

R E S O L U T I O N

WHEREAS, UMCPF PROPERTY IV-C LLC is the owner of a 1.65-acre parcel of land known as Parcel 61, recorded in the Prince George's County Land Records in Liber 36639 folio 117, and Parcel A, shown on a record plat in Plat Book WWW 43 at 75, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill (M-U-I) within the Development District Overlay (D-D-O) Zone; and

WHEREAS, on July 29, 2019, Greystar GP II, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19028 for Knox Road Development was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 7, 2019, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommends APPROVAL of the application with conditions; and

WHEREAS, on November 7, 2019, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-19028, including a Variation from Section 24-122(a), for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Remove the two points of access and the associated "Proposed Loading Entrance" labels, shown at the southwest and southeast corners of the site, from the PPS. The location of the loading spaces and access to loading will be addressed at the time of detailed site plan.
 - b. Show the existing right-of-way along Knox Road as 45 feet in width and show an additional five feet of right-of-way dedication to be provided from the subject site.
 - c. Show the width of the vehicular access easement along Lehigh Road as a minimum of 22 feet and remove the labeling indicating this as a 20-foot private right-of-way.

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
3. Total development within the subject property shall be limited to uses, which generate no more than 203 AM and 208 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. Prior to approval of a building permit within the subject property, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction through the applicable agency, and (c) have an agreed upon timetable for construction with the appropriate entity (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians and ultimately completed prior to occupancy of the building):
 - a. Removal of the parking spaces on University of Maryland property on the north side of Lehigh Road.

This condition may be satisfied by the applicant providing a copy of an executed easement and/or right of entry agreement, with the University of Maryland, authorizing construction of the improvements, providing for full financial assurances, including an agreed-upon timetable for construction, and a letter from the University of Maryland certifying that these conditions have been satisfied. Prior to execution, a draft of the easement and/or right of entry agreement shall be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for review and approval, and shall include the rights of M-NCPPC.

5. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (18513-2019-00) and any subsequent revisions.
6. Prior to approval of a building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities as designated below, 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 agency, and (c) have an agreed-upon timetable for construction and completion with the appropriate entity and ultimately completed prior to occupancy of the building:
 - a. The monumental staircase and associated off-site improvements as outlined on the bicycle and pedestrian impact statement exhibit. These improvements shall include, but not be limited to, the monumental staircase, bicycle trough, railings, associated concrete work, and an ADA-compliant sidewalk from the staircase to US 1 (Baltimore Avenue), along Lehigh Road.

This condition may be satisfied by the applicant providing a copy of an executed easement and/or right of entry agreement, with the University of Maryland authorizing construction of the improvements, providing full financial assurances, including an agreed upon timetable for

construction, and a letter from the University of Maryland certifying that these conditions have been satisfied. Prior to execution, a draft easement and/or right of entry agreement shall be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for review and approval, and shall include the rights of M-NCPPC.

7. Prior to acceptance of a detailed site plan, an exhibit shall be provided that illustrates the location, limits, and details of the off-site monumental staircase and associated improvements approved with Preliminary Plan of Subdivision (PPS) 4-19028, consistent with Section 24-124.01(f) of the Subdivision Regulations. If it is determined at the time of detailed site plan that alternative off-site improvements are appropriate, the applicant shall demonstrate that the alternative improvements shall comply with the facility types contained in Section 24-124.01(d), be within 0.5 mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section 24-124.01(c). The Prince George's County Planning Board shall find that the alternative off-site improvements are consistent with the bicycle and pedestrian impact statement adequacy finding made at the time of PPS. At the request of the City of College Park, an alternative improvement which may be considered by the applicant includes the removal or relocation, if feasible, of an existing utility pole on the north side of Knox Road, just east of the subject property.
8. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Include a note on the final plat that a variation from Section 24-122(a) of the Subdivision Regulations is approved by the Prince George's County Planning Board for the absence of a public utility easement along Knox Road, pursuant to the approved Preliminary Plan of Subdivision 4-19028.
 - b. Submit a draft vehicular access easement for Lehigh Road pursuant to Section 24-128(b)(8) of the Subdivision Regulations, to be approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC), Subdivision and Zoning Section, and be fully executed. A copy shall be provided to the City of College Park. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. The easement shall be recorded in land records and the Liber/folio of the easement shall be indicated on the final plat prior to recordation.
 - c. The final plat shall reflect five feet of right-of-way dedication and a public access easement along Knox Road, in accordance with the approved preliminary plan of subdivision and detailed site plan. The public use access easement shall be approved by the City of College park, recorded in land records and the Liber/folio shown on the final plat prior to recordation.
9. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The applicant shall allocate appropriate and developable areas

for the private recreational facilities within the common open space land. The private recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division, of the Planning Department for adequacy and proper siting, including appropriate triggers for construction, with the submittal of the detailed site plan.

10. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed recreational facilities agreements (RFAs) to the Development Review Division (DRD), for construction of recreational facilities, for approval prior to submission of the final plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber/folio of the RFA shall be noted on the final plat prior to recordation.
11. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities prior to issuance of building permits.
12. Prior to approval, the detailed site plan shall delineate a proposed public access easement between the right-of-way and the building face along Knox Road.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site comprises two properties known as Parcel 61, recorded in the Prince George's County Land Records in Liber 36639 folio 117, and Parcel A, shown on a record plat in Plat Book WWW 43 at 75, recorded on April 23, 1962. Parcel 61 has never been the subject of any previous preliminary plan of subdivision (PPS). Parcel A was the subject of PPS 12-2815, for which there are no available records. This PPS application includes one parcel for development of 341 multifamily units and 32,000 square feet of commercial space. The subject site is 1.65 acres and is located in the Mixed Use-Infill (M-U-I) Zone within the Development District Overlay (D-D-O) Zone.

Section 24-122(a) of the Prince George's County Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along the public road right-of-way. A variation for the absence of the PUE along Knox Road is approved with this PPS, as discussed further.

3. **Setting**—The property is located on Tax Map 33 in Grid C-3 and is within Planning Area 66. The property is located north of Knox Road, approximately 180 feet west of the intersection of Knox Road and US 1 (Baltimore Avenue). The site is currently developed with two commercial buildings and a parking lot, which will be removed.

The site is bounded by the University of Maryland (UMD) campus property in the Rural Residential Zone to the north; by institutional uses associated with UMD in the M-U-I and D-D-O Zones to the west; by developed commercial uses in the M-U-I and D-D-O Zones to the east; and by Knox Road with developed commercial uses beyond in the M-U-I and D-D-O Zones.

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

	EXISTING	APPROVED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Commercial	Multifamily/Commercial
Acreage	1.65	1.65
Parcels	2	1
Gross Floor Area (sq. ft.)	14,796	32,000
Dwelling Units:	0	341
Variance	No	No
Variation	No	Yes 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 August 23, 2019. The requested variation from Section 24-122(a) was accepted on July 29, 2019 and was also heard at the SDRC meeting on August 23, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—Detailed Site Plan DSP-03032, governing the existing Parcel 61, was approved by the Prince George’s County Planning Board on December 11, 2003 (PGCPB Resolution No. 03-266) for a parking lot of 54 spaces on the property, subject to five conditions, of which none are applicable to the review of this PPS.
6. **Community Planning**—The *Plan Prince George’s 2035 Approved General Plan (Plan 2035)* locates the subject site in the Employment Area and within the UMD Center and UMD East Local Center. These two local centers, further identified as Campus Centers, are focal points for development based on their access to transit (future Metrorail Purple Line stops) and major highways (page 19). The desired residential development for Campus Centers is mid-and low-rise apartments, condos, townhouses, and small-lot, single-family residential at a density of 10 to 15 dwelling units per acre. However, Section 27-546.18(b) of the Zoning Ordinance provides that, when commercial and residential uses are proposed on a single parcel, as is the case for the subject PPS, the DSP shall set out the regulation for density. This application is for a multifamily residential density of approximately 207 dwelling units per acre. The desired floor area ratio (FAR) for new commercial development is 0.5–3.0 (page 108). This application provides a FAR for commercial development of 0.4.

Employment Areas have the highest concentration of economic activity in the County's targeted industry clusters and is where Plan 2035 recommends supporting business growth, concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies (page 19).

This PPS aligns with the growth policy of Local Centers and Employment Areas of Plan 2035 by concentrating residential and commercial development near transit centers and existing industry clusters.

Master Plan

The subject property is in Downtown College Park and within the Walkable Node character area of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA). The Central US 1 Corridor Sector Plan and SMA recommends mixed-use commercial land use on the subject property. Walkable nodes "spaced about a half mile to one mile apart along the corridor serve as excellent transit and multimodal stops and encourage pedestrians to congregate at appropriate retail and employment areas" (page 53). Walkable Node Policy 1 recommends development of "a series of pedestrian-friendly, transit-oriented, mixed-use walkable nodes at appropriate locations along the Central US 1 Corridor."

The Central US 1 Corridor Development District Overlay Zone further observes that Walkable Nodes "consist of higher-density mixed-use buildings that accommodate retail, offices, row houses, and apartments, with emphasis on nonresidential land uses, particularly on the ground level. It has fairly small blocks with wide sidewalks and buildings set close to the frontages" (page 228).

The Central US 1 Corridor Sector Plan and SMA recommends the provision of "generous sidewalks along US 1 and all side streets in the walkable nodes, with a width between 15 to 20 feet along US 1 and 6 to 10 feet on the side streets. These widths provide space for outdoor dining and street trees along US 1 and a comfortable walking area on the side streets, while providing an adequate distance between the building frontages and the streets" (page 65).

Walkable Node Policy 1, Strategy 10, of the Central US 1 Corridor Sector Plan and SMA recommends locating service uses, such as loading facilities and trash collection, to alleys or secondary streets (page 66). This PPS shows two loading entrances and one vehicular access drive from Knox Road. As shown on page 80, the intersection of Knox Road and US 1 is the core of downtown College Park and currently experiences heavy foot traffic, particularly by college students and other patrons of nearby businesses. The site layout shown on the PPS presents challenges to the pedestrian-friendly character of walkable nodes described in the Central US 1 Corridor Sector Plan and SMA. Additional curb cuts will disrupt the consistency of the walkway, and the three points of vehicular access and loading create unsafe conditions for pedestrians along the street. The service entrances for loading along Knox Road should be located internal to the site. The PPS shall be revised to remove the references to loading entrances from Knox Road. The ultimate location of the loading entrances will be evaluated with the building design, at the time of DSP.

To achieve “a series of pedestrian-friendly, transit-oriented, mixed-use walkable nodes,” as detailed on page 65, the Central US 1 Corridor Sector Plan and SMA recommends providing sidewalks of 15 to 20 feet along US 1 and 6 to 10 feet on side streets. However, the D-D-O Zone standards require sidewalks to be 4 to 30 feet wide depending on the assembly of the streetscape. The PPS provides sidewalks along Knox Road at 5 feet in width. Knox Road is a side street, but serves as the primary frontage street for the development. A development exhibit, which was provided by the applicant with this PPS, provides only 5 feet to the sidewalk along Knox Road. The total width of the streetscape, which includes the sidewalk and pedestrian zone, should be further evaluated at the time of DSP to provide a comfortable walking zone and space for outdoor amenities (i.e. outdoor dining), as envisioned in the Walkable Node character area.

Sectional Map Amendment/Zoning

The Central US 1 Corridor Sector Plan and SMA retained the subject property in the D-D-O/M-U-I Zones. The D-D-O/M-U-I Zones permit multifamily and retail uses, which are evaluated with this PPS.

Aviation/Military Installation Overlay (M-I-O) Zone

This application is located within Aviation Policy Area (APA) 6. Section 27-548.38(a) of the Zoning Ordinance states that, for an individual property, APA regulations are the same as in the property's underlying zone, except as stated in Subtitle 27, Part 10b, Division 1, Subdivision 3 of the Zoning Ordinance. Section 27-548.38(b)(4) states that, in APA 4 and APA 6, development densities and intensities are the same as in the underlying zone.

Section 27-548.39(b) states that, in APA 4, APA 5, or APA 6, every application shall demonstrate compliance with height restrictions found in Subtitle 27, Part 10b, Division 1, Subdivision 3. Section 27-548.42(b) states that, in APA 4 and APA 6, no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with Federal Aviation Regulations, Part 77. Conformance with height regulations for any proposed buildings on this site will be evaluated at the time of DSP.

Overlay Zone

The platting of this subdivision does not preclude conformance with the requirements of the Central US 1 Corridor D-D-O Zone. The DSP will evaluate the site development proposal, at which time the applicant must demonstrate conformance with the following standards (the standards are provided below in **BOLD** with comments immediately following):

- **When present, alleys shall be the primary source of access to off-street parking. When alleys are not present, secondary frontage or side streets may be used as the primary source of access to off-street parking (page 241).**

The PPS shows that access to the off-street parking garage will be from a private street, Lehigh Road. This access is found to be adequate given the conditions of this PPS, as further discussed in the Transportation finding.

- **Loading and service areas shall not be visible from streets except alleys. These areas shall be located a minimum of 30 feet away from public sidewalks (page 242).**
- **Loading and service areas should be hidden from public view by street screens (page 242).**

The PPS shows two access points on Knox Road, which are for loading entrances. The two loading entrances shown on Knox Road do not conform to the requirements of the Central US 1 Corridor D-D-O Zone, and must be removed from the PPS, as loading is shown off a street and not an alley, and the loading entrance area will be less than 30 feet from the sidewalk. The DSP will evaluate the site development proposal, at which time the applicant must demonstrate conformance with the two standards provided above, unless an amendment to the standard is approved.

- **The total width of required public frontage in the Walkable Node Character Area is 12-30 feet, including 4-30 feet dedicated to the sidewalk (page 263).**

The PPS shows a 5-foot-wide sidewalk along the subject site's public frontage of Knox Road. The clear purpose of a walkable node is to support a pedestrian-oriented environment; the level of development evaluated in the subject application anticipates significant pedestrian activity to, and generated by, the development. At the time of DSP, the ultimate sidewalk width and streetscape assembly will be evaluated, in accordance with the standards of the D-D-O Zone.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Central US 1 Corridor Sector Plan and SMA, subject to the conditions provided in this PPS approval.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan and Letter (18513-2019-00), approved on July 29, 2019 with conditions, were submitted with the subject application. The plan shows a private system will utilize a green roof and an underground storage vault to handle stormwater runoff. The concept approval expires July 29, 2022. Development shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.
8. **Parks and Recreation**—Section 24-134 of the Subdivision Regulations requires mandatory dedication of parkland for all residential subdivisions if not meeting certain exemptions, and the subject PPS does not qualify for an exemption to the dedication requirement. The mandatory dedication of parkland requirement for this development is approximately 0.25 acre. However, mandatory dedication of parkland is not appropriate due to the size and location of the parcel.

In accordance with Section 24-135 of the Subdivision Regulations, mandatory dedication requirements can be met by the provision of on-site recreational facilities, and the applicant has proffered to provide such recreational facilities to serve the subject development. The applicant provided a narrative detailing the private on-site recreation facilities throughout the development.

The facilities include a main fitness center with cardio and weight equipment, a smaller fitness-on-demand exercise room, and a social lounge with a game area and a fireplace. The private on-site recreational facilities package shall be reviewed and approved at the time of DSP.

At the Planning Board hearing, testimony was given by the applicant and representatives from UMD describing the applicant's proposal to provide both private on-site recreational facilities and, in working with UMD, providing additional improvements on the adjacent UMD property in an open space area abutting US 1 known as Southgate Park. The applicant indicated that these improvements would be open to and provide recreational opportunities for residents of the subject subdivision. It was requested by the applicant that the Planning Board allow the applicant to satisfy the mandatory dedication requirement with the private on-site recreational facilities. The applicant emphasized that the proposed off-site improvements associated with Southgate Park were not requested towards the mandatory dedication requirement, as such improvements would be above and beyond what would be required in addition to providing the on-site private recreational facilities. The Prince George's County Department of the Parks and Recreation also provided testimony at the hearing and concurred with the provision of private recreational facilities to meet the mandatory dedication of parkland requirement.

The Planning Board finds that the provision of on-site private recreational facilities will adequately address the recreational needs of the future residents of this development.

9. **Trails**—The site is covered by the *Approved Countywide Master Plan of Transportation (MPOT)* and the Central US 1 Corridor Sector Plan and SMA. Due to the site's location partially within the Central US 1 Corridor and the East UMD Center, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2." A bicycle and pedestrian impact statement (BPIS) scoping meeting was conducted with the applicant on May 2, 2019. Per Section 24-124.01(c), the site has a cost cap of \$113,500 for the 341 multifamily units and 32,000 square feet of commercial development approved.

Master Plan Conformance

One master plan trail impacts the subject property with a shared-use bikeway planned along Knox Road. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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.

Consistent with the policies of the MPOT, a 5-foot-wide sidewalk is reflected along the site's entire frontage of Knox Road. The D-D-O Zone requires sidewalks along public frontages in the Walkable Node character area to be 4 to 30 feet in width. Compliance with the D-D-O Zone streetscape standards, which includes the sidewalks and pedestrian zone, will be evaluated at the time of DSP.

A development exhibit, submitted by the applicant with this PPS, appears to show adequate area to provide sidewalks along both sides of the proposed internal one-way road. The monumental staircase will accommodate improved access between UMD and the subject site. The site's sidewalk network, pedestrian safety features, bicycle parking, and other amenities will be further evaluated at the time of DSP.

Review of the Proposed Off-Site Improvements:

The applicant has proffered a monumental staircase along Lehigh Avenue that will connect the subject site with the UMD campus. A BPIS exhibit was provided that shows that the improvements, including stairs, ramps, and railings, will cost \$98,449, which is within the cost cap specified in Section 24-124.01(c). A bicycle trough shall be added to the stairs to accommodate students with bikes.

Numerous meetings with the applicant and UMD have indicated that the university supports the construction of the monumental staircase on Lehigh Road. Lehigh Road is located entirely on university property, so university concurrence is required for construction of the staircase. In the unlikely event that the university declines the monumental staircase, or it otherwise is determined to not be feasible, through collaboration with the City of College Park, several alternative off-site improvements have been identified that could be provided in place of the staircase:

- a. Remove or relocate the utility pole on the north side of Knox Road just east of the site to create an Americans with Disabilities Act (ADA)-compliant sidewalk.
- b. Reconstruct the crosswalk between the College Park Shopping Center and the subject site.
- c. Provision of one bikeshare station to serve the subject site and supplement the County's implementation efforts along US 1.

The feasibility of additional streetscape improvements along Lehigh Road was also evaluated, including sidewalk retrofits to complete gaps in the area's pedestrian network. However, it appears to not be feasible or practicable to require sidewalk construction along the north side of Lehigh Road, due to its location on UMD property where there are currently several existing retaining walls and utilities that would have to be reconstructed to accommodate a sidewalk. This work would likely push the improvements beyond the cost cap specified in Section 24-124.01(c) if done in conjunction with the monumental staircase. Furthermore, this land is beyond the limits of the subject application and not under the control of the applicant. However, at the Planning Board hearing, the applicant indicated that, in addition to the monumental staircase, they were proffering an ADA-compliant sidewalk along Lehigh Road,

from the staircase to US 1. This improvement was supported by UMD and the City of College Park at the hearing. As a result, this improvement has been included in the conditions of this PPS approval.

Demonstrated nexus between the subject application and the off-site improvements:

The off-site monumental staircase proffered by the applicant will provide an enhanced pedestrian route from the subject site to UMD. It will directly benefit the future residents and guests to the subject site by accommodating pedestrian trips from the subject site to the university and between the university and US 1.

Finding of Adequate Bicycle and Pedestrian Facilities:

Based on the requirements and criteria contained in Section 24-124.01, the sidewalks proffered by the applicant on-site, the monumental staircase proffered off-site, and the approved bicycle and pedestrian facilities are adequate to serve the subject property.

The monumental staircase proffered by the applicant will accommodate safe pedestrian access from the subject site to UMD and improve an existing pedestrian route between the university and US 1. The off-site improvement proffered is within the cost cap of Section-24-124.01(c) and improves the sidewalk network consistent with guidance of Section 24-124.01(d).

10. **Transportation**—The PPS is required to consolidate two existing parcels (one recorded and one not recorded) into one parcel and increase the overall density of development. Transportation-related findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation will be provided by means of private driveways from existing Knox Road and Lehigh Road.

The site is currently developed with 14,796 square feet of retail space, which has been accounted for in the evaluation of existing traffic impacts in the traffic study. All existing structures will be razed pursuant to the approved development.

The site is within the Central US 1 Corridor Sector Plan and SMA area, which requires that traffic counts be averaged, as indicated by the following standard: “Within the Central US 1 Corridor Development District, the transportation facilities adequacy standard shall be Level of Service E, based on the average peak period levels of service for all signalized intersections in three designated segments of the Central US 1 Corridor.” The site falls within the segment between Campus Drive and Guilford Drive. Each traffic count is grouped together and averaged with other signalized intersections within the segment, as defined by the sector plan to determine adequacy. This procedure is explained in the “Transportation Review Guidelines, Part 1 (Guidelines)” on pages 31 and 32. The study area includes the following signalized intersections: US 1 and Campus Drive; US 1 and Hotel Drive; US 1 and Rossborough Drive; US 1 and College Avenue/ Regents Drive; US 1 and Knox Road; US 1 and Calvert Road; and US 1 and Guilford Drive.

Analysis of Traffic Impacts

The PPS includes residential and commercial uses. The trip generation is estimated using trip rates and requirements in the Guidelines. Pass-by and internal trip capture rates are in accordance with the *Trip Generation Handbook* (Institute of Transportation Engineers). The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site:

Trip Generation Summary: 4-19028: Knox Road Development								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Student Housing	796	Beds	24	80	104	80	56	136
Less Internal Trip Capture			0	-1	-1	-32	-11	-43
Net Student Housing Trips			24	79	103	48	45	93
Retail	32,000	square feet	104	64	168	112	122	234
Less Internal Trip Capture			-1	0	-1	-11	-32	-43
Less Pass-By (40 percent)			-41	-26	-67	-40	-36	-76
Net Retail Trips			62	38	100	61	54	115
Total Proposed Trips for 4-19028 (sum of all bold numbers above)			86	117	203	109	99	208

A July 2019 traffic impact study was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 and Campus Drive	756	1,105	A	B
US 1 and Hotel Drive	533	753	A	A
US 1 and Rossborough Drive	478	674	A	A
US 1 and College Avenue/Regents Drive	495	785	A	A
US 1 and Knox Road	555	792	A	A
US 1 and Calvert Road	381	625	A	A
US 1 and Guilford Drive	515	639	A	A
Link Peak-Period Level of Service	562	809	A	A

None of the critical intersections identified above are programmed for improvement 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 a listing of eight approved developments in the area. Traffic growth along the adjacent segment of US 1 over the past 10 years has been negative at a rate of negative two percent per year or more, and therefore, no growth in through traffic along US 1 was assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 1 and Campus Drive	830	1,208	A
US 1 and Hotel Drive	610	857	A	A
US 1 and Rossborough Lane	555	778	A	A
US 1 and College Avenue/Regents Drive	572	889	A	A
US 1 and Knox Road	632	895	A	A
US 1 and Calvert Road	458	729	A	A
US 1 and Guilford Drive	693	853	A	A
Link Peak-Period Level of Service	646	920	A	A

The 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 (AM & PM)		Level of Service (LOS, AM & PM)	
	US 1 and Campus Drive	844	1,234	A
US 1 and Hotel Drive	624	883	A	A
US 1 and Rossborough Lane	570	804	A	A
US 1 and College Avenue/Regents Drive	586	914	A	A
US 1 and Knox Road	649	941	A	A
US 1 and Calvert Road	472	742	A	A
US 1 and Guilford Drive	707	863	A	A
Link Peak-Period Level of Service	660	944	A	A

It is found that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 203 AM and 208 PM peak-hour vehicle trips, is approved.

Master Plan Site Review and Access

The site is not within, or adjacent to, any master plan transportation facilities. Access to and from the site has been extensively reviewed. Access through the center of the project and to the loading areas is provided from Knox Road. This roadway is a substandard right-of-way (smaller than the County minimum of 50 feet) and is shown at the existing 40 feet on the PPS without additional dedication.

The City of College Park requested five feet of additional dedication along the site's frontage of Knox Road, with a public use easement to cover the remainder pedestrian streetscape zone, and the Planning Board approved this request. The additional dedication will improve sidewalk access and safety along the frontage and feed an entrance to the UMD campus, as well as serve retail uses within the site. The plan shows the existing right-of-way width for Knox Road as 40 feet; however, the underlying plat shows a right-of-way width of 45 feet for Knox Road, which must be reflected on the PPS.

Access is approved through the center of the project and is shown as a one-way access driveway from Knox Road northbound to Lehigh Road. This access driveway is known as Sterling Place. In considering whether Sterling Place should be two-way, while making it two-way would be advantageous for vehicles leaving the site to go north (there is no median break along US 1 at Lehigh Road), two-way operations would add traffic to the US 1/Knox Road intersection. Because this intersection routinely experiences extensive queuing, the Planning Board believes that two-way operations along this access driveway would create more problems than it would resolve and approved the plan for the central access driveway, as presented.

Lehigh Road is part of UMD property and will provide a two-way connection from US 1 to the parking garage on the subject site. It also currently provides access to properties to the east between the subject site and US 1. There are approximately 14 parking spaces adjacent to Lehigh Road on UMD property. The use of the head-in back-out parking along the north side of Lehigh Road is cumbersome at best, and requires vehicles trying to park to utilize the entire roadway. While Lehigh Road is currently infrequently used, with the development of the subject property, it will become the primary access to the site's parking garage and is required for the site's circulation.

In order to provide adequate access to the site, a minimum 22-foot-wide access easement along Lehigh Road is required. The parking spaces on UMD property, on the north side of Lehigh Road, shall also be removed. Without these two requirements in place as conditions of this plan, the Planning Board would not be able to find adequate access to the site as required, in accordance with Section 24-124(a)(1).

The applicant has communicated that they are working with UMD to provide streetscape improvements along Lehigh Road, which would include removing the parking spaces north of Lehigh Road and widening the driveway along Lehigh Road to 26 feet.

Based on the preceding findings, adequate transportation facilities will exist to serve the subject subdivision, as required, in accordance with Section 24-124.

11. **Use Conversion**—The total development included in this PPS is for 341 multifamily units and 32,000 square feet of retail space in the M-U-I Zone within the D-D-O Zone. 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 and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
12. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02. The results of the analysis are as follows:

**Impact on Affected Public School Clusters
 Multifamily Dwelling Units**

Affected School Clusters #	Elementary School Cluster #2	Middle School Cluster #2	High School Cluster #2
Dwelling Units	341	341	341
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	41.0	18.0	25.0
Actual Enrollment in 2018	18,968	5,581	9,016
Total Enrollment	19,009	5,599	9,041
State Rated Capacity	16,416	4,342	8,494
Percent Capacity	116%	129%	106%

Section 10-192.01 of the Prince George’s County Code establishes school facilities surcharges and an annual adjustment for inflation. The current amount is \$9,741, as this project falls inside of the I-495 Capital Beltway. This fee is to be paid to Prince George’s County at the time of issuance of each building permit.

13. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated October 8, 2019 (Saunders Hancock to Davis), incorporated herein by reference.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of Knox Road. The applicant requested approval of a variation from Section 24-122(a), in order that the PUE not be provided along Knox Road.

Variation—Section 24-113 requires the following:

(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 absence of the PUE along Knox Road will not be detrimental to the public safety, health, or welfare, or injurious to other property because utilities currently exist, and will continue to be provided, within the public right-of-way of Knox Road to serve the subject site and existing developed properties in the vicinity of the site.

(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 property is adjacent to the UMD campus on the north and west, with Lehigh Road abutting to the north on UMD property. Lehigh Road serves the existing parking lot and commercial businesses only. There are no plans of improving this road or extending it. The properties to the east of the site all exist and operate as commercial businesses. The entire southern boundary fronts on Knox Road, which has all the necessary utilities that would be provided within a PUE, already located within its right-of-way. Therefore, a PUE is not necessary for the site frontage along Knox Road. The site falls within the Central US 1 Corridor Sector Plan and SMA. The site is more specifically located within the Walkable Node character area. This character area requires the build-to line for buildings in this area to be a minimum of zero feet to a maximum of 10 feet from a lot line. To include a 10-foot-wide PUE would make the 10-foot-wide maximum build-to line requirement impossible to achieve. In addition, there are streetscape requirements, sidewalks, and necessary gradients needed for compliance to ADA regulations. These conditions are unique to the property and generally not applicable to other properties.

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

The variation from Section 24-122(a) is unique to, and under the sole authority of, the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation. This PPS and this variation for the location of PUEs was referred to the Washington Suburban Sanitary Commission (WSSC), Washington Gas, Southern Maryland Electric Cooperative (SMECO), AT&T, and Comcast. No response was received from Washington Gas, AT&T, or Comcast. The response from WSSC and SMECO did not comment on the variation.

(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 site is surrounded by existing development on all sides. The UMD spans two sides of the property. The existing adjacent commercial uses along Baltimore Avenue receive their utilities via US 1. Knox Road, adjacent to the subject site to the south, contains all utilities within the right-of-way that would be necessary within a PUE. If the strict letter of these regulations is carried out, a particular hardship to the owner would result, as the requiring of the PUE would be in direct violation of the Central US 1 Corridor Sector Plan and SMA build-to requirement.

(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.

This is not applicable because the site is zoned M-U-I and D-D-O.

The site is unique to the surrounding properties and the approved variation is supported by the required findings. The variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035 and the sector plan.

Therefore, the variation from Section 24-122(a) to eliminate the requirement for a PUE along Knox Road is approved.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
16. **Environmental**—The following applications were previously reviewed for the subject property:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
N/A	NRI-057-2019	Staff	Approved	5/16/2019	N/A
N/A	S-066-2019 (woodland conservation exemption)	Staff	Approved	4/25/2019	N/A
4-19028	N/A	Planning Board	Approved	11/7/2019	19-123

Proposed Activity

This PPS is evaluated for development of a 1.66-acre site in the M-U-I and D-D-O Zones with one building for 341 multifamily units for student housing and 32,000 square feet for commercial development.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS.

Master Plan Conformance

Conformance with Plan 2035

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

Conformance with the Sector Plan

The site is located in the Central US 1 Corridor Sector Plan and SMA and falls within the Downtown College Park portion of the plan. The master plan does not indicate any environmental issues associated with this property.

Conformance with the Countywide Green Infrastructure Plan

The site is not located within any regulated or evaluation areas of the designated Network of *The Countywide Green Infrastructure Plan* of the *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*.

Environmental Review

Existing Conditions/Natural Resource Inventory

An approved Natural Resources Inventory, NRI-057-2019, was submitted with the application. There are no regulated environmental features such as streams, nontidal wetlands and their associated buffers. The site contains no 100-year floodplain or primary management area. Only a small area of man-made steep slopes is located on the northwestern corner of the site. No forest exists on-site. Two specimen trees exist on-site.

Woodland Conservation

The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals. A standard letter of exemption from the WCO was issued for this site (S-066-2019), which expires on April 25, 2021. No additional information is required regarding woodland conservation.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Urban land and Christiana Downer Urban land complex. According to available information, no Marlboro clay exists on-site; 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. However, there are no slopes of significant concern identified within the area of this soil type, and the applicant is proposing to cut and fill the site to a one percent grade for a buildable area. A geotechnical review was not requested with this application but may be required for review with a future development application. The County may require a soils report, in conformance with CB-94-2004 during future phases of development.

17. **Urban Design**—Conformance with the requirements of the Zoning Ordinance and the D-D-O Zone standards for the subject development will be reviewed at the time of DSP.

In accordance with the Central US 1 Corridor Sector Plan and SMA, the D-D-O Zone standards replace comparable standards and regulations required by the Zoning Ordinance. The mixed-use building complex will be subject to DSP approval.

The site is within the Walkable Node character area of the Central US 1 Corridor Sector Plan and SMA and is subject to all D-D-O Zone standards for the character area. For example, the D-D-O-Zone standards specifically state that all development within walkable nodes shall obtain a minimum of silver certification in one of the listed Leadership in Energy and Environmental Design (LEED) rating systems. LEED-Gold or platinum certification is encouraged for all development when feasible. The subject application is within APA 6. Conformance with the requirements of APA 6 in Section 27-548.42 will be evaluated at time of DSP.

Conformance with the 2010 Prince George's County Landscape Manual

Page 226 of the Central US 1 Corridor Sector Plan and SMA states that, the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) regarding alternative compliance, commercial and industrial landscape strip requirements, parking lot requirements, and buffering incompatible uses do not apply within the D-D-O Zone. All other standards and regulations of the Landscape Manual apply as necessary. Conformance with the remaining landscaping requirements will be determined at time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage (TCC) on properties requiring a grading permit. Properties zoned M-U-I are required to provide a minimum of 10 percent of the gross tract area in TCC. Conformance with the TCC requirements will be evaluated at time of DSP.

Other Design Considerations

The PPS shows loading ingress and egress points on Knox Road and commercial space interior to the site along a proposed one-way road. The D-D-O Zone standards discourage loading directly on public roadways, such as Knox Road, and encourage retail instead. Further review of all site improvements including site layout will be carried out at time of DSP.

This development is for multifamily units, with ground floor commercial space catering to the student population in the area. The applicant is encouraged to incorporate crime prevention through environmental design strategies. Crime can be averted through activating the streetscapes and allowing for natural surveillance of public spaces. Further review of this issue will be carried out at time of DSP.

A monumental staircase is approved with this PPS, pursuant to the BPIS requirements of Section 24-124.01. The monumental staircase will be located to the northwest of the subject site on Lehigh Road. It is noted that the improvements are shown on property owned by UMD, and such improvements are subject to the mandatory referral process.

18. **City of College Park**—The City of College Park City Council convened on October 22, 2019, and reviewed the subject PPS. By letter dated October 23, 2019 (Schum to Hewlett), the City of College Park recommended approval of this PPS with five conditions, which have either been incorporated into the conditions of this approval, or have been determined as not required for approval of the subject PPS. The City's recommended conditions are provided below in **BOLD**, with comments provided immediately following:

1. **Prior to Preliminary Plan certification, the applicant shall:**
 - a. **Show a dedication of five feet of right-of-way along the Knox Road frontage to the City of College Park and a public access easement between the right-of-way and building front along Knox Road to accommodate a public sidewalk.**

Given that Knox Road is a city street within the jurisdiction of the City of College Park and the current width of the right-of-way is considered substandard at 45 feet wide, the Planning Board is in agreement with the requested dedication, which has been incorporated as a condition of this PPS approval.

b. Show a Public Access Easement along Lehigh Road.

Condition 1.b. has been incorporated as part of the approved conditions; specifically, a vehicular access easement along Lehigh Road to provide adequate access to the subject site is approved.

2. If a fee-in-lieu of mandatory parkland dedication is required by The Maryland-National Capital Park and Planning Commission, the City strongly supports using this fee for improvements to the adjacent Southgate Park on University of Maryland Property.

The Planning Board approved the provision of private on-site recreational facilities to meet the mandatory parkland dedication requirement, in accordance with Section 24-135 of the Subdivision Regulations. Thereby, no fee-in-lieu is required for the subject development and City Condition 2 is not incorporated in this approval. The applicant indicated at the hearing that they are working with UMD to make improvements to Southgate Park. However, the improvements to Southgate Park are not required to meet the requirements of mandatory dedication.

3. Create an ADA-compliant sidewalk, from the subject property to Baltimore Avenue as a priority Bicycle and Pedestrian Impact Statement (BPIS) improvement as long as the cost does not exceed the BPIS cost cap, by either:

- a. Removing or relocating, if feasible, an existing utility pole on the north side of Knox Road just east of the site, or**
- b. Constructing a new, ADA-compliant sidewalk from the Grand Stair to Baltimore Avenue.**

The applicant has proffered, and the Planning Board approved, that a monumental staircase and associated improvements be provided on UMD property towards the BPIS requirement. The applicant's proffered improvements are supported by the UMD. Given that implementation of the improvements found in City Condition 3.a. above could likely extend beyond the BPIS cost cap, Condition 3.a. has not been required as part of this approval. However, the improvement reflected in City Condition 3.a. has been provided as a BPIS alternative to the monumental staircase, as detailed in the Trails finding. At the Planning Board hearing, the applicant, in agreement with the City, also indicated their support for this improvement as an alternative to meet the site's BPIS requirement.

While possibly exceeding the cost cap, the sidewalk identified in City Condition 3.b. was proffered by the applicant with this PPS at the hearing. The applicant indicated and representatives from UMD confirmed their consent for this ADA-compliant sidewalk to be provided on UMD property. Therefore, City Condition 3.b. has been incorporated in the conditions of this PPS approval.

- 4. At the time of DSP submission, the Applicant shall give consideration to the following:**
 - a. Relocate the easternmost loading dock on Knox Road to Sterling Place, or identify another less impactful solution and restrict hours of operation.**
 - b. Extend 1st floor retail shopfronts along Knox Road east of Sterling Place, and provide direct public access to Knox Road.**
 - c. Provide a plan for reconstruction of Lehigh Road that shows the following:**
 - i. Minimum 22-foot drive aisle for 22-way traffic.**
 - ii. Removal of all pull-in parking.**
 - iii. Minimum six-foot-wide sidewalk on north side to connect Grand Stair to Baltimore Avenue.**
 - d. Provide a concept plan for improvements to Southgate Park.**
- 5. Prior to DSP approval, execute a standard Declaration of Covenants Agreement with the City that includes at minimum the following provisions:**
 - a. Acknowledgement of responsibility for maintenance in the Knox Road right-of-way for pedestrian light fixtures, landscaping, and sidewalks.**
 - b. Standard language to protect City revenue source if property sold to a non-taxable entity (PILOT).**
 - c. Provide a public art feature to be matched up to \$15,000 from City funds.**
 - d. Prior to building permit, agree to provide an easement for public access on Knox Road between right-of-way and face of building.**

The parts of recommended City Conditions 4 and 5, which apply to adequate access and circulation for the site, have been incorporated into the conditions of approval of this application. The remaining parts of these conditions are not required with this PPS and may be reviewed at the time of DSP, if appropriate, or executed through a private agreement between the City and the applicant.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, November 7, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of December 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:CD:nz