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Preliminary Plan 4-05036

Application	General Data
Project Name: UNIVERSITY VIEW (OVERLOOK) Location: West side of Baltimore Avenue, across from Berwyn House Road and Navahoe Street. Applicant/Address: University View Partners, LLC. 10 South Howard Street Baltimore, MD. 21201-2527	Date Accepted: 10/4/05
	Planning Board Action Limit: 12/13/05
	Plan Acreage: 3.0959
	Zone: M-U-I
	Lots: 0
	Parcels: 2
	Planning Area: 66
	Tier: Developed
	Council District: 03
	Municipality: College Park
	200-Scale Base Map: 210NE04

Purpose of Application	Notice Dates
MIXED-USE DEVELOPMENT	Adjoining Property Owners Previous Parties of Record Registered Associations: 07/28/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 11/08/05

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05036
University View (Overlook), Parcels B and C

OVERVIEW

The subject property consists of approximately 3.09 acres of land in the M-U-I (Mixed-Use Infill) Zone. While it is completely within the floodplain, the site is developed with a 352-unit, high-rise apartment building. This is the first phase of a mixed-use development plan pursuant to an approved preliminary plan and detailed site plan of a 352-unit, high-rise apartment building, approximately 178,094 square feet of office space, 5,000 square feet of retail space, and a multilevel parking garage structure with a total of 710 parking spaces. The retail use was not considered in the previous Preliminary Plan of Subdivision (4-02031), but came about as a result of Condition 20(c) in the approved detailed site plan for the site (DSP-02027):

20. Prior to certification of the detailed site plan, the following shall occur:

- c. Revise the site plan to show approximately 5,000 square feet of ground floor retail use. (PGCPB Resolution No. 02-163)**

The previous subdivision of this site (4-02031) resulted in a single parcel being created for the development. The applicant now proposes to divide the site into two parcels, one for the residential use (Parcel B) and another for the office and retail use (Parcel C). Access to the site is from two entrances on US 1. The northern entrance is located north of Berwyn House Road and is a right-in/right-out only. The southern access point is located slightly to the north of Navahoe Street. This access point is the site's main access providing full movement to and from US 1. No additional access points to Parcel C should be permitted. Because both of the site's access points are contained in Parcel B, reciprocal access and parking easements will need to be established to allow development on Parcel C to access and use the shared parking garage facility.

SETTING

The property is located on the west side of Baltimore Avenue (US 1), across from Berwyn House Road and Navahoe Street. To the north are commercial offices in the M-U-I Zone; to the east, across US 1, are retail uses in the C-S-C Zone; to the south is an auto service center in the M-U-I Zone; to the west is Paint Branch, on University of Maryland property in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	M-U-I High-rise Apartments	M-U-I High-rise Apartments Office Commercial Retail Commercial
Acreage	3.09	3.09
Lots	0	0
Parcels	1	2
Dwelling Units:		
Multifamily	352	352
Square Footage (GSF):		
Residential	413,083	413,083
Office Commercial	0	178,094
Retail Commercial	0	5,000

2. **Environmental**—A review of the information available indicates that the site is partially wooded and is characterized with terrain sloping to the center of property, and draining directly into Paint Branch in the Anacostia River watershed. The entire site is located within the 100-year floodplain of Paint Branch based on a 1993 Department of Environmental Resources (DER) study. The predominant soil types found to occur on this property according to the Prince George's County Soil Survey are Hatboro and Woodstown. These soil series generally exhibit moderate limitations to development due to seasonally high water table, impeded drainage, poor stability, and flood hazard. No Marlboro clay has been identified on this site. There are streams, nontidal wetlands, floodplain, and Waters of the U.S. associated with the site. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources–Natural Heritage Program. There are no historic or scenic roads affected by the proposal. There are adverse noise impacts associated with the site's proximity to US 1 and the proposed residential use.

Environmental Issues Addressed in the College Park US 1 Corridor Sector Plan

There are three environmentally related development district standards and related design standards that apply to the subject property. The applicable sections are addressed below:

S6. Trees, Planting and Open Space

Paragraphs B and C state the following:

- B. The planting of trees on sites proposed for new development and/or redevelopment shall be counted toward meeting the Woodland Conservation Ordinance requirements. Street trees planted on abutting road rights-of-way may also be counted toward meeting the requirement.**
- C. Afforestation shall be accomplished through the provision of shade and ornamental trees. Tree Cover shall be provided for a minimum of 10 percent of the gross site area and shall be measured by the amount of cover provided by a tree species in 10**

years. Street trees planted along abutting right-of-way may be counted toward meeting this standard. Exceptions to this standard shall be granted on redevelopment sites where provision of 10 percent tree cover is not feasible due to existing buildings and site features.

The gross tract area of the preliminary plan is 3.17 acres, or 138,085.20 square feet, resulting in an afforestation requirement of 13,808.52 square feet, or 0.32 acres. The plan shows the entire site in the 100-year floodplain with 0.76 acre wooded. The requirement of 0.76 acre of woodland cleared has been met with 0.26-acre reforestation on-site, and 0.50 acre of off-site mitigation.

Issues related to the TCPI are addressed below.

Comment: No additional information is required with regard to these design standards.

S7. Stormwater Management

Paragraph A reads as follows:

- A. Low impact development techniques as contained in the current version in the design manual “Low-Impact Development Design Strategies An Integrated Design Approach,” as published by the Department of Environmental Resources, shall be used on all sites as either the primary or secondary method of collecting and/or treating stormwater.**

Paragraphs C, D and E read as follows:

- C. If the construction of stormwater management facilities results in the removal of trees or existing woodland, the area should be replaced within the same site. Wherever possible, bioengineering techniques should be used to reestablish the woodland lost.**
- D. The use of underground retention facilities shall be considered through the development district, especially in the main street (3a and 3b) and town center (1a, 1b, 1c, 1d and 1e) subareas.**
- E. Stormwater management facilities should be designed as visual amenities that are visible from a building or a street, rather than located in isolated areas. Openings in any screening treatments shall be provided to facilitate observation of the area.**

A stormwater management concept approval letter was not submitted with the current review package; however, the concept requirement was met with the previous application and the site has been constructed.

Comment: No additional information is required with respect to stormwater management.

S8. Noise

Paragraphs A and B of the noise standards describe how noise is measured and how it is to be mitigated for residential uses. The subject application currently proposes residential uses in close proximity to Baltimore Avenue, a noise generator. Baltimore Avenue/US 1 was an arterial roadway generally regulated for noise impacts when the sector plan was prepared. Currently, this

segment of Baltimore Avenue is classified as a major collector, which is not regulated for noise impact. However, if residential uses are located within the limits of the 65 dBA Ldn noise contour, appropriate noise mitigation measures shall be identified.

Natural Resources Inventory

The preliminary plan application has a signed natural resources inventory (NRI/050/05) dated September 26, 2005 that was included with the application package. The preliminary plan and the TCPI show all the required information correctly.

Woodland Conservation.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved tree conservation plan.

A Type I tree conservation plan is required with the submission of a preliminary plan. One was not received. The previously approved TCPI (TCPI/25/02) must be revised to show the new property configurations proposed. The signature block must be revised to type in the previous approval signature and date so that the new plan can be signed if approved.

What appears to be an approved Type II Tree Conservation Plan (TCPII/66/02) was submitted with the review package, however, it has been inappropriately altered after the last signature approval and as such is an invalid plan. If revisions made to this plan affect the TCPI, then the TCPI must also be revised.

Wetlands, Streams and Floodplain

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features. The expanded stream buffer is correctly shown on the preliminary plan and the Type I TCP.

3. **Community Planning**—The 2002 General Plan places this property in the Developed Tier within a designated corridor (Baltimore Avenue—US 1). The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.

The College Park US 1 Corridor sector plan was approved on April 30, 2002 (CR-18-2002). The subject property is located in Subarea 3a. The vision for Subarea 3a “is for redevelopment to emphasize office development in proximity to the university. Pedestrian bridges will provide connections to the university over Paint Branch. A rear service road will improve access and circulation throughout this area.” (p. 160)

For Subarea 3 (in general), the sector plan recommends “a neighborhood main street district featuring a compact mix of retail shopping, restaurants, and offices. There are opportunities for retail infill development to meet the demand for office and high-tech uses in close proximity to the research and engineering facilities of the university.” The primary building entrance should be provided on the street to facilitate pedestrian connections. Vertical mixed-use buildings are

encouraged. Amenities such as public plazas and urban open spaces should be integrated. Parking should be located in lots sited to the side or rear of properties. (pp. 39 and 160)

This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) -6, with a small portion on the southwest corner located in APA-4. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application.

4. **Parks and Recreation**—The proposed subdivision is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Parcel B contains legally existing dwellings and Parcel C is proposed for nonresidential development. The adequacy of on-site recreational facilities were evaluated and approved as part of the detailed site plan for the property (DSP-02027).
5. **Trails**— The adopted and approved College Park US 1 Corridor sector plan recommends bicycle and pedestrian improvements along US 1 in order to accommodate non-motorized transportation to the University of Maryland and other locations along US 1. The master plan also recommends several trail bridges across Paint Branch linking US 1 with the University of Maryland and the M-NCPPC Paint Branch Trail. Prior approvals for the subject site (DSP-02027) required road frontage improvements along US 1 and a trail and pedestrian bridge connection to the University of Maryland. Both of these improvements have been addressed through prior approvals for the subject site and have been implemented by the applicant. No other recommendations are made at this time.
6. **Transportation**—Applicant did submit a traffic impact study as part of an earlier preliminary plan of subdivision for the subject site (4-02031), which was found to be acceptable. It was forwarded to appropriate agencies for their review and comments. Based on this study, the Transportation Planning Section concluded that adequate roads will exist as required by Section 24-124 of the Prince George’s County Code. Further, PGCPB Resolution No. 02-178 limits the total development within the subject property to 352-unit high-rise apartment building (159 one-bedroom and 193 two-bedroom), which is already under construction, and approximately 177,500 gross square feet of commercial office space and 5,000 square feet of retail, or different uses generating no more than the number of peak-hour trips (633 AM and 844 PM) that would be generated by that mix of uses. The proposed subdivision (4-05036) is to subdivide the property from one parcel to two separate parcels (B and C). No other changes are proposed.

Site Access Evaluation

The plan shows the two access points along US 1 that were approved as part of the initial Preliminary Plan (4-02031). Both of the cited access points are slightly to the north of existing intersections of US 1 with Berwyn House Road and Navahoe Street, both of which are signalized. Since no additional access for proposed Parcel C to US 1 is permitted, reciprocal access and parking easements will be required, pursuant to Section 24-128(b)(9) of the subdivision regulations.

US 1 is proposed as major collector with 90–110 feet of right-of way in the approved and adopted College Park US1 Corridor sector plan. Review of the draft SHA plans for US 1 indicates that

additional rights-of-way dedication of 55 feet from the existing centerline along the US 1 is needed.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Commercial

The commercial portion of the subdivision is exempt from a review for schools.

Residential

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	352 du	352 du	352 du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	84.48	21.12	42.24
Actual Enrollment	36,283	10,786	16,960
Completion Enrollment	268.56	67.50	135.60
Cumulative Enrollment	141.36	35.34	70.68
Total Enrollment	36,777.40	10,909.96	17,208.52
State Rated Capacity	39,607	10,375	14,191
Percent Capacity	92.86%	105.16%	121.26%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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 on 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 amounts are \$7,412 and \$12,706 to be paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

Residential

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station College Park, Company 12, using the 7- Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The fire chief has reported that the current staff complement of the Fire Department is 685 (98.99 percent), which is within the staff standard of 657, or 95 percent, of authorized strength of 692 as stated in CD-56-2005.

The fire chief has reported by letter dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005

Commercial

The existing fire engine service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 0.27 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 0.27 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 0.27 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue, has a service travel time of 2.70 minutes, which is within the 4.25-minute travel time guideline

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck, and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in District I. The Prince George's County Police Department reports that the average yearly response times for that district are 18.00 minutes for non-emergency calls, which meets the standard of 25.00 minutes, and 9.00 minutes for emergency calls, which meets the standard of 10.00 minutes.

The police chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy for a total of 1,345 (95 personnel) personnel, which is within the standard of 1278 officers or 90% of the authorized strength of 1420 as stated in CB-56-2005

10. **Health Department**—The Health Department reviewed the subject application and had no comments.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has approved a stormwater management concept plan (11736-2002-01) for this site. To ensure that development of this site does not result in on-site or downstream flooding, any development must be in accordance with this approved plan.
12. **Public Utility Easement**—The preliminary plan includes the required 10-foot-wide public utility easement. This easement will be depicted on the new final plat.
13. **Historic Preservation**— The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Phase I archeological survey is not recommended by the Planning Department on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The approved TCPII (TCPII/66/02) shall be revised to show all previous revisions including the new property lines. The revision box shall have the previous signatures typed in with the previous approval dates. The revision box shall be filled in to specify the revisions made to the plan.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/25/02-01). The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/25/02-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

4. Prior to building and grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. Development of the site shall be in accordance with the approved stormwater management concept plan (11736-2002-01) or any approved revision thereto.
6. The applicant shall create a permanent reciprocal ingress/egress and shared parking easement between Parcels B and C prior to approval of the final plat and grading permit. Recorded liber and folio data for the easement(s) shall be noted on the final plat.