

R E S O L U T I O N

WHEREAS, BE UTC Parcel N, LLC is the owner of a 2.42-acre parcel of land known as Parcel N, 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 August 12, 2021, TDC Parcel N Investor, 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 4-21006 for 6400 America Boulevard 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 4, 2021, 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 November 4, 2021, 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 TCP1-013-2021, and APPROVED Preliminary Plan of Subdivision 4-21006, including a Variation from Section 24-128(b)(12), for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Label adjoining Parcels H, I, and S, and update property ownership information for adjoining Parcels I and Q with current ownership information.
 - b. Correct the distance of the southern property line, which is shown to be 247.49 feet, but is inconsistent with the 274.49 feet shown on Plat Book REP 205 Plat No. 43 and the American Land Title Association survey.
 - c. Show the location of the unmitigated 65 dBA Ldn contour line.
 - d. Remove the line labeled as "65 dBA line per Plat Book REP 205, Plat No. 43".
 - e. America Boulevard and Liberty Lane are labeled as private roads with variable width rights-of-way. Delineate the private road easements on the plans and provide the Liber and folio of the recorded easements for these private roads.

- f. Correct the property area of proposed Parcel 1 on sheet 3 to state 2.42 acres instead of 2.43 acres.
 - g. Revise General Note 19 to state that the property is located within Prince George's Plaza Metro Center.
 - h. Revise General Note 27 to provide the correct reference to the Type 1 tree conservation plan (TCP1-013-2021).
 - i. Remove the revision number 1 from the title block and revision block of all sheets.
 - j. Provide recording reference for the 'DOT Easement Area' demarcated along the property frontage along MD 410.
 - k. Revise the label of existing 10-foot-wide public utility easements adjacent to the right-of-way line of Belcrest Road and MD 410 to denote them as proposed to remain.
2. Total development within the subject property shall be limited to uses which generate no more than 166 AM peak-hour trips and 202 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.
 3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision, prior to approval any building permits.
 4. 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 adequate pedestrian and bikeway facilities, as designated below (detailed in the applicant's Bicycle and Pedestrian Impact Statement exhibit), in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
 - a. Marked bike lanes with striping, signs, and pavement markings where appropriate along Belcrest Road between MD 410 and Adelphi Road, subject to revision with written correspondence from the City of Hyattsville or the Prince George's County Department of Permitting, Inspections and Enforcement.
 - b. Marked bike lanes with striping, signs, and pavement markings where appropriate along Toledo Road between Belcrest Road and Adelphi Road, subject to revision with written correspondence from the City of Hyattsville or the Prince George's County Department of Permitting, Inspections and Enforcement.

- c. Marked westbound bike lane on MD 410 from Adelphi Road to beginning of the westbound right turn only lane, subject to revision with written correspondence from the Maryland State Highway Administration.
- d. D11-1/BIKE ROUTE signs with destination plaques consistent with the Maryland Manual of Uniform Traffic Control Devices for Belcrest and Queensbury Roads south of MD 410 and America Boulevard, subject to revision with written correspondence from the City of Hyattsville, the Maryland State Highway Administration, or the Prince George's County Department of Permitting, Inspections and Enforcement.

Should the applicant be unable to obtain a permit for construction of one or more of the Required Off-Site Facilities, through no fault of the applicant's, the applicant shall provide alternative facilities that provide a level of adequacy equal to the Required Off-Site Facility(s) that could not be constructed, in consultation with the Transportation Planning Section, and as listed in the Bicycle and Pedestrian Impact Statement provided with the preliminary plan of subdivision. The requirements of Section 24-124.01 of the Prince George's County Subdivision Regulations shall apply to the identified alternative off-site facilities, which are:

- e. Bus stop shelters and/or sitting walls at up to five locations, subject to revision with written correspondence from the operating agency.
 - f. A bike share station, compatible with nearby bike share stations, including one-year of operating costs, within a public area and subject to revision with written correspondence from the operating agency. The bike share station shall be coordinated with the Prince George's County Department of Public Works and Transportation for selection of an appropriate vendor and location to support the county-wide bike share program.
5. In conformance with the 2009 *Countywide Master Plan of Transportation* and the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following on-site facilities:
- a. Street name signs at the southwest corner of Liberty Lane and America Boulevard identifying these two streets, and at the southeast corner of Liberty Lane and Belcrest Road identifying these two streets, unless modified by the road operating agency with written correspondence.
 - b. Shared-use (sharrow) markings on America Boulevard.
 - c. Bicycle parking racks along America Boulevard capable of supporting a parked bicycle on at least two separate points of the bicycle frame and capable of locking both wheels and the frame of the bicycle without the use of a chain or cable. Artistic bicycle racks are encouraged.

- d. D11-1/BIKE ROUTE signs and destination plaques, consistent with the Maryland Manual of Uniform Traffic Control Devices along America Boulevard.
 - e. R4-11/Bicycles May Use Full Lane sign on MD 410, unless modified by the road operating agency with written correspondence.
 - f. A kiosk featuring a vicinity map covering a one-half radius from the subject property showing major activity centers within the University Town Center and beyond including the Prince George's Plaza Metro Station, the Hyattsville Public Library, and retail locations to provide wayfinding information for pedestrians on America Boulevard.
 - g. Minimum five-foot-wide sidewalks abutting the subject property, unless modified by the road operating agency with written correspondence.
6. Prior to signature approval of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the pedestrian and bicyclist adequacy facilities approved with Preliminary Plan of Subdivision 4-21006, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.
7. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-013-2021). 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 (TCP1-013-2021 or most recent revision), 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. This property is subject to the notification provisions of Prince George's County Council Bill 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, Prince George's County Planning Department.”
8. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved.
9. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCPI/035/00/01) shall be revised, as follows:
- a. Remove the area associated with PPS 4-21006 from the TCP1 worksheet.
 - b. Add a footnote under the TCP1 indicating that 2.42 acres was removed from the site with PPS 4-21006.

- c. Add a label to the plan indicating that the limits of PPS 4-21006 have been removed from this TCPI.
 - d. Add the current approval block to the plan typing in all previous approval information and all current application information into it.
10. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1-013-2021) shall be revised, as follows:
 - a. Add the TCP1 number to the approval block.
 - b. Add a footnote under the TCP1 worksheet stating that 0.24 acre of the overall 0.36-acre woodland conservation requirement has been previously met off-site with TCPI/035/00.
11. Development of this site shall be in conformance with the approved stormwater management concept plan (2802-2021-0) and any subsequent revisions.
12. Prior to approval of building permits for a residential building located on Parcel 1 within the unmitigated 65 dBA Ldn noise contour of MD 410, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
13. Prior to signature approval of a detailed site plan for the multifamily development on Parcel 1, a Phase II noise report shall be submitted to demonstrate that the interior of the building can be mitigated to 45 dBA Ldn or less, and that all outdoor activity areas can be mitigated to 65 dBA Ldn or less.
14. Prior to approval of a final plat:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along the public rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - b. The final plat of the subdivision shall contain a note reflecting denial access to MD 410.
 - c. The final plat shall note the Prince George's County Planning Board's approval of a variation from Section 24-128(b)(12) of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-21006, for the location of the public utility easement along America Boulevard and Liberty Lane.
 - d. Delineate the private road easements on the final plat and provide the Liber and folio of the recorded easements for these private roads.

15. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for on-site recreational facilities, in accordance with the standards outlined in the Prince George's County *Park and Recreation Facilities Guidelines*. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, of the Prince George's County Planning Department, for adequacy, proper siting, and establishment of triggers for construction with the submittal of the detailed site plan.
16. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of recreational facilities on-site for approval, prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber/folio indicated on the final plat, prior to recordation.
17. 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 the on-site recreational facilities listed in the recreational facilities agreement, prior to approval of any building permits.

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 consists of Parcel N, shown on a plat for Prince George Center, recorded in Plat Book REP 205 page 43, on March 7, 2005. The subject property is 2.42 acres and is located in the Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) Zones and is subject to the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP/TDOZMA)*. This preliminary plan of subdivision (PPS) includes one parcel for mixed-use development consisting of 316 multifamily dwelling units and 2,052 square feet of commercial gross floor area.

PPS 4-01092 was approved by the Prince George's County Planning Board on April 25, 2002, for 17 parcels, which includes the area of Parcel N, for mixed-use development on an overall 25.12-acre property. Parcel N was subsequently platted in accordance with PPS 4-01092. The proposal to change the quantities of land use requires the approval of a new PPS and determination of adequacy. This PPS supersedes PPS 4-01092 for Parcel N and includes one new parcel for mixed-use development.

One variation from the Prince George's County Subdivision Regulations is approved with this PPS. The site abuts private street America Boulevard to the east. Another private street called Liberty Lane, is located within the boundary of the subject site to the north. In accordance with Section 24-128(b)(12) of the Subdivision Regulations, a public utility easement (PUE) at least

10 feet in width shall be provided adjacent to either right-of-way line along a private street. The applicant requested approval of a variation to not provide the 10-foot-wide PUEs along the property’s frontage with America Boulevard and Liberty Lane, which is discussed further.

3. **Setting**—The L-shaped site is located on Tax Map 42 in Grid A2 and is within Planning Area 68. The site is located northwest of the intersection of America Boulevard and MD 410 (East-West Highway), in the City of Hyattsville, in a mixed-use development known as University Town Center. The following development abuts the subject site and is also located within the T-D-O Zone: MD 410 to the south with retail uses beyond in the M-U-I Zone; private street America Boulevard, and office and retail uses in the Mixed Use-Transportation Oriented (M-X-T) Zone located to the east; an office building to the north in the M-X-T Zone; and an office building and Belcrest Road to the west with the Prince George’s Plaza development located beyond, all in the M-U-I Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

	EXISTING	APPROVED
Zone	M-U-I/T-D-O	M-U-I/T-D-O
Use(s)	Parking	Mixed Use
Acreage	2.42	2.42
Dwelling Units	0	316 Multifamily
Gross Floor Area	0	2,052 sq. ft. Commercial
Parcels	1	1
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	Yes Section 24-128(b)(12)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on September 9, 2021. The requested variation from Section 24-128(b)(12) was accepted on April 12, 2021, and heard at the SDRC meeting on September 9, 2021, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site was subject to a previously approved Conceptual Site Plan, CSP-00024, approved by the Prince George’s County District Council on January 8, 2001, and PPS 4-01092, approved by the Planning Board on April 25, 2002 (PGCPB Resolution No. 02-62). Both the CSP and PPS included a larger land area (47.7 acres and 25.12 acres, respectively) in which the subject property, Parcel N, was included. The subject property was developed and platted in accordance with PPS 4-01092 and is currently improved as a parking lot.

This PPS supersedes PPS 4-01092 for Parcel N and provides an adequacy analysis based on the development evaluated herein.

The property is also subject to multiple detailed site plans (DSPs) which were approved for development of the University Town Center over the years. The proposed mixed-use development will be subject to a new DSP approval when the review for conformance with applicable T-D-O Zone standards and the requirements of the Prince George's County Zoning Ordinance will be further analyzed.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the TDDP are evaluated as follows:

Plan 2035

Plan 2035 designates the subject site in the Prince George's Plaza Metro Downtown, which is also one of the County's eight Regional Transit Districts. Regional Transit Districts are characterized as medium- to high-density areas that should 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,” (page 19).

Master Plan

The TDDP recommends mixed-use land uses on the subject property. The property is in the Downtown Core Character Area. In addition, the TDDP makes the following land use recommendations that affect the subject property:

- **Policy LU1: Promote a pedestrian-friendly, transit-supportive development pattern in the Transit District.**
- **Policy LU2: Create sufficient residential capacity to help meet the County's Growth Management Goal of 50 percent of new dwelling units within the Regional Transit Districts.**
- **Policy LU4: Concentrate medium- to high-density development in the Downtown Core.**

SMA/Zoning

The TDOZMA reclassified the subject property into the M-U-I Zone.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the purpose and intent of the TDDP.

7. **Stormwater Management**—An approved stormwater management (SWM) concept plan and letter (2802-2021-0) were submitted with this PPS. The approved SWM concept plan shows the use of a micro-bioretenion facility (labeled as a proposed planter box) along the eastern edge of the proposed building, and an underground storage facility located under the northwestern portion of the proposed building.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs.

- 8. Parks and Recreation**—The subject property is located at the southern entrance of University Town Center, in the northwest quadrant of the intersection of MD 410 and America Boulevard in Prince George’s Plaza “Downtown”, as designated by Plan 2035. Plan 2035 envisions the Downtown as a place for residents “to live in safe, walkable, healthy communities that supply a variety of high-quality housing options – ranging in price, density, and type”. Plan 2035 envisions the “revitalization of existing infrastructure and facilities to leverage public investment,” and the strengthening of “older communities”.

Pursuant to the general applicability and administrative section of the TDDP, a DSP in the Transit District does not have to conform to a previously approved CSP. Accordingly, CSP-00024 and the conditions of approval contained therein are not relevant to this PPS. However, residential development is still subject to the mandatory dedication of parkland at the time of PPS, per Section 24-134(a) of the Subdivision Regulations. Based on the density of the project, land dedication of 0.36 acre would be required.

Policies in TDDP pertaining to Parks and Recreation include:

- **Policy 1: Incorporate and design parks, open spaces, and recreational facilities throughout the Transit District to support health and wellness, create opportunities for social gatherings and public events, and a foster a sense of place.**
- **Policy 3: Ensure the Transit District’s park and open space network is connected to the pedestrian and bicyclist network emphasizing convenience, accessibility, and safety.**

In their statement of justification (SOJ), the applicant notes that they will provide high-quality on-site facilities for future residents. Wider sidewalks, as required by the TDDP, and other elements established by the applicable PPS will also be provided to promote connectivity, accessibility, and safety within the Transit District.

The applicant proposed private on-site recreational facilities to address the mandatory dedication of parkland requirement for the proposed residential development. Recreational facilities will include yoga and fitness spaces, communal work and lounge areas, a clubroom, and outdoor pool area. A large, landscaped courtyard will be accessible to residents from the seventh floor. Active and passive recreation uses on the seventh floor will include a pool and other areas for outdoor grilling and seating. The adequacy of the proffered recreational facilities was evaluated in accordance with the Prince George’s County *Park and Recreation Facilities Guidelines*, and it was found that the applicant’s proposal of private on-site recreational facilities meets the requirements of Section 24-135(b) of the Subdivision Regulations. However, several amenities

such as the reception area, mail room and storage areas, bike room, and co-working space are not considered recreational amenities. Upon removal of these non-recreational facility items, the recreational facility proposal still meets the minimum threshold for on-site recreational facilities.

The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Park and Recreation Facilities Guidelines*, with the review of the DSP.

9. **Pedestrian and Bicycle Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the TDDP, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation facilities.

Previous Conditions of Approval

CSP-00024 and PPS 4-01092 were previously approved for the development entitled The Boulevard at Prince George's Metro Center, which includes the subject property. These approvals contained several conditions related to on-site pedestrian and bicycle facilities. The property was rezoned to the M-U-I Zone and retained in the T-D-O Zone through the adoption of the TDOZMA. Pursuant to the general applicability and administrative section of the TDDP, conformance with the CSP is not required and the prior conditions of PPS 4-01092 are no longer applicable because the proposed development scheme is completely changed.

Review of Internal Sidewalks and Bike Infrastructure

The subject site currently includes sidewalks on both sides of Liberty Lane and along frontages with America Boulevard, MD 410, and Belcrest Road with the exception of a sidewalk gap on the south side of Liberty Lane in the northeastern portion of the subject site. Other than two bicycle racks on Freedom Way, the subject site and the adjacent University Town Center are devoid of bicycle facilities. There is a Capital Bikeshare station on the west side of Belcrest Road adjacent to the east edge of Prince George's Plaza.

Pursuant to Section 24-121(a)(9) of the Subdivision Regulations, the PPS provides walkways with rights-of-way at least 10 feet wide through all blocks over 750 feet long. In the applicant's SOJ, incorporated by reference herein, the applicant proposes a six-foot-wide clear sidewalk zone on America Boulevard and a five-foot-wide clear sidewalk zone on Liberty Lane (Exhibit A to applicant's SOJ, page 6). The applicant proposes providing sidewalks along the building frontage and adequate pedestrian lighting on page 5 of the revised bicycle and pedestrian impact statement (BPIS), which is incorporated by reference herein.

Pursuant to Section 24-123(a)(6) of the Subdivision Regulations, the PPS indicates the location of all land for bike trails and pedestrian circulation systems that are indicated on a master plan, the MPOT, or abutting existing or dedicated trails. The submitted plans show other existing and proposed pedestrian and bicycle circulation systems from the TDDP.

A memorandum received from the Prince George's County Department of Public Works and Transportation (DPW&T), dated September 17, 2021 (Salles to Quaiyum) and incorporated by reference, includes the following comment:

“5. The proposed site is located in the Prince George’s Plaza Regional Metro Transit District. Therefore, the County’s Urban Street Design Standards must be used, including the construction of the minimum 8- and/or 10-foot-wide sidewalks.”

Other than the discrepancy between the sidewalk widths proposed by the applicant and DPW&T’s sidewalk standards, the approved pedestrian and bicycle improvements will provide enhanced wayfinding and much needed bicycle facility improvements. The county’s Urban Street Design Standards are supported where appropriate. However, the applicant’s proffered sidewalk widths for Liberty Lane and America Boulevard are consistent with the TDDP (Figures 15 and 17 pp. 220, 222).

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to retail, residential, health care, and higher education properties that are part of the University Town Center. These uses are connected by sidewalks and streets. The Prince George’s Plaza, the Prince George’s Plaza Metro Station, the Hyattsville Public Library, and several places of worship are nearby properties. They are connected by way of sidewalks, crosswalks, a pedestrian bridge, and roadways. There are some non-compliant Maryland Manual of Uniform Traffic Control Device bike route destination signs along Belcrest Road near Adelphi Road. There is an opportunity to create marked bicycle lanes along Belcrest Road adjacent to the subject site and beyond.

The proffered pedestrian and bicycle improvements associated with the proposed development include:

- (a) A five-foot-wide sidewalk along Liberty Lane and a six-foot-wide sidewalk along America Boulevard, connecting to the existing pedestrian sidewalk network in the vicinity of the subject site.
- (b) A bike room as an amenity along with recreational facilities associated with the residential building.
- (c) Shared-use path intersection with the northerly portion of Belcrest Road between Toledo Terrace and Adelphi Road that will provide a connection for two discrete planned shared-use paths ending on each side of Belcrest Road.
- (d) Five bus area sitting walls and concrete base foundations to provide seating and a wheelchair waiting space for transit patrons.
- (e) Bikeway signing and pavement marking improvements at various locations along with short-term bicycle racks and a proposed Capital Bikeshare station which will dramatically improve conditions for bicyclists.

- (f) A vicinity map kiosk along with new street name signs to assist visitors with wayfinding.

Master Plan of Transportation Compliance

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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.

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

POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Policy 1 is inapplicable because no new road construction is proposed with this development. Policies 2, 4, and 5 are not being addressed because on-road bicycle facilities are not proposed. The applicant shall provide bicycle racks consistent with the provisions of the 2012 *AASHTO Guide for the Development of Bicycle Facilities*, sharrow markings, and D11-1/Bike Route signs with destination plaques on America Boulevard.

TDDP Transit District Standards

The TDDP includes the following recommendations applicable to the subject site:

POLICY TM2: Improve connectivity and access to geographic awareness of, and the visibility of existing businesses and public facilities by eliminating unnamed streets and increasing wayfinding signage, and pedestrian amenities within large existing developments.

Strategy TM2.1: As an interim measure, formalize the existing drive aisles by adding street names, directional/wayfinding signage, enhanced crosswalks delineated by different materials, and/or painting, and traffic control signage or signalization. This formalization may include formal designation of addresses and road names pursuant to the Regulations of Addresses and Street Names in Prince George’s County:

- **All currently unnamed streets within University Town Center (page 81).**

Strategy TM4.3: Add the following on-street bicycle accommodations to existing streets.

Table 15. Recommended On-Street Bicycle Accommodations

- **MD 410 (East-West Highway)/ On-road bicycle lanes/Entire length within Transit District.**
- **Toledo Road /On-road bicycle lane/Entire length.**
- **America Boulevard/Bicycle Route Signage/Entire length**

Strategy TM4.10: Add “Bicycles Share Road” signage to Northwest Drive, Dean Drive, Belcrest Center Drive and America Boulevard (page 87).

Strategy TM6.2: Use wayfinding signage to direct area users and visitors to bicycle paths, trails, bicycle parking, and ride-share locations (page 88).

Strategy TM7.5; Create a formal pedestrian or bicycle/pedestrian connection between University Town Center and the Hyattsville Public Library (page 89).

POLICY TM8: Provide additional amenities to encourage bicycle use and enhanced convenience.

Strategy TM8.1: Collaborate with WMATA and major property owners to bring Capital Bikeshare to the Transit District to facilitate “last mile” connections and other short trips within the Transit District.

Strategy TM8.4: Require bicycle parking at all mixed-use commercial and multifamily residential buildings containing more than 10,000 square feet gross floor area or 20 dwelling units. Encourage the provision of bicycle parking at smaller buildings.

Strategy TM8.8: Encourage the provision of showers in new commercial buildings to serve bicyclists (page 92).

POLICY TM11: Improve bicycle and pedestrian access to the Metro station.

Strategy TM11.2: Increase bicycle and pedestrian connections to neighborhoods south of the Transit District (page 93).

POLICY TM15: Provide safe, well-lit, clean, and highly visible places for bus and shuttle passengers to board, alight, or wait for buses and shuttles.

Strategy TM15.1 Retrofit existing, and outfit new bus/shuttle stops within the Transit District with amenities to include but not limited to:

- **Bus shelters with seating for at least four persons.**
- **Bicycle racks or lockers**
- **Well-maintained trash and recycling receptacles (page 94).**

Guideline for Tree and Furnishing Zones

All public or privately installed street furniture, including lights, benches, waste receptacles, mailboxes, newspaper boxes and bicycle racks, or similar elements should be consistent within a project and be placed at regular intervals within the Tree and Furnishing Zone (page 232).

Standard for Street Lights

All pedestrian rights-of-way-including sidewalks, trails, paths, and pathway from building entrances and exits to the sidewalk-shall be continuously lit (page 234).

The applicant commented in their SOJ: “Additionally, the Application will provide bicycle and pedestrian improvements that promote walkability and increased multimodal connectivity, in accordance with the applicable Preliminary Plan of Subdivision (page 14).” Exhibit A to the SOJ also states; “The proposed streetlights will ensure that all applicable pedestrian right-of-way are continuously lit (page 14).” This is consistent with the TDDP Transit District Standards, as noted above.

The PPS addresses Strategy TM8.4 by including a bike room within its list of recreational facilities. The submitted BPIS proffers bus shelters and a new shared-use path intersection with Belcrest Road which are consistent with Policy TM8 and Policy TM15.

The applicant proffered to provide the following improvements, which address pedestrian and bicycle recommendations in the TDDP:

- a. Street name signs at the southwest corner of Liberty Lane and America Boulevard identifying these two streets.
- b. Shared-use (sharrow) markings on America Boulevard.

- c. Bicycle parking racks along America Boulevard capable of supporting a parked bicycle on at least two separate points of the bicycle frame and capable of locking both wheels and the frame of the bicycle without the use of a chain or cable. Artistic bicycle racks are encouraged.
- d. A Capital Bikeshare station.
- e. D11-1/BIKE ROUTE signs and destination plaque consistent with the Maryland Manual of Uniform Traffic Control Devices.
- f. R4-11/Bicycles May Use Full Lane sign on MD 410.
- g. A kiosk featuring a vicinity map covering a one-half radius from the subject property showing major activity centers within the University Town Center and beyond including the Prince George's Plaza Metro Station, the Hyattsville Public Library, and retail locations to provide wayfinding information for pedestrians on America Boulevard.

On-Site Improvements

The PPS includes five-foot-wide pedestrian space on Liberty Lane, a six-foot-wide pedestrian space on America Boulevard, pedestrian lighting, benches, trash and recycling receptacles, shade trees on MD 410 and America Boulevard, and a bike room.

The approved on-site facilities also address public bike parking, public wayfinding information gaps, and missing street name signs (Liberty Lane is not identified by street name signs), and designate America Boulevard as a bikeway.

Off-Site Improvements

The PPS includes construction of a shared-use path/roadway intersection along Belcrest Road between Toledo Terrace and Adelphi Road, providing marked bike lanes along Toledo Road and Belcrest Road north of MD 410, bikeway signage consistent with the Maryland Manual of Uniform Traffic Control Devices, and five bus stop sitting walls with concrete base pads along MD 410 and Belcrest Road.

The approved pedestrian and bicycle facility facilities reflect the minimum facilities necessary for adequacy, pursuant to Section 24-124.01(b) of the Subdivision Regulations. This proposal benefits bicyclists, pedestrians, and transit users.

Bicycle and Pedestrian Impact Statement (BPIS)

The subject site is in the Prince George's Plaza Metro Center and is subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines - Part 2".

The cost cap for the site is \$111,905.55.

Commercial or Retail: 2,052 square feet x \$0.35 x (\$ Inflation rate from June 2013 to July 2021*) = \$841.42.

Residential: 316 units x \$300.00 x (\$ Inflation rate from June 2013 to July 2021*)
= \$111,065.13.

*The cost cap calculation for this proposed development includes the most recent inflation rates available from the United States Bureau of Labor Statistics.

The estimated costs for the approved off-site pedestrian and bicycle adequacy improvements are within the cost cap, pursuant to Section 24-124.01(c) of the Subdivision Regulations.

Demonstrated Nexus Finding

The on-site and off-site pedestrian and bicyclist facilities proffered by the applicant will provide pedestrian amenities and a bike room on-site, improved conditions for transit patrons waiting for transit and shuttle buses, and a shared-use path/roadway intersection providing a connection across Belcrest Road for users of a proposed shared-use path. Transit patrons traveling to and from the subject site can benefit from improved transit facilities, and pedestrians will benefit from a continuous sidewalk along Liberty Lane and improved streetscape elements along MD 410 and America Boulevard. Visitors to the University Town Center will benefit from new street name signs and a vicinity map kiosk. Bicyclists will benefit from bikeway signage and pavement markings within a half-mile radius of the subject property and short-term, on-street bicycle parking racks.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered and required pedestrian and bicycle facilities for the development and nearby destinations.

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

- 10. Transportation**—The applicant requested subdivision approval for the purpose of creating a parcel to allow the development of residential and commercial space. While the site has been previously subdivided and platted pursuant to PPS 4-01092, there exist some non-transportation entitlement issues that necessitated a new PPS. Findings related to transportation adequacy are made with this approval, along with any determinations related to dedication, access, and general subdivision layout. All automobile traffic will utilize a proposed parking garage. This garage will access Liberty Lane, an existing private street located on the property that connects to Belcrest Road and America Boulevard.

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 of 1,600 or better.

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.

For two-way stop-controlled intersections a three-part process is employed: (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 critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Analysis of Traffic Impacts

The application is a PPS for a plan that includes residential and commercial uses. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1”. 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: 4-21006: 6400 America Boulevard								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Multifamily (within mixed-use building)	316	Units	32	132	164	123	67	190
Retail	2,052	square feet	1	1	2	15	16	31
Less Pass-By (60 percent)			0	0	0	-9	-10	-19
Net Retail Trips			1	1	2	6	6	12
Total Approved Trips for 4-21006 (Sum of all bold numbers above)			33	133	166	129	73	202

As noted earlier, the underlying plat for the subject site was created pursuant to the prior plan, PPS 4-01092. During review of the application, the following determinations were made:

- This site was duly platted pursuant to PPS 4-01092. This PPS did not have a trip cap condition. However, it is recognized that, trip cap or not, a site has a limited entitlement based on the adequacy analysis and findings made with a PPS approval.
- Notwithstanding the issue of a limited entitlement, the prior subdivision was approved with the only limitation being the surface parking caps per the 1998 *Prince George's Plaza Approved Transit District Development Plan for the Transit District Overlay Zone* (TDDP).
- This site has been covered in surface parking since the 1970s. Therefore, any development results in a net loss of surface parking and is therefore, allowable pursuant to PPS 4-01092.

In summary, prior traffic-related entitlements obtained pursuant to PPS 4-01092 are fully sufficient to accommodate the development. The traffic generated by the PPS would impact the intersections of MD 410/America Boulevard and Belcrest Road/Liberty Lane. Both intersections are unsignalized, and both operate as right-in right-out intersections.

Neither critical intersection is 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." No recent turning movement counts are available at the critical intersections. Due to the prior entitlement being fully sufficient to accommodate the development, the Planning Board deems the site's impact will have a de minimis impact upon the MD 410/America Boulevard and Belcrest Road/Liberty Lane intersections.

Because the adequacy finding is being made for the current PPS, a trip cap consistent with the trip generation assumed for the site, of 166 AM and 202 PM peak-hour vehicle trips, shall apply.

Master Plan Site Review

MD 410 is a master plan arterial roadway with a proposed right-of-way width of 120 feet. Belcrest Road is a master plan collector roadway with a proposed right-of-way width of 100 feet. The current rights-of-way are adequate along both roadways, and no additional dedication is required with this plan. It is noted that the TDDP prescribes streetscape requirements, and so frontage improvements must be consistent with the TDDP. These improvements will be analyzed during review of the DSP.

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

- 11. Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, 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

September 1, 2021 (Perry to Gupta), provided in the backup of this technical staff report, and incorporated by reference herein.

- 12. Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George’s County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Schools Facility Regulations for Schools*. The subject property is located within Cluster 2, as identified in the *Pupil Yield Factors and Public-School Clusters 2020 Update*. Staff has conducted an analysis and the results of the analysis are as follows:

Impact on Affected Public School Cluster by Dwelling Units

	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Multifamily (MF) Dwelling Units	316 DU	316 DU	316 DU
Pupil Yield Factor (PYF) – Multifamily	0.162	0.089	0.101
MF x PY=Future Subdivision Enrollment	51	28	32
Adjusted Student Enrollment 9/30/2019	22,492	9,262	9,372
Total Future Student Enrollment	22,543	9,290	9,404
State Rated Capacity	19,425	7,121	8,494
Percent Capacity	116 percent	130 percent	111 percent

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24 of the County Code. The current amount is \$10,180 per dwelling if a building is located between I-95/I-495 and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is between I-95/I-495 and the District of Columbia; thus, the surcharge fee is \$10,180. Per Section 10-192.01(c)(1)(A), this project proposes multifamily units within the approved Prince George’s Plaza T-D-O Zone. Therefore, the school facilities surcharge fee may be reduced by 50 percent to \$5,090. Additionally, Section 10-192.01(c)(2)(B) exempts dwelling units that are studio apartments and efficiency apartments within a Transit District Overlay Zone from payment of the school facilities surcharge fee. This fee is to be paid to the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), at time of issuance of each building permit.

- 13. Use Conversion**—The total development included in this PPS is approved for 316 multifamily dwelling units and up to 2,052 square feet of commercial gross floor area in the M-U-I Zone. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings will require approval of a new PPS, prior to approval of any building permits.

- 14. Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations 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-foot-wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way to the west along Belcrest Road and to the south along MD 410. The required PUE along both of these public rights-of-way are delineated on the PPS.

Existing private streets also abut the subject property which require PUEs. Section 24-128(b)(12) requires that 10-foot-wide PUEs be provided along at least one side of all private streets. America Boulevard is located to the east, and Liberty Lane is located within the area of the subject property to the north. Both of these private streets are variable in width and were created to serve the overall University Town Center. The Declaration of Easement recorded in the Prince George’s County Land Records at Liber 19927 at folio 460 establishes the boundaries of these two streets. Though America Boulevard and Liberty Lane are established as easements in the recording document, these function as private streets within the University Town Center. These streets are part of the general vehicular and pedestrian circulation within the development, and also carry dry and wet utilities serving the various buildings. The applicant filed a variation request from Section 24-128(b)(12) for provision of PUEs along America Boulevard and Liberty Lane and is further discussed below.

Variation from Section 24-128(b)(12)

The PPS does not provide a PUE contiguous to America Boulevard and Liberty Lane. Section 24-128(b)(12) states the following:

- (12) Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width and shall be adjacent to either right-of-way line.**

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

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

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

The proposed development will access and utilize existing utilities located along adjacent public and private rights-of-way. Establishment of PUEs are not required adjacent to America Boulevard and Liberty Lane. These private roadways have an existing Declaration of Easement recorded in the Prince George's County Land Records at Liber 19927 at folio 460, which provides easement to all public and private utility companies. The omission of the PUE along the west side of America Boulevard and south side of Liberty Lane will have no impact on the easements already provided for this purpose and available for this development and to surrounding developments. Therefore, the granting of the variation is not detrimental to the public safety, health, welfare, or injurious to others or 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;

This variation request stems from conditions that are not generally applicable to other properties. The property is located at the southern entrance of University Town Center, a mixed-use development with a "main street" theme that includes office, retail, and residential uses. Accordingly, the property is surrounded by a complementary mix of land uses at a compatible scale to the north, south, west, and east. The proposed development offers a landmark mixed-use anchor at this prominent location, activating the heart of the Downtown with a dynamic, pedestrian-friendly exterior streetscape that complements existing uses along America Boulevard. Providing a PUE along America Boulevard would be impractical, as anticipated access and maintenance at this location would disrupt the streetscape, as well as pedestrian, bicycle, and vehicular circulation at this central location. This walkable promenade at America Boulevard is a unique urban space in the county. Accordingly, a PUE - and its concomitant access and maintenance issues - should be avoided at this location. In addition, the development of this site is guided by Plan 2035 and the TDDP, which contain site specific design criteria. This site is envisioned for a significantly increased intensity of development and mix of uses. The site will be designed in accordance with these design criteria with walkable, mixed-use development that support the transformation of Prince George's Plaza into a Regional Transit District and reinforces the street and sidewalk as the focal points of activity. However, the location of buildings, streetscape requirements, and sidewalks along street frontages limits the available area for PUEs. Therefore, the majority of the utilities required to serve the proposed development will be extended from their location within the PUEs along Belcrest Road and MD 410. Given the site

design criteria generated by Plan 2035 and the TDDP, the conditions on which the variation is based are unique to this property.

A utilities plan, submitted as an exhibit and incorporated by reference herein, shows that the only new utility which is required to be extended to serve the subject site will be the Potomac Electric Power Company, which proposes to install their utilities within the existing utility easement within America Boulevard and Liberty Lane.

The subject property fronts on a public right-of-way for which utilities have already been established and will not serve any additional properties in future; these factors are unique to the subject property and not generally applicable to other properties.

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

No other known law, ordinance, or regulation is violated if this variation is approved. The approval of a variation is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this request was referred to the affected utility companies and none have opposed 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 strict letter of these regulations is carried out;

The physical conditions of the site are such that the site is L-shaped, bounded by MD 410 to its south, an office building and Belcrest Road to its west, another office building to the north and America Boulevard to its east side. The extent of Liberty Lane is contained within the property boundary. Any utilities located within the right-of-way of this street will exclusively serve the subject property. The requirement to provide a 10-foot-wide PUE along Liberty Lane would impede the increased intensity of development and mix of uses envisioned for this site by the TDDP, while serving no additional purpose, and would be a particular hardship to the owner.

In addition, strict adherence to this regulation will require placing a 10-foot-wide PUE along the east side of the America Boulevard, which would require modifying the street standards of the TDDP, and consequently providing a layout that is at odds with the TDDP. The prior subdivision and site plan approvals, which have formed the development pattern in the neighborhood, and the existing utility locations available to the subject site constitute the particular

physical surroundings applicable to this property. The requirement to provide an additional 10-foot-wide PUE along America Boulevard would impede on the ability to provide the streetscape, as envisioned by the TDDP while serving no additional purpose, which would be a particular hardship to the owner.

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

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

Based on the proceeding findings, the Planning Board approved the variation from Section 24-128(b)(12), for the omission of PUEs along the private streets.

- 15. Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This PPS will not impact any historic sites, historic resources, or known archeological sites.
- 16. Environmental**—This PPS application (4-21006) and a Type 1 Tree Conservation Plan (TCP1) were accepted on August 9, 2021. Additional information was submitted by the applicant on September 3, 2021. Comments were provided to the applicant at the SDRC meeting on September 3, 2021. Revised plans were submitted by the applicant and logged in for review on September 13, 2021, and on September 22, 2021. The following applications have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
CSP-00024	TCPI/035/00	District Council	Approved	1/8/2001	00-195
CSP-00024-01	TCPI/035/00	Planning Board	Approved	11/15/2001	01-248
4-01022	TCPI/035/00	Planning Board	Approved	5/10/2001	01-110
4-01092	TCPI/035/00	Planning Board	Approved	3/25/2004	02-62
DSP-00052	TCPII/15/01	Planning Board	Approved	1/4/2001	01-04
DSP-00052-01	TCPII/15/01	Planning Director	Approved	5/26/2001	NA
DSP-00052-02	TCPII/15/01	Planning Director	Approved	4/10/2003	NA
DSP-00052-03	TCPII/15/01	Planning Director	Approved	8/28/2003	NA
DSP-00052-04	TCPII/15/01	Planning Director	Approved	3/10/2004	NA
DSP-01001	TCPII/15/01	Planning Board	Approved	5/24/2001	01-117
DSP-01001-01	TCPII/15/01	Staff	Approved	5/9/2002	NA
DSP-01001-02	TCPII/15/01	Planning Director	Approved	4/10/2003	NA
DSP-01001-03	TCPII/15/01	Planning Director	Approved	7/29/2009	NA
DSP-01002	TCPII/15/01	Planning Board	Approved	5/24/2001	01-118
DSP-01002-01	TCPII/15/01	Planning Director	Approved	10/31/2002	NA
DSP-01002-02	TCPII/15/01	Planning Director	Approved	9/10/2003	NA
DSP-01002-03	TCPII/15/01	Planning Board	Approved	10/7/2004	04-237
DSP-03037	TCPII/15/01	Planning Board	Approved	3/3/2004	03-254
DSP-03037-01	TCPII/15/01	Planning Board	Approved	2/5/2004	04-23
DSP-03037-02	TCPII/15/01	Planning Board	Approved	4/28/2005	05-108
DSP-03037-03	TCPII/15/01	Planning Director	Approved	1/24/2006	NA
DSP-03037-04	TCPII/15/01	Planning Board	Approved	7/13/2006	06-173

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
DSP-03037-05	TCPII/15/01	Planning Director	Approved	6/16/2006	NA
DSP-03072	TCPII/15/01	Planning Board	Approved	5/13/2004	04-109
DSP-03072-01	TCPII/15/01	Planning Director	Approved	9/26/2005	NA
DSP-03072-02	TCPII/15/01	Planning Board	Approved	2/15/2007	07-48
DSP-05041	TCPII/15/01	Planning Board	Approved	10/24/2005	05-220
DSP-05041-01	TCPII/15/01	Planning Director	Approved	3/22/2007	NA
DSP-05084-02	TCPII/15/01/01	District Council	Approved	11/18/2013	NA
DSP-05041-02	TCPII/15/01	Planning Director	Approved	2/8/2017	NA
NA	NRI-019-2021				
(NR-EL)	Staff	Approved	1/21/2021	NA	
NA	NRI-019-2021-01	Staff	Approved	7/27/2021	NA
4-21006	TCPI-013-2021	Planning Board	Approved	11/4/2021	2021-137
NA	TCPI/035/00/01	Staff	Pending	Pending	Pending

Note: The above grey highlighted cases apply to other sections of the overall CSP with no relevant conditions to this PPS.

Proposed Activity

The current application is a PPS for one parcel for a mixed-use building containing 316 multifamily dwelling units and 2,052 square feet of commercial use located in the M-U-I and T-D-O Zones for 2.42 acres.

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.

Previously Approved Conditions

There are no relevant environmental conditions of approval associated with the previously approved CSP-00024-01.

Plan 2035

The site is located within the Prince George's Plaza Metro Regional Transit Center of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035, and the Established Communities of the General Plan Growth Policy (2035). 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 developing help the entire county prosper. These areas represent a unique opportunity for attracting economic development, capitalize on investments in mass transit facilities, and provide opportunities for mixed-use and transit-oriented development. The PPS is consistent with the zoning requirements and the intent of the growth pattern established in Plan 2035.

Master Plan Conformance

TDDP

The site is located within the Downtown Core Land Use Character Area of the 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 project has an approved SWM concept plan from DPIE, Case No. 2802-2021-0, which has twelve conditions of approval that relate to water quality and quantity requirements for final design. DPIE will further review the site for conformance with state and local stormwater design.

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

The Development Review Division will review for conformance with the Tree Canopy Coverage Ordinance and impervious surfaces 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 potential noise impacts are evaluated further in the findings below.

The PPS conforms with the TDDP, per Section 24-121(a)(5).

Countywide Green Infrastructure Plan

The entire site is mapped outside off the designated Network of the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

The entire site was previously cleared, graded, and developed. Much of the remaining vegetation on-site is comprised of existing landscaping or open grown trees. No woodlands exist on-site per the approved natural resources inventory (NRI-019-2021-01). The proposed development will not impact any county regulated environmental features or areas of 100-year floodplain on-site.

Based on the proposed layout, the PPS demonstrates conformance with the applicable policies and strategies of the Green Infrastructure Plan.

Environmental Review

Natural Resources Inventory/Existing Conditions

The site has an approved NRI-019-2021-01, which correctly shows the existing conditions of the property. No specimen or historic trees are associated with this site. This site is not associated with any regulated environmental features, such as streams, wetlands, or associated buffers. According to a letter dated June 22, 2021 from DPIE, no County regulated 100-year floodplain exists on-site.

The NRI is consistent with the PPS. There are no other issues regarding the NRI.

Woodland Conservation

This site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS. This project is also subject to the Environmental Technical Manual. TCPI/035/00/01 and TCP1-013-2021 were submitted with the subject application and require revisions to be found in conformance with the WCO.

The previously approved TCPI/035/00 covers a larger area that is made up of two sub-areas, identified on the plan as Subarea 2 and Subarea 3. The subject site is located within the area designated as Subarea 3. Because the original TCPI shows a separate worksheet for each subarea, it was intended for each subarea to be processed as separate Type 2 tree conservation plans (TCP2). A TCP2 was processed for Subarea 3 separately and did not include Subarea 2 in determining the woodland conservation requirement. Subsequently, a new TCP1 and TCP2 were set up for the Subarea 2 area (TCP1-005-2019 and TCP2-042-2019).

At the time of approval of the original TCPI, all of Subarea 3 was mapped as being within the M-X-T Zone, and the TCPI worksheet was calculated using the 1989 standard woodland conservation threshold and afforestation threshold values, which were 10 percent each, respectively. Subsequently, the zoning within Subarea 3 changed from just M-X-T to a mixture of One-Family Detached Residential (R-55), M-X-T, and M-U-I Zones. Under the current regulations, each of these zones have greater woodland conservation threshold and afforestation threshold values than what was originally calculated under TCPI/035/00. Areas within the M-X-T and M-U-I Zones now have a woodland conservation threshold of 15 percent and afforestation threshold of 15 percent, and areas within the R-55 Zone have a woodland conservation threshold of 20 percent and afforestation threshold of 15 percent. If the area of this PPS is not removed from the existing TCPI (TCPI/035/00), the rest of Subarea 3 would lose its grandfathering status, and the overall woodland conservation requirement would no longer be met off-site, as it would increase across all of Subarea 3.

Therefore, to avoid undue hardship to adjoining property owners, TCPI/035/00 shall be modified by removing the area of this PPS from the TCPI plan and worksheet, allowing for the remaining area within Subarea 3 to maintain its grandfathering status.

The applicant submitted two separate TCPI plans with this application. The first, TCPI/035/00/01, is a revision to the existing TCPI/035/00. It shows the proposed development superimposed on the plan while keeping the previously existing TCPI worksheet calculations unchanged.

The second, TCPI-013-2021, shows just the area within the current PPS with a TCP worksheet calculated for this 2.42-acre area using the current woodland conservation threshold and afforestation threshold zoning requirements for the M-U-I Zone. The woodland conservation threshold and afforestation threshold for this 2.42-acre area is 15 percent of the net tract area, or 0.36 acre. The total woodland conservation requirement based on the amount of clearing proposed is 0.36 acre. This requirement is proposed to be satisfied with 0.36 acre of off-site mitigation.

The following changes shall be made to each plan:

- 1) For the modified TCPI (TCPI/035/00/01) plan submitted, the grandfathered worksheet on this plan shall be modified by removing the area associated with this PPS from the worksheet and adding a footnote beneath it indicating that 2.42 acres was removed from the site with PPS 4-21006. A label shall also be added to the plan pointing to the grey highlighted area showing the PPS limits indicating that the area was removed from this TCPI. A new approval block shall be added to the plan typing in the previous approval information and typing in all relevant information related to this -01 revision.
- 2) For the new TCPI plan, the TCPI number (TCPI-013-2021) must be assigned to it and added to the approval block. In order to determine how much off-site mitigation has already been provided for the area within the PPS under

TCPI/035/00, the woodland conservation requirement for this 2.42-acre area was determined to be 0.24 acre, which would have been met as part of the overall 2.62 acres of off-site mitigation provided for Subarea 3. The worksheet on this new TCPI must have a footnote added to it to state that 0.24 acre of the overall 0.36-acre woodland conservation requirement has been previously met off-site with TCPI/035/00.

Additional technical revisions to the TCPI are required and included in the conditions of this approval.

Soils

The predominant soils found to occur, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Urban Land-Russett-Christiana complex (0-5 percent slopes), and Urban Land.

No unsafe soils containing Marlboro clay have been identified on or within the immediate vicinity of this property; however, unsafe soils containing Christiana complexes have been mapped across most of the site. These soils have been previously disturbed and should not pose an issue to the proposed development because no grading exceeding 20 percent is proposed. The areas of the site that are situated on existing steep slopes are above the base grade of the proposed development, and no additional load bearing stress will be added by the proposed development.

Correspondence from DPIE demonstrating conformance with Section 24-131 of the Subdivision Regulations for unsafe soils is not required at this time and no further action is needed as it relates to this PPS. The County may require a soils report in conformance with Prince George's County Council Bill CB-94-2004 during future phases of development and/or at time of permit.

Preservation of Regulated Environmental Features

Section 24-130 (b)(5) of the Subdivision Regulations requires the following finding:

“The Planning Board shall require that proposed subdivisions conform to the following: Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25.”

Because no regulated environmental features will be impacted by the proposed development, it is found that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirement of Subtitle 24-130 (b)(5).

Specimen, Champion, or Historic Trees

In accordance with the approved NRI-019-2021-01, no specimen, champion, or historic trees have been identified on the subject property. No further information is required regarding specimen, champion, or historic trees.

17. Urban Design—Conformance with the Zoning Ordinance is evaluated, as follows:

Conformance with Zoning Ordinance and the Prince George’s Plaza Transit District Overlay Zone Standards

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 TDDP and the Zoning Ordinance or 2010 *Prince George’s County Landscape Manual* (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 of the Zoning Ordinance. Specifically, the mixed-use development will be subject to DSP approval, and the site’s conformance with the applicable T-D-O Zone standards and the requirements of the Zoning Ordinance will be evaluated at the time of DSP. DSP-21006 has been filed by the applicant for the subject property and is currently under review by the Urban Design Section.

The T-D-O Zone standards that are specifically applicable to this site, which will be reviewed for conformance at the time of DSP, and are provided for informational purposes as follows:

- a. 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 America Boulevard and MD 410. The applicant should make certain that the following requirements can be accommodated:

	America Boulevard	MD 410
Building Orientation	Front, Side	Front, Side
Total Frontage Minimum Depth/Build-To Line	20’ East; 28’ West	20’
Total Frontage Maximum Depth/ Build-To Line	5’ East; 33’ West	20’ Southeast 30’ Northwest
New Driveway permitted	No	No

- b. The subject site is envisioned in the TDDP with termini and visually interesting features. Special corner buildings are expected at this location too. The review of the architecture will be carried out at time of DSP to ensure conformance with these building related requirements and the rest of applicable T-D-O Zone standards.

Conformance with Prior Approvals

The site has a previously approved CSP-00024, which was approved by the Planning Board on October 19, 2000, and later affirmed by the District Council on January 8, 2001. The property was rezoned to the M-U-I Zone and retained in the T-D-O Zone, through the adoption of the TDOZMA. Pursuant to the general applicability and administrative section of the TDDP, conformance with the CSP is not required and the prior conditions are no longer applicable because the proposed development scheme is completely changed.

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). It is noted that 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.

Conformance with the Prince George’s County Tree Canopy Coverage Ordinance

Section 25-127(b)(1)(I) 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 Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance. 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 evaluated at the time of DSP review.

- 18. Noise**—The subject site is located on the north side of MD 410, which is classified by the MPOT as an arterial road and a transportation-related noise generator. A study titled “Traffic Noise Analysis,” dated July 8, 2021, was received for review with this application. The study addresses outdoor noise from traffic along MD 410 and predicts future noise levels in outdoor recreation areas and at the facades of residences based on a preliminary site design.

No outdoor recreation areas are permitted within the area of 65+ dBA day-night average sound level (Ldn), as mitigated, and interior noise levels must be reduced to 45 dBA Ldn or less. The noise study predicts that the noise levels extrapolated for year 2040 will be as high as 73.2 dBA at the front face of the proposed building adjacent to MD 410. However, the location of the unmitigated 65 dBA Ldn contour is not reflected on the PPS. The study predicts that with the shielding provided by the proposed building, the Ldn will not exceed 65 dBA for any proposed outdoor activity within the courtyard, and therefore, no engineered noise barriers are required. To mitigate interior noise levels for the proposed buildings, upgraded windows, balcony doors, and exterior walls will be required. A Phase 2 noise report must be provided at time of DSP for the multifamily development to determine what specific architectural mitigation is required to ensure that interior noise is mitigated to 45 dBA Ldn or less, and that all outdoor activity areas are mitigated to 65 dBA Ldn or less. The building materials for the multifamily building shall be certified by an acoustical engineer to state that interior noise levels have been mitigated to 45 dBA Ldn, at the time of building permit.

19. City of Hyattsville—The subject property is located within geographical boundary of the City of Hyattsville. The PPS application was referred to the City for review and comments on August 18, 2021. The City notified staff (via an email from Powers to Gupta) that the City Council has no comments on this PPS application.


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, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 4, 2021, in Upper Marlboro, Maryland.

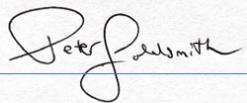
Adopted by the Prince George’s County Planning Board this 2nd day of December 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:MG:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: November 9, 2021