

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



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

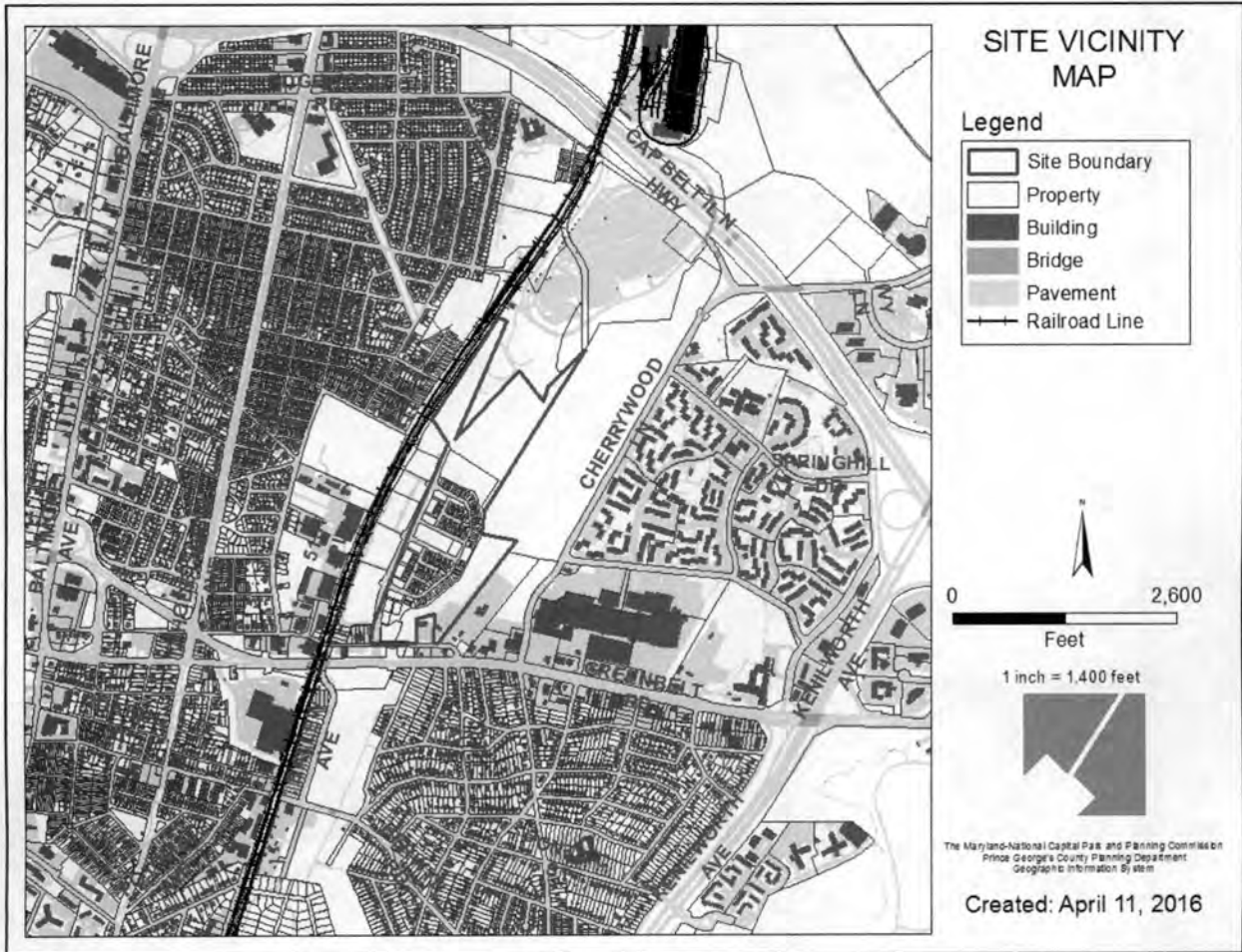
## Detailed Site Plan

**DSP-04081-09**

Application	General Data	
<b>Project Name:</b> Greenbelt Station, Phase 1  <b>Location:</b> North side of Greenbelt Road (MD193), east of Greenbelt Station Parkway, and south of the Capital Beltway (I-95/495).  <b>Applicant/Address:</b> NVR MS Cavalier Greenbelt 11700 Plaza America Drive, Suite 310 Reston, VA 20190	Planning Board Hearing Date:	06/02/16
	Staff Report Date:	05/18/16
	Date Accepted:	03/24/16
	Planning Board Action Limit:	06/02/16
	Plan Acreage:	64.21
	Zone:	M-X-T/D-D-O
	Dwelling Units:	342
	Gross Floor Area:	N/A
	Planning Area:	67
	Council District:	04
	Election District:	21
	Municipality:	City of Greenbelt
200-Scale Base Map:	211NE05	

Purpose of Application	Notice Dates	
To amend the trigger for the construction of the stream valley trail.	Informational Mailing:	02/11/16
	Acceptance Mailing:	03/24/16
	Sign Posting Deadline:	05/02/16

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Cynthia Fenton <b>Phone Number:</b> 301-952-3412 <b>E-mail:</b> <a href="mailto:Cynthia.Fenton@ppd.mncppc.org">Cynthia.Fenton@ppd.mncppc.org</a>	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-04081-09  
Greenbelt Station, Phase 1, South Core

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL of the detailed site plan with conditions as described in the Recommendation section of this report.

EVALUATION CRITERIA

The detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Sections 27-544 and 27-548 for the Mixed-Use Transportation-Oriented (M-X-T) Zone, Section 27-27-548.23 for the District Development Overlay Zone (D-D-O-Z), and the site design guidelines of the Prince George's County Zoning Ordinance;
- b. The requirements of Conceptual Site Plan CSP-01008 and its revisions;
- c. The requirements of Preliminary Plan of Subdivision 4-01026;
- d. The requirements of Detailed Site Plan DSP-04081 and its revisions;
- e. The requirements of the Woodland Conservation and Tree Preservation Ordinance;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- h. Referrals.

FINDINGS

Based upon evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The detailed site plan (DSP) is for Phase 1 of the South Core of the overall development known as Greenbelt Station. The applicant is requesting a revision to the trigger for the construction of the stream valley trail.

2. **Development Data Summary:**

Zone(s) Use	EXISTING/APPROVED	PROPOSED
	M-X-T/D-D-O Residential	M-X-T/D-D-O Residential
Acreage (gross)	64.21	64.21
100 Year Floodplain	16.27	16.27
Lots	223	223
Outlots	1	1
Parcels	9	9
FAR (South Core)	0.60	N/A
Dwelling Units		
Two over two condominiums	130	0
Townhouse Units	212	0

OTHER DEVELOPMENT DATA

Total Parking Spaces	Required	Provided
2/2 Condominiums @ 2/d.u.	260	260
Townhouses @ 2.04 spaces/unit	433	424
On-street parking		111
<b>Total</b>	693	792
Handicap Parking	4	4

3. **Location:** The overall Greenbelt Station development is located on the north side of Greenbelt Road (MD 193) and south of the Capital Beltway (I-95/495) in Planning Area 67 and Council District 4. Phase 1 of the project covered by this DSP is located in the southern portion of the larger development, east of Greenbelt Station Parkway.
4. **Surrounding Uses:** Phase 1 within the South Core is bounded to the north by the Greenbelt Metro Station and an associated commuter parking lot in the Mixed Use–Transportation Oriented (M-X-T) Zone; to the south by Greenbelt Road (MD 193); to the east by a salvage yard in the M-X-T Zone and vacant land owned by the State of Maryland in the Reserved Open Space (R-O-S) Zone; and to the west by CSX railroad tracks and Phase 3 of the Greenbelt Station development in the M-X-T Zone.
5. **Previous Approvals:** Conceptual Site Plan CSP-01008 was approved by the Prince George’s County Planning Board on July 26, 2001 (PGCPB Resolution No. 01-160), and affirmed by the Prince George’s County District Council on September 24, 2001, as a Metro Planned Community in the Heavy Industrial (I-2) Zone, pursuant to County Council Bill CB-35-2000. Subsequently, the October 2001 *Approved Sector Plan and Sectional Map Amendment for the Greenbelt Metro Area* rezoned the property to the M-X-T Zone. On September 15, 2005, the Planning Board approved a reconsideration of CSP-01008 (PGCPB Resolution No. 01-160(C)(A)) to incorporate transportation-related conditions proffered by the applicant, subject to 38 conditions.

A revision to the Conceptual Site Plan, CSP-01008-01, was originally approved (PGCPB Resolution No.06-32) by the Planning Board on February 2, 2006, and subsequently affirmed by the District Council on June 20, 2006, subject to 66 conditions. Conceptual Site Plan



CSP-01008-01 was reconsidered and approved (PGCPB Resolution No. 06-32(A)) by the Planning Board on July 26, 2012 subject to 63 conditions. Conceptual Site Plan CSP-01008-02, to revise specific conditions of CSP-08001-01, was approved (PGCPB Resolution No. 14-07) by the Planning Board on January 30, 2014 and by the District Council on June 2, 2014, with three conditions.

A Preliminary Plan of Subdivision, 4-01026, was approved (PGCPB Resolution No. 01-130(A/3)) by the Planning Board on September 6, 2001 with 19 conditions. In addition, several DSPs have been approved for the site.

Detailed Site Plan DSP-04081 was approved by the Planning Board on June 22, 2006 and adopted on July 13, 2006 (PGCPB Resolution No. 06-149) with eight conditions. Subsequent revisions were approved at the Planning Director level including, most recently, the relocation of public utility easements for DSP-04081-07. An eighth revision to DSP-04081 for the realignment of the stream valley trail at the Planning Director level is currently pending.

The subject site also has an approved Stormwater Management Concept Plan (46821-2005-02), which is valid through April 29, 2019.

#### COMPLIANCE WITH EVALUATION CRITERIA

6. **Prince George's County Zoning Ordinance:** The subject DSP is not proposing any new development on the site. Therefore, all previous findings regarding compliance with the requirements of Section 27-546, Site Plans for the M-X-T Zone, and the site plan design guidelines of the Zoning Ordinance are still valid.

Section 27-548.25 of the Zoning Ordinance requires the Planning Board to find that the site plan meets all of the applicable development district standards of the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment* (Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA). The subject DSP is exempt from this requirement, as the original CSP was approved prior to approval of the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan.

7. **Conceptual Site Plan CSP-01008 and its revisions:** Conceptual Site Plan CSP-01008 was superseded by CSP-01008-01 (PGCPB Resolution No. 06-32). The following conditions were included in the approval:

16. **All detailed site plans shall consider the development district standards of the Greenbelt Area sector plan.**

**Comment:** No development is proposed in this DSP; thus, there are no applicable development district standards to consider.

25. **The applicant, his successors, and/or assignees shall provide adequate, private and/or public recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. A complete recreational package shall be provided at the time of the first detailed site plan for each core and shall include facilities in the amount of \$1,750,000 at a minimum.**

27. **The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.**
28. **Three original, executed recreational facilities agreements (RFAs) or similar alternative shall be submitted to DRD for its approval, three weeks prior to a submission of a grading permit. Upon approval by DRD, the RFA of alternative instrument shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

**Comment:** The above conditions were fulfilled in prior approvals.

Conceptual Site Plan CSP-01008-02 was approved with no conditions applicable to the subject application. All prior findings are still valid.

8. **Preliminary Plan of Subdivision 4-01026:** The following conditions were included in the approval of Preliminary Plan 4-01026 (PGCPB Resolution No. 01-130(A)/2):
  10. **Prior to approval of any final plat including residential units, the applicant shall submit three original, executed Recreational Facilities Agreements (RFA) to the Department of Parks and Recreation. Upon approval, the RFAs shall be recorded among the land records of Prince George's County**
  11. **Prior to application for building permits for residential units, the applicant shall submit to the Department of Parks and Recreation a performance bond, letter of credit, or other suitable financial guarantee, in an appropriate amount determined by Development Review Division.**

**Comment:** These conditions were fulfilled in previous approvals. Because this DSP is not proposing any new development, all previous findings remain valid.

9. **Detailed Site Plan DSP-04081 and its revisions:** The alignment of the stream valley trail is currently pending approval of DSP-04081-08. The proposed trail alignment will connect to Greenbelt Station Parkway, Stream Bank Lane, Branchville Road, and Cherrywood Lane. The proposed trail includes a loop around a pond east of Indian Creek and a bridge over Indian Creek. The Conceptual Site Plan (CSP-01008-01) and the Preliminary Plan (4-01026) both reference a recreational facilities agreement (RFA), which outlines the needed recreational facilities.

**Private Recreation Facilities Agreement "Greenbelt Station, Phase 1, South Core"**

The RFA was signed on October 5, 2006 by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and Greenbelt Metropark LLC, which included the following provisions.

1. **Recreation Facilities. In accordance with the approvals for CSP-01008/01 and Preliminary Plan 4-01026, DSP-04081 requires that the Developer shall construct on the Property the private recreation facilities approved by the Planning Board as specified below:**

(a) **The private outdoor recreation facilities to be constructed by the Developer for Phase I of the South Core of Greenbelt Station are as follows:**

i. **Townhouse Section Facilities:**

1. **360 linear feet of 6-foot wide asphalt connector trail;**
2. **315 linear feet of 4-foot wide asphalt connector trail;**
3. **One tot lot;**
4. **Two sitting areas with trellises in two pocket parks, and;**
5. **Twelve benches (including benches in sitting areas)**

(b) **Construction of the recreation facilities listed in sub-paragraph (a)(i) above shall be completed as follows:**

**The Developer shall construct all private South Core Facilities prior to the 250th townhouse building permit, as stated in PGBP Resolution 06-149, Finding 5.**

**Comment:** The submitted application proposes that the developer bond the Indian Creek trail prior to issuance of the 250th building permit and construct the trail prior to issuance of the 352nd building permit.

The applicant submitted a statement of justification for the requested extension of the trail construction as follows, in part:

“The off-site portion of the trail system, which is located on State land, requires State and City of Greenbelt approval. The trail location, easements, right of entry agreements and construction permits are not subject to the applicant’s direct control. Construction of the on-site trail system must be coordinated with the off-site portion. The applicant therefore requests that this requirement be amended so that bonding of the trail be completed prior to the issuance of the 250th building permit and the construction of the trail be completed prior to the issuance of the 352nd building permit.”

The applicant’s rationale for extending the trail construction to allow adequate time for the state and the City of Greenbelt approvals is reasonable. However, the length of the extension for construction, from the 250th building permit to the 352nd building permit, goes beyond the number of building permits in this DSP, which includes 342 units (212 townhouses, 130 two-over-two dwellings). Staff recommends that the trail be completed before the completion of all units in Phase 1, prior to the 300th building permit. Staff further recommends that signage be placed along the trail and at trail access points to indicate the location of the future public use trail. Signs indicating the trail location will benefit future residents of the development by providing more information regarding the construction and development of the subdivision. The applicant is encouraged to commence construction of the trail as soon as all necessary permits are obtained, to avoid any unnecessary delays.

10. **Woodland Conservation and Tree Preservation Ordinance:** This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site has approved tree conservation plans. However, no development is proposed in this DSP, therefore, a revision to the Type II tree conservation plan is not required. All prior findings remain valid.

11. **2010 Prince George's County Landscape Manual:** The proposed development is within the Development District Overlay (D-D-O) Zone of the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA; however, the site is not subject to the D-D-O Zone standards, as discussed previously. The site is in the M-X-T Zone and is exempt from the standards in the D-D-O Zone, which specifically subjects the proposed development to the *Prince George's County Landscape Manual*. Because no development is proposed in this DSP, all prior findings remain valid.
12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit for disturbing more than 5,000 square feet of a site. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy coverage. This DSP will not require a grading permit; therefore, conformance with the ordinance at this time is not required.
13. **Referral Comments:** The subject application was referred to the following concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Trails**—In a memorandum dated April 13, 2016, the DSP was evaluated for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA, Preliminary Plan 4-01026, and Conceptual Site Plan CSP-01008-01-02. The following additional summarized comments are provided below.

**2009 Approved Countywide Master Plan of Transportation**

The proposed trail is part of two listed master plan trails planned facilities:

- Metroland Indian Creek Spur—connecting Branchville Road to the Indian Creek Trail just west of Indian Creek
- Indian Creek Trail—connecting Branchville Road to the Greenbelt Station Parkway sidepath and the Greenbelt Metrorail Station

**Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan**

The sector plan delineates planned and existing trails that surround the subject development and connect to the Greenbelt Metro Station. Additionally, the following transportation implementation strategy related to the trail is listed in the sector plan (page 125):

**Strategy 2.4. — Provide additional connections between existing and future neighborhoods and the Indian Creek Trail and Northeast Branch trail system to contribute to stronger communities that enjoy greater mobility and access to regional transportation systems.**

**Comment:** The submitted application does not change the alignment of the proposed trail. Both the current approved alignment and the proposed alignment in DSP-04081-08 will contribute to completing the MPOT and sector plan planned trails.



From the standpoint of active transportation, it is determined that this plan revision (DSP-04081-09) is acceptable, fulfills the intent of applicable plans, fulfills prior conditions of approval, and meets the finding for a DSP, as described in Section 27-285 of the Zoning Ordinance, subject to the conditions in the Recommendation section of this report.

- b. **Prince George's County Department of Parks and Recreation (DPR)**—DPR previously indicated that the subject site was not within the Metropolitan District, that it was in the City of Greenbelt municipal boundary and, therefore, had no comment.
  
- c. **City of Greenbelt**—In a letter dated May 12, 2016, the City of Greenbelt indicated that they concur with the applicant's need for the timing revision, but they are concerned that the proposed trigger is not adequately tied to the existing development sequence of Greenbelt Station. The City strongly supports the installation and posting of signs that ensure that current and future residents of Greenbelt Station are aware of the trail's alignment and its implementation timeline. The City of Greenbelt indicated that they held a public hearing on April 25, 2016 and voted to approve Detailed Site Plan DSP-04081-09 subject to the following conditions.
  - (1) Prior to the issuance of the 250th building permit, the Stream Valley Trail shall be fully bonded for construction.
  - (2) Prior to the issuance of the 300th building permit, the Stream Valley Trail shall be fully constructed.
  - (3) Prior to the issuance of the 250th building permit:
    - (a) The trail location shall be posted at 200-foot intervals, at all trail access points, and be inspected by the trails coordinator and the City of Greenbelt.
    - (b) The signage shall be approved by the trails coordinator and the City prior to posting and shall state at a minimum: "future location of a public trail" and the expected date (month and year) of construction completion.
    - (c) The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed towards the lots of the subdivision and the public street.
    - (d) The height of the signage shall be determined by the M-NCPPC trails coordinator and the City in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trail coordinator and with the consent of the City, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted at certain locations along the proposed trail.
    - (e) Maintenance of the sign shall be the responsibility of the developer.

In addition to these conditions, the City requests that a finding be added stating that, "If approvals are received prior to issuance of the 300th building permit, or any permit trigger approved thereafter, construction of the stream valley trail should commence immediately



upon receipt of all applicable permits, subject to reasonable constraints of accepted best practice standards as relates to climate and weather.”

**Comment:** The City of Greenbelt’s conditions have been incorporated in the Recommendation section of this report, and a finding is included encouraging the applicant to commence construction of the trail as soon as all necessary permits are obtained.

14. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if the condition proposed below is fulfilled, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that the regulated environmental features have been preserved and/or restored to the fullest extent possible. Because no new impacts are proposed to the regulated environmental features, this finding has been met.

#### RECOMMENDATION

Based upon the foregoing evaluation, analysis, and findings of this report, the Urban Design staff recommends that the Planning Board APPROVE Detailed Site Plan DSP-04081-09 for Greenbelt Station, Phase 1, subject to the following conditions:

1. Prior to issuance of the 250th building permit, the applicant shall comply with the following:
  - a. The trail location shall be posted with signs at 200-foot intervals at all trail access points, and be inspected jointly by the M-NCPPC trails coordinator and the City of Greenbelt.
  - b. The signs shall be constructed of durable materials, utilize colors that will attract attention, and state, at a minimum: “Future Location of a Public Trail” with the expected date (month and year) of construction completion. The signs shall be directed towards the lots of the subdivision and the public street. Maintenance of the signs shall be the responsibility of the developer.
  - c. The sign details shall be approved jointly by the M-NCPPC trails coordinator and the City of Greenbelt, as the designee of the Prince George’s County Planning Board, prior to posting.
  - d. The height of the signage shall be determined jointly by the M-NCPPC trails coordinator and the City of Greenbelt, in consideration of the site grading to ensure visibility of the signs. This condition may be waived at the request of the applicant at certain locations along the proposed trail alignment, with approval by the trails coordinator and with the consent of the City of Greenbelt, if specific site conditions make the posting impractical at those locations.
  - e. The public trail shall be fully bonded.

2. Prior to issuance of 300th building permit in the South Core, the public trail shall be fully constructed. The trigger for the completion of the trail may be increased up to the 352nd building permit contingent upon approval of the City of Greenbelt and the M-NCPPC Planning Director, as the designee of the Prince George's County Planning Board.
3. Notice of the stream valley trail's construction and alignment shall be posted in each leasing trailer and/or model home's show floor.

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ITEM:

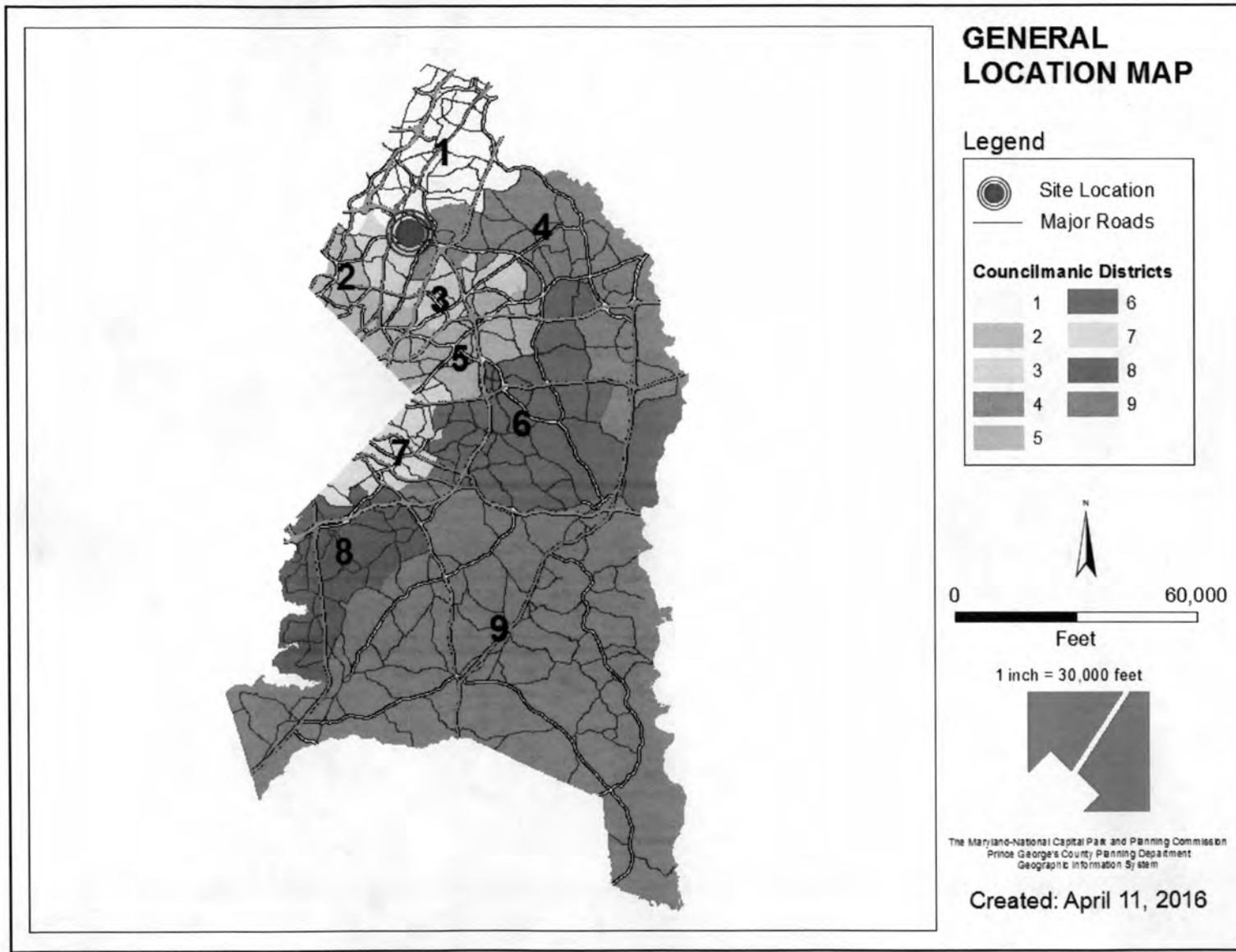
CASE: DSP-04081-09

# GREENBELT STATION, PHASE I

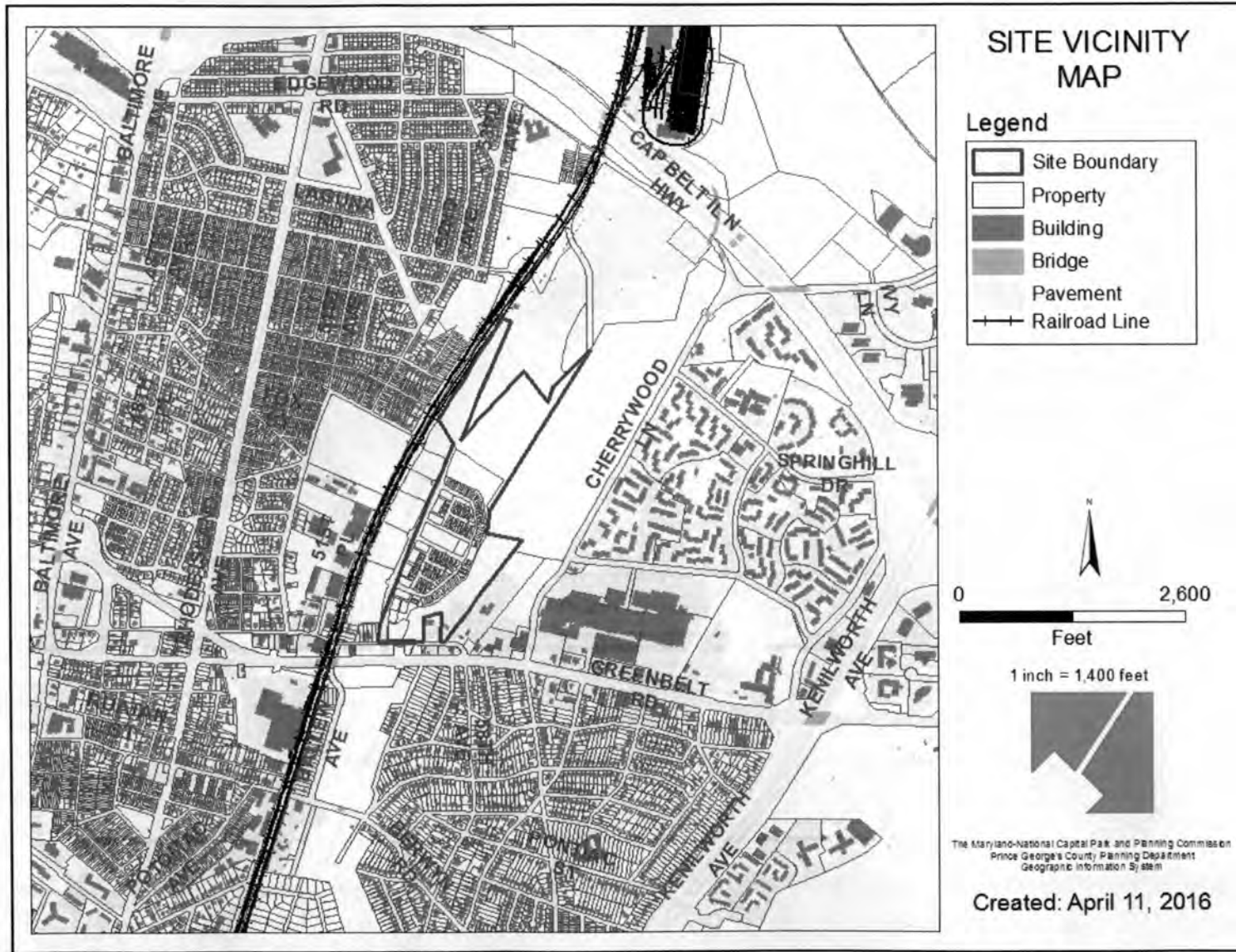
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



# GENERAL LOCATION MAP

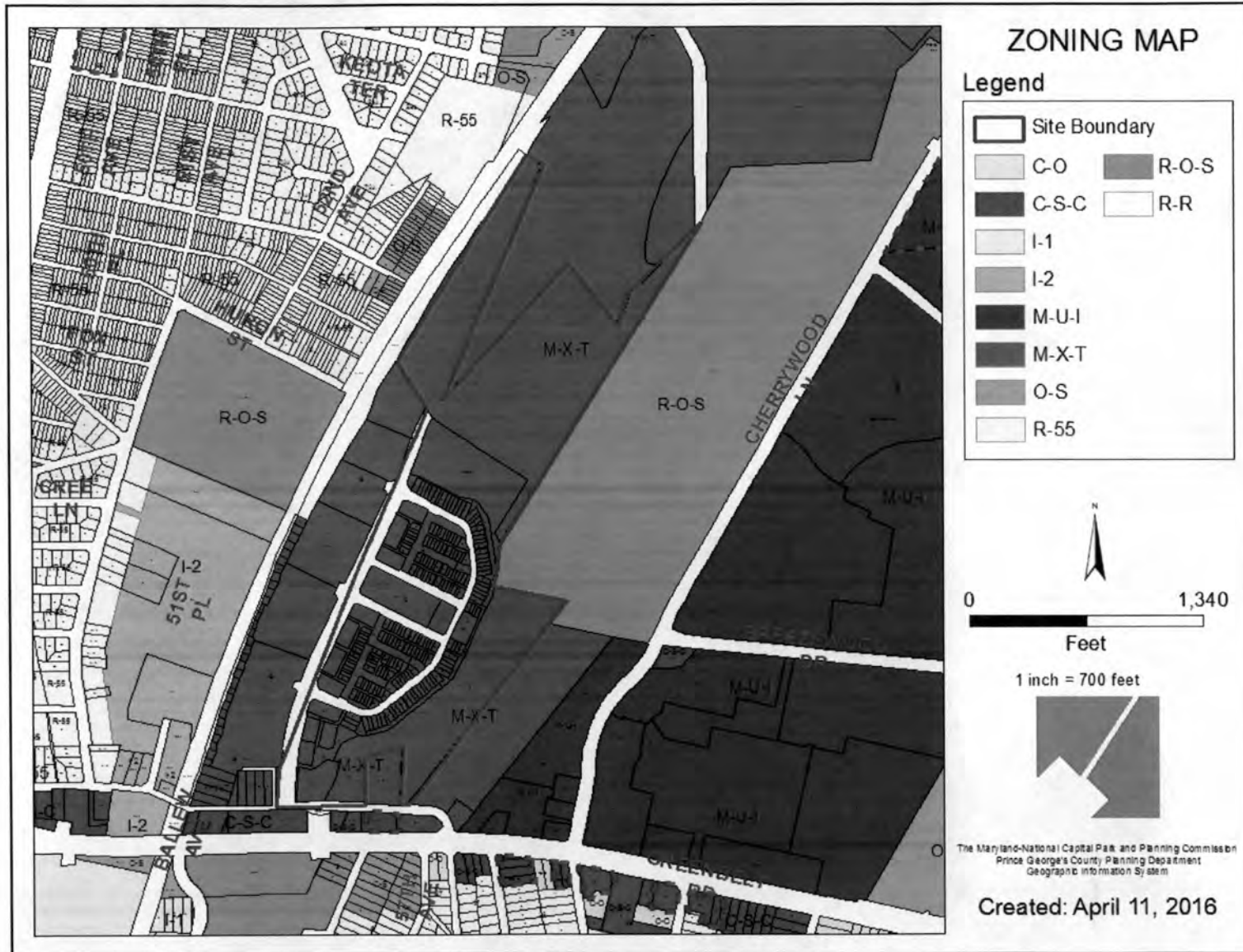


# SITE VICINITY

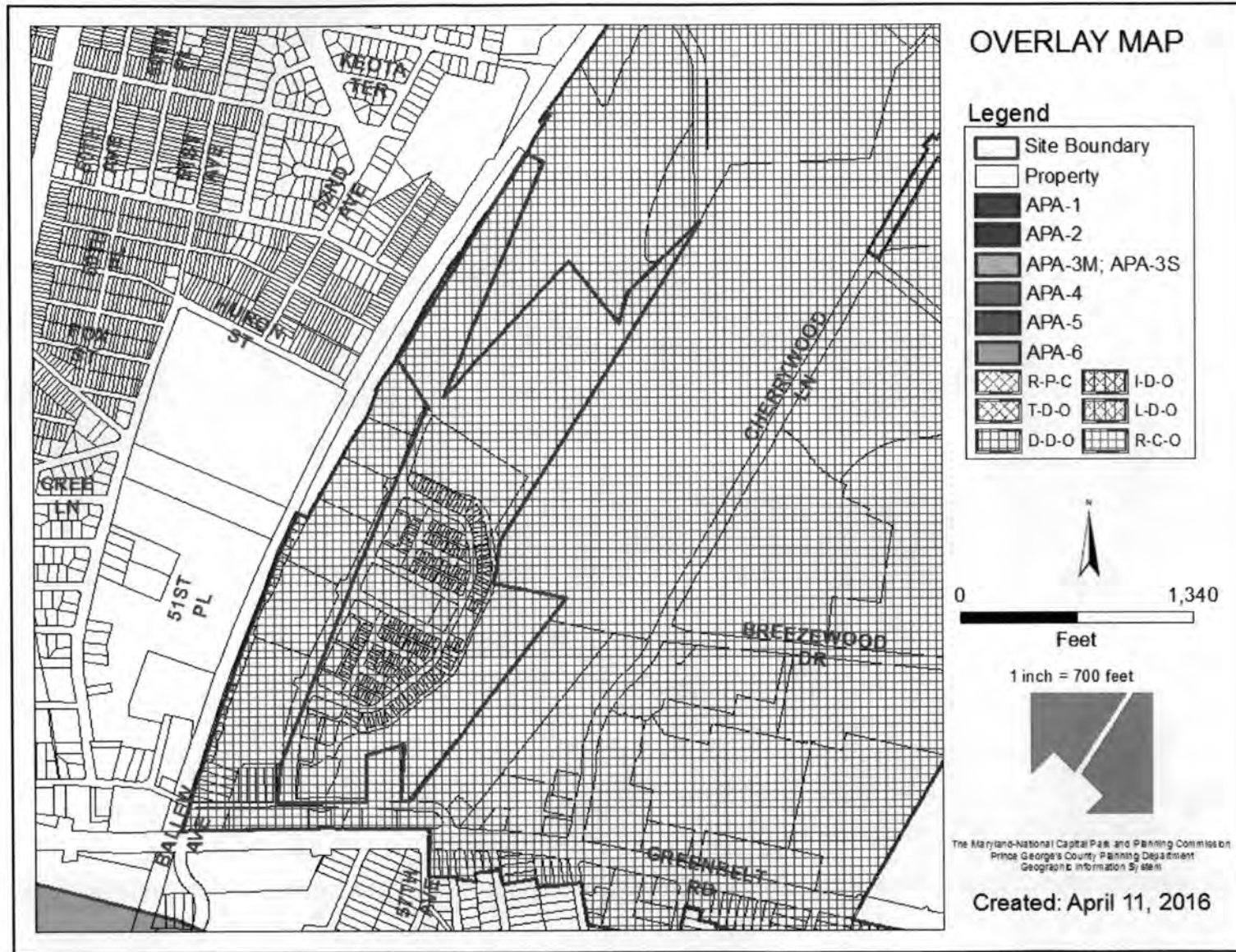




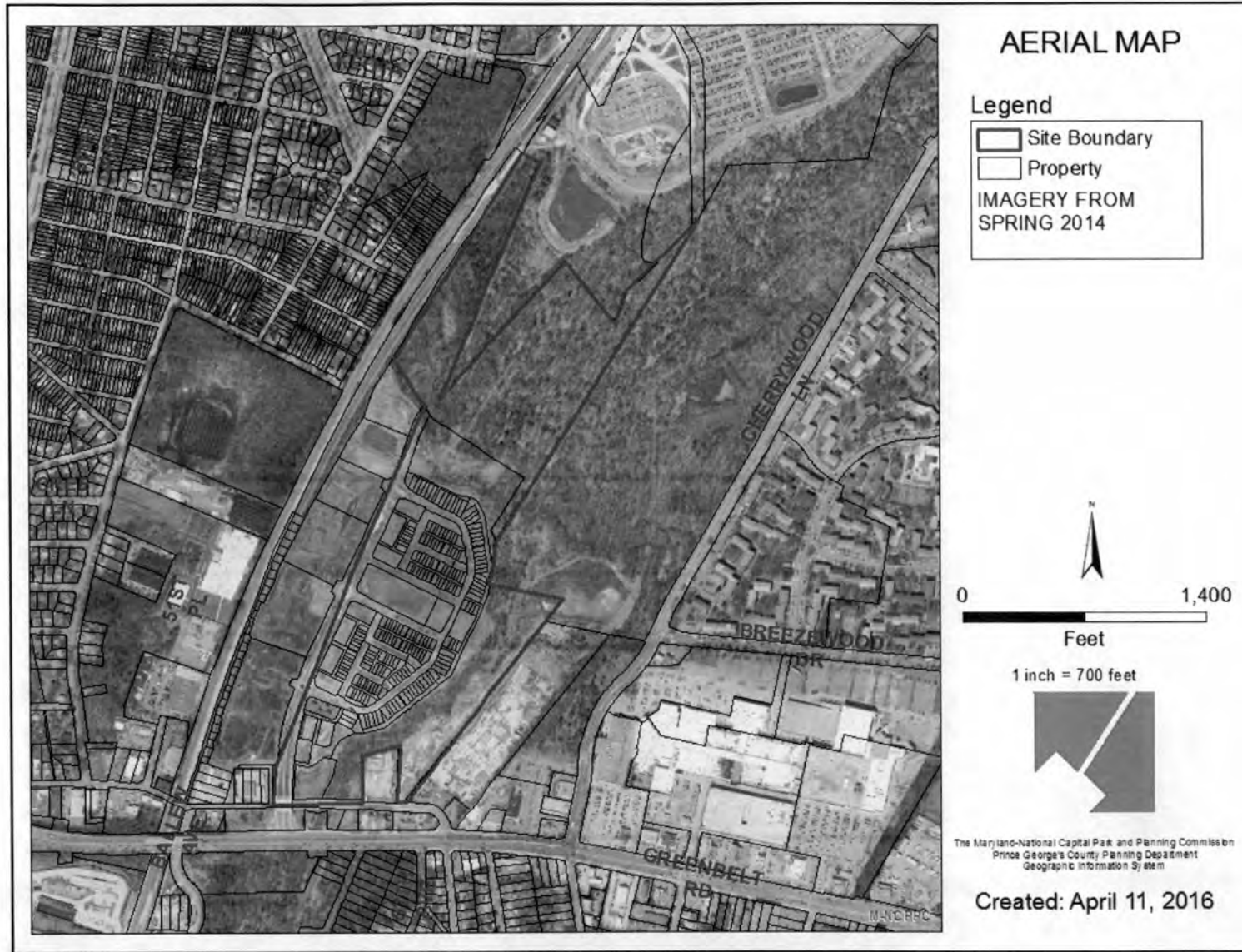
# ZONING MAP



# OVERLAY MAP

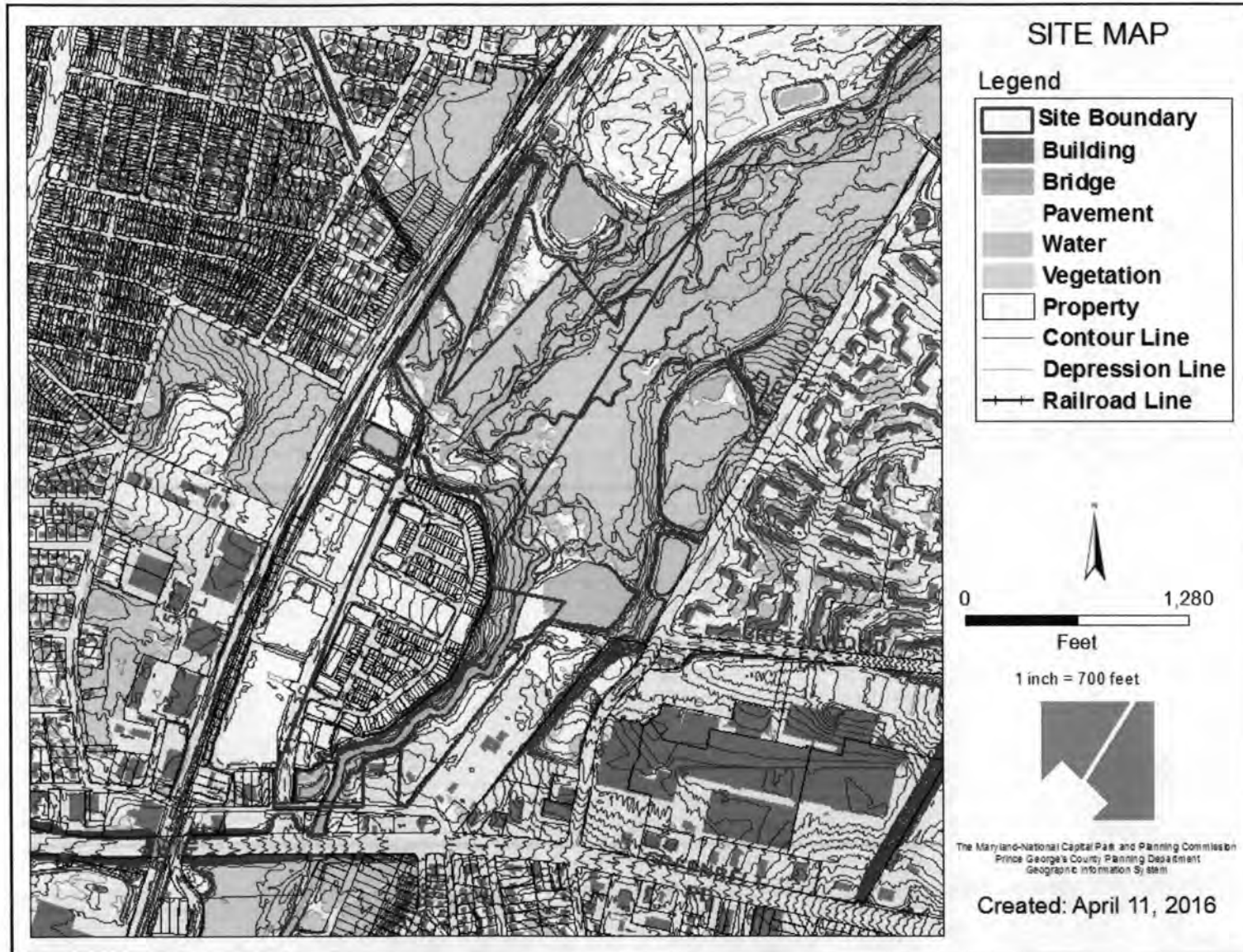


# AERIAL MAP

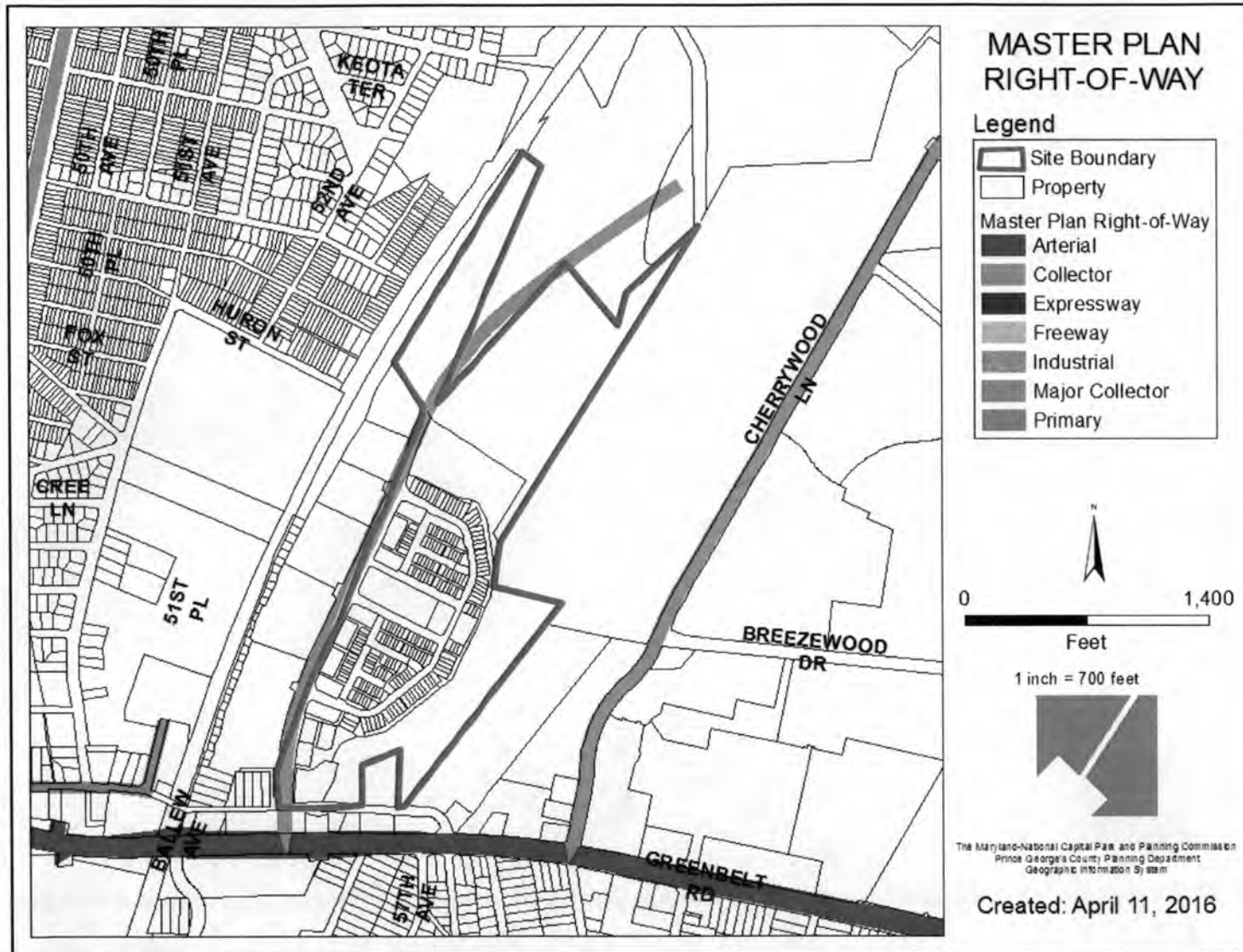




# SITE MAP

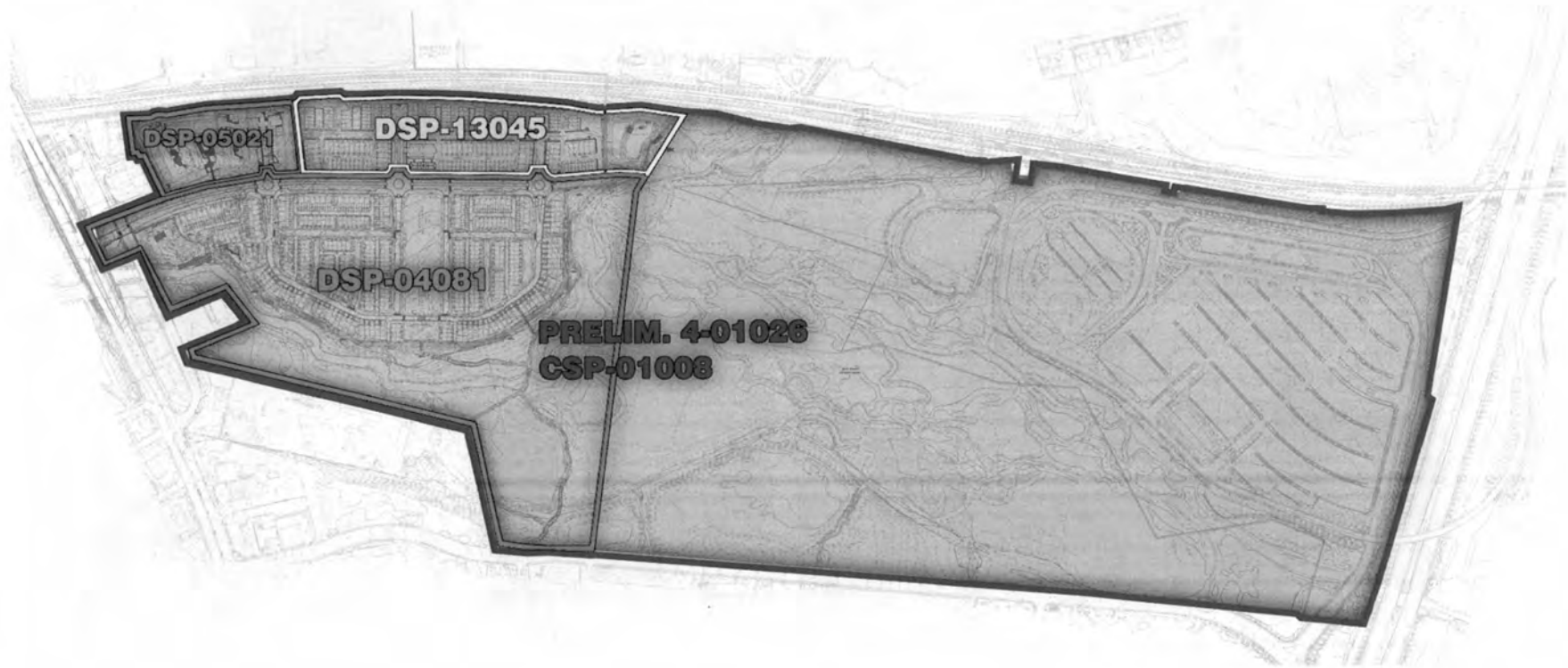


# MASTER PLAN RIGHT-OF-WAY MAP





# OVERALL BOUNDARY EXHIBIT, DSP-13045





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

April 13, 2016

**MEMORANDUM**

TO: Cynthia Fenton, Urban Design Section, Development Review Division  
FROM: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division  
SUBJECT: Detailed Site Plan Review for Master Plan Trail Compliance

The following detailed site plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the appropriate recommendations.

Detailed Site Plan Number: DSP-04081-09

Name: Greenbelt Station

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<input type="checkbox"/>	Public Use Trail Easement	<input checked="" type="checkbox"/>
PG Co. R.O.W.*	<input type="checkbox"/>	Nature Trails	<input checked="" type="checkbox"/>
SHA R.O.W.*	<input type="checkbox"/>	M-NCPPC – Parks	<input type="checkbox"/>
HOA	<input type="checkbox"/>	Bicycle Parking	<input type="checkbox"/>
Sidewalks	<input type="checkbox"/>	ADA Requirements	<input type="checkbox"/>

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Plan and Sectional Map Amendment* (Sector Plan).

The subject application is within the developed tier, planning area 67, and is located on the east side of Greenbelt Station Parkway and north of MD 193 (Greenbelt Road). The subject site is one component of a larger development, approved as CSP-08001(PGCPB No. 01-160(C)(A)). The subject application proposes amending the approved Detailed Site Plan (DSP-04081) to change the building permit trigger for the bonding and construction of the stream valley trail.

The alignment of the stream valley trail is currently pending approval of DSP-04081-08. The proposed trail alignment connects to Greenbelt Station Parkway, Stream Bank Lane, Branchville Road, and Cherrywood Lane. The proposed trail includes a loop around a pond east of Indian Creek and a bridge over Indian Creek.

## Review Comments (Plan Compliance and Prior Approvals)

### Master Plan of Transportation

The proposed trail is part of two listed as a Master Plan Trails (see MPOT map):

#### Planned Facilities

- Metroland Indian Creek Spur – connecting Branchville Road to the Indian Creek Trail just west of Indian Creek
- Indian Creek Trail – connecting Branchville Road to the Greenbelt Station Parkway sidepath and the Greenbelt Metrorail Station

### Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan

The sector plan indicates planned and existing trails that surround the subject application development and connect to the Greenbelt Metro Station (Sector Plan, page 127). Additionally, the following transportation implementation strategy related to the trail is listed in the Sector Plan (Sector Plan, page 125):

**Strategy 2.4.** Provide additional connections between existing and future neighborhoods and the Indian Creek Trail and Northeast Branch trail system to contribute to stronger communities that enjoy greater mobility and access to regional transportation systems.

**Comment:** The submitted application does not change the alignment of the proposed trail. The current approved alignment, or the proposed alignment, will contribute to completing the MPOT and Sector Plan planned trails.

### Prior Approvals

The subject site has several prior approvals which discuss the location and design of the proposed trail. However, the subject application does not propose any physical changes to the development and only relates to the timing of trail construction and bonding. The following conditions of approval relate to the construction of the trail:

CSP-01008-01 (PGCPB No. 06-32):

25. The applicant, his successors, and/or assignees shall provide adequate, private and/or public recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. A complete recreational package shall be provided at the time of the first detailed site plan for each core and shall include facilities in the amount of \$1,750,000 at a minimum.
27. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
28. Three original, executed recreational facilities agreements (RFAs) or similar alternative shall be submitted to DRD for its approval, three weeks prior to a submission of a grading permit. Upon approval by DRD, the RFA of alternative instrument shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

Preliminary Plan of Subdivision 4-01026 (PGCPB No. 01-130(A)/2):

10. Prior to approval of any final plat including residential units, the applicant shall submit three original, executed Recreational Facilities Agreements (RFA) to the Department of Parks and Recreation. Upon approval, the RFAs shall be recorded among the land records of Prince George's County
11. Prior to application for building permits for residential units, the applicant shall submit to the Department of Parks and Recreation a performance bond, letter of credit, or other suitable

financial guarantee, in an appropriate amount determined by Development Review Division.

**Comment:** The conceptual site plan (CSP-01008/01) and the preliminary plan of subdivision (4-01026) both reference a recreational facilities agreement (RFA), which outlines the needed recreational facilities.

Private Recreation Facilities Agreement “Greenbelt Station, Phase 1, South Core”

The RFA was signed in October 2006 by The Maryland National Capital Park and Planning Commission and Greenbelt Metropark LLC.

1. **Recreation Facilities.** In accordance with the approvals for CSP-01008/01 and Preliminary Plan 4-01026, DSP-04081 requires that the Developer shall construct on the Property the private recreation facilities approved by the Planning Board as specified below:
  - a. The private outdoor recreation facilities to be constructed by the Developer for Phase I of the South Core of Greenbelt Station are as follows:
    - i. Townhouse Section Facilities:
      1. 360 linear feet of 6-foot wide asphalt connector trail;
      2. 315 linear feet of 4-foot wide asphalt connector trail;
      3. One tot lot
      4. Two sitting areas with trellises in two pocket parks, and;
      5. Twelve benches (including benches in sitting ares)
  - b. Construction of the recreation facilities listed in sub-paragraph (a)(i) above shall be completed as follows:

The Developer shall construct all private South Core Facilities prior to the 250th townhouse building permit, as stated in PGBPB Resolution 06-149, Finding 5.

**Comment:** The submitted application requests that the developer bond the trail prior to the issuance of the 250th building permit and construct the trail prior to the issuance of the 352nd building permit.

**Statement of Justification**

The applicant submitted a statement of justification as part of the application. The applicant lists the following as justification and request for the extension of trail construction building:

The off-site portion of the trail system, which is located on State land, requires State and City of Greenbelt approval. The trail location, easements, right of entry agreements and construction permits are not subject to the applicant’s direct control. Construction of the on-site trail system must be coordinated with the off-site portion. The applicant therefore requests that this requirement be amended so that bonding of the trail be completed prior to the issuance of the 250th building permit and the construction of the trail be completed prior to the issuance of the 352nd building permit.

**Comment:** The applicant’s rationale for extending the trail construction to allow for adequate time for the State and the City of Greenbelt to make the necessary approvals is reasonable. However, the length of the extension for construction, from the 250th building permit to the 352nd building permits, goes beyond the number of buildings in this DSP; there are 342 buildings (212 townhouses, 130 two-over-two dwellings). Staff recommends that the trail is completed before the completion of all units in the site plan. Further, staff recommends that signage be placed along the trail and at trail access points to indicate the location of the future public use trail. Signs indicating the trail location will benefit future residents of the development by providing them more information regarding the construction and development of the subdivision.



## Conclusion

From the standpoint of active transportation, it is determined that this plan revision (DSP-04081-09) is acceptable, fulfills the intent of applicable plans, fulfills prior conditions of approval, and meets the finding for a detailed site plan as described in Section 27-285 of the Zoning Ordinance subject to certain conditions that are included below.

### Conditions of approval

1. Prior to the issuance of the 250th building permit:
  - a. The trail location shall be posted at 200-foot intervals, at all trail access points, and be inspected by the M-NCPPC trails coordinator.
  - b. The signage shall be approved by the trails coordinator prior to posting and shall state at a minimum: "future location of a public trail" and the expected date (month and year) of construction completion.
  - c. The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed towards the lots of the subdivision and the public street.
  - d. The height of the signage shall be determined by the trails coordinator in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trail coordinator, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted at certain locations along the proposed trail.
  
2. Prior to the issuance of the 250th building permit:
  - a. The trail shall be fully bonded.
  
3. Prior to the issuance of the 300th building permit:
  - a. The trail shall be fully constructed.



# CITY OF GREENBELT

25 CRESCENT ROAD, GREENBELT, MD. 20770-1886



May 12, 2016

## CITY COUNCIL

Emmett V. Jordan, Mayor  
Judith F. Davis, Mayor Pro Tem  
Konrad E. Herling  
Leta M. Mach  
Silke I. Pope  
Edward V.J. Putens  
Rodney M. Roberts

Chairman Elizabeth M. Hewlett  
Prince George's County Planning Board  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

RE: Detailed Site Plan (DSP-04081-09) – Greenbelt Station

Dear Chairman Hewlett:

On April 25, 2016, the Greenbelt City Council reviewed the proposed revisions to the Greenbelt Station Phase 1 and 2 Detailed Site Plan (DSP-04081-09) as it relates to construction and financing of the Stream Valley Trail. Council voted to approve the proposed revisions subject to three (3) conditions. We request that the City's conditions of approval be incorporated into staff's technical report and the Planning Board's final resolution.

Finding 5 of the Planning Board's Resolution No. 06-149 approving DSP-04081 and the associated Recreational Facilities Agreement require that the Stream Valley Trail be completed prior to issuance of the 250<sup>th</sup> building permit. The applicant has requested that this finding be amended to bond the trail at the 250<sup>th</sup> building permit and require completion of the trail prior to issuance of the 352<sup>nd</sup> building permit.

Greenbelt concurs with the applicant's cited need for these revisions but is concerned that the new proposed trigger is not adequately tied to the existing development sequence of Greenbelt Station. The City also strongly supports the installation and posting of signs that ensure current and future residents of Greenbelt Station are aware of the trail's alignment and its implementation timeline.

The City Council approved the requested revision subject to the following conditions:

- 1) Prior to the issuance of the 250th building permit, the Stream Valley Trail shall be fully bonded for construction.
- 2) Prior to the issuance of the 300th building permit, the Stream Valley Trail shall be fully constructed.

A NATIONAL HISTORIC LANDMARK

(301) 474-8000 FAX: (301) 441-8248

[www.greenbeltmd.gov](http://www.greenbeltmd.gov)

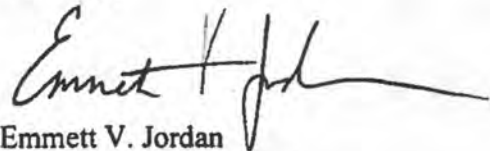


- 3) Prior to the issuance of the 250th building permit:
- a. The trail location shall be posted at 200-foot intervals, at all trail access points, and be inspected by the M-NCPPC trails coordinator and the City of Greenbelt.
  - b. The signage shall be approved by the trails coordinator and the City prior to posting and shall state at a minimum: "future location of a public trail" and the expected date (month and year) of construction completion.
  - c. The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed towards the lots of the subdivision and the public street.
  - d. The height of the signage shall be determined by the trails coordinator and the City in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trail coordinator and with the consent of the City, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted at certain locations along the proposed trail.
  - e. Maintenance of the sign shall be the responsibility of the developer.

In addition to these conditions, the City requests that a finding be added stating that, "if approvals are received prior to issuance of the 300th building permit, or any permit trigger approved thereafter, construction of the Stream Valley Trail should commence immediately upon receipt of all applicable permits, subject to reasonable constraints of accepted best practice standards as relates to climate and weather".

Thank you for consideration of these comments.

Sincerely,



Emmett V. Jordan  
Mayor, City of Greenbelt

CC: City Council  
Michael P. McLaughlin, City Manager  
Celia Craze, Director of Planning and Community Development  
Jessica Bellah, Community Planner  
Cynthia Fenton, M-NCPPC- Development Review Division  
Norman Rivera, Metropark, LLC

STATEMENT OF JUSTIFICATION  
DSP-04081-09  
GREENBELT STATION, PHASE I

OWNER/APPLICANT: NVR MS Cavalier Greenbelt LLC  
11700 Plaza America Drive, Suite 310  
Reston, VA 20190

ATTORNEY/AGENT: Law Offices of Norman D. Rivera, Esq. LLC  
17251 Melford Blvd., Suite 200  
Bowie, MD 20715  
301-352-4973

CIVIL ENGINEER: Dewberry Consultants, LLC  
10003 Derekwood Lane, Suite 204  
Lanham, MD 20706  
301-731-5551

REQUEST: Amend the approved Detailed Site Plan (DSP-04081) to amend the building permit trigger for bonding and construction of the stream valley trail

**I. Description of Property:**

1. Location — The site is located on the north side of Greenbelt Road, west of Cherrywood Lane, and south of the Capital Beltway. The property is located in Planning Area 67 within the 2013 *Greenbelt Metro Area and MD 193 Corridor Sectional Map Amendment (SMA) and Sector Plan*.
2. Use—The subject site was previously approved for 212 townhouse 130 two-over-two dwellings within a larger mixed-use development approved through CSP-01008. The subject application does not propose to revise the previously approved uses or mix of units.
3. Incorporated Area —City of Greenbelt
4. Council District — 4 (Todd M. Turner)
5. Lot —Various Lots in the Greenbelt Station development
6. Total Area — 64.21 acres
7. Tax Map/Grid — 25, 26/F4, A2, A3, A4, B2, B3

8. Zoned: M-X-T
9. WSSC Grid — 211NE05

## **II. Applicant's Proposal**

The purpose of the -09 revision is to amend the building permit trigger established for construction of the stream valley trail by DSP-04081. The trail alignment as shown on the -08 revision is currently pending staff level certification. At this time, we would like to request that the previously approved trigger for the construction of certain recreational facilities be amended due to the review timeframe for easements and permits with the State of Maryland and the City of Greenbelt.

As to the trigger, Finding 5 of PGCPB Resolution No. 06-149 approving DSP-04081 as well as the associated RFA requires construction of the complete trail system prior to the issuance of the 250<sup>th</sup> building permit for the project. The off-site portion of the trail system, which is located on State land, requires State and City of Greenbelt approval. The trail location, easements, right of entry agreements and construction permits are not subject to the applicant's direct control and construction of the on-site trail system must be coordinated with the off-site portion. The applicant therefore requests that this requirement be amended so that bonding of the trail be completed prior to the issuance of the 250<sup>th</sup> building permit and construction of the trail be completed prior to the issuance of the 352<sup>nd</sup> building permit.

## **III. Community**

The overall Greenbelt Station development consists of approximately 243 acres of land in the M-X-T Zone, and is located on the north side of Greenbelt Road (MD 193) and south of the Capital Beltway. The site is bounded to the west by the Greenbelt Metrorail and MARC rail tracks and to the east by Cherrywood Lane. The Greenbelt Metro Station and associated commuter parking lot, owned by the Washington Metropolitan Area Transit Authority (WMATA), is located to the northwest of the subject application. The subject property is located in the 2013 *Greenbelt Metro Area and MD 193 Corridor Sectional Map Amendment (SMA) and Sector Plan* Area. Phase 1, the portion of the project covered by DSP-04081, is located in the southern portion of the overall Greenbelt Station development, east of Greenbelt Station Parkway.

## **IV. Previous Approvals**

The original conceptual site plan, CSP-01008, was approved by the Planning Board, on July 26, 2001, and the District Council, on September 24, 2001, as a Metro Planned Community in the I-2 Zone, pursuant to CB-47-2000. Subsequently, October 2001 *Approved Greenbelt Metro Area Sector Plan and Sectional Map Amendment* rezoned the property to the M-X T Zone.



On September 15, 2005, the Planning Board approved a reconsideration of CSP-01008 to incorporate transportation-related conditions proffered by the applicant (PGCPB Resolution No. 01-160(C)(A)), subject to 38 conditions.

A revision to the Conceptual Site Plan, CSP-01008-01, was originally approved by the Planning Board on February 2, 2006 and subsequently by the District Council on June 20, 2006, subject to 66 conditions. Conceptual Site Plan CSP-01008-01 was then also reconsidered and approved by the Planning Board on July 26, 2012 (PGCPB Resolution No. 06-32(A)) subject to 63 conditions. A second revision to the Conceptual Site Plan, CSP-01008-02 was approved by the District Council on June 2, 2014. Preliminary Plan of Subdivision, 4-01026, was approved by the Planning Board on September 6, 2001 and was subsequently reconsidered on September 15, 2005, February 2, 2006, and July 26, 2012.

The original DSP for Phase 1, DSP-04081, was approved by the Planning Board on June 22, 2006. It has since been revised several times for to accommodate minor site adjustments and revisions to architectural elevations. The -08 revision is currently pending to address physical revisions to the stream valley trail.

The 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment* retained the subject property in the M-X-T Zone.

**V. Criteria for Approval of a Detailed Site Plan in a Metro Planned Community & Design Guidelines**

*Section 27-285. Planning board procedures.*

*(b) Required Findings*

*(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.*

COMMENT: Based on the points and reasons provided herein, in addition to the evidence filed in conjunction with this application, the applicant contends that the DSP represents the most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for the intended uses.

*(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).*



COMMENT: See VII below for a detailed discussion of the DSP's conformance with the approved Conceptual Site Plan.

*(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.*

COMMENT: Not applicable. This is not a Detailed Site Plan for infrastructure only.

*(4) The Planning Board may approve a Detailed Site Plan if it finds 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).*

COMMENT: The subject revision application does not propose any physical changes to the development and only pertains to the permit trigger for the construction of a specific recreational facility. As such, findings made with previous approvals that regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible will not be affected.

*Section 27-475.06.03 Metro Planned Communities.*

*(b) A Metro Planned Community permitted (P) in the Table of Uses shall be subject to the following:*

*(2) Site Plan.*

*(F) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:*

*(i) The proposed development is in conformance with the purposes and other provisions of this Division;*

*(ii) The uses within the proposed development are either physically or visually integrated in order to encourage interaction between and among the uses within the development and with those who live, work in, or visit the area;*

*(iii) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;*

*(iv) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;*

*(v) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and appropriate linkages to the surrounding community;*

*(vi) In areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, urban design characteristics, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial);*

*(vii) The proposed development is compatible with existing and proposed development in the vicinity;*

*(viii) Unless a finding of adequacy was made at the time of preliminary plat approval, the proposed development will be adequately served within a reasonable period of time by existing, programmed, or guaranteed transportation facilities, as follows:*

*(ix) The proposed development, if it includes a hotel use, will satisfy a public need for an additional hotel in the market area; and*

*(x) For approval of the Detailed Site Plan only in a Metro Planned Community, there is evidence of an executed letter of intent from at least one (1) anchor department store with fashion sophistication at a level designed to attract the upscale customer, commonly viewed as being well-educated, sophisticated in his/her tastes, and earning in excess of Fifty Thousand Dollars (\$50,000) per year. Department stores operating under the trade names Bloomingdale's, Lord & Taylor, Macy's, Neiman Marcus, Nordstrom, and Saks 5th Avenue, or the equivalent (or under trade names then being used by any of the named department stores, aforesaid) will automatically be deemed to meet the criteria set forth in the preceding sentence. In no event shall any of the anchor department store tenants initially operate under a trade name generally associated with, and characterized as, a discount department store such as Wal-Mart, KMart, or Target. Notwithstanding the*

*aforegoing, in no event shall traditional, high-quality, main-street retail shopping and entertainment complex stores operating under trade names such as Bloomingdale's, Macy's, Hecht's, Lord & Taylor, Sears, Dillard's, JC Penney, Nordstrom, Neiman Marcus, or Saks 5th Avenue be deemed a discount department store.*

COMMENT: No physical changes are proposed with this application. Adjustment of the timing of bonding and construction of the stream valley trail will not impact previous findings of conformance with the above requirement.

*Design Guidelines*

*Sec. 27-283. Site design guidelines.*

*(a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).*

COMMENT: Section 27-274 includes design guidelines relating to parking, loading, and circulation; lighting; views; green area; site and streetscape amenities; grading; service areas; public spaces; and architecture. Adjustment of the timing of bonding and construction of the stream valley trail will not impact previous findings of conformance with the site design guidelines of Section 27-274.

**VI. Conformance to Regulations in the M-X-T Zone**

Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. Adjustment of the timing of bonding and construction of the stream valley trail will not impact previous findings of conformance with the requirements of Section 27-548.

**VII. Conformance to the Requirements of CSP-01008-01 & CSP-01008-02**

***CSP-01008-01***

The approval of CSP-010018-01 include the following condition, which is applicable to the subject application as follows:

*25. The applicant, his successors, and/or assignees shall provide adequate, private and/or public recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. A complete recreational package shall be provided at the time of the first detailed site plan for each core and shall include facilities in the amount of \$1,750,000 at a minimum.*

COMMENT: The trail segment in question is part of the recreational facilities package proposed by the developer and approved in fulfillment of the above condition. No

physical changes to the trail are proposed with the subject application and the DSP will continue to conform to the above requirement.

*28. Three original, executed recreational facilities agreements (RFAs) or similar alternative shall be submitted to DRD for its approval, three weeks prior to a submission of a grading permit. Upon approval by DRD, the RFA or alternative instrument shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.*

COMMENT: The applicant intends to execute a revised recreational facilities agreement to reflect the amended bonding and construction triggers for the stream valley trail should this application be approved as requested.

*40. A hiker/biker trail located to the north, east and south of the medium-density residential area, located east of the north/south connector road within the south core, shall be connected to the north/south connector road, Branchville Road and Cherrywood Lane opposite Breezewood Drive. This portion of trail shall be phased to be constructed concurrent with construction of the medium-density residential area as described herein.*

COMMENT: As noted above, coordination of construction of the on-site and off-site trail segments is dependent upon factors that are beyond the developer's control, including State and City of Greenbelt approval for the off-site portion. As such, the applicant is requesting to amend the previously approved triggers for bonding and construction of the trail facility to accommodate these approval timeframes. In accordance with the requirement above, the applicant is proposing to bond the trail prior to issuance of the 250<sup>th</sup> building permit and complete construction of the trail system prior to issuance of the 352<sup>nd</sup> building permit.

#### ***CSP-01008-02***

The subject application is in conformance with the findings and conditions of approval of CSP-01008-02. There are no conditions of approval applicable to the requested amendment of the timing of bonding and construction of the stream valley trail.

#### **VIII: Conformance to the Requirements of 4-01026**

The approval of 4-01026 included conditions similar in nature to those of CSP-01008 discussed above. Such conditions relate to the adequacy of private recreational facilities and recordation of a recreational facilities agreement. See above for a discussion of this proposal's conformance to these requirements.

#### **IX: Conformance to the Requirements of DSP-04081**

The subject application is in conformance with the applicable findings and conditions of approval of DSP-04081 as follows:



*Finding 5*

*5. Conformance to Conceptual Site Plan, CSP-01008/01...*

*...The following conditions, approved by the District Council, warrant discussion:*

*25. The applicant, his successors, and/or assignees shall provide adequate, private and/or public recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. A complete recreational package shall be provided at the time of the first detailed site plan for each core and shall include facilities in the amount of \$1,750,000 at a minimum.*

*As mentioned above, site-wide recreational facilities have been provided for the south core and site-specific recreational facilities have been provided for the townhouse section. The following recreational facilities have been proposed:*

*Overall South Core Facilities:*

*3,900 linear feet of 8-foot-wide asphalt hiker-biker trail;  
One 10-foot by 57-foot steel pedestrian bridge;  
Eight benches;  
Interpretive signage along the trail.*

*Note: The interpretive signage and the eight benches should be shown on the Landscape Plan.*

*Townhouse Section Facilities:*

*570 linear feet of 6-foot-wide asphalt connector trail;  
One tot lot;  
Two sitting areas with benches in two pocket parks.*

*Note: The two sitting areas have not been shown on the plans. The large open space at the intersection of North Channel Drive and Stream Bank Lane is devoid of any recreational facilities and should be provided with a focal point such as a pergola or gazebo with special paving, benches, pedestrian lighting, and attractive landscaping.*

*The total cost of facilities provided, based on the above, is approximately \$360,000. Along with the recommended focal point discussed above and the additional interpretive signs, benches, sitting areas, and extra 10-foot-wide trail recommended in Finding 6 below, the applicant needs to locate these facilities on the plan. Then a determination can be made as to the*

*final amount of recreational facilities provided and the cost of those facilities can be determined in order to accurately calculate bond amounts for those facilities. All recreational facilities should be completed prior to the issuance of the 250<sup>th</sup> building permit.*

40. *A hiker/biker trail located to the north, east, and south of the medium-density residential area, located east of the north/south connector road within the south core, shall be connected to the north/south connector road, Branchville Road and Cherrywood Lane opposite Breezewood Drive. This portion of trail shall be phased to be constructed concurrent with construction of the medium-density residential area as described herein.*

*An 8-foot wide hiker/biker trail has been provided in the Indian Creek stream valley with 6-foot wide feeder trails connecting to the trail from the community. The complete trail system should be completed prior to the issuance of the 250<sup>th</sup> building permit.*

COMMENT: The subject application is a request to amend the previously approved trigger for the construction of certain recreational facilities due to the review timeframe for easements and permits with the State of Maryland and the City of Greenbelt. Finding 5 above as well as the associated RFA requires construction of the complete trail system prior to the issuance of the 250<sup>th</sup> building permit for the project. The off-site portion of the trail system, which is located on State land, requires State and City of Greenbelt approval. The trail location, easements, right of entry agreements and construction permits are not subject to the applicant's direct control. Construction of the on-site trail system must be coordinated with the off-site portion. The applicant therefore requests that this requirement be amended so that bonding of the trail be completed prior to the issuance of the 250<sup>th</sup> building permit and construction of the trail to be completed prior to the issuance of the 352<sup>nd</sup> building permit.

**X: Conformance to the Prince George's County Landscape Manual**

Findings of conformance with the applicable sections of the Prince George's County Landscape Manual were made with the approval of DSP-04081. The subject revision application does not propose any physical changes to the development and only pertains to the permit trigger for the construction of a specific recreational facility. As such, findings of conformance to the Landscape Manual will not be affected.

**XI. Conclusion**

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the applicant respectfully requests the approval of DSP-04081-09.



Norman D. Rivera, Esq.

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 22, 2006, regarding Detailed Site Plan DSP-04081 for Greenbelt Metropark, Phase I, South Core, the Planning Board finds:

1. **Request:** The detailed site plan is for a portion of the South Core of the overall development called Greenbelt Station. The proposed development, consisting of 212 townhouse lots, 130 “two-over-two” (stacked condominium) units, and 4,170 square feet of commercial space (live/work), is located on the east side of the North/South connector road. The site plan also consists of grading and infrastructure for six future mixed-use parcels on the west side of the North/South connector road.

2. **Site Data:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential and Commercial
Acreage	64.21 gross	64.21 gross
100 Year Floodplain	16.27	16.27
Dedicated Public Roads	0	8.71
Net Tract		39.23
Lots	0	212 TH; 11 Condo
Parcels	0	11
Square Footage/GFA	0	4,170 (live/work)
Dwelling Units:	0	342
Two-over-Two Condominiums		130
Attached		212
<b>Parking Required:</b>		
Two-over-two Condominiums (130 du @ 2.0 spaces/unit)		260 spaces
Townhouses (212 du @ 2.04 spaces/unit)		432 spaces
Commercial – Live/Work		25 spaces
Total Required		717 spaces
<b>Parking Provided:</b>		782 spaces**

\*\* The plan needs to be revised to provide parking space dimensions for all spaces provided. Driveway spaces must meet the dimensional requirements of the Zoning Ordinance.



3. **Location:** The site is located north of Greenbelt Road, west of Cherrywood Lane, and south of the Capital Beltway. The site is bounded on the west side by the Greenbelt Metrorail and MARC rail tracks. The Greenbelt Metro Station and associated commuter parking lot, owned by the Washington Metropolitan Area Transit Authority (WMATA), is located to the north of the subject application.
4. **Design Features:** The proposed development represents Phase I of the overall Greenbelt Metro Station development. Along with the townhouses, two-over-two condominium units and live/work units proposed by the applicant, the proposal also includes major infrastructure components that will serve future development as well. A bridge is to be constructed over Branchville Road connecting the site to Greenbelt Road, serving as the main access point. This will be the only access point until the North Core is developed. With Phase I, the North-South Connector Road will extend north to Narragansett Run, a tributary of Indian Creek. Three roundabouts are to be constructed in this span of roadway. In between the roundabouts, an urban streetscape is to be provided on both sides of the road with wide sidewalks, street furniture, special paving, lighting and other special features.

The townhouses and two-over-two units are laid out in a grid pattern on the east side of the connector road. Most of the dwelling units will have rear-loaded garages accessed by alleys, except for the units that have front-loaded garages because they are located along the open space areas near the perimeter of the site. The two-over-two units include a bottom unit 1,550 square feet in size and an upper unit 2,143 square feet in size. A 2.3-acre central village green is provided from the connector road to the Indian Creek floodplain. This green area is to be dedicated to the City of Greenbelt for a future recreational center.

Recreational facilities are provided on site consisting of pocket parks with sitting areas, a tot lot and trails connecting to a hiker/biker trail system along the Indian Creek floodplain, which connects to Branchville Road to the south and Cherrywood Lane to the east.

The design elements for the architecture include a variety of styles and materials, including a combination of brick, stone, stucco and siding with a variety of window, door, and roof treatments. The proposed design elements add to the overall superior architectural quality of the development.

5. **Conformance to Conceptual Site Plan, CSP-01008/01:**

The detailed site plan is in general conformance with the conceptual site plan. A hearing was held by the District Council on June 12, 2006, and the District Council rendered a final decision concerning the conceptual site plan on June 20, 2006. The following conditions, approved by the District Council, warrant discussion:

For conformance to transportation related conditions, see Finding 16 below. For environmental related conditions, see Finding 15 below.

- 15. Emphasis shall be placed on a mixed-use development that is pedestrian-and bicycle-friendly, a grid street pattern with buildings close to the sidewalk, and civic areas with plazas and parks at regular intervals. Buildings may be set back from a street to provide for outdoor uses, such as cafes.**

The detailed site plan is in conformance with this condition. A grid street pattern has been provided with sidewalks on both sides of all streets, parallel parking in front of units and alleys to access rear-loaded garages for most of the units. It may be advisable for townhouses with rear-loaded garages to be set closer to the sidewalk in order to maximize the driveway pad to the rear-loaded garages. Final review and design of alley access and setbacks will be accomplished prior to issuance of stormdrain and paving permits by the City of Greenbelt.

A large central civic space, consisting of 2.9 acres that is to be dedicated to the City of Greenbelt, has been provided. The City is pursuing the possibility of constructing a public recreational facility on that parcel. By condition of the conceptual site plan, the applicant is required to conceptually design any public building proposed for the civic open space.

Other small pocket parks, convenient to the dwelling units, have been provided at regular intervals throughout the development.

- 16. All detailed site plans shall consider the development district standards of the Greenbelt area sector plan.**

The detailed site plan is generally consistent with all applicable development district standards.

- 17. Concurrent with the review and approval of the first detailed site plan for each core area, plans, sections and details of the streetscape for all streets shall be provided for Planning Board approval, including building setbacks, the dimensions and details of all travel lanes, parking bays, sidewalks, street tree spacing, and planting areas.**

The detailed site plan is in conformance with the above requirement. Street sections have been provided for the North-South Connector Road and all other public and private street types within the development. Public streets that are to be dedicated to the City of Greenbelt have been designed to standards acceptable to the city. Private streets and alleys have also been designed to be acceptable to the city and are recommended for approval by the Planning Board.

- 18. The design specifications and materials for site-wide amenities, signage, lighting, street furniture and recreational facilities shall be approved by the Planning Board with the first detailed site plan for the north core and the first detailed site plan for the south core, which plans may be submitted separately. Also, at the time of the first detailed site plan for the north or south core, specific amenities that are considered site-wide will be identified, and those amenities that may be different**

**between the north and the south core will be identified. In addition, the first detailed site plan shall provide a refined layout that shows the locations and general dimensions of all civic components, including parks, plazas, recreational areas and green areas/open spaces. Special attention shall be paid to address size, lighting, design and scale of any signage facing the Hollywood neighborhood.**

The detailed site plan is in conformance with the above requirements. The applicant has provided plans, details and specifications for site-wide amenities that include signage, lighting, street furniture and a public stream valley trail system along Indian Creek. A 2.9 acre central open space/village green has been provided to be dedicated to the City of Greenbelt for a future recreational center/civic building. Amenities for the Pulte development consist of a playground, trails, and pocket parks with sitting areas. The plans do not propose any signage to face the Hollywood neighborhood.

- 22. Each detailed site plan shall specify that all tree pits along the streets that have shops and restaurants and in all plazas shall be connected with a continuous noncompacted soil volume under the sidewalk. Details of how this will be accomplished shall be included on the plans and shall be agreed upon by the Planning Board or its designee. The use of "CU-Soil" as a "structural soil" or other equal product for shade trees planted in tree pits is strongly encouraged.**

A structural soils plan has been provided that shows the location of all areas to be designated for structural soils. The plan should be amended to provide structural soil connecting the tree pits in front of the live/work units.

- 25. The applicant, his successors, and/or assignees shall provide adequate, private and/or public recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. A complete recreational package shall be provided at the time of the first detailed site plan for each core and shall include facilities in the amount of \$1,750,000 at a minimum.**

As mentioned above, site-wide recreational facilities have been provided for the south core and site-specific recreational facilities have been provided for the townhouse section. The following recreational facilities have been proposed:

*Overall South Core Facilities:*

3,900 linear feet of 8-foot-wide asphalt hiker-biker trail;  
One 10-foot by 57-foot steel pedestrian bridge;  
Eight benches;  
Interpretive signage along the trail.

Note: The interpretive signage and the eight benches should be shown on the Landscape Plan.

*Townhouse Section Facilities:*

570 linear feet of 6-foot-wide asphalt connector trail;  
One tot lot;  
Two sitting areas with benches in two pocket parks.

Note: The two sitting areas have not been shown on the plans. The large open space at the intersection of North Channel Drive and Stream Bank Lane is devoid of any recreational facilities and should be provided with a focal point such as a pergola or gazebo with special paving, benches, pedestrian lighting, and attractive landscaping.

The total cost of facilities provided, based on the above, is approximately \$360,000. Along with the recommended focal point discussed above and the additional interpretive signs, benches, sitting areas, and extra 10-foot-wide trail recommended in Finding 6 below, the applicant needs to locate these facilities on the plan. Then a determination can be made as to the final amount of recreational facilities provided and the cost of those facilities can be determined in order to accurately calculate bond amounts for those facilities. All recreational facilities should be completed prior to the issuance of the 250<sup>th</sup> building permit.

40. **A hiker/biker trail located to the north, east, and south of the medium-density residential area, located east of the north/south connector road within the south core, shall be connected to the north/south connector road, Branchville Road and Cherrywood Lane opposite Breezewood Drive. This portion of trail shall be phased to be constructed concurrent with construction of the medium-density residential area as described herein.**

An 8-foot wide hiker/biker trail has been provided in the Indian Creek stream valley with 6-foot wide feeder trails connecting to the trail from the community. The complete trail system should be completed prior to the issuance of the 250<sup>th</sup> building permit.

48. **Design consideration shall be given to mixing unit types to avoid monocultures of housing, and to avoid continuous groupings of similar unit types, scale and massing. Where appropriate, buildings shall provide for a vertical mix of uses to create a mix of uses on a site-specific and neighborhood basis.**

The proposed development provides a mix of housing types of various scale and massing on a grid street pattern. For the most part, the homes will have rear-loaded parking served by alleys and the streets will have parallel parking as well. The proposal is for 212 townhouse units, 130 stacked townhouse condominium units and 4,170 square feet of live-work space on the lower level of one stick of the stacked townhouse units facing the central village green. The live-work space is in an appropriate location, being adjacent to the North/South Connector Road and the village green, where it can be associated with



strong pedestrian activity from the future recreation/civic center and future retail uses across the connector road.

However, the site plan shows the live-work building set back 30 feet from the street. It may be advisable for the building to be closer to the curb, as prescribed in the sector plan, and for the sidewalk to run from the face of the curb to the building, with special paving, street trees, street furniture and pedestrian lighting. Structural soil should be provided under the pavement to connect the tree pits. The exact design of the sidewalk, plaza, landscaping, amenities, and parking in front of and adjacent to the live/work units will be determined prior to issuance of stormdrain and paving permits by the City of Greenbelt for South Center Drive and/or the live/work building (Lot 4).

- 49. In the south core, if residential units are sited to the back of the stream valley park, creating a visual barrier between public spaces and the stream valley open space, protection of broad view sheds to the stream valley and State of Maryland open spaces shall be a primary objective in locating buildings.**

Residential units are sited to back up to the stream valley park. For the most part, there will be a modular block wall (imitation stone) between the dwelling units and the stream valley trail. To help ensure privacy for residents of the townhouses, the trail should be no less than 10 feet from rear lot lines.

- 58. Concurrent with the submission of the first detailed site plan for each core, a common sign plan for the subject property shall be submitted. The height of freestanding/monument exterior signs shall generally not exceed six feet in height for the area encompassing the main signage area. Combined with other architectural features (architectural bases, structures, planters, mounds), the height of freestanding/monument signs may be allowed to exceed six feet in height, as reviewed and approved by the City of Greenbelt. With the exception of 4, page 179 (Freestanding or Monument Signs), the design guidelines set forth in the *Approved Sector Plan and Sectional Map Amendment for the Greenbelt Metro Area* shall be considered the basis for development and review of the common sign plan for the project.**

A common sign plan has been provided that consists of main entrance features, a banner program, directional signage and retail signage criteria. The proposed signage meets the above requirements and is consistent with the criteria set forth in the Greenbelt Metro Area Sector Plan.

- 61. At the time of the review of the first detailed site plan for each core area, the applicant shall provide a plan showing all proposed private and public trails, including the identification of public access points to the proposed stream valley trail system.**

The detailed site plan provides for a comprehensive private and public trail system. The site plan does not provide for the identification of the public access points to the proposed stream valley trail system. The site plan should be revised to incorporate identification of public access points to the stream valley trail system. Additionally, bollards should be provided at private trail head locations on the stream valley trail.

6. **Conformance to Preliminary Plan 4-01026:**

The detailed site plan is in general conformance with the Preliminary Plan 4-01026 and applicable conditions of approval. The following conditions warrant discussion:

12. **The applicant shall provide a trail extension to the Indian Creek Stream Valley Trail. The trails shall be a minimum of 10 feet wide and accessible to the public. The exact location of this trail shall be determined at the time of detailed site plan review.**

The 8-foot-wide stream valley trail has been widened to 10 feet from Branchville Road to a point approximately 150 feet into the site, along the east side of SWM Pond 1, and 150 feet into the site from Cherrywood Lane, but the trails should be dimensioned to clearly document this change, and the transition area from 10 foot to 8 foot should be labelled and dimensioned.

**Required Findings for detailed site plans in a metro planned community (Findings 7–13 below.)**

7. **The proposed development is in conformance with the purposes and other provisions of this Division.**

The detailed site plan is in general conformance with the purposes and other provisions of Section 27-475.06.03 for a metro planned community.

The proposed development plan for Phase I promotes the optimum use of transit facilities by assuring the orderly development of land in the transit station area and access, both vehicular and pedestrian, to the Metro station and other major transportation systems.

The proposed mix of uses, including residential and live-work commercial space, will enhance the economic status of the county and provide an expanding source of employment and living opportunities. The proposed mix of uses, when the other phases of the South Core are developed, will be diverse and encourage a 24-hour environment.

8. **The uses within the proposed development are either physically or visually integrated in order to encourage interaction between and among the uses within the development and with those who live, work in, or visit the area.**

The plan meets this requirement.

9. **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.**

The site plan for Phase I of the overall Greenbelt Station project meets this requirement.

10. **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.**

The subject application represents Phase I of the development for the south core. Currently, one other detailed site plan application has been submitted and is under review by the Planning Department. The south core has been designed as a self-sufficient entity. The north core is still in the planning stage and is independent of the south core.

11. **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development.**

The site plan will meet this requirement if some minor revisions to the plan are implemented as described in the Recommendation section below.

12. **In areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, urban design characteristics, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).**

The site plan will not meet this requirement unless modifications described elsewhere in this report are implemented.

13. **The proposed development is compatible with existing and proposed development in the vicinity.**

The site plan is in conformance with this requirement.

14. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if the conditions proposed below are fulfilled, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

### Referrals

15. In a memorandum dated May 11, 2006 (Stasz to Adams), the Environmental Planning Section offered the following comments:

The Environmental Planning Section has reviewed the revised Detailed Site Plan for Greenbelt Metro Park, DSP-04081, and the revised Type II Tree Conservation Plan, TCPII/147/04-01, stamped as received by the Environmental Planning Section on May 2, 2006. A geotechnical report was received on February 24, 2006. A noise study was received on March 22, 2006. A copy of the Stormwater Management Concept approval letter was received on April 4, 2006. The Environmental Planning Section recommends approval of DSP-04081 and TCPII/147/04-01 subject to the conditions found at the end of this memorandum.

### **Background**

The Environmental Planning Section previously reviewed this site as applications SE-3979, Preliminary Plan 4-00042, TCPI/27/00, Conceptual Site Plan CSP-01008, Conceptual Site Plan CSP-01008-01, and TCPI/27/00-01. Conceptual Site Plan CSP-01008, TCPI/27/00, Preliminary Plan of Subdivision 4-01026, Conceptual Site Plan CSP-01008-01, and TCPI/27/00-01 have been approved by the Planning Board. Type II Tree Conservation Plan, TCPII/147/04, was approved by staff as part of the permit for reclamation of the former mining site.

### **Site Description**

The property is south of the Capital Beltway (I-95), north of Greenbelt Road (MD 193), east of Cherry Wood Lane, and it is bounded by the Metro on the west. The entire site is within the Greenbelt Metro Transit District Overlay Zone. There are floodplains, streams, and wetlands on the site. Current air photos indicate that about one-sixth of the site is wooded. No historic or scenic roads are affected by this proposal. The adjacent highways and Metro are significant nearby noise sources. The proposed use is not expected to generate significant noise. A rare/threatened/endangered species is known to occur in the project vicinity. Stormwater Concept Plan CSD 8329131-2000-00 was approved by DER on December 11, 2000. The soils information included in the review package indicates problematic soils occur in the proposed development area.

### **Conformance to the Greenbelt Metro Area Sector Plan**

The standards for the core area are described on pages 172–189 of the approved Greenbelt Metro Area Sector Plan. There are specific environmental issues that need to be addressed.

### **Noise Mitigation**

1. **“Noise and vibration studies determined to be necessary by the Environmental Planning Section of the Prince George’s County Planning Department shall be reviewed and approved at the time of conceptual site plan. Appropriate noise mitigation shall be provided for any new development proposals in the core area and shall be described at the time of detailed site plan review. Noise levels shall be within the allowable range for each land use proposed on-site.”**



2. **“Structures located within the noise corridors designated by the noise studies shall provide acceptable attenuation measures and design features to bring the structure into compliance with state standards.”**

**Discussion:** There are noise impacts associated with the overall property from both the Metro line and I-95. Both CB-47-2000 and the Greenbelt Metro Sector Plan indicate a desire to provide a residential component in the development of this site. A noise study was received on March 22, 2006. The noise study indicates that this portion of the overall development is not significantly impacted by noise that exceeds the State of Maryland standards for residential development. No further action regarding noise is required with regard to this detailed site plan.

3. **“All buildings within the core area shall be designed with acoustical design techniques to absorb vibrations and noise from the railroad.”**

**Discussion:** As noted above, noise from the railroad is not an issue for this portion of the site. Two geotechnical reports were received on February 24, 2006. The report dated August 2005 focuses on the area of the subject application and shows the result of 47 boreholes and test pits. The report dated July 2005 focuses on the area immediately to the west that is the subject of DSP-05021 and shows the result of 36 additional boreholes and test pits. Each report contains logs of the material found in the boreholes and laboratory results of tests of soil samples. Multiple cross sections and plan-views delineate the areas of problem soils.

The reports detail a series of mitigation measures for installation of infrastructure and foundations. Most of the site will require the placement of Class I fill, significant areas will require the placement of Class II fill and only the peripheral areas will have Class III fill. The types of foundations that are recommended should not be susceptible to damage caused by vibration from the rail traffic. The foundation designs will be reviewed by the Prince George's County Department of Environmental Resources (DER) as part of the building permits.

#### **Stormwater Management**

1. **“Stormwater detention and water quality facilities shall be provided outside of the Preservation and Conservation Management Area (PCMA). These facilities shall be installed within the mixed-use centers and use biological retention and filtration techniques, whenever feasible.”**

**Discussion:** The two bioretention stormwater facilities required by the Department of Environmental Resources are shown on the SDP and TCPII. Both ponds are outside of the Preservation and Conservation Management Area (PCMA).

2. **“The culvert systems carrying Indian Creek under the Capital Beltway and Greenbelt Road shall be restored, enhanced, or engineered to allow wildlife and fish passage in and out of the Core Area. The responsibility, timing and maintenance for these improvements shall be determined at the time of conceptual site plan review.**

**The designs for restoration shall be reviewed at the time of detailed site plan review for parcels including or adjacent to the culverts. The small tributary streams and other drainage entering the property from adjacent communities shall be evaluated for hydrologic functions and wildlife passage at the time of detailed site plan review.”**

**Discussion:** Neither of the specified culverts are included in or adjacent to the parcels that are the subject of this application.

### **Environmental Envelope**

#### **Framework**

1. **“A detailed Natural Resources Inventory (NRI) shall be submitted for any development proposals in the core area. The NRI shall include, but not be limited to, the 100-year floodplain, jurisdictional wetlands, streams, forest stands and rare, threatened and endangered species (RTEs). Soils and geotechnical studies will be required on a case-by-case basis.”**

**Discussion:** A detailed forest stand delineation was submitted with CSP-01008 and updated with CSP-01008/01. The Prince George’s County Department of Environmental Resources has approved the 100-year floodplain delineation as shown on the plan. The wetlands delineation had been previously examined in the field by federal, state and local reviewers and determined to be correct. The 25-foot wetland buffers are correctly shown and 50-foot stream buffers are correctly indicated. Rare, threatened and endangered species (RTEs) are discussed below. Two geotechnical reports were received on February 24, 2006.

2. **“Development proposals for the mixed-use centers in the core area shall not disrupt or disturb the PCMA except for passive recreation activities such as low-impact trails and pedestrian/bicycle linkages or vehicular connections, such as the north-south connector road.”**

**Discussion:** Proposed impacts were examined in great detail during the review of Preliminary Plan of Subdivision 4-01026. The sequential use of avoidance, minimization and mitigation were used for the analysis. A condition has been proposed to further stress the importance of reviews of impacts to sensitive environmental features, should an opportunity arise for further analyses.

3. **“Vistas into the Environmental Envelope and PCMA for strategic locations in the mixed-use centers shall be provided.”**

**Discussion:** The buffer required by Stormwater Concept Plan CSD 8329131-2000-00, provides a contiguous green space between the proposed structures and the PCMA.

### **Mitigation**

1. **“Impacts to the Environmental Envelope, especially the PCMA, shall be avoided. Any impacts proposed to environmentally sensitive features will require the applicable evaluation and permits by regulatory agencies.”**

**Discussion:** Proposed impacts were examined in great detail during the review of Preliminary Plan of Subdivision 4-01026. The sequential use of avoidance, minimization and mitigation were used for the analysis. A condition has been proposed to further stress the importance of reviews of impacts to sensitive environmental features, should an opportunity arise for further analyses.

2. **“If mitigation is permitted by regulatory agencies, every attempt shall be made to mitigate disturbances to the Environmental Envelope within the core area, the sector plan area or Indian Creek Watershed, in that order of priority.”**

**Discussion:** Mitigation is proposed within the core area. The plan shows extensive restoration of woodland in areas that have been significantly impacted by the past mining activities on site. Preparation for planting will require removal of large quantities of concrete debris, reconfiguration of abandoned wash ponds into forested stormwater management water quality ponds, and placement of thousands of cubic yards of new topsoil. The timing of the planting areas on the land owned by the State of Maryland is tied into the wetland permit required for the development of the property.

### **Buffers**

1. **“Preservation areas or landscaped buffers shall be provided at the edge of mixed-use centers to transition development into the Environmental Envelope. Afforestation or reforestation plantings shall be consistent with the Woodland Conservation and Tree Preservation Ordinance.”**

**Discussion:** Stormwater Concept Plan CSD 8329131-2000-00 requires a 50-foot buffer from the edge of the 100-year floodplain and planting of the buffer with native trees and shrubs if none exist. This buffer is shown on the TCPII.

2. **“A 50-foot minimum wooded or vegetated buffer shall be maintained adjacent to streams, wetlands and floodplain.”**

**Discussion:** Stormwater Concept Plan CSD 8329131-2000-00 was approved by DER on December 11, 2000. Increased optional technologies for control of water quality have been developed since that approval. A copy of the Stormwater Management Concept approval letter, CSD 46821-2005-00, was received on April 4, 2006. The approval requires that all areas of the 100-year floodplain that are subject to approved cut or fill be planted with native trees and shrubs. The approval requires a 50-foot buffer from the edge of the 100-year floodplain and that the buffer

be planted with native trees and shrubs if none exist. The Type II TCP shows the required planting.

### **Review of Previously Approved Conditions**

The following text addresses previously-approved environmental conditions related to the subject applications. The text in bold is the actual text from the previous cases or plans.

#### **CSP-01008/01, PGCPB. No. 06-32**

6. **Prior to certification of the conceptual site plan, the tree conservation plan shall be certified by the Maryland Department of Natural Resources or any other representative designated by the State of Maryland.**

**Discussion:** The Type I Tree Conservation Plan, TCPI/147/04, was certified by the State of Maryland.

8. **All planning, design and engineering shall reflect options and standards that are sensitive to the natural environment. All reasonable measures available to minimize disturbance of wetlands, 100-year floodplain, woodlands, natural steep slopes, and other environmentally sensitive areas in the construction and installation of any infrastructure, including the north/south collector road, shall be used.**

**Discussion:** Staff examined the site on August 15, 2001, with representatives of the applicant, the U.S. Army Corps of Engineers, the Maryland Department of the Environment, the Maryland Department of Natural Resources, the Washington Metro Area Transit Authority, and an environmental consultant serving as an advisor to the City of Greenbelt and the City of College Park. Originally, the north-south road was proposed to impact the wetlands along Narragansett Run at the widest part close to the Metro Green Line, impacting more than twice the area currently proposed. This was a cause of great concern, and staff was unable to support the previous application. However, the applicant has revised the north-south road so that it now impacts the wetlands at the narrowest point of Narragansett Run, minimizing the impact to the greatest extent possible. The actual construction of the road crossing is not proposed at this time and will be addressed in a subsequent application. Most of the area of the subject application is a former sand and gravel mining site that has been significantly altered from its natural state. The impacts proposed in this application are in conformance with the impacts reviewed and approved with Preliminary Plan 4-01026.

11. **As part of each detailed site plan submission, the applicant shall submit a soils report. The report shall include a map with locations of boreholes and the borehole logs. Problem soil areas shall be shown on a plan map and, when appropriate, with cross sections. The report shall indicate proposed mitigation measures.**



**Discussion:** Two geotechnical reports were received on February 24, 2006. The report dated August 2005 focuses on the area of the subject application and shows the result of 47 boreholes and test pits. The report dated July 2005 focuses on the area immediately to the west that is the subject of DSP-05021 and shows the result of 36 additional boreholes and test pits. Each report contains logs of the material found in the boreholes and laboratory results of tests of soil samples. Multiple cross sections and plan-views delineate the areas of problem soils.

The reports detail a series of mitigation measures for installation of infrastructure and foundations. Most of the site will require the placement of Class I fill, significant areas will require the placement of Class II fill and only the peripheral areas will have Class III fill. This condition has been appropriately addressed.

- 12. As part of any detailed site plan submission that contains residential uses, the applicant shall submit a current Phase I Noise Study. If warranted by the Phase I Noise Study, applicant shall submit a Phase II noise study for review and approval by the Environmental Planning Section. The noise study shall be referred to the City of Greenbelt and City of College Park for review. The noise study shall measure noise impacts to the site, map the appropriate contours, and address appropriate mitigation measures to achieve acceptable noise levels.**

**Discussion:** There are noise impacts associated with the overall property from both the Metro line and I-95. Both CB-47-2000 and the Greenbelt Metro Sector Plan indicate a desire to provide a residential component in the development of this site. A noise study was received on March 22, 2006. The noise study indicates that this portion of the overall development is not impacted by noise that exceeds the State of Maryland standards for residential development. No further action regarding noise is required with regard to this detailed site plan.

- 13. Prior to or concurrent with the review of any preliminary plan of subdivision or detailed site plan, a revised stormwater management concept plan that considers an evaluation of new technologies for stormwater management shall be submitted. The use of low-impact development techniques and green buildings shall be considered and all reasonable efforts shall be made to utilize such techniques.**

**Discussion:** Stormwater Concept Plan CSD 8329131-2000-00 was approved by DER on December 11, 2000. Increased optional technologies for control of water quality have been developed since that approval. A copy of the Stormwater Management Concept approval letter, CSD 46821-2005-00, was received on April 4, 2006. The approval requires that all areas of the 100-year floodplain that are subject to approved cut or fill be planted with native trees and shrubs. The approval requires a 50-foot buffer from the edge of the 100-year floodplain and planting of the buffer with native trees and shrubs if none exist. Two on-site stormwater quality ponds are shown on the DSP and the Type II TCP. Runoff is to be directed to those ponds before it can be released into the Indian Creek stream valley. Fee-in-lieu contributions will be placed into an account dedicated to restoration of Paint Branch.

- 30. The north/south connector road alignment may shift at the time of preliminary plan, detailed site plan, final plat, and/or permit to reflect adjustments required to reduce environmental or other impacts. The technical and economic feasibility of bridging over these environmental features should be considered in analyzing alternatives.**

**Discussion:** The actual construction of the road crossing is not proposed at this time and will be addressed in a subsequent application.

- 36. The north/south connector road shall have a right-of-way of no less than 80 feet with sidewalks on both sides along its entire length, except where the road crosses Narragansett Run, at which point the road width shall be narrowed to reduce environmental impacts. Other public rights-of-way widths shall be dictated and approved by the appropriate governing agency.**

**Discussion:** The actual construction of the road crossing is not proposed at this time and will be addressed in a subsequent application.

- 62. The cumulative environmental impacts associated with previously approved variation requests shall not be exceeded by any proposed development or construction within the project area.**

**Discussion:** The impacts proposed in this application are in conformance with the impacts reviewed and approved with Preliminary Plan 4-01026.

### **Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site has approved tree conservation plans. A revision to the Type II Tree Conservation Plan is required to satisfy the requirements of the ordinance.

The revised plan, TCPII/147/04-01, contains the entire 168.54 acres of the Greenbelt Metro project. The overall project has a woodland conservation threshold of 18.12 acres (15 percent of the net tract). The plan proposes clearing of 1.47 acres of the existing 1.87 acres of upland woodland. The plan also proposes clearing 3.00 acres of the existing 29.53 acres of wooded floodplain. The minimum woodland conservation requirement for the Greenbelt Station site is 21.49 acres. The plan proposes to meet the requirement by providing 8.61 acres of on-site planting within the 100-year floodplain where woodland does not currently exist and planting 16.51 acres on the adjacent State of Maryland property, for a total of 25.12 acres.

The design of the proposed woodland conservation areas is in conformance with the approved Type I Tree Conservation Plan, TCPI/27/00-01. The plan shows extensive restoration of woodland in areas that have been significantly impacted by the past mining activities on-site. Preparation for planting will require removal of large quantities of concrete debris, reconfiguration of abandoned wash ponds into forested stormwater management water quality ponds and placement of thousands of cubic yards of new topsoil. The timing of the planting areas on the land owned by the State of Maryland is tied into the wetland permit required for the development of the property. The planting of all 16.51 acres will commence with issuance of the first permit.

**Comment:** The revised Type II Tree Conservation Plan, TCPII/147/04-01, meets the requirements of the Woodland Conservation Ordinance.

2. The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The 100-year floodplain as shown on the plan meets the requirements. The wetlands delineation had been previously examined in the field and determined to be correct.

**Recommended Condition:** At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, all 50-foot floodplain buffers, stream buffers, wetlands and wetland buffers except for approved variation requests, and be reviewed by the Environmental Planning Section prior to certificate approval. The conservation easement shall be referred to the City of Greenbelt and the City of College Park for review prior to signature. 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 is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”

3. The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulation in accordance with Section 24-113. The approval of a conceptual impact as part of CSP-01008 by the Planning Board or District Council does not relieve the applicant of the need to obtain a variation from the Subdivision Regulations. Some impacts were reviewed and approved with Preliminary Plan 4-01026; however, any new Preliminary Plan of Subdivision will require re-evaluation of all proposed impacts. The impacts shown on the Type II TCP are consistent with those approved with Preliminary Plan 4-01026

**Recommended Condition:** Prior to the issuance of any permit which proposes impacts to wetlands or wetland buffers or water of the United States, the applicant shall furnish the Environmental Planning Section, the City of College Park, and the City of Greenbelt with copies

of the approved federal and/or state permits and provide evidence in the permit package that copies have been delivered.

4. A state endangered wildflower, Trailing Stichwort (*Stellaria alsine*) is known to occur on the site. Habitats of rare/threatened/endangered species should be evaluated as part of the TCP. The location of the population is not known to staff of the Environmental Planning Section.

**Discussion:** The Maryland Endangered Species Act requires review of all state permits by the Maryland Department of Natural Resources (MDNR). As stipulated by Maryland law, MDNR must issue a finding of no significant impact before the permit may be released by any state agency. As in prior cases, the Environmental Planning Section will coordinate with the applicant and MDNR during the state permit review process. The condition proposed above ensures that copies of approved permits will be provided prior to permit issuance.

16. In a memorandum dated May 9, 2006 (Masog to Adams), the Transportation Planning Section offered the following comments:

There is an approved conceptual site plan and subdivision for the site. There are several transportation-related conditions on each plan, and the status of these conditions is summarized below:

**CSP-01008:**

- Condition 1: Establishes a trip cap for the entire property of 4,030 AM and 6,879 PM peak hour trips. The proposals are within the cap.
- Condition 2: Establishes three phases for the entire development, along with the transportation improvements to be constructed under each phase. The subject plan is within the first phase of development. The first four items are enforceable at the time of building permit. Items a(5), a(6), and a(7) each require that traffic signal warrant studies be done prior to detailed site plan approval. The plan package contains no evidence of submittal of these studies, which include Cherrywood Drive/Metro Access Roadway, Cherrywood Drive/Springhill Drive, and MD 193/site access. The needed studies have been submitted.
- Condition 3: States that the north-south connector roadway shall have a right-of-way of 80 feet minimum, with sidewalks provided on both sides. This is so reflected on the detailed site plans.
- Condition 4: Requires that a number of transit- and pedestrian-friendly measures be considered in reviewing future site plans. The subject plans are very straightforward and address the condition.



Condition 37: Requires that all needed transportation improvements are secured through the bonding of a minimum of ten percent of the facility cost. Proof of such security must be provided prior to detailed site plan approval. Such proof has not been demonstrated; therefore, the plan should not move forward until the needed transportation improvements are secured with the appropriate transportation agencies.

**In a subsequent e-mail from the Transportation Planning Section (Masog to Adams, June 13, 2006), that section indicated that the required bonding information had been received and reviewed. In the opinion of the Transportation Planning Section "the bonding with SHA and the City of Greenbelt satisfies the requirement of the CSP and the preliminary plan conditions. Detailed site plans within Phase I, as identified by the transportation conditions in the CSP and preliminary plan, can now move forward."**

Condition 38: Requires the submittal of a report detailing the costs of all off-site transportation improvements at the time of detailed site plan. The needed report was submitted.

**Preliminary Plan of Subdivision 4-01026**

Condition 1: See above discussion for Condition 1 of CSP-01008.

Condition 2: Establishes three phases for the entire development, along with the transportation improvements to be constructed under each phase. The subject plan is within the first phase of development. The first four items and the eighth item are enforceable at the time of building permit. Items a(5), a(6), and a(7) each require that traffic signal warrant studies be done prior to detailed site plan approval. These studies include Cherrywood Drive/Metro Access Roadway, Cherrywood Drive/Springhill Drive, and MD 193/site access. The needed studies have been submitted.

Condition 3: States that the north-south connector roadway shall have a right-of-way of 80 feet minimum. This is so reflected on the detailed site plans.

Condition 4: States that the right-of-way along Branchville Road shall have right-of-way of 35 feet from centerline. This will be enforced on the final plats.

Condition 17: See above discussion for Condition 37 of CSP-01008.

Condition 18: See above discussion for Condition 38 of CSP-01008.

Vehicular and pedestrian access within the site is acceptable.

The subject property was the subject of a 2001 traffic study and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2001 for Preliminary Plan of Subdivision 4-01026 and Conceptual Site Plan CSP-01008, as amended by revised findings made in 2005 in consideration of CB-36-2005. The uses proposed on this site plan are generally consistent with the uses proposed at the time of preliminary plan, making the basis for the preliminary and conceptual plan findings still valid.

17. In a memorandum dated April 14, 2006 (Shaffer to Wagner), the trails planner with the Transportation Planning Section offered the following comments:

The Greenbelt Metro Area Sector Plan identifies several trail, bicycle, and pedestrian issues that impact the subject site. The Sector Plan identifies many goals regarding bicycle and pedestrian access including the following:

- Develop a connected and continuous pedestrian and bicycle network that provides access to, through and from all areas within the sector plan area, particularly the transit station, mixed-use/activity centers, recreation areas and neighborhoods.
- Select bike routes by identifying key corridors that: (1) are in close proximity to residential areas; (2) serve potential destinations such as parks, shops, schools, employment areas, and the Greenbelt station; and (3) are continuous with efficient connections to surrounding neighborhoods and regional trails.
- Pedestrian routes to destination should be identified. Sidewalks should be provided along both sides of these public rights-of-way to provide safe and convenient pedestrian circulation.
- Bikeways (designated bike lanes) along Cherrywood Lane should remain for commuting purposes.
- A recreational/scenic stream valley trail shall be constructed in the core area to extend the Indian Creek Trail north to the station site and beyond.

Bicycle and pedestrian facilities are also recommended along the planned North-South Connector Road. The sector plan includes a variety of possible cross sections for this road, all of which include wide sidewalks or a bike/pedestrian trail along both sides. Extensive negotiations occurred between the applicant and the City of Greenbelt regarding the cross section for the North-South Connector Road. Staff supports the North-South Connector Road as depicted on DSP-04081. A fifteen-foot wide decorative sidewalk is indicated along both sides of the North-South Connector Road within the South Core. In conjunction with these wide sidewalks, designated bike lanes are shown along the connector road.

Standard and wide sidewalks will be crucial to making the development a walkable, transit oriented community. An extensive network of sidewalks, wide sidewalks, and trails are shown for the South Core on the submitted site plan. Standard (four and five-foot wide) sidewalks are shown throughout the subject application, including both sides of Stream Bank Lane and most of the private internal

streets. Wide, decorative sidewalks are indicated along Metroland Parkway, as well as in-road designated bike lanes (see discussion below). Several internal sidewalks are also shown between units. These paths provide additional connections between streets and further enhance the pedestrian network. Staff supports these pedestrian and bicycle facilities.

Trails and trail connections are also shown in the open space within and around the South Core. These include an eight-foot wide asphalt trail around the perimeter of the South Core and a trail connection from Cherrywood Lane to the exercise trail and the South Core. A trail connecting Metroland Parkway to a pedestrian bridge over the railroad tracks is also indicated on the subject site. These trails are in conformance with approved CSP-01008. The trail within the open space around the South Core may ultimately serve as a segment of the Indian Creek Trail through the subject site. Details regarding the pedestrian bridge will be determined at a future phase, when development along the west side of Metroland Parkway is considered. The conceptual location of the pedestrian bridge currently shown is acceptable.

The bike lanes should be striped in conformance with the 1999 AASHTO Guide for the Development of Bicycle Facilities. This guide includes recommended striping and widths for designated bike lanes, both with and without on-street parking. The following guidelines are included by AASHTO:

- For areas with no on-street parking: Provide a 16-foot wide outside curb lane, with 11-foot travel lanes, a four-foot designated bike lane, and a one-foot gutter pan.
- For areas with on-street parking: Provide 13-feet for the area including the on-street parking and the designated bike lane. This will allow eight-feet for the parking, and an additional five feet for the bike lane.
- For areas with right-turn lanes: Provide the designated bike lane between the through lanes and the turn lane consistent with Figure 11 of the 1999 AASHTO Guide for the Development of Bicycle Facilities.

A standard sidewalk should be provided along the site's frontage of Branchville Road, as this is an important connection to the Lake Artemesia on the south side of MD 193. Branchville Road serves as a bicycle and pedestrian connection under MD 193 and to Lake Artemesia and the M-NCPPC Anacostia Tributaries Trails Network.

The master plan trail along Indian Creek will be mostly within land dedicated to the State of Maryland and/or the City of Greenbelt. Coordination between Greenbelt and the state regarding the location, maintenance, and operation of the trail will be necessary. Surface type and trail location will be especially important for this trail within the environmentally sensitive area.

The sector plan recommends "bike racks and lockers shall be provided at transit stops, libraries, schools, recreation centers, shopping areas and other activity centers." This recommendation does not impact the residential subject application.

### **Sidewalk Connectivity**

A comprehensive network of standard and wide sidewalks is proposed. This includes standard sidewalks along both sides of most internal roads, and wide decorative sidewalks along both sides of Metroland Parkway. Internal paths are also provided at some locations, connecting parallel streets and providing additional connectivity within the South Core. Staff supports the sidewalk network as proposed.

18. The Prince George's County Department of Environment Resources (DER) has approved Stormwater Management Concept Plan 46821-2005-00, dated January 14, 2006, expiring January 14, 2009, subject to 11 conditions. DER has indicated that the detailed site plan is consistent with the approved stormwater management concept plan.
19. The City of Greenbelt held a public hearing on April 24, 2006 on the subject application. In a letter dated June 15, 2006, the City recommended approval of the plan with four (4) conditions.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/147/04-01) and further APPROVED Detailed Site Plan DSP-04081 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the plans shall be revised as follows:
  - a. The location of the stream valley trail shall be clarified graphically on the plan, and shall be no closer than 10 feet from any rear lot line.
  - b. The site plan shall be revised to include a 10-scale drawing of typical treatment of the three points where the stream valley trail intersects public streets. The treatment shall incorporate identification of public access points to the stream valley trail system, with appropriate signage, landscaping and bollards located to prevent routine entrance by motorized vehicles.
  - c. The structural soil plan shall be amended to provide structural soil connecting the tree pits in front of the live/work units.
  - d. The interpretive signage and eight benches proposed along the stream valley trails shall be shown on the Landscape Plan.
  - e. The large open space at the intersection of North Channel Drive and Stream Bank Lane shall be provided with a focal point, such as a pergola or gazebo with special paving, benches, pedestrian lighting, and attractive landscaping.



- f. The final quantity of recreational facilities shall be provided and the cost of those facilities shall be determined in order to accurately calculate bond amounts for those facilities.
  - g. Top and bottom elevations shall be provided for all retaining walls. Location of the walls shall be clearly shown on the site and landscape plans, and typical construction details shall be provided.
  - h. Required parking space dimensions shall be demonstrated on the plan.
  - i. The 8-foot-wide stream valley trail shall be widened to 10 feet from Branchville Road to a point approximately 150 feet into the site, along the east side of SWM Pond 1 and 150 feet into the site from Cherrywood Lane. The trails shall be dimensioned to document this change and a transition area from 10 ft. to 8 ft. shall be labelled and dimensioned.
2. Prior to the issuance of a stormdrain and paving permit for construction of South Center Drive and/or the live/work unit (Lot 4), plans showing the detail of the sidewalk, plaza, landscaping and parking in front of and adjacent to the live/work units, shall be submitted to the Urban Design Section for review and approval.
  3. Prior to the issuance of a stormdrain and paving permit for the area containing rear-loaded alley garages, plans shall be submitted to the Urban Designs Section for review and approval to address alley access and setbacks.
  4. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, all 50-foot floodplain buffers, stream buffers, wetlands, and wetland buffers, except for approved variation requests, and be reviewed by the Environmental Planning Section prior to certificate approval. The conservation easement shall be referred to the City of Greenbelt and the City of College Park for review prior to signature. 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 is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”
  5. Prior to the issuance of any permit which proposes impacts to wetlands or wetland buffers or water of the United States, the applicant shall furnish the Environmental Planning Section, the City of College Park, and the City of Greenbelt with copies of the approved federal and/or state permits and provide evidence in the permit package that copies have been delivered.

6. The applicant shall:
  - a. Submit an application for a joint federal/state wetland/waterways permit and provide the City of College Park with a copy of the complete application, including any modeling data generated in conjunction with the permitting process for 100-year floodplain impacts;
  - b. Copy the City of College Park on any subsequent correspondence between the applicant and the U.S. Army Corps of Engineers and/or the Maryland Department of the Environment;
  - c. Provide the City of College Park with copies of any additional information that is submitted to the USACOE or MDE; and
  - d. Prior to issuance of the first building permit for the South Core, provide the City of College Park with copies of approved federal and/or state permits for any proposed impacts to floodplains, wetlands or wetland buffers, or waters of the United States.
7. The applicant shall revise plans to show additional possible locations for the pedestrian bridge between parcels S-2 and S-3 and parcels S-4 and S-5 or delete from the DSP altogether.
8. Prior to certification, the plan shall be revised as follows:
  - a. Include street lighting on all streets and alleys. In some locations on the EDAW plans the photometric light distribution is shown, but there is no light shown.
  - b. Coordinate the setbacks for lots 67-73 between Dewberry and EDAW plans.
  - c. Revise the detail on EDAW plan page 12 to show the actual location of Cherrywood Lane and Breezewood Drive, and corresponding trail connection.
  - d. Revise detail 4 on page 17 of the EDAW plan to specify that the trellis will be constructed of maintenance free materials, and not painted wood.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

\* \* \* \* \*

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, June 22, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13<sup>th</sup> day of July 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:SA:bjs

A M E N D E D R E S O L U T I O N

WHEREAS, Greenbelt Metro Park, LLC, et al \*†[is] was the owner of a 169.40-acre parcel of land in the 21st Election District of Prince George's County, Maryland, and being zoned I-2; and

WHEREAS, on March 26, 2001, Greenbelt Metro Park, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 outlots and 14 parcels; and

WHEREAS, the application for approval of the Preliminary Subdivision Plan, also known as Preliminary Plan 4-01026 for Greenbelt Station 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 for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, on September 6, 2001, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

WHEREAS, on September 6, 2001 the Planning Board approved Preliminary Plan of Subdivision 4-01026; and

WHEREAS, on August 30, 2004 The Court of Special Appeals of Maryland reversed the judgment of the Circuit Court and remanded the case back to the Circuit Court for further proceedings in accordance with their opinion; and

WHEREAS, on February 2, 2005 the Circuit Court ordered that the Planning Board's approval of the Preliminary Plan of Subdivision be reversed; and

WHEREAS, on March 17, 2005 the Planning Board approved a request to reconsider Preliminary Plan of Subdivision 4-01026 based on mistake; and

WHEREAS, the basis of that mistake was that the original approval of Conceptual Site Plan CSP-01008, a necessary approval to support the preliminary plan, erred by not requiring the applicant to guarantee funding for the transportation facilities; and

WHEREAS, on September 15, 2005, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with modifications to the original conditions and findings, consistent with the decision of the Court.

\*WHEREAS, after the aforementioned approval on September 15, 2005, the Planning Board on that same date approved a request to reconsider Preliminary Plan of Subdivision 4-01026 based on other good cause; and

\*†Denotes Tertiary Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language



\*WHEREAS, the basis of that other good cause was that the original number of parcels was too restrictive with regard to a Metro Planned Community; and

\*WHEREAS, on February 2, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with modifications to the original conditions and findings, consistent with the ability to provide future flexibility in the number of lots and parcels that are permitted.

\*†WHEREAS, on April 5, 2012 Norman Rivera representing the new owner of the South Core, Metropark, LLC, requested a waiver of the rules and a reconsideration;

\*†WHEREAS, on June 26, 2012 Thomas Haller representing the new owner of the North Core, Renard Development Company, LLC and Garth Beall, their heirs, successors and assigns, did not oppose the waiver and reconsideration request;

\*†WHEREAS, on May 10, 2012, the Planning Board granted a reconsideration in furtherance of a substantial public interest and found that an error was made in reaching the previous decision due to a change in the applicable transportation LOS, and related matters; and

\*†WHEREAS, on July 26, 2012, the Planning Board in consideration of the evidence presented approved an amendment to Finding 7 and Condition 2 relating to the transportation improvements, with related adjustments to the Phasing of said improvements.

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-01026, Greenbelt Station including variation from Section 24-130, for Parcels 1-14 and Outlots 1 and 2 with the following conditions:

1. Total development within the subject property shall be limited to 1,660 residences, of which no fewer than 350 shall be senior housing residences, 1,580,000 square feet of retail space, 1,860,000 square feet of general office space, and 550 hotel rooms; or different uses generating no more than the number of peak hour-trips (4,030 AM peak-hour vehicle trips and 6,879 PM peak-hour vehicle trips) generated by the above development.

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2. Development of this site shall be developed as phases within the context of planned transportation improvements. All planned transportation improvements may be funded by the applicant or by others. Prior to the issuance of any building permits within the subject property during the given phase, the following road improvements associated with the phase shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Phase I: Limited to 900 residences, of which no fewer than 350 shall be senior housing residences, and 180,000 square feet of retail space; or different uses generating no more than the number of peak-hour trips (~~\*†[412]~~ 562 AM peak-hour vehicle trips and ~~\*†[933]~~ 1,083 PM peak-hour vehicle trips) generated by the above development. Transportation improvements:

~~\*†[(1)] MD 193/Rhode Island Avenue: Construct a second left-turn lane along the southbound Rhode Island Avenue approach. Construct a third westbound through lane beginning east of the intersection and extending west to the northbound US 1 ramp. Modify signals and pavement markings as needed.]~~

\*†[(2)1] MD 193/Greenbelt Road: Construct a second left-turn lane along the westbound MD 193 approach. Modify signals and pavement markings as needed.

~~\*†[(3)] MD 193/Cherrywood Lane/60th Street: Convert the existing right-turn lane to a free-flowing right-turn lane along the southbound Cherrywood Lane approach. Construct a second left-turn lane along the eastbound MD 193 approach. Modify signals and pavement markings as needed.]~~

\*†[(4)2] MD 201/Cherrywood Lane: Construct a second northbound through lane along MD 201. Construct a second left-turn lane along the eastbound Cherrywood Lane approach. Modify signals and pavement markings as needed.

\*†[(5)3] Cherrywood Lane/Metro Access Roadway: Prior to the approval of the Detailed Site Plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to the appropriate operating agency(ies) at this location. If deemed warranted by the responsible agency, the applicant shall bond the signal with the appropriate agency prior to the release of the initial building permit, and install the signal if directed prior to the release of the bonding for the signal.

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\*†([6]4) Cherrywood Lane/Springhill Drive: Prior to the approval of the Detailed Site Plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to the appropriate operating agency(ies) at this location. If deemed warranted by the responsible agency, the applicant shall bond the signal with the appropriate agency prior to the release of the initial building permit, and install the signal if directed prior to the release of the bonding for the signal.

\*†([7]5) MD 193/site access: Construct this access point to SHA standards as a signalized intersection, with separate outbound right-turn and left-turn lanes and exclusive left-turn and right-turn lanes into the site.

\*†([8]) ~~MD 201 from Cherrywood Lane to Sunnyside Avenue: Widen to four-lane roadway with two northbound and two southbound lanes, including the associated improvements to the MD 201/Sunnyside Avenue intersection, or other improvements that create equivalent capacity.]~~

b. Phase II: Limited to 1,660 residences, of which no fewer than 350 shall be senior housing residences, 1,380,000 square feet of retail space, 1,140,000 square feet of general office space, and 250 hotel rooms; or different uses generating no more than the number of peak-hour trips (\*†[2,859] 3,009 AM peak-hour vehicle trips and \*†[5,420] 5,570 PM peak-hour vehicle trips) generated by the above development. Transportation improvements:

- (1) MD 193/site access: Construct a second left-turn lane along the southbound site access approach. Modify signals and pavement markings as needed.
- (2) Cherrywood Lane/Ivy Lane: Prior to the approval of the Detailed Site Plan for portions of the subject property under Phase II, the applicant shall submit an acceptable traffic signal warrant study to the appropriate operating agency(ies) at this location. If deemed warranted by the responsible agency, the applicant shall bond the signal with the appropriate agency prior to the release of the initial building permit, and install the signal if directed prior to the release of the bonding for the signal.
- (3) Provide a new ramp into the site from northbound I-95/I-495 and a new ramp from the site onto southbound I-95/I-495.
- \*†(4) MD 201 from Cherrywood Lane to Sunnyside Avenue: Widen to four-lane roadway with two northbound and two southbound lanes, including the associated improvements to the MD 201/Sunnyside Avenue intersection, or other improvements that create equivalent capacity.

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- c. Phase III: Limited to 1,660 residences, of which no fewer than 350 shall be senior housing residences, 1,580,000 square feet of retail space, 1,860,000 square feet of general office space, and 550 hotel rooms; or different uses generating no more than the number of peak-hour trips (~~\*†[4,030]~~ 4,180 AM peak-hour vehicle trips and \*†[6,879] 7,029 PM peak-hour vehicle trips) generated by the above development. Transportation improvements:
- ~~\*†[(1) MD 193/site access: Construct a second left turn lane along the east-bound MD 193 approach. Modify signals and pavement markings as needed.]~~
- \*†[(2)] Provide a connection between the subject property, the USDA facility, and Sunnyside Avenue, or other improvements that create equivalent capacity.
3. At the time of final plat approval, the applicant shall dedicate right-of-way along the proposed north-south connector of no less than 80 feet. Improvements within the right-of-way shall be determined by the appropriate operating agency.
4. At the time of final plat approval, the applicant shall dedicate right-of-way of 35 feet along existing Branchville Road. Improvements within the right-of-way shall be determined by the appropriate operating agency.
5. Prior to signature approval, the preliminary plan shall be revised to:
- a. Graphically depict the 10-foot Public Utility Easement or to include a note referencing this easement.
  - b. Include the Stormwater Concept Approval number and date.
6. At the time of Detailed Site Plan review, the applicant, his heirs, successors and/or assigns shall submit an environmental assessment for review by the Health Department. This assessment shall examine, but not be limited to, the following:
- a. Existing ground water contamination.
  - b. The abandoned fuel storage tank associated with the abandoned office building.
  - c. The presence of lead batteries on-site.
  - d. Oil storage tanks.
  - e. Asphalt materials at the asphalt plant.

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- f. The impact of existing uses to Indian Creek.
7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,360.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Springhill Lake Elementary and Roosevelt High Schools.
8. No building permits for residential structures shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
9. Detailed Site Plans for the residential portion of the development shall include a review of private recreation facilities. The applicant shall demonstrate to the satisfaction of the Planning Board that adequate provisions have been made to ensure future maintenance and retention of the proposed facilities.
10. Prior to approval of any final plat including residential units, the applicant shall submit three original, executed Recreational Facilities Agreements (RFA) to the Department of Parks and Recreation. Upon approval, the RFAs shall be recorded among the land records of Prince George=s County.
11. Prior to application for building permits for residential units, the applicant shall submit to the Department of Parks and Recreation (DRD) a performance bond, letter of credit, or other suitable financial guarantee, in an appropriate amount determined by DRD.
12. The applicant shall provide a trail extension to the Indian Creek Stream Valley Trail. The trail shall be a minimum of 10 feet wide and accessible to the public. The exact location of this trail shall be determined at the time of Detailed Site Plan review.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, 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 is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
14. Prior to approval of detailed site plans in the north core, the Planning Board shall determine whether mandatory dedication of parkland to the City of Greenbelt should be

required rather than private recreation facilities. The cap established by the approved Conceptual Site Plan for maximum park requirements shall be maintained.

15. At the time of Detailed Site Plan review, the location of a police substation of approximately 2,000 square feet shall be provided by the applicant in the North Core.
16. Prior to signature approval, the preliminary plan shall be revised to show the correct zoning of the property, including a strip of land currently zoned R-R (R-P-C). All acreage and density figures shall be amended to reflect this change.
17. The applicant (and his successors and/or assigns) shall fund all off-site transportation improvements required by this resolution through funding that secures a minimum of ten percent of facilities construction costs. Such funding will be accomplished by bonding (or a similar approved funding instrument) with either the Federal Highway Administration, the State Highway Administration, or the County Department of Public Works and Transportation, with said bonding amounts established pursuant to agreements by and between the applicant with the respective agency. Proof of such funding shall be required prior to Detailed Site Plan approval.
18. A report detailing the cost of all off-site transportation facilities shall be submitted at the time of review of the Detailed Site Plan. Such report shall be referred to the appropriate operating agencies for their review. Full concurrence of the agencies shall be required prior to Detailed Site Plan approval, and any modifications to the report agreed upon by the applicant and the agencies shall be a part of the record for the Detailed Site Plan.
19. Additional lots and/or parcels (beyond the 14 established with the original approval) shall be permitted with subsequent development plans, subject to the following:
  - a. There will be no increase in the transportation impact regulated by other conditions of this approval;
  - b. There will be no environmental disturbances beyond those contemplated with the original approval; and
  - c. There will be no new public roads (beyond those established with the original approval), unless they are first approved through a revision to the Conceptual Site Plan. The proposal for a new public road will need to include the proposed width of the right-of-way and whether a conventional or non-conventional standard is being requested.

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, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located on the south side of the Capital Beltway (I-95/I-495), east of CSX railroad tracks, west of Cherrywood Lane and north of Branchville Road, partially in the City of Greenbelt and adjacent to the City of College Park.
3. Environmental Issues and Variation Requests—The Environmental Planning Section has reviewed the preliminary plan of subdivision for Greenbelt Metro Business Park, Lots 1-5, 4-01026, stamped as accepted for processing on March 26, 2001. Revised preliminary plans were accepted for processing on August 20, 2001. Revised variation requests were accepted on August 8, 2001. Staff recommends approval of 4-01026, based on the revised preliminary plan accepted August 20, 2001, subject to one proposed condition. Staff supports three of the four variation requests as submitted and has determined that one of the four variation requests is not needed.

The Environmental Planning Section previously reviewed this site as applications SE-3979 and 4-00042. A Conceptual Site Plan, CSP-01008, is under concurrent review. The application indicates that a Stormwater Concept Plan is concurrently being reviewed by the Prince George=s County Department of Environmental Resources.

There are floodplains, streams, and wetlands on the site. Current air photos indicate that about one-sixth of the site is wooded. No historic or scenic roads are affected by this proposal. The adjacent highways and Metro are significant nearby noise sources. The proposed use is not expected to generate significant noise. A rare/threatened/endangered species of plant is known to occur in the project vicinity. The property is in categories W-3 and S-3. The soils information included in the review package indicates that problematic soils occur in the proposed development area.

This site is subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required. The Tree Conservation Plan, TCPI/27/00, has been approved as part of the Conceptual Site Plan, CSP-01008. No further action is needed as it relates to this Preliminary Plan review.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The 100-year floodplain delineation as shown on the plan meets the requirements. The wetlands delineation had been previously examined in the field and determined to be correct. The 25-foot wetland buffers are shown. Fifty-foot stream buffers are correctly indicated. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and should be reviewed by the Environmental Planning Section prior to signature approval. In addition, the following note should 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 is prohibited without prior

written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."

Some soils may pose problems for development. The site contains much reworked material from sand and gravel mining. Carefully engineered materials will be needed for most of the proposed development. Appropriate conditions are part of the Conceptual Site Plan. No further action is required as it relates to this Preliminary Plan review.

There are noise impacts associated with this property from both the Metro line and the Capital Beltway. Appropriate conditions are part of the Conceptual Site Plan. No further action is required as it relates to this Preliminary Plan review.

The plan proposes impacts to wooded stream buffers and wooded wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. A request for ten individual variations was submitted with the original application. A modified request for four individual variations was submitted on August 8, 2001. The following comments are based on the August 8 submission.

**Variation Request #1** is for impacts associated with the main north-south road. The alignment shown on the plan, according to the calculations provided, will result in a permanent impact to 15,373 square feet of wetlands, 9,250 square feet of the minimum 25-foot wetland buffers, 15,200 square feet of the minimum 50-foot stream buffers, and 322 linear feet of streams. Originally, the north-south road was proposed to impact the wetlands in the widest part, impacting more than twice the area currently proposed. This was a cause of great concern for staff, and staff was unable to support the application. However, the applicant has revised the north-south road and it now impacts the wetlands at the narrowest point, minimizing the impact to the greatest extent possible. Given this, and the following findings, the variation request is approved.

Variations may be granted if the Planning Board makes the following findings found in Section 24-113 of the Subdivision Regulations.

- A. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: The proposed impacts are permanent. These impacts will be further reviewed during the permit process by the U.S. Army Corps of Engineers and the Maryland Department of the Environment to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. **The conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show that the property has areas of wetland buffers and stream buffers which affect a percentage of the site in excess of many similarly sized properties. The property is clearly broken into two smaller portions by the location of a stream/wetland complex. The construction of a north-south connector road is appropriate for the development of the subject



property. A north-south connector road cannot be constructed without impacting part of the stream/wetland. The standard of minimization of unavoidable impacts is applicable to all properties.

- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: The location of the road crossing is not fixed by any law, ordinance or regulation. While granting the variation may require a subsequent permit, it will not create a violation of any other applicable law, ordinance, or regulation.
- D. Because of the particular surroundings, shape, or topographic 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.** Comment: In the context of the road network around the property, a north-south connector road is important for access of police, fire, and ambulance vehicles for the proposed development. The review of the Conceptual Site Plan, CSP-01008, has shown this connector road to be integral to the entire development. The denial of this variation would prohibit the construction of the north-south connector road in the location shown and create a hardship.

There are no other locations that would result in less impact than that currently proposed on the revised preliminary plan accepted August 20, 2001.

**Variation Request #2** is for impacts associated with the internal loop road. The alignment shown on the plan, according to the calculations provided, will result in a permanent impact to zero square feet of wetlands, zero square feet of the minimum 25-foot wetland buffers, 7.753 square feet of the minimum 50-foot stream buffers, and 160 linear feet of streams.

Comment: Staff examined the site on August 15, 2001, with representatives of the applicant, the U.S. Army Corps of Engineers, the Maryland Department of the Environment, the Maryland Department of Natural Resources, the Washington Metro Area Transit Authority, and an environmental consultant serving as an advisor to the City of Greenbelt and the City of College Park. Staff has determined that the existing rip-rapped outfall to the existing stormwater management pond is not a stream. Therefore, this variation request is not needed because the area indicated on the plans as a stream does not meet the definition of a stream as indicated in Section 24-101(b)(11) of the Subdivision Regulations.

**Variation Request #3** is for the construction of storm drain outfalls which shall be deemed necessary by the Prince George=s County Department of Environmental Resources. Specific locations have been identified in the variation request dated August 6, 2001. According to the calculations provided, the installation of stormwater management facilities will result in impacts to zero square feet of wetlands, zero square feet of the minimum 25-foot wetland buffers, 12,989 square feet of the minimum 50-foot stream

buffers, and zero linear feet of streams. The six storm drain outfalls have been located to minimize impacts.

Variations may be granted if the Planning Board makes the following findings found in Section 24-113 of the Subdivision Regulations.

- A. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: Impacts for the installation of storm drains are often temporary. These impacts will be further reviewed during the permit process by the Maryland Department of the Environment to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. **The conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show that the property has areas of wetland buffers and stream buffers which affect a percentage of the site in excess of many similarly sized properties. Drainage patterns for the purposes of planning storm drain outfalls are dictated not only by the topography of the site, but also by the surrounding properties. The type of variation sought is not unusual as storm drains typically outfall into areas of wetland and stream buffers.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: Stormwater management is required by County Code. While granting the variation may require a subsequent permit, it will not create a violation of any other applicable law, ordinance, or regulation.
- D. **Because of the particular surroundings, shape, or topographic 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.** Comment: In the context of the stormwater management system around the property, additional measures shall be required by the Prince George=s County Departmental of Environmental Resources for the proposed development. The review of the Conceptual Site Plan, CSP-01008, has shown stormwater management to be integral to the entire development.

Therefore, this request for variation for the installation of storm drain outfalls is approved. The six storm drain outfalls have been located to minimize impacts.

**Variation Request #4** is for the construction water/sewer lines which shall be deemed necessary by the Washington Suburban Sanitary Commission. Specific locations have been identified in the variation request dated August 6, 2001. According to the calculations provided, the installation of water/sewer lines will result in impacts to 5,275 square feet of wetlands, 2,500 square feet of the minimum 25-foot wetland buffers, 5,000 square feet of the minimum 50-foot stream buffers, and 50 linear feet of streams.

Variations may be granted if the Planning Board makes the following findings found in Section 24-113 of the Subdivision Regulations.

- A. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: Impacts of this kind are often temporary. These impacts will be further reviewed during the permit process by the U.S. Army Corps of Engineers and the Maryland Department of the Environment to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. **The conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show that the property has areas of wetland buffers and stream buffers which affect a percentage of the site in excess of many similarly sized properties. The location of the existing infrastructure limits options for the placement of the utilities needed for construction. The type of variation sought is not unusual as sanitary sewer lines are typically located in areas of lowest topography.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: Water and sewer systems are required by County Code. While granting the variation may require a subsequent permit, it will not create a violation of any other applicable law, ordinance, or regulation.
- D. **Because of the particular surroundings, shape, or topographic 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.** Comment: In the context of the existing water/sewer infrastructure around the property, additional measures shall be required by the Washington Suburban Sanitary Commission for the proposed development. A variation for the installation of utilities is appropriate given the stream/wetland complex' s location on the property.

Therefore, this request for variation for the installation of sanitary sewer and water lines at the designated locations is approved.

There are no other environmental issues at this time.

- 4. Community Planning—The 1990 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends transit station and mixed-use development. The 1990 *Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment* retained the I-2 Zone on the subject site. The subdivision application is filed to propose a Metro Planned Community in the I-2 Zone under the zoning text amendment, CB-47-2000. A new sector plan is currently under review. It has been adopted by the Planning Board and is awaiting District Council action. It is currently scheduled for Council action in October. Since this preliminary plan is before the Planning Board in July, the new sector plan will have no impact on the preliminary plan. However, the *Endorsed Sectional Map Amendment for the*

*Greenbelt Metro Area* recommends that the subject property and its surrounding properties be rezoned from R-R, R-P-C/R-R, I-1 and I-2 to M-X-T superimposed with a Development District Overlay Zone. New development or certain redevelopment within the Development District Overlay Zone must be in compliance with applicable Development District Standards.

While not required to do so, the proposal is in conformance with the sector plan, as adopted by the Planning Board. The proposed subdivision is consistent with, and will not substantially impair, the integrity of the existing master plan.

5. Parks and Recreation—Since residential units are proposed, the property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. In accordance with Section 24-135, the applicant proposes to satisfy park dedication requirements by providing on-site private recreation facilities. The Department of Parks and Recreation has reviewed the proposal and finds that it satisfies the requirements. An extension of the Indian Creek Trail shall be included in these facilities. The exact location, materials and style of private recreational facilities will be determined at the time of Detailed Site Plan for the residential units. Recreation Facilities Agreements will be required.

At the hearing, the applicant proffered to work with the City of Greenbelt to determine if and when some sort of mandatory dedication of parkland should be required. This determination would be made at the time of detailed site plans in the north core. This proffer is included as a condition of this approval.

6. Trails—The *Adopted and Approved Langley Park-College Park-Greenbelt Master Plan* designates Greenbelt Road (MD 193) as a priority planned east-west bicycle and trail route for Prince George's County. However, due to right-of-way constraints and other factors, the actual type of trail/bikeway facility to be implemented has yet to be determined. A Class II multiuse trail is preferred. If this is not feasible, wide curb lanes or designated bike lanes may be implemented. The State Highway Administration is initiating a Neighborhood Conservation Program project for MD 193 in which road improvements and bicycle and pedestrian safety will be discussed. Through this process, it is hoped that the most appropriate facilities for the area will be determined. A recommendation regarding the appropriate trail/bike facility and/or appropriate bikeway and safety signage for Greenbelt Road will be made at the time of detailed site plan.

Several other internal trails and sidewalks are also recommended in the CSP. These are:

- a. A minimum eight-foot wide, asphalt, linear park-trail along the entire length of the planned Spine Road (north-south connector). In-road bike lanes are also recommended along both sides of the planned Spine Road in conformance with AASHTO guidelines.
- b. Sidewalks on both sides of the proposed Loop Road.



- c. Sidewalks on both sides of Metro Drive.
- d. A stream valley trail is recommended along the edge of the environmental envelope of Indian Creek. This trail shall be in an easement to the M-NCPPC Department of Parks and Recreation (DPR) and shall be constructed to DPR standards. Staff also supports the provision of an interpretive program along this trail, as mentioned in the submitted conceptual site plan.
- e. Bicycle access should be maintained along Cherrywood Lane. Staff supports the construction of a multiuse trail along the subject property=s frontage of Cherrywood Lane. In addition the existing in-road, designated bicycle lanes should be maintained.
- f. Bike racks and lockers should be provided. The appropriate number and locations will be determined at the time of detailed site plan.

These are fully addressed in the CSP. The exact location, size and materials of these trails and sidewalks will be determined at the time of Detailed Site Plan.

7. Transportation—The applicant prepared a traffic impact study dated March 2001 in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. Additionally, addenda dated June 1, 2001, detailing a number of additional analyses and June 4, 2001, considering the site without a connection to the US Department of Agriculture site along Sunnyside Avenue (USDA) have been submitted and reviewed. The studies have been referred to the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA), and comments from both agencies are attached. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff which are consistent with the *Guidelines*.

Summary of Traffic Impact Study

The applicant has prepared a traffic impact study in support of the application using new counts taken in April 2000. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- MD 193/Rhode Island Avenue - signalized now and in the future
- MD 193/Greenbelt Road - signalized now and in the future
- MD 193/south site access - future signalized intersection
- MD 193/Branchville Road/58th Street - signalized now and in the future
- MD 193/Cherrywood Lane/60th Street - signalized now and in the future
- MD 193/MD 201 Southbound Ramps - signalized now and in the future
- MD 193/MD 201 Northbound Off-Ramp - signalized now and in the future
- MD 193/MD 201 Northbound On-Ramp - signalized now and in the future
- Cherrywood Lane/Springhill Drive - 3-way stop-controlled now and in the future
- Cherrywood Lane/Metro Access Roadway - stop-controlled now and in the future

Cherrywood Lane/Ivy Lane - stop-controlled now and in the future  
MD 201/Cherrywood Lane - signalized now and in the future  
MD 201/Beltway Inner Loop Off-Ramp - signalized now and in the future  
MD 201/Beltway Outer Loop Off-Ramp - signalized now and in the future  
MD 201/Crescent Road/SHA Access - signalized now and in the future  
MD 201/Ivy Lane - signalized now and in the future  
MD 201/Sunnyside Avenue - signalized now and in the future  
Beltway Outer Loop Off-Ramp/USDA Access Road - future signalized intersection  
Beltway Inner Loop On-Ramp/USDA Access Road - future roundabout  
Beltway Outer Loop On-Ramp/Metro Access Roadway - future signalized intersection

With the development of the subject property, the traffic consultant has determined that adequate transportation facilities in the area can be attained with the construction of ramps to and from the east into the Greenbelt Metro Station, a connection from the site to USDA, and improvements at five other intersections within the study area.

#### Staff Analysis of Traffic Study

Existing conditions in the vicinity of the subject property are summarized in Table 1 (due to the size of the study area and the number of intersections under study, all tables are provided after the text of this memorandum).

A review of background development in the area was conducted by the applicant, and limited background development was identified. The traffic study also includes a growth rate of 1.0 percent per year along the facilities within the study area to account for growth in through traffic. This growth rate is applied to a 5-year, 9-year, and 12-year scenario for background. The background developments are assumed for all three scenarios. The City of Greenbelt noted that development within the Golden Triangle was not included in background. Staff's information indicates that approximately 216,000 square feet of general office space remains in the Golden Triangle, along with 71,000 square feet of retail space within the Greenbelt Triangle. Staff had not focused on development east of MD 201 in scoping this study, but the small amount within this area adjacent to MD 201 should have been considered, and staff has included this site in the analysis of background. Also, staff does not concur with the analysis that assigns the office component of Gateway Park with rates other than those provided under General Office in the Guidelines. This is inconsistent with the analysis done for Gateway Park under Preliminary Plan of Subdivision 4-97121. Because there are no intersections along US 1 included in the study area for this property, the effect of using these rates is not deemed to be significant but the error is still noted for the record.

The most questionable component within background traffic is the inclusion of the proposed interchange at the Capital Beltway and the Greenbelt Metro Station. Although the Scoping Agreement indicated that this interchange would be considered, it was agreed upon given the possibility that a funding agreement could be achieved prior to a traffic study

review. Furthermore, the access roadway to USDA was not recognized or noted in the Scoping Agreement. While staff understands that this interchange is of great benefit to the subject development, it cannot be a part of background development until it is funded. Also, it is not clear that the new access roadway is environmentally feasible or if the USDA agrees with the concept. Aside from the question of funding, the traffic study clearly has not evaluated the full impact of the addition of new ramps at the subject interchange, along with the addition of an access roadway to the USDA complex along Sunnyside Avenue. In staff's estimation, the interchange would have the following impacts:

1. The study correctly reassigns traffic headed to USDA from the east onto the new ramps. Some traffic from the west which currently uses US 1 would probably utilize the existing ramps to use the new access roadway, and should have been added.
2. There would definitely be traffic to and from the east using the new ramps to gain access to the Greenbelt Metrorail Station, as noted in the traffic study. But with 3,360 parking spaces and parking utilization exceeding 85 percent, the study is not clear how it was determined that 300 vehicles in each peak hour would use the new ramps. Although the number seems low, the supplemental information provided indicates that this estimate was the result of the SHA's license plate study for the new ramps. Since SHA's comments have not refuted the use of this number, the transportation staff accepts it.
3. Currently the existing ramps to and from the Beltway do not allow a connection to Cherrywood Lane. Since the new and existing ramps would be connected into the planned development, which would also be connected to Cherrywood Lane, it is likely that Beltway traffic to existing uses along Cherrywood Lane would also be using the new and existing ramps. This effect is not estimated in the traffic study at all.

The current state Consolidated Transportation Program (CTP) includes this interchange as a project planning study, with no funding for construction shown in the current program. The applicant submitted a traffic study addendum which analyzed background for 2005 without the interchange, and this analysis is appropriate in developing a recommendation for this plan. The connector roadway to USDA is not included because it has not been shown that the connector road is environmentally feasible or has some level of support by USDA. Background traffic for the year 2005 is summarized in Table 2.

In considering the impact of the site, staff believes that it is most appropriate to analyze 2005 conditions WITHOUT assuming that the interchange would be constructed. This will establish a level of development which can occur if environmental approval for the new ramps is not granted or if the ramps are not funded for construction within the near term.

Phase I development as indicated in the initial traffic study would include the following: 250,000 square feet of general office, 850,000 square feet of retail, 775 multifamily

residences, and 175 senior housing residences. However, given that staff is considering Phase I to be the quantity of development which can be accommodated without the proposed new ramps, the transportation staff is presenting Phase I as the quantity indicated by the applicant on page 2 of the 6/1/01 addendum. This would include: 180,000 square feet of retail, 550 multifamily residences, and 350 senior housing residences. Staff has the following comments about site trip generation:

1. In general, the transportation planning staff recommends that trip rates presented in the *Guidelines* be utilized in traffic studies. There are three exceptions to this practice:
  - a. The *Guidelines* do not contain rates for the particular use.
  - b. The staff believes, or the applicant can show, that the rates listed in the *Guidelines* are not representative of the proposal.
  - c. There is a good reason to utilize other rates.

The traffic study uses rates in the Institute of Transportation Engineers= (ITE) *Trip Generation Manual* to analyze theater, multifamily residential, retail, hotel, and general office uses. Given that four of the five uses have rates listed in the *Guidelines*, the use of the ITE rates should be better justified. As was done for the National Harbor proposal (Conceptual Site Plan SP-98012), staff is approving of the use of ITE rates at the same time that a concurrent environmental study is being conducted, under the presumption that both studies should present the same numbers and that ITE numbers might carry more credibility for a federal review.

2. Given the above discussion, it is not at all clear why the applicant opted to analyze the senior housing residences using the traffic consultant=s own study. While the rates assumed appear to be reasonable and consistent with published data, ITE does include trip rates for various types of senior housingCand given the above rationale the traffic study should probably have used one of the ITE use categories. Furthermore, the *Guidelines* specifically require that the use of anything besides published rates be fully documented, and there is no documentation included (even by reference) in the traffic study.
3. Attachment C is the initial page of the discussion of trip rates for General Office in the ITE Manual. This page includes specific instructions for the use of the published rates, and these instructions have clearly not been followed.
  - a. Attention should be given to the two paragraphs in bold. These suggest that the aggregate amount NOT be used; rather, they suggest that either the Office Park category should be used or that trip generation under General Office be calculated for each building separately and then summed. The first method would seem to apply best within an area which is primarily office development. The second method would seem



to best apply in cases where office buildings might occur among other uses and the buildings are not interrelated.

- b. In all but one case (in nearly 600 observations documented for the General Office and Office Park uses) used in the ITE Manual, the quantity proposed by the applicant is outside of the range of data observations. This would suggest that an inaccuracy could be introduced if the data relationship were extrapolated. The trip rates actually used are 30-40 percent less than those shown in the *Guidelines*. Even if the ITE rates are used correctly, the office trip generation would be somewhat lower than that which would be computed if the trip rates from the *Guidelines* were used. This reflects that some trips within larger office buildings are internally satisfied; this is not the case for typical office buildings which exist in the county.

In the context of this discussion, for the purpose of trip generation the office component within the south core is analyzed as two equally-sized buildings, and the office component within the north core is analyzed as eight equally-sized buildings.

The discussion of modal share for the subject site is another matter for discussion. These factors are probably the most controversial factors because they are very speculative for nonexistent development. They are very dependent upon where patrons and residents are going when they enter or leave the site and the quality of transit service versus auto service along the route. Finally, they are dependent upon the distance from the transit stop and the quality of the intervening walk trip.

There is a need to consider that development near a Metrorail station may behave a little differently than nearby development which is outside walking range to the rail station. There is some room for a prudent consideration of the relationship to Metrorail when making basic assumptions.

Beginning at this point, considerable reference will be made to *Development-Related Ridership Survey II*, prepared for the Washington Metropolitan Area Transit Authority in December 1989 (to be termed the 1989 Ridership Survey). This publication summarizes an extensive survey of residential, retail, office, and hotel uses near Metrorail station. This is done with the purpose of determining how likely persons accessing these land uses are to use Metrorail or other non-auto modes. This publication is the latest such publication done locally, and presumably has not been repeated due to the expense and complexity involved in obtaining and analyzing the data. Given the information presented on the site plan plus data in the 1989 Ridership Survey, staff has the following observations:

**Residential development**—The data in the 1989 Ridership Survey indicates that transit mode share very clearly declines from about 70 percent for development about 0.1 miles from a rail station to approximately 25 percent near the half-mile point. Staff measured walk distances from the Greenbelt Metrorail station to the various housing blocks shown on the conceptual plan, determined average walk distances to each block, and computed

an average walk distance for the residential component to be approximately 2,700 feet computed appropriate modal shares. This walk distance, according to the data and regression models presented in the 1989 Ridership Survey, would suggest a mode share between 24 and 34 percent not the 60 percent utilized in the traffic study.

Given the data at hand and the site plan that was submitted, staff cannot justify the use of a modal share any greater than 33.7 percent the result of the second regression model presented on page 102 of the 1989 Ridership Survey. Even this number is subject to debate 2,700 feet is beyond the distance of any of the complexes surveyed in the 1989 document.

**Senior Housing development**—Staff was shocked to see the 60 percent modal share applied to the senior housing component of the site given that this component is placed about 4,500 feet from the Greenbelt Metrorail Station. Given the distance of the senior housing component from Metrorail, staff supports no trip reduction for this use. The low trip rate for the senior housing use presumably includes considerable usage of minibus or van services by the elderly residents (a fact which would be known for certain had the trip rates been properly documented).

**Retail development**—No Metrorail reduction was assumed for the retail center in the south core of the site, and this is reasonable. Concerning the north core, staff did not believe that the data in the 1989 Ridership Survey was very conclusive about the potential transit mode share for the subject site. Figure 38 of the 1989 Ridership Survey suggested a line which did not appear to fit the graphed data, and the equation itself was not well-explained. Even so, the retail component in the north core averages about 1,040 feet from Metrorail, and the study assumes a modal share of 15 percent. This figure is well within the observed data documented in the study, and could be higher depending upon the mix of retail which is constructed. Therefore, staff concludes that the transit mode shares used for retail in the south and north cores are reasonable.

**Office development**—The average walking distance to proposed office development in this site is about 1,400 feet. Staff recently did an analysis for a large office component planned near the Branch Avenue Metrorail station (as a part of Conceptual Site Plans SP-01015 and SP-01016), and considered potential modal shares along the various elements of the trip distribution. The area was only served by the Metrorail Green Line and Metrobus; however, staff justified a modal share of 20.5 percent when given a similar walk distance.

Without embarking on an extensive analysis, the following should be noted:

1. Both Greenbelt and Branch Avenue are at the end of Metrorail lines.
2. Both stations have a similar quality of Metrobus and Metrorail service.
3. Greenbelt has the added attractiveness of Maryland Rail Commuter (MARC) service and other local bus services.

Given that Greenbelt has slightly better transit service in comparison to Branch Avenue, and given that the walk distances from the stations to the office space are similar in each case, staff believes that a 20 percent transit modal share for the office uses is reasonable.

**Hotel development**—The 1989 Ridership Survey suggests two equations to estimate modal share one a straight-line relationship and one an exponential relationship to estimate modal shares of 24.5 and 15.5 percent for hotel development having an average walk distance of 1,240 feet. In the context of those estimates, the 20 percent modal share which was used in the traffic study appears to be very reasonable.

**Internal trip satisfaction**—Where different land uses exist within a common site, some vehicle trips which would ordinarily be expected to utilize area roadways to travel to other nearby or faraway uses for various purposes would instead remain within the site. Such trips WITHIN a site might be made by auto, but can commonly be made by walking or a similar non-auto mode. When trips are made within a site, the effect is termed internal trip satisfaction. The *Guidelines* do allow assumptions of internal trip satisfaction, and staff is surprised that no discussion of such was included in the traffic study. Given that staff has identified two significant issues with the site trip generation utilized (the general office trip rates and the modal share for the residential component), it is very possible that factoring internal trip satisfaction could bring site trip generation down to a level consistent with the traffic study. But that factor must be explored further by the applicant.

**Summary**—The estimated trip reduction for the site, given the extensive discussions above, is summarized in Table 3 at the end of this memorandum. As noted earlier, the phasing plan suggested by the traffic study poses significant concerns because it is not at all clear yet that some of the transportation improvements needed to serve the traffic study phasing plan can be built. Staff prefers that the material and impacts be reviewed in the context of the following staging, with trip generation taken from Table 3:

**Phase I - Year 2005 - Existing Beltway Interchange and No Connection to USDA  
 Site Trip Generation**

Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Office - 0 square feet	0	0	0	0	0	0
Retail (North Core) - 0 square feet	0	0	0	0	0	0
Retail (South Core) - 180,000 square feet	103	67	170	289	313	602
Hotel - 0 rooms	0	0	0	0	0	0
Multi-Family Residences - 550 units	29	153	182	139	69	208
Senior Housing - 350 units	25	35	60	74	49	123
<b>Total Net Auto Trips</b>	<b>157</b>	<b>255</b>	<b>412</b>	<b>502</b>	<b>431</b>	<b>933</b>

**Phase II - Year 2009 - Reconfigured Beltway Interchange and No Connection to USDA  
 Site Trip Generation**

Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Office - 1,140,000 square feet	1319	180	1499	246	1201	1447
Retail (North Core) - 1,200,000 square feet	342	219	561	1253	1358	2611
Retail (South Core) - 180,000 square feet	103	67	170	289	313	602
Hotel - 250 rooms	78	56	134	70	72	142
Multi-Family Residences - 1,310 units	70	365	435	331	164	495
Senior Housing - 350 units	25	35	60	74	49	123
<b>Total Net Auto Trips</b>	<b>1937</b>	<b>922</b>	<b>2859</b>	<b>2263</b>	<b>3157</b>	<b>5420</b>

**Phase III - Year 2012 - Reconfigured Beltway Interchange and Connection to USDA  
 Site Trip Generation**

Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Office - 1,860,000 square feet	2126	290	2416	391	1910	2301
Retail (North Core) - 1,400,000 square feet	399	255	654	1462	1584	3046
Retail (South Core) - 180,000 square feet	103	67	170	289	313	602
Hotel - 550 rooms	172	123	295	154	158	312
Multi-Family Residences - 1,310 units	70	365	435	331	164	495
Senior Housing - 350 units	25	35	60	74	49	123
<b>Total Net Auto Trips</b>	<b>2895</b>	<b>1135</b>	<b>4030</b>	<b>2701</b>	<b>4178</b>	<b>6879</b>



*Traffic Impacts: Phase I:* Table 4 shows the traffic impacts of Phase I development without improvements to the adjacent roadway network. The exception is that the south core of the site would be connected to MD 193 via a new intersection between 58<sup>th</sup> Street and the Metrorail tracks. As noted earlier, the phasing plan suggested by the traffic study poses significant concerns because it is not at all clear yet that some of the transportation improvements needed to serve the traffic study phasing plan can be built. Staff prefers that the material and impacts be reviewed as follows:

Phase I Year 2005CExisting Beltway Interchange and No Connection to USDA  
Phase II Year 2009CModified Beltway Interchange and No Connection to USDA  
Phase III Year 2012CModified Beltway Interchange with Connection to USDA

With proposed Phase I development and roadway network, as analyzed by staff, four intersections in the study area would operate unacceptably in at least one peak hour. With improvements which have been proffered by the applicant, the following service levels are obtained:

\*†~~[MD 193/Rhode Island: AMCLOS D, CLV of 1,325. PMCLOS D, CLV of 1,313.]~~  
MD 193/Greenbelt Road: AMCLOS A, CLV of 834. PMCLOS D, CLV of 1,324.  
MD 193/Cherrywood: AMCLOS C, CLV of 1,229. PMCLOS C, CLV of 1,217.  
MD 201/Cherrywood: AMCLOS B, CLV of 1,034. PMCLOS C, CLV of 1,177.  
MD 201/Sunnyside: AMCLOS B, CLV of 1,085. PMCLOS C, CLV of 1,159.

Under Phase I traffic, both the Cherrywood Lane/Metro Access Roadway and the Cherrywood Lane/Springhill Drive intersections operate unacceptably as unsignalized intersections. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined vehicle delay in any movement exceeding 50.0 seconds as an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has often imposed a condition to perform a traffic signal warrant study in similar circumstances. Both intersections should be studied for signal warrants as a part of Phase I.

It should be noted that proposed improvements at the MD 201/Sunnyside intersection would include the widening of MD 201 to two lanes northbound and southbound. These improvements are currently funded, and only require environmental approval to move forward.

With all proffered improvements at these locations in place, Phase I can be constructed without modifications to the Beltway interchange or any connection to USDA but with all intersections in the area operating adequately.

\*†Denotes Tertiary Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

*Traffic Impacts: Phase II:* Table 5 shows the traffic impacts of Phase II development. This is analyzed WITH improvements which would be constructed as a part of Phase I. The analysis also includes

proposed ramps to the Capital Beltway which would allow traffic to directly access the subject property to and from the east. With proposed Phases I and II development and roadway network, as analyzed by staff, one intersection in the study area would operate unacceptably in at least one peak hour. With improvements which have been proffered by the applicant, the following service levels are obtained:

MD 193/site access: AMCLOS D, CLV of 1,328. PMCLOS D, CLV of 1,376.

Under Phase II traffic, the Cherrywood Lane/Ivy Lane intersection operates unacceptably as an unsignalized intersection. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined vehicle delay in any movement exceeding 50.0 seconds as an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has often imposed a condition to perform a traffic signal warrant study in similar circumstances. This intersection should be studied for signal warrants as a part of Phase II.

With all proffered improvements at these locations in place, Phases I and II can be constructed *as long as* modifications to the Beltway interchange are in place but *without* any connection to USDA. In this circumstance, once again, all intersections in the area would operate adequately.

*Traffic Impacts: Phase III:* Table 6 shows the traffic impacts of Phase III development. This is analyzed *with* improvements which would be constructed as a part of Phases I and II. The analysis also includes proposed ramps to the Capital Beltway which would allow traffic to directly access the subject property to and from the east. Finally, this phase also includes a connection from the subject property to the north which would allow access to the USDA and to Sunnyside Avenue.

With proposed Phases I, II, and III development and roadway network, as analyzed by staff, one intersection in the study area would operate unacceptably in at least one peak hour. Staff identified a need for a double left-turn lane on the eastbound approach to the intersection. With this additional improvement, which would be the responsibility of the applicant, the following service levels are obtained:

MD 193/site access: AMCLOS D, CLV of 1,331. PMCLOS D, CLV of 1,402.

With all proffered improvements at all critical locations in place, Phases I, II, and III can be constructed *as long as* modifications to the Beltway interchange are in place *along with* a connection to USDA. In addition to these two large items and the proffered improvements, an additional improvement at the site access along MD 193 would be needed. In this circumstance, all intersections in the area would operate adequately.

Plan Comments

Many of staff's concerns with the plan are transportation rights-of-way which border the subject property. MD 193 is a Master Plan arterial facility, and Cherrywood Lane is a planned collector facility. Both facilities are currently built to their functional recommendations. The *Langley Park-College Park-Greenbelt Master Plan* indicates that Branchville Road is to be a 70-foot industrial roadway, and the plan must indicate 35 feet from the existing center line. Given the function of the north-south roadway through the subject property, it is particularly important that this quantity of dedication be provided to the west of the north-south roadway.

The Greenbelt Metro Area Sector Plan, which is currently a document which is adopted by the Planning Board but not yet approved by the District Council, recommends a north-south collector through the subject property and an east-west collector linking this new roadway to Breezewood Drive. Although the transportation staff supports both roadways, the environmental impact of the Breezewood Drive connector may be too great to allow conventional construction. Furthermore, much of this proposed roadway crosses land which will be held by the State of Maryland as an environmental preserve. The Sector Plan text appears to place a greater emphasis on providing a bicycle and pedestrian connection along this route, and the transportation planning staff supports this strategy. Therefore, the north-south connector roadway should have a right-of-way of no less than 80 feet with sidewalks on both sides along its entire length.

A high-quality pedestrian network is very important to achieving the levels of transit ridership appropriate for this location. Future Detailed Site Plans should give full consideration to the provision of extensive non-vehicular amenities and design features.

\*[Findings and Recommendations]

This property is proposed for development as a Metro Planned Community under CB-47-2000. However, the subdivision APF test is as it exists. Therefore, the Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with the several transportation-related conditions included in the referral from the Transportation Planning Section.

The finding of adequacy is based in part on the construction of improvements to MD 201. During the review of the application, it was understood that the United States Department of Agriculture (USDA) would construct a portion of the improvements. The City of Greenbelt filed suit seeking an injunction to stop construction of the road improvements. The injunction was granted and City's attorney submitted the opinion of the US District Court (Civil Action No. S99-512) at the hearing. Without these or comparable improvements, adequacy can not be found. Given this, the applicant agreed to additional road improvements which will create adequacy. These additional improvements are found as Condition 2(a)(8) of this approval. With these additional improvements, adequacy is found.

When it becomes effective law, CB-36-2005 will amend the findings required for a Metro Planned Community at the time of Conceptual Site Plan (Section 27-475.06.03(b)(2)(F)(viii)) to read thusly:

“Unless a finding of adequacy was made at the time of preliminary plat approval, the proposed development will be adequately served within a reasonable period of time by existing, programmed , or guaranteed transportation facilities, as follows:

- (aa) Adequate roads will be available to serve the development and all traffic it will generate, or an adopted and approved Master Plan shows those roads, which have their construction scheduled and 100% funded in the current adopted County Capital Improvement Program, State Consolidated Transportation Program, or Federal Highway Administration Program; and the generated traffic will be accommodated by roads and intersections in the development's traffic study area, so that they will operate at adequate levels of service, as defined in the General Plan and the Guidelines for Analysis of Traffic Impact of Development Proposals; or
- (bb) If existing or programmed facilities will not be adequate to serve traffic generated by the development, then the applicant (and successors or assigns) will fund transportation improvements or trip reduction programs that will alleviate the inadequacy, through funding guaranteed by the applicant and bonding with either the Federal Highway Administration, the State Highway Administration, or the Department of Public Works and Transportation (said bonding amounts established pursuant to agreements by and between the applicant with the respective agency) which secures 10% of facilities construction costs at the time of Conceptual Site Plan or Detailed Site Plan;”

A revised traffic study or revised traffic data have not been reviewed in support of this reconsideration. The conditions originally recommended in support of the plan were determined to be sufficient to correct the identified inadequacies, but were not sufficient to meet the actual finding that was required at that time. With regard to the findings that are currently required consistent with CB-36-2005, once again, the transportation conditions are sufficient to correct the identified inadequacies. At this time, two additional conditions are required to meet the requirement of the finding established by CB-36-2005:

1. A condition is needed to require that a ten percent guarantee of the cost of all off-site transportation facilities be provided to the appropriate operating agencies. This ten percent guarantee should be provided in writing prior to the approval of the Detailed Site Plan.



2. A condition is needed to require that a report detailing the cost of all off-site transportation facilities shall be submitted at the time of review of the Detailed Site Plan. Such report shall be referred to the appropriate operating agencies. Full concurrence of the agencies shall be required, and any modifications to the report agreed upon by the applicant and the agencies shall be a part of the record for the Detailed Site Plan.

It is recommended that the identical conditions be placed upon the preliminary plan in order to ensure its consistency with the conceptual plan. With such conditions in place in addition to the transportation-related conditions placed upon 4-01026, the Transportation Planning Section believes that the plan would conform to the findings required for approval of the preliminary plan.

~~\*[The transportation staff is aware that the applicant seeks to revise the land use quantities within the proposal, and that a revision of the scope of off-site transportation improvements will also be considered. Nonetheless, those revisions are not part of this reconsideration, and there will be a later opportunity to review these important issues as part of a subsequent proposal.]~~

\*†As a part of the review of CSP-01008/01, the phasing and land use quantities were revised, and a revised traffic study was done at that time to reflect these changes. The changes were reflected in the resolution approving that conceptual site plan, but were never incorporated into the preliminary plan resolution. As a means of reflecting the change in the level of service to the overall caps, all trips are to be adjusted upward by 150 trips.

#### **Transportation \*[Staff] Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the subject plan as required under Section 24-124 of the Prince George's County Code. ~~\*†[It is recommended that all existing transportation-related conditions be retained, and that two additional conditions be required to ensure consistency with the underlying Conceptual Site Plan CSP 01008.]~~

\*†The conditions herein are consistent with the policy level of service for properties within a Regional Center in the Developed Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

\*†Denotes Tertiary Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

\*†Links and signalized intersections: Level of Service (LOS) 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) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

\*†Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

8. Schools—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998).

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected % Capacity
Springhill Lake Elementary School	1310 mfd	0.24	314.40	846	0	1160.40	709	163.67%
Greenbelt Middle School	1310 mfd	0.06	78.60	694	0	772.60	802	96.33%
Eleanor Roosevelt High School	1310 mfd	0.12	157.20	2715	0	2872.20	2291	125.37%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Springhill Lake Elementary and Eleanor Roosevelt High Schools projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$3,360.00 per dwelling unit.

\*†Denotes Tertiary Amendment

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Section 24-122.02(a)(4) states that if any affected school=s projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists at or below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision. Given the projected percentage of capacity for Springhill Lake Elementary School, a four-year wait must be imposed for all residential structures.

9. Fire and Rescue—The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Berwyn Heights, Company 14, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 685 (98.99%), which is within the staff standard of 657 or 95% of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 08/01/2005 that the department has adequate equipment to meet the standards stated in CB-56-2005.

10. Police Facilities—The Prince George’s County Planning Department has determined that this preliminary plan is located in District I. The Prince George’s County Police Department reports that the average yearly response times for that District are 17.59 minutes for non-emergency calls which meets the standard of 25.00 minutes and 9.19 minutes for emergency calls which meets the standard of 10.00 minutes for emergency calls.

The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers and 43 student officers in the Academy for a total of 1345 (95%) personnel, which is within the standard of 1278 officers or 90% of the authorized strength of 1420 as stated in CB-56-2005.

The City of Greenbelt and its Police Chief testified at the hearing that the City=s police facilities were inadequate to serve the proposed development. While it is true that the County facilities are adequate and that County police provide backup to City police when called, the applicant proffered to construct a police substation for the City in the north core. Condition 36 of the Planning Board=s approval of the Conceptual Site Plan required the applicant to provide a location for this substation in either the north or south core. However, since the only the north core is in the City of Greenbelt, the substation should be located in the north core. Therefore, Condition 15 requires the applicant to provide the location for this substation.

11. Health Department—The Health Department reviewed the application and made several observations and comments. An environmental assessment will be required at the time of Detailed Site Plan review. This assessment shall examine, but not be limited to, the following:

- a. Existing ground water contamination.
  - b. The abandoned fuel storage tank associated with the abandoned office building.
  - c. The presence of lead batteries on-site.
  - d. Oil storage tanks.
  - e. Asphalt materials at the asphalt plant.
  - f. The impact of existing uses to Indian Creek.
12. Stormwater Management—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #2657-2001-00, was approved with conditions on June 7, 2001, to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 7, 2004. Development must be in accordance with this approved plan. The approval number and date must be added to the preliminary plan prior to signature approval.
13. Public Utility Easement—The proposed preliminary plan does not include the required 10-foot-wide public utility easement. Prior to signature approval, the preliminary plan must be revised to include it either graphically or in a note.
14. Cherrywood Lane—The proposed development would require the vacation of Cherrywood Lane. This vacation must take place prior to approval of a final plat.
15. Conceptual Site Plan—As stated in the Overview Section of this report, the preliminary plan must include approval of several variations to the Subdivision Regulations to be in conformance with the Conceptual Site Plan. With the approval of these variations, the internal road network, stormwater controls and water and sewer easements are in line with the concept outlined in the CSP. Since staff can now support the variations, the preliminary plan is in conformance with the CSP.
- \*16. Lotting Pattern—Preliminary Plan 4-01026 was originally approved for approximately 1,660 dwelling units, 3,440,000 square feet of commercial development and a 550-room hotel. All of that development was to occur on 14 parcels. This limited number of parcels is very restrictive with regard to limiting dwelling unit types and ownership options. If the current number of parcels were retained, the residential component would be limited, for practical purposes, to multi-family or condominium ownership.

Council bills CB-35-1998 and CB-47-2000 established what the District Council termed a Metro Planned Community. As part of the reconsideration request on the preliminary plan, the applicant put forth that the unique nature of a Metro Planned Community should allow for flexibility in the lotting pattern. Additionally, the applicant noted “[n]o other site in the County is able to develop in the manner set forth in the Zoning Ordinance for a Metro



Planned Community...” In fact, the purposes stated in the legislation for a Metro Planned Community contain:

**Sec. 27-475.06.03. Metro Planned Community.**

**(a) Purposes.**

- (9) To permit a flexible response to the market;
- (11) To provide the maximum amount of freedom possible in the architectural design of buildings and their grouping and layout within the area classified in this zone in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning;
- (13) To afford reasonable flexibility in the design of these projects and their response to the market while phasing out heavy industrial uses; and
- (14) To promote the application of and to be in conformance with the planning recommendations, strategies and/or guidelines for Metro Station areas included in existing community or area Master Plans and Sectional Map Amendments.

Staff concurs that a Metro Planned Community is a unique development option. Staff also concurs that the District Council intended, through its legislative initiative, that the development should have flexibility in the design of the project. Inherent in that design is the lotting pattern that supports the development.

While staff agrees that the project is unique and that the developer should be permitted a degree of flexibility in the lotting pattern, staff also believes that that flexibility should have some parameters. A change to the lotting pattern (increase in the number of lots and/or parcels) should **not** allow for an increase in the amount of impact to the transportation system. Additionally, an increase in the number of lots or parcels should **not** be allowed to materially increase the amount of environmental disturbance that was originally approved.

Another valid point was raised by the City of Greenbelt. Their concern focused on any new streets proposed for dedication to public use. While private roads and drives would be privately maintained and were anticipated with the original approval, new public rights-of-way require careful consideration from the jurisdictions that are responsible for the provision of future maintenance. Staff believes that the appropriate response to this concern is a requirement for any new public streets (other than those shown on the originally approved preliminary plan) to be first approved on the Conceptual Site Plan, which is the document controlling the framework of the development. Additionally, any modifications to the conventional standards normally associated with a specific width of right-of-way should also be proposed at the time of the Conceptual Site Plan. This will allow for appropriate input from the public entities responsible for future permitting and

maintenance and it allows for that input to be provided at the appropriate stage of the development process.

Given the preceding analysis, staff concludes that a condition should be added to the existing conditions of approval that would allow for the creation of additional lots and/or parcels, subject to the parameters noted above.

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 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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 2, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2006.

\*†This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to transportation analysis reporting only on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 26, 2012, in Upper Marlboro, Maryland.

\*†Adopted by the Prince George's County Planning Board this 6th day of September 2012.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:WC:arj

\*†Denotes Tertiary Amendment  
Underlining indicates new language  
[Brackets] and strikethrough indicate deleted language

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**PRIVATE RECREATION FACILITIES AGREEMENT  
"GREENBELT STATION, PHASE 1, SOUTH CORE"**

**THIS AGREEMENT**, made this 12 day of October, 2006, by and between THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (the "M-NCPPC"), a public body corporate of the State of Maryland, and GREENBELT METROPARK L.L.C., a Maryland limited liability company with offices located at 5450 Branchville Road, College Park, MD 20740 (the "Developer").

**WHEREAS**, the M-NCPPC is a public body corporate, created by the State of Maryland and authorized by Article 28 of the Annotated Code of Maryland to maintain and operate a park system within the Metropolitan District; and

**WHEREAS**, the M-NCPPC has delegated authority over the operation of parks in Prince George's County to the Prince George's County Planning Board (the "Planning Board"); and

**WHEREAS**, the Planning Board is empowered by Article 28 of Annotated Code of Maryland with the responsibility and duty to approve subdivision plats for recordation in that portion of the Maryland-Washington Regional District located in Prince George's County; and

**WHEREAS**, Section 24-135 of the Subdivision Regulations of the Prince George's County Code, provides that in conjunction with certain types of development, recreation areas which equal or exceed the requirements for dedication may be provided by a subdivision applicant to satisfy the mandatory dedication requirement of the Prince George's County Subdivision Regulations; and

**WHEREAS**, the Developer is the current owner of certain property which is the subject of Conceptual Site Plan no. CSP-01008/01 approved by the Planning Board on February 2, 2006, adopted through Resolution of approval PGCPB no. 06-32 on February 23, 2006, and adopted by the District Council on June 20, 2006; Preliminary Plan 4-01026 approved by the Planning Board on February 16, 2006, and adopted through Resolution of approval PGCPB no. 01-130(A)/2 on February 21, 2006, and; Detailed Site Plan no. DSP-04081 approved by the Planning Board and adopted through Resolution of approval PGCPB no. 06-149 on June 22, 2006. Said property being the same land conveyed by Deed to Greenbelt Metropark L.L.C., a Maryland limited liability company, which is recorded in the Land Records of Prince George's County, Maryland, in Liber 12318, Folio 654, comprising approximately 157.42 acres of land, being in the 21<sup>st</sup> Election District, Prince George's County, Maryland (the "Property"); and

**WHEREAS**, the Developer has proposed to provide recreation facilities to satisfy the requirements of the Subdivision Regulations, Conceptual Site Plan (CSP) 01008/01, Preliminary Plan 4-01026, and Detailed Site Plan (DSP)-04081; and

**WHEREAS**, the M-NCPPC has accepted the Developer's proposal.

**NOW, THEREFORE**, in consideration of the acceptance by the M-NCPPC of the Developer's offer to provide private recreational facilities in lieu of mandatory dedication as

Clock of the  
Prince George's  
County

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20.00  
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KCP # 85136  
Bik # 1897  
11:32 am

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) REP 26243, p. 79, MSA\_CE64\_26339. Date available 11/20/2006. Printed 08/05/20.

Return To: Via Interoffice Mail  
Brenda Otto  
MNCPPC  
Development Review Division



provided for in Section 24-135 of the Subdivision Regulations for Prince George's County, Maryland, the mutual promises and for other good and valuable consideration, which is hereby acknowledged, the parties hereto have agreed to the following provisions:

1. **Recreation Facilities.** In accordance with the approvals for CSP-01008/01 and Preliminary Plan 4-01026, DSP-04081 requires that the Developer shall construct on the Property the private recreation facilities approved by the Planning Board as specified below:

- (a) The private outdoor recreation facilities to be constructed by the Developer for Phase I of the South Core of Greenbelt Station are as follows:
  - i. **Townhouse Section Facilities:**
    1. 360 linear feet of 6-foot wide asphalt connector trail;
    2. 315 linear feet of 4-foot wide asphalt connector trail;
    3. One tot lot;
    4. Two sitting areas with trellises in two pocket parks, and;
    5. Twelve benches (including benches in sitting areas).
- (b) Construction of the recreation facilities listed in sub-paragraph (a)(i) above shall be completed as follows:

The Developer shall construct all private South Core Facilities prior to the 250<sup>th</sup> townhouse building permit, as stated in PGCPB Resolution 06-149, Finding 5.

2. **Performance Bonds for Private Recreation Facilities**

(a) To guarantee the prompt and satisfactory construction of the recreation facilities set forth in Paragraph (1) above, the Developer, its heirs, successors and/or assigns, shall submit to the Development Review Division ("DRD") a performance bond, surety bond, letter of credit, escrow agreement, or other suitable financial guarantee as determined by the M-NCPPC's Office of the General Counsel (collectively the "Performance Bond"), in an amount to be determined by DRD, within at least two weeks prior to applying for building permits. The Developer shall request in writing from the Planning Department a determination as to the amount of the required Performance Bond not less than two weeks prior to filing for an application for any building permits.

(b) The Performance Bond shall run to the benefit of the M-NCPPC and not be conditional. It is agreed by the parties hereto that the M-NCPPC shall use the Performance Bond if it finds that the Developer has failed to satisfactorily construct the recreation facilities as required under this Agreement, and in accordance with the plans filed with the M-NCPPC. The M-NCPPC's decision as to the satisfaction of the construction or completion of the facilities shall be binding on all parties. All recreation facilities shall be constructed in accordance with the standards in the Parks and Recreation Facilities Guidelines, the manufacturer's



specifications, and the guidelines in the latest edition of the Handbook for Public Playground Safety published by the Consumer Products Safety Commission, American Society of Testing and Materials (ASTM) standards, and the Americans with Disabilities Act (ADA).

(c) In the event that the Performance Bond is used by the M-NCPPC for the failure to satisfactorily complete construction of any recreation facilities, the M-NCPPC shall not incur any liability for the construction or completion of said recreation facilities.

(d) At such time that the M-NCPPC determines the recreation facilities are completed and an executed Recreation Facility Certification form is provided, the Performance Bond, or any remainder thereof, shall be returned to the Developer.

(e) If the construction of the recreation facilities specified in paragraph 1, above, are not completed within five (5) years from the date the Performance Bond was issued, the M-NCPPC reserves the right to re-evaluate the amount of the Performance Bond and to require that the Developer post an additional bond amount.

**3. Non-discrimination.** The Developer shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, color, national origin or handicap.

**4. Indemnification.** The Developer shall indemnify and save harmless the M-NCPPC from and against all actions, liability, claims, suits, damages, cost or expense of any kind arising from the Developer's negligence or failure to perform any of the obligations under the terms of this Agreement.

**5. Binding Covenant.** The provisions of this Agreement shall be a covenant which runs with the lands and is binding on the Developer, its heirs, successors and/or assigns. In the event that the Developer assigns this Agreement to more than one successor, the M-NCPPC reserves the right to require a new or amended Agreement for each successor.

**6. Recordation.** This Agreement shall be recorded in the Land Records of Prince George's County prior to the acceptance of the above-referenced plat by the Development Review Division of the M-NCPPC. All recording fees shall be paid by the Developer. The original recorded Agreement shall be returned to the Development Review Division of the M-NCPPC. The failure of the Developer to record this Agreement shall preclude the issuance of any building permits applied for in the Greenbelt Station, Phase 1, South Core subdivision.

**7. Modification.** Any substantial modification of this Agreement, as determined by the M-NCPPC, shall be permitted only upon the filing of a new preliminary plan or detailed site plan by the Developer, approval by the Planning Board or its designee, and the recording of an Amended Recreation Facilities Agreement.

**8. Entire Agreement.** This instrument contains the entire Agreement between the parties and shall not be modified except by written agreement signed by the parties and attached hereto.

9. **Severability.** The invalidity or illegality of any provision of this Agreement shall not affect the remainder of this Agreement or any other provision contained herein.

10. **Applicable Law and Forum.** This Agreement shall be interpreted and enforced in accordance with the laws of the State of Maryland.

11. **Waiver.** The failure of the M-NCPPC to enforce any part of this Agreement shall not be deemed as a waiver thereof.

12. **Termination.** This Agreement shall extend for twenty-five (25) years from the date of execution. All obligations of the Developer under this Agreement shall become due one (1) year prior to the expiration of this Agreement.

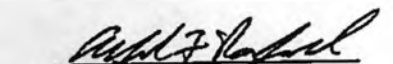
13. **Recitals.** The Recitals are hereby incorporated in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be properly executed on the day and year first written above.

SEAL/WITNESS:



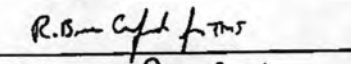
ATTEST

  
Patricia Colihan Barney  
Secretary-Treasurer 10/16/06

By: GREENBELT METROPARK, LLC  
GB Development Company, Inc.,  
its manager


By:   
Typed Name: Daniel Colton  
Corporate Title: Vice President

THE MARYLAND-NATIONAL CAPITAL  
PARK & PLANNING COMMISSION

By:   
R. Bruce Crawford  
Frudye Morgan Johnson  
Acting Executive Director

JURATS FOLLOW

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

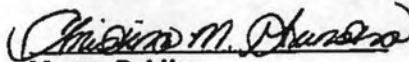
Date 9/26/06

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STATE OF MARYLAND :  
COUNTY OF PRINCE GEORGES

I HEREBY CERTIFY that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared DANIEL COLTON, who acknowledged that ~~he~~/she is authorized to execute the above Agreement for the reasons and purposes stated therein.

Witness my hand and official seal this 18<sup>th</sup> day of SEPTEMBER, 2006.

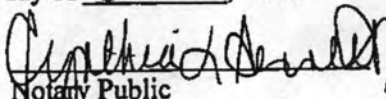
  
Notary Public

My Commission Expires: 1-1-2007

STATE OF MARYLAND:  
COUNTY OF ~~PRINCE GEORGES~~ Baltimore

I HEREBY CERTIFY that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Trudye Morgan Johnson, who acknowledged that she is authorized to execute the above Agreement for the reasons and purposes stated therein.

Witness my hand and official seal this 5 day of October, 2006.

  
Notary Public

My Commission Expire 5/4/09

CYNTHIA L. SENNETT  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 4, 2009