



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2022-79

File No. 4-21039

R E S O L U T I O N

WHEREAS, KindBild, LLC is the owner of a 0.52-acre parcel of land known as Lots 28–31 and Lots 47 and 48, said property being in the 21st Election District of Prince George’s County, Maryland, and being zoned in the Local Transit-Oriented (edge) (LTO-E); and

WHEREAS, on March 30, 2022, KindBild, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-21039 for EcoGrads 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 June 30, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(a) of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George’s County Code in existence prior to April 1, 2022; and

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

WHEREAS, on June 30, 2022, 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 4-21039, including a Variation from Section 24-122(a) of the prior Prince George’s County Subdivision Regulations, for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Show the correct location and width of the existing and proposed sidewalks adjacent to subject property’s frontage with US 1 (Baltimore Avenue).

- b. Revise the general notes to reflect the on-site recreational facilities listed are conceptual, and to remove the leasing space from the listing.
2. Total development within the subject property shall be limited to uses which generate no more than 69 AM peak-hour trips and 86 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.
3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision, prior to approval any building permits.
4. Development of this site shall be in conformance with the approved stormwater management concept plan (54058-2021-00) and any subsequent revisions.
5. Prior to approval of a final plat of subdivision:
 - a. The final plat shall note the Prince George's County Planning Board's approval of a variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-21039, for the omission of the public utility easements along US 1 (Baltimore Avenue) and Quebec Street.
 - b. 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 any portion of frontage sidewalk on the subject property, as determined necessary, at the time of DSP. 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.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate conformance with the disclosure requirements of Section 27-548.43(b)(2) of the prior Prince George's County Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport. The applicant shall provide a note on the plat and provide a copy of the disclosure notice. The disclosure notice shall be included in all lease, rental, or purchase contracts for occupants, and the occupants shall sign an acknowledgement of receipt of the disclosure.
6. At the time of final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate all rights-of-way along the property frontage on US 1 (Baltimore Avenue), consistent with the approved preliminary plan of subdivision.
7. The applicant shall provide on-site pedestrian and bicycle amenities and improvements consistent with Section 24-124.01(c) of the prior Prince George's County Subdivision Regulations. The details of the on-site facilities shall be provided as part of the detailed site plan submission.

8. The applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements consistent with Section 24-124.01(f) of the prior Prince George's County Subdivision Regulations, as part of the detailed site plan submission.
9. 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 prior Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
 - a. Installation and/or upgrading pavement markings along College Park Trolley Trail, between Greenbelt Road and Berwyn House Road, consistent with the bicycle and pedestrian impact statement addendum dated June 15, 2022.
 - b. Installation of sharrows along Pontiac Street.
10. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities and show these facilities on a pedestrian and bikeway facilities plan, as part of the detailed site plan (DSP), no less than 35 days prior to the Planning Board hearing for the DSP:
 - a. A 6.5-foot-wide bicycle track along the property frontage of US 1 (Baltimore Avenue), consistent with the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*, unless modified by the operating agency, with written correspondence.
 - b. A 5- to 8-foot-wide sidewalk and a 4.5- to 8-foot landscape amenity panel along the frontage of US 1 consistent with the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*. The final width shall be determined by the operating agency with written correspondence.
 - c. A minimum 5-foot-wide sidewalk and associated Americans with Disabilities Act curb ramps and crosswalk along the property frontage of Quebec Street, unless modified by the operating agency, with written correspondence.
 - d. Long and short-term bicycle parking consistent with the *Guide for the Development of Bicycle Facilities* (AASHTO) to accommodate residents and visitors.
 - e. Provide all sidewalk/streetscape amenities and bicycle facilities per the 2010 *Approved Central US 1 Corridor Sector Plan and Sector Map Amendment* (pages 261 and 264), unless modified by the operating agency, with written correspondence.

11. Prior to certification of the subject preliminary plan of subdivision, the applicant shall evaluate if restriping of approximately 22 shared roadway pavement markings (sharrows) along Berwyn Road, between Baltimore Avenue and the train tracks, is feasible per Section 24-124.01 of the prior Prince George's County Subdivision Regulations, and in addition to the improvements provided in Condition 9, can be provided within the cost cap that was established in the bicycle pedestrian impact statement. If the Transportation Planning Section finds that restriping of the sharrows is feasible and within the cost cap, the applicant shall provide the sharrows and improvements listed in Condition 9. If restriping of the sharrows is not feasible and is not within the cost cap, the applicant shall construct all of the improvements provided in Condition 9, per Section 24-124.01.
12. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
13. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Parks and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Triggers for construction shall be determined at the time of DSP.
14. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.
15. Prior to approval of building permits for residential development, 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 construction of recreational facilities.

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 Lots 28–31 and Lots 47 and 48 recorded in the Prince George's County Land Records, in Plat Book BDS 1 page 30 titled Addition to Berwyn, and dated 1906. The subject property is located in the Local Transit-Oriented (edge) (LTO-E) Zone and subject to the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (sector plan). However, this preliminary plan of subdivision (PPS) is reviewed in

accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required by Section 24-1703(a) of the Subdivision Regulations. The site is subject to Mixed Use-Infill (M-U-I) and Development District Overlay (D-D-O) zoning under the prior Zoning Ordinance.

This PPS approves one parcel on the 0.52-acre property, for mixed use development to include 123 multifamily dwelling units and 2,300 square feet of commercial use. The property is currently vacant.

The applicant also requested a variation from Section 24-122(a) of the Subdivision Regulations, which requires that a 10-foot-wide public utility easement (PUE) be provided adjacent to all public rights-of-way. In this case, the applicant requests approval of a variation to not provide a 10-foot-wide PUE along the property's frontage with US 1 (Baltimore Avenue) and Quebec Street. The variation request is discussed further in this resolution.

3. **Setting**—The site is located on Tax Map 33 in Grid D1 and is within Planning Area 66. The site is located in the southeast quadrant of the intersection of US 1 and Quebec Street. The following development abuts the subject site: commercial use to the south in the LTO-E Zone; a 15-foot-wide public alley to the east, with institutional use in the Neighborhood Activity Center (NAC) Zone beyond; Quebec Street to the north and commercial use in the NAC Zone beyond; and US 1 to the west, with commercial use and a developing multifamily project in the Regional Transit-Oriented, Low-Intensity (edge) Zone beyond.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	LTO-E	LTO-E (reviewed per M-U-I/D-D-O standards)
Use(s)	Vacant	Mixed Use
Acreage	0.52	0.52
Dwelling Units	0	123
Gross Floor Area	0	2,300 sq. ft.
Parcels	0	1
Lots	6	0
Outlots	0	0
Variance	No	No
Variation	No	Yes, Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 15, 2022. The requested variation from Section 24-122(a) was accepted on March 30, 2022, and heard at the

SDRC meeting on April 15, 2022, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site is not subject to previous development approvals or a PPS. A final plat of subdivision will be required for the approved parcel, pursuant to this PPS, before permits may be approved.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan were evaluated, as follows:

Plan 2035

The subject property is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development.

Sector Plan

The sector plan recommends mixed-use commercial development on the subject property.

SMA/Zoning

The 2010 *Approved Central US 1 Corridor Sectional Map Amendment* retained the property in the M-U-I-Zone with a superimposed D-D-O-Zone.

Aviation Policy Area

The subject property is located within Aviation Policy Area 6, within the proximity of the College Park Airport, which does not affect the uses, density, or intensity permitted in the M-U-I Zone. However, Section 27-548.39(b) of the Zoning Ordinance requires the following:

- (b) **In APA-4, APA-5, or APA-6, every application shall demonstrate compliance with height restrictions in this Subdivision.**

Section 27-548.42(b) of the Zoning Ordinance states:

- (b) **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 FAR Part 77.**

Conformance with this requirement will be further evaluated at the time of detailed site plan (DSP), when buildings are proposed. Prior to signature approval of the DSP, the applicant will be required to complete a Federal Aviation Administration Form 7460-1 and submit it to the Maryland Aviation Administration (MAA), and subsequently provide evidence that the project complies with FAR Part 77. If MAA identifies an issue, then the plan shall be revised to reduce or eliminate any perceived obstruction identified by MAA.

Section 27-548.43(b)(2) of the Zoning Ordinance requires the following:

- (2) **Developments without a homeowners' association: A disclosure clause shall be placed on final plats and deeds for all properties 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.**

The final plat shall note the site's proximity to a general aviation airport and disclosure notices shall be provided in accordance with the notification requirements of Section 27-548.43.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the land use recommendation of the sector plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM concept letter and plan (54058-2021-00) were submitted with this application. The approved SWM concept plan shows the use of eight micro-bioretenment areas across the site and one underground storage vault. No further information is required regarding SWM with this application.

Development of the site, in conformance with SWM concept approval and any subsequent revisions, ensuring that no on-site or downstream flooding occurs, satisfies the requirement of Section 24-130 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS was reviewed and evaluated for conformance with the requirements and recommendations of Plan 2035, the sector plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities.

There are no parcels recommended for future parks near the subject property within the sector plan.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the density of the residential portion of the development, 15 percent of the net lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.07 acre. However, mandatory dedication of parkland is not appropriate due to the size and location of the subject property.

The subject property is not adjacent to any existing M-NCPPC-owned parkland. Public parks in the surrounding area include Berwyn Park, Lakeland Park, Paint Branch Stream Valley Park, and Lake Artemesia, which is approximately one to two miles north and east of the property.

In accordance with Section 24-135(b) of the Subdivision Regulations, on-site recreational facilities may be approved by the Prince George's County Planning Board provided that the facilities will be superior or equivalent to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and his heirs, successors, and assignees.

The general notes on the PPS indicate that the applicant has opted to meet the mandatory dedication of parkland requirement by providing on-site recreational facilities for the proposed residential development. The PPS provides a list of proposed/conceptual recreational facilities, which include a fitness space, leasing/amenity space, an additional amenity space, a courtyard, and a terrace, but does not specify the recreational facilities proposed in the "amenity space." The applicant's response letter, dated April 28, 2022, also includes a bocce ball court in the proposal. Leasing space and other essential services to residents are not considered recreational amenities. The details of the on-site recreational facilities shall be reviewed for adequacy and proper siting, in accordance with the *Parks and Recreation Facilities Guidelines*, with the review of the DSP.

The PPS is in conformance with the applicable sector plan and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the sector plan, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the Subdivision Regulations to provide the appropriate transportation facilities.

Conformance with Applicable Plans

Sector Plan Right of Way

The subject site is along US 1 (Baltimore Avenue, MC-200), which has a variable width ultimate right-of-way of 88–92 feet established with the sector plan. The PPS shows an existing right-of-way of 90 feet along US 1 and proposes to dedicate 1,098 square feet of additional right-of-way to meet the sector plan's ultimate right-of-way. The subject property also has frontage along Quebec Street, which is not designated as a master plan roadway. Access to the site will be provided along Quebec Street.

Master Plan Pedestrian and Bike Facilities

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

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 (page 10).

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities* (page 10).

The subject property fronts the recommended master planned bicycle lane along US 1. The sector plan also proposes bicycle lanes along US 1, as an interim facility, until a cycle track is constructed (page 141).

The following policies and strategies are provided in the sector plan for pedestrian and bicyclist facilities:

Land-Use and Transportation Linkage

Policy 1: Improve bicycle, pedestrian, and vehicular accessibility throughout the internal street network and to US 1 and Rhode Island Avenue by filling in missing linkages and ensuring the internal network is bicycle- and pedestrian-friendly through appropriate design, including traffic calming techniques (page 135).

Bicycle Parking

Policy 2: Facilitate bicyclists along the entire corridor and through development so that bicycle routes are enhanced or established (page 141).

The above policies, strategies, and recommendations all support a multimodal community. Per the area sector plan (page 260), the frontage along US 1 should include a 4.5- to 6-foot-wide landscape strip, a 6.5-foot-wide cycle track, and a 5- to 8-foot-wide sidewalk. The right-of-way along the property's frontage will accommodate these facilities. All streetscape amenities described in the sector plan (page 264) shall be provided along the property frontage of US 1.

Analysis of Traffic Impacts

The applicant submitted a full traffic impact analysis. This study is used as the basis for a determination of adequacy.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property was evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service E, with signalized intersections operating at a critical lane volume of 1,600 or better.

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

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual*

(Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

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

The trip generation was estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines). The table below summarizes trip generation in each peak-hour that was used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 4-21039 EcoGrads								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Apartments (garden and mid-rise, Prince George’s County)	123	unit	13	51	64	48	26	74
Strip Retail Plaza (<40k) (ITE-822)	2.5	ksf	7	5	12	14	15	29
Pass-by			-4	-3	-7	-8	-9	-17
Total Trip Cap			69			86		

The traffic generated by the PPS would impact the following intersections in the transportation system:

- US 1 and MD 430 (Greenbelt Road) (signalized)
- US 1 and Berwyn Road (signalized)
- US 1 and Quebec Street (unsignalized)
- US 1 and Berwyn House Road (signalized)
- US 1 and Melbourne Place (signalized)
- US 1 and Lakeland Road (Signalized)
- Quebec Street and Site Access (proposed unsignalized)

Existing Traffic

The critical intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 1 and MD 430 (Greenbelt Road)	661	1267	A	C
US 1 and Berwyn Road	703	1052	A	B
US 1 and Quebec Street *	18.0 *	29.7 *	-	-
US 1 and Berwyn House Road	594	901	A	A
US 1 and Melbourne Place	564	881	A	A
US 1 and Lakeland Road	588	800	A	A
*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

The Maryland State Highway Administration (SHA) is currently constructing improvements along US 1 from College Avenue to MD 193, including bicycle and pedestrian improvements, which are considered in the traffic study. The improvements are included in the 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program.” None of the critical intersections identified above are programmed for improvements with 100 percent construction funding within the next six years in the Prince George's County “Capital Improvement Program.”

The traffic study identified 27 background developments whose impact would affect some or all of the study intersections. In addition, a growth of half percent over six years was also applied to through traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 1 and MD 430 (Greenbelt Road)	760	1357	A	D
US 1 and Berwyn Road	920	1311	A	D
US 1 and Quebec Street *	12.1*	20.2 *	-	-
US 1 and Berwyn House Road	741	1177	A	C
US 1 and Melbourne Place	680	1092	A	B
US 1 and Lakeland Road	719	1026	A	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Total Traffic

The critical intersections identified above, when analyzed with 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 and PM)		Level of Service (LOS, AM and PM)	
US 1 and MD 430 (Greenbelt Road)	764	1370	A	D
US 1 and Berwyn Road	946	1321	A	D
US 1 and Quebec Street *	13.1 *	24.7 *	-	-
US 1 and Berwyn House Road	752	1221	A	C
US 1 and Melbourne Place	692	1104	A	B
US 1 and Lakeland Road	731	1038	A	B
Quebec Street and Site Access *	8.9 *	9.0 *	-	-
*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.				

Alternative Intersection Analysis

The traffic study considered an alternative analysis for the intersection of US 1 and Quebec Street, to evaluate adequacy in the case that the subject development is constructed and occupied prior to the completion of the US 1 improvement at Quebec Street. The alternative intersection analysis was conducted for US 1 at Quebec Street using existing lane configurations with background and total volumes.

ALTERNATIVE TRAFFIC CONDITIONS				
Intersection (with existing lane configuration)	Delay			
	Background Traffic Volumes		Total Traffic Volumes	
US 1 and Quebec Street *	AM	PM	AM	PM
	16.0 *	26.7 *	19.0 *	45.0 *
*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.				

Based on the vehicular traffic analysis above, all critical intersections will operate at acceptable levels per the sector plan area, which requires that the critical lane volume be averaged, as indicated by the following standard: “Within the Central US 1 Corridor Development District, the transportation facilities adequacy standard shall be Level of Service E, based on the average peak period levels of service for all signalized intersections in three designated segments of the Central US 1 Corridor.” The identified critical intersections result in an acceptable average level of service in both peak periods and meet these standards.

Analysis of Bicycle and Pedestrian Impacts

The subject property falls within the Central US 1 Corridor and therefore, is subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.”

The applicant submitted a bicycle and pedestrian impact statement (BPIS) dated May 12, 2022, to evaluate bicycle and pedestrian adequacy and has established an off-site improvement cost cap of \$44,745 per Section 24-124.01(c) of the Subdivision Regulations.

Off-Site Adequacy

The applicant’s BPIS proffers include several off-site improvements that are within the projected cost cap which include the following:

1. Provide funding and install D-3 and street name blade signs for both the Paint Branch Trail and Trolley Line Trail in coordination with all relevant reviewing agencies for appropriate signing messages.
2. Install sharrows, if appropriate and where desired, along Pontiac Street.
3. At the time of DSP, evaluate the feasibility of installing a bus stop sitting wall for the bus stop along the site frontage, given that this improvement is beyond a typical frontage improvement for a bus stop.

The BPIS off-site improvements were found acceptable, with the exception of the improvement provided in No. 3, given that this improvement will require a feasibility evaluation with a later application and may require the acquisition of off-site property to construct this facility. In

accordance with Section 24-124.01(c), adequacy of pedestrian and bikeway facilities shall be conducted for any development requiring a subdivision, and furthermore, Section 24-124.01(e)(2) of the Subdivision Regulations indicates that the applicant shall not be required to acquire additional land to facilitate pedestrian and bicycle facilities.

In addition, the BPIS indicated that the City of College Park recommended the use of sharrows along Quebec Street. However, the BPIS study indicates that the right-of-way along Quebec Street is not sufficient to accommodate sharrows. As an alternative, the applicant shall provide four “Share the Road” signs within the right-of-way of Quebec Street, consistent with the City’s recommendations for a shared roadway along Quebec Street. “Share the Road” signs along Quebec Street will enhance bicycle connectivity in the area and will be within the cost cap for the development, consistent with other BPIS improvements proposed in other developments in the Central US 1 Corridor.

On June 14, 2022, the applicant met with the City and staff to further discuss the BPIS improvements. The City indicated in the meeting that new wayfinding signs, as provided in BPIS improvement No. 1 for Paint Branch Trail and Trolley Line Trail, have been planned for implementation by other agencies. The City also indicated that the use of “Share the Road” signs along Quebec Street will not be beneficial given the short distance and limits of Quebec Street. As such, the City proposed an additional recommendation to improve pavement markings and striping along the Trolley Line Trail, between Greenbelt Road and Berwyn House Road, to offset future pedestrian and bicycle impacts.

On June 15, 2022, the applicant submitted an addendum to the BPIS to evaluate the feasibility of the following improvements:

1. Install and/or upgrade pavement marking along College Park Trolley Trail, between Greenbelt Road and Berwyn House Road.
2. Install sharrows along Pontiac Street.

The BPIS addendum indicates that improvement No. 1, listed above, includes 11,700 linear feet of 4-inch-wide yellow and white pavement markings along a 3,250-linear-foot length of the College Park Trolley Trail. This improvement is estimated to cost \$16,380. The supplemental BPIS also included the original installation of four sharrows along Pontiac Street, which is estimated at \$900. The off-site improvements provided in the BPIS addendum are within the cost cap and are acceptable.

On-site Adequacy

On-site pedestrian and bicycle adequacy facilities are also required pursuant to Section 24-124.01(b) of the Subdivision Regulations. The BPIS indicates that the internal sidewalk network will be constructed per Prince George’s County standards and will provide interconnectivity between the site and US 1/Quebec Street. The applicant shall provide both short- and long-term bicycle parking facilities and provide a sidewalk on Quebec Street abutting

the subject site of at least 5 feet wide. Details of on-site and frontage improvements shall be provided as part of the DSP submission.

The PPS reflects two concrete sidewalks as existing along the site's frontage with US 1; a 4-foot-wide sidewalk immediately behind the curb, and a 6-foot-wide sidewalk set back approximately 11 feet from the first sidewalk and labeled as being constructed under SHA Contract PG-6245171R. However, the 6-foot-wide sidewalk is not currently in place. The PPS shall be revised to correctly reflect that the 6-foot-wide sidewalk is proposed under SHA Contract PG-6245171R. The sector plan recommends a 5- to 8-foot-wide sidewalk along US 1 within the public right-of-way in this area (pages 109 and 260), and therefore, the proposed 6-foot-wide sidewalk is in conformance with the sector plan. The applicant does not propose to revise the sidewalk from the design approved under the SHA contract. A public use easement is required for the proposed public sidewalk along the property's frontage with US 1, and the required 5-foot-wide sidewalk along Quebec Street, for any portion of the sidewalk that is not located in the public right-of-way.

Demonstrated Nexus

The required off-site pedestrian facilities and improvements will improve pedestrian and bicycle movement in the immediate vicinity of the subject property, while also complementing nearby existing development.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the required off-site facilities and improvements for the development and nearby destinations.

Regarding pedestrian and bicycle analysis, the subject PPS provides sufficient right-of-way to facilitate the sector plan recommended facilities for US 1, which includes a 6.5-foot-wide bicycle lane and a minimum 5-foot-wide sidewalk separated by a 2-foot-wide buffer. The final dimensions and design of these facilities would be per the applicable standards of the appropriate operating agency with maintenance responsibility. The applicant shall provide pedestrian improvements along Quebec Street and connections from the site to facilities on all of its' frontages. The details of these improvements, the approved amenities, and facilities to support the policies of the MPOT, area sector plan, and Section 24-124.01 shall be provided as part of the future DSP submission.

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

10. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Schools Facility Regulations for Schools*. Per Section 24-122.02 (a)(2) of the Subdivision Regulations, the PPS is considered adequate when the future student enrollment does not exceed 105 percent of the state rated capacity. The subject property is located within Cluster 2, as identified in the *Pupil Yield Factors and Public-School Clusters 2020 Update*. An analysis was conducted and the results are, as follows:

	Affected School Cluster		
	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Multifamily (MF) Dwelling Units	123 DU	123 DU	123 DU
Pupil Yield Factor (PYF) – Multifamily (MF)	0.162	0.089	0.101
MF x PYF = Future Subdivision Enrollment	20	11	12
Adjusted Student Enrollment 9/30/19	22,492	9,262	9,372
Total Future Student Enrollment	22,512	9,273	9,384
State Rated Capacity	19,425	7,121	8,494
Percent Capacity	116%	130%	110%

Per Section 24-114.01, School Planning Capacity Analysis, of the Subdivision Regulations, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities, it is not a condition of approval for a subdivision.

Section 10-192.01 School Facilities Surcharge

Section 10-192.01 of the County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located between the Capital Beltway and the District of Columbia; thus, the surcharge fee is \$10,180 per dwelling.

Section 10-192.01(c)(2)(A) states that the school facilities surcharge under this section does not apply to a dwelling unit that is a studio apartment or an efficiency apartment if the dwelling unit is located: Within the Regional Transit Districts and Local Centers (Growth Policy Areas), as defined in Plan 2035, including the area of the sector plan. The applicant did not provide a breakdown of the number of each type of unit proposed within the 123 total units. Should the applicant propose studio or efficiency apartments as part of this project, the school facilities surcharge will not apply to those units, however, the surcharge will apply to all other multifamily dwelling units.

This fee is to be paid to Prince George’s County Department of Permitting, Inspections and Enforcement at the time of issuance of each building permit.

Per Section 24-122.02, CR-23-2001 and CR-38-2002, and the *Amended Adequate Public Schools Facility Regulations for Schools*, the commercial component of the development is exempt from a review for school impacts because it is a nonresidential use.

11. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities were found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated April 28, 2022 (Perry to Gupta), incorporated by reference herein.

Conformance with Applicable Plans

This PPS was reviewed for conformance to the sector plan in accordance with Section 24-121(a)(5). The sector plan provides goals and policies related to public facilities (pages 151–163). However, these are not specific to the subject site or applicable to the development. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed or designated on the subject property by the sector plan. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities. This master plan does not identify any location on the subject property for upgrades to existing facilities or construction of new facilities.

12. **Use Conversion**—The total development included in this PPS is for 123 multifamily dwelling units and up to 2,300 square feet of commercial use in the M-U-I Zone. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings will require approval of a new PPS, prior to approval of any building permits.
13. **Public Utility Easement**—Section 24-122(a) requires that 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-foot-wide along both sides of all public rights-of-way but the applicant does not propose to provide the easements along the public rights-of-way fronting the subject site. In order to be allowed to do so, the applicant needs to obtain a variation from this requirement. The subject site fronts on public rights-of-way to the west along US 1, to the north along Quebec Street, and to the east along an unnamed 15-foot-wide public alley. The applicant filed a variation request from Section 24-122(a) for provision of PUE along these public rights-of-way, and is further discussed below. However, Section 24-122(a) does not require that a PUE be provided alongside public alleys. Therefore, no action is required for the variation request for provision of PUE along the 15-foot-wide public alley.

Variation from Section 24-122(a)

The PPS approves a variation to not provide a PUE contiguous to US 1 and Quebec Street. Section 24-122(a) 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.**

The standard requirement of the public utility companies is to provide a 10-foot-wide PUE along all public roadways. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests, 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;**

Ten-foot-wide easements for public utilities are required along both sides of all public rights-of-way to ensure that utilities will be able to serve the subject site and surrounding development. However, the applicant does not propose to provide the easements along the public rights-of-way fronting the subject site. The subject property abuts US 1 (west side of the property), Quebec Street (north side of the property), and a public alley (east side of the property). The public rights-of-way for US 1 and Quebec Street have been improved, and all utilities required to serve the development currently exist within the rights-of-way of these public streets. The existing utilities located within the streets will be extended to serve the mixed-use building proposed in this PPS. The omission of the PUEs along US 1 and Quebec Street will have no impact on the utilities already provided and available for this development, and to surrounding developments. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to others or other property.

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

The conditions on which the variation request is based, are unique to the site. The site is limited in size and constrained by existing development on all four sides. The site abuts US 1 and Quebec Street to the west and north respectively, and a public alley to the east. All rights-of-way are improved with the exception of the public alley. The applicant proposes to improve a portion of the public alley to serve as an access for the development. All necessary utilities that normally would be provided within a PUE are provided in the existing rights-of-way of US 1 and Quebec Street. In addition, the development of this site is guided by the sector plan, which contains site specific design criteria. This site is envisioned to be designed for walkable mixed-use commercial development, which orients buildings along street frontages. The site will be designed in accordance with these design criteria, with building fronts oriented toward the public streets. However, the location of buildings, streetscape requirements, and sidewalks along street frontages limits the available area for PUEs. Therefore, the utilities required to serve the proposed development will be extended from their location within the rights-of-way of existing streets. Given the site design criteria generated by the sector plan, the conditions on which the variation is based are unique to this property.

A Dry Utilities Plan submitted as an exhibit, and incorporated by reference herein, shows the location of existing dry utilities for the proposed development. In the exhibit, the existing utilities running within the public rights-of-way of US 1 and Quebec Street will be extended to serve the subject site.

The subject property fronts on public rights-of-way for which utilities have already been established and will not serve any additional properties in future; these factors are unique to the subject property and not generally applicable to other properties.

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

The variation does not constitute a violation of any other applicable law, ordinance, or regulation. More specifically, the variation will facilitate the development of the property as envisioned by the sector plan. The approval of a variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this PPS and variation request for the location of PUEs was referred to the affected public utility companies and the municipality of the City of College Park, and none opposed the variation request. No other law, ordinance, or regulation was found that would be impacted by this request.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The site is small, just over half acre in size, and is surrounded by public streets and existing development on all four sides. This limits the ability to expand the land area available for development. In addition, the property's frontage along US 1 and Quebec Street contains all required utilities within their rights-of-way. Strict adherence to this regulation will require placing a 10-foot-wide PUE along the north and west sides of the property, which would leave superfluous undevelopable area.

The existing development pattern in the neighborhood, and the existing utility locations available to the subject site constitute the particular physical surroundings applicable to this property. The requirement to provide additional 10-foot-wide PUEs along US 1 and Quebec Street would impede on the ability to provide the streetscape envisioned by the sector plan. In addition, the PUEs would serve no additional purpose, since utilities have already been established. These factors create a particular hardship to the owner in meeting the standard requirement.

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

The site is not located in any of the listed zones. Therefore, this criterion does not apply.

Based on the proceeding findings, the variation from Section 24-122(a) for provision of PUE, along the public rights-of-way of US 1 and Quebec Street, is approved. However, Section 24-122(a) does not require that a PUE be provided alongside public alleys. Therefore, no action is required for the variation request for provision of PUEs along the 15-foot-wide public alley.

14. **Historic**—The sector plan includes goals and policies related to historic preservation (pages 193-201). However, these are not specific to the subject site or applicable to the PPS.

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 designated Prince George's County historic sites or resources.

15. **Environmental**—This PPS was accepted on March 30, 2022. Comments were provided to the applicant at the SDRC meeting on April 15, 2022. Revised plans and documents were received on April 28, 2022. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
N/A	NRI-003-2022	Staff	Approved	01/19/2022	N/A
N/A	S-001-2022	Staff	Approved	01/04/2022	N/A
4-21039	N/A	Planning Board	Approved	06-30-2022	2022-79

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.

Previously Approved Conditions

The PPS is for a site with no previously associated cases with conditions.

Plan 2035

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

Conformance with Applicable Plans

Sector Plan

The site falls within the Lower Midtown portion of the sector plan. The sector plan does not indicate any environmental issues associated with this property.

Countywide Green Infrastructure Plan

This property is not within the designated network of the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*.

The site has been entirely cleared, graded, and developed since at least 1993, according to aerial imagery available from PGAtlas.

Environmental Review

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-003-2022), which correctly shows the existing conditions of the property. The site is completely graded. No woodlands, specimen, champion, or historic trees are located on-site. This site is not associated with any regulated environmental features, such as streams, wetlands, 100-year floodplain, or associated buffers. The site is not within the primary management area.

Woodland Conservation

The site is exempt from the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO), because the property is less than 40,000 square feet and has no previous tree conservation plan approvals. A standard letter of exemption (S-001-2022) from the WCO was issued for this site, which expires on January 1, 2024. No additional information is required regarding woodland conservation.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Urban land-Woodstown complex (0-5 percent slopes) and Russett-Christiana-Urban complex (0-5 percent slopes).

No unsafe soils containing Marlboro clay were identified on or within the immediate vicinity of this property. However, unsafe soils containing Christiana complexes have been identified on-site. These unsafe soils are mapped on the northwestern corner of the site. However, no major geotechnical issues are anticipated.

Specimen, Champion, or Historic Trees

Approved NRI-003-2022 indicates that no specimen, champion, or historic trees have been identified on the subject property. No further information is required with this PPS.

Conclusion

Section 24-130(b)(5) of the Subdivision Regulations states “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25.” Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent practicable.

16. **Urban Design**—Conformance with the Zoning Ordinance is evaluated, as follows:

Conformance with the Requirements of the D-D-O Zone Standards of the Sector Plan

The subject site is governed by the D-D-O Zone standards approved with the sector plan and mixed-use development uses are permitted on the property, subject to the approval of a DSP. In accordance with the sector plan, D-D-O Zone standards replace comparable standards and regulations of the Zoning Ordinance where applicable. Whenever a conflict exists between the

D-D-O Zone standards and the Zoning Ordinance, or the 2010 *Prince George's County Landscape Manual* (Landscape Manual), the D-D-O Zone shall prevail. For development standards not covered by the D-D-O Zone, the Zoning Ordinance or Landscape Manual shall serve as the requirements, as stated in Section 27-548.21 of the Zoning Ordinance. Conformance with the regulations and standards of the D-D-O Zone will be further reviewed at the time of DSP.

The D-D-O has more than 40 pages of development standards focused on criteria including building form, architectural elements, sustainability, streets, and open space requirements. While conformance with these requirements will be evaluated at the time of DSP, the applicant should be particularly mindful now of the D-D-O development standards that define spatial relationships within the subject site and with the surrounding neighborhood. Special attention should be paid to development standards on lot coverage, building siting, parking, and streetscape elements.

Conformance with 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.**

Conformance with the 2010 Prince George's County Landscape Manual

This development is subject to the requirements of the Landscape Manual. The D-D-O Zone includes development district standards that replace many requirements of the Landscape Manual, and the project will be required to demonstrate conformance with the applicable development district standards and Landscape Manual requirements at the time of DSP.

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

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned LTO-E (M-U-I) are required to provide a minimum of 10 percent of the gross tract area in TCC. The subject site is 0.52 acre in size and will be required to provide a minimum of 2,275 square feet of the tract area in TCC. Conformance with this requirement will be evaluated at the time of DSP.

17. **City of College Park**—The subject property is located within the geographical boundary of the City of College Park. The PPS application was referred to the municipality for review and comments on March 30, 2022. The City provided the following comments in their memorandum (Schum to Gupta) on May 4, 2022:

1. Provide public access easements to the City, along US 1 and Quebec Street, for any sidewalk that is not located in the public right-of-way.
2. Provide public access easements, along the alley (located at the east side of the property), to the City for loading and access. The City does not support the vacation of the alley.
3. Staff recommends modifying the BPIS proposal to include:
 - a. Construction of a 10-foot-wide shared use path at the end of the paved section of Quebec Street to connect to 48th Avenue. This shared use path may need to serpentine to meet required grade requirements.
 - b. Installation of 4-5 U-shaped bicycle racks along US 1.
 - c. Removal of the seat wall.
4. Revise the traffic study to clarify if proposing renting by the bed or by the dwelling unit. The traffic study uses the Prince George's County Student Housing Trip Generation figure. However, if the proposed housing is to be rented by the unit (described as graduate student housing in the narrative) then the Prince George's County Apartments (garden and mid-rise) rates should be used.
5. At the time of DSP, demonstrate conformance with the TCC requirement (a minimum of 0.054 acre) on site.
6. City staff supports the PUE variation request.

Appropriate conditions are included to address City's Comment 1. In response to City's Comment 2, no public access easement is required to cover the alley, since this currently unimproved alley is platted for public use, which is to the benefit of the City given their municipal authority of publicly dedicated roadways. Comment 3 provides the City's recommendations for off-site bicycle and pedestrian improvements, and are considered in the Transportation finding, and included in appropriate conditions of approval of this PPS.

The traffic study was revised by the applicant in response to the City's Comment 4, to revise the proposed use on the property from student housing to unrestricted multifamily housing. Comment 5 will be addressed at the time of DSP.

A second memorandum was received from the City of College Park, dated June 22, 2022 (Schum to Shapiro), which summarized the City Council's unanimous vote at their meeting on June 21, 2022, to support approval of the PPS and the variation to waive the 10-foot PUE, with the following conditions:

1. Total development within the proposed subdivision shall be limited to uses which generate no more than 69 AM peak-hour trips and 86 PM peak-hour trips. Any development generating an impact greater than that shall require a new determination of the adequacy of transportation facilities and a new PPS.
2. The final plat of subdivision shall include right-of-way dedication of 50 feet from the centerline along US 1 to the State Highway Administration in accordance with the PPS.
3. Prioritize the following off-site bicycle and pedestrian improvements to satisfy Section 24-124.01 of the Subdivision Regulations, subject to the approval of the applicable agency and the cost cap:
 - a. Provide new or upgraded thermoplastic pavement markings along the Trolley Trail, from Greenbelt Road to Berwyn House Road. These shall include yellow centerline skip lines and white edge lines.
 - b. Provide sharrow lane markings along Pontiac Street.
 - c. Repaint approximately 22 sharrow lane markings along Berwyn Road between Baltimore Avenue and the train tracks.
4. At the time of DSP, the applicant shall provide an off-site bicycle and pedestrian facilities plan that illustrates the location, limits, specifications and details of the pedestrian and bicycle adequacy improvements approved with PPS 4-21039, consistent with the cost cap and Section 24-124.01 (f) of the Prince George's County Subdivision Regulations.
5. Prior to final plat, the applicant shall execute an agreement with the City of College Park for the construction and maintenance of improvements to the 15-foot-wide alley including pavement, a retaining wall and storm drain facilities.
6. Prior to Planning Board approval of the DSP, the applicant shall execute a Declaration of Covenants Agreement with the City that includes, at a minimum, the following provisions:
 - a. Provision of public access easements to the City for any sidewalk along Quebec Street and Baltimore Avenue that is not located in the public right-of-way.
 - b. Assurances that the property will be used for graduate student housing.
 - c. PILOT to City if the property becomes tax exempt.
 - d. Unitary management and condominium conversion requirements.
 - e. Acknowledgement of responsibility for maintenance of pedestrian light fixtures, landscaping, and sidewalks.

- f. Restrictions related to construction staging and hours of operation, if needed.
- g. If feasible, provision of an outdoor public art feature, which can be matched by City funds (up to \$15,000).
- h. Evidence of LEED SILVER or equivalent certification.

City's recommended Conditions 1 to 4 are similar to Conditions 2, 6, 9, and 8 of this resolution, respectively. City's recommended Condition 3 relates to off-site pedestrian and bicycle improvements, pursuant to Section 24-124.01. The BPIS did not evaluate the feasibility for this recommended improvement and further did not assess if this facility is within the cost cap. However, the applicant agreed to provide the improvement at the Planning Board hearing, subject to the cost cap. Condition 11 of this approval has been included to require that the applicant evaluate if this recommended improvement can be provided within the cost cap that was established in the BPIS, in addition to the improvements provided in Condition 9, prior to certification of the PPS.

City's recommended Condition 6a is similar to Condition 5b of this resolution, related to the requirement of a public use easement agreement with the City for public use of any portion of the sidewalk located on the subject property.

City's recommended Condition 5 relates to the public alley, for which the City is the operating agency. Any required agreement for the construction and maintenance of this alley would be between the City and the applicant, and would be addressed prior to the applicant obtaining their City permits. City recommended Conditions 6b to 6f pertain to operation, maintenance, and management issues which are not relevant to the PPS review, and are more appropriate as subjects of discussion between the applicant and the City. City recommended Conditions 6g and 6h pertain to design-related issues and will be addressed at the time of DSP.

18. **Referral to adjoining Municipalities**—The subject property is located within one mile of the geographical boundary of the City of Greenbelt and the Town of Berwyn Heights. The PPS application was referred to both the municipalities for review and comments on March 30, 2022. However, at the time of the Planning Board hearing, no comments were received from these municipalities.

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.

* * * * *

PGCPB No. 2022-79

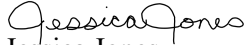
File No. 4-21039

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, June 30, 2022, in Upper Marlboro, Maryland.

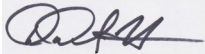
Adopted by the Prince George's County Planning Board this 21st day of July 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 19, 2022