



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-118

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File No. DSP-05084/02

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed 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 October 31, 2013, regarding Detailed Site Plan DSP-05084/02 for University Town Center, Parcel S, the Planning Board finds:

1. **Request:** The subject application consists of a 52,105-square-foot food and beverage store (Safeway) within Building A; 23,547 square feet of retail/office in Building B; 9,872 square feet of retail/office contained within building C; and a two-story parking garage with 289 parking spaces.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone	M-X-T (TDOZ)	M-X-T (TDOZ)
Use(s)	Surface Parking	Retail and Office, Food and Beverage Store, and Parking Garage
Number of Dwellings	0	0
Square Footage/GFA	0	Retail: 16,678 Food and beverage Store: 52,105 Office: <u>16,741</u> Total: 85,524
Parking proposed		289 spaces
Surface		0 spaces
Structured		289 spaces

3. **Location:** The site is located in Planning Area 68, Council District 2. More specifically, it is located just east of the northeast quadrant of the intersection of Belcrest Road and East-West Highway (MD 410), with frontage along East-West Highway, in close proximity to the Prince George's Plaza Metro station.
4. **Surroundings and Uses:** This phase of the development of University Town Center (Subarea 3 as identified in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (Prince George's Plaza TDDP/TDOZ)) is bounded to the north by Toledo Road; to the west by Belcrest Road; to the east by properties fronting on Adelphi Road; and to the south by East-West Highway (MD 410). Along the eastern property line, there are two

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existing churches and a public library that fronts on Adelphi Road. Across East-West Highway is another church, with access onto East-West Highway.

The proposed parking garage is located centrally to the overall development, and on the western and northern sides of Building C, which is comprised of retail on the first floor and office on the second floor, at the southeasterly side of the property with frontage on East-West Highway. Directly to the east is Democracy Avenue, a private road that serves as the single access point to the development from East-West Highway, beyond which is an existing religious institution. To the north of the proposed parking garage is a private road known as Liberty Lane and the existing Metro III building. The proposed food and beverage store (Safeway) and the parking garage for all of the uses on the site will have frontage along East-West Highway, but no access is proposed into the parking garage from the highway. Building B has traditional in-line retail on the first floor and office space at the second floor, and is located at the corner of East-West Highway with frontage on America Boulevard. The development proposed within the DSP constitutes an entire block within the overall town center.

5. **Previous Approvals:** The conceptual site plan (CSP) for Subareas 2 and 3 of the Prince George's Plaza TDDP/TDOZ was approved by the District Council on January 8, 2001. The CSP proposed a mixed-use development with a "main street" theme that includes office, retail, and residential uses. Both subareas were reviewed as one site and the combined acreage consists of 38.62 acres in the Mixed Use Transportation-Oriented (M-X-T) Zone and approximately 7.6 acres in the Open Space (O-S) Zone. A primary amendment to the TDDP for the subject property, TP-00002, was approved by the District Council on February 26, 2001. The primary amendment previously approved that affects this case allowed for a reduced streetscape width from 40 feet to 28 feet.

On April 25, 2002, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-01092 for the project. The property is also the subject of a record plat, Parcel S, recorded in Plat Book REP 209-54 on December 5, 2005.

Previously approved DSPs for Subarea 3 within University Town Center are as follows:

- Detailed Site Plan DSP-01002 for an office building (Center for Disease Control) and a parking garage.
- Detailed Site Plan DSP-03037 for a five-story underground parking garage containing 1,167 parking spaces was approved by the Planning Board on December 11, 2003.
- Detailed Site Plan DSP-03037/01 for a 16-story residential student housing project with 240 four-bedroom units was approved on March 4, 2004 by the Planning Board.
- Detailed Site Plan DSP-03072 for infrastructure to allow for grading, installation of roadbeds, utilities, and to establish the main street and landscape for the development was approved on June 3, 2004 by the Planning Board. That application established the connection of Democracy Boulevard and its connection to East-West Highway (MD 410).

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- Detailed Site Plan DSP-03037/02 for a seven-story condominium and retail building project was approved on May 19, 2005 by the Planning Board.
 - Detailed Site Plan DSP-05041 for a 93,100-square-foot theater, 34,903 square feet of retail development, and 58,886 square feet of offices was approved on November 17, 2005 by the Planning Board.
 - Detailed Site Plan DSP-05084 was approved for the subject site by the Planning Board on May 11, 2006 for City View Condominiums, including a 60,089-square-foot food and beverage store (Safeway), 6,662 square feet of other retail, a freestanding three-story parking garage for 660 parking spaces, and 176 residential condominium multifamily units located above the retail uses and in buildings 7 to 11 stories in height.
 - Detailed Site Plan DSP-05084/01 was approved by the Planning Board on June 25, 2009 for a pylon sign located on the corner of East-West Highway (MD 410) and America Boulevard at the entrance to University Town Center. The sign has been erected and is located within the boundary of the subject application.
6. **Design Features:** The proposal is to add a 52,105-square-foot food and beverage store (Safeway) within Building A; 23,547 square feet of retail/office in Building B; 9,872 square feet of retail/office contained within building C; and a two-story parking garage with 289 parking spaces. The structure will front on East-West Highway (MD 410) and will wrap around the corner of the proposed main street, America Boulevard. Democracy Avenue will also connect to East-West Highway at the most easterly portion of the site and will provide access into the proposed parking garage. The development will also have frontage on Liberty Lane, which will provide additional access to the parking structure, the loading dock, and service area. Metro Building III is located across Liberty Lane from the subject site.

The development will act as a gateway into the Prince George's Plaza Transit District, transitioning from the residential development to the east to University Town Center. The architecture of Building C will inform the passerby that they have arrived at a destination, as the corner of the building has been designed for commercial use as a two-story stand-alone building. The two-story wall of glass and metal trellis along the front façade of the Safeway building will create a distinctive visual impact with columns and glass that are appealing to both the pedestrian and the driver of a vehicle. This long glass storefront provides an enlivened streetscape utilizing the programmatic interior elements of the store, as viewed from the outside. The curve of the westernmost portion of the Safeway façade acts as another interesting visual feature to the streetscape where a plaza has been designed to provide for seating and outdoor dining. The building turns the corner onto America Boulevard where Building B, as a traditionally-designed building, frames the entrance onto the main street of University Town Center. On-street parking is provided along this location where storefronts and fabric canopies line the front building façade. At the northwest corner of America Boulevard and Liberty Lane, the building contains a lobby to take pedestrians to the second floor where commercial uses are located and/or to rooftop parking.

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Building A, the proposed Safeway store, is the anchor tenant to the development and is located centrally to the overall development, with structured parking to the east of the store and on the store's rooftop. Access to the food and beverage store is provided from the rooftop of the parking structure, from the primary and secondary entrances along the frontage of East-West Highway, and directly from the first floor parking garage.

Building B is located west of the Safeway building and is composed of retail on the first floor and office uses above. The building is approximately 115 feet long by 40 feet in depth, and 30 to 40 feet in height. The building fronts on America Boulevard and has individual entrances for each of the future tenants. An elevator and staircase on the northwestern corner of the building will provide service to people who park on the second level of the parking garage and provides direct access to the main street within the town center and other businesses within the overall development.

Building C is located on the eastern end of the development with frontage on East-West Highway and Democracy Avenue, and is composed of retail on the first floor and office uses on the second floor. The building is approximately 52 feet long by 45 feet in depth, and approximately 40 feet in height. The building fronts on East-West Highway and has an entrance at the street level, and access to the upper story from grade is along Democracy Boulevard. The Planning Board finds that the lobby should be designed to provide an entrance from the garage. The applicant has agreed that this will improve the circulation and access to the second floor. A condition included in the Recommendation section of this report requires the applicant to revise the plans prior to certification to address the access issue.

7. The base floor area ratio (FAR) for the 38.63 acres of land within the M-X-T Zone as approved per Conceptual Site Plan CSP-00024 is 0.40, consistent with Section 27-548(a)(1). The existing square footage of the three Metro Buildings (I, II, III) exceeds the base FAR by 0.33. These buildings were built in the 1970's, prior to the M-X-T zoning being in place. Bonus incentives should apply only to development constructed pursuant to the M-X-T Zone. The existing development should not be subject to the requirements of bonus incentives to justify existing development that occurred 40 years ago. Previously approved bonus incentives for the property, based on approved DSPs after the property was zoned M-X-T, include the following:

Open Arcade	0.099
Enclosed Pedestrian Space	0.055
Theater	0.221
Residential	1.000
Rooftop Activities	0.007
Outdoor Plaza	<u>0.133</u>
Total Bonus Incentives Earned	1.515

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The following table provides the FAR calculation for the project as a whole:

Total Subarea 3

Gross floor area (sq. ft.)	
Residential	519,000
Office	1,522,377
Retail	<u>224,786</u>
Total GFA square footage	2,266,163
 Bonus incentives awarded	 1.515 FAR
Existing development prior to M-X-T zone	0.735 FAR
FAR allowed	<u>2.245 FAR</u>
Total FAR proposed	1.347 FAR

Required findings for a detailed site plan in the Transit District Overlay Zone (TDOZ) as stated in the Transit District Development Plan (TDDP)

8. **Amendment Requests**—Per Section 27-548.08(c)(1)(A), the transit district site plan will be in strict conformance with any of the mandatory development requirements of the TDDP if the following amendments are approved:

The Zoning Ordinance, in Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, allows the property owner to request the District Council to change the list of allowed uses, to change the building height, and to ask for amendments to the transit overlay district development standards. The District Council has mandatory review of this project because the applicant is requesting modification of the use table and building height requirements. The Planning Board provides a recommendation of approval to the District Council for each of the amendment requests.

The applicant submits the following explanation of the amendments requested in the justification statement dated September 25, 2013:

“Amend Detailed Site Plan (DSP-05084) pursuant to Sections 27-289(b), 27-548.08, 27-548.09.01 of the Zoning Ordinance, and request amendments to the *Approved Transit District Development Plan (TDDP) for the Prince George’s Plaza Transit District Overlay Zone (TDOZ)* to:

- “(i) reduce the minimum building height in Subarea 3;
- “(ii) revise the table of uses in Subarea 3; and

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- “(iii) reduce the build-to line/pedestrian streetscape along MD 410 in order to construct a mixed-use development consisting of a Safeway, other retail, office, and structured parking, and to remove the previously approved 176 multifamily dwelling units.”

The applicant provided additional clarification in their amendment request with the following discussion, also stated in the justification statement dated September 25, 2013:

“...in order to accommodate the development as proposed, the applicant is requesting amendments to P1/P52, P50, S8, as well as an amendment to the Table of Uses, Table 17 on page 144 of the TDDP by permitting a food or beverage store, by right, without the requirement that said use be located within an office building, hotel, wholly enclosed shopping mall, or within and accessory to an allowed use.”

- a. **Amendment to the Use Table** per Section 27-548.09.01(b)—The applicant provides the following discussion:

“... because the TDDP for Prince George’s Plaza, in Subarea 3, does not permit a food or beverage store, by right, unless it is located within an office building, hotel, or wholly enclosed shopping mall or within and accessory to an allowed use, the Applicant is also requesting an amendment to Table 17 on page 144, in accordance with Section 27-548.09.01 of the Zoning Ordinance, to list a food or beverage store as a by right permitted commercial use in Subarea 3.”

The Planning Board supports the amendment to the use table to allow the food and beverage store in an independent structure because the limitation in the table of uses of the TDDP did not take into consideration a large anchor grocery store in a mixed-use development, nor did it take into consideration a grocery store of this size. It does not make sense that a grocery store of this size would be required to be within and/or accessory to other uses. However, if the vision of the TDDP was intended to prohibit the independent pad site of a convenience store or the like, then it would make sense that the use should be only built in association with the other uses listed. The Planning Board supports the independent development of a food and beverage store in this case because it is over 50,000 square feet and it is an anchor to nearly 35,000 additional square feet of retail and office space. It should also be noted that the TDDP allows a food and beverage store within the subject TDDP within the C-S-C Zone, and that a single-story food and beverage store has been built and is operating within Subarea 6, which is directly adjacent to the metro station. Subarea 6 is in closer proximity to the metro station than the subject site.

- b. **Amendment to the building height** requirement per Section 27-548.09.01(b)—The applicant is also asking for relief from the following specific subarea requirement:

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(P50) The minimum building height for uses other than residential shall be 4 stories.

Primary Amendment TP-00002 granted approval to amend P50 in 2001 to read as follows:

The proposed cinema, retail uses, and restaurants may be one-story in height. The language in Table 17 (page 144 of the TDDP) is modified to read as follows: Eating or drinking establishments, provided the use is located either within or attached to an office building, department store, variety or drug store, hotel, or other retail use, residential building, or wholly enclosed shopping mall, or is attached to and accessory to an allowed use.

However, the above language does not give relief for the proposed project as is currently revised. The applicant provides the following discussion of this requested amendment to reduce the minimum building height from the required four stories to one to two stories in the justification statement:

“Although the District Council previously approved an amendment to allow retail uses in Subarea 3 to be one-story in height, a determination has recently been made that this reduction in height did not extend to retail uses that are not within or directly adjacent to an office building, department store, residential building, or wholly enclosed shopping mall. Accordingly, in order to accommodate the development as proposed, an amendment to reduce the minimum height for retail uses from 4 stories to 1 story is required and requested. It is worth noting that unlike in some of the more recently adopted Sector Plans, the TDDP/TDOZ for Prince George’s Plaza provides its height minimums in the form of stories, without further explanation on the actual height requirements in feet (both minimums and maximums) for each story (*c.f.*, *2010 Central US 1 Corridor Approved Sector Plan*). This is significant in th[e]is instant request because the Zoning Ordinance definition for ‘story’ equally does not include a height requirement in feet. Instead, ‘story’ is defined as ‘the space (excluding a ‘Crawl Space’) between the surface of two successive floors in a ‘Building’ or between the top floor and the ceiling or underside of the roof framing.’ Consequently, it is not correct to assume that a one story minimum height requirement translates into a building that is only 10 feet in height. Indeed, unlike the TDDP for Prince George’s Plaza, other adjacent Sector Plans for infill mixed use developments clarify that first-floor commercial uses – although one story – can actually exceed 20 feet in height. This is the case here, under the strict definition of ‘story,’ the Safeway building is considered to be a one-story building, however, the actual height of the building (including the other office and retail buildings) ranges from approximately 18’ up to 48’. Therefore, there are portions of the proposed building that do comply with the intent of the 4 story minimum, but given the strict application of the definition, do not specifically comply with the 4 story minimum requirement.

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“The requested one-story height minimum for Subarea 3 will not negatively impact the purposes or intent of the development requirement, as the building – in places – exceeds forty feet in height, albeit being a one to two story building. Moreover, the height limitation was created to discourage (or prevent) pad sites and fast-food restaurants. This proposal contemplates the full development of Parcel S with a +/-52,105 square foot Safeway grocery store, +/-16,678 square feet of demised commercial/retail or restaurant space, and +/-16,741 square feet of office space, all of which being within a common building or buildings. No pad sites or drive-through fast food restaurants are proposed or envisioned. This amendment will allow the development at the pedestrian scale envisioned and will meet the intent of this requirement by providing a building along MD 410 and America Boulevard in scale with the vision for the Town Center.”

The Planning Board supports the amendment to reduce the building height. The TDDP calls for nonresidential buildings in Subarea 3 to be four stories in height. The applicant requests relief from the minimum four-story building height for nonresidential uses to allow for one- to two-story buildings. The creation of a consistent street wall is also of primary importance within the TDDP (see G7 on page 35 of the TDDP). The proposed development, while being one to two stories, will range from 18 to 44 feet in height. The series of buildings will create a consistent street wall that will be pedestrian-scaled and contribute to enlivening the streetscape.

- c. **Amendment to streetscape requirements P1 and P52**—The applicant is asking for additional relief from the requirement of the streetscape, beyond the relief that was previously granted in the review of TP-00002. Primary Amendment TP-00002 granted approval to amend P1 and P52 to reduce the required 40-foot-wide streetscape requirement to 28 feet in width as follows:

The applicant shall provide streetscape improvements along the property’s entire East West Highway frontage, with a 28-foot pedestrian zone, measured from face of curb. No permits shall be issued until there is approved a detailed site plan showing conformance with TDDP streetscape requirements. Construction of streetscape improvements shall be in phase with development. It may be scheduled when the detailed site plan is approved.

The applicant provides discussion of this further amendment to reduce the streetscape from 28 feet in to 20 feet in width in the justification statement as follows:

“This application is requesting an amendment to the 28’ pedestrian zone previously approved with the Infrastructure DSP in order to accommodate the final articulation of the building footprint and to accommodate the recently adopted State Highway Administration Bicycle Policy & Design Guidelines, which requires uniform criteria for bicycle facilities – in this case, a 5’ bike lane

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within MD 410 – to achieve a consistent statewide approach to bicycle design. The inclusion of a 5 foot bike lane within MD 410, along the property's frontage (a requirement that did not exist at the time the TDDP/TDOZ was adopted and did not exist when the original detailed site plan was approved), causes the main building wall to be 20 feet from the face of curb. However, building design for the supporting columns that support the decorative trellis, which is critical for the architectural character and pedestrian scale along East West Highway have been designed to create place making and a vibrant pedestrian zone along the frontage of MD 410. The reduction to the pedestrian zone does not detract from the purpose of this requirement, as considerable design and landscaping techniques have been incorporated to ensure a unifying link between the architecture and the street exist to help establish a sense of identity for this area. With one exception (the area near the Safeway entrance) the pedestrian sidewalk along East West Highway is 8' wide, and at its [sic] inch point near the entrance to the Safeway, is 7' wide. The applicant believes that by maintaining a wide sidewalk area and creating two plaza areas (in front of the garage which is stepped back and at the corner of America Boulevard) the pedestrian experience will be activated and secured despite the reduction caused by the inclusion of a bike lane along the property's frontage. Again, the reason for this amendment is because of SHA's implementation of its recently adopted Bicycle Policy, which forces the applicant to reduce the available streetscape area. That said, the garage fronting on MD 410 is set back from the adjoining building, which creates a new plaza area allowing for additional landscaping and seating. The façade is screened by a series of piers supporting a steel framework that will carry public art. In addition, there will be outdoor dining in the public plaza at the corner of America Boulevard and MD 410.

"The landscaping in this area has been revised/enhanced to provide [] trees along the main sidewalk. In addition, seating areas and bike racks have been added to provide nodes for seating and activation of the space. A new plaza has been added between the entry of the grocery store and the retail/office building providing other opportunities for seating and screening of the parking structure."

The Maryland State Highway Administration (SHA) did not provide comment in their memorandum for the subject case relating to the requirement for additional need for widening of East-West Highway. The Planning Board is relying on the applicant's testimony that the additional frontage dedication will likely be required from SHA at the time of application for an access permit in order to accommodate the recently approved SHA Bicycle Policy and Design Guidelines that require additional space for bicycle facilities along state roadways. If a new dedicated SHA bike lane is constructed along East-West Highway, an eight-foot setback will have to be provided for this facility. A future 20-foot-wide streetscape along East-West Highway will still meet the intent of the TDDP to encourage the placement of buildings along East-West Highway by creating a pedestrian-friendly environment, and minimize views of parking areas (see page 28 of the

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TDDP). The proposed public plazas at the corner of America Boulevard and East-West Highway, and in front of the parking garage, along with the associated landscaping, will enhance the pedestrian experience and provide the necessary buffer from the roadway.

Approval of the 28-foot build-to line by the District Council, in conjunction with TP-00002, was subject to conditions. In support of the request for additional relief to reduce the streetscape from 28 feet to 20 feet, it is prudent to review the plans for conformance to those conditions. Below are the previous conditions of approval required by the District Council followed by a discussion of each:

- 1. The first floor of the building on East-West Highway, including the first 15 feet of building height, shall include for at least 80% of the linear frontage along the building's build-to line, uses to enliven the area adjacent to the sidewalk and pedestrian zone. Such uses may include retail shops, restaurants, movie theaters, display windows, residences, hotels, hotel or office lobbies, indoor or outdoor eating areas, or similar uses.**

The applicant has provided the following discussion demonstrating conformance to the condition above:

"In this application, approximately 80% of the 508 LF of the building frontage uses a number of architectural [r]etailing elements to enliven the pedestrian zone. These elements include retail storefronts and entries, building entries, areas for outdoor seating in sidewalk café fashion for 50 LF and engaging retail and directional signage, decorative composite panels and canvas awnings. Careful detailing of the building adds to the experience along East West Highway Storefronts. Projecting metal canopies announce major building entries. Signage and graphics add color and relate closely to the architectural character of the building. The apparent scale of the garage at the sidewalk is reduced with decorative composite panels that recall the height and cadence of the storefront on the remainder of the elevation. There will be outdoor dining in the public plaza at the corner of America Boulevard. As shown on Exhibit A and the revised landscape plan, this Plaza area totals approximately 5,620 square feet. Another plaza has been created by pushing the parking garage back 15 feet allowing for an additional row of trees and an art feature. Exhibit A and the detailed site plan evidence that 80% of the linear frontage is activated along MD 410 by the buildings elevations and pedestrian plaza areas."

The Planning Board agrees with the applicant's proposal to enliven the streetscape along East-West Highway. The revised plaza design and building fenestration along the frontage of the streetscape all provide and contribute to an enlivened streetscape and pedestrian experience.

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2. **A parking garage may front East West Highway, subject to the condition just stated and the following:**

Parking garage use on or above the first floor shall employ such techniques as building offsets, variations in building materials or color, and attractive banding to avoid monotonous façades.

The applicant has provided the following discussion demonstrating conformance to the condition above:

“Only a portion of the proposed garage accommodating 77 spaces is fronting on East West Highway, for approximately 100 LF, of which, 80 feet of the length is covered with various landscaping, trees and benches. The composite panels across the façade’s [sic] vertical piers of the garage provide visual interest along the façade and compliment the color palette of the overall building design...The garage has also been set back away from the street to allow for a landscaped sitting area in front. This setback creates a plaza allowing for an additional landscaping and seating.”

The Planning Board agrees that the design of the parking garage, which is set back 15 to 20 feet from the pedestrian zone with a seating area between the garage and the sidewalk, contributes toward enlivening the area adjacent to the pedestrian zone. Through the submission of revised plans that provide for a planting bed along the front of the garage and revisions to the architectural elevations to create decorative screen panels for the purpose of concealing the upper floors of the parking garage, and with designed imagery of either local history or market places, the architecture will provide for an interesting streetscape. The rhythmic pattern of the columns and the change in offset of the garage provide visual and spatial relief for the pedestrian passersby.

3. **Each Detailed Site Plan shall show that all tree pits along East West Highway are connected by a continuous non-compacted soil volume system under the sidewalk. Details of the soil and tree pit system shall be shown on applicable Detailed Site Plans and approved by the Planning Board or its designee. Plans shall show use of a “structural soil” like “CU-Soil or an equivalent product for shade trees in tree pits.**

The applicant has provided the following discussion demonstrating conformance to the condition above:

“This revision to the frontage of East West Highway has placed the trees in a continuous volume of planting soil rather than tree pits in order to accommodate grade changes along the streetscape as well as to provide a better planting base for the tree growth. Specifically, the plan(s) show very large continuous tree planting

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strips on both sides of the sidewalk providing for very large soil volumes for ideal tree growth conditions. There is no need for special soils.”

The narrowing of the sidewalk due to the anticipated widening of East-West Highway for the provision of a bike lane, coupled with the planting bed needed to address changes in grade along the front of the building makes the use of tree pits and structural soils a better solution and will contribute to a widened sidewalk with benches strategically placed along the frontage. The Planning Board adopts a condition similar to the language that was included in the original DSP.

- d. **Amendment to the treatment of the street frontages S8**—The applicant is asking for relief from the requirement for the treatment of the street frontages per the following requirement:

S8 All property frontages shall be in accordance with Figures 7 and 8 to create a visually continuous streetscape.

The applicant provided the following discussion of this further requested amendment:

“An amendment to Figure 7 on 32 is hereby requested to deviate from the requirement to provide a double row of street trees within the pedestrian zone along East West Highway. As described above, with the imposition of the bike lane within the right-of-way for MD 410 restricts the ability to provide a double row of street trees. Nevertheless, to offset any impacts associated with not having a double row of street trees, the applicant’s landscape plan provides for a single row of trees that exceed the number of trees that would have otherwise been provided. Moreover, by providing a single row of street trees, the applicant is able to maximize the remaining streetscape area and pedestrian plaza areas, which offer 8’ wide sidewalks (throughout the vast majority of the property’s frontage) and multiple seating areas and designed ‘rooms’ to create a sense of place along the streetscape. Accordingly, the applicant believes that its landscape plan does will not negatively impact the spirit or intent of Figure 7 on page 33.”

The applicant has provided clear justifications for the requested amendment. The anticipated reduction of the streetscape due to the requirements of SHA places a burden on the applicant that could not be anticipated at the onset of the design and engineering plans for the development. Since SHA did not include the requirement of road widening in their memorandum to The Maryland-National Capital Park and Planning Commission (MNCPPC) in their review of the DSP, this may also serve as further evidence of a new SHA policy that the county has been struggling to understand how to enforce. The requirement for a double row of street trees in this location would only serve to reduce the sidewalk area further and is not necessary.

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9. The following mandatory development requirements warrant discussion in the review of this DSP application.

G19 A minimum plaza distance to building height ratio of 2:1 should be provided.

The applicant provides the following discussion in the justification statement:

“This guideline for the building height ratio is not provided at this secondary plaza location, as the goal of the overall project is to direct people to the main Plaza, Independence Plaza, farther north along America Boulevard at the center of the project. The purpose for this secondary plaza is to create a sense of arrival and visual interest from East West Highway, but not to be a *per se* gathering place for large numbers of people. Rather a place to meet and proceed along the Boulevard. The Planning Board previously concluded in the original DSP that the area did not qualify as a plaza, as the area was only 3,000 square feet (deducting the 28-foot-wide streetscape from this area shown as a plaza), which is too small to meet the minimum 8,000 square foot size of a plaza in the MXT Zone. It was determined that this area is simply an extension of the streetscape where it is not feasible to place the building. Consequently, a waiver of the building height to plaza ratio for this area is not necessary.”

The Planning Board previously found that the intersection of America Boulevard and East-West Highway is a vehicular entry location to the main street. The plaza area is only 5,620 square feet, too small to meet the minimum 8,000-square-foot size of a plaza in the M-X-T Zone for purposes of awarding density increments. It is simply an extension of the streetscape as outdoor eating area associated with the tenants (Starbucks and Safeway prepared food service), and where it was not feasible to place the building.

P54 A building setback of 50 to 100 feet shall be allowed along the eastern property line. At the time of detailed site plan, the setbacks shall be closely reviewed to ensure that treatment of the façades facing Adelphi Road does not degrade the viewshed along this corridor (as amended by TP-0002).

This amendment simply modified the setback from the eastern property edge and allows for the development of the parking garage, currently shown as 51.26 feet from the eastern property line.

G34 All landscaping materials should have an automated irrigation system.

The plans include conceptual design of an irrigation system for the development and a condition is included to require the applicant to provide complete plans prior to certificate of approval.

S31 At the time of the detailed site plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.

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Trash receptacles have been shown on the plans, two along East-West Highway and two along America Boulevard.

10. As required by Section 27-548.08(c)(1) of the Zoning Ordinance, the Planning Board must make the following additional findings when approving a detailed site plan in the T-D-O Zone:

(B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;

The transit district site plan will be consistent with and reflect the guidelines and criteria contained in the TDDP (except as noted above) when the conditions of approval below are met. All applicable mandatory requirements from the approved TDDP for this site have been addressed in previous submittals.

(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;

The DSP generally meets all of the requirements of the TDOZ and as required by the M-X-T Zone, except for the requested amendments.

(D) 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 design plans of the mixed-use retail and residential building are respectful of both proposed and existing uses and have taken into consideration quality architectural design, site design (including the rooftop design), and circulation, both pedestrian and vehicular, except as noted in other sections of this report. However, if the conditions of approval are adopted, the Planning Board finds that the subject application meets the purposes of the TDOZ.

(E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.

The Planning Board has reviewed the subject application in relation to existing and proposed development within the TDOZ. Four office buildings, including the Center for Disease Control (CDC) building (DSP-01002), a freestanding parking garage, three residential buildings, a theater, retail components, and office components have been built in Subarea 3. The Planning Board is of the opinion that this application is compatible with the existing structures and uses within Subarea 3 of the TDOZ.

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11. In addition to the findings above, the following is required for detailed site plans:

- a. **The Planning Board shall find that the detailed site plan is in general conformance with the approved conceptual site plan.**

The proposed application is in conformance with CSP-00024, which depicted a building along the street line of East-West Highway with an enlivened streetscape. See additional discussion in Finding 14 on page 17.

12. As required by Section 27-546(d) of the Zoning Ordinance, the following findings apply to the review of this detailed site plan:

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

At the time of final build out, Subarea 3 will provide high-quality and distinctive architecture, retail shopping, restaurants, a movie theater, 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 project will enhance the economic status of the county and provide an expanding source of desirable grocery shopping opportunities for the neighborhood residents and students living within a 16-story high-rise building. The DSP promotes the effective and optimum use of transit and other major transportation systems.

- (3) **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. As this project continues to develop, other requirements of the TDDP will further ensure that new development will be physically and visually integrated with existing adjacent development. Because of the magnitude of the overall proposed development, it also has the potential to catalyze adjacent community improvement and rejuvenation.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The subject application will provide a pleasing streetscape along East-West Highway and the future plaza that will complement and enhance the character of the area and promote ridership of the nearby transit facilities. The proposed improvements will also upgrade the existing development by providing a gateway into the transit district.

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- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

Subarea 3 is already developed with four office buildings and associated parking that provide for a significant employment base that will help to contribute to a stable community. The proposed addition of the grocery store and associated retail and office uses will enhance the existing and proposed development and will enhance the quality of and contribute to the transit district.

- (6) 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 a phase that follows the majority of the development within Subarea 3, including the CDC office building, the 16-story residential development, the four-story underground garage, the seven-story condominium project, known as Independence One, the plaza, residential building number two, and the main street. Even with all of the above, the development of the subject property has been designed as a self-sufficient entity that is not dependent on future development and to be a significant contributing factor to the overall site.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

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

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).**

The subject plans indicate that the retail development along the proposed plaza has been specifically designed for the human experience. Pedestrians will experience a pleasing streetscape within the plaza; the shop windows and canopies will give the existing and future development a pleasing human scale. In order to enliven the streetscape and plaza area, it is appropriate that the three panels located at the plaza be designed with imagery similar to the treatment of the garage opening along East-West Highway.

13. The application is subject to Sections 4.7 and 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Section 4.7(c)(2)(I) states that, for mixed-use developments on a single or multiple lot with uses arranged vertically, the impact category for the use shall be based on the predominant use of the property to determine the buffering requirements for that yard. In this case, the parking garage and a retail/office building are located closest to the property line adjacent to an existing church to the east of the property. The Landscape Manual requires no

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bufferyard between the parking garage or the retail/office uses and a church, as they are both considered to be medium-impact uses. However, DSP-03072, the infrastructure plan for the project in this area, proposed steep slopes (2:1) and shade trees planted at approximately 30 feet on center along the property boundary. The site was graded in accordance with the approved plan and, therefore, steep slopes just beyond Democracy Boulevard will threaten the survivability of the proposed planting. In the approval of the original DSP-05084, the Planning Board required the plans be revised to incorporate a retaining wall to flatten this area, and the subject application has provided a solution that appears to be different than the original conditions, but is equally acceptable. A condition has been included in the approval of this plan in order to refine the retaining wall system and tree planting.

14. **Conceptual Site Plans CSP-00024 and CSP-00024/01:** This plan is subject to conditions of approval that are generated from previously approved plans. Since most of the project approved under the CSP has been built, only the following warrant discussion in the review of this plan:
 15. **For each detailed site plan, the applicant, his heirs, successors, and/or assigns shall submit a parking demand analysis which reflects appropriate reduction for shared parking between the existing and proposed uses.**

The applicant submitted a parking demand analysis. See the Transportation Planning Finding 15(c)(2) on page 28 for a discussion of the analysis of conformance to the above condition.

This DSP is in conformance with Conceptual Site Plans CSP-00024 and CSP-0024/01.

15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Environmental Planning**—The Planning Board adopts the Environmental Planning findings below.

The Environmental Planning Section previously reviewed this site in 1992 as a Preliminary Plan of Subdivision (4-01092), and subsequently as a Detailed Site Plan.

Site Description

The subject property is located in the southeast quadrant of the intersection of Belcrest Road and Toledo Road with frontages on both roads. A review of the information available indicates that Marlboro clay, steep and severe slopes, 100-year floodplain, wetlands, or streams are not found to occur on this property. The site is located in the Northeast Branch watershed, which is a tributary to the Anacostia River Basin. The soils found to occur on this property according to the Prince George=s County Soil Survey include the Christiana series. This series does not pose major problems for development. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources -

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Natural Heritage Program. No historic or scenic roads are affected by this proposal. East-west Highway and Belcrest Road are noise generators; however, the noise levels are low enough not to adversely impact the commercial use proposed. The proposed use is not anticipated to be a noise generator. This property is in the Developed Tier as delineated on the approved General Plan.

TRANSIT DISTRICT OVERLAY ZONE ENVIRONMENTAL REQUIREMENTS

All previous approval conditions in the resolution have been addressed. All applicable mandatory requirements from the approved Transit District Development Plan for this site have been addressed in previous submittals. The following is a review of the applicable development district standards as they apply to the subject application.

Stormwater – Mandatory Development Requirements

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

The site has a Stormwater Management Concept approval letter, # 27352-2003-02 that expires on August 15, 2016. According to the letter 100-year attenuation is required. The detailed site plan indicates a vault system under the proposed building.

P26 – Where stormwater management cannot be provided for existing developed properties, a mandatory 15 percent green space requirement shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation required if it occurs on the actual property.

Stormwater management is proposed for the subject development as stated above.

S31 - At the time of Detail Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.

This requirement has been met with this submission. The landscape plan provides the locations of the proposed trash receptacles in accordance with the above standard.

S32 – Prior to the final inspection and sign off of permits by the Sediment/Stormwater or Building Inspector, and storm drain inlet associated with the development and all inlets on the subject subarea shall be stenciled with “Do Not Dump, Chesapeake Bay Drainage.” The Detailed Site Plan and the Sediment Control Plan (in the sequence of construction) shall contain this information.

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New storm drain inlets will be proposed as part of the project. The Planning Board adopts the following as a condition of the approval of the plans:

All new inlets shall be stenciled with "Do Not Dump, Chesapeake Bay Drainage" and details shall be shown on the Detailed Site Plan and Sediment Control Plan.

Woodland Conservation - Mandatory Development Requirements

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, particular within the Northwest Branch Sub-watershed.

This project has complied with this requirement with the approval of a previous DSP application (DSP-05084). A ten percent afforestation requirement was met off-site.

100 Year Floodplain - Mandatory Development Requirements

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

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.

P30 – If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.

The site does not contain areas of 100-year floodplain.

Nontidal Wetlands - Mandatory Development Requirements

P31 – If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineers Joint Permit Application shall be required and, where required, issuance of the permit.

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 from the Maryland Department of the Environment.

The site does not contain areas of wetlands.

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Noise Impacts - Mandatory Development Requirements

P33 – Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 65dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submitted, the Natural Resource 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 Resource Division that a noise study is required, it shall be reviewed and approved by the Natural Resource 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. Furthermore, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required.

The 65dBA (Ldn) noise corridor for East-West Highway is delineated on the approved TCPH as required. Because no residential uses are proposed, noise mitigation is not required at this time. No additional information is required at this time with respect to noise.

Environmental Review Conclusions

1. The site has an approved Natural Resource Inventory Equivalency Letter (NRI-074-13). The overall site is primarily developed with an area of green space in the northeast portion of the site. the subject site is developed with parking and contains no woodland or regulated environmental features. No additional information is required at this time with respect to Natural Resources Inventory.
2. This site is subject to a 10% percent afforestation requirement for the gross tract area. This requirement has been addressed through a note on the plan which states: "Tree Conservation Requirements: 10% of the 13.85 acre net tract area (1.39 acres) will be provided for in a woodland conservation easement off-site." DSP-05084 as submitted is in conformance with the approved Type II Tree Conservation Plan (TCPH/15/01). Required off-site easements for this site have been previously secured.

The current TCPH does not reflect the proposed development for retail and commercial. The TCPH needs to be revised to reflect the proposed development prior to certification. The Planning Board adopts the following as a condition of the approval of the plans:

Prior to certification of the detailed site plan, the TCPH shall be revised to reflect the proposed development as approved. The TCPH shall be submitted as an addendum to the existing plan, with an additional sheet only reflecting the

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proposed development for the subject project. The approval block shall be updated and reflect all previous approvals in regular typeface.

- b. **Community Planning**—The Planning Board adopts the Community Planning findings below.

This application is consistent with the 2002 *Prince George's County Approved General Plan* (General Plan) Development Pattern policies for the Developed Tier and regional center. The site is within the Developed Tier and the core area of the regional center for the Prince George's Plaza Metro Station. The vision for a center is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The detailed site plan also conforms to the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (Prince George's TDDP/TDOZ) goals and mandatory development requirements, amended by Primary Amendment TP-00002.

The food and beverage store will be located along East-West Highway (MD 410), 20 feet from the face of curb if a new dedicated SHA bike lane is constructed along East-West Highway. The grocery store will be finished primarily with red and orange brick. Wide expanses of metal, glass, and composite cedar-colored panels will be interspersed along this façade to provide visual interest and accent the entrances along the East-West Highway streetscape. The parking garage with 100 feet of linear frontage on East-West Highway will be located immediately east of the main entrance to the food and beverage store. The structure of the garage, which will sit back from the façade of the food and beverage store, will be concealed behind vertical, composite, cedar-colored paneled columns, and photographic art murals. Liner retail and office buildings, composed of red brick, will flank either end of the grocery store and parking garage. The parking garage will extend along the Democracy Avenue and Liberty Lane frontage of the development. The building façades fronting the two streets will be finished with a combination of pre-cast, metal, and masonry materials. Enhanced landscaping will be provided along the Democracy Avenue frontage of the building to help lessen any visual impact of the garage.

The food and beverage store and retail and office buildings will be a minimum 18 feet to maximum 44 feet in height at its highest point along East-West Highway. A ±4,000-square-foot public plaza with seating areas and opportunities for public art work will be situated near the intersection of East-West Highway and America Boulevard. A second, but smaller open space with seating and additional landscaping, will be provided in front of the parking garage façade along East-West Highway.

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Conclusions of Community Planning

The application is consistent with the development pattern policies of the General Plan for regional centers in the Developed Tier. The proposed grocery store will contribute to the development of a mixed-residential and nonresidential center proximate to the Prince George's Plaza Metro station.

The application generally conforms to the land use recommendations of the Prince George's TDDP/TDOZ. While the TDDP does not specifically identify the intended future land uses for the parcels within the plan area, it does link the allowed/desired uses to the zone and provides a purpose statement that calls for high-density mixed-use development in close proximity to the Metro station that will promote transit ridership.

- c. **Transportation Planning**—The Planning Board adopts the Transportation Planning findings for the analysis of bicycle and pedestrian facilities and for the analysis of the road systems.

- (1) In terms of bicycle and pedestrian facilities, access, and circulation, the applicant's proposal is consistent with the Prince George's TDDP/TDOZ.

Background

The proposal does not conflict with urban design goals that contained in the TDDP, specifically in terms of pedestrian and bicycle facilities, access, and circulation. The TDDP's Urban Design Goals (page 28) are related to pedestrian and bicycle access and circulation, and to the overall design character throughout the Prince George's Plaza Transit District. The goals encourage placement of buildings along East-West Highway so that they define the space to create a pedestrian-friendly environment, while minimizing views of parking areas. The goals encourage the use of structured parking and the linking up of residential neighborhoods to the Metro station and other uses with a strong pedestrian network.

Pedestrian Access and Circulation

The TDDP describes a primary, secondary, and tertiary pedestrian system that is part of a comprehensive, well-coordinated, pedestrian network that promotes transit ridership and provides numerous direct connections to the Metro station and transit district services. The subject proposal includes these pedestrian systems as applicable, and they appear to be adequate for the intended use (described below in the context of the Mandatory Development Requirements).

TDDP Required Findings

The following is a list of the district-wide requirements and guidelines (page 27), and sub-area requirements and guidelines (page 93) that are applicable to the subject application in terms of pedestrian access and bicycle facilities. The TDDP contains subsections to achieve the goals.

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Pedestrian Access and Bicycle Facilities are two subsections that will be analyzed below. The TDDP also contains district-wide requirements and guidelines (page 27), and sub-area requirements and guidelines (page 93).

Pedestrian Access

S5 Special Paving materials

The paving materials should be consistent with the paving that was previously built within the existing sidewalks of America Boulevard and the existing sidewalk that is currently built along the majority of the frontage of East-West Highway, specifically in front of the Prince George's Plaza Shopping Center site. The plaza located at the intersection of East-West Highway and America Boulevard should also be creatively designed to reflect a sense of place and provide for the transition from one paving pattern and material to another. This will require an analysis of the paving for each of the frontage areas mentioned. Details and specifications, as well as layout patterns, should be added to the plan. The current proposal is for a simple brushed concrete sidewalk. The transition to the sidewalk within the property to the east should be done at Democracy Boulevard. A condition has been added to the plans relating to this issue to require the applicant to revise the plans to provide for the special paving within the streetscape areas prior to certificate approval of the plans.

G1 Minimize Vehicular and Pedestrian Conflicts

The proposal does not conflict with this mandatory development requirement. Vehicular access is limited to Liberty Lane and Democracy Avenue. The proposal minimizes vehicular and pedestrian conflicts by providing the recommended streetscape on East-West Highway and by minimizing the number of curb cuts along roadways. The width of the sidewalk narrows to a minimum of seven feet along a portion of the frontage due to the reduced streetscape from 28 to 20 feet in width. The use of structural soils under the pavement so that the sidewalk will appear to extend from the most northern side of the walkway to the curb, in areas between the tree planting pits, will provided for the appearance and feel of a wider streetscape than what is currently proposed. It will create a more comfortable experience for the pedestrian to move along East-West Highway.

S9 Streetscape Elements

The proposal for streetscape elements has been adequately provided.

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S10 Traffic Lights

The applicant states that there are no new traffic lights proposed within this application. However, if one is eventually approved by SHA for a left-turn lane into the project, then decorative mast arms should be required, subject to SHA modification.

S11 Limbing Street Trees

The applicant states that trees will be pruned in the future according to the specifications of the TDDP.

S12 Tree Pits

Tree pit design should comply with the latest technology for the health of shade trees to promote growth and sustainability.

Bicycle Facilities (page 41)

S29 and S30 Bicycle Parking

The applicant proposes 26 bicycle parking spaces. Each rack allows two bicycle parking spaces. The TDDP requirement is four bicycle racks per 10,000 gross square feet of retail floor space. Subtracting the office space leaves a total of 68,783 of gross square feet of retail; therefore, 28 bicycle spaces are required.

G48, G49, G50, and G51 Bicycle Parking, Lighting and Visibility

The proposed locations for bicycle parking appear to be well lit. Any additional bicycle parking that is added to the plan should be located within the parking garage or adjacent to building entrances in well-lit locations.

Zoning Ordinance Requirements

Sections 27-546(d) and 27-548.02

The applicant's proposal contains a pedestrian system that is convenient and that is comprehensively designed to encourage pedestrian activity within the development (per Section (27-546(d)). It is consistent with the regulations contained within Section 27-548-06(e), which requires that "the pedestrian system within the transit district shall be oriented toward serving the Metro station, as well as other development within the District." The proposal orients sidewalks in order to provide access to the nearby Prince George's Plaza Metro Station.

Transportation Planning Conditions—Trails and Bicycles

- (a) Provide four bicycle parking spaces for every 10,000 gross square feet of retail use located in well-lit areas and near building entrances.

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- (b) All bicycle parking racks shall be anchored in concrete.

The Planning Board adopts the conditions recommended above.

- (2) Transportation Planning analysis for conformance to the Mandatory Development Requirements relates to parking and circulation. This development is proposed as replacement of the 176 multifamily residential dwelling units, and 66,800 square feet of commercial retail space approved as part of an earlier DSP application (PGCPB No. 06-95) in May 2006. The proposed development will be in addition to the existing office, commercial retail and multifamily residential development that already exists on the Subarea 3.

Background

Prior to the approval of the TDDP, three office buildings consisting of 1,237,000 GSF and 3,506 surface parking spaces existed on Subareas 2 and 3. Since the approval of the TDDP, the following development plans have been approved:

The conceptual site plan (CSP-00024) has been approved which allows a mixed-use development with a "main street" theme, and will allow additional 1,931,500 GSF of office, retail and residential development and a total of 4,000 additional structure parking spaces.

On April 25, 2002, the Prince George's County Planning Board approved the preliminary plan of subdivision (4-01092).

DSP-01002 approval is for construction of a 195,350 GSF office building and a parking garage with 1,565 structure parking spaces.

DSP-03037 approval is for construction of a five-story underground parking garage containing 1,167 structure parking spaces.

DSP-03037/01 approval is for the construction of a 16-story residential student housing building with 240 units. This building is also under construction.

DSP-03037/02 approval is for construction of additional 112 residential condominium units and 28,000 GSF of commercial retail space.

DSP-05041 approval is for construction of a 93,100 GSF movie theater complex, 34,903 GSF commercial retail, and 58,886 GSF commercial office spaces.

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DSP-05084 approval is for construction of 176 residential condominium units, 66,751 GSF of commercial retail and a parking garage with 660 structure parking spaces.

The approved TDDP guides the use and development of all properties within its boundaries. The findings and recommendations outlined below are based upon Planning Board evaluation of the submitted site plan and the way in which the proposed development conforms to transportation and parking MDRs and Guidelines outlined in the TDDP.

One of the purposes of this TDDP is to ensure a balanced transportation and transit facilities network. Therefore, and for the purpose of assessing transportation needs, staff performed an analysis of all transportation facilities serving the transit district. This analysis indicated that the primary constraint to development in the transit district is vehicular congestion, particularly the congestion caused by the Single-Occupant Vehicles (SOV) trips that should be converted to trips taken on the available transit service. As result, the TDDP addresses transportation adequacy by recommending a number of policies for managing surface parking supply within the transit district, while providing full exemption to the amount of structure parking in any of the related TDDP's mandatory requirements associated with the parking and transportation adequacy.

Among the most consequential of these policies are: (1) the establishment of a district-wide cap on the number of additional surface parking spaces (3,000 Preferred, plus 1,000 Premium) that can be constructed in the transit district, (2) the implementation of developer contributions based on total number of Preferred and Premium surface parking spaces proposed for any planned development, to be applied toward the funding of the recommended transportation improvements, and (3) the establishment of a mandatory Transportation Demand Management District (TDMD). With the approval of The TDDP, the TDMD was authorized with the same boundaries as the Transit District, but as of this writing the TDMD has not yet been established by the County Council as required per Subtitle 20A of the County Code.

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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 unallocated and still available Preferred and Premium surface parking spaces in the transit district for each class of land use are:

	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)						(178)	
Subarea 4					(121)		(121)	
Subarea 6					(72)		(72)	
Subarea 9					(321)		(321)	
Subarea 10A			(82)		(191)	(15)	(273)	(15)
Unallocated	742	310	1,080	390	205	285	2,035	985

Note: The allocation or availability of preferred and premium surface parking spaces does not change in the transit district by any subsequent amendments to an approved detailed site, provided the requested amendment is not proposing an increase in the number of approved or exempt surface parking in each subarea. The figures shown above do not include the number of structured parking spaces that are built, or are planned to be constructed in each subarea, as they are deemed exempt pursuant to the requirements of mandatory development review (MDR) P6.

The TDDP identifies the subject property as Subarea 3 of the TDOZ. The applicant proposes to construct 52,100 square-foot food and beverage store (Safeway), 33,400 square feet of retail/office, and a two-story parking garage with 289 parking spaces, as a replacement to the approved plan for 176 residential condominiums, 66,751 square feet of commercial retail space, and a parking garage with 660 structured spaces.

Since the proposed plan is not proposing any additional surface parking, the review of the submitted plan will be limited to the determination of access points, and compliance to the transportation related requirements of the approved Conceptual Site Plan. Approval of this plan would not result in any changes to the unallocated Preferred and Premium surface parking spaces stated in the table above.

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Vehicular access to the proposed uses are provided from the existing driveways along MD410 via America Boulevard (limited to right in/out), and Democracy Avenue which is proposed to be improved with a median break along East West Highway for the provision of left-in movement from eastbound MD410 in addition to the existing right-in/out movements. Based on the State Highway Administration referral memo dated August 27, 2013 (attached), the proposed median break along MD410 at its intersection with Liberty Lane appears to have preliminary support from the SHA.

Circulation

Additional ingress and egress point access to the proposed uses are provided through the existing internal road and street network with Subareas 2 and 3 including Liberty Avenue which leads to Belcrest Road to the west and Toledo Road to the North. The site circulation exhibit prepared by the applicant, illustrates how the outgoing traffic from the site would utilize the existing street network to reach points east, south, and north of the subject site.

Conformance to CSP-00024, Condition 15

The approved CSP for the total planned development within Subareas 2 and 3 shows a total of 7,506 total parking spaces, of which 4000 spaces proposed as structured parking spaces. The applicant submitted an acceptable shared parking analysis by including appropriate reduction for metro, indicates that the peak shared parking demand for all existing, approved and proposed uses (approximately 1.5 million square feet of office space, 225,000 square feet of retail uses, and 1,022 multifamily residential units), is for 4,681 spaces. Although, the calculated peak shared maximum parking for all existing, approved and planned uses is slightly less than the proposed total parking supply of 4,750 spaces which includes the proposed 289 spaces structured parking spaces, it is nearly 3000 spaces less than the 7,506 total parking spaces recommended by the approved CSP (PGCPB No. 01-248). As a matter of information, the maximum allowed parking for all existing, approved, and proposed uses, based on the recommended TDDP parking ratios applicable only to surface parking and without the application of any credits for shared-use of parking would be equal to 5,822 spaces.

Transportation Conclusions

The Transportation Planning Section recommended that the proposed development in the Detailed Site Plan as submitted will meet the circulation requirements of the Prince George's Plaza Transit District Development Plan (page 22), provided that:

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department

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

- (1) The provision of a left turn lane along eastbound MD410 and the Democracy Lane and any associated geometric improvements per SHA standards, as well as an acceptable traffic signal warrant study to SHA for signalization at the intersection of Democracy Lane and MD410. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the SHA. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the SHA prior to the release of any building permits within the subject property, and install it at a time when directed by SHA.

The Planning Board does not adopt the above condition because the applicant will bond and permit the construction of a left turn lane along eastbound MD 410 and Democracy Lane and any associated geometric improvements per SHA standards, and in accordance with SHA approval of an access permit. Further, the applicant may be required by SHA to provide an acceptable traffic signal warrant study for signalization at the intersection of Democracy Lane and MD 410. This study, if required, should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the SHA. If a signal or other traffic control improvements are deemed warranted at that time, the applicant will bond the signal with the SHA prior to the release of any building permits within the subject property, and install it at a time when directed by SHA.

- d. **Maryland State Highway Administration (SHA)**—In a memorandum dated August 27, 2013, SHA found that an access permit is required for the development of the site as proposed. Other comments required additional information to be submitted to SHA prior to issuance of an access permit.
- e. **City of Hyattsville**—The DSP was referred to the City of Hyattsville and, in letter dated September 24, 2013 (Mayor Tartaro to Chairman Hewlett and Chairman Harrison), the City recommends approval of the application with conditions, and is in support of the reduced building height and the amendment to the use table. Below is an excerpt from the letter that explains their position:

"It is our understanding that the primary purpose of the revised site plan includes the proposal to eliminate 176 residential units from the project, as was previously approved by M-NCPPC Planning Board. The City is in agreement that in order

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for the retail and office development to move forward the planned residential units approved in the existing site plan must be eliminated from the project. The City of Hyattsville's support is conditional upon the applicant and M-NCPPC Planning Board's acceptance of the following conditions:

- "1. The applicant shall include additional way-finding for both motorized vehicles and bicyclists to clearly indicate opportunities for parking facilities.
- "2. The applicant should maximize the opportunity for 'place making' through placement of street furniture, enlargement and the commissioning and placement of art at the site. The City's expectation is that the art shall be similar to the size and scope of artwork of the Pilgrim's Quandry piece at Post Park Apartments created by Alan Binstock. The placement of any artwork should be at the discretion of the developer and should only be included as a means of enhancing the development.
- "3. The applicant should consider additional bicycle parking opportunities both at street level inside the parking garage and incorporated into the exterior streetscape. Inclusion of bicycle parking that is both highly visible and accessible is necessary to ensure the project is well incorporated into the pedestrian and transit oriented prioritization of the TDOZ.
- "4. Any on-street parking associated with this site shall be metered."

The above conditions have been included as conditions in the approval of this case as Condition 1(g), 1(h), 1(i) and 2.

- f. **Town of University Park**—The following letter dated October 29, 2013, was received at the public hearing from Mayor Tabori, Town of University Park:

"The Town Council voted on October 28, 2013, to support the DSP with the conditions proposed by M-NCPPC staff.

"The Council voted to make two additional requests. These are:

- "1. The Council is concerned that, although this project is located in a TDO Zone, there is no adjacent bus or taxi stop or pull off. The Town operates a circulator bus that could add such a stop to its route, thereby allowing residents access to the property without using a car. The Council supports installation of such a stop or pull off. We understand that it is unlikely that SHA would approve a bus/taxi stop or pull off on Route 410, which would be an optimum location. As an alternative, the Council requests

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that the DSP include a condition that the Applicant cooperate with the owner of the adjacent internal roadways to create a bus/taxi stop or pull off for loading and unloading of passengers on America Boulevard, Democracy Avenue or Liberty Lane and that if this is achieved, the Applicant be required to provide a bus shelter at the site; and

- “2. Require that the Applicant, its heirs and assigns, be required to install a traffic light at the left-turn lane into the project at Democracy Avenue and Route 410, East West Highway, upon approval by the State Highway Administration.

“Finally, the Council expressed its appreciation that the Applicant will provide all storm water management on site. Our community is downstream of the proposed project and will benefit from this decision.”

The Planning Board was reluctant to adopt the conditions recommended by the Town because Condition 1 requires the applicant to work with a third party to provide a bus shelter on lands that are not controlled by the applicant. The requirement of a traffic light mid-block between Belcrest and Adelphi Road is wholly dependent on review and approval by the SHA. However, the applicant agreed to explore the possibility of revisiting the plan to add a bus stop/shelter to the plans, if feasible. The Planning Board adopted Condition 1(o) to address the issue.

- g. **Public Facilities**—The Planning Board adopts the Public Facilities findings below.

Police Facilities

The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

Fire and Rescue Service

The Special Projects Section has reviewed this plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations.

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Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time	Travel Time Guideline	Within/ Beyond
1	Hyattsville	Engine	6200 Belcrest Rd.	0.7	3.25	Within
1	Hyattsville	Ladder Truck	6200 Belcrest Rd.	0.7	4.25	Within
1	Hyattsville	Ambulance	6200 Belcrest Rd.	0.7	4.25	Within
12	College Park	Paramedic	8115 Baltimore Ave.	3.64	7.25	Within

Capital Improvement Program (CIP)

The Prince George's County Capital Improvement Program for Fiscal Years 2013–2018 provides funding for replacing existing Hyattsville Fire/EMS Station 1 at 6200 Belcrest Road.

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

School Facilities

The plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the plan is exempt from a review for schools because it is a nonresidential use.

Water and Sewerage Findings

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

- h. **Historic Preservation**—The Planning Board adopts the Historic Preservation findings below.

- (1) The Historic Preservation Section’s review of DSP-05084-02, University Town Center, found the subject application for 68,783 square feet of retail (including a Safeway grocery store) and 16,741 square feet of office space will have no effect on identified historic sites, resources, or districts.
- (2) A Phase I archeological survey is not recommended on the above-referenced 3.49-acre property located at 6401 America Boulevard in Hyattsville, Maryland. The subject property is currently developed with a parking lot associated with the

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building to the north. The site was extensively graded and disturbed during initial construction of these features. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.

- i. **Subdivision Review**—The subject property is known as Parcel S, located on Tax Map 42 in Grid A-2, within the M-X-T Zone, and is 3.49 acres in size. The site is currently improved with a parking lot. The applicant has submitted a revised DSP for the construction of a 52,105-square-foot grocery store, a 16,678-square-foot retail store, and a 16,741-square-foot office. The total gross floor area of development proposed on-site is 85,524 square feet.

Parcel S was recorded in Plat Book REP 209-54 on December 5, 2005. The DSP shows the correct bearings and distances on the property as reflected on the plat. The plat shows a public utility easement (PUE) on the property along the frontage of East-West Highway. The DSP should reflect and label the PUE as shown on the plat. The record plat contains five notes, one of which impacts the review of the DSP:

3. **Unless an amendment is approved no more than four curb cuts in the subject property shall be allowed along Belcrest Road for ingress and egress per the requirements of the Transit District Development Plan, Subreq 3 Requirements and Guidelines (see TDDP, S24, Page 102). Access to lots may be provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.**

The subject site does not have frontage on or access to Belcrest Road. The DSP shows Parcel S with frontage on East-West Highway, an arterial roadway, and access onto abutting Parcels R and O pursuant to Section 24-128(b)(9) of the Subdivision Regulations. In addition, there is an existing access easement that is recorded in Land Records which serves this parcel and the surrounding parcels, as reflected on the record plat (Liber 19927, Folio 460). Plat Note 3 and the existing easement (Liber 19927, Folio 460) should be added as a note on the DSP as reflected on the record plat.

Detailed Site Plan DSP-05084-02 is in substantial conformance with approved Preliminary Plan of Subdivision 4-01092 and the record plat. Failure of the site plan to match the record plat will result in grading and building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

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- j. **Prince George's County Health Department**—The Health Department provided comment on this case in a memorandum dated August 30, 2013 as stated in bold below:

Research suggests that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light on existing residential areas that are located approximately 1000 feet from the site.

A photometric plan was submitted with the DSP, which evidences the level of light spill, if any, on and around the subject property. The applicant contends that light fixtures will not negatively impact the existing residential areas. The photometric plan indicates levels as high as 8.8 foot candles near the entrance into building C, adjacent to the residentially zoned property where a church is located. The plans should be revised to indicate full-cut off light fixtures and a revised photometric plan should be submitted indicating reduction of lighting impacts along the eastern property line prior to certification.

The property is located in the recharge area for the Patuxent aquifer, a groundwater supply that serves the Beltsville Agricultural Research Center, Patuxent Wildlife Research Center and the City of Bowie. Conversion of green space to impervious surface in this recharge area could have long term impacts on the sustainability of this important groundwater resource. The applicant should consider options to facilitate the return of precipitation to the aquifer.

According to the applicant, the existing soil composition for the subject property renders many traditional infiltration techniques difficult to implement, as the soil composition at this particular site is not conducive for infiltration. However, despite these difficulties, the applicant has agreed to explore opportunities for additional infiltration techniques, if possible. Prior to signature approval, the plans shall be revised to incorporate less traditional infiltration techniques that will allow the infiltration of water into the recharge area for the Patuxent aquifer, if feasible, or evidence shall be submitted that clarifies that the permeability of the soils is not feasible.

The site is adjacent to the East-West Highway and approximately 500 feet from Adelphi Road, which are both arterial roadways. Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification. The applicant should consider options to mitigate exposure to fine particulate air pollution, especially for future office tenants.

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The proposed street trees and landscaping along MD 410 will mitigate impacts associated with air pollution caused by vehicles on MD 410. According to a recent study published by the Environmental Science & Technology, street trees and other green plants can reduce two key air pollutants eight times more than previously known. Nitrogen dioxide and fine particulates are two key components of smog and soot, both pollutants, however, can be reduced by as much as 40% (nitrogen dioxide) to 60% (fine particulates) by trees, shrubs, and even grass areas planted in "urban street canyons." The plans provide for the planting of vegetation to the greatest extent possible considering the use of the property. It should also be noted that the application fulfills the requirements of Subtitle 25, Division 3 for Tree Canopy Coverage requirements through the planting of shade trees, ornamental trees and evergreen trees.

The site is adjacent to the East-West Highway and approximately 500 feet from Adelphi Road, which are both arterial roadways. Noise can be detrimental to health with respect to hearing impairment, cardiovascular effects, psycho-physiologic effects, and psychiatric symptoms. The applicant should consider options to mitigate exposure to noise levels above 65 dBA, especially for future office tenants.

The proposed uses on Parcel S includes commercial/retail and office uses. Section 26.02.03.02 of COMAR provides goals for noise standards. Any potential adverse noise will be caused solely by noise generated by motor vehicles on public roads, which is exempt from the provisions of this regulation. Nevertheless, it is not anticipated that noise levels will exceed the day/night maximum allowable noise levels provided for in Table 1 in §B(1), which indicate acceptable day time levels to be as high as 67dBA and night time levels to be as high as 62 dBA for commercial developments. It was previously determined in prior approvals that a Phase 2 Noise Study was not required, as the noise levels were deemed acceptable as stated in the Planning Board resolution for the original case below:

"East West Highway and Belcrest Road are noise generators; however, the noise levels are low enough not to adversely impact the commercial and residential uses proposed. The proposed use is not anticipated to be a noise generator."

It is noted that this application does not include a residential component, but the above indicates that the noise issue related to the commercial uses was not found to be detrimental.

Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors have a significantly higher prevalence of obesity and diabetes. There are three market/grocery stores and 11 carry-out/convenience stores within ½ mile radius of this location. The applicant is

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proposing to add a Safeway grocery store to the site, which will expand the healthy food options available to the community.

This comment addresses the favorable use of the property as a food and beverage store and is indirectly supportive of the amendment to the use table and the positive impact another food and beverage store at this location will have on the immediate community.

- k. **Prince George's County Police Department**—The Police Department indicated that they did not have any comment on this application.

16. **Tree Canopy Coverage Ordinance:** The plans are in conformance with the Tree Canopy Coverage Ordinance (TCC), Subtitle 25, Division three which came into effect on September 1, 2010. The required tree canopy for this site in the MXT Zone is ten percent of the site area or a total of 15,202 square feet. The proposed landscaping on the site accounts for 17,180 square feet, which meets the requirement for the site.

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, RECOMMENDS to the District Council APPROVAL of the requested change to the use table and the minimum height of the building (P150), APPROVED amendments to P1, P52, and S-8, and further APPROVED the Detailed Site Plan DSP-05084/02, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the following revisions or information shall be supplied:
 - a. Revise the architecture of Building C to add an entrance into the lobby on the first floor to provide access directly from the parking garage.
 - b. Revise the architecture to include product clarification relating to the composite panels, brick selections, art panel, etc. shown in the building material key in order to ensure that the materials are durable, moisture resistant, approved for ground contact, and attractive.
 - c. Revise the architecture to impose imagery over the three panels located at the plaza area similar to the design located on the parking garage, or to reflect the uses within the associated structures. The panels shall not contain advertising information and may be changed out for seasonal theme variations.
 - d. Revise the plans to show the street tree plantings to tree pits along East-West Highway (MD 410) with a connected continuous non-compacted soil volume system under the sidewalk. Details of the soil and tree pit system shall be shown on the plans using "structural soils." Details and specification shall be added to the plans and should reflect the latest technology for the health of the trees, at a reasonable cost.

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- e. Submit additional details and specifications relating to the proposed irrigation plan that includes the streetscape along East-West Highway (MD 410), the plaza located at the corner of the intersection of America Boulevard and East-West Highway, and the streetscape along America Boulevard.
- f. Revise the plans along the eastern edge of the property adjacent to the church and across from the parking garage, in order to provide details and specifications of the parking garage. The plans shall demonstrate that the slope of the grade within the retained area is flattened to no more than a 5:1 slope. A level planting surface shall be provided for each tree of no less than six feet in radius with good top soil behind the retaining walls and mulch to retain moisture.
- g. Revise the plans to provide bicycle rack(s) accommodating a minimum of four bicycle parking spaces for every 10,000 gross square feet of retail (currently 28 bicycle parking spaces), anchored in concrete, at street level inside the parking garage and incorporated into the exterior streetscape, and in well-lit, highly-visible, and accessible areas, and near building entrances.
- h. Revise the plans to include additional way-finding for both motorized vehicles and bicyclists to clearly indicate opportunities for parking facilities, as necessary.
- i. Revise the plans to add street furniture and art (similar to the size and scope of artwork of the Pilgrim's Quandry piece at Post Park Apartments created by Alan Binstock) at the site. The placement of any artwork should be considered at the plaza area. Revise the plans to show the University Town Center monument signage relocated to the island within America Boulevard, if feasible.
- j. Revise the plans to provide details and specifications of the paving materials within the streetscape consistent with that currently existing along the majority of the frontage on the northern side of East-West Highway.
- k. Revise the Type II tree conservation plan (TCPII) to reflect the proposed development as approved. The TCPII shall be submitted as an addendum to the existing plan, with an additional sheet only reflecting the proposed development for the subject project. The approval block shall be updated and reflect all previous approvals in regular typeface.
- l. Revise the plans to indicate that all new inlets shall be stenciled with "Do Not Dump, Chesapeake Bay Drainage" on the Detailed Site Plan and Sediment Control Plan.
- m. Revise the plans to indicate full cut-off light fixtures and revise the photometric plan to indicate reduced lighting impacts along the eastern property line of the subarea.

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- n. Revise the plans to incorporate additional infiltration techniques that will allow infiltration of water into the area for the Patuxent aquifer, if feasible, or provide evidence that clarifies that the permeability of the soils is not conducive to infiltration.
 - o. The applicant shall explore the possibility of providing a bus/taxi stop along its frontage of America Boulevard, and if feasible, shall provide said stop with shelter.
2. On-street parking associated with this site shall be metered.

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 31, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of October 2013.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date

11/1/13

Patricia Colihan Barney
Executive Director

By



Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj