



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 07-161(A)

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File No. DSP-99048/01

A M E N D E D R E S O L U T I O N

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 July 26, 2007 regarding Detailed Site Plan DSP-99048/01 for the Landy Property, the Planning Board finds:]~~

*WHEREAS, DSP-99048/01 for Landy Property was approved by the Planning Board on July 26, 2007, and PGCPB Resolution No. 07-161 was adopted on September 6, 2007; and

*WHEREAS, on April 26, 2010, the District Council elected to review this case; and

*WHEREAS, on May 24, 2010, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to allow the municipalities to comment on a revised DSP, the applicant to investigate the use of alternatives for stormwater management, to activate the streetscape, to reduce the building height, and to limit density to approximately 400 dwelling units in Phase One; and

*WHEREAS, in consideration of evidence presented at a second public hearing on September 23, 2010 regarding DSP-99048/01 for Landy Property, Phase One, the Planning Board made the following amended findings:

1. **Request:** This detailed site plan application is for the construction of ~~*[1,216]~~ 406 multifamily dwelling units within Subarea 1 of the Prince George's Plaza Transit District Overlay Zone. This revision to the plan proposes a new building type and *layout, parking facility, and decreases the number of dwelling units from the number originally approved in DSP-99048 ~~*[(1,283)]~~ (1,216). The new proposals include ~~*[two]~~ one multi-family buildings, a small amount of commercial and the associated parking facilities. The existing structures and parking facilities associated with the Plaza Tower will remain.

2. **Development Data Summary:**

Zone	R-10
Total Site Area	33.94 acres
Area within 100-year floodplain	0 acres
Net Tract Area	33.94 acres
Proposed Use	Multifamily Dwellings *[Accessory retail]
Density Permitted (48 Dues/net tract acre)	1,629 units
Density Proposed	*[1,504] <u>94</u> units
Existing Number of Units	288 units
Proposed Number of Units	*[1,216] <u>694</u> units
Building *[A]	*[735] <u>406</u> units
*[Building B]	481 <u>units</u>
*[Proposed Commercial]	3,845 <u>square feet</u>
Existing Parking (to remain)	*[316] <u>TBD</u> surface spaces
Parking Proposed	*[64] <u>50</u> surface spaces *[2,769] <u>589</u> structured spaces
Total Parking Proposed	*[2,833] <u>639</u> spaces
Loading (based on *[1,504] <u>694</u> units)	
One loading space required for 100-300 DU's	1 space
Plus one space for each additional 200 DU's	*[7] <u>2</u> spaces
Total loading required	*[8] <u>4</u> spaces
Existing loading spaces on site	2 spaces
Proposed loading	*[8] <u>2</u> spaces
Total loading proposed	*[10] <u>4</u> spaces
Maximum lot coverage allowed (50%)	16.97 acres
Lot coverage proposed *[21.58]	*[14.80] <u>7.30</u> acres
Minimum Green Area required (50%)	16.97 acres
Green Area provided *[60%] <u>(78.5%)</u>	*[19.14] <u>26.34</u> acres

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3. **Location:** The subject site is located northwest of the intersection of Toledo Road and Belcrest Road, within the City of Hyattsville.
4. **Surroundings and Use:** The property is bounded on the north by Prince George's County Board of Education property, Northwestern High School, to the east by Belcrest Road, to the south by Toledo Terrace, to the west by Northwest Drive and Dean Drive.
5. **Previous Approvals:** The subject site consists of two parcels, currently known as Parcel A and Parcel 139. Parcel A was recorded on Plat 44 @ 63 in land records in 1962, and Parcel 139 is an acreage parcel. The multifamily structure, known as the Plaza Towers that exists on the site, was constructed around 1965. The existing development on the site is an 11-story multifamily building containing 288 dwelling units. Another similar structure exists on the adjacent property and is known as the Seville Condominium.

On December 20, 2001, the Prince George's County Planning Board approved the original Detailed Site Plan DSP-99048 for this case, upon remand by the District Council. That decision became the final decision on the case for DSP-99048, PGCPB *Resolution No. 01-164(A); it included a Secondary Amendment TS-99048A and a variance VD-99048A. DSP-99048 *[is valid until] expired in December 2007.

*This case was approved at the Planning Board Meeting on July 26, 2007 and remanded by District Council on June 2, 2010. The Order of Remand dated May 24, 2010 states:

*The District Council reviewed the application in public hearing and provided the following direction in an Order of Remand to the Planning Board:

*REMANDED to the Planning Board, to have the applicant revise the site plan, to take further evidence on the plan, and to allow additional public comment, as follows:

*A. The 1998 Approved Transit District Development Plan (or TDDP) for the Prince George's Plaza Transit District Overlay Zone (or TDOZ) recommends development of the Landy Property, consistent with the goals of the Transit District Overlay Zone, to support mass transit.

*The subject property is located within Subarea I of the 1998 Approved Transit Development District Plan for the Prince George's Plaza Transit District Overlay Zone. Key goals of the overall plan are to encourage the placement of buildings along East West Highway, Toledo and Belcrest Roads, and Toledo Terrace so that they define the space, create a pedestrian-friendly environment, and minimize views of parking areas. The plan encourages the use of structured parking and discourages huge expanses of surface parking. Additionally, the main purposes specific to Subarea I, as defined by the approved plan on page 96, are:

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*“To create a stable, vibrant community by significantly increasing the number of people who live within walking distance of the Metro station. The efficient development of the parcel will permit the preservation of large areas of mature woodlands and reduce the negative effects of urban sprawl.”

*On May 24, 2010, the District Council remanded the DSP application back to the Planning Board, due in part to the proposed location of the storm water management pond and to the massing and height of the buildings as shown on Detailed Site Plan (DSP-99048-01) application, as approved and stated in PGCPB Resolution No. 07-161. Additionally, a cap of approximately 400 dwelling units was placed on the first phase of development (Phase I), which is the subject of this DSP application. Consequently, the proposed DSP has been redesigned in an attempt to meet the concerns of the District Council. The storm water management includes an underground tank as part of the new submission.

*The revised plans have been reviewed for conformance to the TDDP. Discussion has been provided below in regard to the revised plans as the revisions are extensive and have basically changed the entirety of the proposal.

*B. The City of Hyattsville, the Town of University Park, and area residents have raised concerns about proposed stormwater management and the massing and height of the proposed buildings on the Landy Property. These concerns must be addressed by the Planning Board, on remand.

*The revised plans have been sent out to the municipalities for comments. As of the writing of this report, recommendations have not been received from either of the municipalities. Any concerns will be included in Findings No. 22 and 23 below, page s 71 and 73.

*C. A central purpose of the TDOZ and TDDP is the creation of an area oriented toward Belcrest Road, to encourage pedestrian traffic and use of the Prince George's Plaza Metrorail station. The project should be reoriented, so that the ground levels of buildings face onto the sidewalks or pedestrian circulation system. The project's orientation and circulation systems must tend to promote access to and active use of Belcrest Road and the Metro station.

*The plans have been revised to orient the building along Belcrest Road, where the original plans had included a storm water management pond.

*D. A primary obstacle between Belcrest Road and proposed development on the subject property is the stormwater management pond shown on the plan as submitted, near the intersection of Toledo and Belcrest. Structures like this pond tend to isolate residential buildings on site from Belcrest Road and the Metro station. The applicant should consider innovative stormwater management features and techniques, including underground facilities; the proposed pond,

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large and inert, blocks movement and circulation. The proposed stormwater management pond and the ten-foot hill between Belcrest Road and the project should be eliminated, or severely reduced.

*The plans have been revised to place storm water management underground, so that the building could be pulled up to the street line. It should be noted that the proposed on-site stormwater management facility, previously shown as a wet pond, has now been revised to show an underground stormwater management facility. The previous proposal showed the pond near the eastern portion of the site, not far from an existing stream that is located along the eastern boundary; however a wooded buffer, between 100 and 150-feet wide, was provided on that plan. The current plan as submitted shows a proposed underground stormwater facility as recommended in the remand order; however, this facility results in a significant impact to the minimum 60-foot-wide stream buffer. At a minimum, the buffer for the existing stream should be preserved to the fullest extent possible in accordance with Sec. 27-285(b)(4). Impacts to the stream buffer are discussed in the Environmental Review Section of the memorandum.

*E. Development on the subject property should be of a scale and at a height proportional to existing and proposed uses on surrounding lots and parcels.

*The issue of the proposed height of the building has been the subject of ongoing discussion with the applicant in the review of the plans. See Finding No. Eight on page 19 in regard to the applicant's request to reduce the minimum allowed building height for the project from six stories to four stories in height.

*F. On remand, the applicant shall present a plan for a first phase of development (Phase I) of about 400 residential units, in a structure or structures fronting on Belcrest Road. Phase I should be reviewed on an expedited basis, by staff and Planning Board.

*The plans were revised to include only Phase One of the development of the subject property. The plans propose 406 units within Phase One. The building fronts on Belcrest Road. The plan has been reviewed on an expedited basis.

*G. It has been a number of months since the Planning Board last reviewed a site plan for the subject property. All interested persons who wish to do so should be allowed to register as persons of record for this case.

*The Planning Board last reviewed this case on July 26, 2007. Any interested party may request to become a party of record and will be duly noted and entered.

6. **Design Features:** ~~*[The project proposes two buildings on the site. Building A is located near Northwest Drive and Dean Drive. Building B is located near Belcrest Road. In each of the buildings, structured parking is surrounded by the multifamily units. Units wrap around the parking garage,~~

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concealing the garages from view, except where building B abuts the Board of Education property to the north. Each of the buildings has multiple 16-story, high-rise towers that rise above the base of the building in which the parking is located. Building A has four such towers, located at each corner of the square formed by the base structure and building B has three towers, one at each end of the rectangular structure and one midway at the front of the building. The applicant is proposing to construct the entire project in seven stages, each stage associated with one high rise tower. The construction timing of these stages will be market driven.

~~Building A~~ 735 dwelling units

~~Building A has five levels of parking, one level entirely below grade and one level partially below grade. The roof of the parking garage is a recreational area that includes an outdoor pool and other recreational amenities. The rectangular base of the building extends up to the seventh floor and the top two levels of the base, floors 6 and 7, are two-story penthouse units overlooking the recreational area. Four high-rise towers are located at each corner of the building and extend 16-17 stories above grade.~~

~~Building B~~ 481 dwelling units

~~Building B has seven levels of parking, all of which are above grade. Dwelling units line the exterior of and conceal the presence of the parking garage except for the façade facing Northwestern High School which will not be concealed by units. Again, the roof of the parking garage is a recreational area that includes an outdoor pool and other recreational amenities. The base of the building extends up to the ninth floor, and the top two levels of the base, floors 8 and 9, are two-story penthouse units overlooking the recreational area. Three high-rise towers are associated with the building, extending 16 stories above the grade.~~

~~Exterior finish materials for the project include the use of glass, ground face concrete masonry block at the base of the building, and brick above the second floor. The plans were submitted with a predominant amount of Exterior Interior Finished System (EIFS), but during the review process the applicant has revised the plans to eliminate the use of EIFS and has substituted those areas with brick. The proposed color combination is a monochromatic beige color scheme.~~

~~Three access roads enter the property from the surrounding roads: Belerest Road, Northwest Drive, and Dean Drive. These access points were identified in the previously approved detailed site plan. This revised DSP uses the same access points. An interior drive connects the entry points and provides a vehicular connection to each phase of the development. Pedestrian sidewalks are provided along the drive to link the two buildings and recreational facilities. The existing trails are preserved and will be connected to the proposed sidewalks.~~

~~The project includes the following recreational facilities which are located on the roof top of each of the buildings:~~

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~~Recreational Amenities—Building A~~

- ~~(1) Swimming pool~~
- ~~(1) Volleyball court~~
- ~~(1) Pre-teen area~~
 - ~~Play structure~~
 - ~~Swing set~~
 - ~~(2) tables~~
- ~~(1) Tot play area~~
 - ~~Play structure~~
 - ~~Swing set~~
 - ~~(2) tables~~
- ~~(6) Benches~~
- ~~Paths~~

~~Recreational Amenities—Building B~~

- ~~(1) Swimming pool~~
- ~~(1) Volleyball court~~
- ~~(1) Pre-teen area~~
 - ~~Play structure~~
 - ~~Swing set~~
 - ~~(2) tables~~
- ~~(1) Tot play area~~
 - ~~Play structure~~
 - ~~Swing set~~
 - ~~(2) tables~~
- ~~(6) Benches~~
- ~~Paths~~

In addition, the plans propose the following amenities for the project:

~~Architectural Amenities—Building A~~

- ~~(3) Lobbies/Offices~~
- ~~(2) Mail Rooms~~
- ~~(1) Community Room~~
- ~~(9) Game Rooms~~
- ~~(2) Fitness Areas~~
- ~~(4) Multipurpose Courts~~
- ~~(1) Business Center~~

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- (1) Trash/Delivery/Service/Staging
- (1) Maintenance
- (8) Residential Storage
- (1) Commercial Office/Retail
-

Architectural Amenities—Building B

- (1) Lobby/Office
- (3) Mail Rooms
- (2) Community Rooms
- (5) Game Rooms
- (1) Fitness Area
- (1) Multi Purpose Court
- (1) Business Center
- (2) Trash/Delivery/Service/Staging
- (14) Residential Storage]

*The applicant provided the following description of the proposal in a memorandum attached to an e-mail dated September 1, 2010 from Enrico Villaroman to Susan Lareuse:

*General project description

*The project proposes a 4 story multi-family residential building attached to a 5 level above grade parking structure with a total of 406 dwelling units and a gross building area of approximately 497,610 sq. ft.

*The building is located near the intersection of Belcrest road and Toledo Terrace. The east side of the building faces Belcrest road while the north side faces the Board of education property. The south side is bounded by a proposed road that connects to the west side of the property and to adjacent developments. The major building exposures are from the east along Belcrest road and from the south where the building is linear and adjacent to multi-family residential and mixed use properties facing Toledo terrace. The building is approximately 880 ft in length along the east to west orientation where the existing grade has a vertical height differential of approximately 35 ft. from each end with the lowest grade at the east side on Belcrest road and the highest grade at the west end of the building.

*Building layout

*A linear 5 level above grade parking structure lines the north side of the site while the residential building is attached to it on the south and west concealing the presence of the parking structure along major facades except along the northern exposure facing North Western High school. The residential building is arranged to form a series of U-shaped

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courtyard buildings that are open on the southern exposure forming a south façade of stepping 4 story buildings. A total of 3 U-shaped courtyards are provided facing south while a larger main courtyard at the east is enclosed by an urban street façade to engage Belcrest road. A smaller courtyard building attaches to the west end of the parking structure as the site narrows down to a smaller width at that end.

*“Height & Massing

*“The building steps vertically by a full floor at certain intervals of the site maintaining a 4 story height in each building step to respect the changes of site grades along the east to west axis. The garage structure also steps up by a level at intervals to maintain consistency of height with the residential building.

*“Circulation

*“The width of the parking structure is minimized to a single bay of double loaded perpendicular parking to allow a longer structure that has more direct access to most residents. Vehicular entrances, ramps and loading spaces are provided on both the east and west ends of the parking structure.

*“The main residential entrance and pedestrian drop off point are along Belcrest road. A secondary entrance lobby is provided to the west building. A pass through ground floor entrance rotunda and pedestrian drop off point is provided between the parking structure and the west building. Sidewalks that connect the main entrance and the secondary west entrance also link to the open u-shaped courtyards.

*“Building Architecture

*“The residential building adapts traditional architectural proportions with modern architectural details. This architectural style carries around all facades of the residential building.

*“Exterior walls are finished in masonry. The first floor façade is defined as a traditional base with the use of a light gray color smooth composite stone with bands of light gray rough cut composite stone. The upper floors are finished in a darker terracotta color brick. Window openings are accentuated with light gray precast trims, headers, and sills.

*“Window openings vary in composition to accentuate the base and the top floors of the building. Narrower window proportions reinforce a more solid base wall proportion while joined wider window proportions make the upper floors appear proportionately more open.

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Balcony projections are introduced adjacent to the living spaces of the dwelling units allowing the long horizontal facades to be broken intermittently by vertical balcony bays.

*“Windows are mainly double hung. Fixed glass panels are proposed below some windows to variety between punched windows and larger full height glass window openings. Framed full glass panel doors open up to the balconies. Balcony rails vary from metal rails in some bays to glass panels in others.

*“The residential building roof line is articulated with varying heights by introducing loft mezzanine spaces in the top floor units. Smaller roofs that project higher than the main roof eaves are located over the loft and mezzanine spaces. . The gable roofs of the residential building add to the building height that helps conceal the last 5th level of the garage. The main roof is finished in gray color asphalt shingles. Secondary roofs over loft spaces are finished with standing seam metal roof.

*“The structured parking garage are constructed with pre-cast concrete panels that will be finished with stained concrete that will match color tones of the masonry used in the residential building. Landscaped areas are integrated into stepping roof portions of the structured parking.

*“Amenity and recreational spaces

*“The 3 open U-shaped courtyards are landscaped as a passive outdoor recreational space. The main amenity courtyard is located near Belcrest road with immediate visibility from the main building entrance. The main courtyard contains an outdoor pool and recreational landscaped areas. Ground floor spaces adjacent to the lobby contains the leasing center as well as indoor amenity spaces such as the party room, business center, and fitness center.

*“The list of recreational facilities provided in the proposed building includes the following amenities:

- *Outdoor swimming pool
- *Landscaped courtyards
- *Leasing office (1720.0 sf.)
- *Business center (933.0 sf.)
- *Fitness room (1605 sf.)
- *Party room (1770 sf.)

*“Lobby and support areas include

- *Lobby /concierge area (1491.0 sf.)
- *Mail/package room (790.0 sf.)
- *Men and women’s shower room adjacent to outdoor pool”

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*The Planning Board agrees with the applicant's description above for the reasons stated, and provides the following additional information to describe the development proposal:

*Three access points enter the property from Belcrest Road. One access point exists and serves the existing 288 unit 11-story building on the site. One other access point was added to provide access to the east and west portions of the building, and a drop-off area has been provided at the entrance of the building on Belcrest Road. Pedestrian sidewalks are provided along the drive to link the building and recreational facilities. The existing trails are preserved and will be connected to the proposed sidewalks.

*The following chart has been provided to show some of the vital differences between the existing development on the site, the Detailed Site Plan as approved by the Planning Board in 2007, and the removed DSP proposal as currently designed.

Landy Property Information

	Existing Development	Approved PGCPB No. 07-161	Remand DSP Proposal
Number of Buildings	1	2	1
Building Stories	11	16 for both	4
Number of Units	288	1,216	406
Structured Parking Spaces	N/A	2,769	589
Surface Parking Spaces	316	380	50

7. As stated above, the subject site consists of two parcels, currently known as Parcel A and Parcel 139. Parcel A was recorded on Plat 44@ 63 in land records in 1962, and Parcel 139 is an acreage parcel. The Subdivision Ordinance does not require a consolidation plat when two or more lots or parcels are combined to make up a development "lot". Parcel 139 is a deed parcel created prior to January 1, 1982, according to the 1982 Tax Maps, and is therefore a legally created parcel.

Section 24-111(c)(4) of the Subdivision Regulations exempts a property from resubdivision if it is the subject of a record plat approved prior to October 27, 1970, and:

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- (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

Existing Parcel A contains 1,402,000 square feet of tract area. Ten percent of the site is 140,200 square feet. The existing building on site contains 307,866 square feet of gross floor area. Based on Section 24-111(c), the project is exempt from subdivision because the existing development exceeds ten percent of the site area. However, the site plan should demonstrate conformance to Section 24-111(c)(4) of the Subdivision Regulations by adding a note to the plans that specifically states that 307,866 square feet of gross floor area was constructed on the site pursuant to a building permit issued before December 31, 1991.

Section 24-107(c) of the Subdivision Regulations would require a plat of subdivision for an acreage parcel for development of more than 5,000 square feet. However, Parcel 139 does not propose any development within its boundaries. Therefore, a preliminary plan of subdivision is not required.

8. The detailed site plan proposes an amendment to the use table in order to allow a small amount of commercial use within the project, as is permitted in the underlying R-10 zone. The Zoning Ordinance in Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, states the following:

The detailed site plan proposes an amendment to the ~~*[use table in order to allow a small amount of commercial use within the project, as is permitted in the underlying R-10 Zone.]~~ building height from a minimum of six stories to allow the building to be 4 stories. The Subarea requires the following mandatory requirement:

- *• **P35 – Required building height shall be 6 stories above grade**

*The previous plans included an amendment to the use table in order to provide a small amount of the gross floor area for convenience commercial; however, the revised plans do not propose an amendment to the use table. The Zoning Ordinance in Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, states the following:

- (b) **Property Owner.**

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

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The section above allows the owner of a property to request an amendment of the ~~*[list of uses]~~ building height. The owner's representative has filed a request to amend the ~~*[table of uses to allow commercial uses that were not included]~~ building height in the approved TDDP. Section 27-548.09(b)(5) states the following:

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

The District Council has mandatory review of this project because the applicant is asking for an amendment to the ~~*[use table]~~ building height that is only allowed if granted by the District Council. In regard to the change to the ~~*[use table,]~~ building height, the Planning Board provides a recommendation to the District Council.

9. ~~*[The applicant provided the following justification in a statement dated June 19, 2007:~~

~~"The underlying zoning of the Property is R-10. The use table for the R-10 Zone is found at §27-441 of the Zoning Ordinance. The following uses are permitted by Special Exception in the R-10 Zone: retail sales and consumer service establishment; general business and professional offices, and Saunas, solariums, and health clubs, noncommercial, for the sole use of residents and their guests. Pursuant to §27-548.05(e) above, '[w]here a Special Exception use is not provided for on the Transit District Development Plan, amendment of the Plan shall be required to permit the use.' As such, the Applicant hereby requests amendment of the TDDP to add the uses cited above. The uses would be integrated in the Buildings proposed, with the purpose of serving the residents."~~

*The applicant provided the following justification in a statement dated August 31, 2010:

**In terms of the building height, the Order of Remand requires:

**B. The City of Hyattsville, the Town of University Park, and area residents have raised concerns about proposed stormwater management and the massing and height of the proposed buildings on the Landy Property. These concerns must be addressed by the Planning Board, on remand.

**E. Development on the subject property should be of a scale and at a height proportional to existing and proposed uses on surrounding lots and parcels

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*“Based on the objectives cited above, the applicant has taken on the task of completely redesigning the Landy Property’s plan for development. To achieve these goals, which were prompted by community input, it is necessary to reduce the height of the building in Phase I from the minimum requirement of six (6) stories to four (4) stories. This plan of development has been met with a warm welcome by the community, and is in keeping with the TDDP and Order of Remand. Moreover, as the project proceeds with Phases II and III, the Applicant will be able to achieve the densities necessary and desirable to support the mass transit investment in the Prince George’s Metro Station. Other than these amendments to the Mandatory Requirements of the TDDP, this application otherwise meets the purposes and requirements of the TDDP.”

Section 27-548.09.01 of the Zoning Ordinance requires an applicant requesting a change to the *[allowed uses] building height to demonstrate that the proposed development conforms to the purposes and recommendations for the transit district as stated in the transit district development plan (TDDP). The purposes of the TDOZ and the Prince George’s Plaza Transit District are contained in Section 27-548.03 of the Zoning Ordinance and on page 9 of the TDDP. The purposes are stated below and following each is the applicant’s *September 1, 2010 justification statement:

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

~~*[“Commercial office and retail uses do not conflict with the true intent of the TDDP for Subarea I to significantly increase the number of residents near Metro. The intent of the TDDP for Subarea I is development of the property in a manner that creates a gateway into the transit district that results in a significant increase in Metro ridership through residential development. With the addition of the proposed uses, the several thousand residents envisioned in the Subarea can have the convenience of food, a health club or small offices within their buildings without detracting from the main goal of the Subarea to add residents.”]~~

(2) To promote the use of transit facilities;

~~*[“The proposed residential community is located within one mile of the Prince George’s Plaza Metro Station. Further, the site is located between major Maryland and Washington, D.C., employment centers, which are accessible via the Metro transit system. The applicant believes that the development of this large, luxury residential community at this site, within such a short distance of this Metro station, will promote use of the transit system by its future residents.”]~~

*“The proposed residential community is located within one-mile of the Prince George’s Plaza Metro Station. Further, the site is located between major Maryland and Washington, D.C., employment centers, which are accessible via the Metro transit system. The

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development of this luxury residential community at this site, within such a short distance of this Metro station, will promote use of the transit system by its future residents."

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

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

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

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

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

*"The applicant will continue to coordinate the development of the property with state and local agencies."

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

~~*["The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP. In this case, the rezoning of the property as part of the detailed site plan process will allow development of Subarea 1 in a manner that serves the proposed residents of Landy."]~~

*"The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP."

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

~~*["Additional residential development within close proximity to the Prince George's Plaza Metro Station will encourage Metro ridership and in turn decrease the use of the surrounding road network. In addition, the proposed community will be in close proximity to the retail commercial uses located in Prince George's Plaza. The applicant will provide~~

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~~connections to the existing pedestrian network and therefore create an environment that encourages pedestrian traffic through the transit district."~~]

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

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

~~*["The applicant will be responsible for the funding of road improvements in conformance with the TDDP. In addition, the applicant is proposing to construct stormwater management facilities on site that will be a benefit to the entire transit district. Many of the older properties in the transit district are exempt from current stormwater management regulations. The applicant further will provide its residents with extensive recreational amenities, taking the pressure off of local and county government to provide such amenities."]~~

*"The applicant will be responsible for the funding of road improvements in conformance with the TDDP. In addition, the applicant is proposing to construct stormwater management facilities on site that will be a benefit to the entire transit district. Many of the older properties in the transit district are exempt from current stormwater management regulations. The applicant further will provide its residents with extensive recreational amenities, taking the pressure off of local and county government to provide such amenities."

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

~~*["The property is located within one mile of the Prince George's Plaza Metro Station. The applicant will provide connections to the pedestrian system within the TDOZ and, therefore, convenient access to the Metro station."]~~

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

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

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~~*[“The applicant believes that the proposed retail commercial uses in the TDOZ will not deter larger, and more regional retail/commercial uses as the uses requested herein are intended to serve the basic needs of the Landy residents. The proposed uses would not deter or compete with other mixes of land use in the TDOZ.”]~~

*“The proposed uses would not deter or compete with other mixes of land use in the TDOZ. Further, the increase in residential will support area retail and businesses.”

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

~~*[“The residential community will, through the use of architecture, compliment other properties in the area that have been developed in conformance with the guidelines set forth in the Transit District Development Plan. The Subarea essentially consists of this site only, so the proposed uses would certainly compliment the residential-only use that exists now and when the project is built.”]~~

*“The residential community will, through the use of architecture, compliment other properties in the area that have been developed in conformance with the guidelines set forth in the Transit District Development Plan. The Subarea essentially consists of this site only, so the proposed uses would certainly compliment the residential-only use that exists now and when the project is built, in addition to the future Belcrest development.”

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

~~*[“The detailed site plan demonstrates that the proposed community will comply with and exceed the site design guidelines.”]~~

*“The detailed site plan demonstrates that the proposed community will comply with and exceed the site design guidelines.”

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

~~*[“This community is designed in a manner that reflects the applicant’s desire to provide high quality architecture and landscaping. Although it is the applicant’s desire to design buildings that will be distinctive and unique to the TDOZ, the design will compliment other proposed and existing development in the transit district. One of the ways this will be accomplished is through compliance with the TDDP requirements such as to the build-to line and parking lot screening. These elements of the proposed community will make it more attractive and provide a sense of continuity with other development in the transit district.”]~~

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~~"In addition to the general purposes of the TDOZ contained in the Zoning Ordinance, the purpose of Subarea 1 is stated on page 96 of the TDDP, which states:~~

~~"To create a stable, vibrant community by significantly increasing the number of people who live within walking distance of the Metro station. The efficient development of the parcel will permit the preservation of large areas of mature woodlands and reduce the effects of urban sprawl.~~

~~"The applicant's proposal will create a building with such mass and design that it will be a gateway into the TDOZ. This will be achieved by complying with, and in some cases, exceeding the Mandatory Development Requirements of the TDDP. As described above, the number of units proposed with this application meets the express purpose of the Subarea to 'significantly increase the number of people who live within walking distance of the Metro.'"]~~

*"This community is designed in a manner that reflects the applicant's desire to provide high quality architecture and landscaping. Although it is the applicant's desire to design buildings that will be distinctive and unique to the TDOZ, the design will compliment other proposed and existing development in the transit district. One of the ways this will be accomplished is through compliance with the TDDP requirements such as to the build-to line and parking lot screening. These elements of the proposed community will make it more attractive and provide a sense of continuity with other development in the transit district.

*"In addition to the general purposes of the TDOZ contained in the Zoning Ordinance, the purpose of Subarea 1 is stated on page 96 of the TDDP, which states:

*"To create a stable, vibrant community by significantly increasing the number of people who live within walking distance of the Metro station. The efficient development of the parcel will permit the preservation of large areas of mature woodlands and reduce the effects of urban sprawl."

*"The applicant's proposal will create a gateway into the TDOZ. This will be achieved by complying with, and in some cases, exceeding the Mandatory Development Requirements of the TDDP. As described above, the number of units proposed with this application meets the express purpose of the Subarea to 'significantly increase the number of people who live within walking distance of the Metro.'"

~~*[Staff Comment: Staff agrees with the applicant's proposal to include the following uses within the development:~~

~~• Retail sales and consumer service establishment;~~

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- ~~• General business and professional offices, and;~~
- ~~• Saunas, solariums, and health clubs (nonecommercial) for the sole use of residents and their guests~~

~~The amount of retail development for the site is limited to 3,845 square feet. The retail is proposed only in Building A, in the last phase of the development. These retail establishments will provide necessary services and goods for the residents without requiring the use of an automobile. Mixed-use development is consistent with the goals and purposes of the TDDP and will further contribute to the quality of the living environment for the residents of the development. Staff recommends that a revision to the DSP be required prior to the issuance of the use and occupancy of the commercial area for the purpose of reviewing the exterior arch elevations and signage.]~~

* The Planning Board agrees with applicant's proposal to reduce the minimum height requirement from six stories to four stories. The initial proposal was for two buildings containing seven 16-story towers, the maximum height allowed by the TDDP. The new design is significantly lower in height and meets the intent of the TDDP. The proposed four-story building height will meet the goals of maximizing density at the metro center while preserving the forested woodland of the site, promoting architecture of a high quality design, and to create compatibility with the surrounding 11-story and 13-story structures. Allowing the height of the building to be reduced to four stories as proposed is character of the area and the vision of the transit district.

*The May 24, 2010 Order of Remand states:

* "Development on the subject property should be of a scale and at a height proportional to existing and proposed uses on surrounding lots and parcels."

*The existing building on the site is 11-stories. The existing building on the adjacent site is a 13-story building. The proposed height of 5-stories is compatible with the existing buildings on the site due to topographic elevations and the use of a sloped roof in the proposed building.

* The Planning Board finds that the reduced building height amendment from a minimum of six stories to four stories is acceptable for the subject subarea.

10. Section 27-548.08(c)—Required findings for a detailed site plan in the Transit District Overlay Zone (TDOZ).

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

Comment: The detailed site plan is not in strict conformance with all of the mandatory development requirements. The applicant has requested amendments for several development district standards (P1, *P6, P40, S8, S23, P37, and P39). ~~*[which are explained below:]~~ The

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applicant has re-addressed amendments to the Mandatory Development Requirements stated in the TDDP based on the new plan of development created in response to the remand directive.

The original approval of the DSP included the following discussion:

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

The applicant provided the following justification for the amendment to P1 in statement dated June 19, 2007:

"This figure calls for a pedestrian zone 20-40 feet in width with an 8-foot grass strip next to the street curb and a 12-foot sidewalk."

"Currently there are numerous existing large (15-20" diameter) Oak trees along Toledo Terrace. They are located outside the existing sidewalk approximately 15 to 18 feet from the edge of paving. In order to provide the streetscape shown on page 32 of the TDDP, the Applicant will be forced to remove the existing mature Oak trees. These mature trees would be replaced with 3 1/2-4 (inch) caliper Oaks in accordance with page 33 of the TDDP. Because the existing four to five foot wide sidewalk is located between the existing trees and the edge of curb the applicant will not widen the sidewalks because the roots of the existing, mature Oak trees may be compromised. Further, if Landy is required to implement P1 while the property to the southwest does not, the streetscape will start and end on the Landy sites. Finally, the requested waivers of P1 and S8 proposed for the purpose of preserving of the existing oaks is justified based on the purpose of Subarea 1 of, "preservation of large areas of mature woodlands.

"The Urban Design section of the TDDP is intended to help achieve an overall design character through the Transit District Overlay Zone. This section helps to achieve the TDOZ purpose to ensure developments within the transit district possess a desirable urban design relationship with one another, the Metro Station and adjoining areas. This

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amendment helps to achieve these purposes by preserving existing, mature Oak trees and providing a unified streetscape along Toledo Terrace.

"The streetscape development guidelines are intended to establish a sense of identity for the area. The existing mature Oak trees and sidewalks have established an identity for Toledo Terrace. The existing trees provide a desirable and shady pedestrian zone. Since the Applicant is not proposing any construction activities that will disturb the existing streetscape, we believe that preserving the existing mature trees will be more beneficial in maintaining the identity of Toledo Terrace than would be achieved by strict compliance with this guideline through destruction of these trees. Moreover, the Applicant will still provide shrubs as screening from the roadway to the site's parking per Figure 7 of the TDDP.

"For the reasons stated herein, the Applicant respectfully requests that this Secondary Amendment to Mandatory Development Guideline P1 and S8 of the TDDP for the Prince George's Plaza TDOZ be approved to permit the preservation of mature Oak trees on Toledo Terrace at the frontage of the site."

Staff Comment: A 20-foot-wide pedestrian zone is required along Toledo Terrace by this mandatory requirement. In the original approval *(DSP-99048) the applicant was to incorporate a modified streetscape into the development along Toledo Terrace. In *[this] the subject application *(DSP-99048/01), the applicant is asking for a complete waiver of the streetscape along Toledo Terrace. Staff *support[s]ed the waiver of the requirement because it *[is] was thought unlikely that the property directly to the southwest, (which is not part of the subject application) but does have frontage on Toledo Terrace, will *not ever be subject to implementing it. Therefore, the streetscape would simply end in the middle of the block, which is not a desirable situation.

The applicant is also requesting the approval of this amendment in order to preserve the mature oak trees along the property frontage along Toledo Terrace. These existing oak trees provide substantial shade along Toledo Terrace and contribute substantially to the environmental quality of that area. The Planning Board and District Council previously granted amendments to S8 in the review of the original DSP case, as stated in the final action by the Planning Board reviewed as a remand to this case.

Urban Design staff *supported the amendment because the existing trees along Toledo Terrace provide for a substantial and attractive urban design element along the street. In order to comply strictly to the requirements of S8 below, the impact to the existing trees' root system would be substantial and may lead to the death of the trees.

~~*[The TDDP indicates streetscape improvements consisting of replacing the existing four foot wide sidewalk with an eight foot wide sidewalk and preserving the existing shade trees along Toledo Terrace. The construction process of removing the existing sidewalk and creating a new sidewalk of the material and size as the sidewalk detailed in the TDDP may impact the root systems of the existing trees to such an extent that it may cause premature decline or death of the~~

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trees. This risk is not worth taking considering the quality of the streetscape as it exists today. There are minor improvements that should be done at this time to further enhance the streetscape in the approval of the plans, but these improvements would be limited to the development of a tree assessment plan by a licensed arborist and incorporating those changes into the approval of the plan. The details and specifications for the development of the streetscape are consistent with the TDDP as stated on page 30:

~~"It is the intent of this TDDP to continue the strong sense of identity that has been established along Belerest Road through public investment of streetscape improvements. All future development/redevelopment within the transit district shall conform to the streetscape standards of Belerest Road.... Modification of these standards is only permitted where justification is provided and if determined to be equal or better than the existing improvements along Belerest Road. Modifications must be consistent and compatible with the existing improvements along Belerest Road."~~

Since publication of the TDDP, the improvements along Belerest Road, in regards to the sidewalk detailing and the street tree plantings, have resulted in some failures. The detailing resulted in the upheaval of some of the paving materials, raising serious questions about the original specifications for the Belerest Road improvements. The existing sidewalk within the current right-of-way of Toledo Terrace is sufficient to meet the needs of the future population and the environmental quality of the area provides shade and a mature streetscape that is pleasant to walk within.]

*However, since the last approval of the amendment to totally waive the requirements of P1 along Toledo Terrace, as stated in the Planning Board's previous action, a number of events have occurred that cause the Board to reconsider the previous recommendations. First the health of the existing street trees has been failing primarily due to a severe cut back to the canopy trees by the utility company. Shortly after the approval of the plans in 2007, the utility company cut large amounts of the canopy due to conflicts with the overhead utilities. A recent site inspection reveals that the trees did not recover well from the trimming and the original attractive form of the trees has been significantly altered.

*Another issue that has been raised since the 2007 review of the plans is that redevelopment of the Belcrest Mixed Use plans for the rezoning from the R-18 zone to the M-U-1 zone to redevelop the existing garden apartments on Parcels A, B, and C, Americana has increased the overall density of the area to more than what was anticipated in the original review of the plans. Therefore the Planning Board agrees that the amendment should be granted, but on a temporary basis, until Phase Two of the development is proposed. At the same time the undergrounding of overhead utilities should also be considered, with funding negotiated between the applicant and the appropriate utility company(ies).

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

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

*The proposed development as shown on the detailed site plan complies with the parking and loading regulations with one exception. The applicant is requesting an amendment to these standards relative to the size of the standard parking spaces located in the structured parking garages to allow nine-foot by nineteen-foot standard parking spaces instead of 9.5 feet by 19 feet standard spaces as is required by Part 11 of the Zoning Ordinance.

*The following was included the applicant's justification statement:

*"Pursuant to in §27-548.08(c)(2), cited above, the Planning Board has the ability to "amend parking provisions concerning the dimensions, layout, or design of parking spaces." Through this application, therefore, the Applicant proposes to reduce the width of the standard parking garage spaces from 9.5 feet in width, as required by §27-558(a) of the Zoning Ordinance, to 9.0 feet in width. This proposed parking space size is consistent with national parking garage standards as well as precedent in the County. The dimensions and the number of handicap spaces provided within the parking garages will be in conformance with Part 11 of the Zoning Ordinance and with the Americans with Disabilities Act, pursuant to Section 27-558(b).

*"In justification of this request, the Applicant offers the following. This application is unique to Prince George's County in that a parking garage, in addition to surface parking, is proposed. Because the Zoning Ordinance's parking design standards are more applicable to surface parking lots rather than parking garages, departures from design standards are necessary to achieve maximum efficiency in structured parking. See e.g. DDS-557 (Summit at Summerfield approving a departure from design standards for standard structured parking spaces); DSP-06095(Jefferson Square at College Park West approving a departure from design standards for structured parking). Further, national industry-standard parking space specifications support the Applicant's proposed request. As reflected in *Dimensions of Parking* (4th Ed.), published by the Urban Land Institute and recognized by the National Parking Association and *Guidelines for Parking Geometrics* (2nd Ed., April 2002), the requested standards for structured parking have been successfully implemented in previous projects.

*"Due to the unique set of construction and space utilization circumstances associated with a parking garage, the application of the same design standards as those used for surface parking is not the most efficient use of a parking garage's space. A reduction in the length and width of the required parking spaces, when taken in total, will allow the property to achieve the density and high quality of development envisioned in the TDDP."

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* The Planning Board agrees with the applicant's proposal to reduce the width of the parking spaces for both surface and structured spaces. The proposed parking spaces are sufficiently wide to allow such workers, residents and retail patrons to enter and leave vehicles safely without compromising adjacent vehicles or pedestrian safety.

P40 TDDP streetscape improvements shall only be required for the entire length of Toledo Terrace adjoining Subarea 1.

Staff Comment: The applicant has submitted an amendment to P1 above which is requiring the same streetscape improvements as the P40 requirement. ~~*[Therefore, the staff is recommending approval of this amendment as well.]~~ The Planning Board agrees that the streetscape improvement for Toledo Terrace should be temporarily postponed but not permanently waived. A conditions of approval has been added to the plans.

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

The applicant provided the following justification in a statement dated June 19, 2007.

"In addition to the Primary Mandatory Requirement, P1 listed above, the application is also subject to the Secondary Mandatory Development Requirement, S8, which states that all property frontages shall be improved in accordance with Figures 7, 8 and 9 in order to create a visually continuous and unified streetscape. TDDP at 31, 32 – 33. See Comment to P1, above."

Staff comment: The amendment requested from this requirement is threefold. First, Figure 7 requires a four foot high wall along the front of parking areas that are located adjacent to a right-of-way. The only place this occurs on the subject property is where the existing Plaza towers are located and this situation was created in the 1960s when the structure was erected. Placing a four foot high wall in that area will have a negative impact on the existing mature trees located in the landscape strip along the edge. In addition, the current grades of the area are steep, approximately 33 percent, which would also make it difficult to construct. Staff suggests that the use of some additional shrubbery in those areas could achieve that same effect ~~*[which is already shown on the plans]~~.

The second aspect of this requirement as shown on figure eight of the plan, is the streetscape improvements, for the purpose of eliminating the requirement for the installation of a four foot high wall in front of the existing parking lots along Belcrest Road and Toledo Terrace, the improvement of P1 above and the requirement of planting street trees where mature street trees already exist.

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The third aspect of this requirement is the type of shade tree required for different streets within the transit district. This issue should not be applicable either because no new street trees would be required unless they are determined to be replaced through the tree assessment analysis by the arborist.

The condition of the existing sidewalk within the right-of-way is of good quality. There are existing overhead wires along Toledo Terrace. ~~*[The widening of the sidewalk on this side of Toledo Terrace does not make sense because the frontage of the property does not extend to Dean Drive; therefore, there would be an abrupt end to the streetscape that would narrow to the width of the existing sidewalk. It would appear disjointed and will negatively affect the existing mature trees lining the street. Staff agrees with the applicant that the streetscape along Toledo Terrace should not be disturbed and that an amendment to P1 should be approved.]~~

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

In the applicant's statement of justification dated June 19, 2007, the following justification is provided:

"Development Guideline S23 requires the screening of the parking lots on Belcrest Road and Toledo Terrace in accordance with Figure 7 on page 29 of the TDDP. This figure calls for construction of a low wall to screen the parking lot from the roadway.

"Currently, there are numerous existing, large (15-20" diameter) Oak trees with full canopies located along both Belcrest Road and Toledo Terrace. The trees are located along the property line, and inside the property line at some locations, approximately 15 to 20 feet from the edge of the existing parking lots. In order to install the low wall shown on page 29 of the TDDP, the Applicant would endanger the existing trees because the wall would be located within the critical root zone and the required excavation will endanger the root system. The Applicant cannot comply with S23 without jeopardizing the existing mature Oak trees. Maintaining the existing trees and providing a 10-foot landscape strip between the parking lot and the adjacent right-of-way will provide screening that is as good as or better than that which would be created by S23 and will protect the mature trees along Belcrest Road and Toledo Terrace.

"The Parking and Loading section of the TDDP is intended to provide screening for surface parking throughout the Transit District Overlay Zone. The secondary amendment proposed by the Applicant helps to achieve this purpose by preserving existing, mature Oak trees while still providing landscape screening for the parking areas along Belcrest Road and Toledo Terrace. The Applicant previously requested a Secondary Amendment to S8 in order to preserve mature trees along Toledo Terrace.

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"The existing trees provide a desirable and shady pedestrian zone. Since the Applicant is not proposing any construction activities in the area of the existing parking lots that will disturb the existing trees, we believe that preserving the existing mature trees will be more beneficial than strict compliance with this guideline through destruction of these trees. Finally, maintaining the existing trees and providing the landscape strip satisfies the intent of the TDDP to provide screening for these existing parking areas.

"For the reasons stated herein, the Applicant respectfully requests that this Secondary Amendment to Mandatory Development Guideline S23 of the TDDP for the Prince George's Plaza TDOZ be approved in conjunction with the approval of SP-99048 for Subarea I to permit the preservation of mature Oak trees on Belcrest Road and Toledo Terrace along the frontage of the site."

Staff Comment: Staff agrees with the applicant's request to delete the requirement for the wall within the existing landscape strip to screen the front of cars along Toledo Terrace and Belcrest Road. The plan proposes shrub plantings that will act as a low screen for the front of the parked vehicles. Deletion of the wall will prevent root disturbance that may impact the health and vigor of the existing trees. The retention of the existing trees along the right-of-way provides for a shaded streetscape, desirable to the future pedestrians; therefore, the staff recommends support of this amendment. Given the nature of the existing improvements and the desire to protect the quality of the existing mature Oak trees near the right-of-way, the requested amendments are justified and fulfill the original intent of the Transit District Development Plan. * However, upon site inspection along Belcrest Road, it has been determined that additional shade trees along the green area adjacent to the pedestrian zone could be added as an enhancement to that area. Therefore, a condition has been added to do so.

*In addition to the modification to the minimum building height allowed (P35), the request to waive the streetscape improvements along Toledo Terrace (P1) and (P40), reduction in parking spaces size P6 and the request to modify the property frontage where existing improvements are located (S8) and (S23) as discussed above, the applicant has also requested amendments to P37 and P39 which requires the following:

P37 A minimum 75-foot-wide undisturbed tree preservation buffer shall be preserved along Dean Drive; and a minimum 50-foot-wide tree preservation buffer shall be provided along Northwest Drive. A minimum 100-foot-wide undisturbed tree buffer shall be provided along the northwest perimeter of the site (See Figure 26.) The buffer along Northwest Drive may be reduced if the undisturbed buffer along the northwest perimeter is increased by an equal amount.

A minimum 50-foot-wide disturbed buffer shall be provided along the northeast perimeter of the site. Afforestation and reforestation will be required in this area. The retention of woodland along the perennial stream located on the eastern portion of Subarea 1 shall be required. The remainder of the woodland conservation

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requirements shall be determined at the time of Detailed Site Plan. Such conservation requirements shall be provided on-site. This requirement shall not preclude any necessary site entrances or utility installations. Site entrances shall be located so that they do not disturb existing specimen trees of 30 inches diameter at breast height (dbh) caliper or greater.

*The applicant requested the following in their justification statement relating to the remanded plan dated August 31, 2010:

*"Finally, for clarification, in terms of Subarea 1, P37 (Undisturbed buffer along northeast perimeter), The Primary Mandatory Requirement states that a 50-foot-wide undisturbed buffer shall be preserved along the northeast perimeter of the site, and that afforestation will be required in this area. Figure 26 on page 97 of the TDDP illustrates the requirement. The previously proposed SWM Pond has been deleted with this revision. There will be grading in the 50' wide undisturbed area, however, the grading is limited to what is necessary for infrastructure and the area will be replanted. This area has been shown as disturbed/replanted in previous versions of the plans. Thus, we do not believe a waiver is required, but seek staff's confirmation of this as previously determined."

*[In the applicant's statement of justification dated June 19, 2007, the following justification is provided:

"The Primary Mandatory Requirement listed above states that a 50-foot-wide undisturbed buffer shall be preserved along the northeast perimeter of the site, and that afforestation will be required in this area. Figure 26 on page 97 of the TDDP illustrates the requirement. The intent of this requirement is the preservation of large areas of mature woodlands, and the reduction of the negative effects of urban sprawl.

"One of the goals of this development is the thoughtful balance between the natural areas and the built areas. The natural areas are one of the elements that give this development its unique character, high-rise buildings surrounded by mature woodlands. However, along the northeast perimeter, there are two areas where the Applicant seeks amendments to the Primary Mandatory Requirement. The Applicant seeks an amendment along the northeast perimeter of the site, 144' north of the bank of the existing perennial stream, located on the eastern portion of subarea 1. Applicant seeks a revision of the 50-foot buffer (to be forested) to a 50-foot buffer to be planted with a meadow seed mix, for a length of 155 feet in length.—

"The Applicant seeks the amendment for the construction of a stormwater management pond. With good engineering practices, the pond was designed to be located in the lowest area of the site, with setbacks from the perennial stream. The existing woodland is retained along the stream with offsets varying from 125' to 155' from the edge of the stream. The SWM facility is designed to have a sufficient depth to capture all of the

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~~stormwater from the development. The pond must also sit at an elevation that does not interfere with the perennial stream. Therefore, the pond must be designed with an embankment with a maximum slope ratio of 3:1, as determined by the Prince George's County Stormwater Design Manual.~~

~~"In addition, per the Design Manual, the embankment slope must not have woody vegetation, because the roots of woody vegetation might weaken the structural stability of the soil, thereby causing a threat to public safety in the event of a heavy rainstorm. The embankment slope may be planted with herbaceous material. Therefore, the landscape plan for the stormwater management pond shows the requirement for a meadow seed mix to be seeded and established on the embankment. The seed mix will bring native grasses and wildflowers to the site, offering not only a pleasant sight of wildflowers, but also establishing important forage plants for native animal species.~~

~~"For the reasons stated herein, the Applicant respectfully requests that this Primary Amendment to Mandatory Development Guideline P37 in Subarea 1 of the TDDP for the Prince George's Plaza TDOZ be approved to permit the necessary stormwater management area be planted with herbaceous material for the protection of the embankment slope, as specified by the County Stormwater Design Manual."~~

Staff Comment: * The plan of development is completely revised so one amendment to P37 is necessary to implement the proposed plan. The primary elements of this requirement have been separated in order to adequately address the applicant's justification statement as follows:

P37 A minimum 75-foot-wide undisturbed tree preservation buffer shall be preserved along Dean Drive; and a minimum 50-foot-wide tree preservation buffer shall be provided along Northwest Drive. A minimum 100-foot-wide undisturbed tree buffer shall be provided along the northwest perimeter of the site (See Figure 26.) The buffer along Northwest Drive may be reduced if the undisturbed buffer along the northwest perimeter is increased by an equal amount.

*The following is a summary of the proposed buffers as shown on the revised TCP2:

Dean Drive: The revised TCP2 shows the preservation of an area at least 75-feet-wide along Dean Drive as was previously approved. The revised TCP2 and the detailed site plan are in compliance with this portion of P37.

Northwest Drive: ~~*[Along Northwest Drive a combination of a preserved area and a planted area are proposed. A portion of this buffer is less than the required 50 foot width. This is the same configuration as was shown on the previously approved plans. To meet the provisions of P37, additional preservation was provided along the northwest perimeter of the site. Staff recommends approval of this amendment because the area of reduction has been compensated for on the other side of the site.]~~ A 50-foot-wide buffer has been provided in accordance with the P37

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Northwest Perimeter: ~~*[This area shows a preservation area that is greater than 100 feet wide for most of its width. The compensation for the reduction in the buffer along Northwest Drive has been provided because this area is 280 feet wide along Dean Drive.] Only a 75-foot-wide buffer has been provided. This is less than the required minimum 100-foot-wide buffer which is shown on the previously approved plan. The TCP2 and DSP need to be revised to provide a minimum 100-foot-wide undisturbed buffer along the northwest perimeter of the site.~~

P37 (cont'd)

A minimum 50-foot-wide disturbed buffer shall be provided along the northeast perimeter of the site. Afforestation and reforestation will be required in this area.

~~*[The plans now show a 50 foot wide afforestation/reforestation area for the length of Building B. The portion of this area nearest the stream is encumbered by a segment of the embankment for the stormwater management pond. The applicant has requested an amendment to P37 to allow for the use of a meadow mix in lieu of reforestation in this area. This design should be reevaluated during the concept plan review that will include the bioswales and green roofs mentioned above.~~

~~All of the proposed landscaping needs to be shown on the landscape plan and not on separate plans. The TCPH must reference where information is provided on the landscape plan.~~

~~**Recommendation:** Staff recommends that the Planning Board approve the amendment to P37, conditioned upon the reevaluation of this design at time of stormwater management concept plan revision. A condition recommended above addresses the need for this re-evaluation.]~~

*** Northeast Perimeter:** It should be noted that the Planning Board previously approved a requested amendment to this requirement that allowed a reduction of the required buffer along the northeast perimeter. The redesign of the proposed development resulted in a larger building footprint on the site. The proposed buffer ranges from 35–50 feet wide. The TCP2 proposes to provide afforestation and continuous landscaping within this buffer. Areas proposed for landscaping, as opposed to afforestation plantings, should be shown on the landscape plan. The TCP2 should reference where information is provided on the landscape plan.

P37 (cont'd)

The retention of woodland along the perennial stream located on the eastern portion of Subarea 1 shall be required. The remainder of the woodland conservation requirements shall be determined at the time of Detailed Site Plan. Such conservation requirements shall be provided on-site. This requirement shall not preclude any necessary site entrances or utility installations. Site entrances shall be located so that they do not disturb existing specimen trees of 30 inches diameter at breast height (dbh) caliper or greater.

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~~*[Existing woodlands along the perennial stream in the northeast corner of the site have been preserved to the extent possible. The woodland conservation in this area as shown on the current plan reflects the previous approvals. The woodland conservation overall reflects the previous approvals in that all woodland conservation is being met on-site through preservation, reforestation, or planting of landscaped areas. All specimen trees previously shown to be preserved are shown to be preserved on the current plan. The current and revised TCPH as submitted shows that all woodland conservation requirements will be met on site.]~~

*Eastern Portion: Some woodland has been retained along the perennial stream; however the proposed design has resulted in the removal of woodland within 60 feet of the stream. Subtitle 25 requires a 60-foot-wide stream buffer in addition to the requirements of P37. It appears as though the applicant's attempt to comply with the Order of Remand by reducing the building height and providing underground stormwater management has limited the potential to comply with Subtitle 25.

* The Planning Board finds that the required buffering has been provided in accordance with the previously approved amendment for the northwest perimeter.

P39 Three-bedroom units shall be permitted only when developed as condominiums.

~~*[In the applicant's statement of justification dated June 19, 2007, the following justification is provided:~~

~~"The developer eventually intends to market the units as condominiums. At this point in the development process and due to market trends, however, the developer is unable to commit to developing the units as condominiums at the outset. That said, the units will be built to condominium development standards—design-wise that means that, generally, the units are exceptionally large, have 5 fixture bathrooms (tub, shower, water closet, 2 lavatories), large kitchens with eating counters and breakfast nooks, walk-in closets with 15-20 lineal feet of hang space, operable glass doors with French balconies in bedrooms, sunrooms in living areas with operable glass windows, and many units offer dramatic 2-level volumes. The project includes over 40 unique unit floor plans, and the most prevalent units are the 1,525+ sq. ft. 2 bedroom units. [See Exhibit Unit Type 2.1—Most Prevalent Unit Type.] The developer proposes a mix of 1, 2, and 3 bedroom units (some of which include dens) and one model 4 bedroom unit. In Prince George's County, a 'bedroom' is defined as:~~

~~"[a]ny habitable room or enclosed floor space, other than one (1) living room (used for the common social activities of the occupants) for each 'Dwelling Unit'; areas arranged for eating, dining, or cooking purposes; and accessory floor spaces, such as foyers, hallways, closets, pantries, and bathrooms. The term includes any habitable room which could be used~~

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for sleeping purposes, irrespective of its being assigned a different name, such as a 'study,' 'den,' 'family room,' or 'recreation room.']

*[~~"§27-107.01(23). In this instance where the developer proposes large, luxury units, this definition of a "bedroom" is misplaced and a deterrent to providing the type of living space that a sophisticated renter or homeowner seeks. For in this instance, the definition of a "bedroom" has the potential affect of this application being reviewed as proposing three bedroom units because the unit design includes a "den." The "dens" in the proposed units would not be an enclosed room, but rather an open, but spacially defined room without a door "for common social activities of the occupant," much like the kitchen, dining room or other common use areas of the unit. Please see below typical 2- and 3- bedroom floor plans. [See Exhibit Alt 4—2 Bedroom with Den Plan and Unit Type 3.1 and 3.2—3 Bedrooms with Den.]~~

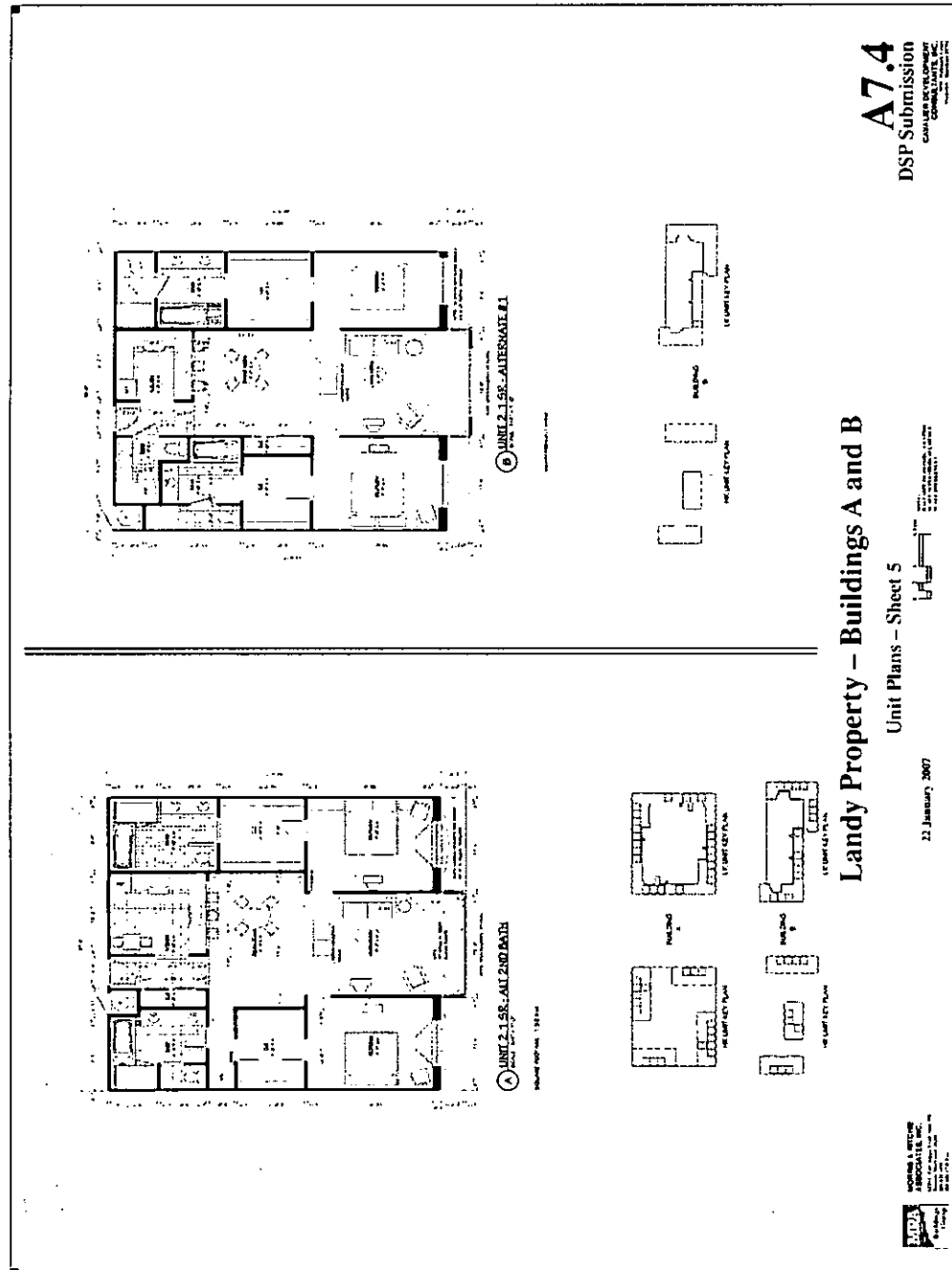
~~"Under the TDDP, three bedroom units are only permitted when the property is developed as a condominium. Here, with the likelihood of future condominium development, the three bedroom interpretation of the 'den' feature adds a particular twist because when the building converts to condominium this will no longer be contrary to the Design Standard. Thus, based on the potential that this property will convert to condominium, thereby obviating the need for an amendment at all, and the fact that the 'dens' proposed will in fact be dens in a luxury unit rather than a bedroom, we respectfully request a waiver from Design Standard P39 to the extent that staff determines that this plan does not comply with said standard."~~

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UNIT TYPE 2.1 — MOST PREVALENT UNIT TYPE

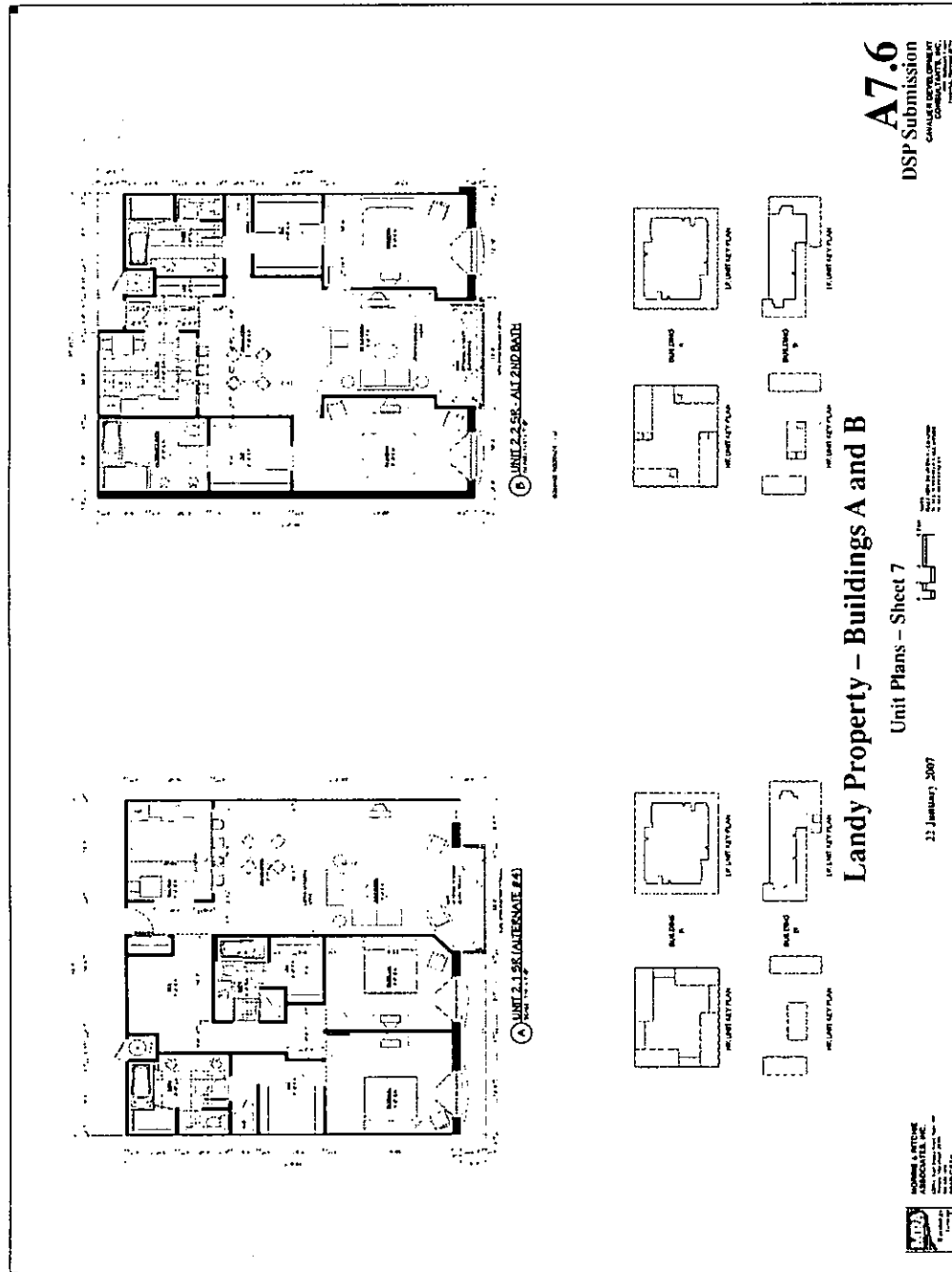


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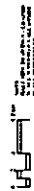
ALT 4 — 2 BEDROOM WITH DEN PLAN



A7.6
 DSP Submission
 CHANGING DEVELOPMENT AT
 COMBINATION OF
 100% BUILT 2007

Landy Property — Buildings A and B

Unit Plans — Sheet 7

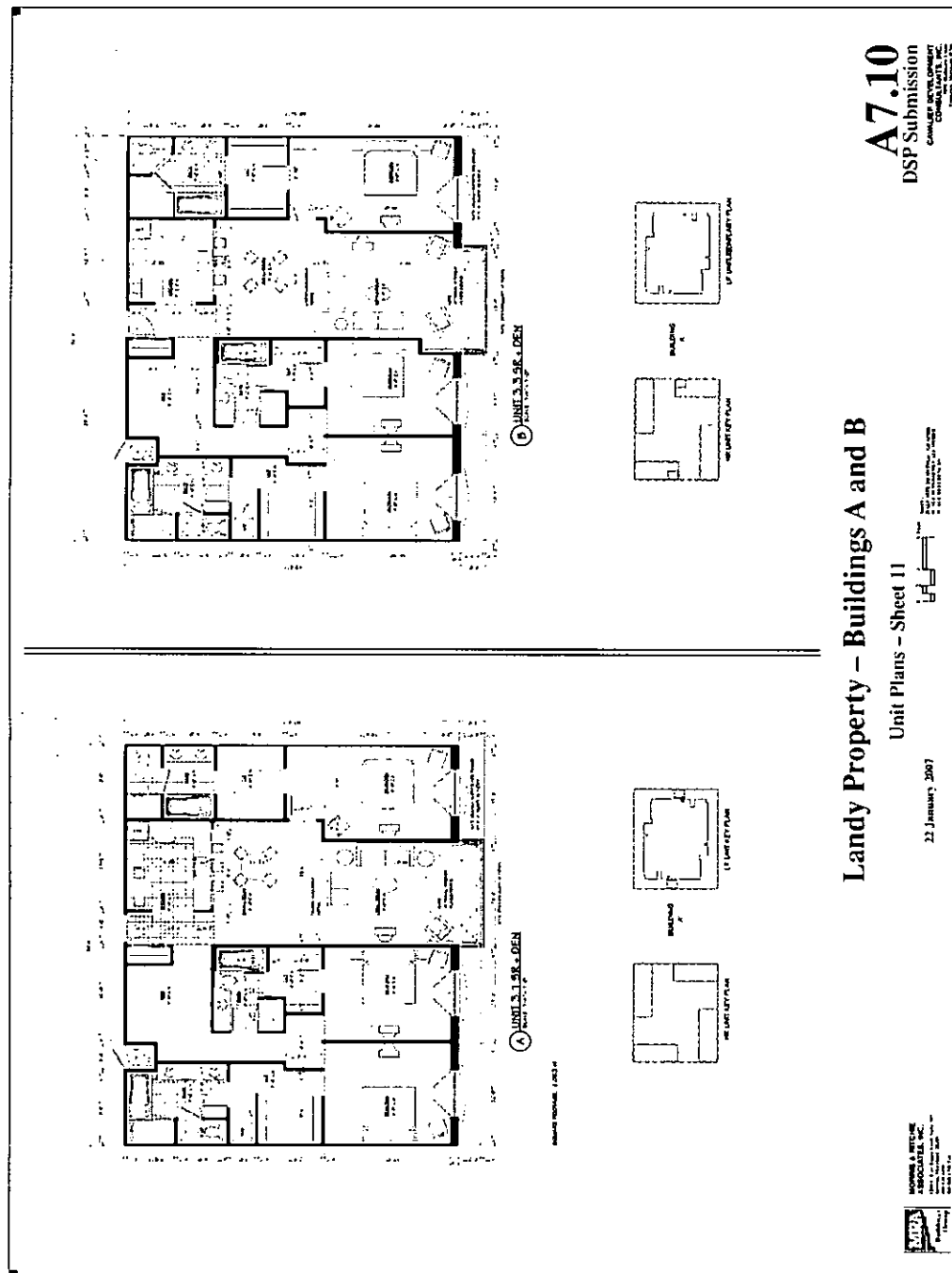


22 January 2007

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UNIT TYPE 3.1 AND 3.2 — 3 BEDROOM WITH DEN PLANS



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*In the applicant's statement of justification dated September 1, 2010, the following is provided:

**Second, In terms of Subarea 1, P39 (no three-bedroom units unless condominium), the applicant would like the flexibility of providing up to 3% of the units as three-bedroom units. This requested amendment was reviewed and granted in the 2007 review of the DSP, with staff agreeing based on the limited use (less than 9% in the 2007 DSP) of the larger units. In support of the proposal, the applicant notes that the units will cater to a larger and diverse long term market, thus, the unit mix may incorporate a percentage of 3 bedroom units in the program. These will be 1450 to 1500 sq. ft in size and will feature larger open living and dining spaces with open kitchens that have separate island breakfast counters. These units will be situated in the more premium outside corner locations of the building where exterior walls wrap around two sides of the building, allowing for more opportunities for window openings. Alternative locations are the top floor where there is an opportunity to use a loft space as a third bedroom. The top floor units typically have spacious 18 ft. high ceilings for the living and dining spaces. Master bedrooms in the three-bedroom units will have larger walk in closets and more spacious bathrooms. The three bedroom units will have three bathrooms, with each bedroom having exclusive direct access to a bathroom. One of the bathrooms will share a hall access to act as a powder room.

**In Prince George's County, a "bedroom" is defined as:

*/a/ny habitable room or enclosed floor space, other than one (1) living room (used for the common social activities of the occupants) for each 'Dwelling Unit'; areas arranged for eating, dining, or cooking purposes; and accessory floor spaces, such as foyers, hallways, closets, pantries, and bathrooms. The term includes any habitable room which could be used for sleeping purposes, irrespective of its being assigned a different name, such as a 'study,' 'den,' 'family room,' or 'recreation room.'

**§27-107.01(a)(23).

**In this instance where the developer proposes large, luxury units, this definition of a "bedroom" is misplaced and a deterrent to providing the type of living space that a sophisticated renter seeks. For in this instance, the definition of a "bedroom" has the potential affect of this application being reviewed as proposing more three-bedroom units simply because the unit design includes a "den." The "dens" in the proposed units would not be an enclosed room, but rather an open, but spacially defined room without a door "for common social activities of the occupant," much like the kitchen, dining room or other common use areas of the unit. Under the TDDP, three-bedroom units are only permitted when the property is developed as a condominium. Here, the three bedroom interpretation of the "den" feature adds a particular twist as the application could be construed as proposing more "three-bedroom" units simply by the addition of a highly

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desirable den. Thus, based on the fact that the 'dens' proposed will in fact be dens in a luxury unit rather than a bedroom, and that the actual three-bedroom units will be highly desirable and attractive to a sophisticated renter, we respectfully request a waiver from Design Standard P39.

*"Staff agreed with the applicants request in the 2007 review 'because of the uniqueness of the project and the limited use of these units within the project.' Further, staff offered that, '[t]he applicant's argument that dens should not be counted as bedrooms is reasonable; there are no closets in the den, and most of the dens have wide openings, which would not make the unit suitable for the use of the room as sleeping quarters. The use of these units provides for a level of luxury in terms of unit size that has not been previously proposed within the county and it does not seem likely that the TDDP standard in question requiring condominium ownership was intended to target this type of luxury unit.'

*"For the foregoing reasons, therefore, the applicant would request the flexibility to provide a maximum of 3% of the units as three-bedroom in addition to an interpretation that dens will not be construed as a bedroom for this development."

Staff Comment: *The applicant provided the following breakdown of the number of bedrooms within each unit:

<u>*168</u>	<u>One-bedroom units</u>	<u>168 bedrooms</u>
<u>*197</u>	<u>Two-bedroom units</u>	<u>394 bedrooms</u>
<u>*41</u>	<u>Three- bedroom units</u>	<u>123 bedrooms</u>
<u>*406</u>	<u>Total Units</u>	<u>685 bedrooms</u>

*The application demonstrates an increase in luxury for apartment living through the proposed size of the units. The sizes of the units range from 680 square feet to 1,350 square feet. The units at the top level of the building include loft/ mezzanine spaces. Staff agrees with the applicant's proposal to allow three *~~and four~~ bedroom units without the provision of condominium ownership because of the uniqueness of the project and the limited use of these units within the project. *~~There are 4 four bedroom units, constituting only 0.33 percent of the project proposed as four bedrooms.~~ There are *~~115~~ 41 three-bedroom units proposed, which constitutes *~~9.5~~ ten percent of the units. The applicant's argument that dens should not be counted as bedrooms is reasonable; there are no closets in the den, and most of the dens have wide openings, which would not make the unit suitable for the use of the room as sleeping quarters. The use of these units provides for a level of luxury in terms of unit size that has not been previously proposed within the county and it does not seem likely that the TDOZ standard in question requiring condominium ownership was intended to target this type of luxury unit.

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11. The following Development Requirements warrant discussion in the review of this detailed site plan application. Each of the following districtwide requirements applies to all the properties within the TDOZ.

P2 All development/redevelopment shall have a sign plan approved by the Planning Board at the time of Detailed Site Plan. This plan shall provide the sign locations(s), size, color, lettering style, construction details and material specifications including the method of illumination.

Comment: Details and specifications of the proposed signage for the property have not been submitted. ~~*[The site plan proposes a symmetrical sign entrance feature to be placed at the entrance along Belcrest Road. The details of the signage have not been submitted.]~~ The staff recommends that entrance features be provided at each of the vehicular entrances into the property. A comprehensive sign design plan should be provided prior to signature approval of the plans.

P20 Developers shall provide continuous sidewalks along all frontages of their property on public rights-of-way in the transit district.

Comment: This requirement assures that the pedestrian facilities be provided within the TDDP in order to facilitate Metro ridership. This section of the TDDP states:

“A principle goal of the TDDP is the provision of a safe, effective and pleasant environment for pedestrian trips. Achieving this goal will require improvement of pedestrian circulation and mobility throughout the transit district.”

An improved pedestrian zone exists along Belcrest Road. Existing sidewalks are located along Toledo Terrace, Northwest Drive and Dean Drive.

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

P27 Within 12 months after the District Council approves the Prince George's Plaza TDDP, the Department of Environmental Resources shall make recommendations to the District Council regarding treatment of pollutants based on the *Prince George's Plaza Transit District Overlay Zone Environmental Management Plan*, July 1993. Any property owner who completes construction or receives a use and occupancy permit prior to the completion of the Department of Environmental Resources study shall comply with the findings and recommendations of the study.

~~*[A portion of these requirements was addressed by a stormwater management concept approval letter (CSD 80003620-1998-00) dated July 20, 2004, which expires July 20, 2007. This concept approval is for the pond identified as "Pond 2." This concept does not include the provision of the~~

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proposed "bioswales" or green roofs shown in an exhibit received in an e-mail on June 22, 2007. This is the first time staff has seen these proposals and they are not reflected on the plans submitted.

Concept approval for Pond 1, which is located off-site, has not been received to date. This pond will handle a considerable amount of run-off from this and other properties. It must be constructed prior to the approval of building permits for the subject property.

Recommended Condition: ~~Prior to certificate approval of the DSP, if required by the Department of Public Works and Transportation, the stormwater management concept approval shall be revised to include the use of bioswales and green roofs, and a reevaluation of the design adjacent to the school site. The plans shall delineate the locations of proposed landscape plantings and be designed to accommodate a 50-foot-wide buffer to the north of the pond to the fullest extent possible. Regardless of whether or not the concept plan is required to be revised, all landscaping associated with the stormwater management pond shall be shown on the DSP landscape plan.~~

Recommended Condition: ~~Prior to issuance of building permits on the subject property, Pond 1, located off-site, shall be constructed. The pond construction will require a separate Type II tree conservation plan for that property that shall show the proposed clearing and grading, development access, and mitigation for the proposed impacts.]~~

*Copies of the stormwater management concept approval letter and associated plan (36405-2009-1) have been submitted. The approved concept plan shows two underground storage facilities that will provide water quantity and quality control, bio-swales, and bioretention areas. The TCP2 shows two underground storage facilities in accordance with the approved concept plan.

*The bioretention areas are located in the courtyard areas of the proposed building; the bio-swales are located along the southern perimeter of the building. Both are considered environmental site design techniques.

*As discussed in the previous section, the proposal results in impacts to regulated environmental features on the site, particularly the 60-foot stream buffer. The proposed pond that was previously shown provided a buffer of at least 100 feet from the stream. Removal of existing vegetation in a stream buffer is not considered an environmental site design technique, in fact, preservation of existing natural resources is the first method to be considered when designing a site using the principals of environmental site design.

*The new stormwater management legislation enacted by the state now requires a three-tiered review of stormwater management proposals so that the proposal may be reviewed more carefully with on-going development applications. The concept plan approval is considered the first tier of review. The second tier of the review is the site development plan, which provides more detail of the proposal. Because this application is proposing a design that will serve as the final design prior to permitting, the site development plan should be submitted for review prior to certification. In

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order to ensure the plans are consistent and do not conflict with the approved design, an inter-agency meeting that includes Environmental Planning staff, the Department of Public Works and Transportation, and the Prince George's Soil Conservation District should be conducted. The purpose of the meeting is to confirm that the final design addresses the current stormwater management ordinance, sediment erosion control requirements, and the preservation of woodlands and regulated environmental features as approved by the Planning Board, and that the design is correctly reflected on all associated plans.

*The approved concept plan contains the following note:

*"The developer is working closely with University Park to initiate a regional SWM pond to be located at the "Nine Ponds" site. If it is determined to be feasible, the 100-year underground SWM will be moved to this offsite location."

*The status of the "Nine Ponds" initiative is unclear at this time and detail site plan review can only be based on the plans submitted. Any significant changes that result in relocation of stormwater management facility may require a revision to the detailed site plan.

*Condition: Prior to certification of the detailed site plan, a copy of the stormwater management site development plan shall be submitted for review by the Department of Public Works and Transportation (DPW&T), Soil Conservation District (SCD) and The Mary-National Capital Park and Planning Commission (M-NCPPC) for conformance with the detailed site plan and TCP2.

*Condition: Prior to the issuance of a grading permit, the final stormwater management design plan and sediment and erosion control plan shall be reviewed by M-NCPPC, the Department of Public Works and Transportation, and the Prince George's Soil Conservation District. The review shall ensure that the proposed design meets the requirements of the Stormwater Management Act of 2007, and conforms to the DSP and TCP2.

S31 At the time of 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.

Comment: Prior to signature approval of the plans, staff recommends that the plans be reviewed by the Urban Design Section, in coordination with streetscape and street finishing requirements, for the number and location of trash receptacles.

S32 Prior to the final inspection and sign-off of permits by the Sediment/Stormwater or Building Inspector, any storm drain inlets 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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~~*[A previously approved erosion and sediment control plan dated September 6, 2005, was submitted with an earlier review package for comparison with the detailed site plan and Type II tree conservation plan. The plan shows a slightly different layout and limit of disturbance than that shown on the TCPH or DSP. The limits of disturbance currently shown are the result of updates and revisions made to the plan. Future sediment and erosion control plans will reflect the revised limits of disturbance and the revised layout. All notes and details regarding the stenciling of storm drain inlets have been added to the DSP on sheet 17 of 18.]~~

~~**Recommended Condition:** Prior to issuance of the next permit, the sediment and erosion control plan shall be revised as needed to reflect the current layout and limit of disturbance shown on the TCPH and DSP. The appropriate erosion and sediment control plan shall accompany all grading permit applications.]~~

*Notes and details regarding the stenciling of storm drain inlets have not been added to the DSP. In addition to the DSP, the sediment and erosion control plan must also show these notes and details.

*Condition: Prior to certification of the detailed site plan, a copy of the proposed sediment and erosion control plan shall be submitted reflecting the same limits of disturbance proposed on the DSP and TCP2.

*Condition: The DSP and the sediment and erosion control plans should include notes and a detail regarding the stenciling of storm drain inlets with "Do Not Dump - Chesapeake Bay Drainage".

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

~~*[After review of the noise impacts section of the TDOZ text, it appears that the more appropriate contour for this residential use, based on Table 8 - Established Noise Standards in Transit District, would be the 55 dBA Ldn contour. The prior detailed site plan review determined that the entire site was within the 55 dBA Ldn noise contour.]~~

~~Adelphi Road is the road that is generating the noise. Because all outdoor activity areas are shielded by proposed buildings or topography, no noise attenuation for the outdoor activity areas is needed. Noise attenuation for interior residential uses is needed and is to be addressed on the building permits. A noise reduction of 10 dBA Ldn can be obtained through the use of standard building materials that are used to reduce energy consumption such as double paned windows. In addition, the buildings along Adelphi Road will shield the buildings on the interior of the site.~~

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

*Adelphi Road is a master planned arterial roadway that is in the vicinity of the subject site. According to the Environmental Planning Section's Noise Model, the 65dBA Ldn noise contour is 144 feet from the centerline of Adelphi Road. The subject property is approximately 520 feet from Adelphi Road. Given the proximity of the subject site from the arterial roadway, traffic-generated noise is not expected to impact this proposed development. No additional information regarding noise is required at this time. A previously approved condition regarding the mitigation of interior noise to 45 dBA Ldn has been carried forward for this phase of development.

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

The Park Planning and Development Division of the Department of Parks and Recreation reviewed the original detailed site plan and has stated that these previous comments still apply in their entirety. The following analysis was provided in memorandum dated July 11, 2001, Asan to Lareuse:

"Staff of the Park Planning and Development Division has reviewed the above-referenced Detailed Site Plan DSP-99048 and TS-99048A. Our review considered the recommendations of the Transit District Development Plan (TDDP), the Master Plan for Planning Area 68, current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development.

"The project area consists of 34.2 acres of land and includes an existing high-rise building containing 288 units on 6.6 acres of land. The applicant proposes to construct three additional high-rise buildings on the remaining 27.6 acres of the property. It's estimated that the proposed development will generate 2574 additional residents in the community."

Comment: This number of generated residents may no longer be accurate based on the reduced density proposed, marketing targets, etc.

"Staff met with the applicant and developed a mutually acceptable "Recreational Facilities Package" which includes the following:

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"The donation of 4.0 acres of off-site public parkland for active recreation located in the northwest section of Parcel 102 on Tax Map 32, Grid F-4 (known as the Clay Property).

"The dedication of 0.8027 acre adjacent to the Prince George's Plaza Community Center.

"The provision of private recreational facilities located on private open space.

"Staff believes that this package meets mandatory dedication requirements for the subject property and Clay Property.

"Staff further agreed to the designation of an area of University Hill Community Park south of Dean Drive for a stormwater management area for the development of the Landy Property.

"Staff recommends that approval of the subject detailed site plan, DSP-99048, and TS-99048A be subject to the following stipulations and recommendations:

- "1. The Developer shall donate 4 acres of off-site land to the Commission for use as public parkland. The donated land shall be located on the northwest section of Parcel 102 (Tax Map 32, Grid F-4) as shown on attached Exhibit B and known as the Clay Property. The parkland will be an addition to the University Hills Community Park. The balance of the Clay Property shall be exempt from mandatory dedication requirements when the property is subdivided.

Comment: This condition has been fulfilled.

- "2. The Developer shall dedicate 0.8027 acre adjacent to the Prince George's Plaza Community Center, known as P/O of Parcel 67 on Tax Map 42, Grid A-1, as shown on attached Exhibit A.

Comment: This condition has been fulfilled.

- "3. The land shall be conveyed to the Commission for public parkland prior to issuance of grading permit for construction on the Landy Property. The property shall be subject to conditions of attached Exhibit C.

Comment: This condition has been fulfilled.

- "4. Following the conveyance of the properties described above, the Commission shall designate an area of University Hills Park south of Dean Drive for the stormwater management area for the development of the Landy Property. The

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developer shall build this stormwater management facility as an attractive amenity for this area. The Department of Parks and Recreation shall review and approve the design of the facility prior to grading permit. The DPR may require a performance bond *[and] prior to issuance of grading permits.

Comment: The applicant is in the process of obtaining *[final] approval for the stormwater management facility.

- "5. The applicant, his successors, and/or assigns shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

Comment: The plans provided for adequate recreational facilities to serve the population of the project.

- "6. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to signature approval of the detailed site plan, DSP-99048, and TS-99048.

Comment: The plans provide for adequacy and proper siting.

- "7. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

Comment: Prior to signature of approval, the plans should be reviewed for compliance with the *Parks and Recreational Facilities Guidelines*.

- "8. Submission of three original, executed private Recreational Facilities Agreements (RFA) to the DRD for their approval, three weeks prior to applying for building permits. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

Comment: The staff recommends that this condition apply to these plans.

- "9. Submission to the DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.

Comment: The staff recommends that this condition apply to these plans.

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- "10. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities."

Comment: The staff recommends that this condition apply to these plans.

*[The applicant has included the following recreational facilities on the plan:

OUTDOOR RECREATIONAL FACILITIES

Recreational Amenities — Building A

(1) ~~Swimming pool~~
(1) ~~Volleyball court~~
(1) ~~Youth play area~~
Play structure
Swing set
(2) tables
(1) ~~Tot play area~~
Play structure
Swing set
(2) tables
(6) ~~Benches~~
Paths

Recreational Amenities — Building B

(1) ~~Swimming pool~~
(1) ~~Volleyball court~~
(1) ~~Youth play area~~
Play structure
Swing set
(2) tables
(1) ~~Tot play area~~
Play structure
Swing set
(2) tables
(6) ~~Benches~~
Paths

INDOOR RECREATIONAL FACILITIES

Building A

(9) ~~Game Rooms~~
(2) ~~Fitness Areas~~

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~~(4) Multipurpose Courts~~

Building B

~~(5) Game Rooms~~

~~(1) Fitness Area~~

~~(1) Multipurpose Court~~

~~These recreational facilities have been located, but have not all been properly detailed in accordance with the Parks and Recreation Facilities Guidelines. The staff recommends that the plans be submitted prior to signature approval to demonstrate conformance.]~~

The Park Planning and Development Division provided the following update in 2007 of the Prince George's Community Center and the Clay property:

- "1) Prince George's CC Addition has approved CIP FY07 funding for \$1.2 million, including a developer contribution of \$464,000. As of May 31, 2007 the project is in "preparation." Tony Derro is assigned architect. The center is in need of additional parking and space for the programs and activities. The exact program will be developed with input from the rec council, center staff, and the community.
- "2) In the initial discussion with the developer, the 4 acres acquired for University Hills Community Park was intended for a soccer field and the acquisition was sized appropriately to accommodate this use. However, there is no funding for development of this site. Currently, there are no plans for park/recreation development and no request has been received to develop the site from the community."

12. SUBAREA 1 MANDATORY DEVELOPMENT REQUIREMENTS

The following Subarea 1 Primary Mandatory Development Requirements are contained within the TDDP and warrant discussion:

P36 The maximum building height shall be 16 stories above grade.

~~*[In the applicant's memorandum dated June 19, 2007, the following discussion regarding height of a structure was provided:~~

~~"Buildings A and B are a minimum of six (6) stories above grade. The project also contains seven (7), sixteen (16) story "towers" (four (4) in Building A and three (3) in Building B), which stack above the main low rise portion of the Buildings. As illustrated in the detailed site plan and architectural elevations, the sixteenth (16th) story consists of a mezzanine for the purpose of achieving the goal of Condition 30 of the original DSP of providing high ceilings and two level penthouse units. The design of the sixteenth floor penthouse units proposed with this DSP is such that the sixteenth floor is one story with a~~

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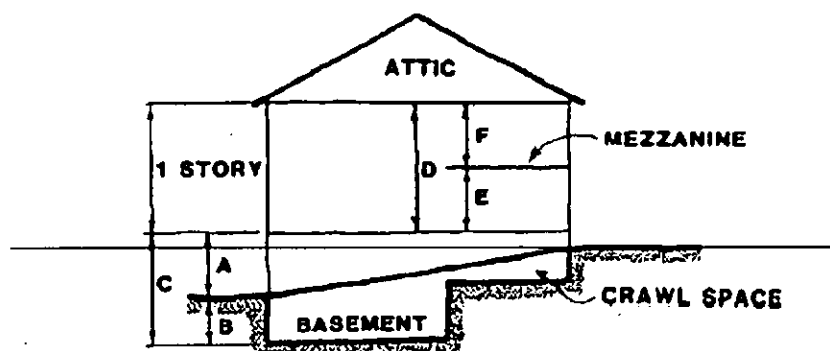
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mezzanine. It is the Applicant's position that the proposal meets P36 (i.e. the Buildings do not exceed sixteen stories) and would not require an amendment.

"According to §27-107.01(223) of the Zoning Ordinance, "[t]he space between a mezzanine floor and the floor above it shall be counted as a 'Story' if it covers more than one-third ($1/3$) of the area of the floor below it, or if the distance between the floors immediately below and above the mezzanine is at least twenty (20) feet. (See Figure-1 {below}).

FIGURE 1.



WHEN "A" IS LESS THAN "B" - "C" IS A
BASEMENT
WHEN "A" IS GREATER THAN 5 FEET -
"C" IS A STORY
WHEN "D" IS AT LEAST 20 FEET AND
THE MEZZANINE COVERS OVER
 $1/3$ OF THE FLOOR BELOW - "E"
AND "F" ARE STORIES

"Figure-1 of the Zoning Ordinance, as shown above, depicts a situation identical to what is proposed on the sixteenth story of the Landy towers. The main volume proposed is less than 20 ft high (at 18', 8"), and the proposed mezzanine floor area is never more than the required one third ($1/3$) of the contiguous, open floor areas to which it is open below. In addition, the 2003 International Building Code (the MD State Building Code) has a strict definition and set of requirements for mezzanines that is consistent with the $1/3$ area limitation stated in §27-107.01.(223) of the Prince George's County Zoning Ordinance. In IBC, mezzanines are not considered to be additional floor areas and exterior balconies have no occupancy load for egress purposes. The proposed unit design conforms to 2003 IBC requirements. The additional space proposed on the sixteenth story provides the units with striking, dramatic volumes and mezzanines that permit the owners the luxury of several options for utilizing the space."

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~~Staff comment:~~ Staff agrees with the applicant's legal argument that the use of a mezzanine at the 16th floor does not constitute a "story" per the definition of that term in the Zoning Ordinance. The building will appear to be 17 stories, if one counts the levels of windows on the outside of the building. However, the definition of "story" is difficult to refute, as the Zoning Ordinance is clear. Further, these units fulfill the intent of the requirements of the TDDP in that the sector plan demands that multifamily units developed in the transit district must demonstrate a certain level of luxury. The use of these penthouse units will provide a level of luxury beyond that normally found in multifamily development in the county. The proposed plans indicate a building height of four stories in height.

P38 A survey of specimen or historic trees is required at the time of application for a Detailed Site Plan, Preliminary Plat of Subdivision or Grading Plan. This survey shall include the health and vigor of the trees. All efforts shall be made to preserve those specimen and historic trees identified. Justification must be provided in the event that preservation will not occur.

Staff Comment: The locations of all specimen trees, with a delineation of their critical root zone (CRZ), are shown on the site plan. A list of the specimen and historic trees, including their species, size, condition, CRZ, and proposed disposition, has been submitted. A justification has been provided for review when preservation will not occur. *Only one specimen tree will be removed in Phase One, consistent with the originally approved plan.

13. The following Districtwide Secondary Mandatory Development Requirements warrant discussion:

S3 All primary and secondary walkways shall be well lighted to a minimum of 1.25 foot candles.

Comment: A photometric plan submitted does not demonstrate that primary and secondary walkways and parking compounds within the development will be lighted to a minimum of 1.25 foot candles. Prior to signature approval, the lighting should be adjusted to demonstrate this requirement.

S5 All primary and secondary pedestrian routes shall be constructed using special paving materials. (See Figure 7 for crosswalks.)

Comment: The plans *should be revised to indicate that a crosswalk *[has been provided] is proposed at the vehicular entrances into the development along Belcrest Road. *[and Dean Drive.]

S14 Building materials shall be high quality, enduring and distinctive. Exterior building materials such as pre-cast concrete brick, tile and stone, are encouraged.

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***[Comment:** The previously approved application, DSP-99048, included the following description of the exterior finish material:

~~“The application includes proposed architectural elevations showing pre-cast concrete at the base of the buildings and exterior insulation finish system (EIFS) elsewhere. The greatest amount of detailing of the buildings is provided at the pedestrian level and at the top of the structures so it will be visible from a distance. The color selection is beige, compatible with the two existing structures on the site.”~~

~~The architectural design proposes building elevations that provide floor-to-ceiling glazed areas far in excess of the original application which included a condition of approval to increase the size of windows, and that yield an exceptionally high ratio of glass to other materials when compared with other residential buildings in the area. This provides a distinctive and attractive appearance, maximizes views from the units, and allows high day-lighting levels for occupants. Operable glass doors are proposed at all living areas and bedrooms, permitting residents ready access to fresh air and cool breezes. The remainder of the exterior design incorporates ground-faced block in two colors, and brick masonry in three colors with decorative cornices for additional visual interest. The developers also plan to consider pre-cast panel systems for the exterior skin, and would incorporate the same finish materials as well as any unique, yet appropriate, design and finish opportunities available with pre-cast concrete.] See discussion related to S37 on page 43 regarding architecture.~~

S24 All lighting poles, fixture designs, light retention and level of illumination shall be coordinated throughout the transit district to achieve a recognizable design, and be consistent with the streetscape construction drawings provided in Appendix A.

Comment: The light fixtures and poles have not been shown on the plan consistent with the TDDP.

S25 All lighting shall have a minimum level of 1.25 foot candles, and shall be provided for all outdoor spaces, plazas, parking lots, etc., for the safety and welfare of all users.

Comment: Staff recommends that a photometric plan demonstrate that primary and secondary walkways and parking compounds within the development will be lighted to a minimum of 1.25 foot candles.

S29 The location and number of bicycle lockers, racks and other features shall be determined at Detailed Site Plan.

Comment: Prior to signature approval, the detailed site plan should be revised to include a minimum of 1 bike rack(s) (for 15 bikes) per building, for a total of 60 bike parking spaces.

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S31 At the time of 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.

Comment: Prior to signature approval, the detailed site plan should be revised to include trash receptacles and the details and specifications should also be provided.

S32 Prior to the final inspection and sign-off of permits by the Sediment/Stormwater or Building Inspector, any storm drain inlets 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.

Comment: Prior to signature approval, the detailed site plan and the sediment control plan should be revised to include notes and details necessary to implement the stenciling of stormdrain inlets.

S36 All Conceptual and Detailed Site Plans shall be referred to the County Police Department for review and comments pertaining to the impact on police services.

Comment: In accordance with the 1998 TDOZ document, it was recommended by the Fire Department that a medivac landing area with adequate vehicle access, lighting, and glide path be designated within the Prince George's Plaza Transit District. Because the Home Depot, USA, Inc. site (SP-99006), which is southwest of East West Highway and Toledo Terrace, has been approved for the location of the medivac landing, the requirements of a transit district have been met. The applicant, therefore, will not be required to provide a medivac landing area.

***Police Facilities**

***The subject property is located in Police District I, Hyattsville. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months.**

<u>Reporting Cycle</u>	<u>Previous 12 Month Cycle</u>	<u>Emergency Calls</u>	<u>Nonemergency Calls</u>
<u>Cycle 1</u>	<u>3/2006-2/2007</u>	<u>10 Minutes</u>	<u>15 Minutes</u>
<u>Cycle 2</u>			
<u>Cycle 3</u>			

***The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on August 13, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the**

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Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(c)(1)(A) and (B) regarding sworn police personnel staffing levels.

The proposed site is within the service area for District I—Hyattsville. Staff conclude that the existing county policy facilities will be adequate to serve the proposed residential use.

*[43]14. The following Subarea I secondary mandatory development requirements are contained within the TDDP and warrant discussion:

S37 The proposed architecture shall be enduring, high quality, distinctive and compatible with the existing buildings on Subarea 1.

~~*[Comment: The application for this project incorporates the majority of the parking in above-ground structures as opposed to the previously approved application that proposed the parking underground. This change makes a substantial difference in the bulk of the structure above ground. This revision wraps the apartments around three sides of the parking structure of Building B and around all four sides of Building A. Unlike the previous approval, the building mass at the base of the structures in the present application has substantially increased in size; however, the towers above the seventh level of Building A and above the ninth level of Building B are not as massive as in the original case. In an attempt to mitigate the building mass of the base of the structures, the applicant has increased the distance between the towers, narrowed the width of the towers, and has provided visual relief in the upper portions of the building base by designing the units as two-story penthouses with patios and offsets that will provide interesting detail at the top of the base portion of the building.~~

~~The previous application included architectural elevations showing precast concrete at the base of the buildings and exterior insulation finish system (EIFS) elsewhere. The color selection was beige, compatible with the two existing structures on the site. The proposed architectural elevations in the current application indicate the exterior finish material as a combination of ground face concrete masonry units (CMU) at the base of the building, beige brick, and extensive glass. The CMU is proposed as several shades of beige stone appearing material, for the first two stories of the building. Three beige-colored variations of brick are proposed for the higher levels of the building. The new building reflects a modernistic design that is compatible with the existing building on the site, which was considered a modernist design at the time it was built.]~~

*Related guidelines for the development of the property in association with the requirement above include the following:

***. G9 - All sides of a building should receive equal design consideration if viewed from a public space.**

***. G39 - All parking structures should be designed as an integral component of the overall site and be architecturally compatible with adjoining buildings.**

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*The original plans of the parking garage lack detail and its architecture significantly contrasted, rather than compliments, the architecture of the proposed multifamily building. The applicant had shown the use of climbing vines in order to soften the garage façades of Elevations 1 and 21. However, it may take a number of years for the landscaping to establish itself, and still, portions of the facades will visible after its establishment. The use of climbing vines as a green screen has generally not been entirely successful in the past due to poor maintenance and the climate changes of the region.

*Although the parking garage is located primarily along the rear portion of the site, it may be visible from a portion of the streetscape along Adelphi Road and from the highly used public space of the ball fields of Northwest High School. Staff recommended to the applicant that the elevation along Adelphi Road should incorporate some of the materials and the horizontal and vertical detailing found in the adjacent multifamily building or additional colors of stained concrete. Some of the elements of the architectural treatment of the Adelphi Road garage facade should turn the corner and be incorporated as part of the rear garage elevation. The applicant revised the plans to provide a brick patterning of the rear of the garage which has significantly improved the appearance of the façade of the parking structure.

***S38 Rental residential units shall provide an increase in luxury through architectural features, building construction and added amenities to the site and units.**

~~*[Comment: The architectural design proposes building elevations that provide floor-to-ceiling glazed areas far in excess of minimum window-to-wall ratios mandated by the building code and that yield an exceptionally high ratio of glass to other materials when compared with other residential buildings in the area. This provides a distinctive and attractive appearance, maximizes views from the units, and allows high day lighting levels for occupants. Operable glass windows are proposed at all living areas and bedrooms, permitting residents ready access to fresh air and cool breezes. The remainder of the exterior design incorporates ground-faced block and brick masonry in three colors with decorative cornices for additional visual interest.]~~

The application as submitted demonstrates an increase in luxury through the proposed size of the units. The size of the units range from 650 square feet to 2,713 square feet. The units on the top level of ~~*[the base of each of]~~ the ~~*building[s]~~ include two-story penthouse units, which are also featured in the units at the ~~*[16th]~~ ~~[4th]~~ floor. The following is a breakdown of the proposed units:

- ~~*[~~—25 Efficiencyes—25 bedrooms
- ~~—318 One-bedroom units—318 bedrooms~~
- ~~—754 Two-bedroom units—1,508 bedrooms~~
- ~~—115 Three-bedroom units—345 bedrooms~~
- ~~—4 Four-bedroom units—16 bedrooms~~
- ~~—1,216 Total Units—2,212 bedrooms]~~

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The indoor amenities and the amount of ~~*[recreational facilities]~~ land dedication far exceed the minimum required by mandatory dedication for the site. Further, in accordance with the original conditions of approval, the amenities include the following:

~~*[a. — Party and community rooms shall have a fully equipped kitchen.~~

~~Comment: The plans demonstrate that Building A is provided with one 2-story 2,475 square-foot community room that has a kitchen area with sink, refrigerator, dishwasher, and ample counter space. The section plan requires one community room of 2,463 square feet for Building A. The plans demonstrate that Building B is provided with one 1-story 1,949 square-foot community room that has a kitchen area with sink, refrigerator, dishwasher, and ample counter space. The section plan requires 1 community room of 1,494 square feet for Building A.~~

~~b. — Each main entrance lobby shall be fully furnished and have a centrally located front desk with 24-hour attendant staffing.~~

~~Comment: The plans demonstrate that both Buildings A and B have main entrance lobbies that have a centrally located front desk. Furnishings and security staffing will be provided post-occupancy by the Condominium Homeowner's Association.~~

~~c. — Off each main lobby there shall be a fully furnished fitness facility with an interior heated swimming pool, a wading pool and spa, lockers, toilet facilities, and shower rooms (or equivalent facilities). Card and game rooms shall be located in the same area.~~

~~Comment: The plans demonstrate that both Buildings A and B are provided with a fully furnished fitness facility with a wading pool and spa, lockers, toilet facilities, and shower rooms (or equivalent facilities) and card/game rooms located in a nearby area. The structure of the buildings does not permit the provision of a pool on the first level. It is provided as part of the rooftop recreation area.~~

~~d. — Each main lobby shall have a well-lit porte cochere viewable from the front desk.~~

~~Comment: The plans demonstrate that both Buildings A and B are provided with a well-lit porte cochere viewable from the front desk.~~

~~e. — The site shall have an undisturbed, heavily treed buffer area and fully landscaped garden areas in and adjacent to the exterior parking lots, as shown on the plans.~~

~~Comment: The site plan demonstrates all of the above.~~

~~f. — Off each main lobby there shall be a business and computer center, with at least five PC work stations and facsimile and photocopy facilities, available to residents with or without charge.~~

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~~Comment: The plans demonstrate that both Buildings A and B are provided with a business and computer center, with at least five PC work stations and with facsimile and photocopy facilities off each main lobby.~~

- ~~g. Structured parking areas shall follow a security regimen: The interior shall be well lit, residents shall have assigned parking spaces, a CCTV system with well placed video cameras shall cover all parking areas, and one or more roaming security personnel shall also provide coverage. Entry into parking structures shall be through garage doors activated by a TESA control system (or equal) that restricts access to residents. The same system shall be used for elevator and stairway access, subject to the fire marshal's approval.~~

~~Comment: The plans demonstrate that the parking areas of both Buildings A and B are provided with a well lit interior, assigned parking spaces for residents, a CCTV system with well placed video cameras covering all parking and parking entry areas, an access control system which restricts access to the buildings to residents only through parking structure garage doors, elevators, lobbies, and stairways (subject to the Fire Marshall's approval). One or more roaming security staff will be provided post occupancy by the Condominium Homeowner's Association.~~

- ~~h. All sleeping and living areas shall have wall to wall carpeting. Bathrooms shall have ceramic tile flooring and wainseot, and tub and shower areas shall be fully tiled.~~

~~Comment: The plans demonstrate that all sleeping and living areas have wall to wall carpeting, bathrooms have ceramic tile flooring and wainseot, and tubs and showers areas are fully tiled in both Buildings A and B.~~

- ~~i. Floor to ceiling clearance shall be at least 8 feet 8 inches, with crown molding in the living area.~~

~~Comment: The plans demonstrate that the units in both Buildings A and B are provided with floor to ceiling clearance of at least 8'8", and crown molding in the living area.~~

- ~~j. Kitchens in all units shall be fully equipped. Each floor shall have one or more trash chutes connected to a commercial trash compactor accessible to a loading area. The trash room on each floor shall have recycling bins.~~

~~Comment: The plans demonstrate that each unit in both Buildings A and B are provided with fully equipped kitchens. The plans further demonstrate that each floor of both Buildings A and B are provided with a trash room that includes three trash chutes (two for recycling) connected to a commercial trash compactor accessible to a loading area.~~

- ~~k. Each unit shall have thermostatically controlled, on-demand heating and air conditioning and a full sized, stacked washer and dryer.~~

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~~Comment: The plans demonstrate that each unit in both Buildings A and B are provided with thermostatically controlled, on-demand heating and air conditioning and a full-sized, stacked washer and dryer.~~

~~l. The master bedroom in each unit shall have its own separate bathroom.~~

~~Comment: The plans demonstrate that the master bedrooms in each unit in both Buildings A and B are provided with its own separate bathroom.~~

~~m. At least 60 percent of the units shall have walk-in closets.~~

~~Comment: The plans demonstrate that both Buildings A and B provide over 60 percent of the units with walk-in closets.]~~

*The following amenities were required in the approval of previous plans of development for this site. These amenities are included as conditions in the approval of this plan and is found to fulfill the requirement of S38.

- *a. Party and community rooms shall have a fully-equipped kitchen, including a sink, full sized refrigerator, dishwasher, microwave oven and ample counter space.
- *b. The main entrance lobby off of Belcrest Road shall be fully furnished and have a centrally-located front desk with 24-hour attendant staffing and/or at least one roaming security personnel.
- *c. There shall be an interior fully-furnished fitness facility.
- *d. The exterior swimming pool, shall include lockers, toilet facilities, and shower rooms (or equivalent facilities).
- *e. Social room for card and/or games shall be provided located within the common area.
- *f. The main lobby shall have a well-lighted covered drop-off area viewable from the front desk.
- *g. The main lobby there shall be a business and computer center, with at least five PC work stations and with facsimile and photocopy facilities, available to residents with or without charge. If after one year, the PC workstations are not substantially utilized by the residents, they may be removed and the room may be used for some other amenity. The facsimile and photocopy facilities may be relocated to the front desk for residents use.

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- *h. Structured parking areas shall be well lighted with well placed video cameras covering all parking areas, and at least one roaming security personnel shall also provide coverage. Entry into parking structures shall be through garage doors/gates activated by a control system which restricts access to residents. The same system shall be used for elevator and stairway access, subject to the Fire Marshal's approval.
 - *i. All sleeping and living areas shall have wall-to-wall carpeting or hard wood flooring. Bathrooms shall have ceramic tile flooring, and tubs and showers shall be tiled up to six feet minimum.
 - *j. Floor to ceiling clearance shall be at least eight feet, eight inches with crown molding in the living area.
 - *k. Each floor shall have one or more trash chutes connected to a commercial trash compactor accessible to a loading area. The trash room on each floor shall have recycling bins.
 - *l. Each unit shall have thermostatically-controlled, on-demand heating and air conditioning.
 - *m. Each unit shall be provided with a washer and dryer.
 - *n. The master bedroom in each unit shall have its own separate bathroom.
 - *o. Window size and placement shall follow these requirements: Windows shall be at least 2.5 feet off the floor, at least five feet high, at least three feet wide, uniform in appearance on outside façades, recessed, and designed to maximize views from living areas.
 - *p. At least 60 percent of the units shall have a walk-in closet.
 - *q. All units shall be wired before initial occupancy for telephone, cable, and internet access.
- *[+4] 15. Detailed Site Plan DSP-99048/01 is consistent with and reflects the site design guidelines and criteria contained in the Transit District Development Plan.
- *[+5] 16. Section 27-548.08.(c) Required findings for a Detailed Site Plan in the Transit District Overlay Zone (TDOZ).

The Transit District Site Plan meets all of the requirements of the applicable regulations of the underlying zones;

Previously approved variance request: In the review of the original detailed site plan the Planning Board found that the plan was in conformance with the regulations governing development in the R-10 Zone and the *Landscape Manual* except as specified in a request for a Variance, VD-99048A. The applicant requested a variance from Section 27-442(e) and 27-442(i). Section 27-

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442(e) of the Zoning Ordinance requires a minimum 10-foot side yard setback, with a total 30-foot side yard setback for both yards, plus one foot for each two feet that the building exceeds 36 feet in height. A portion of Subarea 1 is already developed with an 11-story apartment building that was constructed in the 1960s. At the time of construction of this building, it was on the same lot as an adjacent 13-story apartment building, constructed at or around the same time. Subsequent to construction of the two buildings, the property was subdivided. As a result of the subdivision, the adjacent 13-story building is now on a separate lot that is not a part of Subarea 1 and the 11-story apartment building in Subarea 1 is located 24.1 feet from the property line of that lot. The applicant is requesting a variance from the setback provisions of Section 27-442(e), Table 4, of the Zoning Ordinance, which requires a minimum 10-foot side yard setback, with a total 30-foot side yard setback for both yards, plus one foot for each two feet that the building exceeds 36 feet in height. The 11-story building is 99 feet tall. Based on this building height on a through lot, the Zoning Ordinance requires the building to have a 51.5-foot setback. Therefore, a 27.4-foot variance from this requirement was requested in order to validate the existing 11-story apartment building included in Subarea 1 and approved by the Planning Board. The approval of the separate lot after construction of the building and the inadvertent creation of this instance of nonconformance with the Zoning Ordinance was determined to be an extraordinary situation. This variance continues to be valid for the development of the subject site plan and, if this case is approved, the variance will continue to be valid.

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;

Staff Comment: The layout of the development minimizes conflicts between pedestrian and vehicular circulation systems, provides for coordinated architectural building style and materials, provides adequate open space areas for landscaping to screen undesirable views, provides for safe and efficient parking and loading areas, and is adequate to meet the purposes of the TDOZ.

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

Staff Comment: The proposed *building[s] will be architecturally coordinated in terms of building materials and style and are situated on the site in a manner that is compatible with the surrounding existing and proposed development.

- *[+6] 17. The detailed site plan application is subject to the following sections of the *Landscape Manual*: Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements, Landscape Strip Requirements and Interior Planting; Section 4.4, Screening Requirements; and Section 4.7, Buffering Incompatible Uses. The detailed site plan demonstrates that it is in general conformance with all applicable sections of the *Landscape Manual*. Clarification needs to be added to the

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plans, including the schedules to demonstrate plant quantities for Sections 4.1, 4.3 and 4.7, *~~[and the details and specifications of the screen wall proposed for the loading spaces.~~

~~In regard to Section 4.1, the plans should clearly identify the credit for existing trees on the site that are being used to fulfill the requirements. The use of afforestation to fulfill Section 4.1 and 4.7 must demonstrate that the sizes of the plant material are in keeping with the minimum size requirements. The plans should clarify conformance to Section 4.3 and if the parking compound on the Plaza Towers site has been taken into consideration.]~~ the plans appear to conform to those requirements. However, the size of the street trees located along Belcrest Road are require by the TDDP to be sized at 3 ½ inch caliper to 4 inch caliper in size, as was required for all other street trees along certain streets as shown in Figure 9, Streetscape Plant Materials Schedule. Therefore a condition of approval requires that the plant size for the London Plan tree located along Belcrest Road should be increased.

~~In regard to the review of the planting design for the site, staff has a number of issues that should be addressed. *[The main issue is the lack of major shade trees being used for the project, including the use of native plant materials. Based on the size of the proposed structures on the site, staff believes that the use of large growing shade tress would benefit the site more than the use of smaller types of shade trees. The tree species employed should be predominantly large-growing shade trees and the use of native species is also encouraged. Specifically, staff recommends the more abundant use of shade trees along the entrance drive and the drive between the two buildings. In regard to the planting of ornamental trees, staff recommends additional planting along the base of the building to provide more interest from the pedestrian level and for the view out of the lower level units to the outdoors. These plants should be added to the area along Towers A-1 and Tower A-2 and the drop-off area islands in front of each of buildings. Some additional ornamental tress should be added to the roof top plantings as well, to complement the Amur Maples and to add seasonal interest. Additional shrub planting should be added to the areas where retaining wall systems have been proposed on the plans. Again, the use of native species is encouraged in these areas. The use of invasive species, as identified by the Maryland Native Plant Society's Identification of Invasive Species should be avoided.]~~ The plans appear to use schedules to demonstrate conformance to the Landscape Manual which is not those included in the 1990 adopted manual. Therefore prior to signature approval the plans should be revised to include the corrected schedule.

- *[17] 18. The Countywide Planning Section reviewed the above-referenced plan according to the requirements of the *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone*. The following analysis of the adequacy of public schools is provided. *~~[in a memorandum dated June 27, 2007, from Izzo to Lareuse, for information purposes only, as there is no finding required for adequacy of public schools in connection with the subject application:~~

Previous Approval DSP-99048

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The Landy property detailed site plan was first heard by the Planning Board on Dec. 20, 2001. At that time the adequate public facilities test for schools was subject to CB-15-1999. That bill required all building permits to be tested for adequate public facilities prior to issuing a permit. The bill further stated that if the school's projected capacity is over 105 percent, the applicant will pay a fee of \$9,000 per elementary school student, \$12,000 per middle school student, and \$10,000 per high school student. If the school capacity exceeds 130 percent, then no permits would be issued until the capacity is below 130 percent or three years have elapsed. The Department of Environmental Resources was responsible for collecting the fees.

The findings in DSP-99048 include the table below, which lists the affected schools. For Tower A, University Park Elementary School has a projected capacity of 124.51 percent; therefore, an elementary school fee would be collected at building permit. Nicholas Orem Middle School had a projected capacity of 105.38 percent, and a fee of \$12,000 per student would be collected. Northwest High School had a projected capacity of 102 percent, which is below the 105 percent standard, and no fees would be collected.

Findings for Tower A — DSP-99048

Building Permit Test for Affected Public Schools			
	Affected School Name		
	University Park Elementary School	Nicholas Orem Middle School	Northwestern High School
D.U. by Type	270 MFD	1,283 MFD	1,283 MFD
Pupil Yield Factor	0.24	0.06	0.12
Development Pupil Yield	64.80	76.98	153.96
9/2000 Enrollment	615	843	2,084
Adjusted Enrollment	0	0	0
Total Projected Enrollment	679.80	919.98	2,237.96
State Rated Capacity	546	873	2174
Projected Capacity	124.51%	105.38%	102.94%
Source: Prince George's County Planning Department, M-NCPPC, January 2001			

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Findings for Tower B — DSP-99048

Building Permit Test for Affected Public Schools			
	Affected School Name		
	University Park Elementary School	Nicholas Orem Middle School	Northwestern High School
D.U. by Type	218 MFD	1,283 MFD	1,283 MFD
Pupil Yield Factor	0.24	0.06	0.12
Development Pupil Yield	52.32	76.98	153.96
9/2000 Enrollment	615	843	2,084
Adjusted Enrollment	0	0	0
Total Projected Enrollment	667.32	919.98	2,237.96
State Rated Capacity	546	873	2,174
Projected Capacity	122.22%	105.38%	102.94%
Source: Prince George's County Planning Department, M-NCPPC, January 2001			

Findings for Tower C: North and South

Building Permit Test for Affected Public Schools			
	Affected School Name		
	Carole Highlands Elementary School	Nicholas Orem Middle School	Northwestern High School
D.U. by Type per Building	398 MFD	1,283 MFD	1,283 MFD
Pupil Yield Factor	0.24	0.06	0.12
Development Pupil Yield	95.52	76.98	153.96
9/2000 Enrollment	545	843	2,084
Adjusted Enrollment	0	0	0
Total Projected Enrollment	640.52	919.98	2,237.96
State Rated Capacity	614	873	2,174
Projected Capacity	104.23%	105.38%	102.94%
Source: Prince George's County Planning Department, M-NCPPC, January 2001			

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The tables alone show the projected capacities for Tower B, which were University Park Elementary School, 122.22 percent; Nicholas Orem Middle School, 105.38 percent; and Northwest High School, 102.94 percent. School fees would have been assessed for the University Park Elementary School and the Nicholas Orem Middle School. For Tower C, the elementary school is listed as Carol Highlands, which would have a projected enrollment of 104.23 percent, therefore no fees would have been collected for Tower C. The Nichols Orem Middle School is operating at 105.38 percent, which would have required the payment of a fee and Northwest High School's projected enrollment would be 102.94 percent.

The Planning Department provided the information in this case relevant to the law that was in effect at the time. When building permits were issued, fees for University Park Elementary School and Nicholas Orem Middle School would have been collected.

~~Proposed Revision DSP-99048/01~~

School Enrollment and Capacity September 2006

School	Enrollment	Capacity	Percentage Capacity
University Park E.S.	575	491	117.10
Carol Highlands E.S.	587	618	94.98
Nicholas Orem M.S.	1568	825	190.06
Northwestern H.S.	2492	2053	121.38

Office of Pupil Accounting, Prince George's Public Schools, Sept. 2006

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amount is \$7,671 to be paid at the time of issuance of each building permit (or dwelling unit). The proposed development of 1,216 units would generate \$9,327,936 in fees, according to the current rate of the surcharge.]

*The Special Projects Section has reviewed this revised plan for the development of 406 multifamily dwelling units for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

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* Impact on Affected Public School Clusters

<u>Affected School Clusters</u>	<u>Elementary School Cluster 7</u>	<u>Middle School Cluster 4</u>	<u>High School Cluster 4</u>
<u>Dwelling Units</u>	<u>406 DU</u>	<u>406 DU</u>	<u>406 DU</u>
<u>Pupil Yield Factor</u>	<u>.042</u>	<u>.039</u>	<u>.033</u>
<u>Subdivision Enrollment</u>	<u>17</u>	<u>16</u>	<u>13</u>
<u>Actual Enrollment</u>	<u>32,508</u>	<u>9,899</u>	<u>16,049</u>
<u>Total Enrollment</u>	<u>32,525</u>	<u>9,915</u>	<u>16,062</u>
<u>State Rated Capacity</u>	<u>39,039</u>	<u>11,571</u>	<u>16,314</u>
<u>Percent Capacity</u>	<u>83%</u>	<u>86%</u>	<u>98%</u>

*Source: Prince George's County Planning Department, M-NCPPC, January 2007

*County Council bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

*CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,299 and \$ 14,227 to be paid at the time of issuance of each building permit.

*The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

- *19. The Environmental Planning Section *~~[has reviewed the above revised detailed site plan, DSP-99048-01, and Type II tree conservation plan for Landy Property, TCPH/97/00-01, stamped as received on May 25, 2007. The Environmental Planning Section recommends approval of DSP-99048-01 and TCPH/97/00-01 subject to conditions.]~~ has reviewed the above revised Detailed Site Plan, DSP-99048/01 and Type 2 Tree Conservation Plan TCP2-97-00-01, for the Landy Property, stamped as received on August 30, 2010. The Environmental Planning Section recommends approval of DSP-99048/01 and TCP2-097-00-01 subject to conditions.

*Since the previous approval of this application by the Planning Board, the County Council passed new legislation that revised the Woodland and Wildlife Habitat Conservation Ordinance (Subtitle

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25). Additionally, the Zoning Ordinance (Subtitle 27) was updated to address environmental requirements that need to be addressed by this application. Because this case will not be approved by the effective date of September 1, 2010, it is subject to the new regulations.

Background

This site was previously reviewed by the Environmental Planning Section in conjunction with the approval of DSP-99048 and TCPH/97/00, in 2001 ~~*and 2006.~~ ~~[The current submittal is a revision to the approved detailed site plan and Type II tree conservation plan for the purpose of developing the site with a new multifamily product type.]~~ The current application, DSP-99048/01 was previously approved by the Planning Board; however, upon review of the application by the District Council, it was remanded back to the Planning Board to address various concerns, two of which, items B and D of the Order of Remand, are specific to stormwater management for the subject site.

*Because the project does not have a previously approved preliminary plan and the project will not have received all the required approvals prior to September 1, 2010, the application must be reviewed for conformance to the new legislation. A Natural Resources Inventory is a submission requirement for DSPs and one is currently under review (NRI-016-10).

This 33.85-acre site is located on the north side of Toledo Terrace, west of Belcrest Road, east of North West Drive, and east of Dean Drive. A review of the GIS information available indicates that ~~*[no streams,]~~ wetlands, wetland buffers or 100-year floodplain are found to occur on the property, ~~*[but the detailed site plan shows a "non-vegetative Waters of the U.S." located in a woodland preservation area on the eastern portion of the property.]~~ According to GIS information, there is one stream that traverses the eastern portion of the site. The soils found to occur, according to the Prince George's County Soil Survey, are Beltsville, Sassafras and Sunnyside-Urban Land Complex. These soils have limitations with respect to perched water table, impeded drainage, and steep slopes but will not affect the site layout. Belcrest Road, Toledo Terrace, North West Drive and Dean Drive are collectors and generally not regulated for noise impact. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity. There are no scenic or historic roads in the vicinity of this site. The property is further located in Subarea 1 of the Prince George's Plaza Transportation District Overlay Zone and in the Developed Tier as delineated in the adopted General Plan.

THE PRINCE GEORGE'S PLAZA TRANSIT DISTRICT OVERLAY ZONE

In addition to the normal site requirements that apply to specific zoning categories, properties in the Prince George's Plaza Transit District Overlay Zone (TDOZ) have districtwide requirements and guidelines and subarea requirements and guidelines. This memorandum will first address the districtwide environmental requirements, then the subarea requirements, and finally any remaining

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environmental issues. Below is a summary of the districtwide and subarea environmental requirements that apply to this site.

MANDATORY REQUIREMENTS FOR SUBAREA 1

Environmental Conditions of Approval from the Previous Application

The approval of Detailed Site Plan *DSP-99048-01 included conditions of approval that dealt with environmental issues to be addressed in subsequent reviews. The environmental issues to be addressed during this review are addressed below. *[The respective environmental conditions are in bold typeface, and the associated comments are in standard typeface.]

9. b. — The Landscape Plan and Woodland Conservation Plan shall be revised to indicate larger plant material in the islands within the existing parking compound, in front of the existing 11-story building, along Northwest Drive, and in the bufferyard adjacent to the school site. The size of the plant material shall meet the minimum standards within the Landscape Manual.

All of the areas noted have been provided plant material at two to two and one-half inch caliper trees on the TCPII. These are large trees and will serve the landscaped areas well. In the bufferyard adjacent to the school site, it would be more appropriate, and provide better survivability, if the plant material were a variety of sizes, including whips, one-inch caliper and two-inch caliper. The plans should be revised to provide this mix of tree sizes for the buffer adjacent to the school site. Further, this area must also meet the requirements of the landscape manual as well.]

Recommended Condition: Prior to signature approval of the DSP, the TCPII shall be revised to amend the plant schedule for the buffer adjacent to the school site to provide a combination of *[50] 25 percent whips, 25 percent one-inch caliper trees, and *[25] 50 percent two and one-half to three-inch caliper trees. All associated notes shall also be revised as necessary.

i. **The Detailed Site Plan and the Sediment Control Plan shall be revised to include notes and details necessary to implement the stenciling of storm drain inlets, in accordance with S-32 of the TDOZ.**

Recommendation: *[This] A similar condition should be carried forward to this approval.

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- p. **The applicant shall submit a tree assessment plan signed by a licensed arborist for the existing trees located along Toledo Terrace.**

This condition was * attempted to be addressed through the submission of a report from a certified arborist. It was the intent of this condition to provide a recommendation regarding how these trees will be treated in the future (removed and replaced, pruned, fertilized, etc.). This information was not provided.

Recommended Condition: Prior to certification of the DSP, the TCPH shall be revised to include the report regarding the street trees along Toledo Terrace and the report shall be revised to include recommendations regarding the existing trees. This shall include recommended treatments and timing of treatments and could include removal and replacement.

10. **Prior to issuance of a building permit, the building plans shall be certified by an acoustical engineer that the interior noise levels shall not exceed 45 dBA (Ldn).**

Recommendation: This condition should be carried forward to this approval.

Environmental Review

- *[a. ~~A forest stand delineation (FSD) has been submitted for the proposal and was generally found to address the criteria for an FSD in accordance with the Prince George's County Woodland Conservation Ordinance.~~

Comment: ~~No additional information is needed at this time with regard to the FSD.~~

- b. ~~This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has a previously approved TCPH. The Type II tree conservation plan (TCPH/97/00-01) as submitted was found to require revisions to conform to the requirements of the Woodland Conservation Ordinance, elements of the TDOZ, and previous approval conditions.]~~

~~*[The TCPH woodland conservation worksheet indicates that the minimum woodland conservation requirement for this site is 6.77 acres (20 percent of the net tract). An additional 3.36 acres are required due to the removal of woodland shown on the current plan, for a total woodland conservation requirement of 10.13 acres. The TCPH proposes to meet the requirement by providing a total of 6.66 acres of on-site preservation and 3.47 acres of afforestation/reforestation for a total of 10.13 acres. The Type II tree conservation plan meets all woodland requirements on-site.~~

~~There are several areas that were previously shown as afforestation areas that are not appropriate for this type of treatment. These areas are now properly labeled as "landscaped areas." They will be counted toward meeting the requirements and the planting schedule~~

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and types of plantings have been shown. When identified as afforestation areas, the areas must be planted with seedlings and a variety of other sizes of trees to create a forest-like appearance in perpetuity. In fact, it appears from notes on the previously approved TCPH that these areas may have been intended for use as "landscaped areas" but this was not made clear on the plans. Afforestation areas A, B, and I are now re-labeled "landscape areas" and the plant material to be installed has been provided in a separate table on sheet 8 of 8. The number of plants to be installed in these areas has been reduced to accommodate the existing trees in Areas A and B. The plan contains maintenance notes stating that these areas will be mowed and maintained as "landscape areas." This distinguishes them from the afforestation and reforestation areas that will not be mowed and will be planted with seedlings and trees of other sizes to recreate a forest-like appearance.

There are several minor technical errors that need to be revised on the TCPH including, but not limited to, proper labeling of the woodland conservation areas (several have labels that don't point to anything), and the appropriate use of reforestation (some areas are already wooded).

In addition, there are many large trees on the property that will require additional assistance to survive construction. They should be evaluated for their current condition so that treatments throughout construction and post-construction can be addressed. This assessment can commence now that the limits of disturbance have been established. The limits must be flagged in the field and a certified arborist must walk the limits of disturbance, make minor field adjustments to the limits as necessary based on the location of the highest quality vegetation, and prepare a report outlining the recommended treatments for the trees along the edges. The report shall also address how the specimen trees shown on the TCPH will be treated to ensure they thrive during and after construction.

Recommended Condition: Prior to certification of the DSP, the TCPH shall be revised to label all woodland conservation areas; revise symbols as needed to reflect the planting of trees only where trees do not currently exist; show signage for afforestation areas and associated fencing; make any necessary changes to the worksheet; and have the plans signed by the qualified professional who prepared the plans.]

***Recommended Condition:** Prior to issuance of the next permit, the limits of disturbance shall be staked in the field and a certified arborist shall walk the limits. Minor adjustment shall be made to the limits in keeping with the design proposed, to ensure that the highest quality vegetation is preserved. The certified arborist shall submit the report prior to the issuance of the next permit and the recommended treatments shall be incorporated into the revised TCPH.

e. A proposed stormwater management concept approval letter (8003620-1998-00) dated July 20, 2004, was submitted with the application. The plan contains several sheets with a signature and an August 2005 date, but the standard approval stamp used by the

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~~Department of Environmental Resources at the time was not used. A copy of the approved stormwater concept that shows the proposed building layout and the entire site should be provided prior to certification of the detailed site plan.~~

~~**Recommended Condition:** Prior to certification of the detailed site plan, a copy of an approved stormwater management concept plan and the associated letter shall be submitted. The plans shall cover the entire site and shall show the proposed building footprints and site layout.]~~

*a. A Natural Resources Inventory (NRI) was submitted with the application; however, it was not signed. A complete review of the application is currently being conducted.

*According to the TCP2, there is a stream on the site. The TCP2 shows this stream with a label that identifies it as "non-vegetative waters of the U.S." Based on the 2009 aerial images, the area of the stream identified on the plans is wooded. Revise the TCP2 and all associated plans to remove the term "non-vegetative" from the identity of the stream.

*Condition: Prior to certification of the detailed site plan, a revised signed Natural Resources Inventory shall be submitted. The NRI shall be prepared in accordance with the Environmental Technical Manual. At a minimum, the NRI shall show all slopes 15 percent or greater, a 60-foot-wide stream buffer for the existing stream, and include a condition analysis of all on-site specimen trees using the methods in the Environmental Technical Manual. Revise all plans as necessary to reflect the existing conditions as shown on the approved NRI.

*Condition: Prior to certification of the detailed site plan, and upon the approval of the NRI, all associated plans shall be revised to reflect the information shown on that plan.

*b. This site contains a stream and its associated stream buffer. The stream and its associated buffer are protected under the requirements of Sec. 27-285(b)(4). The TCP2 proposes to disturb the stream buffer for grading and infrastructure associated with an ingress/egress, fire lane and stormwater outfall pipe.

*Sec. 27-285(b)(4) requires that that the Planning Board find that the plan "demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible." In order for staff to make a recommendation to the Planning Board regarding this required finding, a Letter of Justification must be submitted that describes the existing regulated environmental features on the site, whether or not the features are to be preserved and/or restored, and how the design has avoided the proposed impacts and/or minimized them. The methods to determine "fullest extent possible" are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and, where necessary, mitigation. The manual also describes what types of impacts are considered "necessary" and the types that can be avoided.

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*A Letter of Justification, date stamped as received on August 30, 2010, has been submitted. According to the letter of justification, the proposed impacts cannot be avoided because they are necessary for development. The fire lane is required for a 360 degree access to the building and parking area. The stormwater outfall is necessary to safely convey stormwater from the proposed underground facility to the stream. The ingress/egress is necessary to access the site. Because the Order of Remand required the plans to be revised to provide frontage on Belcrest Road, the revision resulted in a more constrained developable area on the narrowest portion of the site. The Environmental Planning Section agrees that the proposed impacts cannot be avoided due to the required revisions of the site layout.

*The previously submitted TCP2, stamped as received on August 12, 2010, proposed development that resulted in 0.29 acres of impacts to the 60-foot-wide stream buffer for parking, stormwater management, ingress/egress, and a fire lane. The current plans have removed the portion of the proposed parking that was shown to be in the buffer. The grading for the storm drain pipe, outfall, and fire lane have been pulled back to allow more of the buffer to remain undisturbed. According to the letter of justification, the proposed area of impact within the stream buffer is 0.19 acres.

*It should also be noted that a sanitary sewer is located approximately 40 feet west of the stream, and is parallel to the stream. Although the associated 20-foot wide sanitary sewer easement is within the 60-foot-wide buffer, it cannot be considered for preservation because it is subject to disturbance as needed for maintenance. The Planning Board also has concerns regarding the location of the fire lane. It appears that this area could be redesigned to minimize the impact in this area. At a minimum, the proposed impact for the fire lane should be kept to the west of the sewer easement. An alternative design should be considered prior to certification of the detailed site plan.

*Based on a review of the revised plans, the impacts for the outfall and ingress/egress have been minimized by reducing the parking and reducing the grading on the east side of the sewer easement for the outfall pipe that was previously proposed. The proposed impact for the fire lane should be reviewed prior to certification for opportunities to limit the impact area to the west side of the sewer easement.

*The Planning Board supports the proposed impacts to the on-site regulated environmental features for the stormwater outfall and ingress/egress because the impacts have been minimized to the fullest extent possible.

*Condition: Prior to certification of the detailed site plan, opportunities to further minimize the impact for the fire lane shall be explored and the plans shall be revised as necessary.

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*c. This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property has a previously approved TCP2. The Type 2 Tree conservation Plan (TCP2-97-00-01) as submitted was found to require revisions to conform to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, the Zoning Ordinance, and elements of the TDOZ.

*A revised Type 2 Tree Conservation Plan has been submitted. A phased worksheet has been used to calculate the woodland conservation requirements for the site. The site has a woodland conservation threshold of 20 percent, or 6.79 acres of the net tract. The total woodland conservation requirement based on the total amount of proposed clearing is 13.46 acres. The TCP2 proposes to meet the requirement with 3.93 acres of on-site preservation, 1.07 acres of reforestation, and 8.46 acres of off-site woodland conservation.

*Proposed Reforestation Areas A and B show reforestation areas that are less than the required minimum width of 50-feet. A note has been provided on the plan stating that this area will be planted with "2.5 inch caliper plant material per the associated Landscape Plan. If these landscaped areas are proposed to be used to meet the woodland conservation requirement, the current note should be deleted and replaced with the following note:

*Reforestation Areas A and B shall be designed using the criteria in 25-122(c)(1)(K).

*The TCP2 also does not show any tree signage for the proposed reforestation areas. Revise the TCP2 to show tree signage for all woodland reforestation areas on the site. Identify and label all proposed clearing areas and provide a table on the plan. Have the qualified professional who prepared the plan sign and date them.

*Condition: Prior to the certification of the detailed site plan, the TCP2 shall be revised as follows:

*(1) Delete the current note under the TCP worksheet and replace with the following note: "Reforestation Areas A and B shall be designed using the criteria in 25-122(c)(1)(K).

*(2) Show tree signage for all woodland conservation areas on the site.

*(3) Identify and label all proposed clearing areas and provide a table on the plan.

*(4) Have the qualified professional who prepared the plan sign and date them.

*d. The TCP2 indicates the site contains 33 specimen trees. Section 25-122(b)(1)(G) requires that:

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

*This current phase of development proposes to remove one specimen tree, a 32-inch diameter at breast height (dbh) tulip poplar, for placement of the proposed building. A variance request, stamped as received on August 30, 2010 has been submitted. The specimen tree is located in the central portion of the proposed development because the removal of this tree was previously approved by the Planning Board, a variance request is not required.

*The development of this site is not associated with development on a neighboring property.

*e. Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or Letter of Exemption. Properties zoned R-10 are required to provide a minimum of 15 percent of the gross tract area in tree canopy. It appears that this property will be able to meet the requirement by using the existing woodlands that are proposed to be preserved and proposed reforestation. The following note should be provided on the TCP2 below the woodland conservation worksheet with the appropriate figures provided:

*Note:

*Tree Canopy Coverage Note: The tree canopy coverage requirement on this site is being met using woodland conservation as follows:

*Tree canopy coverage required: _____ or _____ square feet

*Tree canopy coverage provided: _____ or _____ square feet

***[Summary of Recommended Conditions]**

*[a. Prior to certificate approval of the DSP, if required by the Department of Public Works and Transportation, the stormwater management concept approval shall be revised to include the use of bioswales and green roofs, and a reevaluation of the design adjacent to the school site. The plans shall delineate the locations of proposed landscape plantings and be designed to accommodate a 50-foot wide buffer to the north of the pond to the fullest extent possible. Regardless of whether or not the concept plan is required to be revised, all landscaping associated with the stormwater management pond shall be shown on the DSP landscape plan.

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- b. ~~Prior to issuance of building permits on the subject property, Pond 1, located off-site, shall be constructed. The pond construction will require a separate Type II tree conservation plan for that property that shall show the proposed clearing and grading, development access and mitigation for the proposed impacts.~~
- e. ~~Prior to issuance of the next permit, the sediment and erosion control plan shall be revised as needed to reflect the current layout and limit of disturbance shown on the TCPH and DSP. The appropriate erosion and sediment control plan shall accompany all grading permit applications.~~
- d. ~~Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45dBA or less.~~
- e. ~~Prior to signature approval of the DSP, the TCPH shall be revised to amend the plant schedule for the buffer adjacent to the school site to provide a combination of 50 percent whips, 25 percent one inch caliper, and 25 percent two inch caliper trees. All associated notes shall also be revised as necessary.~~
- f. ~~The detailed site plan and the sediment control plan shall be revised to include notes and details necessary to implement the stenciling of stormdrain inlets, in accordance with S-32 of the TDOZ.~~
- g. ~~Prior to certification of the DSP, the TCPH shall be revised to include the report regarding the street trees along Toledo Terrace and the report shall be revised to include recommendations regarding the existing trees. This shall include recommended treatments and timing of treatments and could include removal and replacement.~~
- h. ~~Prior to issuance of a building permit, the building plans shall be certified by an acoustical engineer that the interior noise levels shall not exceed 45 dBA (Ldn).~~
- i. ~~Prior to certification of the DSP, the TCPH shall be revised to label all woodland conservation areas; revise symbols as needed to reflect the planting of trees only where trees do not currently exist; show signage for afforestation areas and associated fencing; make any necessary changes to the worksheet; and have the plans signed by the qualified professional who prepared the plans.~~
- j. ~~Prior to issuance of the next permit, the limits of disturbance shall be staked in the field and a certified arborist shall walk the limits. Minor adjustment shall be made to the limits in keeping with the design proposed to ensure that the highest quality vegetation is~~

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preserved. The certified arborist shall submit the report prior to the issuance of the next permit and the recommended treatments shall be incorporated into the revised TCPH.

- k. ~~Prior to certification of the detailed site plan, a copy of an approved stormwater management concept plan and the associated letter shall be submitted. The plans shall cover the entire site and shall show the proposed building footprints and site layout.~~

*[19. ~~The Urban Design Section has a number of concerns relating to the development of the site that have not been addressed. These issues include:~~

- a. ~~The design of retaining walls should be revised to delete the proposed keystone-style design and include a stone veneer, brick or equally attractive retaining wall compatible with the exterior finish of the building. The retaining walls should be set back from the edge of paving and curb and gutter so that the proposed security fencing can be placed on top of the retaining wall to be visible from within the proposed development. Details of railing must also be provided where required by the building code. Additional landscaping should be added where needed to soften the appearance, if possible.~~

- *[b. ~~The fencing proposed for security of the development is a combination of estate fencing and chain-link fencing. Where the fence is visible from the public roads and from the interior of the development along the main roadways, estate fencing is proposed. Where the fencing will not be visible from the public roads or from the internal roadways, a six-foot high, black, vinyl clad, chain-link fence will be used.~~

- e. ~~Special paving materials should be revised to indicate a special paving pattern independent of the paving pattern but compatible with the paving in Belerest Road. The special paving should run from Belerest Road to the main entrance of Building B.~~

- d. ~~Surface material and the green roof areas of the roof top recreational areas should be specified and material samples and colors submitted to the Urban Design Section for approval prior to signature approval of the plans. Additional sitting areas should be added to the plans to create areas for passive recreation and socializing.~~

- e. ~~Roof top swimming pools should be detailed on the plans with the depth of pool, planting areas, and shade structure.~~

- f. ~~Sculpture and reflecting pool in front of Building B should be provided on the plans.]~~

20. **The Transportation Planning Section**, Shaffer to Lareuse, has provided the following comments in his memorandum dated April 24, 2007:

The adopted and approved Prince George's Plaza Transit District Development Plan (TDDP) emphasizes the importance of pedestrian connections, sidewalks, and bicycle-friendly roadways

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around the Prince George's Plaza Metro Station. Trail connections are recommended, wide pedestrians zones are required, and designated bike lanes are recommended along some roads. The provision of sidewalks along all road frontages is crucial to providing a walkable, transit-oriented community and encouraging pedestrian trips to Metro. As stated on page 62 of the TDDP, a principal goal is the provision of a safe, effective and pleasant environment for pedestrian trips.

In keeping with this goal, the TDDP requires pedestrian zones with wide sidewalks along East West Highway, Toledo Road, Toledo Terrace, and Belcrest Road. Bike lanes are specifically recommended along Toledo Road and Belcrest Road. The majority of these recommendations are beyond the scope of the subject application. However, the TDDP does include several mandatory development requirements that impact the subject site.

Mandatory Development Requirement S29 requires:

The location and number of bicycle lockers, racks, and other features will be determined at the time of Detailed Site Plan review.

Mandatory Development Requirement S30 requires:

All new retail development shall provide four bicycle racks per 10,000 gross square feet of floor space with each rack holding a minimum of two bicycles.

In keeping with guidance provided on page 81 of the TDDP, bike racks should be provided in well-traveled and lighted areas in locations convenient to building entrances. The inverted-U rack is encouraged, as this style of rack has proven the most successful at securing both the bike wheel and frame. These racks should be marked and labeled on the approved detailed site plan.

Condition 9n from the original detailed site plan approval more specifically requires:

- n. The Detailed Site Plan shall be revised to include a minimum of one bike rack (for 15 bikes) per building, for a total of 60 bike parking spaces. A revised location for the bike racks shall be shown away from the main entrance in an area which is secure and convenient, yet not at the front door.**

Bike rack locations are indicated at the far eastern and western edges of the subject site. Staff recommends that some of these racks also be located near the internal residential towers toward the center of the site. These racks should accommodate a minimum of ~~60~~ 20 bicycle parking spaces, per condition 9n. Bike rack details and locations shall be approved by the Urban Design Section and the senior trails planner prior to signature approval of the detailed site plan.

SIDEWALK CONNECTIVITY:

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Mandatory Development Requirement P20 requires:

Developers shall provide continuous sidewalks along all frontages of their property on public rights-of-ways in the transit district.

~~*[The subject property's portion of Belerest Road includes existing streetscape improvements. These improvements include a wide sidewalk, wide outside curb lanes, and pedestrian amenities. No further improvements are necessary and the existing facilities meet the intent of the TDDP. Toledo Terrace Road includes a standard sidewalk and mature street trees. Staff concurs with the Urban Design Section and the City of Hyattsville that reconstructing this segment of road to include a wider streetscape would have a negative visual affect on the corridor by necessitating the removal of all of the existing mature street trees, as well as the relocation of the existing utility poles. Staff supports the applicant's request for a secondary amendment to Mandatory Development Guideline P1 and S8 of the TDDP to permit the preservation of the mature oak trees on the subject site's frontage of Toledo Terrace.]~~

~~*[Sidewalks are not included along the subject site's frontages of both Dean Drive and Northwest Drive. Staff recommends the provision of standard sidewalks along the frontages of both roads in keeping with Mandatory Development Requirement P20.]~~

~~DPW&T has implemented streetscape improvements along Belerest Road, including wide decorative sidewalks, wide outside curb lanes, and pedestrian amenities. These existing improvements meet the intent of the TDDP requirements for Belerest Road.~~

~~Internal paths and sidewalks are provided throughout the subject site. The sidewalks correspond with the proposed road network and link the residential towers together and to the planned recreational facilities. Well-marked crosswalks are indicated at appropriate locations. These sidewalks and paths appear to be adequate to safely accommodate pedestrian movement within the site.]~~

*The applicant is providing standard or wide sidewalks along road frontages throughout Phase One. An enhanced wide sidewalk will be constructed along Belcrest Road in keeping with the TDDP. Several trail and sidewalk connections are also being proposed from the Phase One to the existing residential development (Plaza Towers) south of the subject site. The short extension of this existing paved trail to the parking lot south of the west courtyard is recommended. A recommended location is marked in red on the attached landscape plan.

*Internal paths and sidewalks are provided throughout the subject site. The sidewalks correspond with the proposed road network, and link Phase I with the existing residential towers. Well-marked crosswalks are indicated at appropriate locations. These sidewalks and paths appear to be adequate to safely accommodate pedestrian movement within the site.

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*At the time of the approval by the Planning Board of DSP-99048-01, a waiver was granted for the streetscape improvements along Toledo Terrace. This waiver was granted in order to preserve the existing mature street trees. However, subsequent to that waiver, utility work (tree trimming) has been done that has greatly compromised the appearance and quality of the trees. The Planning Board finds that the plans shall be revised to show the 20-foot pedestrian zone along Toledo Terrace. However, the construction of improvements along Toledo Terrace is not required at this time. Completion of the streetscape improvements along Toledo Terrace will be done at the time of infill development or redevelopment of that portion of the subject property, or prior to Phase Two of the development, whichever occurs first.

TRAILS RECOMMENDATION:

In accordance with the adopted and approved Prince George's Plaza Transit District Development Plan (TDDP), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Provide designated bike lanes along both sides of Toledo Terrace Road in conformance with the 1999 AASHTO Guidelines for Bicycle Facilities, unless modified by DPW&T.
- b. The detailed site plan shall be revised to include one bicycle rack per building, for a minimum of ~~*[60]~~ 20 bicycle parking spaces. Bike rack details and locations shall be approved by the Urban Design Section and the ~~*[senior-trails-planner]~~ Transportation Planning Section prior to signature approval of the detailed site plan.
- c. In conformance with Mandatory Development Requirement P20, provide a standard sidewalk along the subject property's entire road frontage of Dean Drive, ~~*[unless modified by DPW&T]~~ to be constructed concurrent with the development of the western portion of the Landy Property.
- d. In conformance with Mandatory Development Requirement P20, provide a standard sidewalk along the subject property's entire road frontage of Northwest Drive, ~~*[unless modified by DPW&T]~~ to be constructed concurrent with the development of the western portion of the Landy Property.
- *e. Extend the existing walkway from Plaza Towers to the parking lot south of the west courtyard. This walkway connection shall include sidewalk connections to the crosswalks on the east and west sides of the parking lot.
- *f. Shared-lane markings for bicycles shall be provided along both sides of the entire length of Toledo Terrace, and the plans shall be revised to show these markings, unless modified by DPW&T. All pavement markings shall be consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices

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(MUTCD), Section 9C.07, unless modified by DPW&T or other applicable regulatory authority.

- *g. In conjunction with the shared-lane markings, the applicant shall provide a minimum of eight "Bicycles May Use Full Lane" signs (R4-11, MUTCD) along Toledo Terrace, consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), Section 9B.06, unless modified by DPW&T or other applicable regulatory authority.

21. **The Transportation Planning Section** ~~*[provided the following analysis of the proposed development in their memorandum dated April 20, 2007, Mokhtari to Lareuse:~~

~~The Transportation Planning Section has reviewed the above referenced and submitted detailed site plan in support of the proposed development in Subarea 1 of the Prince George's Plaza Transit District Overlay Zone (PG-TDOZ) Transit District. The original DSP-99048 was approved by the Prince George's County Planning Board on December, 20, 2001. As part of this approval, the total unallocated and available TDDP surface parking for residential uses within the district was reduced from 920 spaces to 742 spaces.]~~ reviewed the District Council remand order for the revised detailed site plan.

*The property has been the subject of an original detailed site plan approval (DSP-99048, PGCPB No. 01-164(A)) on December, 20, 2001, that was valid until December 2007, and a revised detailed site plan approval (DSP-99048/01, PGCPB No. 07-161) on July 26, 2007. The revised site plan (DSP-99048/01) has been the subject of the District Council's review, which led to the remand order.

*The District Council identified seven specific revisions that are to be addressed by the Planning Board. Of those seven revisions, only three (Remand Directive A, C, F) includes language that pertain to transportation, and consequently will be the basis of this review.

Discussion of Transportation Requirements

This analysis presents a discussion on the PG-TDDP's Transportation and Parking, and Parking and Loading Mandatory Development Requirements (or MDRs) and the submitted detailed site plan's compliance with these requirements.

The approved PG-TDDP guides the use and development of all properties within its boundaries. The findings and recommendations outlined below are based upon staff evaluation of the submitted site plan and each of the requested amendments and the ways in which the proposed development conforms to the MDRs and guidelines outlined in the PG-TDDP.

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One of the purposes of this TDDP is to ensure a balanced transportation and transit facilities network. Therefore, staff performed an analysis of all road facilities in the vicinity of the transit district. This analysis indicated that the primary constraint to development in the transit district is vehicular congestion, particularly the congestion caused by single-occupant vehicles (SOV) trips. One method for relieving congestion is to reduce the number of SOV trips to and from the transit district. As result, this TDDP limited the discussion for transportation adequacy by recommending a number of policies for managing the parking supply (surface parking), and adopting level-of-service E (LOS E) as the minimum acceptable operating standard for transportation facilities. Among the most consequential of these are:

- *a. Establishment of a transit districtwide cap on the number of additional surface parking spaces (3,000 preferred, plus 1,000 premium) that can be constructed or provided in the transit district to accommodate any new development.
- *b. Implementation of a system of developer contributions based on the number of preferred and premium surface parking spaces attributed to each development project. The contributions are intended to recover sufficient funding to defray some of the cost of the transportation improvements as summarized in Table 4 of the TDDP, and needed to ensure that the critical roadways and intersections in the transit district remain at or above LOS E.
- *c. Retaining a mandatory transportation demand management district (TDMD). The TDMD was also recommended by the 1992 TDDP to ensure optimum utilization of trip reduction measures (TRMs) to combine, or divert to transit, as many peak-hour SOV trips as possible, and to capitalize on the existing transit system in the district. Once established by the Council, the TDMD will continue to have boundaries that are coterminous with the transit district. As of this writing, the TDMD has not been legally established under the TDMD Ordinance (now Subtitle 20A, Division 2, of the County Code) enacted in 1993.
- *d. Once TDMD is established, the TDDP requires each property owner within the TDMD to make an annual TDMD fee payment based on the total number of parking spaces (surface and structured), that each property owner maintains.

As indicated above, all transportation-adequacy related mandatory development requirements (**P6, P7, P8, P9, P10, P11, P12, P17, P18, and P19**) of the PG-TDDP include only surface parking in the definition of parking. The distinction between surface parking and structure parking is significant because these PG-TDDP MDRs are used to determine the level of required contribution toward the cost of implementing the needed transportation improvements to ensure that traffic operations within the transit district do not degrade below LOS E, prior to the establishment of the PG-TDMD. It is the Planning Department staff's understanding that the reason for this distinction (between surface and structure parking) is the District Council's intent to create an urban atmosphere for developments within close proximity to Metro stations, to encourage the use of

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structured parking, and to discourage construction of large amounts of surface parking within the transit district.

While, the absence of structure parking in these MDRs may initially result in traffic operations to degrade below LOS E, **MDRs P13, P14, P15, P16** require the establishment of a transportation demand management district (TDMD) by the Council, and collection of a mandatory annual TDMD fee based on the total number of maintained parking spaces (surface and structured) for all property owners. The PG-TDDP recommends the annual TDMD fee of \$5.00 for each surface parking space and \$2.00 for each structure parking space or any surface spaces that are permanently reserved for handicapped occupant vehicles, carpools and vanpools. The required TDMD annual fee will be collected once the PG-TDMD has been enacted pursuant to Subtitle 20A, Division 2, of the County Code. The TDDP requires the collected fee be used to fund specific transportation improvements, parking management measures, and additional transit enhancements in an attempt to restore LOS E.

Finally, in addition to the Washington Area Metropolitan Transit Authority (WMATA) Metrorail system, this area is currently served by Metro buses, the University of Maryland's Shuttle UM transit service, and the Prince George's County's transit service (the BUS).

Detailed Site Plan Findings

- *a.** The subject property is part of the transit district's Subarea 1. There are 15 subareas in the transit district, of which two are designated as open-space and will remain undeveloped. The proposed site consists of approximately 33.94 acres of land in the R-10 zone. The property is located at the northwest quadrant of the Belcrest Road and Toledo Terrace intersection and contains one existing multistory residential building with 288 apartment units. The total number of legally approved existing surface parking spaces on this site is 316 spaces. Pursuant to the PG-TDDP's MDR P6 (see Finding 3 below), these surface parking spaces or their replacements are exempt and will not be subject to the PG-TDDP transportation and parking mandatory requirements.
- *b.** The proposed application is for ~~*[construction of an additional 1,216 high-rise residential units]~~ Phase One as required by the Council's remand order, and seeks approval for the construction of an additional four story, multifamily residential building consisting of 406 dwelling units.
- *c.** The applicant proposes to construct ~~*[2,833]~~ 639 additional parking spaces, consisting of ~~*[2,769]~~ 589 spaces in structured parking and ~~*[64]~~ 50 spaces in surface parking. As structure parking is not included in the parking caps pursuant to MDR P6, approval of the subject development would result in reduction of only ~~*[64]~~ 50 the TDDP's unallocated and available preferred residential surface parking spaces. Since the Planning Board's approval of Detailed Site Plan DSP-99048 had reduced the available preferred surface parking for residential uses by 178 spaces, the approval of the proposed detail site plan

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would mean the unallocated and available preferred residential surface parking spaces need to adjusted and increased by *[114] 128 spaces.

~~*[The internal vehicular and pedestrian circulation patterns as generally proposed in the plan appear to be acceptable. However, the provision of a bus shelter at the proposed access location along Belcrest Road and at the existing site access along Toledo Terrace is recommended to encourage transit use and provide safe locations for school bus embarking and disembarking.]~~ The plan proposes two new full access driveways and a limited right-in and right-out access driveway in a semi circular shape, mainly as a pick-up or drop-off point along the proposed building main entrance, along Belcrest Road. An existing limited access driveway currently exists along Belcrest Road approximately 100 feet south of the proposed southern full access driveway. Due to potential operational conflicts, it is recommended that the provision of the proposed southern full access driveway along Belcrest, if approved by DPW&T, be allowed if the existing limited access driveway is physically closed and the existing traffic is oriented to the new proposed location. Since this is an operational issue, the closure of the existing driveway would not be recommended as an approval condition. Additionally, provision of a bus pull-off area and bus shelter at the proposed access location along Belcrest Road and in front of the proposed building entrance, if deemed appropriate by DPW&T and/or WMATA, is recommended. These enhance bus facilities would encourage transit use and would provide safe locations for school bus embarking and disembarking.

- *d. A principal goal of the TDDP is the provision of a safe, effective and pleasant environment for pedestrian. Achieving this goal will require construction of the needed pedestrian circulation network throughout the transit district. The TDDP identifies East-West Highway between Queens Chapel Road and Toledo Terrace, and Belcrest Road between Queens Chapel and Adelphi Roads as the primary pedestrian corridors. ~~*[MDR P20 requires applicants to provide continuous sidewalks along all frontages of their property on public rights-of-ways in the transit district. Although the districtwide MDR P1 of the Urban Design Section (page 30) indicates that the construction of the required streetscape improvements shall be in phase with development, it is the planning staff's opinion that no building permits may be issued without applicant funding of the required pedestrian facilities.]~~ In this regard, the TDDP's MDRs (S1-S6; Pages 28-29), (P1 and S13; Pages 30-31), (P20; page 62), and (P40; page 97) require applicants to provide continuous and wide sidewalks, recommended streetscape improvements, highly visible pedestrian crossings with contrasting pavement materials along all frontages of their property on public rights-of-way in the transit district, and provision of traffic lights, if deemed warranted, along any proposed or existing access driveway. But, a district-wide Urban Design requirement (MDR P1; Page 30) also indicates that the construction of the required streetscape improvements can be in phase with development. Therefore, it is recommended that the applicant either seek an amendment to this MDR, or revise the submitted plan to show the required 20-foot pedestrian zone along the entire property frontage with Toledo Terrace with a detailed planned construction schedule.

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Transportation Staff Analysis and Conclusions

Based on the preceding findings, the Transportation Planning Section concludes 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) and Section 27-548(c)(1)(D) of the County Code, provided that:

- a. Prior to the issuance of any building permit, the applicant shall provide funding for provision of bus shelters *[to be placed along both sides of Belcrest Road near the proposed access location and along Toledo Terrace,] at the existing bus stops along both sides of Belcrest Road, closest to the proposed building entrance driveways, if deemed necessary by the Prince George's County Department of Public Works and Transportation and/or the Washington Metropolitan Area Transit Authority.

~~*[b. Prior to the issuance of any building permit, the applicant, his successor, and/or assignees shall provide payment of \$25,600 (calculated as \$400.00 per parking space times 64 proposed new preferred surface parking spaces) to DPW&T. This amount is \$45,600 less than the required fee approved for the Detailed Site Plan DSP-99048, approved in 2001. The required fee (\$25,600) is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment using the following formula: $\$25,600.00 \times (\text{most recent Federal Highway Administration Construction Cost Composite Index four quarter average available at time of building permit application} / \text{Federal Highway Administration Construction Cost Composite Index four quarter average for 1998})$. The collected fee shall be applied toward the construction of the required transportation improvements listed in Table 4 of the 1998 PG TDDP.~~

- ~~e. Prior to issuance of any building permit, the applicant, his successor, and/or assignees shall submit to the Transportation Planning Section of The Maryland National Capital Park and Planning Commission written evidence that the required streetscape improvements including sidewalks required by the TDDP have been fully funded for construction.~~

~~**Comment:** The conditions above have been included in the recommendation section of this report, except for Condition e. The reason this is not included is because the streetscape is already in place along Belcrest Road and the staff agrees with the amendment to allow the existing sidewalk to remain along Toledo Terrace. The other streets, on which the property has frontage, are not included in the TDDP for improvement, other than the normal improvements that would be required by the DPW&T.]~~

- *b. Prior to the issuance of any building permit, the applicant and the applicant's successor, and/or assignees shall provide payment of \$20,000 (calculated as \$400.00 per parking space X 50 proposed new preferred surface parking spaces) to the Department of Public

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Works and Transportation (DPW&T). The required fee (\$20,000) is expressed in 1998 dollars, and shall be adjusted for inflation at the time of payment using the following formula: \$44,000.00 X (most recent Federal Highway Administration Construction Cost Composite Index four-quarter average available at time of building permit application / Federal Highway Administration Construction Cost Composite Index four-quarter average for 1998). The collected fee to be applied toward the construction of the required transportation improvements identified by the 1998 PG-TDDP.

*c. Prior to signature approval of the plan, the applicant and the applicant's successor, and/or assignees shall revise the submitted detailed site plan to show the required 20-foot pedestrian zone along the entire property frontage with Toledo Terrace with a detailed planned construction schedule.

*d. Prior to the issuance of any building permit, the applicant and the applicant's successors, and/or assignees, shall construct left-turn lanes along the median of Belcrest Road, construct any associated geometric improvements, provide appropriate traffic control devices, and provide American with Disabilities Act (ADA) accessible crosswalks with special pavement and details, identified by Figure 7; Page 29 of the TDDP, on all approaches at all proposed access driveways. All improvements shall be constructed if deemed warranted by DPW&T and built in accordance to DPW&T standards and requirements.

22. **The Historic Preservation and Public Facilities Planning Section** provided the following analysis dated March 2, 2006, Bienenfeld to Lareuse:

Archeology Findings

- a. One prehistoric archeological site, 18PR81, the University Park Site, is located within the subject property, on the north portion of the property.
- b. The 1861 Martenet map shows a structure labeled "Robt. Clark," located just to the northeast or within the subject property.
- c. There are two prehistoric sites within a one-mile radius of the subject property: Site 18PR76, Manor Lake, to the north; and Site 18PR212, to the southwest.

Archeology Recommendations

- a. Phase I (Identification) archeological investigations are recommended on the above-referenced property because a prehistoric archeological site, 18PR81, is located within the subject property.

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- b. The investigation should include relocating Site 18PR81 and identify its horizontal and vertical boundaries.
- c. Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.
- d. The design of a Phase I archeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Archeology Conclusions

- a. In accordance with Subtitle 24-104, Section 24-121(18) and 24-135.01 *of the Subdivision Regulations, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's county, including the possible existence of slave quarters and graves, as well as archeological evidence of the presence of Native American peoples. Potential archeological sites must be considered in the review of development applications, and potential means for preservation of these resources should be considered.
- b. In accordance with the approved Planning Board's *Guidelines for Archeological Review* (May 2005), a qualified archeologist must conduct all investigations and follow the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to *The Maryland-National Capital Park and Planning Commission M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
- c. Upon receipt of the report by the *Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of final plat the applicant shall provide a plan for:

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- i. Evaluating the resource at the Phase II level, or
- ii. Avoiding and preserving the resource in place.

Staff Comment: The site is not the subject of a preliminary plan of subdivision (Subtitle 24); therefore, the requirements above may not be enforced through the detailed site plan process (Subtitle 27).

23. *As of the writing this report, no comments have been received from t[F]he City of Hyattsville
*[reviewed the case and provided the following recommendation to the Planning Board in letter
dated July 11, 2007, Mayor Gardiner to Chairman Parker. Below each recommendation is a
synopsis of the Planning Board's review of the item.] provided the following comments in letter
dated September 14, 2010, Mayor Gardiner to Chairman Parker:

*"The City of Hyattsville has reviewed DSP-99048/01, the revised Phase I development of the Landy Property. The Council is supportive of Phase I, provided the applicant meets several conditions.

*"This phase straddles the City boundary, with approximately 360 of the proposed 400 residential units located within the City of Hyattsville. This split between municipal and County services would create issues for these residents and government services. In order to resolve this potential issue, the applicant must agree to annexation of the entire Phase I development site into the City of Hyattsville.

*"The City also requests that the applicant commit to a minimum LEED Silver certification for all three phases of the development. Lastly, the City recognizes and supports the applicant's efforts to address storm water management quality on-site through underground containment."

"The City of Hyattsville City Council, the Planning Committee and the community at large has serious concerns regarding the Landy Property development. These concerns are related to the massing and height of the proposed buildings, the quality of the material, the traffic impact and management, streetscape improvements, landscaping and woodland buffers, storm water management, public amenities and ownership of units.

"The City of Hyattsville requests the following general conditions:

- "1. The massing and height of the buildings is reduced either by underground parking or a reduction in the total unit count so that no more than 1,000 units are approved and the total volume of the building and parking above ground is approximately the volume of the previously approved (2001) project."

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~~Comment: The Planning Board reviewed this condition and rejected this condition as it would cause a major redesign of the project, which was relatively well received by the Planning Board.~~

~~"2. Thirty (30) or more percent of the units are age-restricted to provide additional housing options for seniors living in the area."~~

~~Comment: The applicant testified that this issue is currently under consideration, but that market supply and demand issues will likely influence the final outcome of the demographics of the units. It is anticipated that a majority of the units will be occupied by individuals age 55 and above. The Planning Board stated a desire that the applicant actively market toward active adults, but they did not want to limit the market by making this a requirement of the DSP.~~

~~"3. The building achieves the LEED standard of a Silver rating, or an equivalent use of green design and materials."]~~

~~*[Comment: It was explained by staff that the building may already have some aspects that may qualify the building standards for LEED certification. However, the Planning Board encouraged the applicant to investigate achieving a LEED certification but did not adopt the condition above as part of the action.~~

~~"4. The Board of Education and the County Council accurately identify and permanently address the project's impacts on the local public schools, without changing school boundaries for current residents, before the project is completed."~~

~~Comment: The Planning Board did not feel that they had the authority to adopt a condition that required an action by the Board of Education and the County Council.~~

~~"5. The City, M-NCPPC, and the County have implemented the Traffic Demand Management District for the Prince George's Plaza TDOZ, and pro-active steps are taken to improve non-automobile transit in the area."~~

~~Comment: The implementation mechanism for the implementation of the TDM District requires Council approval. Section 20A-201 provides for submittal of a petition to the County Council to establish the TDM. The petition may be initiated by the municipality.~~

~~Additionally, the City of Hyattsville requests the following specific conditions:~~

~~"1. The conditions in the M-NCPPC staff report are met."~~

~~Comment: The Planning Board and applicant agreed with the staff recommendation.~~

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~~"2. The storm water retention ponds are designed for water year round and with equipment to ensure a high level of water quality and flora so the ponds are amenities."~~

Comment: The pond is designed to have a water surface elevation year round and the water quality mechanisms for the site include, green roofs, bioswales and the storm water management pond. The unique aspect of these plans is that some of the water will filter through more than one of these systems, which is above the normal requirements of the Department of Public Works and Transportation.

~~"3. The security fence around the property near Belerest Drive and Northwest Drive should be relocated in some areas away from the streets to minimize the visual impact of a fence. Public art or a similar public amenity should be installed outside the fence as part of the project. Estate quality fencing (not chain link) shall be required throughout."~~

*[Comment: The plans provide for estate fencing for areas visible from the street and other residential areas. The issue of fencing and gating of the community was reviewed at length, with concerns expressed by the applicant of safety and successful marketing, particularly to future residents over 55 years of age. The issue of private property was challenged by some of the testimony of citizens, but at the same time the contribution of off-site community facilities including the four acres dedication to the MNCPPC and the 0.8 acres conveyed directly adjacent to the Community Center and the expansion of the community center was found to offset the idea that the fencing of the community was an indication of the exclusionary aspects of the community. The applicant agreed to add two additional exits to the property fence in addition to considering pulling the fence back from the property line in certain areas.]

~~"4. Bike Lockers for residents be provided in secure and convenient areas at a ratio of one locker per 12 units. The Bike racks are for visitors or residents who do not prefer a locker, and the number required may be reduced."~~

Comment: This requirement is the same as Condition No. #13.

~~"5. The developer shall provide one Zip car (or similar) space for the first 500 units, and one space at completion of the project, or provide van transit to and from the metro station."~~

Comment: The Planning Board adopted Condition No. 28, avoiding the link to a specific brand of "car-on-demand" and expanded the requirement to include a requirement of one vehicle parking space be provided for each of the towers.

~~"The City also requests that M-NCPPC retain the University Hills Community Park as a wooded site, and to engage the neighborhood and the City prior to proposing any changes~~

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to it. The City will inform the County and M-NCPPC its opposition to any future vehicular access to the Landy development and other existing development south of Calverton Drive via the streets serving the single family community in the University Hills neighborhood.”

Comment: The Parks Department explained that there are not current plans for the development of the use of the land and that the normal process of developing the property for an active park site is an inclusive process that involves the community at large. The only access into the proposed development of the subject site is as shown on the site plan and these access points do not include access to the single family community in the University Hills neighborhood.]

24. The Town of University Park *provided the following comments in a letter dated September 22, 2010, Mayor Tabori to Chairman Parker: ~~[reviewed the application and provided the following information in the record taken from the Resolution (R-07-02), passed on July 16, 2007, which stated the following. Below each recommendation is a comment pertaining to the Planning Board's action on the case:]~~

*“This letter is submitted on behalf of the Town of University Park with respect to DSP 99048/01 Landy Property, which was remanded by the District Council to the Planning Board by Order dated May 24, 2010, and in partial response to the Staff Report, released on September 14, 2010 and received in our office on September 17, 2010.

*“The Town wishes to express its strong support for the analysis and recommendations of the Staff Report, with two exceptions related to the proposed height of the buildings and the streetscape along Toledo Terrace Road. In addition, the Town would like the Planning Board to consider additional language in its final order related to storm water management.

*“The staff report recommends that the building height be raised from four stories to six stories (I.a., page 47). The Town supports the original design concept of four stories as it will reduce the massing effect of the buildings, an original objection of the Town. The developer has been limited to approximately 400 “apartment” units. If they were to be required to raise the height of the buildings to six stories they would either have to decrease the footprint of the buildings and increasing the massing effect, or move to a completely different design concept, including the introduction of significant amounts of commercial space. It is not clear to us that this would serve the long term interests of our Town or the TDOZ.

*“Another concern is with the recommended shared bicycle lane that is recommended for Toledo Terrace (7, page 49). This recommendation continues down a path that the Town regards as inappropriate for the TDOZ, creating a fairly narrow and inactive street, neither pedestrian or bicycle friendly. We believe that by inserting this recommendation into the

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order at this time, the Planning Board would preclude a more comprehensive and appropriate solution to the development of the streetscape on Toledo Terrace.

*“Possibly our most serious concern is stormwater management. In an effort to realize a “global” solution for the stormwater management concerns for this and future projects, the Town has been working with other local governments, developers, and State, local and federal officials and agencies to effectuate the Nine Ponds storm water management pond. We feel that the applicant has responded in a positive manner to concerns we have expressed, especially with respect to the impact the project will have on Wells Run, which flows through the Town downstream from this project. In fact, the approved storm water management concept plan contains the following note: “The developer is working closely with University Park to initiate a regional SWM pond to be located at the ‘Nine Ponds’ site. If it is determined to be feasible, the 100-year underground SWM will be moved to this off site location.” We are pleased that the developer has indicated a willingness to support the Nine Ponds proposal as part of the stormwater management for the Landy development and a permanent solution to downstream flooding.

*“M-NCPPC staff has proposed two conditions with respect to stormwater management: Conditions 1(b) and 3. The Town is in support of both conditions, but is requesting amendments. As noted by M-NCPPC staff, it is not clear at this time that the Nine Ponds project will be available for stormwater management at the time the Landy development goes forward. In that event, we request that the new State mandated stormwater management standards be fully applicable to this project. The Town is requesting the following:

*“1. We understand that Condition 3 will insure that the final stormwater management design plan and sediment and erosion control plan shall be reviewed for compliance with the Stormwater Management Act of 2007. The regulations implementing this Act are found at COMAR Title 26, Department of the Environment, Part 3, Subtitle 17, Water Management, Chapter 2, Stormwater Management, 26.17.02.00 et seq., as amended, incorporating by reference 2000 Maryland Stormwater Management Design Manual as revised in April, 2009. The applicant has assured us that they are willing to comply with these regulations, and so we are requesting that the regulations also be referenced in Condition 3.

*“2. The Town requests that Conditions 1(b) and 3 include the Town as part of the review team, in addition to M-NCPPC, DPW&T and the Prince George’s Soil Conservation District.

*“3. The Town requests that Conditions 1(b) and 3 contain a requirement that the developer provide an explanation as to why the Nine Ponds option is not being used as part of the stormwater management site development plan or the final

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stormwater management design plan and sediment and erosion control plan if they intend to use an alternative option.

*“As a result, the Town is requesting that Conditions 1(b) and 3 read as follows, with additions in capital letters:

*“**Condition 1(b).** A copy of the stormwater management site development plan shall be submitted for review by the Department of Public Works and Transportation (DPW&T), Soil Conservation District (SDC), THE TOWN OF UNIVERSITY PARK, and the Maryland-National Capital Park and Planning Commission (M-NCPPC) for conformance with the detailed site plan and TCP2. IF THE NINE PONDS OPTION IS NOT BEING USED AS PART OF THE PLAN, THE APPLICANT SHALL PROVIDE ITS REASONS.

*“**Condition 3.** Prior to the issuance of a grading permit, the final stormwater management design plan and sediment and erosion control plan shall be reviewed by M-NCPPC, DPW&T, THE TOWN OF UNIVERSITY PARK and the SDC. The review shall ensure that the proposed design meets requirements of the Stormwater Management Act of 2007, AND COMAR TITLE 26, DEPARTMENT OF THE ENVIRONMENT, PART 3, SUBTITLE 17, WATER MANAGEMENT, CHAPTER 2, STORMWATER MANAGEMENT, 26.17.02.00 ET SEQ., AS AMENDED, INCORPORATING BY REFERENCE 2000 MARYLAND STORMWATER MANAGEMENT DESIGN MANUAL AS REVISED IN APRIL, 2009, and conforms to the DSP and TCP2. IF THE NINE PONDS OPTION IS NOT BEING USED AS PART OF THE PLAN, THE APPLICANT SHALL PROVIDE ITS REASONS.

*“We look forward to working with the developer to insure that Nine Ponds is approved by the Department of Public Works and Transportation and other involved government agencies.”

*[“Within the limits of the law, the Mayor and Council of University Park propose that the following general conditions shall be met by the developer prior to the granting of the final DSP certificate:

“1. The massing and height of the buildings shall be reduced to decrease their impact on the view shed of University Park residents, and other surrounding communities.”]

*[Comment: The Planning Board considered this recommendation and found that the reduction of the massing and of the building is not feasible based on the design of the project. Most of the massing is attributed to the interior parking structure. The height of the building could more easily be reduced, however, the TDDP encourages both density and height of building, as evidenced

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through the subarea requirements, and since the building meets those requirements, the Planning Board found no reason to reduce the height of the building or the mass.

~~"2. The total number of units when finished shall be no greater than 1,000."~~

Comment: The Planning Board found no bases for supporting the recommendation to reduce the number of dwelling units.

~~"3. The number of parking spaces shall be reduced such that the average number of parking spaces per unit is no greater than 1.66."~~

Comment: The Planning Board agreed with the City's position that the number of parking spaces should be reduced, however, the applicant argued that the reduce of the number of parking spaces below 2.0 spaces per units was not reasonable and would negatively affect the marketing of the project. The Planning Board adopted the condition but increased the number of spaces permitted to be two spaces per unit, rather than the 1.66 spaces per unit.

~~"4. Thirty percent of the total apartments and condos should be age restricted to provide housing options for seniors (55+) living in the area."~~

Comment: The applicant testified that this issue is currently under consideration, but that market supply and demand issues will likely influence the final outcome of the demographics of the units. It is anticipated that a majority of the units will be occupied by individuals age 55 and above.

~~"5. The buildings should achieve a LEED's standard, or its equivalent."~~

Comment: It was explained by staff that the building may already have some aspects that may qualify the building standards for LEED certification. However, the Planning Board did not adopt the condition above as part of the action.

~~"Within the limits of the law, the Mayor and Council of University Park propose that the following specific conditions should be met by the developer:~~

~~"1. The conditions in the M-NCPPC staff technical report are to be met in full with the exception of the amendment releasing the developer from the requirements of P39 to make all three and four bedroom units condos. This requirement should remain in place."~~

*[Comment: The issue relating to the amendment of P39 to make all three and four bedroom units was discussed in relation to the information contained within the staff report. The Planning Board agreed with the applicant that the evidence of a high quality, luxury apartment building is related more to the size of the units, as the rental of the units will relate to the square footage of the unit.

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~~The condominium market has been in decline, however, the applicant is recording the development in such a way that it could be converted to condominium in the future, if the market demands change. Therefore the Planning Board approved the amendment to P39.~~

- ~~"2. The storm water retention ponds shall be designed for water year round and with the necessary equipment to ensure a high level of water quality and flora so the ponds are amenities."~~

~~Comment: The pond is designed to have a water surface elevation year round and the water quality mechanisms for the site include, green roofs, bioswales and the storm water management pond. The unique aspect of these plans is that some of the water will filter through more than one of these systems, which is above the normal requirements of the Department of Public Works and Transportation.~~

- ~~"3. The developer shall provide a shuttle service to and from the metro station."~~

~~Comment: This issue was discussed before the Planning Board and found that the solutions to providing a shuttle service to the metro were complicated, and that the applicant may discuss this issue further with the Town, but the Planning Board did not adopt this recommendation.~~

- ~~"4. Since the Stormwater Management Concept Plan must be revised "that the proposed plan be referred to the Town of University Park for review and comment;"~~

~~Comment: The Planning Board found that the stormwater management plan does not need to be revised based on any evidence in the record, since the Department of Public Works and transportation actually makes that determination. However, the Planning Board adopted conditions similar to the language above as Condition No. 23.~~

- ~~5. All storm water inlets shall be grated in order to reduce, if not exclude, the introduction of solid waste materials into the storm water system.~~

~~Comment: The Planning Board adopted the condition above as Condition No. 24.~~

- ~~6. Only the buildings and garage entrances should be gated.]~~

~~*[Comment: The issue of fencing and gating of the community was reviewed at length, with concerns expressed by the applicant of safety and successful marketing, particularly to future residents over 55 years of age. The issue of private property was challenged by some of the testimony of citizens, but at the same time the contribution of off site community facilities including the four acres dedication to the MNCPPC and the 0.8 acres conveyed directly adjacent to the Community Center and the expansion of the community center was found to offset the idea that the fencing of the community was an indication of the exclusionary aspects of the community.~~

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7. ~~Since the Staff is recommending a waiver to TDOZ Standard P1, that the applicant be required to replace any of the mature oak trees along Toledo Terrace that die with 3 1/2-4 inch caliper oak trees.~~

~~Comment: The Planning Board adopted the condition above as Condition No. 7.~~

8. ~~Regarding TDOZ Standard P2, that language should be inserted that no signage be erected on any of the buildings higher than the fourth floors.~~

~~Comment: However, the Planning Board adopted conditions similar to the language above as Condition No. 26.~~

9. ~~That the applicant stencil all storm drain inlets noting Not to Dump Chesapeake Bay Drainage in accordance with TDOZ Standard S32 and all inlets be constructed with grates to prevent litter from entering the storm drain systems.~~

~~Comment: The Planning Board adopted the condition above as Condition No. 27.]~~

25. *The Town of Riverdale Park provided the following comments in a letter dated September 22, 2010, Mayor Archer to Chairman Parker:

*" The Town of Riverdale Park, along with the Town of University Park and the City of Hyattsville have entered into a Memorandum of Understanding to recognize a mutual interest in the protection and restoration of Wells Run, a stream that flows through all three municipalities and enters into the Northeast Branch of the Anacostia River. We all have experienced negative effects from the velocity and volume of stormwater runoff. We have vowed to work collaboratively to plan and pursue actions to ensure that Wells Run, from top to bottom, remains a valuable resource.

*"I urge the Planning Board to consider the entire stream of Wells Run when reviewing the stormwater management components of this project. The District Council remand called for innovative design, and we believe that the Nine Ponds proposal, which the developer has already discussed with the Town of University Park, is an innovative, regional design that will address the potential impact on Wells Run.

*"Development projects upstream have already caused great turmoil to the life of Wells Run. The degradation of water quality in Wells Run is diminishing its safety and utility as a recreational stream, and the extreme volume of runoff threatens to cause flooding and property damage to adjacent low-lying areas. I urge you to consider and require a regional approach to stormwater management for the Landy Property."

- *26. The proposed detailed site plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP11/97/00) and further APPROVED Detailed Site Plan DSP-99048/01 for the above-described land, subject to the following conditions:

- A. Recommend APPROVAL to the District Council of an amendment to the *[use list to allow:

~~• Retail Sales and Consumer service establishments~~

~~• General business and professional offices~~

~~• Saunas, solariums and health clubs (noncommercial) for the sole use of residents and their guests.]~~ *building height.

- B. *REAPPROVE the following amendments:

P1—for the purpose of *temporarily eliminating the requirement for a 20-foot-wide pedestrian zone along Toledo Terrace and allowing the current existing sidewalk and existing mature trees to remain.

*P6—for the purpose of reducing the standard parking space width from 9.5 to 9.0 feet.

P40—same as above for P1

S8—for the purpose of eliminating the requirement for the installation of a four-foot-high wall in front of the existing parking lots along Belcrest Road and Toledo Terrace, the improvement of P1 above, and the requirement of planting street trees where mature street trees already exist.

S23—for the purpose of eliminating the requirement for the installation of the four-foot-high wall in front of the existing parking (as stated in S8) and allowing the use of only shrub planting instead.

P37—for the purpose of allowing flexibility in the location of tree preservation on the site

P39—for the purpose of allowing three-*[and four-] bedroom units within the project without the provision of condominium ownership.

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- C. REAPPROVE Variance request VD-99048A to validate the existing building on site in regard to the setback of a side yard.
- D. APPROVE *Remanded Detailed Site Plan DSP-99048-01 and *Type 2 Tree Conservation Plan TCP2-97-00-01 subject to the following conditions (which supersede the previous conditions of approval for the DSP-99048):

- ~~*[1. Prior to the approval of a use and occupancy permit for the commercial development within the community, a revised detailed site plan shall be submitted to address the exterior finish of the elevations and the proposed signage for the commercial portions of the building(s).~~
- ~~2. Prior to certificate approval of the DSP, if required by the Department of Public Works and Transportation, the stormwater management concept approval shall be revised to include the use of bioswales and green roofs and a reevaluation of the design adjacent to the school site. The plans shall delineate the locations of proposed landscape plantings and be designed to accommodate a 50-foot wide buffer to the north of the pond to the fullest extent possible. Regardless of whether or not the concept plan is required, all landscaping shall be shown on the DSP landscape plan.~~
- ~~3. Prior to issuance of building permits on the subject property, Pond #1, located off site, shall be constructed. The pond construction will require a separate Type II tree conservation plan for that property that shall show the proposed clearing and grading, development access and mitigation for the proposed impacts.~~
- ~~4. Prior to issuance of the next permit, the sediment and erosion control plan shall be revised as needed to reflect the current layout and limit of disturbance shown on the TCPH and DSP. The appropriate erosion and sediment control plan shall accompany all grading permit applications.~~
- ~~5. Prior to signature approval of the DSP, the TCPH shall be revised to amend the plant schedule for the buffer adjacent to the school site to provide a combination of 50 percent whips, 25 percent one inch caliper, and 25 percent two and one half to three inch caliper trees. All associated notes shall also be revised as necessary.~~
- ~~6. The detailed site plan and the sediment control plan shall be revised to include notes and details necessary to implement the stenciling of storm drain inlets, in accordance with S-32 of the TDOZ.~~

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7. ~~Prior to certification of the DSP, the TCPII shall be revised to include the report regarding the street trees along Toledo Terrace and the report shall be revised to include recommendations regarding the existing trees. This shall include recommended treatments and timing of treatments and could include removal and replacement with 3 1/2 to 4 inch caliper oaks.~~
8. ~~Prior to issuance of a building permit, the building plans shall be certified by an acoustical engineer that the interior noise levels shall not exceed 45 dBA (Ldn).~~
9. ~~Prior to certification of the DSP, the TCPII shall be revised to label all woodland conservation areas, revise symbols as needed to reflect the planting of trees only where trees do not currently exist, show signage for afforestation areas and associated fencing; make any necessary changes to the worksheet; and have the plans signed by the qualified professional who prepared the plans.~~
10. ~~Prior to issuance of the next permit, the limits of disturbance shall be staked in the field and a certified arborist shall walk the limits. Minor adjustment shall be made to the limits in keeping with the design proposed, to ensure that the highest quality vegetation is preserved. The certified arborist shall submit the report prior to the issuance of the next permit and the recommended treatments shall be incorporated into the revised TCPII.~~
11. ~~Prior to certification of the detailed site plan, a copy of an approved stormwater management concept plan for the entire site and the associated letter shall be submitted.~~
12. ~~The plans shall provide designated bike lanes along both sides of Toledo Terrace Road in conformance with the 1999 AASHTO Guidelines for Bicycle Facilities, unless modified by the DPW&T.~~
13. ~~Prior to signature approval of the detailed site plan, the plans shall be revised to include one bicycle rack per building, for a minimum of 60 bicycle parking spaces. Bike rack details and locations shall be approved by the Urban Design Section and the senior trails planner.~~
14. ~~In conformance with Mandatory Development Requirement P20, a standard sidewalk shall be provided along the subject property's entire road frontage of Dean Drive, unless modified by DPW&T.~~
15. ~~In conformance with Mandatory Development Requirement P20, a standard sidewalk shall be provided along the subject property's entire road frontage of Northwest Drive, unless modified by DPW&T.~~
16. ~~Prior to the issuance of any building permit, the applicant shall provide funding for provision of bus shelters, to be placed along both sides of Belerest Road near the proposed~~

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~~access location, and along Toledo Terrace, if deemed necessary by the Prince George's County Department of Public Works and Transportation and/or the Washington Metropolitan Area Transit Authority.~~

17. ~~Prior to the issuance of any building permit, the applicant, his successor, and/or assignees shall provide payment of \$25,600 (calculated as \$400.00 per parking space X 64 proposed new preferred surface parking spaces) to DPW&T. The required fee (\$25,600) is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment using the following formula: \$25,600.00 X (most recent Federal Highway Administration Construction Cost Composite Index four quarter average available at time of building permit application / Federal Highway Administration Construction Cost Composite Index four quarter average for 1998). The collected fee shall be applied toward the construction of the required transportation improvements listed in Table 4 of the 1998 PG TDDP.~~
18. ~~Prior to signature approval of the plans the following changes shall be made:~~
- a. ~~The design of retaining walls shall be revised to delete the proposed key stone style design and include a stone veneer or equally attractive retaining wall compatible with the exterior finish of the building. The retaining walls shall be set back from the edge of paving and curb and gutter so that the proposed security fencing can be placed on top of the retaining wall so it is visible from within the proposed development. Details of railing shall also be provided where required by the building code. Additional landscaping shall be added where needed to soften the appearance, if possible.~~
 - b. ~~Special paving details shall be revised to indicate a paving pattern independent of the paving pattern shown in Belerest Road. The special paving shall be shown from Belerest Road to the main entrance of Building B.~~
 - c. ~~Surface material and the green roof areas of the roof top recreational areas shall be specified and material samples and colors submitted to the Urban Design Section for approval. Additional sitting areas shall be added to the plans to create areas for passive recreation and socializing.~~
 - d. ~~The number and location of all trash facilities shall be shown on the plans and coordinated with the proposed street furniture.~~
 - e. ~~Roof top swimming pools shall be detailed on the plans with the depth of pool, planting areas, and shade structure.~~
 - f. ~~Sculpture and reflecting pool in front of Building B shall be provided on the plans.~~

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- g. ~~Lighting shall demonstrate a minimum of 1.25 foot candles for the parking compounds and walkways within the development.~~
 - h. ~~The site plan shall demonstrate conformance to Section 24-111(e)(4) of the Subdivision Regulations by adding a note to the plans that specifically states the 307,866 square feet of gross floor area were constructed on the site pursuant to a building permit issued before December 31, 1991.~~
 - i. ~~The plans shall demonstrate conformance to the Department of Parks and Recreational facilities guidelines.~~
 - j. ~~The landscape schedules demonstrating conformance to Sections 4.1, 4.3 and 4.7 shall be clarified and revised in accordance with Finding No. 16.~~
 - k. ~~The details and specifications for the loading space screen wall shall be added to the plans and reviewed for compatibility with the building materials.~~
 - l. ~~The planting list shall be revised to maximize the use of native plant material and to delete the use of any invasive species.~~
 - m. ~~Minor shade trees shall be replaced with major shade trees, where appropriate, as indicated in the *Landscape Manual*.~~
 - n. ~~Ornamental plants shall be added to the area along the base of Towers A-1 and A-2 and the drop-off islands in front of the building. Ornamentals shall also be added to the rooftop recreational area for seasonal interest.~~
 - o. ~~Additional shrub planting shall be added to the areas where retaining wall terraces are proposed.~~
19. ~~Three original, executed private Recreational Facilities Agreements (RFA) or other suitable guarantee shall be submitted to DRD for their approval three weeks prior to applying for building permits. Upon approval by DRD, the RFA (or suitable alternative) shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.~~
20. ~~The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.~~
21. ~~The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.~~

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22. ~~The number of parking spaces shall not exceed 2.0 spaces per unit.~~

*1. Prior to certification of the detailed site plan:

- *a. A copy of the stormwater management site development plan shall be submitted for review by the Department of Public Works and Transportation (DPW&T), Soil Conservation District (SCD), The Town of University Park and The Maryland-National Capital Park and Planning Commission (M-NCPPC) for conformance with the detailed site plan and TCP2. If the Nine Ponds option is not being used as part of the plan, the applicant shall provide its reasons.
- *b. The TCP2 shall be revised to amend the plant schedule for the afforestation adjacent to the school site to provide a combination of 25 percent whips, 25 percent one-inch caliper, and 50 percent two-and-one-half- to three-inch caliper trees. All associated notes shall also be revised as necessary.
- *c. The applicant and staff shall explore opportunities to further minimize the impact of the fire lane on the stream buffer and the plans shall be revised accordingly.
- *d. The DSP and the sediment and erosion control plan shall include notes and a detail regarding the stenciling of storm drain inlets with "Do Not Dump - Chesapeake Bay Drainage."
- *e. Submit a revised signed Natural Resources Inventory (NRI). The NRI shall be prepared in accordance with the Environmental Technical Manual. At a minimum, the NRI shall show all slopes 15 percent or greater, a 60-foot-wide stream buffer for the existing stream, and shall include a condition analysis of all on-site specimen trees using the methods in the Environmental Technical Manual. Revise all plans as necessary to reflect the existing conditions as shown on the approved NRI.
- *f. The plans shall be revised to extend the existing walkway from Plaza Towers to the parking lot south of the west courtyard. This walkway connection shall include sidewalk connections to the crosswalks on the east and west sides of the parking lot
- *g. The plans shall be revised to include one bicycle rack per building, for a minimum of 20 bicycle parking spaces. Bike rack details and locations shall be approved by the Urban Design Section and the Transportation Planning Section.
- *h. Submit a photometric plan which shall demonstrate a minimum of 1.25-foot-candles for the parking compounds and walkways within the development.

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- *i. Demonstrate conformance to Section 24-111(c)(4) of the Subdivision Regulations by adding a note to the plans specifically stating that 307,866 square feet of gross floor area were constructed on the site pursuant to a building permit issued before December 31, 1991.
- *j. Revise the landscape schedules demonstrating conformance to Sections 4.1, 4.3 and 4.7 of the *Prince George's County Landscape Manual* in accordance with Finding 16.
- *k. Submit the details and specifications of the proposed signage for review and approval by the Urban Design Section.
- *l. Shade trees shall be added to the plans along the green area adjacent to the pedestrian zone along the Belcrest Road frontage to enhance the area in front of the existing multifamily structure.
- *m. Shrubs shall be added to the plan along the existing parking areas located adjacent to the right-of-way where current grades are steep, in order to stabilize the soils and prevent further erosion and degradation of those areas.
- *n. Revise the size of proposed street trees along Belcrest Road to be a minimum of 3½-inch caliper to 4-inch caliper in size.
- *2. Prior to the issuance of a grading permit for Phase One, the applicant shall submit to both the M-NCPPC and the DPW&T a report prepared by a certified arborist for review by a staff certified arborist, evaluating the street trees along Toledo Terrace to include an assessment of the appearance and health of the existing trees. This report shall include recommended pruning, timing of necessary treatments for management of disease or pest problems, and removal and replacement of dead, dying or hazardous trees with 3 ½ to 4-inch caliper willow oaks. Prior to the issuance of a building permit for Phase One, the implementation aspect of the report should be executed.
- *3. Prior to the approval of a detailed site plan for Phase Two, the applicant, the applicant's heirs, successors and/or assignees, shall submit a detailed site plan for the implementation of the Toledo Terrace streetscape in accordance with P1. The undergrounding of overhead utilities shall be reviewed at that time.
- *4. Prior to the issuance of a grading permit, the final stormwater management design plan and sediment and erosion control plan shall be reviewed by M-NCPPC, the Department of Public Works and Transportation, the Town of University Park and the Prince George's Soil Conservation District. The review shall ensure that the proposed design meets the requirements of the Stormwater Management Act of 2007, and COMAR Title 26, Department of the Environment, Part 3, Subtitle 17, Water Management, Chapter 2,

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Stormwater Management, 26.17.02.00 et seq., as amended, incorporating by reference 2000 Maryland Stormwater Management Design Manual as revised in April, 2009 and conforms to the DSP and TCP2. If the Nine Ponds option is not being used as part of the plan, the applicant shall provide its reasons.

- *5. Prior to issuance of a building permit, the building plans shall be certified by an acoustical engineer that the interior noise levels shall not exceed 45 dBA (Ldn).
- *6. Prior to certification of the detailed site plan, and upon the approval of the NRI, all associated plans shall be revised to reflect the information shown on that plan.
- *7. Prior to the certification of the detailed site plan, the TCP2 shall be revised as follows:
 - *a. Delete the current note under the TCP worksheet and replace with the following note: "Reforestation Areas A and B shall be designed using the criteria in 25-122(c)(1)(K)."
 - *b. Show tree signage for all woodland conservation areas on the site.
 - *c. Identify and label all proposed clearing areas and provide a table on the plan.
 - *d. Have the qualified professional who prepared the plans sign and date them.
 - *e. Prior to certification of the detailed site plan, the TCP2 shall be revised to show the following tree canopy coverage note below the woodland conservation worksheet:

*"Tree Canopy Coverage Note: The tree canopy coverage requirement on this site is being met using woodland conservation as follows:
Tree canopy coverage required: or square feet
Tree canopy coverage provided: or square feet"
- *8. Prior to the issuance of a building permit, shared-lane markings for bicycles shall be provided along both sides of the entire length of Toledo Terrace, and the plans shall be revised to show these markings, unless modified by DPW&T. All pavement markings shall be consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), Section 9C.07, unless modified by DPW&T or other applicable regulatory authority.
- *9. Prior to the issuance of a building permit, in conjunction with the shared-lane markings, the applicant shall provide a minimum of eight "Bicycles May Use Full Lane" signs (R4-11, MUTCD) along Toledo Terrace, consistent with the Federal Highway Administration's 2009 Edition of the Manual on Uniform Traffic Control Devices

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(MUTCD), Section 9B.06, unless modified by DPW&T or other applicable regulatory authority.

- *10. In conformance with Mandatory Development Requirement P20, a standard sidewalk shall be provided along the subject property's entire road frontage of Dean Drive, to be constructed concurrent with the development of the western portion of the Landy Property.
- *11. In conformance with Mandatory Development Requirement P20, a standard sidewalk shall be provided along the subject property's entire road frontage of Northwest Drive, to be constructed concurrent with the development of the western portion of the Landy Property.
- *12. Prior to the issuance of any building permit, the applicant shall provide funding for provision of bus shelters, at the existing bus stops along both sides of Belcrest Road, closest to the proposed building entrance driveways, if deemed necessary by the Prince George's County Department of Public Works and Transportation and/or the Washington Metropolitan Area Transit Authority.
- *13. Prior to the issuance of any building permit, the applicant, his successor, and/or assignees shall provide payment of \$20,000 (calculated as \$400.00 per parking space X 50 proposed new preferred surface parking spaces) to DPW&T. The required fee (\$20,000) is expressed in 1998 dollars and shall be adjusted for inflation at the time of payment using the following formula: \$20,000 X (most recent Federal Highway Administration Construction Cost Composite Index four-quarter average available at time of building permit application / Federal Highway Administration Construction Cost Composite Index four-quarter average for 1998). The collected fee shall be applied toward the construction of the required transportation improvements listed in Table 4 of the 1998 PG-TDDP.
- *14. Prior to the issuance of any building permit, the applicant and the applicant's heirs, successors or assignees, shall construct left-turn lanes along the median of Belcrest Road, construct any associated geometric improvements, provide appropriate traffic control devices, and provide ADA accessible crosswalks with special pavement and details, identified by Figure 7; Page 29 of the TDDP, on all approaches at all proposed access driveways. All improvements shall be constructed if deemed warranted by DPW&T and built in accordance to DPW&T standards and requirements.
- *15. The architectural plans shall be revised to demonstrate that the plans show the following:

 - *a. Party and community rooms shall have a fully-equipped kitchen, which includes a sink refrigerator, dishwasher, microwave oven and ample counter space.
 - *b. The main entrance lobby off Belcrest Road shall be fully furnished and have a centrally-located front desk with 24-hour attendant staffing and/or at least one roaming security staff person.

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- *c. There shall be an interior fully-furnished fitness facility.
- *d. The exterior swimming pool shall include lockers, toilet facilities, and shower rooms (or equivalent facilities).
- *e. A social room for cards and/or games shall be provided within the common area.
- *f. The main lobby shall have a well-lighted covered drop-off area viewable from the front desk.
- *g. Near the main lobby there shall be a business and computer center, with at least five PC work stations and with facsimile and photocopy facilities, available to residents with or without charge. If after one year, the PC workstations are not substantially utilized by the residents, they may be removed and the room may be equipped with some other amenity. The facsimile and photocopy facilities may be relocated to the front desk for residents' use.
- *h. Structured parking areas shall be well-lighted with well-placed video cameras covering all parking areas, and at least one roaming security staff person shall also provide coverage. Entry into parking structures shall be through garage doors/gates activated by a control system which restricts access to residents. The same system shall be used for elevator and stairway access, subject to the Fire Marshal's approval.
- *i. All sleeping and living areas shall have wall-to-wall carpeting or hardwood flooring. Bathrooms shall have ceramic tile flooring, and tubs and showers shall be tiled up to six feet minimum.
- *j. Floor to ceiling clearance shall be at least eight feet, eight inches with crown molding in the living area.
- *k. Each floor shall have one or more trash chutes connected to a commercial trash compactor accessible to a loading area. The trash room on each floor shall have recycling bins.
- *l. Each unit shall have thermostatically-controlled, on-demand heating and air conditioning.
- *m. Each unit shall be provided with a washer and dryer.
- *n. The master bedroom in each unit shall have its own separate bathroom.

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- *o. Window size and placement shall follow these requirements: Windows shall be at least 2.5 feet off the floor, at least five feet high, at least three feet wide, uniform in appearance on outside façades, recessed, and designed to maximize views from living areas.
- *p. At least 60 percent of the units shall have a walk-in closet.
- *q. All units shall be wired before initial occupancy for telephone, cable, and internet access.
- *16. Three original, executed private Recreational Facilities Agreements (RFA) or other suitable guarantee shall be submitted to DRD for their approval three weeks prior to applying for building permits. Upon approval by DRD, the RFA (or suitable alternative) shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- *17. The applicant shall submit to the Prince George's County Planning Department, the Development Review Division (DRD), a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
- *18. The number of parking spaces shall not exceed 2.0 spaces per unit.

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.

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* * * * *

~~*[This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns abstaining at its regular meeting held on Thursday, July 26, 2007, in Upper Marlboro, Maryland.]~~

~~Adopted by the Prince George's County Planning Board this 6th day of September 2007.]~~

*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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, September 23, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of September 2010.

Patricia Colihan Barney
Executive Director



By Frances J. Guertin
Planning Board Administrator

*[RBC:FJG:SL:bjjs] PCB:FJG:SL:arj]

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCAPC Legal Department

Date 9/28/10

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