



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision Discovery District

4-22034

REQUEST	STAFF RECOMMENDATION
Nine parcels for 285 multifamily dwellings, 524,000 square feet of commercial development, and existing university buildings.	With the conditions recommended herein: <ul style="list-style-type: none">•Approval of Preliminary Plan of Subdivision 4-22034•Approval of a Variation from Section 24-128(b)(12)•Approval of a Variation from Section 24-122(a)

Location: At the southeast quadrant of the intersection of US 1 (Baltimore Avenue) and Campus Drive.	
Gross Acreage:	42.91
Zone:	LTO-E
Prior Zone:	M-U-I/D-D-O
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	915,402 sq. ft.
Dwelling Units:	353
Lots:	0
Parcels:	9
Planning Area:	66
Council District:	03
Municipality:	College Park
Applicant/Address: Brandywine MD Discovery District LLC 1676 International Drive, Suite 500 McLean, VA 22102	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Date:	02/16/2023
Planning Board Action Limit:	03/06/2023
Mandatory Action Timeframe:	140 days
Staff Report Date:	02/07/2023
Date Accepted:	10/03/2022
Informational Mailing:	03/24/2022
Acceptance Mailing:	09/28/2022
Sign Posting Deadline:	01/17/2023

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-22034
Discovery District

OVERVIEW

The site is located in the southeast quadrant of the intersection of US 1 (Baltimore Avenue) and Campus Drive. The property is known as Parcel 140 and is recorded in the Prince George's County Land Records in Liber CSM 2 folio 294. The property totals 42.91 acres. The property is within the edge area of the Local Transit Oriented (LTO-E) Zone, and is subject to Aviation Policy Area 6 (APA-6) associated with the nearby College Park Airport. However, this application has been submitted for review under the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the Mixed-Use Infill (M-U-I) Zone, the Development District Overlay (D-D-O) Zone, and APA-6, which were effective prior to April 1, 2022. The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (sector plan) is applicable to this development.

The site is currently developed as part of the campus of the University of Maryland (UMD). The southern part of the site is occupied by existing institutional buildings, including but not limited to Fraternity Row, the Leonardtown student residential community, Ritchie Coliseum, and the UMD energy plant. In total, there are 391,402 existing square feet of institutional development and 68 existing dwelling units on the site, none of which are proposed to be razed at this time. The northern part of the site is occupied by existing parking lots which are proposed to be razed to make way for new development.

This preliminary plan of subdivision (PPS) application proposes to subdivide the property into 9 parcels for development of 285 new multifamily dwellings and 524,000 new square feet of commercial development, in addition to the existing university buildings described above. Parcels 1-3 are proposed for new commercial development; Parcel 4 is proposed for new multifamily development; and Parcels 5-7 are proposed for the existing institutional development. Proposed Parcels A and B will be used as private streets and should be conveyed to a property owners association comprised of the owners and the owner's heirs, successors, and assignees of the development parcels, to ensure the perpetual joint use and maintenance of the private streets. In total, there will be 915,402 square feet of non-residential development and 353 dwelling units on-site when adding together the existing and proposed development.

The site has never been the subject of a PPS; therefore, the PPS is required for the division of land, the construction of more than 5,000 square feet of non-residential floor area, and the construction of multiple dwelling units. It is further noted that the proposed development is not exempt from

submission of a PPS and final plat under Section 24-107(c)(5) of the prior Prince George’s County Subdivision Regulations because UMD intends to convey Parcels 1–4 to a private developer, and the new uses proposed are private. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-013.

The applicant filed a request for a variation from the prior Subdivision Regulations, to omit the provision of new public utility easements (PUEs) with this PPS. The request requires variation from Section 24-128(b)(12) of the prior Subdivision Regulations, for PUEs along private streets, and Section 24-122(a) of the prior Subdivision Regulations, for PUEs along public streets. This request is discussed further in the Public Utility Easement finding of this technical staff report.

Staff recommends **approval** of the PPS, with conditions, and **approval** of the variations, based on the findings contained in this technical staff report.

SETTING

The subject site is located on Tax Map 33 in Grids D-2, D-3, and C-3, and it is within Planning Area 66. West of the site is US 1, with the main campus of UMD in the Rural Residential Zone beyond. East of the site is Campus Drive, with wooded land owned by UMD, the Maryland-National Capital Park and Planning Commission (M-NCPPC), the City of College Park, and the Washington Suburban Sanitary Commission in the Reserved Open Space Zone beyond. South of the site are additional grounds of UMD in the LTO-E and Neighborhood Activity Center Zones (formerly in the M-U-I Zone), with neighborhoods in the Old Town College Park Historic District beyond within the Residential Single Family–65 and Residential Multifamily–20 Zones (formerly within the One-Family Detached Residential and Multifamily Medium Density Residential Zones). The site and its surroundings are within APA-6 associated with the nearby College Park Airport. This PPS was evaluated according to the standards of the APA-6 Zone within the prior Zoning Ordinance.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

- Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	PROPOSED
Zones	LTO-E	LTO-E (reviewed per prior M-U-I and D-D-O standards)
Use(s)	Institutional	Institutional, Office, Commercial, Multifamily
Acreage	42.91	42.91
Parcels	1	9
Lots	0	0
Dwelling Units	68	353
Non-residential Gross Floor Area	391,402 sq. ft.	915,402 sq. ft.
Variance	No	No
Variation	No	Yes (24-128(b)(12) and 24-122(a))

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 14, 2022. A requested variation for PUE placement was accepted on October 3, 2022, along with the PPS, and also heard at the SDRC meeting on October 14, 2022, as required by Section 24-113(b) of the prior Subdivision Regulations. At the SDRC meeting, it was clarified that based on where PUEs were requested to be omitted, variation would be needed from Section 24-128(b)(12), for PUEs along private streets, and Section 24-122(a), for PUEs along public streets.

2. **Previous Approvals**—There are no previous development approvals applying to the subject site. The Purple Line will pass through this site along Rossborough Lane (located near the northern edge of proposed Parcel 7), and the Prince George’s County Planning Board previously provided comments on the Purple Line project via Mandatory Referral MR-1402F, in 2014. Construction of the Purple Line through the property will not directly affect the proposed development. Although Rossborough Lane will be connected to Campus Drive as part of the construction, it is not known when this will occur. Therefore, the development was evaluated for traffic adequacy under ADQ-2022-013, using only the existing road network and those road improvements proposed by the applicant. In addition, it appears likely that the alignment of the Purple Line will affect the boundaries of Parcels 6 and 7, which are proposed to be retained by UMD. However, right-of-way may be dedicated for Rossborough Lane and the Purple Lane at any time, in accordance with Section 24-107(c)(5), without the need for it to be delineated under this or a future PPS.
3. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035), and conformance with the sector plan, is evaluated as follows:

Plan 2035

The subject property is in the Innovation Corridor, as well as the UMD East Center, as designated by Plan 2035. Local Centers are focal points of concentrated residential development and limited commercial activity servicing the Established Communities (Plan 2035, page 106). The Innovation Corridor has the highest concentration of economic activity in the County’s targeted industry clusters and has the greatest potential to catalyze future job growth, research, and innovation in the near to- mid-term (page 23).

The proposed application aligns with the growth policy of Local Centers and the Innovation Corridor by concentrating residential and commercial development near existing economic activity and existing industry clusters.

Sector Plan

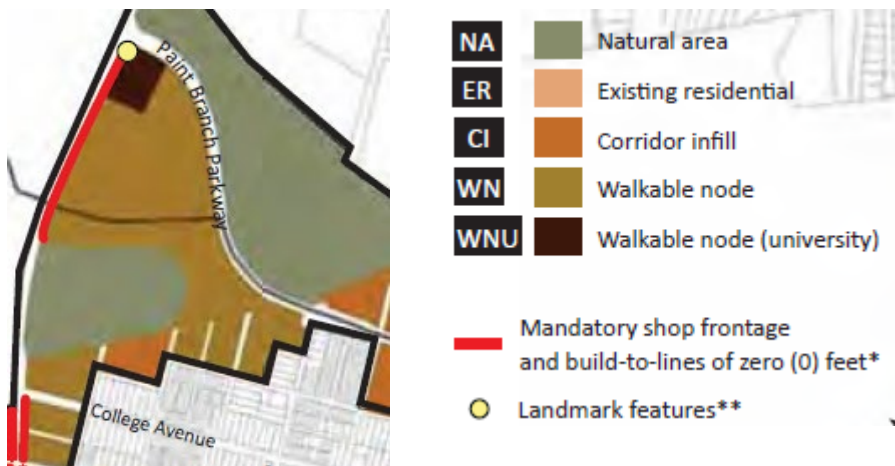
The sector plan recommends mixed-use residential land uses on the subject property (page 60). The proposed development conforms to that land use.

The subject property is primarily in the Walkable Node character area of the sector plan, with a small portion of the site within the Walkable Node University character area. The Walkable Nodes consist of higher-density mixed-use buildings that accommodate retail, offices, row houses, and apartments, with emphasis on nonresidential land uses, particularly on the ground level. The land use and urban design policies of these areas are to develop a series of pedestrian-friendly, transit-oriented, mixed-use walkable nodes at appropriate locations along the Central US 1 Corridor (page 65); to establish a strong sense of place by ensuring the highest quality of development (page 67); and to create

appropriate transitions between the nodes and existing residential neighborhoods (page 68).

Mixed use and multifamily buildings are consistent with other developments typically found in the Walkable Node and Walkable Node University character areas. The proposed development should prioritize creating a walkable, pedestrian-friendly environment with a strong sense of place.

The sector plan requires a landmark feature at the southeast quadrant of US 1 and Campus Drive, in the Walkable Node University portion of the site. At the time of review of the detailed site plan (DSP), the application shall incorporate a landmark element. Mandatory shop frontage and zero-foot setbacks along US 1 are also required (page 230).



Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, the subject application conforms the the land use recommendations of the sector plan.

Sectional Map Amendment/Zoning

The 2010 *Approved Central US 1 Corridor Sectional Map Amendment* retained the subject property in the M-U-I and D-D-O Zones. The zoning permits multifamily, office, and retail uses.

On November 29, 2021, the Prince George's County District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M-U-I Zone to the LTO-E Zone effective April 1, 2022. However, this PPS is reviewed according to the prior M-U-I zoning.

Aviation

This application is located within APA-6. Pursuant to Section 27-548.38(a) of the prior Zoning Ordinance, for an individual property, aviation policy area regulations are the same as in the property's underlying zone, except as stated in Subdivision 3, Division 1, Part 10B of the Zoning Ordinance. Section 27-548.42, Height requirements, of the prior Zoning Ordinance, states that in APA-4 and APA-6, no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with Federal Aviation Regulations Part 77. Proposed building height requirements will be evaluated with the site plan review.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM concept plan (16969-2022-0) was submitted with this application for the portion of the subject property that is proposed to be developed. The proposed plan shows the installation of a series of micro-bioretention facilities and an underground stormwater storage facility to treat, detain, and release stormwater leaving the site.

An approved SWM concept plan will be required as part of the application at the time of DSP review. No further information is required at this time regarding SWM with this PPS application. Staff finds that development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities.

The proposed development aligns with the sector plan's intention to provide quality, safe, and convenient parks and recreational facilities within mixed-use developments providing respite and contributing to the desirability and livability of the community for current and future residents.

Park and recreation amenities serving the subject property include the Paint Branch Stream Valley Park I and II and Lakeland Park, which are within a quarter mile of the subject property. The parks are developed with basketball and tennis courts, the College Park Community Center, and ball fields. The Paint Branch Trail also serves this area.

Sections 24-134 and 24-135 relate to the mandatory dedication of parkland. These sections provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of recreational facilities as possible means of meeting the requirement. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. Given the location of the property, the conveyance of land is not recommended for this project. The recreational guidelines for Prince George's County also set standards based on population. Based on the projected population for the development, the typical recreational needs include outdoor sitting and eating areas, playgrounds, fitness areas, open play areas, and basketball and tennis courts.

Per Section 24-135, the Planning Board may approve the provision of recreational facilities, in place of parkland dedication. The developer has proposed to meet the requirement with private on-site recreational facilities. The current plan cites the provision of a courtyard, a fitness center, and a game room as private recreational facilities. The current design does not propose facilities which would meet all of the typical recreational needs identified above.

Staff agrees with the provision of private on-site recreation to meet the parkland dedication requirement. However, the private outdoor recreational facilities proposed are minimal and should include more opportunities for outdoor amenities for future residents and guests. Staff recommends the inclusion of additional outdoor private recreation amenities to be reviewed at the time of the DSP.

Based on the preceding finding, staff finds the provision of mandatory dedication of parkland, Section 24-134, will be met through the provision of on-site private recreational facilities in accordance with Section 24-135(b) of the prior Subdivision Regulations, subject to the conditions recommended in this technical staff report.

6. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and the Subdivision Regulations to provide the appropriate transportation recommendations.

MPOT and Sector Plan Right-of-Way

The subject site has frontage along US 1 (Baltimore Avenue), which is designated in the MPOT as a major collector roadway (MC-200). US 1 along the property's frontage is also designated as a master plan roadway in the sector plan with a recommended variable width ultimate right-of-way of 88-92 feet. Currently, US 1 along the property's frontage has a varying right-of-way width, extending from 30 feet from the centerline along the southern end to 66 feet from the centerline at the northern end. The PPS does not demonstrate adequate dedication along the property's entire US 1 frontage to facilitate the ultimate right-of-way recommendation as provided in the sector plan.

As previously noted, the referenced PPS application proposes the redevelopment of a portion of the property to the north of the site to provide a mix of new residential and office uses. Through correspondence, the property owner, UMD, has objected to dedicating right-of-way from the parcels it plans to retain because it wants to retain custodianship of the public sidewalks along US 1, rather than turn them over to the Maryland State Highway Administration (SHA) which controls the roadway. The applicant has also indicated that the dedication of right-of-way should be limited to the portion of the site which will be redeveloped, citing that the ultimate right-of-way along this portion of the site is already provided and is consistent with the master plan recommended right-of-way. Staff does not support the applicant's claim and asserts that the entire limits and extent of the property identified in the PPS application are subject to the provisions outlined in the Subdivision Regulations, which includes compliance with the master plan and sector plan recommendations. However, staff recognizes that SHA is the ultimate arbiter of the improvements to its right-of-way, and that there is an existing working relationship between SHA and UMD where SHA controls the roadway of US 1, while UMD controls the sidewalks. SHA may refuse to accept dedication of right-of-way based on wanting UMD to retain maintenance of the sidewalks.

As a condition of approval, staff recommends that prior to signature approval of the PPS, the PPS shall be modified to include a minimum right-of-way dedication of 44 feet from the centerline of US 1 along the entire site frontage, consistent with the master plan recommendation, unless the applicant provides written correspondence from SHA refusing the dedication. Should such a letter be provided, prior to signature approval, the PPS should still reflect right-of-way dedication to the existing curb line, as well as a sufficiently wide public use easement along Parcel B and Parcel 7's entire frontage on US 1, to accommodate

the existing sidewalks and crosswalks. The public use easement should be established to ensure continued public access to the site's US 1 pedestrian frontage improvements.

In addition, the site is bounded on the east side by Campus Drive, an 80-foot collector road (C-202). The latest plan submission shows the property line to be approximately 40 feet from the centerline of Campus Drive. Therefore, it does not appear that any additional right-of-way is required along this roadway. However, the plans submitted for signature approval should include appropriate dimensions to demonstrate that the required right-of-way is already provided.

MPOT and Sector Plan Pedestrian and Bicycle Facilities

The subject property fronts an MPOT-recommended master planned bicycle lane along US 1. SHA has constructed cycle tracks along portions of the US 1 roadway, and these are recommended along the property frontage.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The sector plan also recommends bicycle lanes along US 1, as an interim facility, until a cycle track is constructed. The following policies and strategies are provided for pedestrian and bicyclist facilities:

Policy 1: Improve bicycle, pedestrian, and vehicular accessibility throughout the internal street network and to US Route 1 and Rhode Island Avenue by filling in missing linkages and ensuring the internal network is bicycle and pedestrian friendly through appropriate design, including traffic calming techniques (page 135).

Policy 2: Implement a comprehensive wayfinding system to complement the street network and orient residents, visitors, students, and through traffic to the area (page 136).

Policy 2: Facilitate bicyclists along the entire corridor and through development so that bicycle routes are enhanced or established (page 141).

In addition, the sector plan includes design guidelines on pages 65, 260, and 264 regarding designated walkable nodes. The sector plans design elements and MPOT policy recommendations shall be detailed and evaluated in subsequent site plans. However, the latest PPS submission shows that adequate right-of-way is provided to support the sector plan and MPOT recommended pedestrian and bicycle facilities.

The above policies, strategies, and recommendations all support a multimodal community. Per the sector plan (pages 260 and 264), the frontage along US 1 should include a 12 to 18-foot-wide sidewalk where feasible, a 6.5-foot-wide cycle track, and a minimum 4.5-foot landscape strip, unless modified by the operating agency. Six-foot-wide sidewalks should be provided along side streets, unless modified by the operating agency.

In addition, the latest plan submission shows cross-sections for existing private roadways within the limits of the proposed subdivision that will be further improved as part of the proposed development. The existing internal roadways include Testudo Way, Diamondback Drive, and Hotel Drive, and the latest plan submission shows enough space along these rights-of-way to facilitate the MPOT recommended policies. As a condition of approval, staff recommends that the internal roadways be improved to the specifications provided in the PPS.

Transportation Planning Review

The latest PPS proposes multiple intersections through which the site traffic will disperse. With the approved certificate of adequacy (ADQ-2022-013) for this PPS, the proposed intersection of Testudo Way and Campus Drive was analyzed and found to be adequate as an unsignalized intersection. However, given the amount of traffic that is projected to pass through that intersection, staff recommends that the applicant pursue signalization with SHA. Operationally, this will enhance traffic flow much better than an unsignalized intersection. Staff finds that the limited accesses to the site along US 1 will conform to the goals of the sector plan access design standards and will minimize pedestrian and vehicular conflicts along US 1.

Staff recommends that at the time of DSP, all pedestrian and bicycle facilities and amenities as described in the sector plan shall be shown on a pedestrian and bikeway facilities plan. The recommended amenities and facilities support the policies of the MPOT and the sector plan, the requirements of the Subdivision Regulations, and the "Transportation Review Guidelines – 2022 Supplement".

Based on the findings presented above, staff concludes that multimodal transportation facilities will exist to serve the proposed subdivision, as required under Subtitle 24, and will conform to the MPOT and the sector plan, with the recommended conditions provided in this technical staff report.

7. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains a Public Facilities section (page 151) in Chapter 4 (Infrastructure Elements). The primary goal and vision of the section are:

Vision:

The Central US 1 Corridor is well-served by schools, fire, police, and emergency medical services, and libraries, contributing to a strong sense of place and community.

Goal:

Provide needed public facilities in locations that efficiently serve the population of the Central US 1 Corridor sector plan area.

The proposed development will not impede achievement of any of the above-referenced goals. The analysis provided in approved ADQ-2022-013 illustrates that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site.

The 2018 Water and Sewer Plan placed this property in the Water and Sewer Category 3, "Community System." Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid preliminary plan approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems. Staff finds that adequate water and sewer systems exist to serve the subject property.

- 8. Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. In addition, Section 24-128(b)(12) requires that all private streets have a 10-foot-wide PUE along at least one side of the right-of-way. The subject property fronts public streets US 1 and Campus Drive. The PPS also includes multiple internal private streets. The applicant does not propose any PUEs along the public or private streets, and therefore, has requested a variation from these requirements.

Variation from Section 24-122(a) and Section 24-128(b)(12)

Section 24-113 of the prior Subdivision Regulations sets forth the required criteria for the approval of a variation as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not**

approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The granting of the variation will not be detrimental because utilities are currently in place to serve the subject property and surrounding properties. The subject site is currently developed and served by utilities. Utility easements were recorded in Liber 37039, at folio 009, and are existing within the internal private streets on the subject site. Utilities also currently exist within the abutting public rights-of-way and provide continuity of service to this site and surrounding properties. Therefore, the granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions on which the variation request is based are unique to the site. The proposed infill development is a public/private partnership with UMD, and utility easements have been previously established on the site to serve the existing and future development. Requiring additional PUEs would be redundant to those easements already in place.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The approval of a variation from Sections 24-122(a) and 24-128(b)(12) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this PPS and variation request for the location of PUEs was referred to the affected public utility companies, and none have opposed the variation request. Staff is not aware of any other law, ordinance, or regulation that would be violated by this request.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The overall site has been developed for decades and multiple existing utilities and easements traverse the site to provide wet and dry utilities. The site is also to be bisected by the future Purple Line metro rail, where existing Rossborough Drive is located. The existing development in the neighborhood and the location of the future

Purple Line light rail through the property, as well as existing utility locations available to the subject site, constitute the particular physical surroundings applicable to this property. The requirement to provide additional 10-foot-wide PUE along the public and private streets would further impede future development envisioned by the sector plan and would serve no additional purpose, since utility locations have already been established. These factors create a particular hardship to the owner in meeting the standard requirement.

- (5) **In the R-30, R-30C, R-18, R-18c, R-10, R-10, and R-H Zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George’s County Code.**

The site is not located in any of the listed zones. Therefore, this criterion does not apply.

Based on the proceeding findings, staff recommends approval of the variation from Section 24-122(a) and Section 24-128(b)(12), to exclude PUEs along the public and private streets.

9. **Historic**—The subject property is within the University of Maryland National Register Historic District (66-035) and contains two contributing properties, Ritchie Coliseum and Fraternity Row, and one documented property, the University of Maryland Central Heating Plant (66-035-09). One adjacent documented property, Harrison Laboratory (66-035-04), was demolished for the construction of the Hotel at the University of Maryland. The subject property is adjacent to the Old Town College Park Historic District (64-042-00) to the south, and to the Rossborough Inn Historic Site (66-035-02) to the west.

The sector plan contains goals and policies related to historic preservation and archeology. Policy 2 (page 201) states that archaeological investigations of undisturbed areas should be conducted prior to development. However, the area of proposed development has been previously disturbed by prior construction on the site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended.

Policy 3 (page 201) states that the unique features of the Old Town College Park Historic District should be restored and preserved. Therefore, any DSPs that are adjacent to the Old Town College Park Historic District should be reviewed by the Historic Preservation Commission for potential impacts to the historic district.

10. **Environmental**—The subject PPS was received on October 3, 2022. Environmental comments were provided in a SDRC meeting on October 14, 2022. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
N/A	NRI-027-08	Staff	Approved	5/25/2008	N/A
N/A	NRI-027-08-01	Staff	Approved	7/09/2014	N/A
N/A	NRI-027-08-02	Staff	Approved	4/11/2022	N/A
N/A	S-163-2022	Staff	Approved	9/13/2022	N/A
4-22034	N/A	Planning Board	Pending	Pending	Pending

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in the prior Subtitle 24 because the application is for a new PPS.

Plan 2035

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map and is located within the Established Communities of the General Plan Growth Policy Map, as designated by Plan 2035.

Sector Plan Conformance

The site falls within the UMD portion of the sector plan. The sector plan does not indicate any environmental issues associated with this property.

Countywide Green Infrastructure Plan Conformance

Although the northern portion of this property is mapped within both regulated and evaluation areas of the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), this area is fully developed with no regulated environmental features or County regulated 100-year floodplain mapped on-site.

The site was entirely cleared, graded, and developed prior to the enactment of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO).

Environmental Review

Natural Resources Inventory/Existing Conditions

The site has an approved natural resources inventory plan (NRI-027-08-02), which correctly shows the existing conditions of the property. No specimen or historic trees are located on-site. No Champion trees are mapped on-site. This site is not associated with any regulated environmental features such as streams, wetlands, or associated buffers. No 100-year regulated County floodplain is mapped on-site. No primary management area, which is comprised of regulated environmental features, 100-year floodplain, and any adjacent steep slopes is mapped on-site. The site contains no existing woodlands and is fully developed with existing buildings, parking, and vehicular circulation.

Woodland Conservation

The site is exempt from the provisions of the WCO because the project is subject to the Maryland Forest Conservation Act and will be reviewed by the Maryland Department of Natural Resources (DNR). A standard letter of exemption (S-163-2022) from the WCO was issued for this site, which expires on September 13, 2024. Either an approved forest conservation plan or an exemption from the Maryland State Forest Conservation Act issued by DNR will be required to be submitted with all grading permits prior to their issuance. No additional information is required regarding woodland conservation.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Beltsville-Urban land complex (0-2 percent slopes), Urban land, Urban land-Sassafras complex (0-5 percent slopes), and Urban land-Woodstown complex (0-5 percent slopes).

The subsurface soils found in sections of the subject site have been contaminated by past uses and must be reviewed by the United States Environmental Protection Agency, hereon referenced as both USEPA and EPA.

The proposed grading of the site will disturb a former landfill location (EPA Identification Paint Branch Landfill Area 1A). This subject landfill was used to dispose of fly ash from a former UMD coal burning steam plant, along with refuse, garbage, and other debris generated by the university. According to the Declaration of Notice of Use Restriction and Easement deed, recorded in Liber 27624 folio 288 in the Prince George's County Land Records, the Definitions Section 2 under Notice of Use Restriction states:

“...the groundwater located at or beneath the Landfill Area shall not be used as drinking water. In addition, certain activities, including but not limited to exaction, grading, dewatering, sheeting or shoring, which could result in undesirable exposures to the waste/contaminates previously disposed on the property or interfere with or adversely affect Landfill Areas ('Prohibited Activities') are expressly prohibited without the prior written approval of the Declarant [University of Maryland]. Activity to USEPA for approval may require the request person to obtain USEPA approval of any such work...”

Any corrective actions implemented at the site would be reviewed by EPA during the proposed development. It is worth noting that in September 1991, EPA issued a Corrective Action Permit (ID: MDD98082872) to UMD. According to EPA's webpage, regarding hazardous waste cleanup at the university:

“The permit required UM to investigate whether releases occurred from various Solid Waste Management Units (SWMUs). UM conducted soil and groundwater investigations at the SWMUs. Areas identified with soil contamination were remediated as follows: (1) soil was removed from the Pesticides Wash and Diesel Fuel Tank Areas; and (2) a Diesel Fuel Tank was removed and replaced. EPA determined that other areas did not require remediation. Groundwater investigations showed some low level dioxin and methane in the three Paint Branch Landfills and the Metzert Road Landfill. EPA concluded that the low level dioxin and methane, coupled with the low risk of human exposure, would not pose a risk to human health and the

environment under current conditions. Ground water underlying the University is not used for drinking water.”

See <https://www.epa.gov/hwcorrectiveactioncleanups/hazardous-waste-cleanup-university-maryland-college-park-maryland#Description> for details.

At the time of review of PPS 4-14009, for the Hotel at the University of Maryland, which is located immediately adjacent to the west of the subject property, correspondence from the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) was obtained that also pertains to this site. In a letter dated October 29, 2014 (Haitham Hijazi, Director of DPIE to M-NCPPC, Development Review Division), it states that:

“Part of this site to be disturbed is covered by an EPA Permit for Corrective Action (hereinafter, the Permit) that mandates approval from the EPA before the commencement of certain activities, including the disturbance of the surface of land. Accordingly, to ensure the safety of the public and compliance with Federal regulations, DPIE’s approval of any rough grading activities that are subject to the Permit will be conditioned on the receipt of the approval from EPA from those activities.”

At the time of PPS 4-14009, staff made the finding that no further action by the Planning Board was required, which was adopted in Prince George’s County Planning Board Resolution No. 14-142. Staff recommends a similar finding be made with this application, since no work can proceed without EPA approval.

The site will require an approved site development grading erosion and sediment control plan. The Prince George’s Soil Conservation District may add further conditions during its review, such as the conditions that were issued for the Hotel at the University of Maryland site development grading erosion and sediment control plan. That plan conditioned that a geotechnical study and report for the UMD site be provided. DPIE will require the applicant to remove any unsuitable fill from the site, unless they grant a waiver to allow it to remain. Staff recommends that prior to acceptance of a DSP, the applicant shall submit a geotechnical report which delineates the location and extent of all unstable fill within the limits of PPS 4-22034.

At the time of DSP review, the case will be referred to the Prince George’s County Health Department, which may also generate further findings and conditions directly related to potential contaminated soils for the site.

Based on the foregoing findings, staff finds that the PPS conforms to the relevant environmental policies of the sector plan and Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24 and 25, with the recommended conditions of approval.

- 11. Urban Design**—The proposed development will be subject to DSP approval.

Conformance with the Requirements of the prior Prince George’s County Zoning Ordinance and the Sector Plan

In accordance with the sector plan, the D-D-O Zone standards replace the standards and regulations of the prior Zoning Ordinance. Wherever a conflict occurs between the sector plan and the Zoning Ordinance or the 2010 *Prince George’s County Landscape Manual* (Landscape Manual), the standards of the overlay shall prevail. For development standards not covered by the sector plan, the Zoning Ordinance or Landscape Manual shall serve as the requirements.

The proposed development of 285 multifamily dwelling units and 524,000 square feet of commercial development will be subject to DSP approval, at which time conformance with applicable D-D-O Zone standards will be evaluated.

The subject application is within APA-6 associated with the nearby College Park Airport and has a 50-foot building height limit. Conformance with the requirements of APA-6 in Section 27-548.42 will be evaluated at the time of DSP.

The site is within the Mandatory Shop Frontage area, with designated landmark features required in the northeast corner of the site. Additional information on those requirements can be found on pages 253–255 of the Architectural Elements Section in the sector plan. In addition, since the subject site is within the Walkable Node Character Area, all new construction projects are required to seek a minimum Leadership in Energy and Environmental Design (LEED) Silver Certification. Conformance with these standards will be reviewed at the time of DSP.

Conformance with the 2010 Prince George’s County Landscape Manual

On page 226, the sector plan states that the provisions of the Landscape Manual regarding alternative compliance, commercial and industrial landscape strip requirements, parking lot requirements, and buffering incompatible uses do not apply within the D-D-O Zone. All other standards and regulations of the Landscape Manual apply, as necessary. Conformance with the remaining landscaping requirements will be determined at the time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and will require a grading permit. Properties zoned M-U-I are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 42.91 acres in size and the required tree canopy coverage is 4.29 acres. Compliance with this requirement will be evaluated at time of DSP.

- 12. City of College Park**—At the time of the writing of this technical staff report, final comments have not been received from the City of College Park.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:
 - a. Reflect roadway dedication along the entire site frontage along US 1 (Baltimore Avenue), to facilitate a minimum ultimate right-of-way of 88 feet, in accordance with the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*, unless declined by the Maryland State Highway Administration (SHA) with written correspondence. If declined, right-of-way dedication shall be provided to ensure all vehicular travel lanes are within the SHA right-of-way, and a public use easement is provided along Parcel B and Parcel 7's entire frontage on US 1 sufficiently wide, to accommodate the pedestrian frontage improvements.
 - b. Reflect and provide dimensions for the existing frontage improvements along the property's frontage of Campus Drive, and demonstrate that 40 feet of dedication from the centerline of Campus Drive is provided.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 16969-2022-0 and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. Right-of-way dedication along all roadways, in accordance with the approved preliminary plan of subdivision.
 - b. A note reflecting the granting of a variation with the preliminary plan of subdivision, from Section 24-122(a) and Section 24-128(b)(12) of the prior Prince George's County Subdivision Regulations, to exclude the granting of public utility easements along the public and private streets.
 - c. A public use easement along the portions of US 1 (Baltimore Avenue) where pedestrian facilities are provided on-site, if applicable. The draft easement shall be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George's County Planning Department and be fully executed, prior to approval of a final plat for the development. The documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Maryland-National Capital Park and Planning Commission. The documents shall be recorded in the Prince George's County Land Records, and the Liber/folio indicated on the final plat, prior to recordation.
4. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
5. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the site plan. Timing for construction shall be determined at the time of site plan review.

6. Prior to submission of the final plat of subdivision for any residential parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
8. The internal private roadways of Testudo Way, Diamondback Drive, and Hotel Drive shall be designed in accordance with the cross-sections and specifications shown on the approved Preliminary Plan of Subdivision, 4-22034, and shall be shown on the site plan submission.
9. The site plan shall include the extent and limits of any public use easements, to facilitate public access for any pedestrian facility along the site's US 1 (Baltimore Avenue) frontage, if applicable.
10. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities and show these facilities on a pedestrian and bikeway facilities plan, as part of the site plan, prior to its acceptance:
 - a. Minimum 5-foot-wide sidewalks or wide sidewalks throughout the site where feasible, including Americans with Disabilities Act curb ramps and associated crosswalks.
 - b. Provide Americans with Disabilities Act curb ramps and crosswalks crossing all vehicular access points.
 - c. Provide the pedestrian and bicycle facilities and amenities where applicable, as described in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*.
 - d. Minimum 5-foot-wide bicycle lanes or 6.5-foot cycle tracks along the property frontage of US 1 (Baltimore Avenue), unless modified by the operating agency with written correspondence.
 - e. Long and short-term bicycle parking within the multifamily building and near the building entrance, and short-term bicycle parking near the entrances of the retail, in accordance with American Association of State Highway and Transportation Officials guidelines.
 - f. Bicycle fix-it station on-site.
11. At the time of site plan, the applicant shall provide dedicated space for rideshare activities.

12. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a property owners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the property owners association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
14. At the time of permit, an approved forest conservation plan or an exemption from the Maryland State Forest Conservation Act issued by the Maryland Department of Natural Resources will be required to be submitted with all grading permits prior to their issuance.
15. In accordance with Section 27-548.43(b)(2) of the prior Prince George's County Zoning Ordinance, prior to final plat approval, a disclosure clause shall be approved for placement on the final plats and for inclusion in the deeds, subsequent to approval of this preliminary plan of subdivision, that notifies prospective purchasers that the property has been identified as within approximately one mile of a general aviation airport. The disclosure

clause shall include the cautionary language from the General Aviation Airport Environment Disclosure Notice.

16. The following note shall be placed on the final plat:

“This property is located within APA-6 and is subject to the regulations of the Zoning Ordinance, Subtitle 27.”

17. Prior to acceptance of a detailed site plan, a geotechnical report shall be submitted delineating the location and extent of all unstable fill located within the limits of Preliminary Plan of Subdivision 4-22034.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-22034
- Approval of a Variation from Section 24-128(b)(12)
- Approval of a Variation from Section 24-122(a)