PGCPB No. 06-42 File No. CSP-05005

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 16, 2006, regarding Conceptual Site Plan CSP-05005 for Post Park, the Planning Board finds:

1. **Request:** The conceptual site plan is for the purpose of rezoning the property from the C-S-C Zone to the M-X-T Zone to request an amendment to the use table, to request amendments to the mandatory development standards, and to provide for a conceptual plan of development of the property as a mixed-use development. The conceptual site plan proposes a development consisting primarily of residential development and a minor amount of retail.

2. **Development Data Summary**

	EXISTING	**PROPOSED**
Zone(s)	C-S-C	M-X-T
Use(s)	Vacant	Residential multifamily and retail
Acreage	6.806	6.806
Lots	1	1
Parcels	0	0
Square Footage/GFA	0	Residential—465,100 SF Retail—1,600 SF Total—466,700 SF
Floor Area Ratio (FAR)	0	1.58

3. **Location**: The subject property is identified as Subarea 10A of the Prince George's Plaza Transit District Overlay Zone. The site consists of approximately 6.8 acres of land in the C-S-C Zone and is located at the northeast corner of the intersection of East West Highway and Toledo Terrace.

4. **Surroundings and Use:** The property is located adjacent to the Northwest Stream Valley Park owned by M-NCPPC. To the north of the property is an existing multifamily development. To the east, across Toledo Terrace, is a check cashing facility and the Prince George's Plaza Shopping Center. To the south, across MD 410, are Home Depot and the Kiplinger building.

5. **Previous approvals:** The site has an approved Preliminary Plan of Subdivision, 4-03033. It was adopted through PGCPB Resolution No. 03-195 on October 16, 2003. That plan envisioned the site developed as a single parcel with a retail shopping center and four pad sites and was evaluated as such.

The CSP shows a general layout consistent with the approved preliminary plan of subdivision, a

single parcel with one access point onto MD 410 and one onto Toledo Terrace. Based on the Subdivision Section review of the conceptual site plan, we offer the following findings:

a. As noted, the approved preliminary plan shows a use and total gross floor area that is different from what has been proposed on the CSP.

b. The Prince George's Plaza approved Transit District Development Plan (TDDP) requires that sufficient information be submitted to determine that the preliminary plan is in compliance with all applicable mandatory development requirements and site design guidelines of the TDDP. It also requires the Planning Board to find that the preliminary plan is in conformance with all aspects of the TDDP and is in general conformance with the approved conceptual site plan (if one is required). These findings have been made for the commercial development proposed in 4-03033, but not for the residential use now proposed.

In addition, preliminary plans for residential development have additional criteria above and beyond that for commercial subdivisions that must now be evaluated:

a. Police, fire and rescue response times in accordance with the provisions of CB-56-2005.

b. Mandatory dedication for parks and recreation, which was not required for the previous nonresidential development.

c. Noise from MD 410 must also be addressed; it was not considered since a nonresidential use was proposed.

d. The impact, if any, on the approved Stormwater Management Concept Plan 461-2002-00.

Accordingly, this proposal should be conditioned upon the approval of a new preliminary plan of subdivision prior to the approval of a detailed site plan. This site had a preliminary plan approved for a commercial development that is no longer valid under the new proposal for residential development.

The site is also the subject of Detailed Site Plan DSP-03036, which was reviewed by the Planning Board and then remanded by the District Council back to the Planning Board. The order of remand states the following:

> **REMANDED to the Planning Board, to allow amendment of the detailed site plan to show a revised design and a change of proposed used on the subject property.**

This conceptual site plan is required prior to the review of the remanded detailed site plan because the application proposes rezoning of the property to the M-X-T Zone and because the proposed

M-X-T Zone requires a conceptual site plan. The detailed site plan is currently under review by the staff and is not scheduled for the same hearing date.

6. **Design Features:** The plan indicates a general massing of the main building on the site and a secondary building that appears to be approximately one-fourth the size of the main structure. Parking is shown as primarily structured, with some surface parking near the intersection of Toledo Terrace and MD 410. The retail component is proposed near the same intersection, on the first floor of the four-story building, with residential units above. The main entrance to the site is located off MD 410 and will serve the parking garage directly. A secondary entrance will provide access to the project from Toledo Terrace and will serve the small retail component.

7. The conceptual site plan proposes to rezone the property from the C-S-C Zone to the M-X-T Zone and is not in strict conformance with all of the mandatory development requirements. The Zoning Ordinance in Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, states the following:

> **(b) Property Owner.**
>
> **(1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's underlying zone, the list of the allowed uses, building height restrictions or parking standards in the Transit District Development Plan. The Planning Board may amend the parking provisions concerning the dimensions, layout, or the design of parking spaces or parking lots.** [Emphasis added.]

The section above allows the owner of a property to request a rezoning of the property and an amendment to the list of uses. The owner's representative has filed a request to rezone the property from the C-S-C Zone to the M-X-T Zone. Section 27-548.09.01(b)(5) states the following:

> **(5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit Development District Plan, and meets applicable site plan requirements.** [Emphasis added.]

The District Council has mandatory review of this project because the applicant is asking for a modification to two of the requirements that are only allowed if granted by the District Council. In regard to the rezoning and the change to the use table, the Planning Board provides a recommendation to the District Council.

8. Section 27-548.09.01 of the Zoning Ordinance requires an applicant requesting a rezoning in a TDOZ and a change to the allowed uses to demonstrate that the proposed development conforms to the purposes and recommendations for the Transit District as stated in the Transit District Development Plan (TDDP). The purposes of the TDOZ and the Prince George's Plaza Transit District are contained in Section 27-548.03 of the Zoning Ordinance and on page 9 of the TDDP. The purposes are stated below and following each is the applicant's justification:

(1) To enhance the development opportunities in the vicinity of transit stations;

The applicant provides the following discussion in the statement of justification:

> "The owner of the property has previously explored the possibility of developing Subarea 10A with commercial office and retail uses. Although commercial office and retail uses are feasible in this Subarea, the end result would conflict with the true intent of the TDDP for Subarea 10A. The intent of the TDDP for Subarea 10A is development of the property in a manner that creates a gateway into the transit district. This applicant believes that such a gateway can only be created through residential development. The main building being proposed as part of this residential community will consist of a combination of connected 4 story and 4 story with a basement in height structures and will meet the build-to lines set forth in the TDDP. This building, located 40 feet from East West Highway which incorporates quality and distinctive architecture and quality materials, will create the mass anticipated in the TDDP and therefore create the desired gateway for vehicles traveling East into the transit district. Similarly, as viewed traveling towards the West along East West Highway, the main building will contain similar distinctive architecture that, when combined with the second building that will be located in the northeast corner of Subarea 10A, will create a visual linkage between both buildings and a strong gateway image for the Subarea."

(2) To promote the use of transit facilities;

The applicant provides the following discussion in the statement of justification:

> "The proposed residential community is located within 1,600 feet of the Prince George's Plaza Metro Station. Further, the site is located between major Maryland and Washington, D.C., employment centers, which are accessible via the Metro transit system. The applicant believes that the development of a residential community at this site, within such a short distance of this Metro station, will promote use of the transit system by its future residents."

(3) To increase the return on investment in a transit system and improve local tax revenues;

The applicant provides the following discussion in the statement of justification:

"The location of a residential community within close proximity to the Prince George's Plaza Metro Station will promote the use of this transit facility by the future residents of this community, increase ridership and in turn increase revenue for the transit system. The proposed residential community will also add tax revenues to the local municipality."

(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;

The applicant provides the following discussion in the statement of justification:

"The applicant will be coordinating the development of the property with state and local agencies."

(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;

The applicant provides the following discussion in the statement of justification:

"The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP. In this case, the rezoning of the property as part of the conceptual site plan process will allow development of Subarea 10A in a manner that is more conducive to a changing market and to the proposed development of other Subarea in the transit district."

(6) To minimize the costs of extending or expanding public services andfacilities, by encouraging appropriate development in the vicinity of transit stations;

The applicant provides the following discussion in the statement of justification:

"Additional residential development within close proximity to the Prince George's Plaza Metro Station will encourage Metro ridership and in turn decrease the use of the surrounding road network. In addition, the proposed community will be in close proximity to the retail commercial uses located in Prince George's Plaza as well as those proposed for the University Town Center. The applicant will provide connections to the existing pedestrian network and therefore create an environment that encourages pedestrian traffic through the transit district."

(7) To provide mechanisms to assist in financing public and private costs associated with development;

The applicant provides the following discussion in the statement of justification:

"The applicant will be responsible for the construction of its road frontage improvements in conformance with Subtitle 23 of the Prince George's County Code as well as the requirements set forth in the TDDP. In addition, the applicant is proposing to construct stormwater management facilities on site that will be a benefit to the entire transit district. Many of the older properties in the transit district are exempt from current stormwater management regulations. Stormwater generated by these properties flows into Subarea 10A and continues across the Subarea and into the Northwest Branch Stream Valley Park. The uncontrolled discharge of stormwater into this park has eroded the stream. The applicant is proposing to control this discharge by installing a stormwater sewer main that will collect stormwater runoff from both the adjacent parcel (mall) and the MD 410 frontage and then discharge this stormwater back into the existing streambed at the western end of the site. Also, as part of this development, the developer is proposing to install stream stabilization measures in the offsite portion of the existing stream bed between the subject property's western property line and the Northwest Branch..

(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;

The applicant provides the following discussion in the statement of justification:

"The property is located within 1,600 feet of the Prince George's Plaza Metro Station. The applicant will provide connections to the pedestrian system within the TDOZ and therefore convenient access to the Metro station."

(9) To attract an appropriate mix of land uses;

The applicant provides the following discussion in the statement of justification:

"The applicant believes that the existing and proposed retail commercial uses in the TDOZ sufficiently address market demand in the transit district. For example, in the last few years, Prince George's Plaza has added over 160,000 square feet of retail commercial space. The applicant is proposing 1,600 square feet of commercial office/retail uses as part of this community. However, the applicant believes that this amount of retail can be supported by the residents of this community. Furthermore, this Subarea is located on western edge of the TDOZ adjacent to the Northwest Branch Stream Valley Park. The Applicant believes that given this Subarea's location next to this park, residential development is more appropriate than commercial development. The applicant is designing the community in such a way as to allow unobstructed views of this park for its residents from both the building and the common areas being proposed as part of the

detailed site plan. The location of this community next to the park has been a major factor in the overall design process. The applicant is proposing outdoor spaces for the community that will contain little or no transition to the park and so doing make the park an amenity for its residents."

(10) To encourage uses which complement and enhance the character of the area;

The applicant provides the following discussion in the statement of justification:

> "A detailed site plan will be submitted which will demonstrate that the residential community will, through the use of architecture, compliment other properties in the area that have been developed in conformance with the guidelines set forth in the Transit District Development Plan. In addition, the location and topography of this Subarea pose many development constraints, but this applicant sees the location and topography as a challenge that can provide unique opportunities through creative site design. As indicated above, the property is located adjacent to the Northwest Branch Stream Valley Park. The Applicant is designing the community to allow unobstructed views of this park for its residents. The Applicant is also proposing a pool and sitting areas along the boundary line with the park that will create a very pleasant experience for residents utilizing these amenities. The front of this community will be very urban in nature, but there will be a significant transition into a wooded and natural environment created by the location of the community next to the park."

(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and

The applicant provides the following discussion in the statement of justification:

> "The detailed site plan will demonstrate that the proposed community will comply with and exceed the site design guidelines. The main building located along East West Highway will meet the build-to line requirements and the southeast corner of this building will contain the proposed retail component of the community as well as amenities such as a club or community room, fitness center and business center that will be designed with store front features to help create a more urban appearance for the community and provide an active presence along the East West Highway facade."

(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.

The applicant provides the following discussion in the statement of justification:

> "This community will be designed in a manner that reflects the applicant's desire to provide the high quality architecture and landscaping that has become a trademark associated with the Post name. Although it is the applicant's desire to design buildings that will be distinctive and unique to the TDOZ, the design will compliment other proposed and existing development in the transit district. One of the ways this will be

accomplished is through compliance with the TDDP requirements such as to the build-to line, streetscape and parking lot screening. These elements of the proposed community will make it more attractive and provide a sense of continuity with other development in the transit district.

"In addition to the general purposes of the TDOZ contained in the Zoning Ordinance, the purpose of Subarea 10A is stated on page 115 of the TDDP, which states:

"To provide additional office space adjacent to the existing low-rise office at the intersection of Toledo Terrace and East West Highway and provide building mass to create a gateway into the transit district. "

The applicant provides the following discussion in the statement of justification:

"Although the applicant's proposal will not comply with the TDDP's purpose of providing office space in Subarea 10A, the applicant's proposal will create a building with such mass and design that it will be a gateway into the TDOZ for those traveling East on East West Highway into the transit district. This will be achieved by complying with, and in some cases, exceeding the Mandatory Development Requirements of the TDDP. The applicant is proposing a building that will range from 4 stories to 4 stories with a basement and will comply with the build-to line of 40 feet. The applicant, through the use of low walls and landscaping, will screen the views of all parking areas from East West Highway as well as Toledo Terrace. In addition, most of the required parking will be located in an internal structured parking garage that will not be visible from East West Highway or Toledo Terrace. It is the applicant's intent to define Subarea 10A as the gateway for the Prince George's Plaza TDOZ through the use of architecture, site design and landscaping."

Comment: Staff agrees with the applicant in regard to the discussion above in relationship to the justification for rezoning the property to the M-X-T Zone. The TDDP sets forth a vision for the development of the transit district that includes the subject property developed as a gateway site into the most western edge of the transit district. The zoning of the property in 1992 was C-O, commercial office. In 1998, with the adoption of the most current plan for the transit district, the property was rezoned C-S-C in an attempt to create an office retail mixed-use development. However, the table of uses did not allow for the development of the site in accordance with the purpose stated in Subarea 10A because the use list did not include the development of an office building with retail at the first floor. Therefore, the development of the property as primarily residential, with convenience retail on the site for use by the residents, is appropriate if the building is designed as a building mass that will provide a visual definition of the transit district. The detailed site plan should include features that contribute to the identification of the transit district, such as flagpoles within a plaza, or other vertical features that will contribute to a sense of place.

9. In regard to the applicant's request to change the table of uses for the subject property, the applicant submits the following discussion in letter dated January 25, 2006, Lynch to Lareuse:

"As you know, CSP-05005, contains an amendment to rezone Subarea 10A from the C-S-C Zone to the M-X-T Zone. The intention of this rezoning is to allow a multifamily development and associated commercial development to occur in the Subarea. However, this does not overcome the additional restrictions contained in the Table of Uses for Subarea 10A. In light of this, I would respectfully request that Table 17 to the TPPD be amended to include Subarea 10A and that "multifamily dwelling" be added to the residential use category as allowed in Subarea 10A. We would also request that Table 16 be revised to reflect that those uses permitted in Subareas 2, 3 and 5 are also permitted in Subarea 10A.

"I believe this amendment further reflects the development proposal contained in the pending conceptual site plan for Subarea 10A and creates consistency between Subarea 10A and the other M-X-T zoned property in the Transit District."

Comment: Staff agrees with the applicant's approach to the amendment to the use tables for this case. Table 16 is designed to address commercial zoning within the transit district and Table 17 is designed to address the M-X-T-zoned properties within the transit district. If the request for rezoning is approved, then it is appropriate that the subject property be transferred from Table 16 to Table 17. It should be noted that Table 17 does refer to multifamily dwellings as a permitted use; however, the reference to regulations within other residential zones is confusing and nonsensical from a regulation standpoint, and therefore, the request for a new designation of multifamily is reasonable.

Required Findings for a Conceptual Site Plan in the Transit District Overlay Zone as Stated in the Transit District Development Plan

10. **The Transit District Site Plan is in strict conformance with any Mandatory Development Requirements of the Transit District Development Plan;**

The applicant has requested modifications from the development standards for this project. The conceptual site plan does not meet the following specific standards; however, the provision of a pedestrian/parking plaza located at the intersection of Toledo Terrace and MD 410 may be acceptable alternatives to the standards below and will be reviewed at the time of detailed site

P1 **Unless otherwise stated within the Subarea Specific Requirements, each developer, applicant, and the applicant's heirs, successors and/or assigns, shall be responsible for streetscape improvements along the entire length of the property frontage from the building envelope to face of curb. (See Figures 7, 8 and 9. Toledo Terrace: 20-foot pedestrian zone; East West Highway: 40-foot pedestrian zone; Belcrest Road: 20-40 foot pedestrian zone.) These improvements shall be included as part of any application for building or grading permits, except for permits for interior alterations, which do not constitute redevelopment as defined in the previous chapter. No building or grading permits shall be issued without a Detailed Site Plan,**

which indicates conformance with the streetscape requirements of the TDDP. Construction of the streetscape improvements shall be in phase with development, or the construction schedule shall be determined at the time of Detailed Site Plan.

The applicant provides the following justification in letter dated January 12, 2006:

> "P1 requires a build-to line of 40 feet be established along East West Highway and 20 feet along Toledo Terrace. As noted on the conceptual site plan as well as in the Statement of Justification submitted in conjunction with this application, the building located along East West Highway is 630 feet in length. In order to break up this long building frontage, the applicant is proposing recessed areas and a courtyard. In the courtyard area, the building will be set back 171 feet from the face of curb of East West Highway. For the balance of the East West Highway frontage, the distance to the face of curb will vary. The shortest distance from the face of curb will be 27.7 feet and the longest distance will be 42.5 feet. This design will decrease the width of the landscape strip located within the pedestrian zone, but will add visual interest to the Subarea. This applicant therefore requests an amendment of P1 in order to accommodate this design."

Comment: The applicant requests a revision to the minimum build-to line requirements along East West Highway. In order to break up the 630-foot length of the building along East West Highway, the applicant proposes recessed areas and a courtyard. The courtyard will be set back 171 feet from the face of curb along East West Highway. For the balance of the East West Highway frontage, the distance to the face of curb will vary. The shortest distance from the face of curb will be 27.7 feet and longest distance will be 42.5 feet. While this design will decrease the width of the landscape strip located within the pedestrian zone, it will add visual interest to the frontage along East West Highway. Staff concurs with the applicant on this point and recommends approval of the request for a reduction in the build-to-line along East West Highway from 40 feet to 27.7 feet.

P3 No signs shall be located on a penthouse, chimney or other architectural accessory and/or decorative building features.

Comment: The applicant is proposing to install two identification signs on the canopy located on the southeast corner of the main building. P3 states, in part, that signs shall not be located on architectural accessories or decorative building features. However, one of the design goals of Post Park (as well as the TDDP) is to create a very urban feel for development in the transit district. The applicant believes that this proposed signage further enhances the urban impression of this community as well as the transit district. The applicant, therefore, requests an amendment to P3 of the TDDP to allow this signage. However, staff suggests that this issue be analyzed at the time of detailed site plan, when signage would normally be reviewed, and that the Planning Board and District Council review this request at that time.

P6 Unless otherwise noted, the term "parking" as used in these requirements, shall refer only to surface parking. Parking provided in or below a structure that is used, built or redeveloped for a use or uses approved under the provisions of this plan

shall be considered surface parking as used in these requirements. Unless stated otherwise in this plan, all existing County requirements relating to parking and loading as required by Subtitle 27, Part 11, of the Prince George's County Zoning Ordinance shall be applicable.

In the justification statement the applicant provides the following argument:

> "With regard to P6, the applicant is requesting an amendment or amendments to the TDDP relative to the location of the required loading facility and the standard width of the parking spaces being provided in the parking structures.
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> "The TDDP at page 38 states that parking and loading shall conform to the Zoning Ordinance. Section 27-579 of the Zoning Ordinance prohibits loading spaces and vehicular entrances thereto from being located within 50 feet of any Residential Zone. The proposed secondary loading spaces for Post Park will be located approximately 26 feet from the adjoining residential property. The access to these secondary spaces will be via the full access drive to the community located along Toledo Terrace. Although the proposed loading spaces and associated access will be located within 50 feet of the adjoining residential property line, they will be more than 200 feet from the multifamily structures located on that property. The loading spaces will be screened and not visible from the neighboring property, and given the distance and screening, there will be no impact on the health, safety and welfare of the residents of the adjoining property."

Comment: The applicant is referring to the provision of loading space within 50 feet of residential property, which is prohibited per Section 27-579(a). Staff recommends that this issue, along with the request for a reduction in the size of parking spaces within the parking structure, be further analyzed at the time of the detailed site plan when parking and loading facilities would normally be reviewed and that the Planning Board and District Council review a departure from design standards (DDS) request at that time.

P89 A minimum 30-foot-wide landscaped strip shall be provided along East West Highway (in accordance with Figure 30 on page 116).

The applicant provides the following justification in letter dated January 12, 2006:

> "P89 requires a 30-foot-wide landscape strip along East West Highway. As stated above, the building that fronts on East West Highway has been designed in a manner that breaks up its length. Portions of this building will extend into the landscape strip by 2.5 feet.
>
> The applicant believes that this minor variation to the width of the landscape strip is more than justified by the architectural interest created along the frontage of the property. The applicant therefore requests an amendment to P89 in order to accommodate this design."

Comment: The applicant requests an amendment to P89 since the building that fronts East West Highway has been designed in a manner that breaks up its length, whereby portions of this building extend into the landscape strip by 2.5 feet. The applicant believes this is a minor variation to the width of the landscape strip and is more than justified by the architectural interest created along the frontage of the property. Staff concurs with the applicant on this point.

P90 The existing trees within the 100-year floodplain shall be preserved.

The applicant provides the following justification in letter dated January 12, 2006:

> "P90 requires that trees located within the 100 year floodplain shall be preserved. I have attached for your review and reference a copy of a letter dated December 9, 2005, from Bohler Engineering to the Department of Environmental Resources requesting permission to fill approximately 1,000 square feet of the existing 100-year floodplain. This fill will result in the clearing of approximately 3,528 square feet of woodland in the 100-year floodplain. Given the fact that the property cannot be developed without this clearing, grading and filling, and given the minimal portion of the 100 year floodplain that will be impacted, the applicant would request that P90 be amendment [sic] to allow for the removal of trees within the 100 year floodplain. It should be noted that this is the identical amount of disturbance that was previously proposed for this site under DSP-03036. At that time, the applicant requested and the Planning Board approved the amendment to P90."

Comment: This mandatory requirement does not allow for any clearing of woodland within the limits of the 100-year floodplain. The plans as submitted propose such impacts to an area of 100-year floodplain on site. In a letter dated January 12, 2006, the applicant requested an amendment to this development standard. Permission from the Department of Environmental Resources to fill the 100-year floodplain on-site is required. No approval has been granted at this time.

The TCPI contains the following note:

> "If, during the review of the detailed site plan, evidence is provided that the Department of Environmental Resources has approved clearing and grading of the 100-year floodplain on the subject property, and the Planning Board approves disturbance to the 100-year floodplain, the limits of disturbance on the TCPII may reflect clearing of the 100-year floodplain on the subject property."

This note must be deleted and this issue dealt with in the proper order of approvals.

This issue is addressed in other recommended conditions with regard to the use of the 100-year floodplain; see discussion relating to P28 and P29 below.

P91 The preservation of existing woodland on Subarea 10B is required.

The applicant provides the following justification in letter dated January 12, 2006:

> "P91 requires the preservation of woodlands in Subarea 10B. Although Post Park will not be located in Subarea 10B, the applicant is proposing to restore the stream located in Subarea 10B that has been eroded as a result of the uncontrolled discharge of stormwater on to that property. As indicated in the Statement of Justification, many of the older properties in the transit district are exempt from current stormwater management regulations. Stormwater generated by these properties flows into Subarea 10A and continues across the Subarea and into the Northwest Branch Stream Valley Park (Subarea 10B). The uncontrolled discharge of stormwater into this park has eroded the stream. The applicant is proposing to control this discharge and restore this stream. The Environmental Planning Section correctly notes in their December 27th memorandum that an outfall and associated clearing and grading in Subarea 10B will be necessary in order to accomplish the proposed restoration. The applicant therefore requests that P91 be amended to allow the removal of woodland in Subarea 10B in order to accommodate this restoration project."

Comment: The tree conservation plan submitted does not currently show any clearing on the property to the west, known as Subarea 10B. It appears that at a minimum an outfall is needed along with associated clearing and grading onto the property to the west.

Because the adjacent property is owned by M-NCPPC, and as such is not subject to the TDDP, an amendment to this development standard is not required. However, if any clearing and grading is required on the publicly owned land, written permission shall be obtained and included on the TCPII.

Recommended Condition: At time of review of the Type II tree conservation plan, written permission shall be obtained for any clearing and grading to be conducted off-site and the verification of said permission shall be included on the TCPII.

S8 All property frontages shall be improved in accordance with figures 7, 8 and 9 in order to create a visually continuous and unified streetscape.

The applicant provides the following justification in a letter dated January 27, 2006:

> "In addition, I am requesting an amendment to S8. S8 incorporates the street section diagrams for Toledo Terrace, Toledo Road, East West Highway and Belcrest Road. As you know, the building that fronts on East West Highway does not comply with Figure 8 in that we do not comply with the build-to line. With this in mind, an amendment to S8 will be necessary in order to accommodate the proposed design of Post Park."

Comment: The conceptual site plan shows building bulk and indicates that the plan does not meet the build-to lines for East West Highway and Toledo Terrace. The applicant is agreeable to providing a plaza at the intersection of these two streets and, therefore, staff recommends approval of the request for relief from these requirements.

S62 Any building located at the corner of East West Highway and Toledo Terrace shall be designed with equal orientation to both rights-of-way. There shall be no surface parking lot located between the building and East West Highway.

The applicant provides the following justification in a letter dated January 12, 2006:

> "S-62 prohibits the location of parking between the proposed buildings and East West Highway. As indicated in the Statement of Justification filed in conjunction with this application, the applicant is proposing a small amount of short-term surface parking in the southeast corner of the property. This short-term parking is being proposed to accommodate customers of the retail component of Post Park, as well as potential visitors who do not have access to the parking structures. This parking area will be screened from East West Highway and Toledo Terrace through the use of a low wall and landscaping. In addition, the finished grade of the site will be such that this area will be at a slightly higher elevation than the pedestrian zone along East West Highway. This grade difference will help provide further screening of vehicles parked in this area. Applicant believes that once screened, this area will appear to be a plaza rather than a parking area and therefore help further enhance the urban character of the site. The applicant therefore requests an amendment to S-62 in order to accommodate this design."

Comment: The applicant states that "although the applicant's proposal will not comply with the TDDP's purpose of providing office space in Sub area 10A, the applicant's proposal will create a building with such mass and design that it will be a gateway into the TDOZ for those traveling east on East West Highway into the transit district. This will be achieved by complying with, and in some cases, exceeding the mandatory development requirements of the TDDP. The applicant is proposing a building that rages from four stories to four stories with a basement and will substantially comply with the build-to line of 40 feet. Through the use of low walls and landscaping, the applicant will screen the views of all parking areas from East West Highway as well as Toledo Terrace. It is the applicant's intent to define Sub Area 10A as the gateway for the

Prince George's Plaza TDOZ through the use of architecture, site design and landscaping."

The application indicates a surface parking lot between the building layout and East West Highway. This short-term parking is being proposed to accommodate customers of the retail component of Post Park, as well as potential visitors who do no have access to the parking structures. This facility is practical in one sense and does not appear to be a large surface that will detract from the appearance of the overall development. An alternative way of meeting S62 would be the provision of a plaza as a pick-up/drop-off area to create an open-air room at this corner that would minimize the nonconformance to standard P62 and would be subject to certain standards found on pages 36-38. Since the conceptual site plan has not been altered to suggest a pedestrian plaza with pick-up/drop-off area, this alternative option should be reviewed at detailed site plan.

11. The Community Planning Division and the Environmental Planning Section have provided comments on the plans in regard to conformance to the sector plan. The following is a discussion of conformance to the requirements of the TDOZ in which the applicant has not asked for relief:

P25 Any development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bioretention or other innovative water quantity or quality methods shall be used where deemed appropriate.

The applicant provides the following justification in letter dated January 12, 2006:

> "P25 requires water quality and quantity control in accordance with all Federal, State and County regulations. Bioretention or other innovative water quantity or quality shall be used where deemed appropriate. I have attached for your review and reference a copy of the Stormwater Management Concept Approval Letter dated October 2, 2005 as well as the Stormwater Management Concept Plan. Quantity control is being proposed through the use of a detention system, which will be located under the parking structure. The applicant believes that such a detention system is appropriate based upon the urban nature of the transit district. One of the alternatives would be to provide a stormwater management pond, which the applicant believes, would detract from the urban nature of Post Park. As part of the original concept for the property, the applicant was proposing "green roofs." Such a technique was feasible under the former proposal for the site since flat roofs were proposed as part of that retail center. The buildings associated with Post Park will not have flat roofs and will be stick built. It is therefore not feasible to install green roofs on these buildings. One of the major challenges associated with this property is controlling stormwater generated by other properties located in the transit district. The applicant is proposing to pipe this stormwater under the property and install devices to convey water onto Subarea 10B. Overall, the applicant is proposing to significantly improve the stormwater conditions in the transit district and given the quantity of stormwater that is at issue, the applicant does not believe that the innovative techniques are appropriate."

The Environmental Planning Section provides the following analysis:

The subject property has an approved stormwater management concept approval letter; SCD 461-2002-03, dated October 2, 2005. The concept includes the use of underground facilities for water quantity and a storm filter device for water quality. Neither of these methods is considered bioretention or innovative techniques. In addition, it appears that all of the up-stream water that enters this site is leaving the site untreated and uncontrolled. The up-stream water drains an area approximately 26 acre in size that is between 80 and 90 percent impervious surfaces. The end result will simply be that the stream impacts that have occurred on site (severe gouging and erosion) will occur downstream on properties owned by the Department of Parks and Recreation, instead of on site.

A letter dated January 12, 2006, states that:

> "The applicant is proposing to pipe this [the off-site stormwater] under the property and install devices to convey the water onto Subarea 10B. Overall the applicant is proposing to significantly improve the stormwater conditions in the transit district and given the quantity of stormwater that is at issue, the applicant does not believe that the innovative techniques are appropriate."

The plans submitted show the off-site stormwater being piped around the site with no control of quantity or quality. It is not clear how this results in any improvement to the existing situation. It will simply move the impacts off of the subject property and onto public land.

The development concept must be revised to show how the on-site conditions will not be repeated downstream and how innovative technologies have been used to reduce the downstream impacts of the new development. The use of innovative technologies on site will help to reduce the overall combined impact of the off-site water and the new development.

Recommended Condition: Prior to submission of the preliminary plan, a meeting shall be arranged by the applicant that will include staff from the Department of Environmental Resources and the Environmental Planning Section to discuss possible innovative stormwater management techniques to be implemented on site and to discuss the treatment of the off site runoff entering the subject property.

Recommended Condition: The preliminary plan of subdivision and the associated TCPI shall show the locations of innovative stormwater management techniques such as bioretention, stormwater recycling, green roofs or other techniques.

P28 Any new development or reconstruction of existing development shall be in conformance with the Prince George's County Floodplain Ordinance.

The applicant provides the following justification in letter dated January 12, 2006:

> "P28 requires that any new development or reconstruction of existing development conform with the Prince George's County Floodplain Ordinance. The applicant has submitted a floodplain study to the Department of Environmental Resources. As of the date of this letter, a determination has not been made by DER on that study."

The Environmental Planning Section provides the following analysis:

A floodplain study was not submitted with this application. The plan shows a small area of 100-year floodplain on site, with limited impact west of the subject property below the retaining wall. A floodplain verification from the Department of Environmental Resources is required. This information has been requested repeatedly during the review of previous applications and to date the floodplain study verification has not been provided.

According to the applicant a floodplain study has been submitted to the Department of Environmental Resources for approval. Because the conceptual layout of the site may need to be changed if the floodplain is larger than is currently shown, this information is needed prior to certification of the CSP.

Recommended Condition: Prior to certification of the conceptual site plan, a copy of the approved floodplain study shall be submitted and a note shall be added to the CSP stating the study number.

P29 No development within the 100-year floodplain shall be permitted without the express written consent of the Prince George's County Department of Environmental Resources.

The applicant provides the following justification in letter dated January 12, 2006:

> P29 prohibits development within the 100-year floodplain without the express consent of the Prince George's County Department of Environmental Resources. As stated above, the applicant filed the attached request with DER. As of the date of this letter, DER has not made a determination on that request."

The Environmental Planning Section provides the following analysis:

A request has been submitted to the Department of Environmental Resources for filling in the floodplain, dated December 5, 2005. To date, a response has not been provided by DER. If permission from DER is not obtained, the conceptual layout of the project will change substantially, so the approval from DER must be obtained prior to certificate approval of the CSP.

Recommended Condition: Prior to certificate approval of the conceptual site plan, written authorization from the Department of Environmental Resources to allow disturbances to the floodplain shall be submitted. A preliminary plan shall not be heard by the Planning Board until

this permission has been obtained from DER.

P32 If impacts to nontidal wetlands are proposed, a State Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required form the Maryland Department of the Environment.

The Environmental Planning Section provides the following analysis:

Recommended Condition: Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

P33 Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 65 dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submittal, the Natural Resources Division shall determine if a noise study is required based on the delineation of the noise contour.

P34 If it is determined by the Natural Resources Division that a noise study is required, it shall be reviewed and approved by the Natural Resources Division prior to approval of any Preliminary Plat of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use traffic volumes at LOS E and include examination of appropriate mitigation techniques and the use of acoustical design techniques. Further more, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required.

The applicant provides the following justification in letter dated January 12, 2006:

> "P33 requires that the 65 dBA (Ldn) noise contour should be on the conceptual site plan. The applicant has revised the conceptual site plan to show the unmitigated 65 dBA line. Attached hereto please find the noise study prepare for Post Park upon which this 65 dBA noise contour is based.
>
> "P34 requires the submission of a noise study if requested by the Natural Resources Division. As indicated above, the applicant has prepared and will submit a Phase I Noise Study. The applicant is filing with this letter a copy of its noise study.

The Environmental Planning Section provides the following analysis:

The subject property abuts East West Highway (MD 410), an arterial roadway that is a source of noise levels above the state noise standards. A noise study, stamped as received on January 13,

2006, was revised and staff agrees with the findings. The CSP as submitted shows the location of the 65 dBA Ldn unmitigated, first floor noise contour as required.

It is not clear from the plans submitted where the outdoor activity areas will be located. During the review of future plans, outdoor activity areas must be identified so that this analysis can be made. It is clear that the buildings closest to the noise sources will provide some shielding affects. In addition, the noise study states that: "A refined acoustical analysis is needed to evaluate shielding effects to other impacted buildings, which is out of the scope of this analysis." A Phase II noise study is needed to determine what areas of the site are in need of additional noise mitigation.

Indoor noise levels will need to be mitigated through the use of specific building materials that are not the standard building materials used in residential construction. At the time of building permit issuance, certification from an engineer with expertise in this area is necessary to ensure that the interior noise levels are 45 dBA Ldn or less.

Recommended Condition: At the time of preliminary plan review, all outdoor activity areas shall be designated on the plans. A Phase II noise study shall be submitted with the initial plan submittal package that addresses noise mitigation for the outdoor activity areas and necessary building materials to mitigate indoor areas.

Recommended Condition: Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

S14 (and S61) Architecture shall be high quality, enduring and distinctive.

Comment: Conceptual architectural renderings appear to meet standards S61 and S14, however, architectural elevations and building materials information need to be specified and evaluated by the staff at detailed site plan.

S17 All parking lots shall, in general, be located behind buildings, and shall not occupy more than 33 percent of the frontage of any Subarea along a pedestrian street.

Comment: A surface parking lot on the east side of the proposed retail building places parking between the building and East West Highway as well as between the building and Toledo Terrace and occupies more than 33 percent of the frontage. There is 2,400 feet of actual street frontage

existing on Toledo Terrace, including a parking lot of 1,600 feet. An alternative way of meeting S62 would be the provision of a plaza as a pick-up/drop-off area to create an open-air room at this corner that would minimize the nonconformance to standard S17, below.

S18 (page 38, TDDP) All parking lots shall not extend beyond the build-to-line or project

beyond the front plane of adjoining buildings.

Comment: The surface parking lot located in the northwest quadrant of the intersection of Toledo Terrace and East West Highway projects beyond the front plane of the proposed four-story residential building's façade oriented to Toledo Terrace as well as projecting minimally beyond the front plane of the commercial property fronting East West Highway.

S19 (page 38, TDDP) All large surface parking lots (with more than 100 parking spaces) shall be segmented into smaller units, using methods of continuous internal green in conformance with the *Landscape Manual* Section 4.3(c)(5).

This standard does not apply since the parking being provided has fewer than 100 parking spaces. The plan shows 34 parking spaces.

S23 (page 38, TDDP) "All surface parking lots shall be screened from view of road ways by the use of both a low, opaque wall and an evergreen hedge (See figure 7), unless they are providing short-term parking for ten cars or fewer.

Comment: The plan indicates that 34 parking spaces are provided. Thus, since more than ten parking spaces are provided, a low wall and evergreens must be provided. The plan does not indicate either of the requirements of S23. These requirements will be reviewed at detailed site plan.

S33 Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George's Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George's County, with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch sub-watershed.

Comment: This site is subject to the Woodland Conservation Ordinance so this requirement does not apply. However, the mandatory development requirements suggest that the retention and creation of woodlands in the Anacostia watershed are important. The Type I tree conservation plan contains the following note: "All off-site mitigation shall be provided within the Anacostia watershed." No additional information is required with respect to this design standard.

S60 Views of surface parking from East West Highway and Toledo Terrace shall be screened with the use of low walls and evergreen hedges.

Comment: The applicant states, "Post Park has been designed to create a unique, urban appearance that is complimentary to other development in the transit district. For example, the commercial component of the community will be located in the southeast corner of the main building. This location was chosen in order to enhance the urban nature of the development, establish a lively street presence, and create a transition between the primary residential use of the community and the commercial uses located across Toledo Terrace and East West Highway from

the site."

Staff finds that the retail component of the Post Park conceptual site plan and the associated parking compound for this area could be improved by incorporating a parking plaza for short-term parking and a drop-off/pick-up area while expanding the area adjacent to the retail use to incorporate a pedestrian plaza. The combination parking plaza and pedestrian plaza would be subject to all of the development standards found on pages 36-38, particularly subject to the following standards: S15, S16, G16 G24, G26, G29, G30, G32, G33, G34, G36, and G38.

12. **The Transit District Site Plan is consistent with, and reflects the guidelines and criteria contained in the Transit District Development Plan;**

In regard to the site development, the Transit District conceptual site plan will be consistent with and reflect the guidelines and criteria contained in the Transit District Development Plan as well as can be determined at this time.

13. **The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone and applicable regulations of the underlying zones;**

The conceptual site plan does not meet all the requirements of the Transit District Overlay Zone. For those requirements of the TDOZ that have not been met, amendments have been requested by the applicant, as discussed elsewhere in this report. In regard to meeting the requirements of the underlying zone, the CSP has been reviewed for conformance to the M-X-T Zone. The following requirement warrants additional discussion:

Section 27-545

The base floor area ratio (FAR) for the 6.92 acres of land is 0.40, consistent with Section 27-548(a)(1). As a bonus incentive in the M-X-T Zone, a bonus density is permitted where 20 or more dwelling units are provided, which allows for additional gross floor area equal to a FAR of 1.0, per Section 27-545(b)(4)(A), for a total of 1.40 FAR permitted. The applicant is proposing 1.57 FAR, without claiming bonus density in accordance with Section 27-545(b)(5) of the Zoning Ordinance. That section allows an increase through the optional method of development for uses, improvements and amenities which are provided by the developer. Besides increasing the density, the facilities and amenities are intended to encourage a high degree of urban design, increase pedestrian activities and encourage a 24-hour environment. The applicant can develop a selection of amenities including an open arcade and enclosed pedestrian space, provide a theater, provide rooftop activities, or provide an outdoor plaza. The staff recommends that the detailed site plan provide an outdoor plaza on-site near the intersection of East West Highway and Toledo Terrace in accordance with Section 27-545(b)(6) and that the plaza meet the minimum size requirement needed to support the additional square footage proposed for the development of the site, but no less than 8,000 square feet.

14. **The location, size and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize**

safety and efficiency and are adequate to meet the purposes of the Transit District Overlay Zone;

The proposed application has been designed so that the buildings front along the streetscape, rather than exposing large expanses of parking in front of the buildings, a goal conducive to promoting the primacy of pedestrians over automobiles. In this way the use of plazas in the design enhances the pedestrian experience. The pedestrian circulation should be improved with the relocation of loading and trash facilities to areas away from the main pedestrian system in order to maximize the safety of pedestrians.

15. **Each structure and use, in the manner proposed, is compatible with other structures in the Transit District and with existing and proposed adjacent development.**

This issue will be reviewed in conjunction with the detailed site plan when the architectural details will be reviewed. In concept, the renderings that have been submitted appear to be a quality design, but material designation will be reviewed further at the time of detailed site plan.

16. **The proposed development is in conformance with the purposes and other provisions of this Division;**

The subarea will provide residential living and retail shopping, and an animated streetscape with plazas, street trees, planters, and special paving that will be in conformance with the purposes and provisions of the M-X-T Zone. The proposed project will enhance the economic status of the county and provide an expanding source of desirable living opportunities near the Metro. The conceptual site plan promotes the effective and optimum use of transit and other major transportation systems.

17. **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed project will have an outward orientation with new paving, street furniture, landscaping, lighting, and public spaces. Because of the magnitude of the overall proposed development, it also has the potential to catalyze adjacent community improvement and rejuvenation.

18. **The proposed development is compatible with existing and proposed development in the vicinity;**

The subject application will provide a pleasing streetscape along the future plaza that will complement and enhance the character of the area and promote ridership of transit facilities. The proposed improvements will also upgrade the area by providing a pleasing outdoor environment for those who work in and visit the area.

19. **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

Subarea 10A is proposed to be developed with a mix of uses in such a way that the small amount of retail will contribute to a stable environment by not taking away from the users of the adjacent Prince George's Plaza shopping center. The proposed residential use will enhance the existing selection of residential development and will enhance the quality and contribute to the transit district.

20. **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The subject application is proposed to be developed as one phase of development

21. **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This project is pedestrian friendly and will connect into existing streets that will create convenient access to the Metro station and surrounding subareas.

22. **Conformance to the *Landscape Manual*—**The plan is in general conformance to the L*andscape Manual.* As a mixed-use development, the *Landscape Manual* allows the use closest to the property line to determine the required bufferyard as dictated in Section 4.7, Buffering Incompatible Uses. Prior to signature approval, the plan should be revised to demonstrate conformance to Section 4.7 of the *Landscape Manual.*

Referrals

23. The Transportation Planning Division has reviewed the above-referenced conceptual and detailed site plans for the proposed construction of approximately 364 multifamily residential units and 1,600 square feet of retail/office commercial uses. The proposed residential development cannot be accommodated with current C-S-C zoning. As a result, the applicant is also requesting that the entire site, referenced to as Subarea 10A in the approved Prince George's Plaza Transit District Development Plan (PG-TDDP), be rezoned from the C-S-C to the M-X-T Zone. As shown on the submitted plans, the proposed development will contain two 4-story residential buildings and one freestanding retail/office building. For the proposed development, the applicant is proposing to construct 557 parking spaces, of which 523 spaces will be constructed as structured parking. The site is proposed to have two access driveways. A right-in, right-out access driveway is proposed along East West Highway, approximately 300 feet west of Toledo Terrace. A full access driveway is to be located along Toledo Terrace, about 200 feet north of the East West Highway intersection. Although this is not ideal, it is the most desirable location as it is at the northern-most property frontage along Toledo Terrace.

The approved Prince George's Plaza Transit District Development Plan (TDDP) guides the use

and development of all properties within its boundaries. The findings and recommendations outlined below are based upon staff evaluation of the submitted site plan and the ways in which the proposed development conforms to the mandatory development requirements and guidelines outlined in the TDDP.

During the preparation of the TDDP, staff performed an analysis of all road facilities in the vicinity of the TDOZ. This analysis was based upon establishment of a Transit Districtwide cap on the number of additional parking spaces (preferred and premium) that can be constructed or provided in the transit district to accommodate any new development. Pursuant to this concept, the plan recommends implementing a system of developer contributions to ensure adequacy of the transportation facilities, based on the number of additional parking spaces, as long as the authorized total parking limits and their attendant, respective, parking ratios (Tables 5 and 6 of the TDDP) are not exceeded. The collected fee will be applied toward the required number of transportation improvements totaling $1,562,000, as summarized in Table 4 of the TDDP. These improvements are needed to ensure that the critical roadways and intersections in the transit district will remain adequate and will be operating at or above Level-of-Service E, as required by the plan. Among the most consequential of these are:

a. Establishment of a Transit Districtwide cap on the number of additional surface parking spaces (3,000 preferred, plus 1,000 premium) that can be constructed or provided in the Transit District to accommodate any new development.

b. Implementation of a system of developer contributions based on the number of preferred and premium surface parking spaces attributed to each development project. The contributions are intended to recover sufficient funding to defray some of the cost of the transportation improvements as summarized in Table 4 of the TDDP, and needed to ensure that the critical roadways and intersections in the transit district remain at or above the stated LOS.

c. Retaining a mandatory Transportation Demand Management District (TDMD). The TDMD was established by the 1992 TDDP plan to ensure optimum utilization of trip reduction measures (TRMs) to combine, or divert to transit, as many peak-hour single-occupancy vehicle trips as possible and to capitalize on the existing transit system in the

district. The TDMD will continue to have boundaries that are coterminous with the transit district. As of this writing, the Prince George's Plaza TDMD has not been legally established under the TDMD Ordinance (now Subtitle 20A, Division 2 of the County Code) enacted in 1993.

d. Developing an annual TDMD operations fee based on the total number of parking spaces (surface and structured) that each property owner maintains.

e. The TDMD requires preparation of an annual transit district transportation and parking

operations analysis that would determine whether or not the LOS E has been maintained and to determine additional trip reduction, transportation and parking management measures that are required to restore LOS E. Reauthorization of the Prince George's Plaza Transportation Management Association was also recommended in the predecessor 1992 PG-TDDP.

Status of Surface Parking in the Transit District

Pursuant to the Planning Board's previous approvals of detailed site plans in the Transit District, the remaining available preferred and premium surface parking for the Transit District and each class of land use are reduced to the following values:

	RESIDENTIAL		OFFICE/RESCH		RETAIL		TOTAL	
	PREF.	PREM	PREF.	PREM	PREF.	PREM	PREF.	PREM
TDDP Caps	920	310	1,170	390	910	300	3,000	1,000
Subarea 1	(178)							
Subarea 4					(121)			
Subarea 6					(72)			
Subarea 9					(321)			
Subarea 10A			(82)		(191)	(15)		
Unallocated	742	310	1,088	390	205	285	2,031	985

The surface parking allocations shown above and for Parcel 10-A reflect approval of an earlier plan proposing mixed retail and office development. It is also important to note that these parking figures show only approved surface parking spaces. Pursuant to MDR P6, it is not necessary to account for the number of parking spaces that will be constructed as structured parking in each subarea.

Transportation and Site Plan Finding

a. The PG-TDDP identifies the subject property as part of the Subarea 10A of the Transit District. There are 15 subareas in the Transit District, two of which are designated as open-space and will remain undeveloped. The proposed site consists of approximately 6.80 acres of land in the CSC Zone. The property is located on the northwest quadrant of East West Highway (MD410) and Toledo Terrace intersection.

b. As proposed and fully developed, the site will include approximately 364 multifamily residential units and 1,600 square feet of retail/office uses that could generate as much as

200 AM peak-hour trips and 228 PM peak-hour trips, using trip generation rates recommended in the guidelines.

c. The applicant is proposing to construct a total of 557 parking spaces, of which only 34 will be constructed as surface parking. This is significantly less than the maximum allowable preferred surface parking as recommended by the TDD. For the proposed 34 surface parking spaces, the total amount of the applicant's cash contribution will be $13,600 ($400.00 per surface space x 34 surface parking spaces). Considering the applicant's intent for these surface parking spaces as stated in the justification statement, the approval of the proposed plan with 34 surface parking spaces will reduce **only** the available preferred surface parking for retail. Therefore, with the approval of these plans as submitted, the revised unallocated preferred and premium surface-parking caps would be changed to:

	RESIDENTIAL		OFFICE/RESCH		RETAIL		TOTAL	
	PREF.	PREM	PREF.	PREM	PREF.	PREM	PREF.	PREM
TDDP Caps	920	310	1,170	390	910	300	3,000	1,000
Unallocated	742	310	1,170	390	362	300	2,274	1,000

d. For the proposed development levels and the number of projected peak-hour trips, on-site vehicular and pedestrian circulation patterns appear to be acceptable. Although the proposed geometric modifications for the intersection of East West Highway (MD 410) and Toledo Terrace appears to reflect concerns raised by SHA and DPW&T, the applicant has not provided staff with proof of approval from these two operating agencies. As result it is recommended, prior to the signature approval of the proposed plan, that the applicant provides staff with sufficient information demonstrating workable and acceptable intersection modifications and left-run storage lanes along both MD 410 eastbound and Toledo Terrace northbound that meet the MD-SHA and the Prince George's County DPW&T standards.

Transportation Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that the proposed development as proposed does not conform to the circulation requirements of the Prince George's Plaza Transit District Development Plan. However, if the plan is to be approved, we recommend the following conditions:

a. Prior to the certification of the detailed site plan, the applicant shall obtain approval from the MD SHA and the Prince George's County DPW&T and agree to fully fund the cost of providing the necessary geometric and signal modifications for the intersection of MD 410 and Toledo Terrace and provision of adequate left-turn storage along MD 410 eastbound and Toledo Terrace northbound.

b. Prior to the certification of the detailed site plan, the applicant shall provide proof of payment of $13,600, the required fee for provision of 34 surface parking spaces. This fee is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment. The required fee shall be paid to Prince George's County Department of Public Works and Transportation and shall be applied toward the construction of the required Transportation improvements listed in Table 4 of the PG Plaza TDDP.

c. The proposed on-site circulation and access configuration are acceptable for the proposed development. Submission of any other development plan that could generate more than 200 AM and 220 PM peak-hour vehicle trips shall require SHA and DPW&T approval of the proposed on-site circulation and access plan.

Comment: The conditions above have been included in the recommendation section of this report; however, the timing mechanism of the conditions has been changed to reflect conformance prior to approval of the detailed site plan.

24. The Historic Preservation and Public Facilities Planning Section reviewed the Conceptual Site Plan and provided an analysis of the application in memorandum dated November 30, 2005. At the public hearing, the findings of that analysis were discussed and it was determined that the calculations used were in error because they were based on commercial criteria, not residential criteria. Further, since the Detailed Site Plan does not have any authority in regard to the testing of adequate public facilities, the conclusions do not have any impact on the review of this Detailed Site Plan. The analysis for adequate public facilities is properly conducted at the time of the preliminary plan of subdivision, which is required in the conditions of the approval of this Conceptual Site Plan.

25. The State Highway Administration (SHA) has reviewed the proposed plans. Based on the information provided, the SHA has no objection to the approval of the CSP-05005. Prior to the issuance of any building permits, coordination with SHA is necessary because improvements within the state right-of-way are subject to the rules and regulations of SHA.

26. A Phase I archeological survey is not recommended by the Planning Department on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.

27. The Department of Environmental Resources stated that the stormdrain system as approved by DER in stormwater concept plan approval 461-2005-03 is not shown on the site plan. This issue will be addressed at the time of detailed site plan.

28. The Environmental Planning Section reviewed this site in 2003 for approval of a conceptual site plan, preliminary plan, and a detailed site plan for a different configuration of buildings and uses. The subject property is located in the Prince Georges Plaza Transit District Overlay Zone. The current application is for residential uses with a small area of retail uses.

This 6.81-acre property in the C-S-C Zone is located in the northwest quadrant of the East West Highway intersection with Toledo Terrace. Approximately 85 percent of this site has existing forest cover. Streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. East West Highway has been identified as a transportation-related noise generator. The soil found to occur, according to the Prince George's County Soil Survey, is Sunnyside urban land complex, which has no significant limitations with respect to the development of this property. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity. There are no designated scenic and historic roads in the vicinity. This property is located in the Northwest Branch watershed of the Anacostia River Basin and in the Developed Tier as reflected in the adopted General Plan.

a. The detailed forest stand delineation (FSD) stamped as received November 1, 2005, has been found to be in compliance with the requirements of the Woodland Conservation Ordinance except for a minor revision with regard to existing woodland on site. The woodland on site is not shown correctly or consistently. The FSD states that the existing woodland on site is 6.05 acres. The TCPI states it is 6.09 acres.

   Recommended Condition: Prior to certificate approval, the plan shall be revised to clarify the amount of existing woodland on-site and reflect the amount consistently on all plans.

b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is a previously approved tree conservation plan for the site. The revised Type I Tree Conservation Plan (TCPI/40/03-01) stamped as received on November 1, 2005, requires additional revisions to be in conformance with the Woodland Conservation Ordinance and the requirements of the TDOZ.

   Recommended Condition: Prior to certificate approval, the Type I tree conservation plan shall be revised as follows:

   i. Clearly label the proposed retaining walls with top-of-wall and bottom-of-wall elevations and revise the limits of disturbance to provide sufficient space for construction on both sides of the wall (minimum 15 feet on each side).

   ii. Remove the note referencing clearing in the floodplain and approval at time of DSP.

   iii. Remove the note that refers to reforestation on properties to the north as this is no longer shown.

   iv. Remove the note regarding consideration for off-site grading on MNCPPC parkland as this is no longer shown.

v. Clarify the amount of existing woodland to either be 6.05 acres as stated on the FSD or 6.09 acres as stated on the TCPI.

vi. Fill in the blank in Note 1.

vii. Revise the computation worksheet to reflect the amount of floodplain on-site as being deducted from the gross tract area.

viii. Revise the worksheet to reflect all changes to the plan.

ix. Add a note to the worksheet that clarifies how much of the acreage is off-site clearing and add this calculation to the plans.

x. Have the revised plan signed and dated by the qualified professional who prepared the plan.

c. A stormwater management concept approval letter (CSD 461-2002-03) dated October 2, 2005, and the associated plans were submitted with the review application. The requirements for the stormwater management will be met through subsequent reviews by the Department of Environmental Resources.

Comment: No further action is required at this time with regard to the stormwater management.

29. The Urban Design Section notes that other M-X-T-zoned properties within Prince George's Plaza Transit District include requirements that relate specifically to the subarea. In this rezoning case, staff has the opportunity to provide the Planning Board and District Council with input in regard to similar requirements and guidelines that reflect a consistent treatment to all M-X-T-zoned properties within the transit district.

The following requirements are common to the other M-X-T-zoned subareas within the Transit District and should be considered for appropriateness as conditions for the development of the subject property. Following each of the requirements below is a discussion of the appropriateness for the subject property:

The minimum building height shall be 6 stories for residential development.

Comment: This requirement is on each of the three properties that border the Metro station. Since the subject property is at the opposite end of the transit district, and the plan envisioned a stepping down of buildings as the development progresses away from the Metro station, the proposed building height of four to five stories is acceptable.

The minimum building height for uses other than residential shall be 4 stories

Comment: This application incorporates the retail component into the design of the residential

building. The residential building does not propose any structures less than four stories; therefore, the intent of this requirement is met with the subject application.

The maximum building height shall be 16 stories for all uses.

Comment: The proposal is for a four- to five-story building; however, the height restriction should apply to the property.

Three bedroom units shall be permitted only when developed as condominiums.

Comment: The application does not disclose at this time the breakdown of the number of units with the bedroom count shown. This type of information is generally shown at the time of the detailed site plan review. This condition should be a requirement on the subject property.

The proposed architecture shall be enduring, high quality and distinctive.

Comment: This type of information is generally shown at the time of the detailed site plan review. This condition should be a requirement on the subject property.

Rental residential units shall provide an increase in luxury through architectural features, building construction and added amenities to the site and units.

Comment: This type of information is generally shown at the time of the detailed site plan review. This condition should be a requirement on the subject property.

All surface parking lots shall be screened from view of roadways by the use of both a low, opaque wall and an evergreen hedge unless they are providing short-term parking for ten cars or fewer.

Comment: This type of information is generally shown at the time of the detailed site plan review. This condition should be a requirement on the subject property.

30. The application was sent to the Town of University Park. The following written comments were provided in an e-mail dated February 14, 2006:

> "On page 30, of the Technical Staff Report, Condition #16, delete the phrase "three bedroom," so the condition would read, "units shall be permitted only when developed as condominiums."
>
> Justification: The University Park/Hyattsville area, and, in fact, most of Prince George's County, have an abundance of rental apartment units. A study by the Metropolitan Washington Council of Governments has shown that Prince George's County has a higher percentage by far of rental units in relation to total population than any other local jurisdiction. Hundreds of rental housing units, in fact, are located immediately adjacent to the subject property along Toledo Terrace. Additional rental units would only add to

this glut of rental apartments in the area and not be consistent with the County's announced intent of promoting home ownership."

31. The City of Hyattsville was sent the application. The following recommendation was provided in letter dated February 15, 2006 from Mayor Gardiner to Elizabeth Hewlett:

"• Change the design to make a stronger visual statement at the east and west corners of the East West Highway elevation
• Increase the building height (above 4 stories) and massing with the goal of achieving a more densely built, compact environment on the site.
• Ensure the construction meets the current DDP for Prince George's Plaza Transit District and that there is a greater diversity of mixed use such as office space
• Install a count down crossing light at the Toledo Drive intersection
• Add a quality "Arts" component (in consultation with the City)
• Have a significant percentage of condominiums (ideally all condos)
• Provide a bus shelter at a safe location from the intersection and roadway
• Comply with the County and Army Corps of Engineers requirements for storm water management and impact on streams"

32. The following comments were provided by the Department of Parks and Recreation:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above Conceptual SitePlan application for rezoning from the C-S-C Zone to the M-X-T Zone. Our reviewconsidered the recommendations of *the Approved Transit District Development Plan for thePrince George's Plaza Transit District Overlay Zone (TDOZ*) the Master Plan for PlanningArea 68, The Land Preservation and Recreational Program for Prince George's County, current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development.

The subject property is located on the northwest corner of East West Highway and Toledo Drive and is part of *the Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDOZ)*. The project area consists of 6.8 acres of land and adjoins Northwest Branch Stream Valley Park (on the north and west). The applicant is proposing to develop Subarea 10A with a residential community to be comprised of 364 multifamily homes and 1,600 square feet of retail/office commercial uses. The applicant is proposing to construct two 4-story buildings, one with a basement. The applicant proposes a community room, business center, fitness center and outdoor sitting areas and a pool.

The Transit District Development Plan (TDDP) includes district-wide requirements and guidelines, which relate to the entire district, rather than to specific subareas. The following goals for parks and recreation are applicable to the transit district:

- To provide parks, recreation facilities and programs to respond to the needs of residents and employees of the transit district.
- To develop facilities that are functional, safe and sensitive to the surrounding

environment.
- To protect and conserve public open space and natural resources.
- Utilize alternative methods of park acquisition and facility development such as donation and mandatory dedication.

The mandatory development requirement related to parks and recreation states:

P34 At the time of Preliminary Plat of Subdivision or Conceptual or Detailed Site Plan, the Department of Parks and Recreation (DPR) will review the site plan related to the development's impact on existing public parkland and recreation facilities and the need for additional parkland and recreation facilities. Any residential development shall meet the mandatory dedication requirements of the County Subdivision Ordinance (Subtitle 24).

In conjunction with the mixed-use development planned for the transit district, the TDDP also recommends that the existing Prince George's Plaza Community Center be renovated with additional indoor and outdoor activities or replaced with a larger new facility.

It is clear that *Transit District Development Plan for the Prince George's Plaza* did not anticipate residential development on the subject property and impact of the residential development on public parkland and recreational facilities in the community. The surrounding community is highly populated and existing public recreational facilities are crowded. The Department of Parks and Recreation is need the funds to expand the existing facilities and acquire the additional parkland for ball fields, tennis courts, basketball courts, playgrounds and other needed recreational facilities in the surrounding community.

Application of Section 24-134 of the Prince George's County Subdivision Regulations could require that 1 acre of the subject property be dedicated for public parkland.

The applicant's proposal indicates that 364 residential dwelling units will be provided as part of the planned development. Using current occupancy statistics for multi-family dwelling units lends to the conclusion that the proposed development will result in a population of 874 additional residents in the community. National and State standards for the provision of parkland indicates call for the provision of 15-acres of local parkland for every thousand residents. The standards also recommend an additional 20 acres of regional parkland for every thousand residents. Only 10.7 acres of parkland per one thousand residents are currently available in the Hyattsville area. Staff has performed some very general analysis using available information. By applying the above-mentioned standards, staff concludes that 13 acres of the local park should be provided to serve the anticipated population of the new development.

To address the high need for public recreational facilities in the dense residential developments in *the Prince George's Plaza Transit District*, the Boulevard at Prince George's Metro Center and Belcrest Center (the similar mixed-use developments in the

TDOZ) were approved with conditions requiring a monetary contribution to be used for the redevelopment and /or operation of the Prince George's Plaza Community Center. DPR staff it is of the opinion that a similar condition should be applied to this development.

As with these cases, DPR staff recommends establishing a formula for calculation of a fee for recreational facilities that cannot be provided on-site such as ball fields, tennis courts, basketball courts, playgrounds and other recreational facilities that needed to serve the residents of new community. This should not include the value of the amenities (community room, business center, fitness center and a pool) provided within the community.

The Park and Recreation Facilities Guidelines provide a formula for determining the value of recreation facilities to be provided. Staff proposes using the formula to determine the value of recreation facilities required from the subject-planned development:

Step 1: **(N x P) / 500 = M**
Step 2: **M x S = Value of facilities**

Where:
N = Number of units in project
P = Population per dwelling unit by Planning Area
M = Multiplier
S = Standard value of facilities for population of 500

Number of units in project: includes all dwelling units proposed for future development within the project area.

Population per dwelling unit by Planning Area: the Research Section of the Planning Department publishes projections of household type and size by Planning Area each year.

Multiplier: is the ratio of the projected total population of the proposed community to a standard population increment of 500 persons.

Standard value of facilities for population of 500: is the cost of providing and installing adequate recreation facilities for a population of 500. This monetary amount is determined by the Department of Parks and Recreation on a biennial basis and it is based on the cost of a representative selection of recreation facilities, which, according to generally accepted standards in the recreation industry, will satisfy the needs of the typical group of 500 citizens (this list of the quantity and respective value of the recreation facilities to be provided for a typical population of 500 is updated regularly).

Value of facilities to be provided: This dollar amount reflects the minimum cost of recreation facilities to be provided for the residents in the project area.

In conjunction with the mixed-use development planned for the transit district, the TDDP recommends that the existing Prince George's Plaza Community Center be renovated with additional indoor space and outdoor activities or replaced with a new, larger facility. This goal had been partially addressed by previous projects in the TDDP including the dedication of land from Landy Property and the dedication of land and the provisions of fees from the Boulevard at Prince George's Metro Center and Belcrest Center projects. Considering the close proximity of the proposed development, staff believes that it would be desirable to provide additional funds to improve the nearby-dedicated parkland and or to further renovate the existing Prince George's Plaza Community Center. These recreational facilities will serve the planned community.

The Department of Parks and Recreation staff recommends to the Planning Board the following conditions of approval for Conceptual Site Plan CSP-05005:

1. At the time of application for the Preliminary Plan or Detailed Site Plan, the applicant shall specify the total number of proposed dwelling units in the residential portion of the planned development. A fee shall be established based on the following formula:

   Step 1: **(N x P) / 500 = M**
   Step 2: **M x S = Value of facilities**

   Where:
   N = Number of units in project
   P = Population per dwelling unit byPlanning Area
   M = Multiplier
   S = Standard value offacilities for population of 500

2. The fee shall be determined by DPR upon request by the developer. The request shall be submitted two weeks prior to application for a grading permit.

3. The fee shall be paid prior to issuance of the first building permit and shall be used for renovation of the Prince George's Plaza Community Center or development of the University Hills Community Park located to the northeast of subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and:

- RECOMMENDS that the District Council approve the proposed change to rezone the property from the C-S-C to M-X-T zone; and

- RECOMMENDS that the District Council approve the proposed change to the use list to add Subarea 10A to Table 17 and to add the category of multifamily dwellings; and

furthermore

APPROVED the Conceptual Site Plan CSP-05005, APPROVED the TCPI Tree Conservation Plan (TCPI/40/03-01) and APPROVED the amendments to P1, P89, P90, S62, and S8, subject to the following conditions.

1. Prior to approval of a detailed site plan, a new preliminary plan of subdivision for the proposed residential development shall be approved.

2. Prior to the issuance of building permits, the applicant shall obtain approval from MD SHA and the Prince George's County DPW&T and agree to fully fund the cost of providing the necessary geometric and signal modifications for the intersection of MD 410 and Toledo Terrace and provision of adequate left-turn storage along MD410 eastbound and Toledo Terrace northbound.

3. Prior to certification of the detailed site plan, the applicant shall provide proof of payment for a total of $13,600, the required fee for provision of 34 surface parking spaces. This fee is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment. The required fee shall be paid to Prince George's County Department of Public Works and Transportation and shall be applied toward the construction of the required transportation improvements listed in Table 4 of the Prince George's Plaza TDDP.

4. Submission of any development plan other than as currently proposed that could generate more than 200 AM and 220 PM peak-hour vehicle trips shall require SHA and DPW&T approval of the proposed on-site circulation and access plan.

5. Prior to submission of the preliminary plan, a meeting shall be arranged by the applicant that will include staff from the Department of Environmental Resources and the Environmental Planning Section to discuss possible innovative stormwater management techniques to be implemented on site and to discuss the treatment of the off-site runoff entering the subject property.

6. The preliminary plan of subdivision and the associated TCPI shall show the locations of innovative stormwater management techniques such as bioretention, stormwater recycling, green roofs, or other techniques.

7. Prior to certification of the conceptual site plan, a copy of the approved floodplain study shall be submitted and a note shall be added to the CSP stating the study number.

8. Prior to certificate approval of the conceptual site plan, written authorization from the Department of Environmental Resources to allow disturbances to the floodplain shall be submitted. A preliminary plan shall not be heard by the Planning Board until this permission has been obtained from DER.

9. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions are in compliance with, and associated mitigation plans.

10. At time of preliminary plan review, all outdoor activity areas shall be designated on the plans. A Phase II noise study shall be submitted with the initial plan submittal package that addresses noise mitigation for the outdoor activity areas and necessary building materials to mitigate indoor areas.

11. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

12. At time of review of the Type II tree conservation plan, written permission shall be obtained for any clearing and grading to be conducted off site and the verification of said permission shall be included on the TCPII.

13. Prior to certificate approval, the plan shall be revised to clarify the amount of existing woodland on site and reflect the amount consistently on all plans.

14. Prior to certificate approval, the Type I tree conservation plan shall be revised as follows:

    a. Clearly label the proposed retaining walls with top-of-wall and bottom-of-wall elevations and revise the limits of disturbance to provide sufficient space for construction on both sides of the wall (minimum 15 feet on each side);

    b. Remove the note referencing clearing in the floodplain and approval at time of DSP.

    c. Remove the note that refers to reforestation on properties to the north as this is no longer shown.

    d. Remove the note regarding consideration for off-site grading on MNCPPC parkland as this is no longer shown.

    e. Clarify the amount of existing woodland to either be 6.05 acres as stated on the FSD or 6.09 acres as stated on the TCPI.

    f. Fill in the blank in Note 1.

    g. Revise the computation worksheet to reflect the amount of floodplain on site as being deducted from the gross tract area.

    h. Revise the worksheet to reflect all changes to the plan.

    i. Add a note to the worksheet that clarifies how much of the acreage is off-site clearing and add this calculation to the plans.

    j. Have the revised plan signed and dated by the qualified professional who prepared the

plan.

15. The maximum building height shall be 16 stories for all uses.

16. Three-bedroom units shall be permitted only when developed as condominiums.

17. The proposed architecture shall be enduring, of high quality, and distinctive.

18. Rental residential units shall provide an increase in luxury through architectural features, building construction, and added amenities to the site and units.

19. All surface parking lots shall be screened from view of roadways by the use of both a low, opaque wall and an evergreen hedge unless they are providing short-term parking for ten cars or fewer.

20. Prior to signature approval, the plan shall be revised to demonstrate conformance to Section 4.7 of the *Landscape Manual.*

21. Prior to the approval of a detailed site plan, the following shall be demonstrated on the plan:

    a. A minimum 8,000-square-foot plaza at the intersection of East West Highway and Toledo Terrace.

    b. Features that contribute to the identification of the Transit District, such as flagpoles or other vertical features, signage or architectural treatment that contributes to a sense of place that one is entering the Prince George's Plaza Transit District Overlay Zone.

22. At the time of application for the Preliminary Plan or Detailed Site Plan, the applicant shall specify the total number of proposed dwelling units in the residential portion of the planned development. A fee shall be established based on the following formula:

    Step 1: **(N x P) / 500 = M**
    Step 2: **M x S = Value of facilities**

    Where:
    N = Number of units in project
    P = Population per dwelling unit by Planning Area
    M = Multiplier
    S = Standard value of facilities for population of 500

23. The applicant shall provide a combination of both public and private recreational facilities as determined appropriate at the time of review of the Detailed Site Plan:

    a. Provide on site outdoor recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines and shall allocate

appropriate and developable areas for the private recreational facilities.

b. The applicant shall contribute to the M-NCPPC, Department of Parks and Recreation for the renovation of the Prince George's Plaza Community Center or development of the University Hills Community Park located to the northeast of the subject property.

24. The amount of the applicant contribution to M-NCPPC and the value of the on-site and off site recreational facilities package shall be determined by DPR at the time of Detailed Site Plan.

25. The fee shall be paid prior to issuance of the first building permit and shall be used for renovation of the Prince George's Plaza Community Center or development of the University Hills Community Park located to the northeast of the subject property.

26. Prior to the approval of the Detailed Site Plan, the following concerns of the City of Hyattsville, as stated in their February 15, 2006 letter, shall be addressed:

- Change the design to make a stronger visual statement at the east and west corners of the East West Highway elevation
- Increase the building height (above 4 stories) and massing with the goal of achieving a more densely built, compact environment on the site.
- Ensure the construction meets the current DDP for Prince George's Plaza Transit District and that there is a greater diversity of mixed use such as office space
- Install a count down crossing light at the Toledo Drive intersection
- Add a quality "Arts" component (in consultation with the City)
- Have a significant percentage of condominiums (ideally all condos)
- Provide a bus shelter at a safe location from the intersection and roadway
- Comply with the County and Army Corps of Engineers requirements for storm water management and impact on streams

27. Prior to certificate approval, the plan shall be revised to show the following Development Data Summary:

	EXISTING	**PROPOSED**
Zone(s)	C-S-C	M-X-T
Use(s)	Vacant	Residential multifamily and retail
Acreage	6.81	6.81
Lots	1	1
Parcels	0	0
Square Footage/GFA	0	Residential—410,657 SF to 536,379 Retail—1,600 SF to 2500 SF Total—412,257 SF to 538,879 SF

Floor Area Ratio (FAR)	0	1.4 to 1.83

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

* * * * * * * * * * * * *

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 Squires, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, and Eley voting in favor of the motion with Commissioner Hewlett absent at its regular meeting held on Thursday, February 16, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:SL:bjs