approved for commercial uses only. PPS 4-76196 is also be superseded by PPS 4-19019.

A new PPS is required for this development because Parcel A of the Inman-Turner Property does not have an existing entitlement for residential uses. Both the north and south parcels were rezoned to the M-U-I and D-D-O Zones through the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*, a predecessor to the current 2010 plan of the same name. With its current zoning, the property is evaluated for residential and commercial uses through this PPS process.

6. **Community Planning**—The property is located along the Innovation Corridor, which is also a designated Employment Area in the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The Innovation Corridor “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,” (page 23). Employment Areas command the highest concentration of economic activity in the County's targeted industry clusters and is where Plan 2035 recommends supporting business growth, concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies (Plan 2035, page 19).

#### **Master Plan**

The 2010 Central US 1 Corridor Sector Plan and SMA recommends mixed use-residential and parks and open space land uses on the subject property.

The subject property is split between the Walkable Node and Corridor Infill character areas of the sector plan. The southern half of the site is within the Walkable Nodes area, which the D-D-O Zone describes as “consist[ing] of higher-density mixed-use buildings that accommodate retail, offices, row houses, and apartments, with emphasis on nonresidential land uses, particularly on

the ground level. It has fairly small blocks with wide sidewalks and buildings set close to the frontages" (page 228). The land use and urban design policies of these areas are to develop a series of pedestrian-friendly, transit-oriented, mixed-use walkable nodes at appropriate locations along the Central US 1 Corridor (page 65); to establish a strong sense of place by ensuring the highest quality of development (page 67); and to create appropriate transitions between the nodes and existing residential neighborhoods (page 68).

The northern half of the site is within the Corridor Infill character area. These areas "consists of mixed-use but primarily residential urban fabric" (228). The land use and urban design policies are to provide a comfortable a safe route for pedestrians and cyclist along US 1 (page 70); to develop a more residential character in the corridor infill areas with park-like landscape, easy accessibility to nearby goods and services, and redevelopment of the existing strip-commercial character of US 1 (page 70); to provide strong connections to walkable nodes and neighborhoods (page 71); and to establish appropriate residential densities (page 72). There are no master plan conformance issues at this time.

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

The 2010 *Approved Central US 1 Corridor Plan and Sectional Map Amendment* retained the subject property in the D-D-O/M-U-I Zones. The D-D-O/M-U-I Zones permit multifamily and retail uses. There are no zoning conformance issues at this time; conformance to the overlay zone will be required at the time of DSP.

#### **Aviation**

This application is located within APA 6. Section 27-548.38(a) states that: For an individual property, APA regulations are the same as in the property's underlying zone, except as stated in this Subdivision. Section 27-548.3 (b)(4) states: In APA-4 and APA-6, development densities and intensities are the same as in the underlying zone. Section 27-548.39(b) states: In APA-4, APA-5, or APA-6, every application shall demonstrate compliance with height restrictions in this Subdivision.

Section 27-548.42 (b) states: In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. Prior to signature approval of the DSP, the applicant shall complete a Federal Aviation Administration (FAA) Form 7460-1 and submit it to the Maryland Aviation Administration (MAA), and subsequently provide evidence that the project complies with FAR 77. If the MAA identifies an issue, then the plan shall be revised to reduce, or eliminate any perceived obstruction identified by MAA.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Central US 1 Corridor Sector Plan and SMA and the land use policy recommendations for Employment Areas, as described in the Plan 2035.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan 13327-2019-0 and letter were submitted with the subject application. These were approved on September 26, 2019 and expire on September 26, 2022. According to the approved SWM concept

plan, the private system will utilize a non-rooftop disconnect and off-site sand filter within the floodplain to improve the water quality of runoff that will discharge off-site. A SWM fee payment of \$500,000.00 in lieu of providing on-site attenuation/quality control measures along with 14 additional conditions of approval are also being required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) as part of the final SWM approval. Permission from the Prince George's County Department of Parks and Recreation (DPR) must be obtained prior to construction of the stormwater facilities and associated grading on their property. No further information is required at this time.

The subject site contains 100-year floodplain. As part of the SWM, the property must be filled above the 100-year floodplain elevation. In order to accomplish this and not negatively impact adjacent properties, the applicant is proposing compensatory floodplain storage on the abutting park property to the west. To this end, the applicant and DPR met and developed a mutually acceptable package of public land improvements in exchange for allowing the required 11,068 square feet of floodplain storage to be located on M-NCPPC property. The public land improvements include the construction a master-planned, 8-foot asphalt trail extension proposed from the end of an existing trail, along the stream valley to the south, to a proposed promenade on parkland behind (west) the subject development. This approximately 550-linear-foot segment of the Paint Branch Trail Connector will include a boardwalk section, retaining wall, benches, lighting, landscaping, trash receptacles, and security cameras/call boxes. The improvements are shown on the applicant's M-NCPPC Value Exhibit dated November 11, 2019, incorporated by reference herein. The trail segment will allow for the residents of the subject development, as well as bicyclists and pedestrians from the Baltimore Avenue/US 1 corridor, to connect to the University of Maryland, providing a valuable addition to the countywide trail system. The trail segment will be supported by additional facilities discussed further in the Parks and Recreation and Trails findings of the technical staff report.

Development of the site shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs. A floodplain waiver will be required by DPIE prior to permit for the construction of the detention facility within the floodplain.

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of the 2010 Central US 1 Corridor Sector Plan and SMA, the Land Preservation, Parks and Recreation Program for Prince George's County, and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space, as they pertain to public parks and recreational facilities.

Per Section 24-134(a) of the Subdivision Regulations, this subdivision application is required to provide 0.31 acre of parkland through the mandatory dedication process. In lieu of this, per Section 24-135(b) of the Subdivision Regulations, the applicant proposes to construct several on-site recreation facilities. First is an 8-foot-wide concrete trail along the southern property line, to be constructed outside of the building for public use. This alignment will allow the trail to connect a proposed promenade on M-NCPPC park property behind the development with a proposed pocket park located along US 1. A public use easement will be required to cover this

approximately 255-linear-foot trail segment because it is another part of the master-planned Paint Branch Trail Connector, connecting with the 550-foot-segment discussed earlier in this report.

The second on-site facility is the pocket park, located in the southeast corner of the property. The pocket park will include benches, plantings, and a tower structure/landmark feature. It will serve as a gathering space and entrance marker along Baltimore Avenue to indicate the presence of the Paint Branch Trail Connector trailhead. The third facility is a set of private recreational areas proposed within the building, including three interior courtyards and a rooftop amenity area. These facilities include a pool, fitness area, lounge area, outdoor kitchen, bocce court, fire pit, and outdoor site furniture. Together, the pocket park, connector trail, and recreational facilities within the building comprise the improvements proffered by the applicant in lieu of mandatory dedication of parkland. These improvements are valued at \$267,670 as shown on the applicant's aforementioned M-NCPPC Value Exhibit. The improvements will reduce the impact of the development's new residents on existing M-NCPPC recreational facilities in the area and are approved for the purpose of meeting the Mandatory Parkland Dedication requirement.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 Central US 1 Corridor Sector Plan and SMA. The site is subject to Section 24-124.01 (Adequacy of Bicycle and Pedestrian Facilities in Centers and Corridors) of the Subdivision Regulations, as well as the "Transportation Review Guidelines, Part 2," at the time of PPS.

Four master plan trails impact the subject site. These include the existing Paint Branch Trail, the planned Paint Branch Trail Connector, a planned side path along US 1, and a planned bike lane along US 1. The development includes a sidewalk along the entire frontage of the subject site; an 8-foot wide concrete trail along the southern property line that leads from the front to the rear of the property; and an off-site trail running from the rear of the property along the Paint Branch stream valley to an existing trail to the south. The improvements are in conformance with those required for the site and will implement construction of a portion of the Paint Branch Trail Connector. Several public use easements will be needed in order to cover the portions of the trails, sidewalks, and other public areas that are located on-site.

**Review of Master Plan of Transportation (MPOT) Conformance:** The complete streets section of the MPOT includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The site is impacted by the Maryland Department of Transportation Consolidated Transportation Program (CTP), which features a beautification project along US 1 from College Avenue to MD 193. The approved CTP plans include a striped bike lane along the frontage of the subject property. This improvement fulfills the intent of the policy above. The site also includes the



8-foot-wide sidewalk/trail along the southern side of the building previously discussed, which will accommodate bicycle and pedestrian access between the US 1 frontage and the trail along the stream valley.

**Review of Area Master Plan Conformance:** The D-D-O Zone of the sector plan includes streetscape requirements such as sidewalk improvements, a cycle track, and street trees. Compliance with the D-D-O standards shall be demonstrated at the time of DSP. Conversations with the City of College Park and the SHA indicate that frontage improvements along US 1 shall be consistent with the CTP project for the corridor.

The subject application also proposes bicycle racks as shown on the M-NCPPC Value Exhibit. The D-D-O Zone of the area sector plan includes specific requirements regarding bicycle parking in the corridor infill character area, provided below from page 239 of the sector plan:

**Within the corridor infill and walkable node areas, a minimum of one bicycle parking space shall be provided within the public or private frontage for every three vehicular spaces. Bicycle racks shall be placed in highly visible locations along the street or within parking garages as appropriate.**

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

**Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:** Due to the location of the subject site within the US 1 General Plan Corridor, the application is subject to Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

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

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

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

**dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on Section (c), the 1,084 square feet of retail proposed, and the 296 residential units proposed, the cost cap for the application is \$89,179.40.

A scoping meeting was held with the applicant on January 22, 2019. The M-NCPPC Value Exhibit shows the off-site improvements proffered to meet BPIS requirements, relative to the other proposed on- and off-site trail and recreation improvements discussed in the Stormwater Management and Parks and Recreation findings. The BPIS improvements consist of a 200-foot-long, 25-foot-wide public amenity trail (a promenade) to the rear of the site, on M-NCPPC park property. The promenade includes a retaining wall, lighting, outdoor furniture, signage, landscaping, a drinking fountain/water bottle filling station, trash receptacles, and a bicycle repair station. The Planning Board approved the off-site improvements proffered by the applicant. Review and construction of the promenade must be coordinated with DPR and will be subject to future mandatory referral.

The master-planned Paint Branch Trail Connector extends to both the north and the south of the subject property, but the portion of the trail the applicant proposes to construct extends only to the south. A trail connection to the north of the subject property was considered, and staff of DPR provided the following analysis (December 10, 2019 email correspondence, Zyla to Bossi):

“Based on the topographic constraints and lack of DPR parkland on the east side of the Paint Branch, we do not see the feasibility or probability of a Master Plan trail along this side of the Paint Branch north of the proposed Northgate development. That is why we were advocating for the trail connection to Route One along Northgate’s southern property line.”

Although the feasibility and probability of extending the trail to the north is unknown based on current information, the possible connection should not be precluded. At the request of the City of College Park, the applicant agreed to provide a public use and access easement along the north side of the property which would allow for future trail construction, with no requirement to construct at this time.

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

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

The off-site pedestrian and bicyclist improvements proffered by the applicant will provide a direct connection from the subject site to the existing Paint Branch Trail to accommodate all users. Moreover, the connection will allow direct access to the University of Maryland from the student housing proposed with this application. The promenade will support the trail with additional amenities.

Pursuant to Section 24-124.01, the Planning Board finds that there is a demonstrated nexus between the proffered improvements for the development and nearby destinations.

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

CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. CB-2-2012 is applicable to preliminary plans within designated centers and corridors. The subject application is located within the designated US 1 General Plan Corridor. CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

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

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

**1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**

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

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

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

Based on the requirements and criteria contained in Section 24-124.01 and the pedestrian and bicycle improvements proposed by the applicant on- and off-site, the Planning Board finds the on-site pedestrian and bicycle facilities and off-site trail meet the intent of Section 24-124.01 and are adequate to serve the subject property.

10. **Transportation**—Transportation-related findings for adequacy are made with this application, along with any needed determinations related to dedication, access, and general subdivision layout. This application is supported by traffic counts dated October 2019. The findings outlined below are based upon a review of these materials and analyses conducted, consistent with the “Transportation Review Guidelines, Part 1” (Guidelines).

#### **Analysis of Traffic Impacts**

The table below summarizes trip generation in each peak hour that is used for the analysis and for formulating the trip cap for the site:

<b>Trip Generation Summary: 4-19019 Northgate</b>							
<b>Land Use</b>	<b>Use Quantity</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
		<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Student Housing	1,000 beds	30	100	130	100	70	170
Retail	1,084 square feet	0	0	0	0	0	0
<b>Total Trip Cap for Proposed Use</b>		<b>30</b>	<b>100</b>	<b>130</b>	<b>100</b>	<b>70</b>	<b>170</b>

The traffic impact study (TIS) treats the small retail component of the project as ancillary and serving the residents of the building. The transportation staff agreed upon this assumption during scoping.

The traffic generated by the PPS would impact the following intersections, interchanges, or links in the transportation system:

- US 1 at Greenbelt Road (signalized)
- US 1 at Berwyn Road (signalized)
- US 1 at Berwyn House Road (signalized)
- US 1 at Melbourne Place (signalized)
- US 1 at Lakeland Road (signalized)
- US 1 at North Site Access (unsignalized)
- US 1 at South Site Access (unsignalized)

The subject property is located within Transportation Service Area I, as defined in Plan 2035. It is also within the D-D-O Zone associated with the 2010 Central US 1 Corridor Sector Plan and SMA. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service E, with intersections evaluated within an overall link for a peak-period level of service as identified in the sector plan and further described in the Guidelines.

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

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

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

An October 2019 TIS was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions:



<b>EXISTING TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
Average Link Peak-Period Level of Service (all signalized intersections from Lakeland Road to Greenbelt Road)	951	1,076	A	B
US 1 at North Site Access	Future	--	--	--
US 1 at South Site Access	Future	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Background traffic has been developed for the study area using a listing of 26 approved developments in the area. A 0.5 percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
Average Link Peak-Period Level of Service (all signalized intersections from Lakeland Road to Greenbelt Road)	1,125	1,334	B	C
US 1 at North Site Access	Future	--	--	--
US 1 at South Site Access	Future	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

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

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Average Link Peak-Period Level of Service (all signalized intersections from Lakeland Road to Greenbelt Road)	1,148	1,366	B	C
US 1 at North Site Access	28.2*	33.6*	--	--
US 1 at South Site Access	25.3*	28.8*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Signalized intersections are operating at acceptable levels of service and/or intersection delay as defined by the sector plan.

A trip cap consistent with the trip generation assumed for the site, 130 AM and 170 PM peak-hour vehicle trips, is approved.

#### Site Access Evaluation

Site access is from two access points along US 1. Access and circulation are acceptable.

#### Master Plan Roads

US 1 is listed in the MPOT as a master plan major collector facility with a proposed right-of-way of 90 to 110 feet and four lanes. Right-of-way has been previously dedicated. Therefore, no additional dedication is required.

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

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

**Impact on Affected Public School Clusters  
Multi-Family Attached Dwelling Units**

Affected School Clusters #	Elementary School Cluster #2	Middle School Cluster #2	High School Cluster #2
Multi-Family Total Dwelling Units (TDU)	296 DU	296 DU	296 DU
Multi-Family Pupil Yield Factor (PYF)	0.119	0.054	0.074
Subdivision Enrollment	35	16	22
Actual Enrollment in 2018	20,414	4,349	8,318
Total Enrollment	20,449	4,365	8,340
State Rated Capacity	17,570	4,334	8,125
Percent Capacity	116%	101%	103%

Section 10-192.01 of the Prince George's County Code establishes school facilities surcharges and an annual adjustment for inflation. The current amount is \$9,741, as this project falls inside of I-95/I-495 (the Capital Beltway). This fee is to be paid to Prince George's County at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated December 9, 2019 (Thompson to Diaz-Campbell), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS is for 296 multifamily units and 1,084 square feet of commercial development in the M-U-I and D-D-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The property abuts US 1 to the east, which is a public road, and the applicant has delineated this required PUE on the PPS.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any County historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Development Review Case #	Associated Tree Conservation Plan or Natural Resource Inventory#	Authority	Status	Action Date	Resolution Number
SE-4122	N/A	--	--	--	--
4-03139	TCP1-01-2004	Planning Board	Approved	05/13/2004	04-103
5-07412	N/A	Planning Board	Approved	10/04/2007	N/A
DSP-05026	TCP2-023-04	Planning Board	Approved	07/27/2006	06-157
N/A	NRI-043-2019 (Trail)	Staff	Approved	06/18/2019	N/A
N/A	NRI-044-2019 (Building)	Staff	Approved	06/18/2019	NA
DSP-19025	TCP2-038-2019	Planning Board	Pending	Pending	Pending
4-19019	TCP1-012-2019	Planning Board	Pending	Pending	Pending

A portion of the subject property was previously subdivided under PPS 4-03139 and TCP1-01-2004. Subsequently, DSP-05026 and Type 2 Tree Conservation Plan (TCP2-023-04) were proposed for the grading and construction of a proposed condominium complex. However, the DSP and TCP2 plans were never certified or implemented on-site subsequent to Planning Board approval. Therefore, these previous approvals have no bearing or influence over the review of this PPS and TCP1 application.

#### **Grandfathering**

This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the WCO and Environmental Technical Manual.

#### **Master Plan Conformance**

##### **2014 Plan Prince George's 2035 Approved General Plan**

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

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

The site is located in the Central US 1 Corridor Sector Plan and SMA, and falls within the Lower Midtown portion of the plan. The sector plan includes applicable goals, policies, and strategies. The following policies and strategies are applicable to the current project with regard to natural resources preservation, protection, and restoration. The text in **BOLD** is text from the SMA and the plain text provides comments on plan conformance.

**Environmental Infrastructure Section Recommendations**

**Policy 1: Strengthen the sense of place along the Little Paint Branch greenway in a way that creates balance and showcase the linear park and trail system that is unique to the Central US 1 Corridor and the College park area.**

The applicant is currently working with DPR and the City of College Park to construct a trail along the Little Paint Branch River that will connect the site with Campus Drive. Although this trail is shown conceptually on the TCP1, it will be reviewed at the time of mandatory referral in more detail.

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

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

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

**Policy 5: Implement environmentally sensitive design building techniques and reduce overall energy consumption.**

Implementing conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications is encouraged.

The capture and reuse of stormwater for grey water or other uses should be incorporated into the site's final design to the fullest extent possible.

The SWM Concept Plan (13327-2019-00) approved by DPIE proposes a non-rooftop disconnect and off-site sand filter within the floodplain to improve the water quality of runoff that will discharge off-site. The site is located partially within the designated floodplain. The site will be regraded so the elevation of the site will be outside of the floodplain. As such, the required quantity controls are required to mitigate for potential on-site flooding.



**Policy 6: Preserve and enhance the existing urban tree canopy**

The site was previously developed with two buildings and associated parking. Approximately half of the property is covered with woodlands and open grown trees. The project removal of all of these trees. Conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance will be required at the time of DSP.

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

The use of alternative lighting technologies is encouraged so that light intrusion onto surrounding residential areas to the south and into the green corridor associated with the Little Paint Branch River is limited. This section of the Little Paint Branch River is used as a migratory corridor for fish and other wildlife between the Patuxent River and Montgomery County. Use of lights should be minimized along the waterfront with lighting directed away from the primary management area (PMA). The use of full cut-off optic light fixtures shall be used.

**Conformance with the Countywide Green Infrastructure Plan**

The site is entirely mapped within the designated Network of the 2017 *Approved Countywide Green Infrastructure Plan* of the *Approved Prince George's Resource Conservation Plan*. The western half of the property is mapped as a Regulated Area associated with an existing 100-year floodplain while the eastern half of the site is within an Evaluation Area.

Much of the site was previously cleared, graded, and developed prior to the enactment of the WCO. Much of the remaining vegetation on-site is comprised of invasive species and the forest on-site is rated as being poor according to the natural resource inventories (NRIs). While the proposed development will impact regulated environmental features, these features are located within the limits of previous disturbance and are not currently wooded.

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

Based on the layout, the project demonstrates substantial conformance with the applicable policies and strategies of the 2017 Countywide Green Infrastructure Plan.

**Environmental Review**

**Natural Resources Inventory/Existing Features**

Two approved NRIs, NRI-043-2019 and NRI-044-2019 were submitted with the application; one for the site and the other for the off-site trail. There is a PMA comprised of streams and wetlands including their associated buffers and floodplain that extends on-site. The forest stand delineation narrative indicates that there is one forest stand in the early successional stages developing around existing specimen trees. A small area of steep slopes is located on the northwestern corner of the

site. The site has 0.58 acre of gross tract woodland and three specimen trees. No revisions are required for conformance to the NRIs.

**Preservation of Regulated Environmental Features (REF)/Primary Management Area**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfalls at points of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized. The statement of justification (SOJ) must address how each impact has been avoided and/or minimized.

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

An SOJ and associated exhibits were submitted for two on-site impacts, totaling 31,920 square feet.

**Analysis of Impacts**

Based on the SOJ, the applicant is requesting the following impacts described below:

**Impact A: On-site Grading**

Impact A is for the disturbance of 29,414 square feet of stream buffer and floodplain resulting from grading much of the site to raise it above the floodplain to facilitate placement of a multistory building. DPIE has indicated that it supports the granting of a floodplain waiver for this purpose. The applicant must obtain this waiver from DPIE. Impact A is approved.

**Impact B: Stormwater Management**

Impact B is proposed for the disturbance of 2,506 square feet of stream buffer and floodplain for construction of piping associated with an outfall required for the safe conveyance of stormwater off-site. Impact B is approved.

**Off-site Impacts**

Additional off-site impacts include construction of an off-site compensatory storage facility on M-NCPPC property located entirely within the stream buffer and floodplain totaling 17,063 square feet, and construction and associated grading of an off-site trail on M-NCPPC and State of Maryland properties totaling 17,983 square feet, also within the stream buffer and

floodplain. These additional impacts cannot be approved at this time as they are off-site and on government property that will require a mandatory referral.

### **Summary of Impacts**

After evaluating the applicant's request, the Planning Board approved impacts A and B. The REFs on the subject property have been preserved and/or restored to the fullest extent possible based on the Limit of Disturbance (LOD) on the TCP1 and SWM Concept plans.

### **Woodland Conservation**

This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-012-2019) has been submitted for review that covers the area of this PPS as well as off-site improvements located on M-NCPPC and State of Maryland property that will be separately reviewed in more detail with a mandatory referral.

The site is 2.05 acres within the M-U-I zone. A total of 0.25 acre of existing woodlands are on the net tract and 0.33 acre are within the existing floodplain. The site has a Woodland Conservation Threshold (WCT) of 0.20 acre, or 15 percent of the net tract, as tabulated. Off-site clearing is shown on publicly owned property for the construction of a stormwater detention facility and a hiker biker trail, for 0.25 acre off-site clearing (please note that all park property improvements will be evaluated in more detail during the mandatory referral process). The TCP1 shows a total woodland conservation requirement of 0.99 acre. The TCP1 shows this requirement will be met by providing 0.99 acre of off-site afforestation on another property to obtain off-site conservation credits.

The TCP1 requires several minor technical revisions that are included in the conditions of this report.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

The site contains three specimen trees (ST-101 through ST-103), which have a rating of poor. Two specimen trees were also identified off-site on DPR property, including ST-104, which has an excellent rating, and ST-105, which has a good rating. The current design proposes to remove all of these trees for the development of a multistory building for student housing and retail with associated infrastructure (ST-101 through ST-104) and an off-site stormwater detention facility and hiker/biker trail (ST-105).

### SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	DBH (in inches)	CONDITION	DISPOSITION	ON-SITE/OFF-SITE
101	Yellow Poplar	34	Poor	Remove	On-Site
102	Yellow Poplar	35	Poor	Remove	On-Site
103	Box Elder	41	Poor	Remove	On-Site
104	Yellow Poplar	34	Excellent	Remove	Off-Site
105	Black Walnut	36	Good	Remove	Off-Site

#### Review of Subtitle 25 Variance Request

A Subtitle 25 variance application for the three on-site trees, an SOJ in support of a variance, and a tree removal plan were received for review on October 17, 2019.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the three trees.

#### Statement of Justification request:

A variance to Section 25-122(b)(1)(G) is requested for the clearing of the three specimen trees on-site. The eastern half of the site is developed with an existing parking lot and two buildings, while the western half of the site is undeveloped woodlands. According to the NRI, the western portion of the property is almost entirely within the PMA. The current application for this property is to develop the site with a multistory building for student housing and retail businesses, associated infrastructure. This variance is requested from the WCO, which requires under Section 25-122 of the Prince George's County Zoning Ordinance, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle Variance Application form requires an SOJ of how the findings are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship.**

Only one of the on-site specimen trees is located outside of the PMA. The three trees located on-site (ST-101 through ST-103) are all in poor condition. The site is limited in size. Any additional loss in developable area for specimen tree retention will result in a loss of developable land and will run contrary of the vision set forth in the sector plan for the Lower Midtown portion of the plan. This also runs contrary to the objectives of Plan 2035, which targets sites such as this for development and redevelopment on existing infrastructure to prevent urban sprawl onto undeveloped areas outside of Established Communities and Employment Areas of the general plan.

- (B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

This property is zoned M-U-I and is located along US 1, which is classified as a major collector road close to one of the major entrances onto University of Maryland at College Park's campus. One of the purposes of this zone is to encourage development in areas that are already substantially developed. It is also part of the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, which also encourages high density development. Further limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional development.

- (C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

As previously discussed in (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. The variance would not result in a privilege to the applicant; it would allow for development to proceed with similar rights afforded to others with similar properties and land uses.

- (D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The nature of the variance request is not in response to actions taken or resulting by the applicant.

- (E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

- (F) Granting of the variance will not adversely affect water quality.**

The site is governed by the current SWM regulations. Currently the site is adjacent to the Little Paint Branch River and water is discharging untreated from existing development that was constructed prior to these regulations, meaning there is significant discharge of untreated stormwater runoff. The loss of these five specimen trees will be off-set from the establishment of water quality and control devices preventing direct untreated discharge into the Little Paint Branch River during storm events.



After evaluating the applicant's request, the Planning Board approved the variance request to remove the three on-site specimen trees. Any future approval to remove the two off-site specimen trees will be considered through the mandatory referral process.

#### **Soils**

The predominant soils found to occur on-site, according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Cordorus-Hatboro-Urban land complex, frequently flooded; Urban land-Woodstown complex (0-5 percent slopes); Codorus and Hatboro soils, frequently flooded; and Russet-Christiana-Urban land complex (0-5 percent slopes).

According to available information, no Marlboro clay exist on-site; however, Christiana complexes are mapped on this property. Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures.

As part of the stormwater concept approval process, DPIE evaluates any areas of unsafe soils. If they determine that the areas of urban soils containing Christiana complexes on-site require any sort of safety building restriction line, then this line must be referenced on the PPS and TCP1. Similarly soil safety building restriction line will also be required to be shown on the final plat. According to the approval letter associated with the approved SWM Concept Plan (13327-2019-00), DPIE has no restrictions regarding unsafe soils at this time.

No further action is needed as it relates to this application. A soils report may be required by DPIE in future phases of development.

17. **Urban Design**—The development of 296 multifamily residential dwellings and 1,084 square feet of retail will be subject to DSP approval. A DSP associated with this project (DSP-19025) was submitted for review on November 15, 2019.

#### **Conformance with the Zoning Ordinance and the D-D-O Zone of the Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment**

In accordance with the Central US 1 Corridor Sector Plan and SMA, the D-D-O Zone standards replace the standards and regulations of the Zoning Ordinance. Wherever a conflict between the sector plan and the Prince George's County Zoning Ordinance or the 2010 Prince George's County Landscape Manual (Landscape Manual) occur, the standards of the D-D-O Zone shall prevail. For development standards not covered by the sector plan, the Zoning Ordinance or Landscape Manual shall serve as the requirements. At the time of DSP, review conformance with the applicable D-D-O standards will be evaluated.

The subject application is within APA 6 and has a 50-foot building height limit. Conformance the requirements of APA 6 in Section 27-548.42 will be evaluated at the time of DSP.

The southern portion of the site is within the Mandatory Shop Frontage area with designated Landmark Features. Additional information on those requirements can be found on pages 253 and

254 of the Architectural Elements Section of the sector plan. In addition, since the subject site is new construction within the Walkable Node Character Area of the sector plan, it is required to seek a minimum LEED (Leadership in Energy and Environmental Design) Silver Certification. Conformance with those standards will be reviewed at the time of DSP.

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

The sector plan states (page 226) that the provisions of the Landscape Manual regarding alternative compliance, commercial and industrial landscape strip requirements, parking lot requirements, and buffering incompatible uses do not apply within the D-D-O Zone. All other standards and regulations of the Landscape Manual apply as necessary. Conformance with the remaining landscaping requirements will be determined at the time of DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and will require a grading permit. Properties zoned M-U-I are required to provide a minimum of 10 percent of the gross tract area be covered by tree canopy. The subject site is 2.05 acres in size and the required tree canopy coverage is 0.20 acre. Compliance with this requirement will be evaluated at the time of DSP.

18. **City of College Park**—As of the publishing of the technical staff report on January 2, 2020, the City of College Park had not provided its final comments or recommendation on this instant PPS. Planning staff of College Park did submit an email (Bader to Diaz-Campbell, dated December 16, 2019) with three preliminary comments. These are listed below, followed by M-NCPPC findings.

- “1. Several of the BPIS improvements are shown on-site and therefore ineligible to count towards BPIS (bike racks, benches, trash receptacles, etc.)”

A section of the promenade to the west (rear) of the site, as well as the amenities on it, are partially located on the subject property as the promenade will directly connect to the future building on the site. However, the majority of the promenade will be located off-site on M-NCPPC property. The promenade and amenities are provided over and above required on-site BPIS improvements and will be encumbered by a public use easement, in order to properly integrate the promenade with the building and provide direct connection to the adjacent master plan trail. The proposal meets the intent of the off-site BPIS requirements. No additional facilities are needed to fulfill the BPIS requirement.

- “2. Enhance the Pocket Park and provide a detail.”

The detailed design of the pocket park will be required with the DSP.

- “3. Provide a Public Access easement for any sidewalk located outside the SHA ROW.”

The appropriate public access easements shall be shown on the PPS and final plat.

On January 15, 2020, the City of College Park submitted its final comments and recommendation on this instant PPS (Schum to Hewlett). These are listed below, followed by M-NCPPC findings.

"1. Prior to signature approval of the Preliminary Plan, the Applicant shall:

- a. Provide a public access easement to the City for any public sidewalk or amenity located outside of the state right-of-way along Baltimore Avenue, if additional right-of-way is not dedicated to the State."

This requirement was adopted as Condition 1(a) of this approval.

- "b. Provide at a minimum a 10' public access easement along the Burger King property to allow for a future trail connection to the proposed promenade adjoining the subject site and to the north of the site when future development occurs."

This requirement was adopted as Condition 1(c) of this approval.

- "c. Submit details as to where the stated afforestation will occur in compliance with the Woodland Conservation Ordinance."

The details for the location of afforestation will be required at the time of permit application. Therefore, it is not necessary to condition these details be provided at the time of PPS.

- "d. Submit Trail Option B as the final trail configuration in the Mandatory Referral application."

Through the review of this application, the applicant indicated that an alternate trail alignment ("Option B" as shown to the Planning Board at their January 16, 2020 meeting) may be achieved if a portion of the neighboring property to the south can be acquired. Approval of this PPS is not conditioned on requiring a specific design to be submitted with a Mandatory Referral application, which is off-site to this application or dependent on the acquisition of additional property. Ultimate design of the trail will be reviewed and approved by the Department of Parks and Recreation for construction on M-NCPPC property.

- "2. Support variation request from Section 25-122(b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) except for the removal of the 36-inch DBH, Black Walnut Specimen tree."

The 36-inch DBH Black Walnut specimen tree (Specimen Tree No. 105) is off-site and therefore not covered by the variance request from Section 25-122(b)(1)(G) associated with this application. Removal or preservation of this specimen tree will be handled through a Mandatory Referral associated with development of the off-site trail.

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 Doerner, seconded by Commissioner Bailey, with Commissioners Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, January 16, 2020 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of February 2020.

Elizabeth M. Hewlett  
Chairman

  
By Jessica Jones  
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPDC Legal Department

Date 3/3/2020