

R E S O L U T I O N

WHEREAS, Dewey LC is the owner of a 17.29-acre parcel of land known as Parcels A and 97, recorded in Prince George's County Land Records in Liber 12085 folio 621, and Parcel 67 recorded in Liber 36523 folio 327, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O); and

WHEREAS, on April 26, 2019, Dewey LC filed an application for approval of a Preliminary Plan of Subdivision for four parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18022 for Dewey Property 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 June 27, 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 recommended APPROVAL of the application with conditions; and

WHEREAS, on June 27, 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 Type 1 Tree Conservation Plan TCP1-005-2019, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-18022, including a Variation from Section 24-121(a)(3), for four parcels with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
 - a. Delineate and label all parcels included in the development.
 - b. Pursuant to applicant's Plan and Sections Exhibit dated June 6, 2019;
 - i. Delineate public rights-of-way for Road A and Road B.
 - ii. Provide cross sections for Roads A and B, in conformance with the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, or as modified by the City of Hyattsville.

- iii. Designate the parcel east of Road B as Parcel 5.
 - c. Delineate existing sidewalk improvements adjacent to the site.
 2. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (34347-2018-0) or any subsequent revisions.
 3. Total development within the subject property shall be limited to uses which generate no more than 269 AM and 310 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 the initial detailed site plan proposing development within Parcel 1 and/or Parcel 2, the applicant shall submit an acceptable traffic signal warrant study to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Belcrest Road and Toledo Terrace/site access. 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 the County. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPIE/DPW&T prior to release of any building permits within Parcels 1 or 2, and complete installation at a time when directed by DPIE/DPW&T.
 5. In conformance with the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, prior to certification of the preliminary plan of subdivision, the following changes shall be made:
 - a. The Wells Run Greenway within Parcel 4, from Toledo Road to Belcrest Road, shall clearly delineate the multiuse trail. The feasibility of the construction of the trail by the applicant shall be determined with the detailed site plan.
 6. Prior to approval of any 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 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 a 5-foot-wide, Americans with Disabilities Act-compliant sidewalk within the public right-of-way, along the western side of Adelphi Road, as shown on the off-site bicycle pedestrian impact statement improvements exhibit, subject to the cost cap in subsection (c).

7. Prior to acceptance of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Provide an exhibit that illustrates the location, limits and details of the off-site improvements along Adelphi Road, consistent with Section 24-124.01(f).
 - b. Provide street cross sections that demonstrate conformance to the frontage/build-to overlay zone standards for existing public streets, as identified in Table 42 on page 211 of the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)*, as depicted in the illustrative street sections for the applicable street segment within the TDDP, as modified (if necessary) at the time of detailed site plan in accordance with Section 27-548.08(c)(3), or a comparable Department of Public Works & Transportation Urban Street Design Standard.
 - c. Provide a feasibility analysis regarding a pedestrian connection from Parcel 2 to Parcel 3, crossing Parcel 4 for review by DPIE/DPW&T, the City of Hyattsville, and M-NCPPC.
8. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised to meet all the requirements of Subtitle 25 of the Prince George's County Code. Required changes include, but are not limited to:
 - a. Revising all woodland conservation on-site to meet the minimum size requirements through a combination of preservation and reforestation.
 - b. Identifying the location of the proposed 100-year floodplain and primary management areas on-site.
 - c. Updating the tree conservation plan worksheet as necessary.
 - d. Adding the Property Owner Awareness certification block.
 - e. Revising to show the development for the proposed pond, stream restoration, and wetland mitigation area in a separate phase on the plan and in the worksheet.
9. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-005-2019). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-005-2019), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance WCO). This property is subject to the notification provisions of

CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."

10. The detailed site plan application for Parcel 3 shall include a Phase II noise study that indicates how noise will be mitigated to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interior levels.
11. Prior to approval of the final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
12. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater concept plan shall be submitted and demonstrate whether unsafe soils are present on-site. If present, the detailed site plan must clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by Prince George's County Department of Permitting, Inspections and Enforcement.
14. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
15. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Grant 10-foot-wide public utility easements along all public rights-of-way. Any variation from the standard PUE requirement shall be proposed at the time of DSP and will require approval with the final plat.
 - b. Delineate any building restriction lines (BRL) associated with unsafe land unless DPIE approves proposed mitigation that eliminates the need for a BRL.

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 property is located in the northeast quadrant of the intersection of Belcrest Road and Toledo Road. The property consists of 17.29 acres and is within the Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) Zones. This preliminary plan of subdivision (PPS) includes existing Parcels A and 97, recorded in the Prince George's County Land Records, in Liber 12085 folio 621, and Parcel 67 recorded in Liber 36523 folio 327. This site is currently developed with a parking lot.

This application approved four parcels for 520 multifamily dwelling units. Parcels 1 and 2 front on Belcrest Road, and Parcel 3 fronts on Adelphi Road. The site is bifurcated by a significant environmental feature, located on Parcel 4, which is to be conveyed to Prince George's County to support a regional stormwater management (SWM) facility.

At the time of submittal of the PPS, the applicant requested a variation from Section 24-121(a)(3) of the Subdivision Regulations, which requires that sites adjacent to a planned arterial roadway not access those roads directly and be designed to front on an interior road. The applicant requests approval of a variation for direct access onto Adelphi Road, an arterial roadway, for Parcel 3. A variance to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) was approved for removal of 12 specimen trees on the subject site.

3. **Setting**—The property is located on Tax Map 42 in Grids A-1, A-2, B-1, and B-2, in Planning Area 68, is zoned M-U-I, and is within a T-D-O Zone. The subject site is irregularly shaped and is bounded by Belcrest Road to the west, Toledo Road to the south, and Adelphi Road to the east. An abutting property to the north and a property to the east, zoned One-Family Detached Residential (R-55) in a Development District Overlay (D-D-O) Zone, are developed with institutional uses. A single parcel to the east, also in the R-55 and D-D-O Zones, is vacant and owned by the Maryland-National Capital Park and Planning Commission. A single parcel to the east is zoned M-U-I in a T-D-O Zone and developed with an institutional use.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	M-U-I/T-D-O	M-U-I/T-D-O
Use(s)	Parking Lot	Residential (Multifamily)
Acreage	17.29	17.29
Lots	0	0
Parcels	3	4
Dwelling Units	0	520
Variance	No	Yes
Variation	No	Section 25-122(b)(1)(G) Yes Section 24-121(a)(3)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 17, 2019. The requested variation from Section 24-121(a)(3) was accepted on April 26, 2019, and heard at the SDRC meeting on May 17, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The property is a portion of a larger (47.7 acre) site, which was subject to Conceptual Site Plan CSP-00024 (PGCPB Resolution No. 00-195), approved by the Prince George’s County District Council on January 8, 2001. The CSP created two subareas: Subarea 2 (21.46 acres) and Subarea 3 (26.24 acres). The subject site represents a portion of the site known as Subarea 2. Within Subarea 2, Parcel 6 (3.87 acres) was the subject of foreclosure proceedings (Civil Action No. CAE 11-11871) and is not included with this application.

CSP-00024-01 was approved by the Prince George’s County Planning Board on November 15, 2001.

The property has been rezoned through the adoption of the 2016 *Approved Prince George’s Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Prince George’s Plaza TDDP/TDOZMA). Pursuant to the general applicability and administration (page 195) of the TDDP, a detailed site plan (DSP) in a transit district does not have to conform to a previously-approved CSP, therefore, neither CSP is relevant 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 Prince George’s Plaza Regional Transit District (page 18). “Plan 2035 designates eight centers with extensive transit and transportation infrastructure and the long-term capacity to become mixed-use, economic generators for the County as Regional Transit Districts. The centers were selected based on a quantitative analysis of 31 indicators that assessed the capacity and potential of each center to support future growth and development (see Appendix A). Plan 2035 recommends directing the majority of future employment and residential growth in the County to the Regional Transit Districts. These medium- to high-density areas are envisioned to feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options—such as Metro, bus, light rail, bike and

car share, and promote walkability. They will provide a range of housing options to appeal to different income levels, household types, and existing and future residents.” (page 19)

The property is also within a designated Employment Area. Plan 2035 describes Employment Areas as areas commanding the highest concentrations of economic activity in four targeted industry clusters: healthcare and life sciences; business services; information, communication and electronics; and the Federal Government. (page 106)

The TDDP recommends mixed-use land uses on the subject property. The vision for the Transit District Overlay (T-D-O) Zone is “a vibrant new integrated and compact mixed-use Regional Transit District for Prince George’s County with a variety of housing, employment, retail, and entertainment choices.” (page 70)

The TDDP contains the following policies applicable to the subject property:

Policy LU6: Create a residential neighborhood north of Toledo Terrace east of Belcrest Road. (page 76)

Policy NE1: Manage volumes through a combination of measures to reduce impacts on receiving and downstream properties. (page 98)

The TDDP contains the following strategies applicable to the subject property:

Strategy LU2.2: Encourage high-rise and mid-rise apartments, condos, and townhouses, consistent with the Regional Transit District Growth Management Goal. (page 75)

Strategy LU4.1: Frame streets in the Downtown Core with mixed-use buildings containing active-ground uses, such as retail, community spaces, and institutions to enliven these key routes. (page 76)

Strategy NE2.3: To the maximum extent practicable given the potential construction of a stormwater management facility, preserve the remaining woodlands along the tributary in the northeastern portion of the Transit District and look for opportunities to increase forested buffer. (page 98)

Strategy LU6.1: Incorporate a mix of housing types, including multifamily units, townhouses, two over twos, and single-family houses, attractive to a range of homebuyers and renters, including families, young professionals, empty-nesters, and seniors. (page 76) (See also HN1.1, page 100)

Pursuant to Section 24-121(a)(1), this application conforms with the requirements of the Prince George’s Plaza TDDP and the T-D-O Zone.

7. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a SWM Concept Plan (34347-2018-0) was submitted with this application, however, it has not yet been approved. A regional SWM facility is proposed on the site. Development must be in accordance with an approved SWM concept plan to ensure that on-site or downstream flooding do not occur. Submittal of an approved SWM concept plan and approval letter will be required prior to signature approval of the PPS.
8. **Parks and Recreation**—The PPS has been reviewed and evaluated for conformance with the requirements of the Subdivision Regulations, the Prince George’s Plaza TDDP/TDOZMA, previously approved CSP-00024, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as policies in these documents pertain to public parks and recreational facilities.

The subject development is contained within Subarea 2 of CSP-00024. The 520 dwelling units proposed is consistent with the previously approved CSP-00024. A condition of approval in CSP-00024 established the mandatory parkland dedication requirements for the development. That condition stated that “the applicant and staff of the Department of Parks and recreation shall develop a mutually acceptable package of parkland, outdoor recreation facilities, fees or donations to meet the future needs of the residents of the planned community.”

In 2002, in the approval of PPS 4-01092, which covered Subarea 3 of CSP-00024, the developer agreed to dedicate additional acreage for the Prince George’s Plaza Community Center, along with a 10-year fee payment to be used for the continued maintenance and operations of the Community Center. The developer has met both of these requirements. The 520 multifamily units indicated on the subject plan is less than the residential development range of Subarea 2 on the approved CSP-00024, which called for the development of up to 1,200 residential units. The mandatory dedication with 4-01092 satisfied the parkland dedication requirement for all of the property included with CSP-00024, therefore, this development is exempt from any further mandatory dedication requirement since the mutually agreed upon recreational package has been fulfilled, pursuant to Section 24-134(a)(3)(D) of the Subdivision Regulations.

9. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Prince George’s Plaza TDDP in order to implement planned trails, bikeways, and pedestrian improvements. The development is subject to Section 24-124.01 of the Subdivision Regulations, Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors, and the “Transportation Review Guidelines, Part 2,” because it is in the Prince George’s Plaza Metro Center, as designated in Plan 2035.

Master Plan Compliance

A multifamily development with 520 dwelling units is proposed on the site, which is located in the northeast quadrant of the intersection of Belcrest Road and Toledo Road. Portions of the site have frontage along Adelphi Road, Belcrest Road, and Toledo Road.

The TDDP recommends a stream valley trail along Wells Run, and streetscape improvements along Belcrest Road, Toledo Road, and Adelphi Road. The area master plan recommends a trail within the Wells Run Greenway, and the text regarding this facility is copied:

Wells Run Greenway (hard surface multiuse trail) – Project would traverse the Landy Property, cross Belcrest Road, and parallel Wells Run and the envisioned stormwater management facility. (TDDP, page 89)

The submitted plans include SWM facilities within open space along Wells Run to be dedicated to the County. The plans shall be revised to include the trail recommended in the TDDP. This trail shall be included along the entire length of the floodplain within the site, consistent with the TDDP Map 18. The at-grade crossing to the Landy Property and the extension of the trail will be addressed at the time of DSP.

The TDDP contains Frontage Zone requirements that include the provision of a Pedestrian Clear Zone. The TDDP also contains the build to standards table for existing public streets (Table 42, page 211) and illustrative street sections for both Toledo Road (Figure 12, page 217) and Belcrest Road (Figure 10, page 215). The Urban Street Design Standards were adopted in 2017, subsequent to the adoption of the TDDP. The standards contained in either the TDDP or the Urban Street Design Standards must be used, which will be determined at the time of DSP. All of the necessary rights-of-way dedication have been provided for Toledo Road, Belcrest Road, and Adelphi Road as required by the MPOT. Bike parking will be addressed at the time of DSP, consistent with Strategy TM8.4 and Strategy TM8.5.

Existing and Recommended Street Cross Sections

The subject site is within an established community with existing roads. Roadway dedication along Belcrest, Toledo, and Adelphi Road has already occurred consistent with the recommendations of the MPOT. The TDDP street cross sections envision an expanded pedestrian zone, integrated from the public right-of-way to the building frontage, and buffered from the travel lanes by a landscape strip. Prior to acceptance of a DSP, the applicant should include street sections which provide the pedestrian zones consistent with the TDDP, which may require the use of public access easements.

A summary of the existing streetscape along each road is provided with street views of all three roads, in order to provide context for the facilities currently provided within the right-of-way, and the street sections recommended by the TDDP:

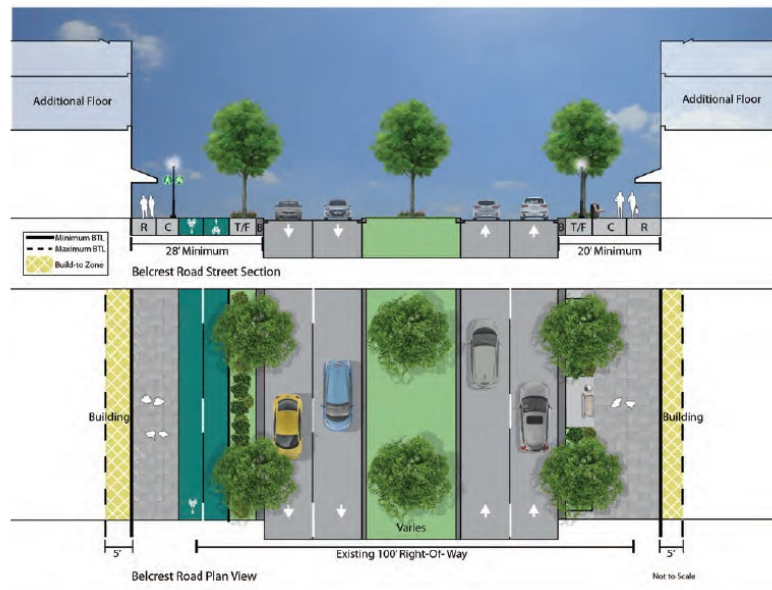
Belcrest Road (C-229) – This is a master plan collector roadway with a 100-foot right-of-way, which has already been dedicated. The curb-to-curb space is 75 feet and includes two travel lanes in each direction, a variable landscaped median, and turn lanes at some locations. The frontage of the site also includes a six-foot-wide decorative sidewalk, and a narrow landscape strip between the sidewalk and property line. There is no buffer between the sidewalk and the travel lanes.



The existing Belcrest Road streetscape is shown above. The subject property is to the right.

The TDDP provides the following street section for Belcrest Road:

Figure 6. Belcrest Road (Toledo Terrace to Metro Entrance) Off-Street Cycle Track Illustrative



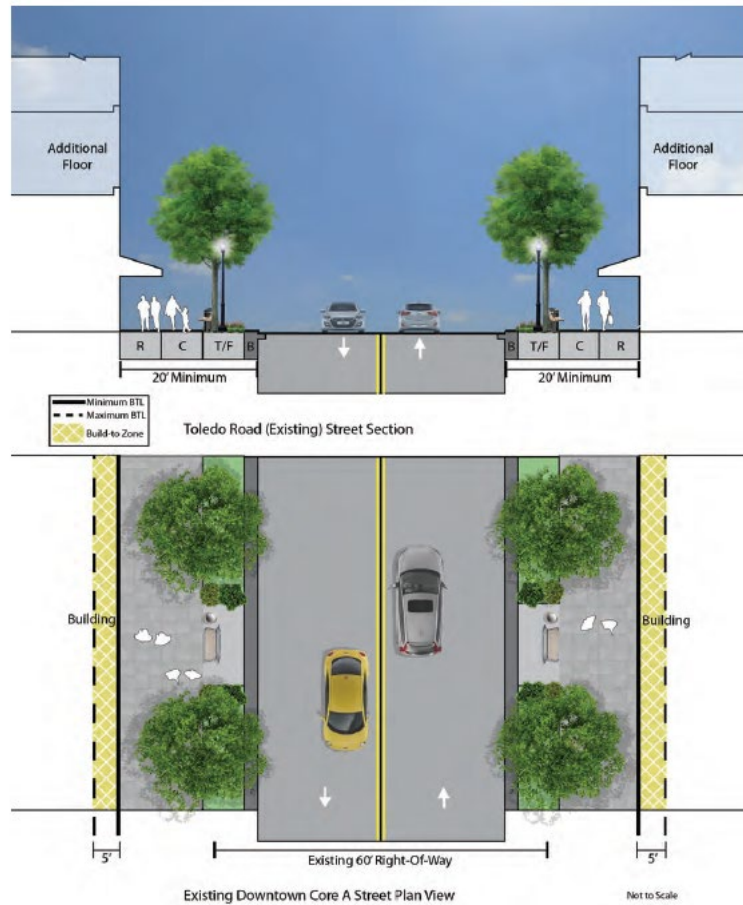
Toledo Road (P-202) – Toledo Road is a master plan primary roadway with a right-of-way of 60 feet, which has already been dedicated. The curb-to-curb space is 35 feet, which includes one travel lane in each direction and on-street parking. A narrow, non-compliant sidewalk exists along the frontage of the subject site. A narrow landscape strip exists between the sidewalk and property line. There is no buffer between the sidewalk and the travel lanes.



The existing Toledo Road streetscape is shown above looking towards Belcrest Road. The subject property is to the right.

The TDDP provides the following street section for Toledo Road:

Figure 12. Toledo Road (Existing) Illustrative Street Section



Adelphi Road (A-10) – Adelphi Road is a master plan arterial roadway with a right-of-way of 100 feet, which has already been dedicated. The curb-to-curb space is approximately 75 feet and includes two travel lanes in each direction, a variable landscaped median, and on-street parking and/or turn lanes at some locations. A narrow, non-compliant sidewalk exists along the frontage of the subject site. A narrow planting strip exists between the curb and the sidewalk.



The existing Adelphi Road streetscape is shown above looking to the south. The frontage of the subject site is to the right. The non-standard sidewalk can be seen along the west side of Adelphi Road.

A specific cross section is not provided in the TDDP for Adelphi road.

Review of the Off-Site Improvements

Due to location of the subject site within the Prince George's Plaza Metro Center, the application is subject to Prince George's County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Based on the 520 dwelling units proposed, the cost cap for the subject application is \$156,000 per Section 24-124.01(c).

A scoping meeting was held with the applicant on December 7, 2018. At that time, it was determined that the priority for off-site improvements should focus on upgrading the sidewalks, which are not compliant with the Americans with Disabilities Act (ADA), within the vicinity of the subject site, along Adelphi Road. The applicant's submitted bicycle pedestrian impact statement exhibit proposes approximately 975 linear feet of sidewalk construction along the west side of Adelphi Road. The subject site includes frontage along Adelphi Road in between Belcrest Road and Toledo Road. The sidewalk improvements along the frontage of the site are not included in the off-site improvements.

In conjunction with sidewalk construction along the frontage of the subject site, the off-site sidewalk will improve pedestrian connectivity and ADA accessibility between the subject site, the University Town Center, the Metrorail station, and the Prince George's Plaza Community Center.

Demonstrated Nexus Finding

The off-site sidewalk along Adelphi Road, proffered by the applicant, will directly benefit future patrons and employees of the subject application by providing a complete ADA-compliant pedestrian connection between the site and the University Town Center, the Metrorail Station, and to the Prince George’s Plaza Community Center, and to bus stops within the immediate vicinity.

Finding of Adequate Bicycle and Pedestrian Facilities

Based on requirements and criteria contained in Section 24-124.01, the sidewalks proposed by the applicant and staff, on- and off-site, the bicycle and pedestrian facilities are adequate to serve the subject property. Frontage improvements along Belcrest Road, Toledo Road, and Adelphi Road will be required in conformance with the TDDP and/or the Urban Street Design Standards at the time of DSP. The Wells Run Greenway, which includes a hard surface multiuse trail, will connect the site with nearby developments and the trail network. The off-site sidewalk proffered by the applicant, will accommodate safe pedestrian access along Adelphi Road consistent with recommendations of the TDDP and MPOT, and will improve the environment for pedestrians between the subject site and nearby site destinations.

The applicant’s cost estimate for the off-site improvement is \$180,375.00, which exceeds the cost cap in Section 24-124.01(c). A condition of approval requires sidewalks to be built up to the cost cap of \$156,000. The sidewalks will improve the pedestrian network in the area and is consistent with guidance of Section 24-124.01(d). Furthermore, the ADA-compliant sidewalks will contribute to a more comfortable walking environment and encourage more walking in the area.

10. **Transportation**—The site is located in the northeast quadrant of the intersection of Belcrest Road and Toledo Road, and is to be accessed from Belcrest Road, Adelphi Road, and Toledo Road. Adequacy findings related to transportation are made with this application, along with any determinations related to dedication, access, and general subdivision layout.

Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) has been submitted. The traffic study was referred to the Prince George’s County Department of Public Works and Transportation (DPW&T), the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), and the Maryland State Highway Administration (SHA).

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6), is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the 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. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The application is a PPS for a residential subdivision. The table summarizes trip generation in each peak-hour that will be used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 4-18022: Dewey Property								
Land Use	Use Quantity	Metric	AM Peak-Hour			PM Peak-Hour		
			In	Out	Tot	In	Out	Tot
Proposal – Western Portion of Site								
Apartments	360	residences	37	150	187	140	76	216
Townhouses/Two-over-two residences	120	residences	17	67	84	62	34	96
Proposal – Eastern Portion of Site								
Townhouses/Two-over-two residences	40	residences	6	22	28	21	11	32
Subtotal			60	239	299	223	121	344
Less Transit Reduction (10 percent)			-6	-24	-30	-22	-12	-34
Total Proposed Trips			54	215	269	201	109	310
Recommended Trip Cap					269			310

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

- Belcrest Road at northwest site access (future/unsignalized)
- Belcrest Road at Toledo Terrace (unsignalized)
- Belcrest Road at Toledo Road (signalized)
- Adelphi Road at Belcrest Road (signalized)
- Adelphi Road at east site access (future/unsignalized)
- Adelphi Road at Toledo Road (signalized)
- Toledo Road at south site access (future/unsignalized)

Existing Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic based upon counts done in October 2018 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belcrest Road at northwest site access	future		--	--
Belcrest Road at Toledo Terrace	103.6*	232.5*	--	--
Belcrest Road at Toledo Road	590	910	A	A
Adelphi Road at Belcrest Road	902	1034	A	B
Adelphi Road at east site access	future		--	--
Adelphi Road at Toledo Road	558	685	A	A
Toledo Road at south site access	future		--	--
*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 guidelines, 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.				

Background Traffic

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 three approved, but unbuilt developments, within the study area. The submitted TIS overlooked the impact of Belcrest Plaza (approved as DSP-09006), wherein 178 multifamily residences and 57 townhouse residents were unbuilt or under construction at the time that traffic counts were done, the analysis within this resolution includes all previously approved development. A 1.0 percent annual growth rate for a period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Belcrest Road at northwest site access	future		--
Belcrest Road at Toledo Terrace	846.7*	+999*	--	--
Belcrest Road at Toledo Road	698	1028	A	B
Adelphi Road at Belcrest Road	1049	1211	A	C
Adelphi Road at east site access	future		--	--
Adelphi Road at Toledo Road	592	727	A	A
Toledo Road at south site access	future		--	--
*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 Guidelines, 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.				

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 "Transportation Review 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)	
	Belcrest Road at northwest site access	10.1*	10.5*	--
Belcrest Road at Toledo Terrace (standards for passing shown in parentheses)				
Delay Test (50 seconds or less)	925.9*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	423	383	Fail	Fail
CLV Test (1150 or less)	1053	1219	Pass	Fail
Belcrest Road at Toledo Road	764	1078	A	B
Adelphi Road at Belcrest Road	1087	1260	A	C
Adelphi Road at east site access	11.7*	11.9*	--	--
Adelphi Road at Toledo Road	609	759	A	A
Toledo Road at south site access	11.4*	12.6*	--	--
*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 Guidelines, 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.				

The table above notes only a single inadequacy in one or both peak hours. The intersection of Belcrest Road and Toledo Terrace will fail as an unsignalized intersection under total traffic. Consistent with standard practices, it is recommended that the applicant perform a traffic signal warrant study at this location, and install a signal or other improvements that are deemed warranted by the operating agency (in this case, the County). This signal study and any installation shall be tied to development within Parcels 1 and 2.

A trip cap, consistent with the trip generation assumed for the site, of 269 AM and 310 PM peak-hour vehicle trips, is required.

Master Planned Rights-of-Way

Adelphi Road is a master plan arterial roadway with a proposed width of 100 feet. Belcrest Road is a master plan collector roadway with a proposed width of 100 feet. Toledo Road is a master plan commercial roadway with a proposed width of 60 feet. The current rights-of-way widths are adequate along the roadways, and no additional dedication is required with this plan.

Access and Circulation

Access and circulation are proposed by means of private streets and driveways from existing public roadways. The site is bifurcated by a significant environmental feature, and so a portion of the site receives access from the west, along Belcrest Road; from the south, along Toledo Road; and the remainder of the site receives access from the east, along Adelphi Road.

A variation request from the requirements of Section 24-121(a)(3) of the Subdivision Regulations has been submitted for access to the eastern development pod from Adelphi Road, a master plan arterial roadway. This request is reviewed in accordance with the requirements of Section 24-113, as follows:

Variation Request—Section 24-121(a)(3) requires the following (in **BOLD**), followed by the findings of the Planning Board:

Section 24-121. Planning and design requirements.

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
 - (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Access to the development pod of 40 multifamily dwelling units, on the northeast portion of the site (Parcel 3), is proposed from Adelphi Road by means of a private driveway into the site. A variation from Section 24-121(a)(3) is requested because Adelphi Road is an existing arterial roadway to which direct vehicular access is not permitted, in accordance with the provision above. The applicant has requested a variation from this requirement in accordance with Section 24-113, which sets forth the following required findings for approval of a variation (in **BOLD**), followed by the findings of the Planning Board:

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;**

Adelphi Road is divided by a median; the vehicular access is a right-in/right-out access. There are only three access points onto Adelphi Road over its distance from Belcrest Road to Toledo Road. The entrance to the site is approximately 635 feet from the intersection of Belcrest Road and Adelphi Road, and is located along the southernmost frontage of the property boundary along Adelphi Road. This plan was referred to DPW&T, the operating agency for this roadway, and DPIE. These agencies did not provide comments objecting to the proposed access. The ultimate location of the site access on Adelphi Road will require a permit from the road operating agency through a separate approval process. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The applicant is requesting approval of the variation due to circumstances that are specific to the site, including its shape and environmental features. Access from the west via Belcrest Road or Toledo Road is not practical due to environmental features, which bifurcate the property and isolate Parcel 3 from the development parcels to the west. These features establish the unique conditions of the subject site, which are not generally

applicable to other properties. Due to the environmental constraints, the only means of accessing Parcel 3 is from Adelphi Road.

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

The variation from Section 24-121(a)(3) is unique to the Subdivision Regulations 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.

(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 development pod which would be served by this access is bounded by significant regulated environmental features to the west and developed properties to the north and south. The only reasonable access from a public road to this site is via Adelphi Road. It is impossible for the property owner to provide adequate access from any other public right-of-way if this variation were to be denied.

(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.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

The Planning Board approved the variation from Section 24-121(a)(3), to allow one access to Adelphi Road.

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

11. **Schools**—Per Section 24-122.02 of the Subdivision Regulations, the Planning Board shall analyze school facilities at the time of PPS. The results 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	520	520	520
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	62	28	38
Actual Enrollment in 2018	19,290	5,581	9,016
Total Enrollment	19,352	5,609	9,054
State Rated Capacity	16,773	4,342	8,494
Percent Capacity	115%	129%	106%

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation. The current amount is \$9,550, as this project falls inside of I-95/I-495 (Capital Beltway). This fee is to be paid at the time of issuance of each building permit.

12. **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 May 29, 2019 (Ryan to Turnquest), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS includes 520 multifamily dwelling units in the M-U-I and T-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 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.
14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of Adelphi Road, Toledo Road, and Belcrest Road. The required PUEs are delineated on the PPS.

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. New Town Center, located on the adjacent property to the

south, was listed on the National Register of Historic Places in October of 2018, however, it is not a County designated historic site. A Phase I archeological survey is not recommended on the subject property. This proposal will not impact any historic sites, resources, or known archeological sites.

16. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
CSP-00024	TCPI-035-00	District Council	Approved	01/08/2001	N/A
N/A	NRI-120-05-01	Staff	Approved	07/26/2018	N/A

The previously approved Type 1 tree conservation plan (TCP1) covers a larger area, which is made up of two subareas, identified on the plan as Subarea 2 and Subarea 3. The subject site is designated as Subarea 2. Because the TCP1 shows a separate worksheet for each subarea, it was intended for each subarea to be processed as separate type II tree conservation plans (TCPII). A TCPII was processed for Subarea 3 separately and did not include Subarea 2 in determining the woodland conservation requirement. No future development applications were approved and/or implemented for Subarea 2, therefore, a new tree conservation plan can be established for the subject site.

Grandfathering

This project is not grandfathered, with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to WCO and the Environmental Technical Manual.

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 2035 and part of the Prince George’s Plaza Metro Regional Transit Center. According to Plan 2035, such centers are areas targeted for development and redevelopment on existing infrastructure. These are areas of the county where the economic benefits of development help the entire county prosper. These areas represent a unique opportunity for attracting economic development, capitalizing on investments in mass transit facilities, and providing opportunities for mixed-use and transit-oriented development. The current plan is in general conformance with the zoning requirements and the intent of the growth pattern established in Plan 2035.

Countywide Green Infrastructure Plan (2017)

The 2017 *Countywide Green Infrastructure Plan* 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 approved Countywide Green Infrastructure Plan, the site contains one

Regulated Area within the designated network of the plan that extends from northwest to southeast, along the middle of the site.

The text in **BOLD** is from the master plan on policies and strategies applicable to the subject plan, and the plain text provides comments on plan 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 for conservation.**
 - 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 a Regulated Area that is located within the Lower Northeast Branch of the Anacostia River stronghold watershed. The entire Regulated Area is proposed to be impacted for the realignment of a stream and construction of a regional in-stream stormwater facility that will address water quality and quantity control. According to the applicant's statement of justification (SOJ), for impacts to regulated environmental features, the pond will treat on-site stormwater runoff, as well as a drainage area of approximately 190 acres of land.

The proposed in-stream pond will result in loss of habitat in this area; however, it is a countywide priority that will address long-standing concerns associated with untreated/uncontrolled runoff and flooding in a densely urbanized area. According to the applicant's SOJ, the impacts will be mitigated with wetland creation and stream restoration. The loss of woodland will be mitigated in an off-site woodland conservation easement.

No Sensitive Species Project Review Areas or Special Conservation Areas are located on or within the vicinity of 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. The applicant proposes mitigation in lieu of impacts to waters of the United States as part of its state and federal wetland permit applications. Impacts are discussed in the Environmental Review section of this resolution.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
 - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The site is densely urbanized. The undeveloped portion of the subject site will not be significantly impacted by any transportation improvements. Although the MPOT does not indicate any trail system through the regulated area of the site, the TDDP does. The trail access location will be further evaluated at the time of DSP. Trails through sensitive areas are generally designed to minimize impacts.

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 for the subject application to protect areas identified within the primary management area (PMA). Impacts will be evaluated for a determination of the location of a conservation easement, if required at the time of final plat recordation.

With regard to the required woodland conservation easement, approximately 0.19 acre of woodland conservation is proposed, and will be required to be placed in a woodland conservation easement if it meets the criteria for credit. Because the remaining area of the stream valley will be the subject of a pond facility and stream restoration, it will be placed in any required easement associated with SWM.

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

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

The current project has a SWM concept plan (34347-2018-0) pending approval by DPIE, which will address these requirements. A regional stormwater pond is proposed on the site. The approved concept plan will be required prior to signature approval of this PPS.

POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.

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.**

Planting of native species is encouraged within the proposed mitigation and stream restoration area.

Forest Canopy Strategies

- 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.**

The proposed pond, in addition to stream restoration, will result in most of the site's woodland being cleared and the woodland conservation requirement will be met off-site. The pond is needed to address a countywide priority for SWM. Green space should be encouraged within the proposed development, particularly within and around existing

regulated areas on-site for expansion, restoration, and preservation of these regulated areas.

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 development will be reviewed for potential noise and vibration requirements at the time of DSP.

Area Master Plan Conformance

The site is located within the Downtown Core Land Use Character Area of the Prince George's Plaza TDDP. In the TDDP and T-D-O Zone, the Natural Environment section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy NE1: Manage stormwater volumes through a combination of measures to reduce impacts on receiving streams and downstream properties.

Policy NE2: Restore and improve water quality in the Northwest and Lower Northeast Branch watersheds.

This development proposes a regional pond to address water quality and quantity control for the entire drainage area.

Policy NE3: Increase tree canopy coverage and reduce the amount of connected impervious surfaces within the Transit District.

Section 25-127(b)(1)(l) of the County Code states that properties subject to tree canopy coverage (TCC) requirements contained in an approved T-D-O Zone, are exempt from the TCC requirements contained in this Division. TCC requirements for the Prince George's Plaza T-D-O Zone shall be met through the provision of street, on-site, and other trees preserved by the applicant or provided to comply with other T-D-O Zone Standards and guidelines (page 247). Compliance with T-D-O Zone TCC requirements will be further evaluated at the time of DSP.

Policy NE4: Encourage the integration of green building techniques into all building designs to help reduce overall energy and water consumption.

The use of green building techniques 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 NE5: Address adverse impacts of transportation-related noise.

The development will be reviewed for transportation-related noise at the time of DSP.

Environmental Review

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-120-05-01), which correctly shows the existing conditions of the property and contains 12 specimen trees. Regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and PMA are located on-site. The existing conditions are correctly shown on the TCP1 and PPS.

Woodland Conservation

The site is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. TCP1-005-2019 has been submitted for review.

A total of 3.37 acres of existing woodlands are on the net tract, and 5.24 acres are within the existing floodplain. The site has a woodland conservation threshold of 1.80 acres, or 15 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 9.03 acres. The TCP1 shows this requirement will be met by providing 0.19 acre of woodland preservation and 8.84 acres of off-site conservation credits.

The TCP1 plan indicates that an area of 0.19 acre of woodland preservation will be provided on the northwestern corner of Parcel 4; however, the size and shape of this preservation area is insufficient and does not meet the minimum size requirements to receive credit as woodland preservation. It appears that there is the potential to expand this area through a combination of reforestation to meet the minimum width and area requirements to receive credit for this area.

The realignment of the stream and the elevation of the 100-year floodplain will change as part of a stream restoration and regional pond proposal. In order to maximize the amount of woodland on-site, opportunities for woodland planting areas outside of the proposed 100-year floodplain will be evaluated at the time of site plan review.

During SDRC, the applicant stated that a habitat restoration plan was being developed along the area of wooded floodplain disturbance resulting from the sewer line and stream realignment; however, no conceptual exhibits were submitted for review. Upon analysis of the TCP1, it appears that a large area of clearing within the existing floodplain has the potential to be restored. Any habitats created in this area are for the purposes of restoring this area into woodlands, as opposed to non-wooded habitats.

In a meeting held on May 20, 2019, it was discussed that the permit applications required for the development of the pond, stream, and wetland mitigation would be filed separately by a government agency. Applications of this nature would be subject to the woodland conservation requirements for government or linear projects. Because this portion of the project will be filed separately and/or precede the mixed-used development applications, the TCP1 shall be revised to conceptually show the phasing of the two areas and the applicable woodland conservation replacement requirements.

The TCP1 requires several additional minor technical revisions, which are included in the conditions.

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Environmental Technical Manual.”

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010.

The site contains 12 specimen trees (ST). ST 2, 3, 5, 10, and 12 have a rating of good; ST 1, 7, 9, and 11 have a rating of fair; and ST 4, 6, and 8 all have a rating of poor. The current design removes ST 1 through 12 for development of the multifamily units with associated infrastructure (ST 1–11) and a regional pond facility (ST 12).

A Subtitle 25 variance application, an SOJ in support of a variance, and a tree removal plan have been submitted.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the 12 specimen trees together; however, details specific to individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

Specimen Tree	Common Name	DBH (in inches)	Condition	Disposition
1	Southern Red Oak	38	Fair	Remove
2	Southern Red Oak	31	Good	Remove
3	White Oak	32	Good	Remove
4	Southern Red Oak	32	Poor	Remove
5	Southern Red Oak	33	Good	Remove
6	Southern Red Oak	45	Poor	Remove
7	Southern Red Oak	32.5	Fair	Remove
8	Southern Red Oak	33	Poor	Remove
9	White Oak	34	Fair	Remove
10	Southern Red Oak	40	Good	Remove
11	Sweetgum	30	Fair	Remove
12	Pin Oak	36	Good	Remove

Statement of Justification Request

A variance to Section 25-122(b)(1)(G) is requested for the clearing of the 12 specimen trees on-site. The western half of the site is developed with an existing parking lot, while the eastern half of the site is undeveloped woodlands. According to the NRI, the central portion of the property is almost entirely within the PMA. The current proposal for this property is to develop the site with multifamily units, associated infrastructure, and a regional pond facility. This variance is requested to Section 25-122(a)(1) of the WCO, which requires that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance Application form requires an SOJ of how the findings are being met.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The submitted SOJ seeks to address the required findings for the specimen trees. The text in **BOLD**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

- (A) **Special conditions peculiar to the property have caused the unwarranted hardship;** Most of the specimen trees are located outside of the PMA, in the eastern developable portion of the site (11 specimen trees total). This portion of the site has an unusual triangular shape that is bounded on the north and the south by existing development, and drops 30 feet in elevation from Adelphi Road to the PMA. The PMA, with its streams and stream buffers, limits the developable area within this portion of the site. Any additional loss in developable area for specimen tree retention will result in a loss of the vision set forth in the TDDP and T-D-O Zone for this property to be fully developed as part of the Downtown Core. This also runs contrary to the objectives of Plan 2035, which targets centers such as this for development and redevelopment on existing infrastructure to prevent urban sprawl onto undeveloped areas outside of the Downtown Core.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

This property is zoned M-U-I and is located along Adelphi Road, which is classified as an arterial road. One of the purposes of this zone is to encourage development in areas that are already substantially developed. It is also part of the TDDP and T-D-O Zone, which also encourage high-density development. This site is permitted to have 48 multifamily dwelling units per acre. Further limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional development.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

As previously discussed in (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. The variance would not result in a privilege to the applicant; it would allow for development to proceed with similar rights afforded to others with similar properties and land uses.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

The nature of the variance request is premised on preserving existing natural features of the site and the necessity to implement additional grading and clearing to allow for adequate and safe development practices. This is not a condition or circumstance which was the result of any action by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

(F) Granting of the variance will not adversely affect water quality

The site is governed by the SWM regulations that went into effect on May 5, 2010. Currently the site is bisected by a stream conveying a significant discharge of untreated stormwater runoff. One specimen tree is to be removed to construct the regional pond, to address the water quality of a large drainage area. The loss of this specimen tree will not adversely affect the water quality.

The required findings of Section 25-119(d)(1) have been addressed and the Planning Board approved the variance for the removal of ST 1-12.

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 County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewer lines and water lines, road crossings for required street connections, and outfalls for SWM 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. SWM 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, SWM 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 TCP1, impacts to the PMA/wetland/regulated stream and associated buffers are proposed for SWM, and utility line connections. An SOJ, with associated exhibits, has been received for the impacts to the wetlands, wetland buffer, stream, stream buffer, all within the PMA.

Statement of Justification

The SOJ includes a request to impact a total of 5.84 acres (254,575 square feet) of PMA, which consists of 4.38 acres (190,787 square feet) for the construction of an in-stream regional pond (Impact 1), 1.28 acres (55,756 square feet) for stream restoration/wetland mitigation, associated removal of an existing Washington Suburban Sanitary Commission sewer and construction easement, and existing paving (Impact 2), and 0.18 acre (8,032 square feet) for the realignment of an existing sewer line and easement, as well as for the establishment of a PUE (Impact 3).

Analysis of Impacts

The regional pond is necessary to address water quality and quantity. As a public benefit, it will be designed to address flood control for a drainage area of approximately 190 acres. As part of the pond construction, the applicant will also restore the northern portion of the existing stream and provide approximately 30,000 square feet of constructed wetland to mitigate for the impacts. This will also require the removal of some existing pavement.

The relocation of the existing sewer is necessary to adequately serve the proposed development. A 10-foot-wide utility easement is generally required as part of the site design. The impacts to the environmental regulated features are unavoidable and have been minimized to the fullest extent possible. The proposed impacts are approved.

Soils

The predominant soils found to occur, according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Issue Urban Land Complex, Zekiah and Issue Soils, Christiana-Downer Urban Land Complex (5–15% slopes), Urban Land-Russett-Christiana Complex (0–5% slopes), and Russett-Christiana-Urban Land Complex (0–5% slopes). Although soils containing Marlboro clay have not been identified on this site, unsafe soils containing Christiana complexes have been identified on-site. The footprint of some residential structures is proposed to be constructed immediately adjacent to, and on top of proposed steep slopes in excess of 40 percent, associated with the eastern proposed pond embankment, located on Parcel 3. According to DPIE, when existing or proposed steep slopes exceed 20 percent on unsafe soils, government agencies should insist on a full-fledged geotechnical report that includes a global stability analysis with the proposed (mitigated) 1.5 safety factor line determined and shown on the report plan and on any supporting plans, submitted for County review and approval. The Site Road Division of DPIE will make this determination at the time of SWM concept review.

Christiana Complex Soils

The SWM concept plan and slope stability analysis is still under review by DPIE. A detailed analysis and mitigation, if necessary, will be addressed with the approval of the SWM concept plan. Prior to signature approval of the PPS, the applicant shall demonstrate conformance with Section 24-131 of the Subdivision Regulations for unsafe soils, by submitting an approved SWM concept plan that clearly delineates the location of any associated 1.5 safety factor lines, as well as any accompanying building restriction lines that are required by DPIE. The layout on the SWM concept plan must conform to the layout of the proposed DSP for this site. An amended SWM concept plan and slope stability analysis, which reflects the final layout will be required.

Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the limits of disturbance shown on the impact exhibits and the tree conservation plan submitted for review.

17. **Urban Design**—Conformance with the Requirements of the Zoning Ordinance is addressed as follows:

In accordance with the TDDP, the T-D-O Zone standards replace comparable standards and regulations required by the Zoning Ordinance. Wherever a conflict between the Prince George's Plaza TDDP and the Prince George's County Zoning Ordinance or Landscape Manual occurs, the TDDP shall prevail. For development standards not covered by the TDDP, the Zoning Ordinance or Landscape Manual shall serve as the requirements as stated in Section 27-548.04. Specifically, the development of 520 multifamily residential dwellings will be subject to DSP approval, when the review for conformance with applicable T-D-O Zone standards will be analyzed. There is no previously approved DSP governing this site.

The T-D-O Zone standards that are relevant to the review of this PPS are as follows:

- The maximum density in the M-U-I Zone for multifamily residential development only is 48 dwelling units per acre.
- The T-D-O Zone standards in Table 42 (page 211) have specific requirements for building orientation, and minimum frontage zone depth for development fronting on the existing public streets system, including Belcrest Road and Toledo Terrace. The applicant should make certain that the following requirements can be accommodated:

	Belcrest Road	Toledo Terrace
Building Orientation	Front, side	Front, side
Total Frontage Min. Depth/Build-To Line	20' East; 28' West	20'
Total Frontage Max. Depth/ Build-To Line	5' East; 33' West	20' Southeast 30' Northwest
New Driveway permitted	No	No

- The subject site is envisioned in the TDDP with termini and visually interesting features. Special corner buildings are expected at this location. The review of the architecture will be carried out at the time of DSP to ensure conformance with these requirements.

Conformance with the 2010 Prince George’s County Landscape Manual

The T-D-O Zone standards have one part under the title “Landscape” specifically discussing the applicability of each section of the Landscape Manual within the TDDP area. For those landscaping standards not covered by the TDDP, the Landscape Manual shall serve as the requirement (page 194). Section 4.7, Buffering Incompatible Uses, does not apply within the TDDP. This project’s conformance with the applicable landscape standards will be reviewed at the time of DSP.

Other Design Issues

The development with residential uses will need to be reviewed at the time of DSP for possible transportation-related noise impacts.

18. **City of Hyattsville**—The applicant provided a Plan and Sections Exhibit on June 6, 2019, which is supplemental to the PPS submitted. This exhibit proposes that two public streets be incorporated into the site which will create a residual parcel and eliminate units conceptually shown along abutting Parcel 6 to the east. The exhibit was provided in response to the recommendations provided by the City of Hyattsville. In a memorandum dated June 5, 2019, (Hollingsworth to Hewlett), the City of Hyattsville recommended approval of this application, subject to the following conditions:

- **The applicant shall construct proposed roadways A and B to a public standard, which shall be dedicated to the City of Hyattsville upon inspection and acceptance by the City.**
- **The tree boxes along roadways A and B shall provide a minimum of 5' in width, excluding the curb.**
- **The north side of Road 'A' setback from the stop sign at Belcrest to be a minimum of 30' to the first parking space.**
- **The dimensions of Road 'B' shall be modified to comply with Prince George's Plaza TDDP Figure 16: 'New Downtown Core B Street Illustrative Street Sections.' The roadway shall also be aligned with the private access road proposed as a connection to Parcel 2.**
- **Parking spaces to be 19' in length, shall be metered by the City, and shall also be publicly dedicated to the City of Hyattsville.**
- **All pedestrian crosswalks shall be a minimum of 12' wide.**

Map 17, Recommended Street Connection (page 85) in the TDDP, delineates a connection from the intersection of Toledo Terrace and Belcrest Road, extending east into Parcel 2, and south toward Toledo Road. The roadways are to be dedicated to and maintained by the City of Hyattsville. The roads shall be constructed to TDDP standards, or as modified by the City of Hyattsville.

- **The applicant shall revise the PPS to include a new street connecting Parcel 3 and Parcel 2 and revise the boundary of Parcel 4 and SWM facility if necessary to provide such a connection. If such a vehicular roadway connection is not physically or economically feasible due to the anticipated future use of Parcel 4 and associated regulatory requirements, the applicant shall modify the PPS to provide a pedestrian and non-motorized bridge connection between Parcel 2 and Parcel 3. If the applicant is unwilling or unable to provide an alternative connection to Parcel 3, the City of Hyattsville requests the Planning Board deny the subdivision of Parcel 3.**

Parcel 4, proposed with the application, will serve as a contiguous regional SWM facility. The parcel is to be conveyed to the County. The TDDP establishes a framework for pedestrian connectivity through the design of Wells Run via a north-south multiuse trail within this SWM facility. Additional connections between Parcels 2 and 3 would be perpendicular to Wells Run and should be coordinated with the County and evaluated further for feasibility at the time of DSP.

- **The development of Parcel 3 will have a negative environmental impact, as the removal of these specimen trees require significant mitigation on behalf of the applicant. The following conditions shall apply upon approval of any related specimen tree variance:**
- **Replacements shall be at a 10:1 ratio, with a 60/40 ratio of Canopy/Understory trees**
- **Size shall be a minimum of 2” in caliper, in good health, absent of girdling roots and epicormic sprouting**
- **Trees shall be Native and of similar species – i.e. 60% Overstory – Oaks (Red, Southern Red, White)**
- **Trees shall be planted according to ANSI standards with a 2-year replacement warranty and the removal of stakes and guy wires after the first year.**
- **If necessary, additional tree planting can be off-set in City parks, green spaces, and/or adjacent properties.**

The Planning Board approved a variance with this application, for the clearing of the 12 specimen trees on-site. Subtitle 25 does not require mitigation for the removal of specimen trees but does require mitigation for the removal of woodland. Woodland conservation requirements are proposed to be met through off-site woodland mitigation banks. The planting of trees on-site will be required in conformance with the landscape requirements of the TDDP or the Landscape Manual, as applicable, which will be reviewed further at the time of DSP.

- **The applicant shall amend its PPS application, removing the twelve (12) lots (24 RDU's) from Parcel 1 in the PPS exhibit.**

The applicant provided a Plan and Sections exhibit on June 6, 2019. This exhibit delineates an additional parcel west of Road B which eliminates the dwellings that were conceptually shown on the TCP1 submitted with this PPS application. The PPS and TCP1 shall be revised to incorporate the layout shown on the exhibit, as recommended by the City of Hyattsville. It is recommended that the residual parcel west of Road B be designated as a separate parcel.

The comments provided by the City of Hyattsville have been addressed with the review of this PPS, the applicant's Plans and Section Exhibit, are applicable at the time of DSP review, or have been incorporated as conditions of approval.

19. **Planning Board Hearing**—At the Planning Board hearing held on June 27, 2019, the disposition of the existing surface parking lot on site was discussed in depth. The site has been a part of a larger conceptual site plan, including the property to the south. Records indicate that the existing surface parking lot on this site that is to be removed, may be required parking to support other uses on properties to the south. While this is an issue for the private property owners, a determination of

adequate parking for land uses that depend on this parking lot must be made prior to the approval of the detailed site plan for this property.

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 Doerner, with Commissioners Washington, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Geraldo temporarily absent at its regular meeting held on Thursday, June 27, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of July 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AT:gh