



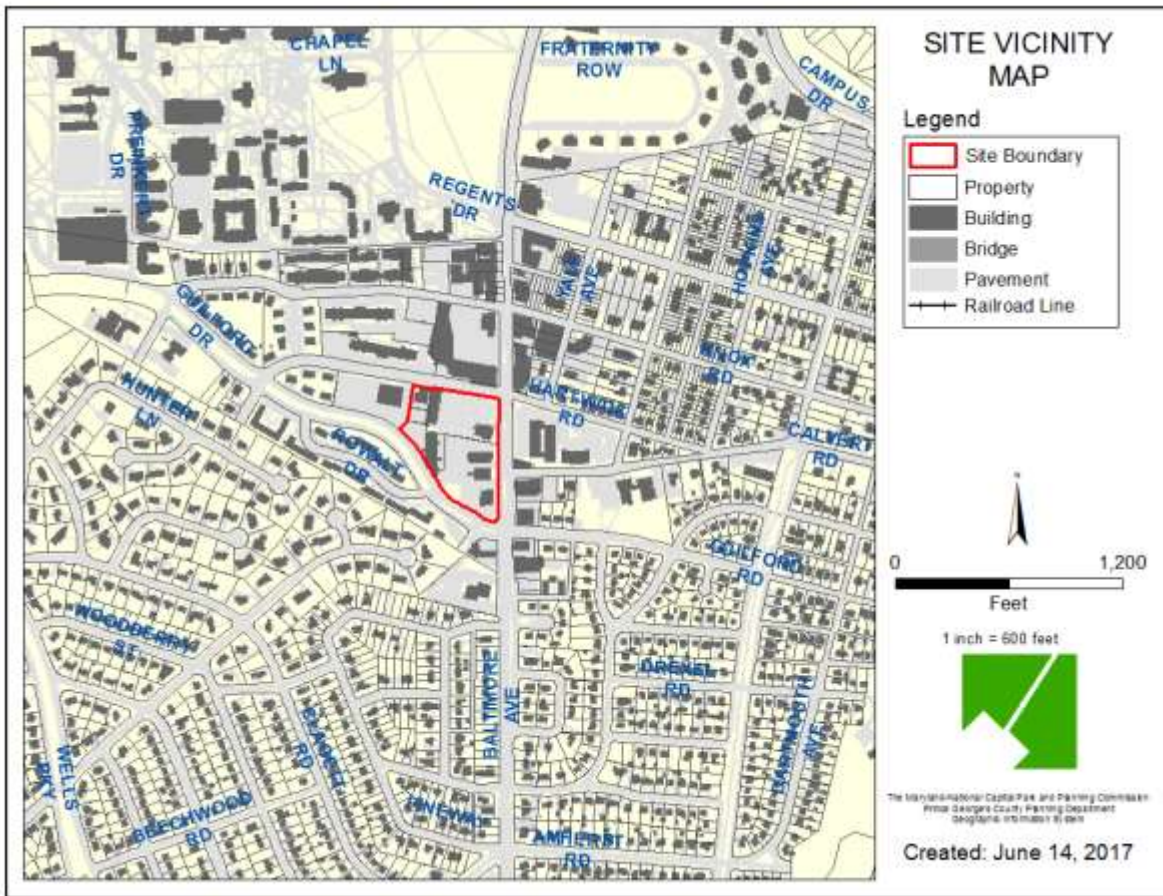
Note: Staff reports can be accessed at <http://mncppc.igm2.com/Citizens/Default.aspx>.

Preliminary Plan of Subdivision 4-17021

Application	General Data	
Project Name: BA/WRPR College Park Location: West side of US 1 (Baltimore Avenue), bounded to the north by Hartwick Road, and to the south by Guilford Drive. Applicant/Address: BA/WRPR College Park, LLC 6406 Ivy Lane, Suite 700 Greenbelt, MD 20770 Property Owner: North Carolina Hospital GP INC. 7200 Baltimore Avenue College Park, MD 20740	Planning Board Hearing Date:	12/14/17
	Staff Report Date:	12/07/17
	Date Accepted:	09/27/17
	Planning Board Action Limit:	03/01/18
	Mandatory Action Timeframe:	140 days
	Plan Acreage:	5.82
	Zone:	M-U-I/D-D-O
	Gross Floor Area/Dwellings:	84,475/393
	Lots:	0
	Parcels:	5
	Planning Area:	66
	Council District:	03
	Election District	21
	Municipality:	College Park
	200-Scale Base Map:	209NE04

Purpose of Application	Notice Dates	
Five (5) parcels for the construction of a mixed-use development including retail and multifamily residential uses. Variation request from: Section 24-122(a)	Informational Mailing	07/19/17
	Acceptance Mailing:	09/22/17
	Sign Posting Deadline:	11/14/17

Staff Recommendation		Staff Reviewer: Sherri Conner Phone Number: 301-952-3168 E-mail: Sherri.Conner@ppd.mncppc.org	
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 4-17021
BA/WRPR College Park, Parcels 1-5

OVERVIEW

The subject property is located on the west side of US 1 (Baltimore Avenue), bounded by the north by Hartwick Road, and to the south by Guilford Drive. The subject site is currently improved with a hotel and several commercial buildings, totaling approximately 53,000 square feet, with existing surface parking. This preliminary plan of subdivision (PPS) includes Parcel C (1.95 acres) of College Park Shopping Center recorded in Plat Book VJ 164-66; Parcel C-1 (0.26 acres) of Seidenspinner Center recorded in Plat Book WWW 43-94; and Part of Parcels B-D as described in a deed recorded among the Prince George's County Land Records in Liber 7602 folio 259. The overall area of the property is 5.82 acres and is located in the M-U-I (Mixed Use Infill) and D-D-O (Development District Overlay) Zones, and is subject to the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Sector Plan). The applicant is proposing five (5) parcels for the construction of a mixed-use development including retail and multifamily residential uses. The proposed development includes a total of 84,475 square feet of gross floor area (GFA), 5,698 square feet of existing commercial development is to remain and 78,777 square feet of new commercial development is proposed. The proposed development is subject to PPS approval in accordance with Section 24-111(c) (for Parcels C and C-1) and Section 24-107(c), (for deed property described as part of Parcels B-D) of the Subdivision Regulations. A detailed site plan (DSP) will be required for the development of this site in accordance with the requirements of the underlying M-U-I and D-D-O Zones, and is pending (DSP-17003).

The development to be constructed on this site is subject to a build-to-line (BTL) along the road frontage in accordance with the Central US 1 Corridor Sector Plan design standards. Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along the public road right-of-way. The applicant requests approval of a variation for the location of the PUEs. Staff recommends approval of the variation, as discussed further.

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

SETTING

The property is located on Tax Map 33, Grid C-4, in Planning Area 66 and is zoned M-U-I within a D-D-O. Development surrounding this site includes; a commercial office building in the M-U-I/D-D-O Zone to the west; Hartwick Road to the north with multifamily residential in the R-10 (Multifamily High Density Residential)/D-D-O Zone, and a shopping center in the M-U-I/D-D-O Zone beyond; US 1 to the east with commercial offices and retail businesses in the M-U-I/D-D-O Zone beyond; and Guilford Drive to the

south with multifamily residential in the R-18 (Multifamily Medium Density Residential)/D-D-O Zone, and a gas station in the M-U-I/D-D-O Zone beyond.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone Use(s)	EXISTING M-U-I/D-D-O Hotel/Commercial 53,000 sq. ft. (5,698 sq. ft. to remain)	PROPOSED M-U-I/D-D-O Multifamily Residential (393 units) Commercial (84,475 sq. ft.) (5,698 sq. ft. existing) (78,777 sq. ft. proposed)
Acreage	5.82	5.82
Lots	0	0
Outlots	0	0
Parcels	5	5
Dwelling Units:	0	393
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes
		Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 20, 2017. The requested variation from Section 24-122(a) of the Subdivision Regulations was accepted on September 27, 2017 and heard at the SDRC meeting on October 20, 2017, as required by Section 24-113(b) of the Subdivision Regulations.

2. **Previous Approvals**—On November 30, 1992, the Planning Director approved a final plat of subdivision for Parcel C, recorded in Plat Book VJ 164-66, not subject to any conditions. On April 18, 1962, the Planning Board approved a final plat of subdivision for Parcel C-1, recorded in Plat Book 43 at Plat No. 94, not subject to any conditions. The remain parcels are the not the subject of any approved record plat or PPS.
3. **Community Planning**—Conformance with the General Plan and Sector Plan is evaluated as follows:

Plan Prince George's 2035 (General Plan)

The proposed development is consistent with the General Plan, which locates this site in the UMD East Campus (Local) Center. "Plan 2035 designates 26 Local Centers, which includes new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium- to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available." (See page 19). The subject application includes mixed-use development consistent with the General Plan vision.

2010 Approved Sector Plan and Sectional Map Amendment (Sector Plan)

The Central US 1 Corridor Sector Plan retained the subject property in the M-U-I (Mixed-Use Infill) Zone and superimposed a D-D-O (Development District Overlay) Zone on the site. The Central US 1 Corridor Sector Plan recommends Mixed-Use Commercial land uses on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the proposed development conforms to the Central US 1 Corridor Sector Plan.

Aviation Policy Area 6 (APA 6)

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 (APA) regulations, Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in APA 6. The APA regulations contain height restrictions in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to the evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA 6, unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. Because this PPS is not approving building location or architecture, including the height of buildings, the applicant should provide a letter from the Federal Aviation Administration (FAA) stating that the proposed development does not pose any hazard to air navigation prior to certification of the DSP. The final plat shall note the site's proximity to a general aviation airport, in accordance with the notification requirements of Section 27-548.43.

4. **Stormwater Management**—A (SWM) Stormwater Management Concept Plan 37395-2017, valid until August 25, 2020, was submitted with this application, showing the use of micro-bioretenement facilities, and sand filters, along with DPIE requiring a fee-in-lieu of providing on-site attenuation/quality control measures. The approved concept plan is consistent with the PPS. Development of the site must be in conformance with the approved SWM plan or subsequent revisions to ensure that on-site or downstream flooding do not occur.

There is approximately 2.1 acres of floodplain located on the subject site. The applicant proposes development within the floodplain, including the mixed-use buildings. DPIE has approved a floodplain waiver for development within the floodplain. The 100-year floodplain easement is required to be recorded prior to grading permit.

Notwithstanding the waiver granted by DPIE to develop in the floodplain, Section 24-129(a)(5) of the Subdivision Regulations requires that a 25-foot setback from the floodplain be established for residences. A variation request from Section 24-129(a)(5) was provided via e-mail dated December 4, 2017 (Gingles to Conner). The request seeks to address the required criteria for the approval of a variation pursuant to Section 24-113 of Subdivision Regulations. The request does not meet the submission criteria of Section 24-113(b), which requires a variation request to be submitted at least 30-days prior to the Planning Board hearing, as well as being brought before the Subdivision and Development Review Committee (SDRC). However, because the variation is necessary in order to approve development for the site, staff has evaluated the request. Staff will take the variation to SDRC and make a recommendation to the Planning Board with the first final plat, which contains residential development. The analysis contained herein is to inform the need for the building restriction line (BRL) placement on the plat, which would severely limit the building placement.

Variation—Section 24-122(a) requires the following:

Section 24-129 – One hundred (100) year floodplain.

- (a) Land shall be platted in a manner that protects the public against loss of life or property due to the one hundred (100) year flood, while minimizing the public and private costs of flood control measures. The Planning Board shall require that proposed subdivisions conform to the following:**
 - (5) A twenty-five (25) foot setback from the floodplain shall be established for residences as a building restriction line. The subject site bound by public rights-of-way on all sides.**

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

Section 24-113. - Variations.

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The development proposal brings to fruition a mixed-use development envisioned by the Central US 1 Corridor Sector Plan. The buildings are proposed to have ground floor commercial uses with residences located above the first floor. Moreover, the site is currently entirely developed within the floodplain and this request does not propose additional impacts to those, which already exist. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any 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 subject property is a redevelopment site that is already fully developed with existing buildings and paving within the floodplain area. The site is surrounded on all sides by public rights-of-way. There is a drop-in grade of approximately 14 feet from the northern property line to the southern property line. The floodplain is located in the southern portions of the site along Guilford Drive. The applicant proposes to improve the site by incorporating micro-bioretenion facilities and sand filters to attenuate stormwater features, which do not exist currently on the

site into the development. These conditions are unique to this property and are not generally applicable to other properties.

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

The variation to Section 24-129(a)(5) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. However, approval of development within the floodplain is strictly controlled by DPIE. DPIE has granted a waiver to the applicant to develop in the floodplain. Therefore, the variation does not constitute a violation of any other applicable law, ordinance or regulation.

- (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 the strict letter of these regulations is carried out;**

The physical conditions of the site are such that the site is surrounded on all sides by public rights-of-way. There is a drop-in grade of approximately 14 feet from the northern property line to the southern property line. The floodplain is located in the southern portions of the site along Guilford Drive. Limiting the development of the mixed-use buildings to areas outside of the floodplain and 25-foot setback would severely impact the ability to develop the site, rendering half of the site undevelopable. Applying the strict regulations of Section 24-129(a)(5) of the Subdivision Regulations would lessen the achievable density, and deny optimal development of the site; therefore, resulting in a particular hardship to the owner, as opposed to a mere inconvenience.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily 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 subject property is zoned M-U-I; therefore, this provision does not apply.

Staff finds that the site is unique to the surrounding properties and that the variation request is supported by the required findings. Staff finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations and that further regulation through DPIE will ensure safe development of the site within floodplain areas. However, because the variation request has not been submitted within time frame required by Section 24-113(b) of the Subdivision Regulations, the variation may not be approved at this time. The requested variation shall be processed in accordance with the requirements of Section 24-113 of the Subdivision Regulations and be acted on by the Planning Board with the final plat of subdivision for the subject site.

5. **Parks and Recreation**—This PPS is subject to the mandatory dedication of parkland requirement in accordance with Section 24-134 of the Subdivision Regulations. Pursuant to preliminary discussion with the M-NCPPC Parks and Recreation Department, and due the limited size and location (not adjacent to existing parkland) of the subject site, staff finds that provision to provide private on-site recreational facilities will best serve the future needs of residents. The private on-site recreational facilities should be provided and be available to the residents within the development with details of the recreational facilities should be reviewed at the time of detailed site plan. A formal memorandum from the Parks and Recreation Department is forthcoming and will be incorporated in the record prior to the Planning Board hearing.
6. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation*(MPOT) and Sector Plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application proposes a mixed-use development consisting of 393 dwelling units and 84,475 square feet of retail/entertainment uses and structured parking for approximately 700 vehicles. The subject property is located on the west side of Baltimore Avenue and north side of Guilford Drive. Because the site is located in the designated US 1 Corridor, it is subject to the requirements of Section 24-124.01 and the “Transportation Review Guidelines–Part 2, 2013” (Guidelines) at the time of PPS. In order to meet these requirements, a Bicycle and Pedestrian Impact Statement (BPIS) was submitted as part of the PPS.

The Sector Plan included several recommendations for sidewalks, trails, and bicycle facilities, in the vicinity of the subject site. Text regarding the applicable recommendations are copied below:

Policy 1: Recognize that cyclists have differing abilities and comfort levels related to bicycling in traffic as vehicles, and those cyclists’ skills and abilities may change over time as new cyclists become more experienced.

Strategies

- **Provide paths and off-street facilities, where practicable and safe, to accommodate travel by unskilled cyclists.**
- **Provide on-street and off-street dedicated bicycle facilities, including cycle tracks, buffered bike lanes, and shared lane markings, where safe and practicable, to accommodate travel by skilled cyclists. Cycle tracks are the preferred option in walkable nodes and along the US 1 Corridor.**
- **Use walkable street design along US 1 and in residential neighborhoods to permit shared use of the street.**
- **Develop dedicated bicycle facilities (cycle tracks) along US 1 as the long-term preferred vision for the corridor. Support construction of marked bicycle lanes as an interim design solution. Coordinate with SHA, developers, the City of College Park, and other stakeholders to facilitate right-of-way acquisition or dedication of easements.**
- **Review existing signalized intersections along US 1 to ensure the needs of bicyclists and pedestrians (including pedestrians with disabilities) are being met, and make any needed adjustments accordingly in order to facilitate these modes of travel along the corridor.**

Frontage improvements along US 1 will need be coordinated with the Maryland State Highway Administration (SHA). Frontage improvements should accommodate the cycle track recommended in the Corridor Sector Plan.

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

Strategies

- **Provide bicycle parking, including bicycle racks and lockers, to encourage and facilitate bicycle travel.**
- **Encourage nonresidential and mixed-use developments to provide shower facilities and bicycle lockers as further incentives for increasing bicycle use.**
- **Study new bicycle facility types and programs, such as bike stations and shared use bicycle programs, and if appropriate, consider applying them in the sector plan area.**

The City of College Park and the University of Maryland have an existing bike share system called “mBike.” The Prince George’s County Department of Public Works and Transportation (DPW&T) is looking to establish the regional Capital Bikeshare system in Prince George’s County and has funding in FY18 for Phases 1 and 1(a). It should be noted that the technologies for the two systems are currently not compatible. It is anticipated that in the future College Park may decide to transition to the Capital Bikeshare system or that a “blended” network of both systems will be in place. Details regarding how or if this would take place are between the City of College Park and DPW&T. However, the expansion of the Capital Bikeshare system into Prince George’s County is funded in FY 18. DPW&T is currently working with a consultant to determine appropriate station locations, they hope to purchase the equipment in the fall of 2017 with the implementation of Phase 1 in the Spring of 2018. A preliminary analysis by DPW&T indicates that the subject site is a suitable location for a bike share station.

The Central US 1 Corridor Sector Plan also recommends bikeway improvements along Guilford Drive, as noted in Table 7 and copied below:

Guilford Drive (Shared roadway): Sharrows and bikeway route signage.

The Implementation Recommendations Chapter of the sector plan includes additional details related to streetscapes, amenities and adequate public facilities. Elements such as sidewalk treatments, pedestrian and bicyclist amenities, and decorative elements are essential to creating a strong sense of place and the streetscape recommendations are copied below.

- **At the time of development, the developer/property owner (including the developer and the applicant’s heirs, successors, and/or assignees) is required to install sidewalks.**

- **Special decorative paving materials, such as brick, precast pavers, Belgium block, or granite pavers, are recommended in the walkable nodes and at appropriate locations within the corridor infill areas.**
- **Sidewalk materials should be continued across driveways whenever possible, and accent paving should be used to define pedestrian crossings.**
- **Amenities, such as benches, bicycle racks, trash receptacles, water fountains, sculpture/artwork, game tables, moveable seating, public mailboxes, and bus shelters, shall be required for all development.**
- **Streetscape amenities shall be consistent in design within a development project and should be consistent within each distinct walkable node, corridor infill area, or existing residential neighborhood.**
- **All proposed streetscape amenities shall be indicated on detailed site plan submittals and shall include information of location, spacing, quantity, construction details, and method of illumination.**

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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.

Proposed On-Site Bicycle and Pedestrian Improvements

Standard or wide sidewalks are reflected on the submitted plan along US 1, Hartwick Road, Guilford Drive, and the main internal road and driveway south of the retail space. The streetscapes proposed are expansive and encourage pedestrian activity, particularly along the US 1 Corridor and the main internal road. The cycle track is provided along the site's frontage consistent with the area master plan. In summary, the following facilities are proposed along the site's internal roads and associated road frontages:

- Eight-foot sidewalk or variable width hardscape area along Calvert Road
- Five-foot share use sidewalk and six-foot cycle track along US 1
- Eight- to eleven-foot sidewalk at the retail entries along US 1
- Seven-foot sidewalk along Guilford Drive
- Eleven-foot six-inch sidewalk along Hartwick Road
- Sidewalks along some internal driveways

Staff finds that the internal sidewalk network proposed by the applicant is comprehensive and will provide an inviting an expansive pedestrian environment on and along the site. This network will be supplemented by the additional sidewalk and crosswalk improvements recommended by the City of College Park and supported by staff with this PPS.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within a designated corridor, the application is subject to County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) of the Subdivision Regulations includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the cost cap is determined pursuant to Section 24-124.01(c):

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

Based on Section 24-124(c) of the Subdivision Regulations and the 393 dwelling units and 78,777 square feet of commercial/retail space proposed (not including the existing GFA to remain), the cost cap for the site is \$145,471.95. Cost estimates for the proposed off-site improvements were requested at the SDRC meeting on October 20, 2017, at a separate meeting with the applicant in late October, and via an e-mail dated November 20, 2017 to the applicant (Shaffer to Lenhart). A cost estimate was not received. Staff recommendations may be modified depending upon the cost estimates supplied at the time of DSP.

Section 24-124.01 of the Subdivision Regulations also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 - 2. installing or improving streetlights;**
 - 3. building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 - 4. providing sidewalks or designated walkways through large expanses of surface parking;**

5. installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and
6. installing street trees.

A scoping meeting was held with the applicant on August 7, 2017. The requirements and provisions of Section 24-124.01 of the Subdivision Regulations and the “Guidelines” were discussed and several possible alternatives for off-site improvements were identified. Possible improvements identified included Americans with Disabilities Act (ADA) and sidewalk improvements in the vicinity of the site, as well as bike share.

The required Bicycle and Pedestrian Impact Statement (BPIS) was submitted on October 24, 2017. DPW&T has indicated that the site could be a good candidate for bike share either on or in the immediate vicinity of the site. DPW&T input regarding this is copied below:

This location would be appropriate for a bike share station. We are currently proposing a station 2-3 blocks north of this site at Baltimore Ave/College Ave (at the Target) for Phase 1. Does the bike share station have to be on their property or can it be within so many miles (X miles?) If the station can be within ½ mile of the site, I think that University Park along Adelphi might be appropriate as well.

Exhibit 1 of the BPIS proffers the following off-site improvements:

- Fully operational traffic signal at the US 1 and Hartwick Road intersection’
- ADA improvements (sidewalk widening) along both the north and south side of Guilford Road.
- Bikeshare on the subject site.

Coordination with Department of Public Works and Transportation (DPW&T) and the City of College Park

A conference call was held with M-NCPPC Planning Department staff, DPW&T and the City of College Park on November 20, 2017. Items that were discussed included the internal road sections, frontage improvements along US 1, and off-site improvements, required pursuant to Section 24-124.01 of the Subdivision Regulations. Regarding internal roads, it was determined that additional sidewalks are not needed on the road fronting the parking garage. The road is technically a drive aisle and pedestrian access is directed to the expansive streetscapes along US 1 and the internal private road that runs east to west through the site.

Regarding US 1, the applicant has modified the streetscape to include a more expansive zone for bicyclists. This area will function as a one-way cycle track along the site’s frontage and will be delineated from the adjacent pedestrian zone. Recommendations regarding the cycle track include:

- The cycle track for bicyclists shall be clearly delineated (by surface type or pavement markings) from the adjacent pedestrian zone. The City of College Park has recommended that the pedestrian zone be constructed of brick pavers and the cycle track be concrete.
- The cycle track should clearly be marked and signed for one-way bicycle traffic. The ultimate development of the cycle track in this segment of US 1 will include one-way

cycle tracks on both sides of roads that will serve both northbound and southbound movement.

- Regarding off-site improvements, the applicant has proffered a full signal upgrade at US 1 and Hartwick Road, off-site sidewalk reconstruction for ADA compliance, and a bike share station. Discussion focused on what elements of the intersection should count towards the cost cap, the necessity of the sidewalk retrofits, and whether or not bike share made sense for the subject site. Regarding each of these issues, staff reached the following conclusions based on the conference call and subsequent meetings:
- The signal upgrade will improve the environment for pedestrians by providing a traffic control device that is more predictable for both pedestrians and motorists. The upgrade will provide for safe pedestrian access across heavily travelled, multi-lane US 1. Furthermore, because the signal is not needed for automotive transportation adequacy, it should not be considered “double counting” to utilize the improvement as one of the off-site pedestrian improvements. However, since the signal abuts the subject site, only the portion of the bicycle and pedestrian elements of the signal improvements on the far side of the center line of US 1 and Hartwick Road should count towards the cost cap. Improvements on the subject site or out to the center line will count as “on-site.” BPIS eligible improvements include, but are not limited to, curb cuts, crosswalks, pedestrian signals and ADA improvements, per Section 24-124.01(d).
- M-NCPPC and DPW&T believe that the site is suitable for the Capital Bikeshare expansion currently funded in FY 18. This capital bike share station (or other suitable vendor selected by the County) will complement the existing City of College Park “mBike” system and provide the future residents of the site with access to the regional (as well as local) bike share systems.
- The sidewalk retrofits are lower priorities for both M-NCPPC and DPW&T. Investigations by the City of College Park have indicated that the sidewalks along Guilford Drive are recently constructed may already comply with ADA requirements. Therefore, the City of College Park has recommended crosswalk and sidewalk improvements at other location, which the applicant is agreeable to if funding remains under the cost cap after the completion of the signal upgrade and bikeshare station. The improvements recommended by the City of College Park are included in the proposed BPIS condition of approval.

Demonstrated Nexus Between the Subject Application and the Off-Site Improvements

Section 24-124.01(c) of the Subdivision Regulations requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized by the Transportation Planning Section staff below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park,**

shopping center, or line of transit within available rights of way.

Demonstrated Nexus Finding:

The pedestrian signal upgrades, bike share station, and sidewalk and crosswalk improvements proffered by the applicant will directly benefit the future residents and guests of the subject site by providing improving pedestrian access across multi-lane and high-volume US 1 near the subject site, and providing sidewalk and crosswalk upgrades in the vicinity of the subject site will accommodate ADA access and pedestrian mobility in the immediate vicinity of the subject site. The bike-share station will provide the future residents and guests to the site with access to the regional bike share network and facilitate non-motorized transportation in the area.

Finding of Adequate Bicycle and Pedestrian Facilities

Section 24-124.01(c) of the Subdivision Regulations requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of Preliminary Plan. This requirement is applicable to Preliminary Plans within designated Centers and Corridors. The subject application is located within the designated US 1 Corridor, as depicted on the Adequate Public Facility Review Map of the General Plan. The Subdivision Regulations includes specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed. Section 24-124.01(b)(1) and (2) of the Subdivision Regulations includes the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
 - 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
 - b. The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

Sidewalks or wide sidewalks are provided at all appropriate locations on-site and along all road frontages. The proposed signal upgrade will provide safe pedestrian crossing of US 1 near the subject site. Provide

safe pedestrian crossings of US 1 is perhaps the most significant pedestrian safety needed in the corridor and the proposed signal will provide safe access for the future residents of the site. The additional crosswalk and sidewalk improvements recommended by College Park will further enhance the pedestrian network, if funding allows under the cost cap. Staff finds that pedestrian facilities are adequate per the requirements and provisions of Section 24-124.01 of the Subdivision Regulations.

2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. **The degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - b. **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
 - c. **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
 - d. **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The cycle track proposed along the frontage of the subject site will provide a safe, protected bicycle facility along US 1 consistent with the recommendations of the Central US 1 Corridor Sector Plan. The facility will be the first cycle track in Prince George's County and will serve as a model for future improvements along US 1 in the core of College Park. Shared-lane markings are recommended along Hartwick Road. Shared-lane markings already exist along Guilford Drive. The bike-share station proposed will give the future residents access to the regional bike share network, which includes stations across Montgomery County, Washington D.C., and northern Virginia. It will also function as a suitable "transfer point" between the regional network and the local College Park and University of Maryland "mBike" system.

Based on the preceding findings, the subject site will have adequate pedestrian and bikeway facilities in accordance with Section 24-121.01 of the Subdivision Regulations, if the subject application is approved with conditions.

7. **Transportation**—The property is located on the west side of US 1 (Baltimore Avenue) between Hartwick Road and Guilford Drive. The site is developed with existing commercial uses, and the applicant is proposing to redevelop the property with a mixed-use development. The proposed uses are 84,475 square feet of commercial retail space and 393 multifamily residences.

The application is supported by a traffic impact study (TIS) dated September 2017, using counts dated September 2016. The TIS was provided by the applicant and referred to the Maryland State Highway Administration (SHA), the Prince George's County Department of Public Works and Transportation (DPW&T) and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The County responded to the referral and has no comment, as all adjacent roadways are either under State or City control. SHA comments on the traffic study were included in the referral package. SHA has determined that the study is acceptable, and no comments are offered.

The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff, consistent with the "Transportation Review Guidelines" (Guidelines).

The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-17021, BA/WRPR College Park								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Existing Hotel	169	rooms	53	37	90	52	49	101
Existing Diner	3,601	square feet	21	18	39	21	14	35
Existing Applebee's	5,698	square feet	4	0	4	34	22	56
Driveway Trips Generated by Existing Uses			78	55	133	107	85	192
Less Pass-By (43 percent AM/diner and PM/both)			-9	-8	-17	-24	-15	-39
Total Existing Trips			69	47	116	83	70	153
Hotel to be Razed	169	rooms	-53	-37	-90	-52	-49	-101
Diner to be Razed (net)	3,601	square feet	-12	-10	-22	-12	-8	-20
Proposed Apartments	393	residences	41	163	204	153	83	236
Proposed Retail (square footage includes existing Applebee's)	84,475	square feet	87	54	141	257	278	535
Less Pass-By (40 percent AM and PM)			-35	-22	-57	-103	-111	-214
Net New Trips Utilized in Analysis			28	148	176	243	193	436
Total Site Trips			97	195	292	326	263	589
Proposed Cap (Existing Less Razed Plus New)					292			589

The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- US 1 at Campus Drive
- US 1 at The Hotel at U of MD
- US 1 at Rossborough
- US 1 at Fraternity Row
- US 1 at College Avenue/Regents Drive
- US 1 at Knox Road
- US 1 at Hartwick Road
- US 1 at Calvert Road
- US 1 at Guilford Drive
- Guilford Drive at Rowalt/site access

Existing Traffic:

The subject property is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). It is also within the D-D-O associated with the *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA). As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) E, with intersections evaluated within an overall link for a peak-period level of service as identified in the US 1 Sector Plan and further described in the "Transportation Review Guidelines."

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

It needs to be noted that the intersection of US 1 at The Hotel at University of Maryland was under construction and not operational when counts were taken. Aside from that location, the following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in September 2016 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 1 at Campus Drive	942	1,045	A	B
US 1 at The Hotel at U of MD	future	--	--	--
US 1 at Rossborough	629	743	A	A
US 1 at Fraternity Row	548	594	A	A
US 1 at College Avenue/Regents Drive	675	838	A	A
US 1 at Knox Road	626	911	A	A
**US 1 at Hartwick Road	12.3*	14.5*	--	--
US 1 at Calvert Road	425	662	A	A
US 1 at Guilford Drive	596	653	A	A
**Guilford Drive at Rowalt/site access	10.0*	10.8*	--	--
Link Peak-Period Level of Service (without Hartwick signalization)	614	746	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				
**Not included in the peak-period link level of service.				

Background Traffic:

None of the critical intersections identified above are programmed for capacity improvements with 100 percent construction funding within the next six years in the current Maryland

Department of Transportation “Consolidated Transportation Program” or the Prince George’s County “Capital Improvement Program.” Background traffic has been developed for the study area using 18 approved but unbuilt developments within the study area. A 0.5 percent annual growth rate for a period of six years has been assumed.

The background has been checked, and four background developments in the area have been identified and factored into the analysis. As a point of information, the Van Buren Street overpass over the CSX railroad tracks (approximately 2,900 feet south of this site) will be completed in the first quarter of 2018. While this connection may result in some changes in traffic patterns in the corridor, no adjustments were made in the study and the staff’s analysis makes no adjustments. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 1 at Campus Drive	1,114	1,283	B	C
US 1 at The Hotel at U of MD	824	1,106	A	B
US 1 at Rossborough	776	989	A	A
US 1 at Fraternity Row	676	799	A	A
US 1 at College Avenue/Regents Drive	811	1,058	A	B
US 1 at Knox Road	775	1,124	A	B
**US 1 at Hartwick Road	17.1*	19.2*	--	--
US 1 at Calvert Road	544	867	A	A
US 1 at Guilford Drive	733	858	A	A
**Guilford Drive at Rowalt/site access	10.3*	11.1*	--	--
Link Peak-Period Level of Service (without Hartwick signalization)	761	978	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				
**Not included in the peak-period link level of service.				

Total Traffic:

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the “Guidelines” including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 1 at Campus Drive	1,138	1,349	B	D
US 1 at The Hotel at U of MD	851	1,177	A	C
US 1 at Rossborough	803	1,060	A	B
US 1 at Fraternity Row	704	870	A	A
US 1 at College Avenue/Regents Drive	839	1,129	A	B
US 1 at Knox Road	802	1,217	A	C
**US 1 at Hartwick Road (as exists)				
Maximum Vehicle Delay (in seconds)	+999	+999	No Pass	No Pass
Approach Volume	94	133	Pass	No Pass
Critical Lane Volume	727	909	Pass	Pass
US 1 at Hartwick Road (with signalization)	727	909	A	A
US 1 at Calvert Road	663	1,025	A	B
US 1 at Guilford Drive	771	962	A	A
**Guilford Drive at Rowalt/site access	11.3*	13.0*	--	--
Link Peak-Period Level of Service (without Hartwick signalization)	808	1,074	A	B
Link Peak-Period Level of Service (with Hartwick signalization)	811	1,078	A	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				
**Not included in the peak-period link level of service.				

While the corridor passes in accordance with the "Guidelines," the intersection of US 1 and Hartwick Road requires further discussion as the traffic study includes a recommendation at this location.

US 1 at Hartwick Road

The applicant proposes signalization at US 1 at Hartwick Road. The applicant proposes this traffic control improvement for three reasons:

1. The intersection was channelized several years ago to restrict the side street approaches to right turns. The intersection was signalized to accommodate the heavy pedestrian volumes crossing US 1. The existing pedestrian signals create a driver expectancy issue in that they are special pedestrian activated signals that only activate when pre-empted by pedestrians. The intersection has already been shown to satisfy the pedestrian signal warrants based on the existing pedestrian signals. It is recommended that the intersection be modified to a fully operational full movement traffic signal in conjunction with this application.
2. The approval of the full movement signalized intersection at US 1 and Hartwick Road will directly benefit the intersection of US 1 and Calvert Road by improving the service level at that intersection by nearly ten percent in the evening peak hour.
3. A signal at this location will likely be a benefit to traffic circulation in the area once the Van Buren Street overpass is opened to traffic, but that has not been quantified in the study.

It is found that all critical intersections operate acceptably under total traffic in both peak hours. Therefore, it is specifically noted for the record that the applicant has proffered the signalization at US 1 and Hartwick Road, and for that reason this recommendation is carried forward as a condition.

A trip cap consistent with the trip generation assumed for the site, 292 AM and 589 PM peak-hour vehicle trips is recommended.

Master Plan Rights-of-Way (US 1 and Guilford Drive)

US 1 is a major collector with a planned right-of-way width of 88 to 112 feet. Further review of the D-D-O standards indicates a typical right-of-way of 97 feet is required to meet the plan recommendations between College Avenue and Guilford Drive. Review of the plats for the existing lots that are adjacent to US 1 indicates that 50 feet from centerline has already been dedicated from these properties along US 1. Therefore, it is determined that no further right-of-way dedication is required of this plan for US 1.

Guilford Drive is a collector with a planned right-of-way width of 80 to 100 feet. Review of the plats along the entire frontage of this site indicates that the full width has already been dedicated. Therefore, it is determined that no further right-of-way dedication is required of this plan for Guildford Drive.

Access and circulation are acceptable. All streets internal to the site are either private streets or driveways, and are acceptable given that the site is largely developed. In accordance with Section 24-128(b)(12) of the Subdivision Regulations, the Planning Board may approve a subdivision with private rights-of-way, easement alleys or roads. The layout of the proposed buildings relies on one or more of the proposed parcels and private street for development, access and circulation. Although each parcel has frontage and the ability to directly access a public street, the applicant proposes to develop the site as one lot (defined in the Zoning Ordinance as one or more record lots).

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required in accordance with Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

9. **Schools**—The following evaluation for impact on school facilities is based on a review of the residential and nonresidential uses proposed.

Residential

This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters Multifamily Dwelling Units

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	393 DU	393 DU	393 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	47	21	29
Actual Enrollment	20,785	5,232	9,077
Total Enrollment	20,832	5,253	9,106
State Rated Capacity	17,378	4,342	8,494
Percent Capacity	120%	121%	107%

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 Capital Beltway (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 (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment* (Bowie State MARC Station Sector Plan and SMA). The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a one-quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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.

Nonresidential

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that the nonresidential portion of the development will have no impact on the County school system.

10. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven (7) minutes travel time from the first due station.

The proposed project is served by College Park Fire/EMS, Company 812, located at 8115 Baltimore Avenue, College Park Maryland 20740.

The Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that as of October 25, 2017 the project is within a seven-minute travel time from the first due station.

The Fire Chief, as of May 15, 2016, has outlined that personnel and equipment is adequate as required by Section 24-122.01(e).

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed near the subject site.

11. **Police Facilities**—The following evaluation for impact on police facilities is based on a review of the residential and nonresidential uses proposed.

Residential

The subject property is in Police District I, Hyattsville. The response time standard established by Section 24-122.01(e) is ten minutes for emergency calls and 25 minutes for nonemergency calls in the vicinity of the subdivision. The preliminary plan was accepted for processing by the Planning Department on September 27, 2017. Based on the most recent information provided by the Prince George's County Police Department, as of December 2015, the police response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met.

Nonresidential

The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department and the July 1, 2016 (U.S. Census Bureau) county population estimate is 908,049. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,034 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

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

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act and will, therefore, be served by public systems.

13. **Use Conversion**—The total development included in this PPS is 393 multifamily residential units and 84,475 square feet of commercial retail development in the M-U-I and D-D-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.

14. **Public Utility Easement**—In accordance with Section 24-128(b)(12) of the Subdivision Regulations, a 10-foot-wide public utility easement (PUE) is required to be provided contiguous and adjacent to either right-of-way line of a private road.

One private road is proposed within this PPS, extending from US 1 to Guilford Drive. However, a PUE has not been indicated on the submitted plan. Staff notes that the site is currently developed and served by public utilities along the adjacent public rights-of-way, however, the applicant has not requested a variation from the PUE requirement along the private street. The PPS shall be revised to demonstrate conformance with the requirements of Section 24-128(b)(12) of the Subdivision Regulations or indicate that a variation from the requirements of Section 24-128(b)(12) will be submitted at the time of final plat.

Section 24-122(a) of the Subdivision Regulations requires, when utility easements are required by a public company, the subdivider should 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. The subject site fronts on public rights-of-way Hartwick Road to the north, US 1 to the west,

Guilford Road to the south and a right-of-way to be dedicated to public use as part of this plan to the east. The applicant has requested approval of a variation to Section 24-122(a) of the Subdivision Regulations to provide an alternate location for PUEs, as discussed further.

Variation—Section 24-122(a) requires the following:

Section 24-122. - Public facilities requirements.

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The subject site bound by public rights-of-way on all sides. A 10-foot-wide PUE located along the public street is the standard requirement of the public utility companies. However, the proposed design for the site is to provide buildings along the road frontages pursuant to the Central US 1 Corridor Sector Plan and A variation to limit the location of PUEs is therefore requested to allow for greater flexibility for development of the site.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

Section 24-113. - Variations.

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

Because the buildings proposed for the subject site are to be constructed along the road frontages with minimal setback, the PUEs are proposed along part of the frontage of US 1 and Hartwick Road only, in accordance the PUEs previously recorded for Parcel C (Plat Book VJ 164-66). No other PUEs exist along the road frontages of the site. The site is currently developed and serve by utilities without impact to other properties and the applicant proposes to preserve the existing PUEs. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any 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 subject property is a redevelopment site that is already served by public utilities. In addition, the Sector Plan requires a build-to line for proposed buildings and the site is bound by public roads on four sides. These conditions are unique to this property and not generally applicable to other properties.

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

The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This PPS and variation request for the location of PUEs was referred to the Potomac Power and Electric Company (PEPCO), the Washington Suburban Sanitary Commission (WSSC), Washington Gas, and Comcast. WSSC will be provided with separate easements for wet utilities per their standard requirement. A response from PEPCO, Washington Gas, and Comcast was not received. It is noted that the site is currently served by public utilities and the existing PUE on Parcel C is proposed to be preserved. Therefore, the variation does not constitute a violation of any other applicable law, ordinance or regulation.

- (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 the strict letter of these regulations is carried out;**

The physical conditions of the site are such that the site is surrounded on all sides by public-rights-of-way. The existing overhead utility lines prevent the proposed buildings from encroaching into the existing PUE along US1, therefore the PUE along US 1 will be maintained. There are also existing overhead utility lines along Hartwick Road which are available to serve the site. Requiring the strict location of a 10-foot-wide PUE along all of the public streets abutting the site would be over regulatory for site that is currently served by public utilities, restrict the developable area, lessen the achievable density, and deny optimal development of the site; therefore, resulting in a particular hardship to the owner, as opposed to a mere inconvenience.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily 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 subject property is zoned M-U-I; therefore, this provision does not apply.

Staff finds that the site is unique to the surrounding properties and that the variation request is supported by the required findings. Staff finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which in part is to encourage creative residential subdivision design that accomplishes the purpose of the Subdivision Regulations in a more efficient manner.

Therefore, staff recommends **approval** of the variation to Section 24-122(a) of the Subdivision Regulations for the location of PUEs, with the approval of the affected utility companies.

15. **Historic**—Aerial photographic imagery from 1938 shows non-extant structures on the subject property. This project is adjacent to University National Bank, a documented property (66-077). Several commercial buildings remain on the subject site, the most significant and substantial of which is the Quality Inn located at 7200 Baltimore Avenue, College Park, Maryland 20740. The documentation and preservation of historic sites and resources associated with the Mid-Century Modern movement is an initiative within the 2010 *Approved Historic Sites and Districts Plan* and is reflected in the efforts of the Historic Preservation Section in surveying Mid-Century sites across Prince George's County. The Quality Inn adjacent to the proposed construction was designed by Ronald Senseman and erected in 1962. Senseman was a well-known architect in the Washington, D.C. area whose work included hospitals, schools, churches, hotels and nursing homes. Given the distinctive architectural design of this building and the local significance of its architect, Historic Preservation Section would like to perform photographic documentation of the Quality Inn adjacent to the subject property with the agreement of the applicant prior to the structures being razed.

The subject property has been extensively graded and extensively disturbed over time. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any known Prince George's County Historic Sites, Historic Resources, or archeological resources.

16. **Environmental**—This site has been previously reviewed for a Natural Resource Inventory Equivalency Letter (NRI-028-2017) and a Standard Letter of Exemption from Woodland Conservation (S-028-2017), which was issued on January 2, 2017. A Detailed Site Plan (DSP-17003) is being concurrently reviewed for the subject property.

Grandfathering:

The project is subject to the requirements of Subtitle 24 (Subdivision), Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance) that became effective September 1, 2010 because this is a new PPS application.

Site Description:

The overall site is 5.82-acres, zoned M-U-I and located within the City of College Park. The site has frontage along US 1 to the east, with Guildford Drive to the south, and with Hartwick Road to the north. The site is located at the southwestern quadrant of the intersection of Hartwick Road with US 1. According to the Existing Conditions Plan submitted on August 31, 2017, and as referenced by NRI Equivalency Letter (NRI-028-2017), 100-year floodplain exists on-site. The Primary Management Area (PMA) on-site is entirely comprised of 100-year floodplain. No other regulated environmental features are found on the property. This site is located outside of the

Chesapeake Bay Critical Area (CBCA). The site drains into the Lower Northeast Branch subwatershed of the Anacostia River, which drains into the Potomac River basin. The site is located within a Stronghold Watershed. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Urban Land, Urban Land-Christiana-Downer complex (5-15% slopes), Urban land-Russett-Christiana complex (0-5% slopes), and Zekiah-Urban land complex frequently flooded. According to available information no Marlboro clay exists onsite; however, Christiana complexes are found on the property are discussed further below. This site is not located within a Sensitive Species Protection Review Area (SSPRA) based on a review of a GIS layer prepared by the Natural Heritage and Wildlife Service, Maryland Department of Natural Resources.

Plan Prince George's 2035 Approved General Plan (2014):

The site is located within Environmental Strategy Area #1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

This site is also part of the UMD East (Future Purple Line) General Plan Center. According to the General Plan, such centers are areas targeted for development and redevelopment on existing infrastructure. These areas represent a unique opportunity for attracting economic development, capitalize on investments in mass transit facilities, and provide opportunities for mixed-use and transit-oriented development. The current application is in general conformance with the zoning requirements and the intent of the growth pattern established in the General Plan.

Countywide Green Infrastructure Plan (2017):

This PPS has conforms to the 2017 Countywide Green Infrastructure Plan which was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Countywide Green Infrastructure Plan, the site contains no Regulated or Evaluation Areas within the designated network. An off-site Regulated Area associated with a bio-engineered stormwater conveyance system exists within the median of Guildford Drive.

The following policies and strategies in bold are applicable to the subject application. The text in **bold** is the text from the master plan and the plain text provides comments on the PPS conformance.

POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems**
- c. **Protecting existing resources when constructing stormwater**

management features and when providing mitigation for impacts.

- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
- e. **Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
- f. **Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
- b. **Prioritize use of public funds to preserve, enhance, connect, restore and protect critical ecological systems.**

The site contains no Regulated or Evaluation Areas within the designated Green Infrastructure network. However, during demolition and construction of the subject property, impacts to off-site regulated area in the median of Guildford Drive should be avoided or minimized. Creation of new greenspace should be targeted along the southern boundary of the site to enhance the size and habitat value of adjacent Regulated Area. No Sensitive Species Project Review Areas or SCAs are located on or near the subject site.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 **Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 **Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 **Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

No Network Gaps have been identified on the subject site. Existing and proposed environmental impacts are discussed in the Environmental Review Section of this memorandum.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Conservation easements are required to protect areas identified within the primary management area (PMA) that are being preserved and restored, however, the PMA associated with this site will be fully impacted as discussed further below. The site is exempt from the WCO, and no Woodland and Wildlife Habitat Conservation Easements are required.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

The site is exempt from the WCO. Planting of native species is required by the Prince George's County Landscape Manual.

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

There is no existing woodland on-site. Required green space should be encouraged adjacent to the existing off-site Regulated Areas to expand these features.

POLICY 12: Provide adequate protection and screening from noise and vibration.

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

The regulation of noise is evaluated for properties which are adjacent to arterial or higher classification roadways and rail transit within 300 feet. The subject site is not within 300-feet of any arterial or higher classification roadway or rail transit.

Area Master Plan Conformance

The site is located in the approved Central US 1 Corridor and College Park Area Master Plan and SMA, and falls within the Downtown College Park corridor node. The Approved Master Plan and Sectional Map Amendment (SMA) includes applicable goals, policies, and strategies. The following policies and strategies are applicable to the current project. The text in **BOLD** is the text from the SMA and the plain text provides comments on plan conformance.

Environmental Infrastructure Section Recommendations

Policy 1: Strengthen the sense of place along the Paint Branch greenway in a way that creates balance and showcases the linear park and trail system this is unique to the Central US 1 Corridor and the College Park area.

The Paint Branch Greenway is defined by the Paint Branch stream valley system. This site is located along Guildford Road with no direct connection to the adjacent trail system within the Paint Branch greenway.

Policy 2: Restore and enhance water quality in the Paint Branch stream system and other areas that have been degraded and preserve water quality in areas not degraded.

An approved Storm Water Management (SWM) Concept letter, issued by DPIE, was submitted with this application, in compliance with County Ordinances and state regulations intended to enhance water quality.

Policy 3: Conserve water and avoid using potable water for non-potable uses.

The site has an approved Storm Water Management (SWM) Concept letter and plan. It is recommended that the final SWM design of the site consider harvesting rain water for watering on-site vegetation.

Policy 4: Reduce flooding and its detrimental effects on human and natural resources.

The site contains 100-year floodplain per the existing conditions plan submitted with the application for an NRI Equivalency Letter (NRI-028-2017).

Policy 5: Implement environmental sensitive design building techniques and reduce overall energy consumption.

Green building and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind and hydrogen power are encouraged.

Policy 6: Preserve and enhance the existing urban tree canopy

The site is void of woodlands, with scattered landscape trees onsite. Conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance at the time of the Detail Site Plan is subject to review by the Urban Design Section of the Development Review Division.

Policy 7: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. Full cut-off optic light fixtures should be used and is recommended.

Policy 8: Reduce air pollution to support community health and wellness by supporting development that is accessible by non-motorized and alternative modes of travel, as well as by increasing the urban tree canopy.

Promotion of “green friendly” transportation, such as links to existing hiker/biker trails, providing bike share facilities, charging stations for electrical cars, are encouraged, as well as water quality practices that enhance off-site stream habitat conditions.

Policy 9: Reduce adverse noise impacts to meet State of Maryland noise standards.

It is generally recommended that construction be limited to day time, weekday hours, to minimize noise impacts on surrounding residential uses.

Environmental Review

As revisions are made to the plans, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Natural Resource Inventory

An approved Natural Resource Inventory equivalency letter (NRI-028-2017) was submitted with the review package, which expires on January 2, 2022. An Existing Conditions Plan was submitted with the NRI application detailing the locations of the PMA and 100-year floodplain, which were fully impacted by prior development on the property. No additional information is required regarding the Natural Resource Inventory.

Woodland Conservation

The site is exempt from the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the property contains less than 10,000 square feet of woodland onsite, and has no previous Tree Conservation Plan (TCP) approvals. A standard letter of exemption from the Prince George’s County Woodland Conservation Ordinance was issued for this site (S-028-2017), which expires on January 2, 2019. No additional information is required regarding woodland conservation.

This site is located within the flight path of the College Park Airport, Aviation Policy Area (APA), which has no restrictions on woodland conservation.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The site contains regulated environmental features. According to the approved stormwater management concept plan, impacts to the 100-year floodplain are required for the demolition of existing structures, and for the grading and construction of proposed buildings, parking, circulation, and stormwater management devices. A statement of justification was submitted for the proposed impacts within the PMA.

Statement of Justification

The statement of justification states that the PMA was previously fully impacted, and that there is currently no stormwater management onsite. Redevelopment of the area within the PMA requires grading and filling to raise site improvements above the 100-year floodplain elevation and establish suitable grades for the proposed mixed-use development. Only a portion of proposed building will be raised outside of the PMA.

A variety of on-site stormwater management facilities such bio-retention areas and sand filters will be installed to improve water quality, as there are no stormwater management facilities currently on-site. These impacts to the 100-year floodplain were approved by DPIE with the approval of a floodplain waiver dated November 16, 2017, as well as a Stormwater Management Concept Plan 37395-2017-00.

Analysis of Impacts

According to the County floodplain information, the site contains approximately 2.1 acres of PMA comprised of 100-year floodplain associated with an off-site, bio-engineered stormwater conveyance system located in the median of Guilford Road. The area within the PMA is fully developed with buildings and parking. Impacts associated with the removal of existing pavement and buildings within the PMA and replacement with micro-bioretenion facilities and sand filters to treat stormwater is an acceptable land improvement for improved water quality. Staff does not generally support grading and construction of SWM facilities or buildings within the PMA; but given that the site was fully graded in accordance with previous approvals, staff supports the quantity of impacts (2.1 acres) to the PMA proposed with this preliminary plan as necessary.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on previous development of the site, the limits of disturbance shown on the impact exhibit and the approved stormwater concept plan, subject to fulfillment of recommended conditions.

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Urban Land, Urban Land-Christiana-Downer complex (5-15% slopes), Urban land-Russett-Christiana complex (0-5% slopes), and Zekiah-Urban land complex frequently flooded.

According to available information, no Marlboro clay exist onsite; however, Christiana complexes are mapped on this property. Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures. According to Section 24-131 of the Subdivision Regulations, Unsafe Land, the Planning Board shall restrict or prohibit land found to be unsafe for development because of natural conditions such as unstable soils and high-water table.

A geotechnical report detailing the presence of Christiana clay, and proposed remedial actions to correct or alleviate the unsafe soil condition was submitted with this application. Such proposals are required to be referred to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), for a determination of whether the measures proposed are sufficient to protect the health and safety of future residents. A copy of the geotechnical report was forwarded to DPIE for review. With review of the development history of the site and the existing conditions, DPIE determined that no significant movements have occurred on the site and there are limitations with regard to the proposed development. The project will be subject to further review at the time of permit and DPIE reserves the right to impose restrictions, if necessary, prior to permit.

17. **Urban Design**—In accordance with the Zoning Ordinance and Sector Plan, DSP approval is required for development of the subject site. A DSP (DSP-16043) has been accepted for the subject site, is currently under review and scheduled for Planning Board hearing on December 14, 2017 following this PPS application. The requirements and design criteria of the Central US 1 Corridor Sector Plan and Zoning Ordinance will be evaluated with the DSP review for the proposed development.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:
 - a. Provide a 10-foot-wide public utility easement (PUE) along the proposed private street or indicate on the plan that a variation from the requirements of Section 24-128(b)(9) of the Subdivision Regulations will be requested at the time of final plat.
 - b. Label the private street parcel as 'Parcel A' and indicate that it is to be conveyed to the business owners' association (BOA). All other parcels shall be numbered consecutively.

- c. Show the 10-foot-wide public utility easement (PUE) in accordance with the plans submitted at the time of acceptance, which was received by the Planning Department on September 22, 2017.
 - d. Revise the general notes to indicate the site is not within the M-I-O Zone, private on-site recreational facilities are proposed and reflect the correct Center or Corridor location.
 - e. Remove the proposed right-of-way dedication area from the proposed parcel areas.
 - f. Indicate if the existing joint use easement labeled Liber 2607 folio 501 on the subject site is to remain or be abandoned.
2. Total development shall be limited to uses which generate no more than 292 AM peak-hour trips, and 589 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of adequacy for transportation facilities.
3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
4. Development of this site shall be in conformance with the approved Stormwater Management (SWM) Concept Plan 37395-2017 or subsequent revisions.
5. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) for the construction of private recreational facilities to the Development Review Division (DRD) for approval prior to submission of final plats for any parcel containing residential development. Upon approval by DRD, the RFA shall be recorded among the County Land Records and the liber and folio shall be reflected on the final plat prior to recordation.
6. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Dedicate the public rights-of-way in accordance with the approved preliminary plan of subdivision.
 - b. The applicant and the applicant's heirs, successors, and/or assignees, shall demonstrate that a business owners' association (BOA) has been established. The draft covenants shall be submitted to the Subdivision Section to ensure the rights of M-NCPPC are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
 - c. Grant a 10-foot-wide public utility easement (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
 - d. Grant a 10-foot-wide public utility easement a (PUE) long the private street or request approval from the Planning Board of a variation from Section 24-128(b)(12) of the Subdivision Regulations.

- e. Demonstrate conformance with the disclosure requirements of Section 27-548.43(b)(2) of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport. The applicant shall provide a note on the plat and provide a copy of the disclosure notice. The disclosure notice shall be included in all lease, rental or purchase contracts for occupants, and the occupants shall sign an acknowledgement of receipt of the disclosure.
 - f. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
7. Prior to the issuance of building permits, 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 the construction of recreational facilities. The recreational facilities to be required shall be determined with the review of the detailed site plan.
 8. At the time of detailed site plan (DSP) review, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private, on-site recreational facilities pursuant to Section 24-135(b) of the Subdivision Regulations, subject to the following:
 - a. The private on-site recreational facilities shall be designed in accordance with the standards as outlined in the *Park and Recreation Facilities Guidelines*.
 - b. The details of the private on-site recreational facilities, including adequacy, siting and the establishment of trigger for construction, shall be reviewed and approved by the Urban Design Section.
 9. Prior to the approval of the first building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (SHA) for signalization at the intersection of US 1 and Hartwick Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with SHA prior to the release of any building permits within the subject property, and install it at a time when directed by SHA.
 10. Prior to the approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below or as modified by DPW&T/DPIE/DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Construct the fully operational signal at the US 1 and Hartwick Road as outlined in the Bicycle and Pedestrian Impact Statement (BPIS). Fifty percent of the cost of the BPIS-eligible expenses will count towards the cost cap.
 - b. Provide space in the subject application for a bike share docking station (vendor to be selected by Prince George's County DPW&T) to enable this form of transportation to be used by the future residents, employees and visitors to the subject site. The bikeshare

station will be 19 docks and requires a space that is 50 feet by six feet in dimension. The conceptual location of the station shall be shown on the DSP and the final location of this docking station will be selected by the County and the applicant, based upon the requirements of the bike sharing system and in a highly-visible, convenient and well-lit location. The location requires at least four hours of solar exposure per day year-round. In the event an appropriate location cannot be located on-site that meets bikeshare siting criteria, the Prince George's County DPW&T will select another off-site location for the station based upon the requirements of the bikesharing system in the County, as close as possible to the subject site. The applicant shall pay the capital costs of \$80,718.76 for a 19-dock bikeshare station and one (1) year of operating expenses for the station. The applicant shall allow Prince George's County DPW&T or its contractors/vendors access to the site to install, service and maintain the bikeshare stations. All payments must be made to Prince George's County DPW&T or its designee.

- c. If funding remains under the cost cap specified in Section 24-124.01(c), complete the following improvements.
 - (1) Complete crosswalks on Baltimore Avenue and Calvert Road (south leg)
 - (2) Add crosswalks at the Guilford Drive and Calvert Road intersection.
 - (3) Provide a pedestrian crossing over Guilford Run in the vicinity of the intersection with Calvert Road or the west street.
 - (4) Provide Shared Lane Markings (or "sharrows") along Hartwick Road between US 1 and Guilford Drive.
 - d. Prior to certification of the Detailed Site Plan, provide an exhibit that illustrates all off-site improvements recommended by staff for the review of the operating agencies. This exhibit shall show the location, limits and details of all off-site improvements, including the signal improvement, bike-share station, and other improvements set forth in (10)(c)(4), consistent with Section 24-124.01(f) of the Subdivision Regulations.
11. In conformance with the Approved Countywide Master Plan of Transportation and the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Provide the sidewalk and cycle track along the subject site's entire frontage of US 1, unless modified by SHA.
 - b. Streetscape improvements including street trees and pedestrian street lights shall be provided along the subject site's entire frontage of Hartwick Road.
 - c. The cycle track shall be clearly marked and signed for one-way bicycle movement and clearly delineated from the walkway with a change in surface type or other pavement markings. Treatments for the cycle track will be specified in the Detailed Site Plan.
12. At time of detailed site, plan, the use of full cut-off optic light fixtures shall be demonstrated.
13. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

14. Prior to approval of building permits, the applicant, their heirs, successors, and/or assigns, shall submit a copy of the recorded deed of conveyance to business owners' association (BOA) for the land as identified on the approved preliminary plan of subdivision.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-17021
- Approval of Variation from Section 24-122(a)