



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

PRELIMINARY PLAN 4-01026

Application	General Data
Project Name: Greenbelt Station Location: West of Cherrywood Lane in Greenbelt, between I-495 and Branchville Road Applicant/Address: Greenbelt Metropark, LLC 5450 Branchville Road College Park, MD 20741	Date Accepted: 8/11/05
	Planning Board Action Limit: N/A
	Plan Acreage: 243.01
	Zone: I-2
	Dwelling Units: 1,660
	Square Footage: 3,440,000 + 550 Hotel Rms
	Planning Area: 67
	Tier: Developed
	Council District: 3
	Municipality: Greenbelt
	200-Scale Base Map: 211NE05

Purpose of Application	Notice Dates
Reconsideration Hearing: The request for Reconsideration of this Preliminary Plan of Subdivision was approved by the Planning Board on November 15, 2005. Norman Rivera of Rifkin, Livingston, Levitan and Silver, LLC, by letter dated August 11, 2005, requests a reconsideration of the lotting pattern as established by the approval contained in PGCPB 01-130(A).	Parties of Record & Interested Persons 12/5/05
	Sign(s) Posted on Site N/A

Staff Recommendation		Staff Reviewer: Alan Hirsch	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

December 13, 2005

MEMORANDUM

TO: Prince George's County Planning Board

FROM: Alan S. Hirsch, Planning Supervisor, Subdivision Section

SUBJECT: Preliminary Plan of Subdivision, 4-01026
Greenbelt Station (Lotting Pattern Reconsideration)

The Planning Board approved the preliminary plan of subdivision for Greenbelt Station on September 6, 2001 (PGCPB No. 01-130). The District Council's decision on the conceptual site plan (a necessary approval to support the preliminary plan) was appealed by the City of Greenbelt to the Court of Special Appeals of Maryland, which held that the approval of the conceptual site plan was in error for reasons related to transportation adequacy. The Court ordered that the "...approval of both the Conceptual Site Plan and the Preliminary Pla[n] of Subdivision be, and hereby, REVERSED."

In February 2005, the applicant requested that the Planning Board reconsider the conceptual site plan and the preliminary plan of subdivision to address the transportation-related issues. On March 17, 2005, the Planning Board granted a request to reconsider its prior action for the above-mentioned cases. The reconsideration had been on hold while the District Council created new legislation (CB-36-2005) to amend the findings required for transportation adequacy for a Metro-planned community in the I-1 Zone. The District Council approved CB-36-2005 on September 12, 2005. That bill was approved by the District Council and signed by the County Executive and became effective law prior to the scheduled action by the Planning Board on September 15, 2005.

On September 15, 2005, the Planning Board approved Preliminary Plan 4-01026 with all of the findings and conditions contained in the original action (PGCPB No. 01-130) as modified or supplemented by the findings of the report presented at that hearing. In addition to the original 16 conditions, two new conditions were added by the Board (PGCPB No. 01-130A).

In anticipation of the reapproval noted above, the applicant filed a second reconsideration request on August 11, 2005. That request was heard and approved on September 15, 2005, subsequent to the re-approval noted above. The subject reconsideration is for the narrow purpose of examining the lotting pattern that was approved and how it may be modified by the approval of subsequent applications.

REVISED FINDING

Preliminary Plan 4-01026 was originally approved for approximately 1,660 dwelling units, 3,440,000 square feet of commercial development, and a 550-room hotel. All of that development was to occur on 14 parcels. This limited number of parcels is very restrictive with regard to limiting dwelling unit types and ownership options. If the current number of parcels were retained, the residential component would be limited, for practical purposes, to multifamily or condominium ownership.

Council bills CB-35-1998 and CB-47-2000 established what the District Council termed a Metro Planned Community. As part of the reconsideration request on the preliminary plan, the applicant put forth that the unique nature of a Metro Planned Community should allow for flexibility in the lotting pattern. Additionally, the applicant noted “[n]o other site in the County is able to develop in the manner set forth in the Zoning Ordinance for a Metro Planned Community...” In fact, the purposes stated in the legislation for a Metro Planned Community contain:

Sec. 27-475.06.03. Metro Planned Community.

(a) Purposes.

(9) To permit a flexible response to the market;

(11) To provide the maximum amount of freedom possible in the architectural design of buildings and their grouping and layout within the area classified in this zone in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning;

(13) To afford reasonable flexibility in the design of these projects and their response to the market while phasing out heavy industrial uses; and

(14) To promote the application of and to be in conformance with the planning recommendations, strategies and/or guidelines for Metro Station areas included in existing community or area Master Plans and Sectional Map Amendments.

Staff concurs that a Metro Planned Community is a unique development option. Staff also concurs that the District Council intended, through its legislative initiative, that the development should have flexibility in the design of the project. Inherent in that design is the lotting pattern that supports the development.

While staff agrees that the project is unique and that the developer should be permitted a degree of flexibility in the lotting pattern, staff also believes that that flexibility should have some parameters. A change to the lotting pattern (increase in the number of lots and/or parcels) should **not** allow for an increase in the amount of impact to the transportation system. Additionally, an increase in the number of lots or parcels should **not** be allowed to materially increase the amount of environmental disturbance that was originally approved.

Another valid point was raised by the City of Greenbelt. Their concern focused on any new streets proposed for dedication to public use. While private roads and drives would be privately maintained and were anticipated with the original approval, new public rights-of-way require careful consideration from the jurisdictions that are responsible for the provision of future maintenance. Staff believes that the appropriate response to this concern is a requirement for any new public streets (other than those shown on the originally approved preliminary plan) to be first approved on the conceptual site plan, which is the document controlling the framework of the development. Additionally, any modifications to the conventional standards normally associated with a specific width of right-of-way should also be proposed at the time of the conceptual site plan. This will allow for appropriate input from the public entities responsible for future permitting and maintenance and it allows for that input to be provided at the appropriate stage of the development process.

Given the preceding analysis, staff concludes that a condition should be added to the existing conditions of approval that would allow for the creation of additional lots and/or parcels, subject to the parameters noted above.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Subdivision staff recommends that the Planning Board adopt all of the findings and conditions contained in the original action (PGCPB No. 01-130(A)) as now supplemented by the findings of this report, and APPROVE 4-01026, subject to the following additional condition:

19. Additional lots and/or parcels (beyond the 14 established with the original approval) shall be permitted with subsequent development plans, subject to the following:
 - a. There will be no increase in the transportation impact regulated by other conditions of this approval.
 - b. There will be no environmental disturbances beyond those contemplated with the original approval.
 - c. There will be no new public roads (beyond those established with the original approval), unless they are first approved through a revision to the conceptual site plan. The proposal for a new public road will need to include the proposed width of the right-of-way and whether a conventional or nonconventional standard is being requested.