



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

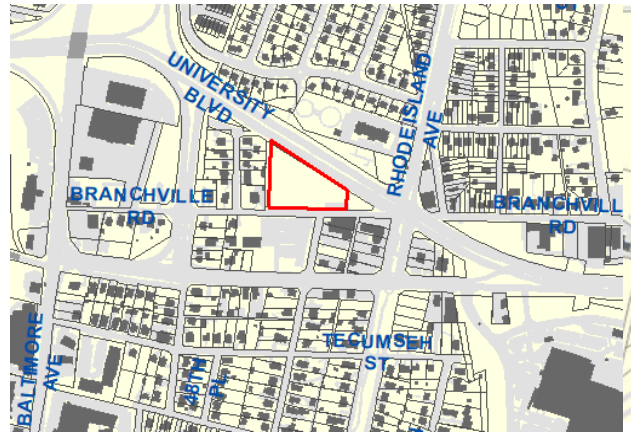
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Detailed Site Plan Alternative Compliance Branchville Gardens

DSP-19042
AC-19025

REQUEST	STAFF RECOMMENDATION
<p>This application was continued from the Planning Board hearing date of July 23, 2020 to September 24, 2020.</p> <p>Development of an 81-unit multifamily building.</p>	<p>APPROVAL with conditions</p>

<p>Location: On the north side of Branchville Road, approximately 110 feet west of its intersection with MD 193 (University Boulevard).</p>	
Gross Acreage:	2.02
Zone:	R-10
Dwelling Units:	81
Gross Floor Area:	73,057 sq. ft.
Planning Area:	66
Council District:	03
Election District:	21
Municipality:	College Park
200-Scale Base Map:	210NE04
<p>Applicant/Address: Cruz Development Corporation One Eliot Square Boston, MA 02119</p>	
<p>Staff Reviewer: N. Andrew Bishop Phone Number: 301-952-4897 Email: Andrew.Bishop@ppd.mncppc.org</p>	



Planning Board Date:	09/24/2020
Planning Board Action Limit:	09/31/2020
Staff Report Date:	09/10/2020
Date Accepted:	05/13/2020
Informational Mailing:	10/21/2019
Acceptance Mailing:	05/01/2020
Sign Posting Deadline:	06/23/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-19042
Type 2 Tree Conservation Plan TCP2-012-2020
Branchville Gardens

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

EVALUATION CRITERIA

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

- a. The requirements of the Multifamily High Density Residential (R-10) Zone, and the site plan design guidelines of the Prince George's County Zoning Ordinance;
- b. The requirements of Preliminary Plan of Subdivision 4-86220;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- f. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design Section recommends the following findings:

1. **Request:** The detailed site plan (DSP) is for the development of one multifamily residential building, including 81 dwelling units, and associated parking.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-10	R-10
Use	Vacant	Multifamily Residential
Total Acreage	2.02	2.02
Parcels	1	1
Total Multifamily Dwelling Units	0	81
Total Gross Floor Area (sq. ft.)	0	73,057*

Note: *The total gross floor area is not provided on the DSP and is approximately 73,057 square feet, as indicated by the applicant. Therefore, a condition of approval has been included to show the total gross floor area proposed with this application on the DSP.

PARKING AND LOADING TABULATION

Parking and Loading		
Use	Number of Spaces Required	Number of Spaces Provided
Total Parking	130*	130
20 1-bedroom units @ 1.33 spaces/unit	27	
56 2-bedroom units @ 1.66 spaces/unit	93	
5 3-bedroom units @ 1.99 spaces/unit	10	
Garage Parking		95
Handicapped-Accessible		6
Standard Spaces		60
Compact		29
Surface Parking		35
Handicapped-Accessible (includes 1 van accessible space)		2
Standard Spaces		25
Compact		8
Total Loading Spaces		
Less than 100 dwelling units	0	0

Note: *The parking requirement is based on the property being wholly within a one-mile radius of the Greenbelt Metro Station.

3. **Location:** The subject property is located on the north side of Branchville Road, approximately 110 feet west of its intersection with MD 193 (University Boulevard), in Planning Area 66 and Council District 3. The subject DSP includes one parcel, which is located on Tax Map 25 in Grid E4, and is known as Parcel A.
4. **Surrounding Uses:** The subject site is bounded by the public rights-of-way of MD 193 to the north, with vacant property in the Open Space (O-S) Zone beyond, and Branchville Road to the south, with the West Berwyn Volunteer Fire Department in the One-Family Detached Residential (R-55) Zone beyond; to the west by single-family detached residential units in the R-55 Zone and; to the east, by proposed stormwater facilities in the O-S Zone.
5. **Previous Approvals:** The Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-86220 on March 12, 1987, for the development of a multifamily building with 96 dwelling units, subject to 5 conditions. On August 27, 1987, The Board of Zoning Appeals approved a variance from the green area requirement needed to construct a seven-story apartment building on the property. Subsequently, DSP-87165 was approved by the Planning Board on February 18, 1988, subject to conditions. The property was never developed in accordance with DSP-87165, which subsequently expired, and the conditions related to that approval are no longer applicable. The applicant has filed the subject DSP for the approval of a new plan of development on the subject property.

In addition, it is noted that this DSP is subject to Stormwater Management (SWM) Concept Plan 16414-2019 for the development, which was approved on December 12, 2019, and is valid until December 22, 2022.

6. **Design Features:** The applicant proposes to develop a multifamily residential development, including 81 units in one, seven-story, building on Parcel A. The property is generally triangular in shape and development is limited to the western portion of the site. The property is accessed via a two-way drive aisle from Branchville Road, which forms the southern boundary of the site, that is aligned with the intersection with 49th Avenue. The L-shaped multifamily building and its main entrance with a circular drop-off area face MD 193, with surface parking located on the north and east sides, and underneath the building in two levels. The circular drop-off area in the front of the building includes a sidewalk and benches for the building's residents.

Architecture

The architectural design of the building is contemporary with a flat-roof with a cornice and cross-gables, and interest is provided through the application of different building volumes and massing, architectural design elements, regular fenestration, and balconies. The exterior of the building is finished with a mix of materials in red, gray, green, and cream, including brick veneer, hardi-plank siding, and clapboard siding. Brick is proposed primarily on the lower two-levels and extends in varying heights on all sides of the building.



11 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



10 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

Figure 1: Proposed South and North Elevations



13 WEST ELEVATION
SCALE: 3/32" = 1'-0"



Figure 2: Proposed West and East Elevations

Recreational Facilities

PPS 4-186220 determined that payment of a fee-in-lieu for park dedication was appropriate to meet the requirement for mandatory parkland dedication and it was paid by the applicant at the time of final plat, which was approved on August 23, 1988.

The DSP proposes additional recreational amenities within the building and on site, which include multi-function and fitness rooms within the building, and a sitting area. Floorplans demonstrating the size and location of these internal facilities were provided, and the sitting area is shown at the rear of the building, adjacent to the bio-retention facility. However, it is noted that details of the sitting area were not included and should be provided for clarification. Staff understands that there is limited space on the property to add additional recreational facilities and recommends that the details of the sitting area include additional features such as a pergola, decorative pavement, trash cans, and seasonal landscaping to enhance the space and make it more enjoyable for the users. Conditions requiring details and these enhancements have been included in the Recommendation section of this report.

Lighting

The applicant is proposing pole-mounted lighting in the parking area surrounding the multifamily building. Details of the proposed lighting have not been included and should be provided for clarification. In addition, it is recommended that a photometric plan be submitted with the DSP showing appropriate lighting levels with a balanced pattern on the property, in the parking area and at the building entrance, without causing a glare onto adjoining properties. Therefore, conditions have been included herein requiring the applicant to provide the details and specifications for the site lighting, clearly label their locations on the site and landscape plans, and to provide a photometric plan, showing adequate lighting levels on the property.

Signage

The DSP includes one 4-foot-high, double-faced monument sign along Branchville Road, near the entrance to the site. The sign is constructed of stone and is mounted on a brick base matching the architecture of the multifamily building. The externally illuminated sign proposes up-lighting and displays the name and address of the development in raised gold letters on a dark background. The 3-foot-wide sign does not include landscaping at its base, which is conditioned to be added to provide seasonal interest.



Figure 3: Proposed Freestanding Sign

One building-mounted sign is shown above the main entrance to the building, and a detail has been provided by the applicant. The applicant states that this is a permanent real estate sign and meets the regulations of Section 27-618(c) of the Prince George’s County Zoning Ordinance.

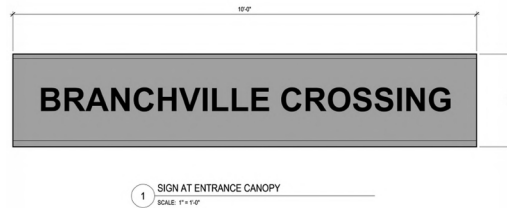


Figure 4: Permanent real estate sign

A signage area schedule has not been provided listing the square footage of the proposed signage. Therefore, a condition has been included in the Recommendation section of this report, requiring that a signage schedule be provided.

Loading and Trash Facilities

Loading spaces are not required for the building due to the number of dwelling units proposed on the site, and it is noted that the trash facilities will be located internal to the building within the parking garage.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the Multifamily High Density Residential (R-10) Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-441 of the Zoning Ordinance, Uses permitted, which governs permitted uses in the R-10 Zone. Prince George's County Council Bill CB-029-2020 was adopted on July 21, 2020 by the Prince George's County Council to amend the Zoning Ordinance and permit the multifamily dwelling units proposed with the subject DSP in the R-10 Zone. This council bill was approved to clarify the County Council's intention to repeal all development regulations related to bedroom percentages.
- b. Section 27-442 of the Zoning Ordinance provides additional regulations for development in residential zones, including requirements for setbacks, net lot area, lot frontage, building coverage, and green area.
- c. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283. For example, the subject development provides vehicular and pedestrian access to the site from the public right-of-way and the architecture proposed includes a variety of features, such as window and door treatments, projections, colors, and materials.

8. **Preliminary Plan of Subdivision 4-86220:** PPS 4-86220 was approved by the Planning Board on March 12, 1987, subject to five conditions. Conditions 1 - 4 refer to actions which must be taken prior to, or at the time of final plat, which was approved in 1988. The remaining condition of approval is as follows:

5. **Approval of a site plan by the Planning Board prior to final plat of subdivision to address property ingress and egress to the site and a buffer for the single-family residences to the west.**

This DSP was filed in fulfillment of this requirement. The plan reflects conformance with Section 4.7, Buffering Incompatible Uses, adjacent to the single-family residences to the west.

9. **2010 Prince George's County Landscape Manual:** Per Section 27-544(a) of the Zoning Ordinance, landscaping, screening, and buffering for property zoned R-10, is subject to the provisions of the Landscape Manual. The proposed development is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The required plantings and schedules are provided, in conformance with the Landscape Manual, with the exception of Section 4.6, Buffering Development from Streets, specifically for the site's frontage along MD 193. The applicant has filed a request for Alternative Compliance, AC-19025, to seek relief from the requirements of Section 4.6, as follows:

The subject site and proposed multifamily development include approximately 475 linear feet of frontage along MD 193, which is an arterial roadway. As such, a minimum 50-foot-wide landscaped buffer is required between the development and MD 193. The applicant has requested to provide a 25-foot-wide landscape buffer with a 6-foot-high opaque fence.

Section 4.6 Buffering Development from Streets

REQUIRED: Section 4.6 (c)(1)(B)(i). Requirements for Buffering Residential Development from Streets – Multifamily adjacent to an arterial roadway (MD 193)

Linear feet of street frontage	475 feet
Width of buffer	50 feet
Shade Trees (6 per 100 linear feet)	29
Evergreen Trees (16 per 100 linear feet)	76
Shrubs (30 per 100 linear feet)	143

PROVIDED: Section 4.6 (c)(1)(B)(i). Requirements for Buffering Residential Development from Streets – Multifamily adjacent to an arterial roadway (MD 193)

Linear feet of street frontage	475 feet
Width of buffer	25 feet*
Shade Trees (6 per 100 linear feet)	29
Evergreen Trees (16 per 100 linear feet)	76
Shrubs (30 per 100 linear feet)	143

Note: *A 6-foot-high opaque fence is also provided.

Justification

Due to the triangular shape of the site, the applicant cannot provide the required 50-foot-wide buffer and retain a viable building and parking envelope. Instead, the applicant has provided a 25-foot-wide buffer with the full number of plant units, as required by Section 4.6(c)(1)(B)(i), and a 6-foot-high opaque fence. The inclusion of the fence allows the applicant to reduce the number of required plant units by 50 percent. In this case, the fence has been provided and no reduction in plant units is requested. The fence, in combination with all of the required plant units, has been designed to form an effective buffer between the proposed multifamily development and MD 193, despite the requested reduction in buffer width.

The Planning Director finds the applicant’s proposal equally effective as normal compliance with Section 4.6. The reduction in required width of the buffer from 50 to 25 feet is offset by the provision of the full number of required plant units and a 6-foot-high opaque fence. The resulting design will provide adequate buffering between the multifamily development and MD 193.

The Planning Director recommends APPROVAL of Alternative Compliance AC-19025 for Branchville Gardens from the requirements of Section 4.6(c)(1)(B)(i), Requirements for Buffering Residential Development from Streets of the 2010 *Prince George’s County Landscape Manual*, for the site’s frontage along MD 193.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is larger than 40,000 square feet in area, contains more than 10,000 square feet of woodlands, and has no previous tree conservation plan approvals.

This 2.02-acre site has a woodland conservation threshold of 20 percent, or 0.40 acre. According to the worksheet, the woodland conservation requirement for this development is 1.06 acres. The Type 2 tree conservation plan (TCP2) proposes to meet this requirement with 1.06 acres of off-site woodland conservation credits.

The TCP2 must be revised to address multiple technical revisions. These revisions must be addressed prior to certificate of approval of the TCP2 and DSP. Conditions specifying these revisions have been included in the Recommendation section of this report.

11. **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 (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned R-10 are required to provide a minimum of 15 percent of the gross tract area covered in TCC. The subject application provides the required TCC schedule; however, it incorrectly calculates the requirement as 10 percent. Therefore, a condition is included herein, requiring the schedule to be revised to demonstrate conformance with the 15 percent requirement.

12. **Referral Comments:** The subject application was referred to the following concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—In a memorandum dated June 3, 2020 (Stabler to Bishop), incorporated herein by reference, the Historic Preservation Section stated that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, or known archeological sites.
- b. **Community Planning**—In a memorandum dated June 15, 2020 (Gravitz to Bishop), incorporated herein by reference, the Community Planning Division noted that the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* retained the property in the R-10 Zone and provided a discussion of the General Plan and Master Plan. In conclusion, pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated June 23, 2020 (Saunders Hancock to Bishop) incorporated herein by reference, the Transportation Planning staff provided a discussion of the traffic generation for the development, and the DSP’s conformance to the design guidelines relevant to transportation circulation and access. In conclusion, it was determined that on-site circulation is acceptable and meets the finding required for a DSP.

- d. **Trails**—In a memorandum dated June 22, 2020 (Smith to Bishop), incorporated herein by reference, the trails planner provided a discussion of the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* and Subtitle 27, to provide the appropriate pedestrian and bicycle transportation recommendations. It was noted that the submitted plans include sidewalk along a portion of the property’s frontage on Branchville Road, but it is not continued east of the driveway due to insufficient right-of-way, and crosswalks are provided at the driveway entrance/exit and crossing Branchville Road to the opposing sidewalk, allowing a continued route. Staff recommends that the applicant consider establishing a public use easement agreement with the City of College Park along that portion of the property, to provide a sidewalk across the entire extent of the subject site’s frontage. The submitted plans include inverted-U style rack bike racks and bicycle parking facilities in the garage, which are important to the development of a bicycle-friendly roadway. In conclusion, it was determined that the pedestrian and bicycle access and circulation for this plan is acceptable, subject to a condition to provide an exhibit of the indoor bicycle facilities, which has been included in the Recommendation section of this report.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated June 23, 2020 (Asan to Bishop), incorporated herein by reference. DPR indicated that the mandatory dedication of parkland requirement had been met by provision of fee-in-lieu and provided no other comments on the application.

- g. **Permits**—In a memorandum dated May 19, 2020 (Chaney to Bishop), incorporated herein by reference, the Permit Review Section offered comments, which have been addressed through revisions to the plans, or included in the Recommendation section of this report.

- h. **Environmental Planning**—In a memorandum dated June 23, 2020 (Juba to Bishop), incorporated herein by reference, the Environmental Planning Section indicated that there are no applicable environmental-related conditions attached to previous approvals. In addition, it was noted that the site has an approved Natural Resources Inventory, NRI-075-2015, which correctly shows the existing conditions of the property. One specimen tree is associated with this site. This site contains one forest stand (Forest Stand A) that is dominated by invasive species and is rated as priority rating of Medium for Preservation. This site is not associated with any regulated environmental features, such as intermittent or perennial streams, wetlands, or their respective buffers. No 100-year floodplain, or primary management area is associated with this site.

Soils

The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), Fallsington-Urban land complex (zero to five percent slopes); and Russett-Christiana-Urban land complex (zero to five percent slopes). Unsafe soils containing Christiana complexes have been identified on-site. No unsafe soils containing Marlboro clay have been identified on or within the immediate vicinity of this property.

There are no slopes of significant concern identified within the area of this soil type and the applicant is proposing to cut and fill the site to a one percent grade for a buildable area. The County may require a soils report in conformance with CB-94-2004 prior to building permit.

Specimen, Champion, or Historic Trees

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

The specimen tree table identifies one specimen tree, which is on-site, and to be removed. Specimen Tree 1 is a 44-inch silver maple rated as being in poor condition.

A Subtitle 25 variance application and a statement of justification dated November 7, 2019, in support of a variance to remove the specimen tree located on-site, was submitted.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The findings of approval are discussed, as follows:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

Specimen Tree 1 is located within the most developable portion of the property. Any additional loss in developable area for the retention of Specimen Tree 1 would result in a significant reduction in building square footage on-site.

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

Further limiting of developable area by protecting the root zone of this specimen tree will deprive the applicant of the opportunity to create a functional development. This tree is in poor condition and would not realistically be viable in the long-term if left alone in a natural state on-site.

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

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

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

The nature of the variance request is premised to allow for adequate and safe development practices. This is not a condition or circumstance which was the result of any action by the applicant.

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

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

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

The site is governed by the SWM regulations that went into effect on May 5, 2010. The site contains no streams or wetlands. The loss of one specimen tree will not adversely affect the water quality.

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Tree 1.

Stormwater Management

An approved SWM concept plan and associated letter (Case No. 16414-2019-00) was submitted with this application. The approved SWM concept plan shows the use of two micro-bioretenment facilities and one submerged gravel wetland.

The Environmental Planning Section recommends approval of DSP-19042 and TCP2-012-2020, subject to conditions that have been included in the Recommendation section of this technical staff report.

- i. **Prince George's County Fire Department**—In an email dated May 27, 2020 (Reilly to Bishop), incorporated herein by reference, the Prince George's County Fire/EMS Department provided comments regarding facilities on-site that have been addressed through revisions to the plans or have been included in the Recommendation Section of this report.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 29, 2019 (Giles to Bishop), incorporated herein by reference, DPIE offered comments on the subject application and noted that the proposed site plan is consistent with approved SWM Concept Plan 16414-2019, dated December 12, 2019, and provided other comments related to this application that will be addressed during their separate permitting process.
- k. **Prince George's County Police Department**—In a memorandum dated May 28, 2019 (Contic to Planner Coordinator), incorporated herein by reference, the Police Department indicated they have no comments on the subject application.

- l. **Prince George’s County Health Department**—In a memorandum dated June 15, 2020 (Adepoju to Bishop), incorporated herein by reference, the Environmental Engineering/Policy Program of the Prince George’s County Health Department provided a health impact assessment review of the DSP that included numerous comments, which have been addressed through revisions to the plans, or included in the Recommendation section of this report.
 - m. **Maryland State Highway Administration (SHA)**—In an email dated May 14, 2020 (Woodruffe to Bishop), incorporated herein by reference, SHA noted that no work was being performed in the State right-of-way and that they had no comments at this time.
 - n. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated May 29, 2020, (Villarraga to Bishop), incorporated herein by reference, WSSC offered numerous comments regarding the provision of water and sewer to the development. These comments have been provided to the applicant and will be addressed through WSSC’s separate permitting process.
 - o. **City of College Park**—In a memorandum dated September 9, 2020 (Shum to Hewlett), incorporated herein by reference, the City of College Park indicated that they reviewed the subject application and the City Council held a meeting to discuss the DSP on September 8, 2020. The Council voted 8-0-0 to recommend approval of DSP-19042, with conditions. These conditions, as appropriate, have been included in the Recommendation section of this report, as proffered by the applicant.
- 13.** As required by Section 27-285(b)(1) of the Zoning Ordinance, this DSP, if approved with the recommended conditions, represents 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 costs, and without detracting substantially from the utility of the proposed development for its intended use.
- 14.** As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in as natural a state as possible, in accordance with the requirements of Subtitle 24-130(b)(5). The site does not contain any regulated environmental features that are required to be protected. Therefore, this finding is not applicable to this DSP.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-19042 and Type 2 Tree Conservation Plan TCP2-012-2020 for Branchville Gardens, subject to the following conditions:

- 1. Prior to certification of the detailed site plan, the following revisions shall be made to the plans:
 - a. Provide details of the sitting area including additional features such as a pergola, decorative pavement, trash cans, and seasonal landscaping to enhance the space.

- b. Provide a photometric plan and the details and specifications for the proposed site lighting, and clearly label their locations throughout the site.
- c. Add the following general plan notes:
 - (1) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Conformance to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, is required.
 - (2) During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code, is required.
- d. Provide a schedule clearly indicating the area of the proposed freestanding and building-mounted signage in conformance with Sections 27-614 and 27-618 of the Prince George's County Zoning Ordinance.
- e. Include landscaping at the base of the freestanding sign to provide for seasonal interest.
- f. Revise the Tree Canopy Coverage schedule to reflect the 15 percent requirement for properties in the R-10 Zone.
- g. Provide an exhibit illustrating that no exterior portion of the building is more than 500 feet from a fire hydrant, as hose is laid by the Fire Department.
- h. Provide a hydrant or Fire Department connection (FDC) within 200 feet of the building to service the multifamily dwellings units without causing the fire hose to cross the drive aisle.
- i. Provide a detailed exhibit of the indoor bicycle storage facilities.
- j. Provide a general note to indicate the total gross floor area proposed with this application.
- k. Construct an asphalt turning area to accommodate Branchville Volunteer Fire Department fire trucks, as shown in the City of College Park's Exhibits 1 and 2, with a public use easement agreement to the City, as needed. Construction plans shall be submitted to the City of College Park Engineer for review and permitting.
- l. Provide recycling facilities in the trash room and additional washers and dryers in the laundry room, if they cannot be provided in the individual units.
- m. Provide a raised crosswalk across the driveway at the entry to the lower level garage.

- n. Provide at least one electric car-charging space, one car-sharing space, and designate an area of surface parking for visitor parking.
 - o. Provide a no left-turn sign at the exit lane of the driveway onto Branchville Road.
 - p. Provide sidewalk access from the building to the eastern terminus of Branchville Road, as shown in the City of College Park's Exhibit 3, a crosswalk across Branchville Road, and a public use easement agreement to the City, as needed. Construction plans for the sidewalk in the Branchville Road right-of-way shall be submitted to the City Engineer for review and permitting.
 - q. Provide a wrought-iron, estate-style fence with detail, similar to the one currently existing, along the site's entire frontage with Branchville Road, and off-site along Branchville Road between the sidewalk and proposed stormwater management facility.
 - r. Revise the architectural plans to:
 - (1) Provide a detailed drawing showing a more prominent front entrance and plaza area around the circular drive. Curbs shall be flush and additional seating provided.
 - (2) Provide a detail of the parking garage window screening.
 - s. Revise the landscape plans to:
 - (1) Provide a 6-foot-high fence along the entire western boundary line.
 - (2) Add amenities, as feasible, to the area of the eastern stormwater management facility to include seating, a trash receptacle, and a pet waste disposal stand.
 - (3) Provide ornamental trees within the landscape strip along the Branchville Road right-of-way, west of 49th Avenue.
2. Prior to certification of the detailed site plan, the Type 2 Tree Conservation Plan (TCP2) shall be revised as follows:
- a. Adding all standard relevant notes to the TCP2 plan.
 - b. Removing the QR code approval block from the TCP2.
 - c. Revising the TCP2 worksheet using the current standard worksheet located on the Maryland-National Capital Park and Planning Commission Environmental Planning Section website.
 - d. Adding a column entitled Proposed Disposition to the Specimen Tree Table and stating that Specimen Tree 1 is proposed for removal.

- e. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed).”

3. Prior to issuance of the first grading permit, the final stormwater management plan shall be submitted and found to be consistent with the certified Type 2 Tree Conservation Plan TCP2-012-2020 and Detailed Site Plan DSP-19042.

ITEM: 9

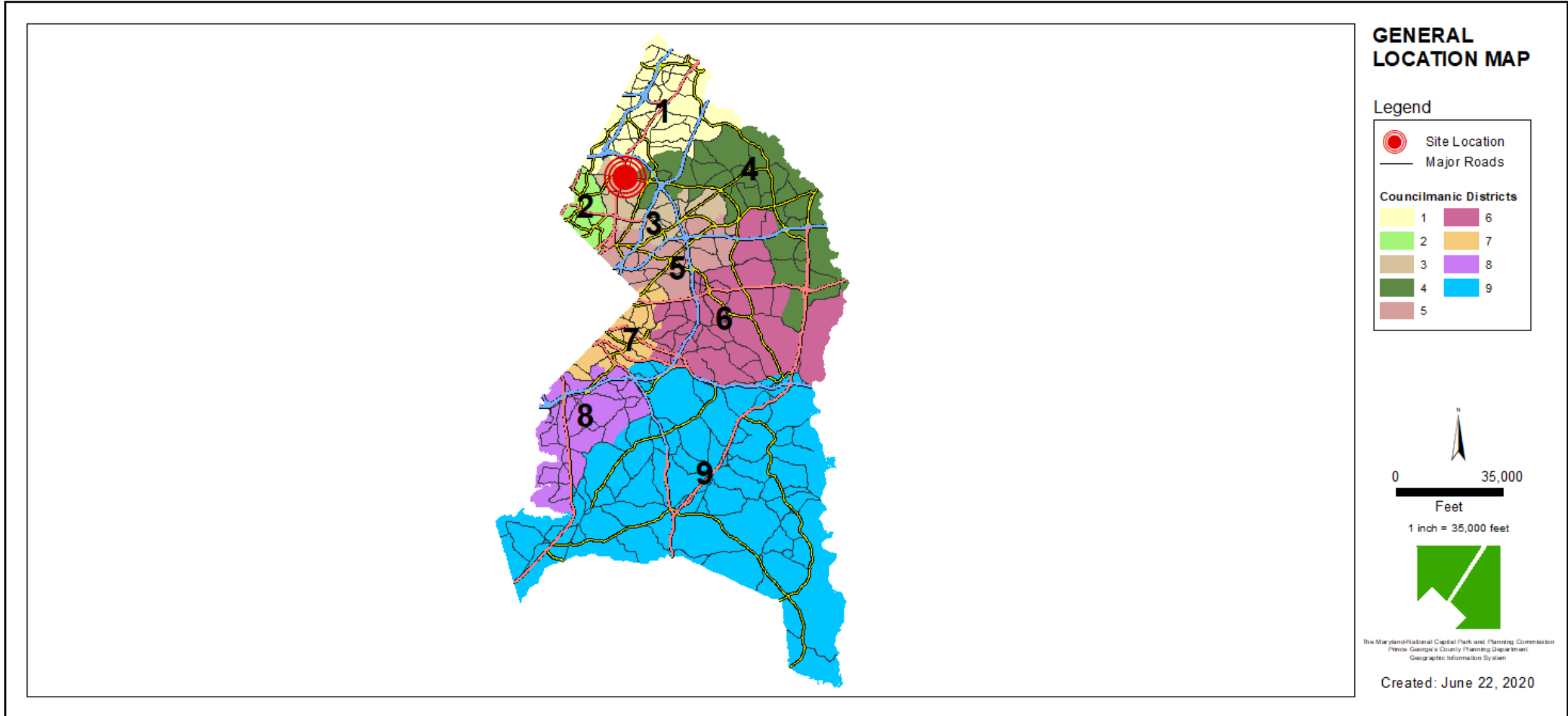
CASE: DSP-19042

BRANCHVILLE GARDENS

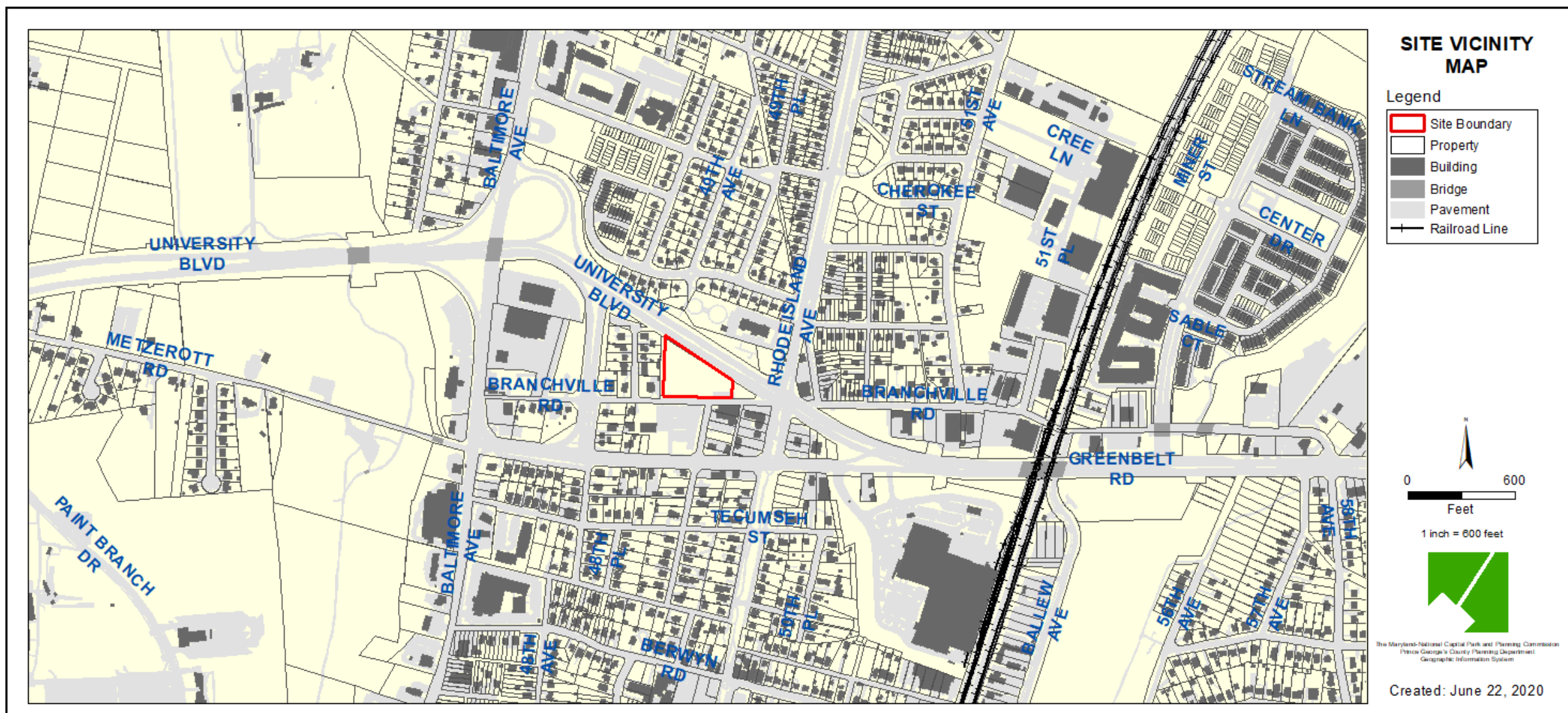
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



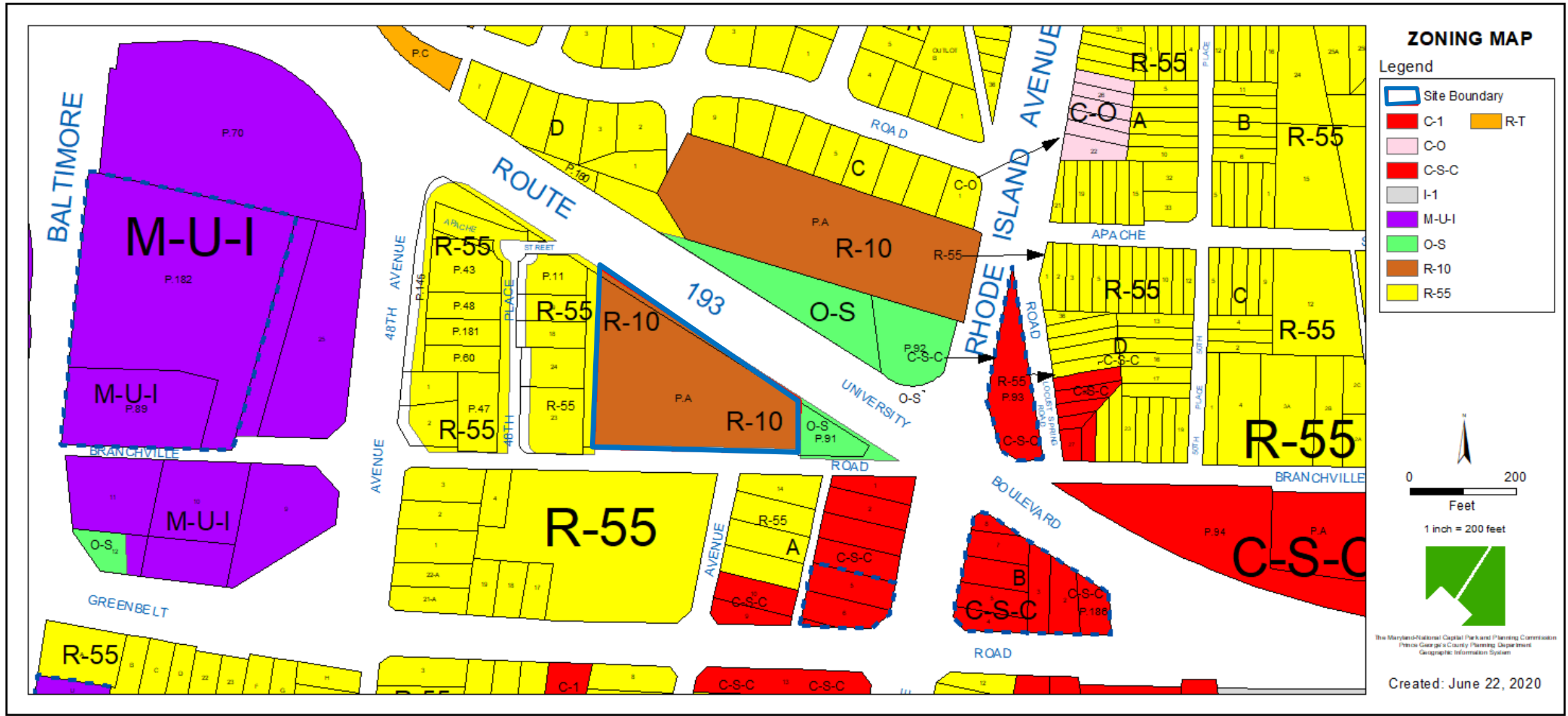
GENERAL LOCATION MAP



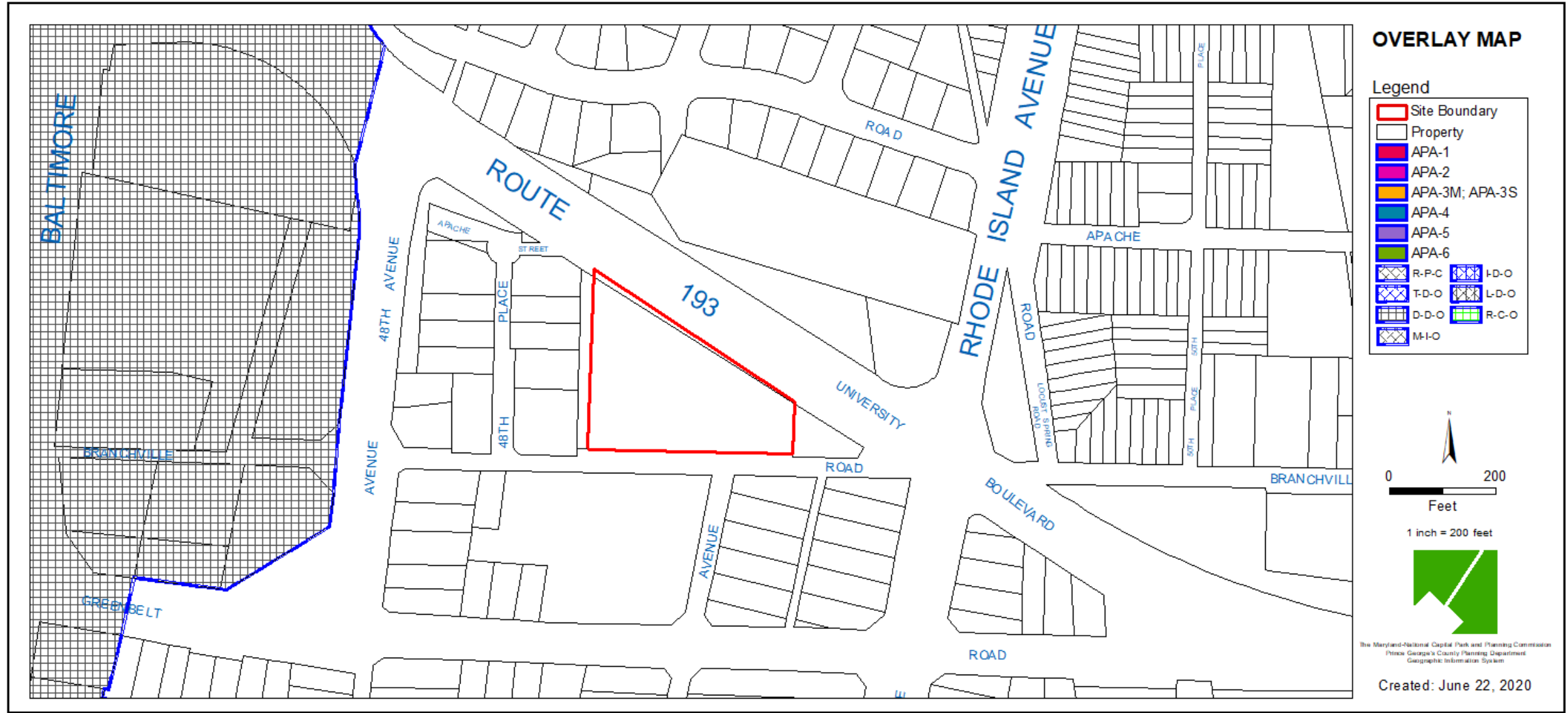
SITE VICINITY



ZONING MAP



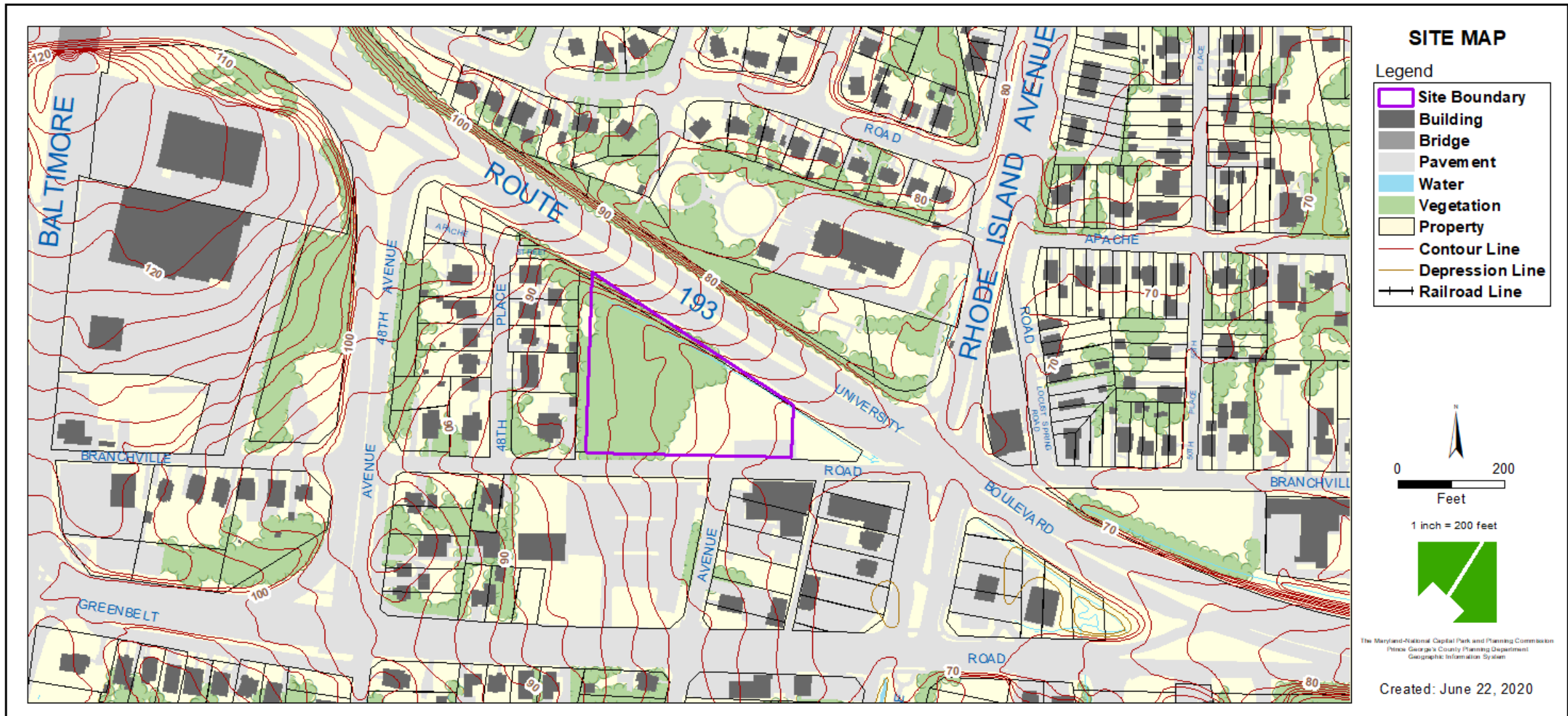
OVERLAY MAP



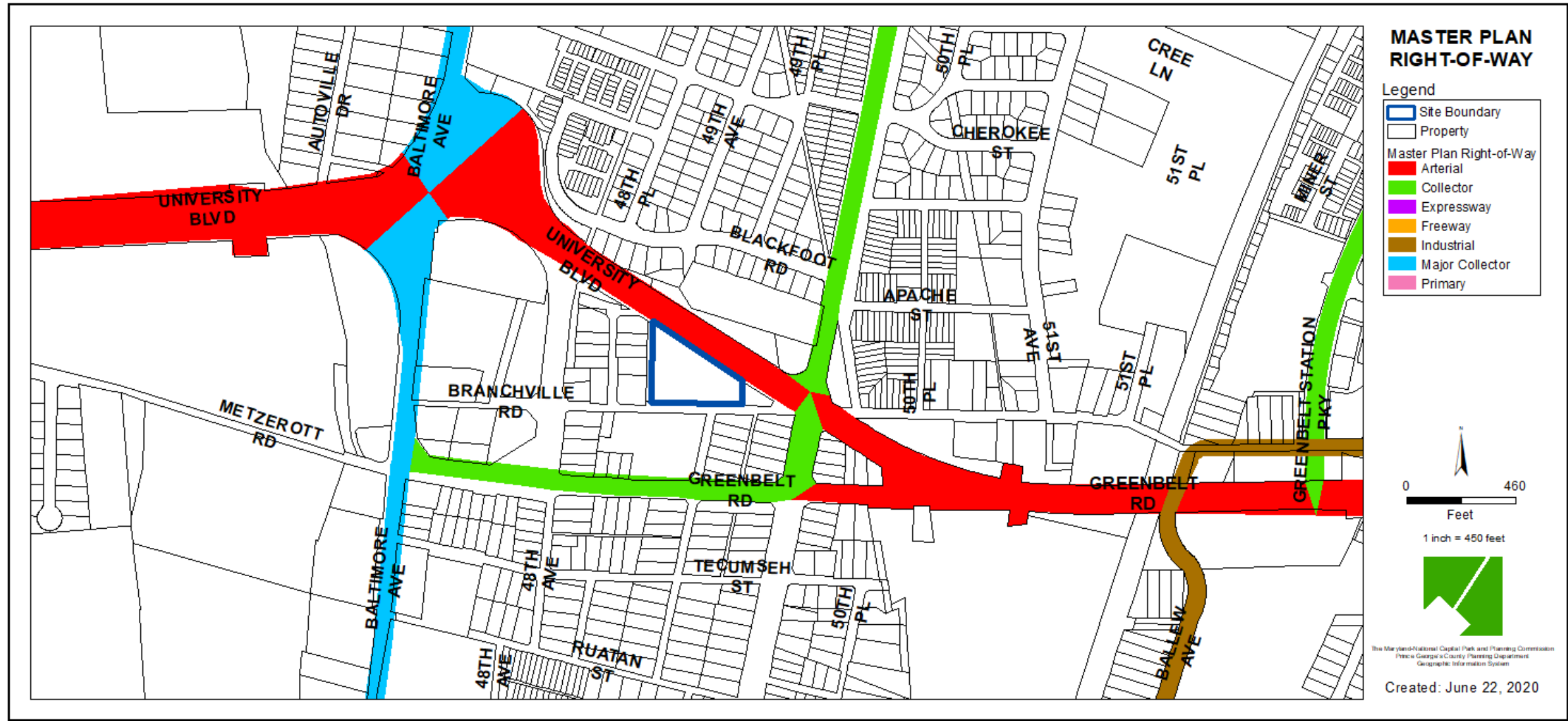
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



ELEVATIONS: SOUTH AND NORTH

tat
the architectural team

The Architectural Team, Inc.
50 Commandant's Way at Admiral's Hill
Chelsea, MA 02215
T 617.889.4402
F 617.884.4329
www.architecturalteam.com
©2008 The Architectural Team, Inc.

Consultant:

Revision:

Architect of Record:

XXX
NOT FOR CONSTRUCTION

Drawn: R.P.
Checked: T.A.T.
Scale: 3/32" = 1'-0"
Key Plan:

Project Name:
BRANCHVILLE CROSSING

Branchville Road
College Park, MD.

Sheet Name:

EXTERIOR ELEVATIONS

Project Number:
18079

Issue Date:
January 2019

Sheet Number:
A4.01
BDM - A02114 - 51.007-Y

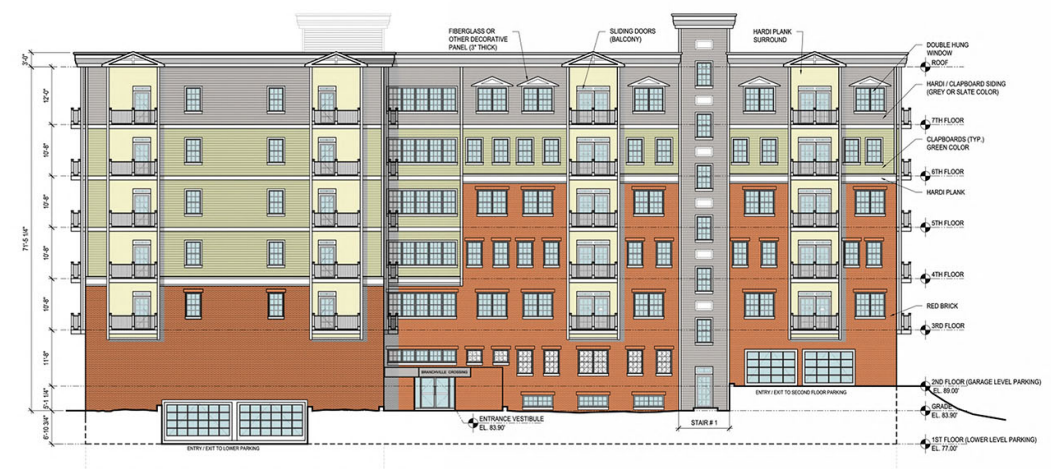
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ELEVATIONS: WEST AND EAST



13 WEST ELEVATION
SCALE: 3/32" = 1'-0"



12 EAST ELEVATION
SCALE: 3/32" = 1'-0"

tat
the architectural team

The Architectural Team, Inc.
50 Commandant's Way at Admiral's Hill
Chelsea MA 02150
T 617.889.4402
F 617.884.4329
www.architecturaltteam.com
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Consultant:

Revision:

Architect of Record:

XXX
NOT FOR CONSTRUCTION

Drawn: R.P.
Checked: T.A.T.
Scale: 3/32" = 1'-0"
Key Plan:

Project Name:
BRANCHVILLE CROSSING

Branchville Road
College Park, MD.
Sheet Name:

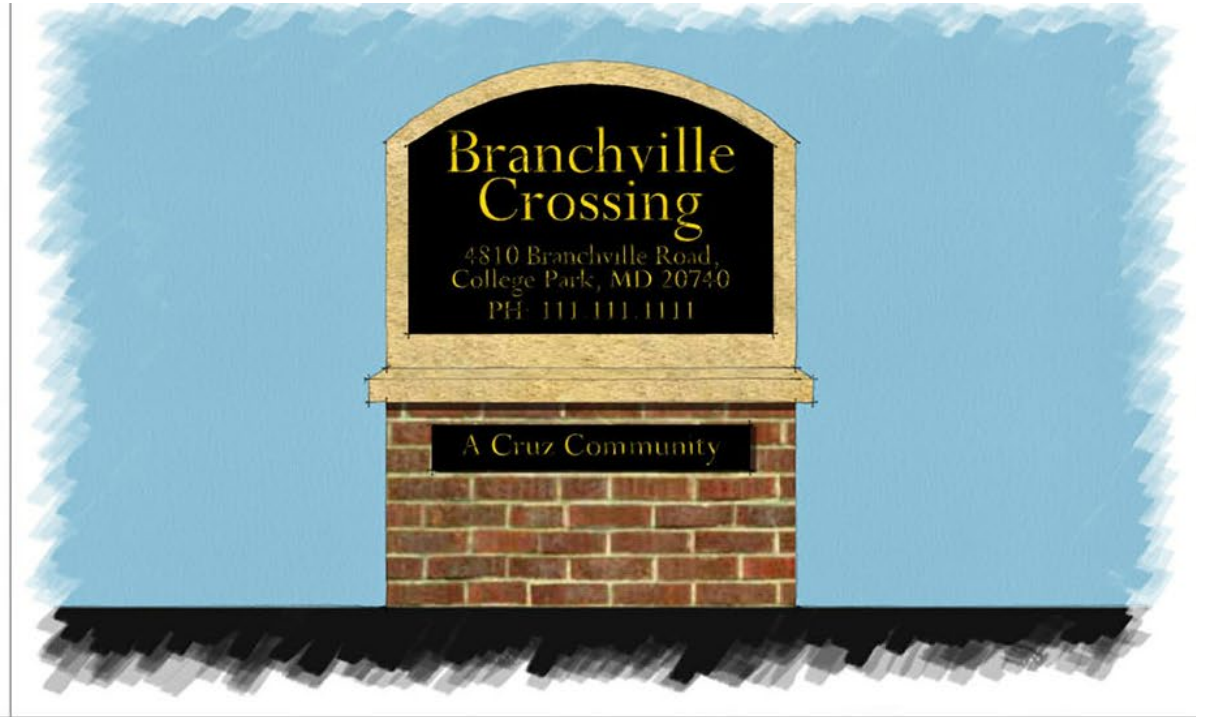
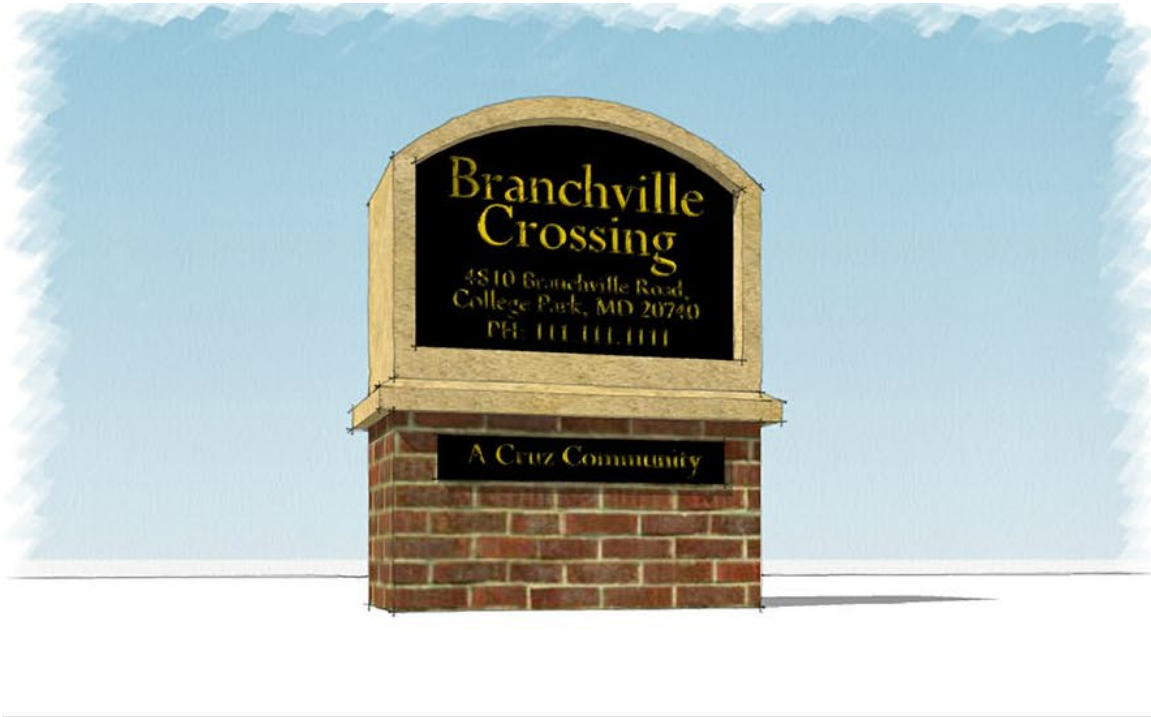
EXTERIOR ELEVATIONS

Project Number:
18079
Issue Date:
January 2019
Sheet Number:
A4.02
BDM - J-102114 51.008-Y



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SIGNAGE



1 SIGN AT ENTRANCE CANOPY
SCALE: 1" = 1'-0"

STATEMENT OF JUSTIFICATION

APPLICANT: Cruz Development Corporation.
One John Eliot Square
Roxbury, MA 02119

CORRESPONDENT: Daniel F. Lynch
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
301-441-2420 (P)
301-982-9450 (F)
dlynch@mhlawyers.com

REQUEST: Detailed Site Plan in accordance 27-439(f) (multi-family residential dwelling less than 110 feet in height) and 27-285(b).

I. **DESCRIPTION OF PROPERTY**

1. Address – 4810 Branchville Road, College Park, MD 20740
2. Located in the south side of University Boulevard (MD 193), approximately 152 feet west of its intersection with Branchville Road.
3. Use – Multi-family dwelling
4. Incorporated Area – College Park
5. Councilmanic District – 3
6. Parcel – A
7. Total Area – 2.2 acres
7. Tax Map –25, Grid E4
8. Zoned – R-10
9. Owner–Cruz Development Corporation

10. Zoning Map – 210NE04

II. APPLICANT'S PROPOSAL

The applicant is proposing to develop the subject property with an 81 unit multi-family residential dwelling. The building will be approximately 66 feet in height (7 stories). As noted on the Detailed Site Plan, the property is triangular in shape and the building will be situated on the western portion of the property which is the wider portion of that triangle. The building will be serviced by 34 service parking spaces and 97 structured parking spaces. Access to the site will be via an access driveway from Branchville Road. The building will be setback 53 feet from the southern property line, 37 feet from the western property line and 49.88 feet from the northeastern property line.

The applicant is proposing to install a Type B buffer along the western property line where it adjoins single-family detached dwellings. The applicant is also proposing to install a 4.3.2 landscape strip between the service parking lot and University Boulevard. The applicant is requesting Alternative and a 4.6.1 landscape buffer will be provided along the University Boulevard frontage. The applicant is also required to comply with 4.6.1 (Buffering Residential Development from Streets) of the Landscape Manual. 4.6.1 requires a 50 foot bufferyard from University Boulevard whereas the applicant is providing a 25 foot bufferyard and screening fence. As part of this Detailed Site Plan, the applicant is requesting Alternative Compliance from the Landscape Manual relative to this 4.6.1 bufferyard.

III. PREVIOUS APPROVALS

Preliminary Plan of Subdivision, 4-86220, was approved by the Planning Board on March 12, 1987 and subject to 5 conditions. Conditions 1, 2, 3 and 4 refer to actions which must be taken prior to or at the time of final plat. The plat for the property was approved in 1988 and therefore Conditions 1 through 4 have been addressed. Condition 5 requires the following:

Approval of a site plan by the Planning Board prior to final plat of subdivision to address property ingress and egress to the site and a buffer for the single-family residences to the west.

With regard to the access to the development, the applicant is providing a 30' wide access driveway to the property from Branchville Road. The location of the driveway has been aligned with 49th Avenue. The applicant believes that this access driveway provides sufficient access to the site. On the issue of a buffer along the western property, at the time the preliminary plan of subdivision was approved, the Landscape Manual of Prince George's County had not been implemented. Section 4.7 of the Landscape Manual, which requires a Type B bufferyard, now controls that buffer. A Type B bufferyard contains a 30 foot setback and 20 foot landscape yard. The applicant is proposing a 37 foot setback and 27 landscape yard.

DSP-87165 was approved by the Planning Board on March 12, 1987. The property was never developed in accordance with that approval. Thus, the applicant has filed this Detailed Site Plan.

IV. COMMUNITY

The subject property is located on the south side of University Boulevard on the northern edge of the College Park Community as shown on Map 5 in the *Approved Master Plan and Adopted Sectional Map Amendment for Langley Park – College Park – Greenbelt*. The property is surrounded by the following uses:

- North: University Boulevard and on the north side of University Boulevard is vacant property in the O-S Zone.
- South: Branchville Road and on the south side of Branchville Road is a parking lot and volunteer fire department in the R-55 Zone.
- East: Vacant property in the O-S Zone.
- West: Single-family homes in the R-55 Zone.

V. SITE DEVELOPMENT DATA:

Existing Zoning	R-10
Lot Area	2.02 acres/87,993 square feet
Maximum Allowable Yield at 48 du/acre	96.96 units
Proposed Number of Units	81 units
Parking Required	
20 @ 1.3 per one bedroom units	26.60 spaces
56 @ 1.66 per two bedroom units	92.96 spaces
5 @ 1.99 per three bedroom units	7.96 spaces
Total	127.52 spaces
Parking Provided	128 spaces
Green Area Required	50%
Green Area Proposed	57.45%

Building Height Required	52' minimum 110' maximum
Building Height Proposed	66'

VI. REQUIRED FINDINGS

The criteria for approval of a Detailed Site Plan is set forth in Sections 27-285(b) of the Zoning Ordinance. Section 27-285(b) provides:

Sec. 27-285 (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: The plan represents a reasonable alternative for satisfying the site design guidelines. The site design guidelines are found in Section 27-274 of the Zoning Ordinance.

Section 27-274. Design Guidelines.

(1) **General.**

- (A) The Plan should promote the purposes of the [Detailed] Site Plan.

Comment: The purposes of the Detailed Site Plan are found in Section 27-281(b) & (c).

Section 27-281. Purpose of Detailed Site Plans.

(b) General purposes.

- (1) The general purposes of Detailed Site Plans are:
 - (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;
 - (B) To help fulfill the purposes of the zone in which the land is located;
 - (C) To provide for development in accordance with the site design guidelines established in this division; and
 - (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

(A) To show the specific location and delimitation of buildings and structures , parking facilities, streets, green areas, and other physical features and land uses proposed for the site;

(B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;

(C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and

(D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

Comment: This Detailed Site Plan promotes the purposes of Detailed Site Plans. Specifically, this plan helps to fulfill the purposes of the R-10 Zone in which the subject land is located. Multi-family apartment housing less than 110 feet in height is a permitted use and the detailed site plan gives an illustration as to the approximate location and delineation of the multi-family building, parking green area, and other similar physical features and land uses proposed for the site.

In addition to the purposes set forth in Section 27-281, Section 27-274 further requires the Applicant demonstrate the following:

(2) Parking, loading, and circulation

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.

Comment: This Detailed Site Plan complies with the design guidelines provided in (2). The plan illustrates that all parking and loading areas are located and designed to provide safe and efficient vehicular and pedestrian circulation within the site. Specifically, the plan shows that the interior travel lanes for the surface parking area are 22 feet, large enough to provide parking as well as through traffic that can travel in both directions. There will be 128 total parking spaces as required under the Zoning Ordinance. The 33 surface parking spaces will be is parking located atalong the northern side of the property between the building and University Boulevard.. The handicap parking spaces are located on the north side of the building within close proximity to building

entrance.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.

Comment: This Detailed Site Plan complies with the design guidelines set forth in (3). Adequate lighting will be provided to illuminate entrances, parking, and loading areas throughout the site. There will be pole mounted lighting located on the parameter of the parking areas as well as along each of the drive aisles. The proposed lighting will provide patrons with a bright, safe atmosphere while not causing a glare onto adjoining properties.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

Comment: This Detailed Site Plan complies with the design guidelines outlined in sub-part (4). This plan is designed to preserve, create, or emphasized views from the public roads that surround the property. The property has frontage on University Boulevard and Branchville Road and the applicant is proposing to install landscape strips along those frontages.

(5) Green Area.

(A) On site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.

Comment: This Detailed Site Plan complies with the design guidelines outlined in sub-part (5). The required open space for this project is 50%. The Applicant is proposing 57.45% open space within the site.

(6) Site and streetscape amenities

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.

Comment: The applicant is not proposing any site or streetscape amenities as part of this development.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the sit and on adjacent sites. To the extent practicable, grading

should minimize environmental impacts.

Comment: The Detailed Site Plan shows the proposed topography for the property. The applicant designed this development to minimize grading on the site and preserve the natural contours as much as feasible.

(8) Service Areas.

(A) Service areas should be accessible, but unobtrusive.

Comment: This Detailed Site Plan complies with the design guidelines outlined in sub-part (8).

(9) Public Spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.

Comment: The applicant is not proposing to provide any additional public space in this development.

(10) Architecture.

(A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with section 27-277.

Comment: This Detailed Site Plan complies with the design guidelines outlined in sub-part (10). The exterior and architectural façade of the building will be compatible with the prevailing architecture and appearance of the other buildings in College Park. The applicant is proposing a seven story building consisting of five stories of the residential units above a two story structured parking garage. The façade will primarily be made of brick with hardie board used in the stairwell areas, on upper two stories of the north and south elevations and on the upper four stories of the east and west elevations. The massing of the building is primarily broken up by the balconies that are proposed for each unit. Garage access to the structured parking area is located on the east side of the building just west of the access driveway from Branchville Road. The entrance to the building is centrally located on the north side of the building, facing University Boulevard. Overall, the building has been designed to incorporate a variety of building materials into the façade and incorporates a variety of architectural elements to break up the overall mass of the building and create visual interest.

In addition to the requirements outlined in Section 27-274, Section 27-285 further requires

that the Applicant demonstrate the following:

- (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: Conceptual Site Plan approval is not required.

- (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: This Detailed Site Plan is not 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).

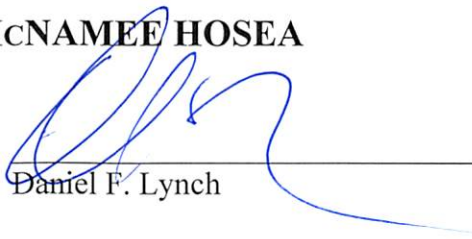
Comment: There are no regulated environment features on the subject property.

VII. CONCLUSION

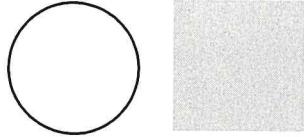
The applicant is proposing to develop the subject property with a multi-family residential building. The applicant believes that the application for Detailed Site Plan meets or exceeds criteria for approval, and therefore, the applicant requests the approval of this application.

Respectfully submitted,

McNAMEE HOSEA



Daniel F. Lynch



BEN DYER ASSOCIATES, INC.

Engineers / Surveyors / Planners

November 7, 2019

J-A92114-9079

WO-113501

Megan Reiser
Countywide Planning Division
Environmental Planning Section
Maryland National Capital Park
and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Branchville Gardens
Statement of Justification in Support
of a Variance for the Removal of a
Specimen Tree

Dear Ms. Reiser:

On behalf of Cruz Development Group ("Applicant"), we hereby submit this Statement of Justification in support of a development for the property recorded as Branchville Gardens - Parcel A located on Tax Map 25, Grid E-4. The property forming the subject matter of this application comprises in total approximately 2.02 acres in site area. The property is zoned R-10 (Multifamily High Density Residential). The subject property is located on the north side of Branchville Road approximately 120 feet west of its intersection with University Boulevard (MD Route 193) which also forms its southeast boundary. Adjacent uses to the subject property are residential and municipal. The development proposal is for a multi-family residential use in conformance with the Zoning Ordinance of Prince George's County, Maryland ("Zoning Ordinance") as applicable to the R-10 zone.

This site is subject to the requirements of Subtitle 25 of the Prince George's County Code (The Woodland Conservation Ordinance) which was established in 2010. In accordance with Subtitle 25, the Type 2 Tree Conservation Plan submitted with the application depicts the location and describes the condition of a specimen tree within its boundaries as identified on the Natural Resource Inventory (NRI-075-2015) approved on March 11, 2015. Specimen trees are defined in Section 25-118 of the Woodland Conservation Ordinance as trees having a diameter of 30-inches or greater at 4.5 feet above the ground. Section 25-122(b)(1)(G), generally provides that specimen trees shall be preserved unless a variance is approved in accordance with Section 25-119(d). This variance application requests authorization to remove the identified specimen tree as shown on the TCP2 and associated Site Plans.

Pursuant to Section 25-119(d), variances may be granted where, owing to special features or the site or other circumstances, preservation of the specimen tree would result in an unwarranted hardship to an Applicant. To approve the variance, the approving authority must make findings in accordance with the following criteria:

A. Special conditions peculiar to the property have caused the unwarranted hardship.

Response: The (1) specimen tree proposed for removal is located on the west side of the parcel approximately 40 feet from the boundary line. Retaining the specimen tree creates a hardship making the use of the site compromised. The specimen tree is in poor condition and would pose an imminent safety hazard to nearby properties, structures and buildings if retained for this development. It is unlikely because of its poor condition and structure that it would not be further negatively impacted by the proposed development. The proposed removal of the (1) specimen tree is also necessary as it is situated on the property in a manner making the proposed development difficult otherwise. The property is triangular in shape with the widest portion of the site being in the area of the existing specimen tree. To accommodate reasonable use of the property, including siting a building, and providing parking and stormwater management, requires removal of the tree.

B. Enforcement of these rules will deprive the Applicant of rights commonly enjoyed by others in similar areas.

Response: The circumstances impacting the development of the subject property are unique and do not allow the Applicant to avoid impacting the specimen tree identified in this application. As such, these unique impacts would not affect other properties in the vicinity of the subject property. If other properties, similarly zoned, were to encounter trees in a similar condition and at similar locations on a site, the same considerations would be provided during the review of the required variance application. Thus, if prohibited from removing the specimen tree, the Applicant would be deprived from utilizing its property in a manner commonly enjoyed by other owners of similarly zoned property.

C. Granting the variance will not confer on the Applicant a special privilege that would be denied to other Applicants.

Response: The Applicant in this case is not seeking a special privilege. Rather, the Applicant is merely attempting to develop the property in accordance with the underlying zone, while responding to circumstances which were not created by the Applicant. The Applicant is attempting to address the unique challenges site presents in a manner which is sensitive to the environment and still compatible with the proposed use. Because of the unique challenges, the granting of the requested variance in this case would not provide a special benefit or privilege which would be denied to other Applicants.

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

Response: The Applicant submits that the facts set forth above equally apply to this criterion of the variance standard. The unique circumstances impacting this property were either the result of physical constraints or prior use development of the property over which the Applicant had no control. Rather, the Applicant seeks to respond to the existing conditions in a balanced manner to develop on the subject property.

E. The request does not arise from a condition relating to land or building use on the neighboring property; and

Response: While the development of the subject property must be planned to coordinate and be compatible with land or building uses on the neighboring properties, the request for the variance to remove the specimen tree does not arise from any condition on the neighboring property.

F. Granting the variance will not adversely affect water quality.

Response: The granting of this variance will in no way affect water quality. The Applicant will provide stormwater management in accordance with an Approved Conceptual Stormwater Management Plan designed for this site and its surroundings. Accordingly, granting this variance will not adversely affect water quality.

In consideration of the above, the Applicant submits that this variance request meets and satisfies all relevant criteria set forth in Section 25-119(d). Further, the Applicant submits that failure to approve and grant the variance as requested in this instance would in fact result in an unwarranted hardship.

Thank you for your help and attention to this matter.

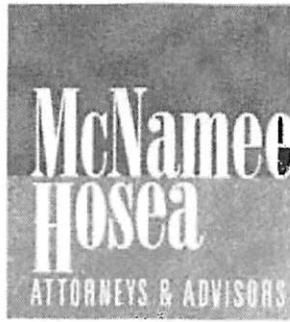
Sincerely,
Ben Dyer Associates, Inc.



Michael A. Petrakis.
Environmental Planning, Section Head

cc: Armond McCoy
Daniel Lynch, Esq.

PM:BMC
2/Resier.1107.(2)Sh



McNamee, Hosea, Jernigan, Kim,
Greenan & Lynch, P.A.

Daniel F. Lynch, Esquire
Admitted in Maryland

Email: DLynch@mhlawyers.com
Direct Dial: Extension 250

October 28, 2015

Matthew T. Mills
Associate General Counsel
The Maryland-National Capital Park and Planning Commission
Office of the General Counsel
14741 Governor Oden Bowie Drive - Suite 4120
Upper Marlboro, Maryland 20772

Re. Off-Street Parking Requirements

Dear Mr. Mills:

I am writing today to request your opinion relative to the Off-Street Parking Requirements set forth in Section 27-568(a)(1) of the Zoning Ordinance. Specifically, under the Multi-family dwelling requirements, Section 27-568(a)(1) provides:

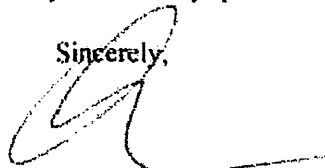
Multifamily dwelling:		
(A) Housing for the elderly or physically handicapped	0.66	Dwelling unit
(B) If wholly within a one mile radius of a metro station	1.33	Dwelling unit
	+0.33	Bedroom in excess of one per unit
(C) Containing at least 90% one bedroom units	1.5	Dwelling unit
	+0.5	Bedroom in excess of one per unit
(D) All others	2.0	Dwelling unit
(CB-26-1989)	+0.5	Bedroom in excess of one per unit

The highlighted section allows for a reduction in the parking requirements for multi-family dwellings if “wholly within a one mile radius of a metro station.” However, this section and the Zoning Ordinance do not provide any guidance as how to calculate the one mile measurement. In light of this, it is my contention that the distance should be calculated from property line to property line.

My contention is based upon the current practice for calculating distance requirements under similar provisions contained in the Zoning Ordinance. For example, gas stations must be located more than 150 feet from a school, playground, library or hospital. The 150 feet is measured from property line to property line. The same holds true for off-site parking which must be 500 feet from the property line. Again, the 500 feet is measured from property line to property line. The property to property line measurement is the only definitive means to calculate this measurement and it will not leave it up to any discretion or interpretation.

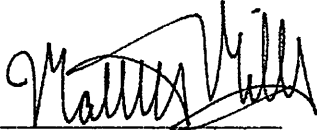
If you agree with this interpretation, I would respectfully request that you sign the "Seen and Agreed to" line below and return the signed letter to me. Thank you for your time and consideration to this matter. Let me know if you have any questions or comments.

Sincerely,



Daniel F. Lynch

SEEN AND AGREED TO:



12 November 2015

Matthew T. Mills
Associate General Counsel
The Maryland-National Capital Park
and Planning Commission

Pursuant to this letter and accompanying email of 11 November
(Lynch to Mills re: Parking Regulations).

Daniel F. Lynch

From: Mills, Matthew <Matthew.Mills@ppd.mncppc.org>
Sent: Thursday, November 12, 2015 11:56 AM
To: Daniel F. Lynch
Subject: RE: Parking Regulations

Ok. Based upon this email and your previous explanation, you've sold me. Let me know if you need anything other than this email.

Thanks.

Matthew T. Mills
Senior Counsel
The Maryland-National Capital Park and Planning Commission
Office of the General Counsel
14741 Governor Oden Bowie Drive - Suite 4120
Upper Marlboro, Maryland 20772
(301)952-4501
(301)952-3444 (F)



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From: Daniel F. Lynch [mailto:dlynch@mhlawyers.com]
Sent: Wednesday, November 11, 2015 4:46 PM
To: Mills, Matthew
Subject: RE: Parking Regulations

Matt,

Yes under the definition of ETOD, the ordinance states:

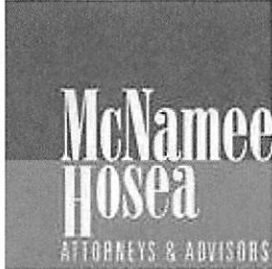
(242.2) Transit Oriented Development Project, Expedited: A development proposal, designated for expedited review in accordance with Section 27-290.01 of this Subtitle, where

(A) the subject property is located entirely within a Transit District Overlay Zone ("TDOZ"),

(B) for a constructed Washington Metropolitan Area Transit Authority ("WMATA") Metrorail station for which there is no approved TDOZ, the subject property has greater than fifty percent (50%) of its net lot area located within a one-half mile radius of the constructed WMATA Metrorail station as measured from the center of the transit station platform.

But this definition further supports my argument. If the Council wanted the one mile distance to be measured from the entrance or station platform, it would have called that out in the parking regulations as it has in the definition of a ETOD. The requirement is silent as to where the one mile measurement should be taken from and therefore it should be taken from the property line, as we do in almost everyone measurement (other than ETODs) in the Zoning Ordinance.

Thoughts?



Daniel F. Lynch, Esq.
Principal*

6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 (P)
(301) 982-9450 (F)

888 Bestgate Road, Suite 304
Annapolis, Maryland 21401
(410) 266-9909 (P)
(410) 266-8425 (F)

www.mhlawyers.com
www.linkedin.com/in/danielflynn

*Admitted in Maryland
and the District of Columbia

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From: Mills, Matthew [<mailto:Matthew.Mills@ppd.mncppc.org>]

Sent: Tuesday, November 10, 2015 9:40 AM

To: Daniel F. Lynch

Subject: RE: Parking Regulations

Yeah. I tend to agree with you.

My only question – isn't there a code provision (ETOD, maybe?) requiring the measurement to be made from the entrance to a metro station? I have searched the Code and cannot locate anything, but I swear I remember dealing with this before. My only concern is measuring from the property line when the Code specifically says "metro station."

I would appreciate any help you might be able to offer in tracking this down.

Thanks.

Matthew T. Mills
Senior Counsel
The Maryland-National Capital Park and Planning Commission
Office of the General Counsel

14741 Governor Oden Bowie Drive - Suite 4120
Upper Marlboro, Maryland 20772
(301)952-4501
(301)952-3444 (F)

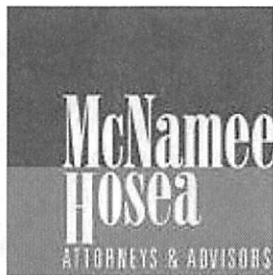


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From: Daniel F. Lynch [<mailto:dlynch@mhlawyers.com>]
Sent: Monday, November 09, 2015 4:25 PM
To: Mills, Matthew
Subject: FW: Parking Regulations

Hey Matt,

Have you had a chance to review the attached letter? Let me know. Thanks.



Daniel F. Lynch, Esq.
Principal*

6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 (P)
(301) 982-9450 (F)

888 Bestgate Road, Suite 304
Annapolis, Maryland 21401
(410) 266-9909 (P)
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www.mhlawyers.com
www.linkedin.com/in/danielflynch

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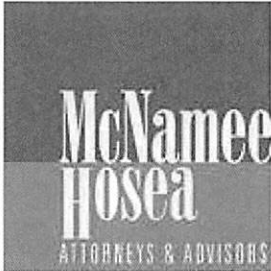
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From: Daniel F. Lynch
Sent: Wednesday, October 28, 2015 1:14 PM
To: 'Mills, Matthew'
Subject: Parking Regulations

Matt,

I reached out to Tom Masog, but he was really no help on the issue. Take a look at the attached and let me know your thoughts. Thanks.



Daniel F. Lynch, Esq.
Principal*

6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 (P)
(301) 982-9450 (F)

888 Bestgate Road, Suite 304
Annapolis, Maryland 21401
(410) 266-9909 (P)
(410) 266-8425 (F)

www.mhlawyers.com
www.linkedin.com/in/danielflynch

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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2020 Legislative Session**

Bill No. CB-29-2020

Chapter No. 13

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Turner, Hawkins, Davis, Harrison, Streeter,
and Franklin

Date of Introduction June 16, 2020

ZONING BILL

1 AN ORDINANCE concerning

2 Bedroom Percentages

3 For the purpose of clarifying the Council's intention to repeal the development regulations in the
4 Zoning Ordinance related to bedroom percentages.

5 BY repealing and reenacting with amendments:

6 Sections 27-419, 27-436, 27-441, 27-461, and 27-473,

7 The Zoning Ordinance of Prince George's County, Maryland,

8 being also

9 **SUBTITLE 27. ZONING.**

10 The Prince George's County Code

11 (2019 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
14 District in Prince George's County, Maryland, that Sections 27-419, 27-436, 27-441, 27-461, and
15 27-473 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of
16 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
17 following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 5. RESIDENTIAL ZONES.**

20 **DIVISION 2. SPECIFIC RESIDENTIAL ZONES.**

1 **Sec. 27-419. Bedroom percentages.**

2 Notwithstanding any provision of this Subtitle to the contrary, the regulations concerning
3 bedroom percentages shall not apply to multifamily residential uses on or after October 1, 2019.

4 **Sec. 27-436. R-18 Zone (Multifamily Medium Density Residential).**

5 * * * * *

6 (e) Site plan.

7 (1) A Detailed Site Plan shall be approved for all attached and multifamily dwellings,
8 including any associated community building or recreational facilities, in accordance with Part 3,
9 Division 9, of this Subtitle.

10 (2) A Detailed Site Plan revision shall not be required for an Urban Farm and its
11 accessory structures, when there is a change in, including but not limited to, density [, bedroom
12 percentages] or acreage.

Sec. 27-441. Uses permitted.

(b) TABLE OF USES.

USE	ZONE									
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20	
(7) RESIDENTIAL/LODGING:										
* * * * *	*	*	*	*	*	*	*	*	*	*
Dwelling, Multifamily										
(A) In General	X	X	X	X	P ⁷⁹	X	X	X	X	X
(B) [Subject to applicable bedroom percentages]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]
(C) [In excess of applicable bedroom percentages]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]
* * * * *	*	*	*	*	*	*	*	*	*	*

USE	ZONE									
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H		
(7) RESIDENTIAL/LODGING:										
* * * * *	*	*	*	*	*	*	*	*	*	*
Dwelling, Multifamily										
(A) In general	P ⁸⁸	P ⁶	P ⁶	P ⁷⁶	P ⁶	X	[X] P	[X] P	[X] P	[X] P
(B) [Subject to applicable bedroom percentages]	[X]	[P]	[X]	[P]	[X]	[X]	[P]	[P]	[P]	[P]
(C) [In excess of applicable bedroom percentages]	[X]	[SE]	[X]	[SE]	[X]	[X]	[SE]	[SE]	[SE]	[SE]
* * * * *	*	*	*	*	*	*	*	*	*	*
**	**	**	**	**	**	**	**	**	**	**

5 The townhouses may be developed without conforming to the regulations applicable to townhouses governing roadways and drives, tract widths and sizes, density, and net lot area, provided:

- [(A) A Special Exception for multifamily dwelling bedroom percentages increase (Section 27-382) has been granted for the subject property with a condition that the property be developed with townhouses;]
- [(B)] (A) A preliminary plat of subdivision has been approved for the property as of June 1, 1975, in accordance with the net lot area and lot frontage requirements applicable to multifamily dwellings in the R-18 Zone, with a maximum density of 22 dwelling units per acre; and
- [(C)] (B) A final plat was recorded prior to June 1, 1976.

* * * * *

79 Permitted only to replace an existing surface mining or Class III fill operation located directly adjacent to an interstate (with "I" classification, not "US" or "MD") highway, which operation has an active permit at the time of preliminary plan approval for the townhouse, two-family dwelling or multifamily development. The Planning Board shall approve a Detailed Site Plan under Part 3, Division 9, of the Zoning Ordinance. Multifamily dwellings are permitted as provided in Section 27-436 for the R-18 Zone, and townhouses are permitted as provided in Section 27-433 for the R-T Zone. Regulations concerning lot size, coverage, frontage, setbacks, density, [bedroom percentages,] and other requirements applicable to multifamily, two-family dwellings and townhouse dwellings shall not apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or District Council after review) in the Detailed Site Plan. In its site plan review, the District Council may require the applicant to demonstrate in the site plan record that highway facilities are adequate to serve the townhouse project. Notwithstanding any provision to the contrary in Section 27-270 of this Subtitle, any property subject to this provision shall not be required to obtain a final certified Detailed Site Plan approval prior to the approval and issuance of any County grading permit. This provision shall not apply to legal nonconforming sand and gravel or Class III fill operations.

88 * * * * * Permitted only where the multifamily development is the subject of a condominium regime, the property is located in a Transit Development Overlay Zone, the property abuts the District of Columbia, and the development includes a mix of residential and commercial uses. A Detailed Site Plan shall be approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance. Regulations concerning lot size, coverage, frontage, setbacks, density, [bedroom percentages,] and other requirements applicable to multifamily dwellings shall apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or the District Council) in the Detailed Site Plan.

131 * * * * * Permitted use, provided:
(A) The proposed development is located on a lot(s) or parcel(s) of less than five (5) acres in size;
(B) The applicable area Master Plan or Sector Plan recommends mixed use as a future land use on the lot(s) or parcel(s);
(C) All commercial uses permitted in the C-S-C zone shall be permitted on the ground floor of a multi-family building;
(D) The property is located adjacent to an existing or proposed light rail transit station;
(E) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
(F) Regulations concerning lot size, net lot area, lot coverage and green area, lot width, yards, building height, density, FAR, accessory buildings, [bedroom percentages,] and other regulations applicable to development in the R-18 and R-55 Zones shall not apply. Instead, the approved Detailed Site Plan shall set forth all development regulations to be followed, and shall include review and approval of architectural elevations;
(G) The Detailed Site Plan shall be subject to the Prince George's County Landscape Manual; and
(H) The Detailed Site Plan shall include a traffic impact analysis which evaluates traffic capacity at critical intersections.

**PART 6. COMMERCIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-461. Uses permitted.

(b) TABLE OF USES I.

USE	ZONE						
	C-O	C-A	C-S-C	C-W	C-M	C-R-C	
(6) RESIDENTIAL/LODGING:							
* * * * *	*	*	*	*	*	*	*
Dwelling, multifamily	P ^{46,65}	X	P ^{50,66}	X	X	X	X
* * * * *	*	*	*	*	*	*	*
Dwelling, Quadruple-attached	X	X	P ⁶⁶	X	X	X	X
* * * * *	*	*	*	*	*	*	*
Townhouse	P ^{59,65}	X	P ⁶⁶	X	X	X	X
* * * * *	*	*	*	*	*	*	*
Two Family Dwelling Units	P ⁶⁵	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*
* * * * *	*	*	*	*	*	*	*

5 0 Multifamily condominium units are permitted provided:

- (A) The multifamily dwellings shall be located on a parcel(s) containing at least six (6) acres;
 - (B) The property is contiguous to an existing mass transit rail station operated by Washington Metropolitan Area Transit Authority (WMATA);
 - (C) [The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable;]
 - [(D)] A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
 - [(E)] [(D)] Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the C-S-C Zone shall not apply. All such requirements shall be established and shown on the Detailed Site Plan;
 - [(F)] [(E)] Density regulations shall be in accordance with the R-10 Zone for multifamily dwellings;
 - [(G)] [(E)] The Detailed Site Plan shall include architectural review in order to ensure high quality design and construction materials; and
 - [(H)] [(G)] Covenants setting forth that appropriate condominium fees are necessary to provide adequate maintenance of required landscaping to ensure the aesthetics of the property shall be submitted with the Detailed Site Plan application. The covenants shall run to the benefit of the local citizens' association.
- (CB-28-2004)

* * * * *

6 5 Provided:

- (A) The residential component of Townhouses, Two Family Dwelling Units and Multi-family dwelling units shall be located on a lot(s) or parcel(s) of less than forty (40) acres in size;
 - (B) The property is located at the intersection between: a roadway with a functional transportation classification of arterial; an expressway; and the Capital Beltway (I-495);
 - (C) A boundary of the property is located within three-quarters (3/4) of a mile from a metro station, and does not include property within the boundaries of a sector plan originally approved after January 1, 2013;
 - (D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.
 - (E) Regulations concerning lot size, coverage, frontage, setbacks, density, [bedroom percentages,] and other requirements applicable to multifamily, two-family and townhouse dwellings shall not apply. These dimensional (bulk) requirements shall be those approved by the Planning Board (or District Council after review) in the Detailed Site Plan. However, those standards shall include a minimum lot size of 1,200 square feet;
 - (F) The Detailed Site Plan shall include an architectural review in order to ensure the compatibility of the development with the existing neighborhood. Bike and pedestrian connections to mass transit stations, roadways, parks, and other public facilities, as established by Section 24-124.01 of this Code, shall be evaluated as part of the detailed site plan review and approval; and
 - (G) The site plan shall include a community facility of two (2) floors with separate access for each floor. The Detailed Site Plan may include any additional standards or requirements for inclusion at the time by the Prince George's County Planning Board or District Council.
- (CB-4-2017)

66 Provided:

- (A) The dwelling units are located on a lot(s) or parcel(s) of less than eight (8) acres in size;
- (B) The property is located adjacent to a property in a Residential Zone;
- (C) The property is located adjacent to an existing park facility;
- (D) The property is located within one-half (1/2) mile of an existing Public School;
- (E) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
- (F) Regulations concerning lot size, net lot area, lot coverage and green area, lot width, yards, building height, density, accessory buildings, [bedroom percentages,] and other regulations applicable to development in the C-S-C Zone shall not apply. Instead, the Detailed Site Plan as approved shall set forth all the regulations to be followed, except the density shall not exceed the density permitted in the R-18 Zone; and
- (G) The Detailed Site Plan shall be subject to the Prince George's County Landscape Manual and shall include architectural review in order to ensure high quality design and constructions materials.

(CB-69-2017)

* * * * *

**PART 7. INDUSTRIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-473. Uses permitted.

(b) TABLE OF USES.

USE	ZONE				
	I-1 ³³	I-2 ³³	I-3	I-4	U-L-I
(7) RESIDENTIAL/LODGING:					
*	*	*	*	*	*
Townhouse	P ⁶⁶	X	X	X	X
*	*	*	*	*	*

66 Permitted use, provided:

(A) All or part of the property is located: (i) within one-quarter mile from an existing mass transit rail station operated by the Washington Metropolitan Area Transit Authority (WMATA); or (ii) is located within a designated Community Center Edge in the applicable Master Plan or Sector Plan, and abuts property with a zoning classification of M-X-T;

(B) The use is subject to Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle; and

(C) [The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable; and]

[(D)] Regulations concerning the height of structure, lot size and coverage, parking and loading, frontage, setbacks, density, landscaping and other requirements of the I-1 Zone shall not apply. All such requirements, except for those cited herein for townhouses, shall be established and shown on the Detailed Site Plan. Townhouse uses shall conform to the dimensional requirements set forth in Section 27-544(f)(2)(E) and (G) of this Subtitle.

(CB-96-2017; CB-62-2018)

* * * * *

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this 21st day of July, 2020.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

June 3, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Review, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division
Tyler Smith, Historic Preservation Section, Countywide Planning Division

SUBJECT: DSP-19042 Branchville Gardens


The subject property comprises 2.02 acres on the north side of Branchville Road, approximately 110 feet west of its intersection with University Boulevard. The subject application proposes multi-family residential dwellings. The subject property is Zoned R-10.


A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation staff recommend approval of DSP-19042 Branchville Gardens with no conditions.

August 17, 2020

MEMORANDUM

TO: Henry Zhang, AICP, Master Planner, Urban Design Section, Development Review Division.

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Garrett Dickerson, Planner, Community Planning Division 

SUBJECT **DSP-19042 Potomac Energy**

FINDINGS:

Community Planning Division staff finds that, pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan outside of an overlay zone

Location: North Side of Greenbelt Road at its intersection with Aerospace Drive

Lot Size: .897 Acres

Existing Uses: Gas station with Food Beverage and Car Wash

Proposal: The applicant is proposing to raze and rebuild its existing gas station and construct a 3,180 square foot food and beverage store, a 1,051 square foot car wash, and a canopy with 6 multi-product dispensers.

GENERAL PLAN, MASTER PLAN, AND SMA

[-Potomac Energy]

General Plan: This application is in the Established Communities Growth Policy Area. “Established Communities are most appropriate for context-sensitive infill and low-to-medium density development.” (p.20)

Master Plan: The 2006 *Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area for portions of Planning Area 70* recommends mixed-use land uses on the subject property

[-Potomac Energy]

In addition, the vision for the Sector Plan is to be a pedestrian friendly community with vertical and horizontal mixed-use development including retail, office, residential, employment, live/workspaces, restaurant, and entertainment uses.

Planning Area: 70

Community: Glenn Dale Seabrook Lanham & Vicinity

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The Approved Sector Plan and Sectional Map Amendment Glen Dale Seabrook Lanham & Vicinity retained the I-1 Light Industrial Zone on the subject property.

MASTER PLAN CONFORMANCE ISSUES:

None

ADDITIONAL INFORMATION

None

c: Scott Rowe AICP-CNU, Supervisor Long Range Planning Section
Long-range Agenda Notebook

June 23, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Review Section, Development Review Division

FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division

FROM: ~~US:prw:ff~~ Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: **DSP-19042 Branchville Gardens**

Proposal

The applicant is proposing the construction of a seven-story, 81-unit multi-family residential housing facility. This facility includes a two-story parking garage.

Background

The subject site has been previously reviewed. A Preliminary Plan of Subdivision (PPS) 4-86220 was approved as a seven-story building with 96 multi-family residential units. The proposed development is situated on an existing 2.2-acre site located in the R-10 Zone at 4810 Branchville Road in College Park.

Analysis of Traffic Impacts

The site is on an existing parcel platted pursuant to 4-86220. The applicant agreed to build a seven-story (mid-rise) multi-family residential facility with 81 units, as they were approved for a seven-story, 96-unit facility. The traffic generation for this case is based on a mid-rise multi-family residential facility that establishes a 42 AM and 49 PM trip cap. This new trip cap was developed with this detailed site plan (DSP) as the PPS did not establish a trip cap at the time of the approval.

This proposal creates no specific issues that trigger additional discussion of the general detailed site plan requirements or the related site design guidelines. The one and only access point for this development is located at Branchville Road as access to MD 193 is denied by the Maryland Department of Transportation - State Highway Administration. On-site circulation of this plan is acceptable.

The applicant asserts that the proposed parking mix will be sufficient to serve the parking and loading needs identified in this residential facility. At the time of construction, the proposed number of parking spaces include 85 standard-width spaces at 9.5 feet by 18 feet and 37 compact spaces identified at 8 feet by 16.5 feet.

The applicant has also stated that 22-foot wide drive aisles will be provided. The Transportation Planning staff has reviewed the materials presented and finds the applicant's arguments to be supportable.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

June 22, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Section, Development Review Division

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division 

SUBJECT: Detailed Site Plan Review for Non-Motorized Transportation Master Plan Compliance

The following detailed site plan (DSP) was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*, and Subtitle 27 to provide the appropriate pedestrian and bicycle transportation recommendations.

Detailed Site Plan Number: DSP- 19042

Development Case Name: Branchville Gardens

	<u>Type of Master Plan Bikeway or Trail</u>	
Private R.O.W.	<u> </u>	Public Use Trail Easement <u> </u>
County R.O.W.	<u> </u>	Nature Trails <u> </u>
SHA R.O.W.	<u> </u>	M-NCPPC - Parks <u> </u>
HOA	<u> </u>	Bicycle Parking <u> </u> X
Sidewalks	<u> X </u>	Trail Access <u> </u>
Add'l Connections	<u> X </u>	Bikeway Signage <u> </u>

Subject to 24-124.01: No

Bicycle and Pedestrian Impact Statement Scope Meeting Date: n/a

Development Case Background	
Building Square Footage (non-residential)	n/a
Number of Units (residential)	81
Abutting Roadways	University Blvd (Route 193), Branchville Road
Abutting or Nearby Master Plan Roadways	University Blvd (Route 193)
Abutting or Nearby Master Plan Trails	Bike lane along University Blvd (planned)
Proposed Use(s)	Residential
Zoning	R-10
Centers and/or Corridors	University Blvd Corridor

Prior Approvals on Subject Site	SP-87165, 4-86220
Subject to 24-124.01:	Yes
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Prior Approvals

The prior approvals applicable to the subject site do not include conditions related to bicycle and pedestrian improvements.

Review of Proposed On-Site Improvements

The submitted plans include sidewalk along the frontage of Branchville Road, west of the driveway entrance/exit and is not continued east of the driveway due to insufficient right-of-way. However, crosswalks are provided at the driveway entrance/exit and crossing Branchville Road to the opposing sidewalk allowing a continued route. Providing right-of-way dedication is beyond the scope of a detailed site plan. Staff recommend that the applicant consider establishing a public use easement agreement with the City of College Park along that portion of the property to provide a sidewalk across the entire extent of the subject site frontage. Sidewalk is also provided from Branchville Road to the building entrances along with crosswalks throughout the site where sidewalk crosses motor vehicle driveways.

The submitted plans also include designated space for two Inverted U-style bicycle racks at the building entrance and bicycle storage space on the upper and lower levels of the parking garage. Staff recommend a detailed exhibit of the bicycle storage facilities be provided.

Staff find that with the below recommendations, vehicular, pedestrian, and bicyclist circulation on the site to be safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a)(2), the relevant design guidelines for pedestrian and bicycle transportation.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential areas and commercial shopping centers, with no current connection. The planned pedestrian facilities will help facilitate future connections to the adjacent and nearby properties.

Review Master Plan of Transportation Compliance

This development case is subject to 2009 *Approved Countywide Master Plan of Transportation*. There is a planned bicycle lane along University Boulevard (MD 193), however the right-of-way for this road has been fully dedicated and the implementation of this facility can be required by the Maryland State Highway Administration as appropriate or as part of a future roadway improvement project. The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

Comment: The submitted plans include facilities that fulfill the intent of Policy 2. Designated space for bicycle parking is an important component of a bicycle friendly roadway and is included in the submitted plans to fulfill the intent of Policy 4. The applicant has provided a detail exhibit for the outdoor bicycle parking. However, staff recommend that the applicant provide a detailed exhibit of the indoor bicycle storage facility.

Review Area Master Plan Compliance

This development is also subject to the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*. The area master plan also includes the following recommendations for pedestrian and bicyclist facilities (pg. 139):

17. A system of trails and walks for pedestrians, bicyclist and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas and metro stations.

Comment: The proposed sidewalk and crosswalks along the frontage of the subject site will provide a new connection to the adjacent areas.

Sections 27-283 and 27-274(a)(2) provide provisions for the design guidelines relevant to multimodal transportation circulation and access. These guidelines include the separation of pedestrian and vehicular circulation. The submitted plans indicate a separated pedestrian pathway from Branchville Road to the building entrance by including sidewalk between Branchville Road and the building entrance and crosswalks wherever this sidewalk intersects with motor vehicle driveways.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-283, and meets the findings required by Section 27-285(b) for a detailed site plan for pedestrian and bicycle transportation purposes, and conforms to the prior development approvals, and the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* if the following condition is met:

1. Prior to the certification of the detailed site plan, the applicant, and the applicant's heirs, successors, and assigns shall provide:
 - a. A detailed exhibit of the indoor bicycle storage facilities.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: June 23, 2020

TO: Andrew Bishop, Senior Planner
Urban Design Section
Development Review Division

FROM: Helen Asan, Land Acquisition and Development Review Supervisor
Park Planning and Development Division *HA*
Department of Parks and Recreation

SUBJECT: **DSP-19042 – Branchville Gardens**

The staff of the Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Detailed Site Plan (DSP) for conformance with Preliminary Plan of Subdivision (PPS) 4-86220 conditions and find that the Mandatory Dedication of Parkland Requirements had been met by provision of fee-in-lieu. DPR staff has no other comments.

Date: May 19, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design
FROM: Tempy Chaney, Permit Review Section
SUBJECT: DSP- 19042, Branchville Estates

1. Will there be one two-sided sign, or will there be two separate signs?
2. The square footage of the sign should be provided on the sign elevation sheet.

Countywide Planning Division
Environmental Planning Section

301-952-3650

June 23, 2020

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Urban Design Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, DRD

FROM: Marc Juba, Planner Coordinator, Environmental Planning Section, CWPD

SUBJECT: **Branchville Gardens; DSP-19042 and TCP2-012-2020**

The Environmental Planning Section has reviewed the Detailed Site Plan (DSP) submitted for Branchville Gardens, DSP-19042 electronically stamped as received on June 2, 2020. Comments were delivered to the applicant at the Subdivision, Development, Review Committee (SDRC) meeting on May 29, 2020. Revised plans were submitted in response to these comments by the applicant and logged in for review on June 15, 2020. The Environmental Planning Section recommends approval subject to the finding at the end of this memorandum.

Background

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
N/A	NRI-075-2015	Staff	Approved	5/11/2015	N/A
DSP-19042	TCP2-012-2020	Planning Board	Pending	Pending	Pending

Proposed Activity

The current application is a Detailed Site Plan for 81 multi-family residential dwellings on Parcel A.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because the project has no previous TCP approvals and is associated with a Detailed Site Plan application that was applied for after September 1, 2020.

Conditions of Previous Approval

There are no previous conditions of approval related to the subject application.

Environmental Review

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-075-2015), which correctly shows the existing conditions of the property. One specimen is associated with this site. This site contains one forest stand (Forest Stand A) that is dominated by invasive species and is rated as priority rating of Medium for Preservation. This site is not associated with any Regulated Environmental Features (REF), such as intermittent or perennial streams, wetlands, or their respective buffers. No 100-year floodplain, or Primary Management Area (PMA) is associated with this site.

Woodland Conservation

This site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is larger than 40,000 square feet in area, contains more than 10,000 square feet of woodlands, and has no previous Tree Conservation Plan approvals.

This 2.02-acre site has a woodland conservation threshold of 20 percent or 0.40 acres. According to the worksheet, the woodland conservation requirement for this development is 1.06 acres. The TCP2 proposes to meet this requirement with 1.06 acres of off-site woodland conservation credits.

The TCP2 must be revised to address multiple technical revisions. These revisions must be addressed prior to certificate of approval of the TCP2 and DSP. The recommended conditions specify these revisions at the end of this memorandum.

Soils

The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), Fallsington-Urban land complex (zero to five percent slopes); and Russett-Christiana-Urban land complex (zero to five percent slopes). Unsafe soils containing Christiana complexes have been identified on-site. No unsafe soils containing Marlboro clay have been identified on or within the immediate vicinity of this property.

There are no slopes of significant concern identified within the area of this soil type and the applicant is proposing to cut and fill the site to a 1 percent grade for a buildable area. A geotechnical review was not requested with this application but may be required for review with a future development application.

No further action is needed as it relates to this application. The County may require a soils report in conformance with CB-94-2004 prior to building permit.

Specimen, Champion, or Historic Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of

the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

The specimen trees table identifies one specimen tree, which is on-site. Specimen Tree #1 is a 44" silver maple rated as being in poor condition. The current design proposes to remove Specimen Tree #1.

A Subtitle 25 Variance Application and a statement of justification dated November 7, 2019, in support of a variance to remove one of one specimen trees located on-site, was submitted.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the one (1) specimen tree.

Statement of Justification Request

A variance from Section 25-122(b)(1)(G) is requested for the clearing of one specimen tree on-site. The western half of the site is undeveloped while the eastern side of the site has been previously graded with an existing gravel parking lot and mowed field. Specimen tree #1 is located in the northwestern portion of the site.

This variance is requested to the WCO, which requires under Section 25-122 of the Prince George's County Zoning Ordinance, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 25 Variance Application form requires a statement of justification (SOJ) of how the findings are being met.

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

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

Specimen tree #1 is located within the most developable portion of the property. Any additional loss in developable area for the retention of specimen tree#1 would result in a significant reduction in building square footage on-site.

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

Further limiting of developable area by protecting the root zone of this specimen tree will deprive the applicant of the opportunity to create a functional development. This tree is in poor condition and would not realistically be viable in the long-term if left alone in a natural state on-site.

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

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

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

The nature of the variance request is premised to allow for adequate and safe development practices. This is not a condition or circumstance which was the result of any action by the applicant.

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

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

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

The site is governed by the stormwater management (SWM) regulations that went into effect on May 5, 2010. The site contains no streams or wetlands. The loss of one specimen tree will not adversely affect the water quality.

Summary

Based on the information submitted, the removal of specimen Tree #1 is supported.

Stormwater Management

An approved stormwater management (SWM) Concept Plan and associated letter (Case No. 16414-2019-00) was submitted with this application.

The approved SWM concept plan shows the use of two micro-bioretenion facilities and one submerged gravel wetland.

Summary of Recommended Findings and Conditions

The Environmental Planning Section has completed the review of DSP-19042 and TCP2-012-2020 and recommends approval subject to the following findings and conditions:

Recommended Finding

1. The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Tree#1.

Recommended Conditions

1. Prior to certification of the Detailed Site Plan, the TCP2 shall be revised as follows:
 - a. Adding all standard relevant Type 2 Tree Conservation Plan notes to the TCP2 plan.
 - b. Removing the QR code approval block from the TCP2. It is no longer used for approving plans.
 - c. Revising the TCP2 worksheet using the current standard TCP worksheet located on the M-NCPPC Environmental Planning Section website.

- d. Adding a column entitled Proposed Disposition to the Specimen Tree Table and stating that Specimen Tree#1 is proposed for removal.
 - e. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed).”
2. Prior to issuance of the first grading permit, the final stormwater management (SWM) plan shall be consistent with the certified Type 2 Tree Conservation Plan (TCP2-012-2020) and Detailed Site Plan (DSP-19042).

From: [Reilly, James V](#)
To: [Bishop, Andrew](#)
Cc: [PGCReferrals](#)
Subject: FW: EPlan ACCEPTANCE referral for BRANCHVILLE GARDENS (PB) via DROPBOX
Date: Wednesday, May 27, 2020 9:43:50 PM
Attachments: [image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[DSP-19042 COVER .pdf](#)
[DSP-19042 D COVER.pdf](#)

Good Evening Andrew,

Please see below for Fire/EMS Department 1st Comments for DSP-19042 Branchville Gardens:

Office of the Fire Marshal

May 27, 2020

Andrew Bishop, Senior Planner
Urban Design Section
Development Review Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Mr. Bishop:

The Office of the Fire Marshal of the Prince George's County Fire and EMS Department has reviewed the referral for DSP-19042 Branchville Gardens. We have the following comments:

- 1) Hydrants shall be provided so that no exterior portion of the building is more than 500' from a hydrant as hose is laid by the fire department. Please provide an exhibit or information confirming compliance.
- 2) A hydrant must be provided within 200' feet of any Fire Department Connection (FDC) measured as hose is laid by the fire department. The hydrant serving the FDC should be arranged so that hoses do not cross the drive aisle. Any access road or drive aisle providing access to the FDC or any hydrant must be 22' in width.

Please let me know if you have any questions regarding these comments. Regards.

James V. Reilly

Contract Project Coordinator III



Office of the Fire Marshal
Division of Fire Prevention and Life Safety
Prince George's County Fire and EMS Department
6820 Webster Street, Landover Hills, MD 20784
Office: 301-583-1830
Direct: 301-583-1838
Cell: 240-508-4931
Fax: 301-583-1945
Email: jvreilly@co.pg.md.us

From: ePlan [mailto:ePlan@ppd.mncppc.org]

Sent: Wednesday, May 13, 2020 11:43 AM

To: Smith, Tyler; Stabler, Jennifer; Hall, Ashley; Brake, Michelle; Henderson, Tamika; Franklin, Judith; Green, David A; Dixon, June; Chaconas, Sheila; Holley, Edward; Brooke E. Larman; Walker, Tineya; Reiser, Megan; Fields, Ernest; Shoulars, Katina; Reilly, James V; sltoth@co.pg.md.us; Richards, Dorothy A.; Gaskins, Tabitha; Giles, Mary C.; Lord-Attivor, Rene; Snyder, Steven G.; Abdullah, Mariwan; Formukong, Nanji W.; Tayyem, Mahmoud; Yuen, Steven; Contic, Wendy M.; Thweatt, Susan W.; Adepoju, Adebola O.; kwoodroffe@sha.state.md.us; pcampanides@sha.state.md.us; Tania Brown - SHA; scsegerlin@wmata.com; NMAIbert@wmata.com; realestate@wmata.com; #dsgintake@wsscwater.com; ejordan@greenbeltmd.gov; cjewitt@berwynheightsmg.gov; jcowles@berwynheightsmg.gov; tschum@collegeparkmd.gov; mbader@collegeparkmd.gov; thruby@greenbeltmd.gov; jhowerton@greenbeltmd.gov

Cc: Bishop, Andrew; Kosack, Jill; Hunt, James; Summerlin, Cheryl; Grigsby, Martin; Graham, Audrey; Davis, Lisa; Fairley, Lillian; Lee, Randar; Madison, Danielle; Conner, Sherri; Checkley, Andree; Daniel F. Lynch (dlynch@mhlawyers.com)

Subject: EPlan ACCEPTANCE referral for BRANCHVILLE GARDENS (PB) via DROPBOX

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

All,

This is an EPlan ACCEPTANCE referral for **DSP-19042, Branchville Gardens**. This case was officially accepted as of today, May 13, 2020. SDRC is scheduled for May 29, 2020. Please submit ALL comments to Andrew Bishop(email attached). Click on the hyperlink to view the case: <https://www.dropbox.com/sh/mn5pif83gdrwqj4/AAC6tQUSd4KpQ7QK18HgANGAa?dl=0> .

Thank you...

MG

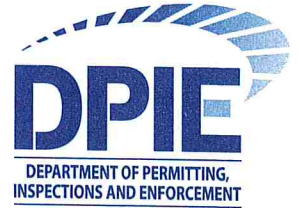
Donald R. Townsend

Senior Planning Technician | Development Review Division



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

May 29, 2020

TO: Andrew Bishop, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE *Mary C. Giles*

6/2/2020

RE: Branchville Gardens
Detailed Site Plan No. DSP-19042

CR: University Boulevard (MD 193)

CR: Branchville Road

In response to the Detailed Site Plan No. DSP-19042 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located at 4810 Branchville Road, at the north side of Branchville Road, approximately 110 feet west of its intersection with University Boulevard (MD 193). Branchville Road is not a County-maintained roadway.
- The applicant is proposing multi-family residential dwellings.
- DSP-19042 is consistent with the approved Site Development Concept Number 16414-2019, issued on December 12, 2019. DPIE has no objection to the proposed Detailed Site Plan.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - a) Final site layout, exact impervious area locations are shown on plans.
 - b) Exact acreage of impervious areas has not been provided.
 - c) Proposed grading is shown on plans.
 - d) Stormwater volume computations have not been provided.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpie.mypgc.us> ♦ FAX: 301.925.8510

Andrew Bishop
May 29, 2020
Page 2

- e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.
- f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- g) A narrative in accordance with the code has not been provided.
- h) The applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or require additional information, please contact Mr. Steve Snyder, P.E, the District Engineer for the area, at (301) 883-5710.

MCG:DJK:dar

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Dana Karzoun, Engineer, S/RPRD, DPIE
Cruz Development, One Eliot Square, Boston, MA 02119
McNamee & Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, MD 20770



**INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY
POLICE DEPARTMENT**



M E M O R A N D U M

DATE: May 28, 2020
TO: Planning Coordinator, Urban Design Application Section
Development Review Division
FROM: Captain Wendy Contic, Assistant Commander, Planning & Research Division
SUBJECT: DSP-19042 Branchville Gardens

Upon review of the site plans, there are no comments at this time.



Division of Environmental Health/Disease Control

Date: June 15, 2020

To: Andrew Bishop, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-19042, Branchville Estates

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Branchville Estates and has the following comments / recommendations:

1. Health Department permit records indicate there is less than 5 existing carry-out/convenience store and no grocery food facilities within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
2. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
3. Increased traffic volumes in the area can be expected as a result of this project. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests.
4. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction



Angela Absobrooks
County Executive

Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



Division of Environmental Health/Disease Control

activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

5. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



Angela Absobrooks
County Executive

Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

From: [Kwesi Woodroffe](#)
To: [Bishop, Andrew](#)
Cc: [PGCReferrals](#)
Subject: RE: EPlan ACCEPTANCE referral for BRANCHVILLE GARDENS (PB); SHA; KW
Date: Thursday, May 14, 2020 9:29:06 AM
Attachments: [image011.png](#)
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Good morning Andrew,

I reviewed the subject referral and there is no work in the State r/w, nor access to a State road, so I have no comments at this time.

Thanks, Kwesi

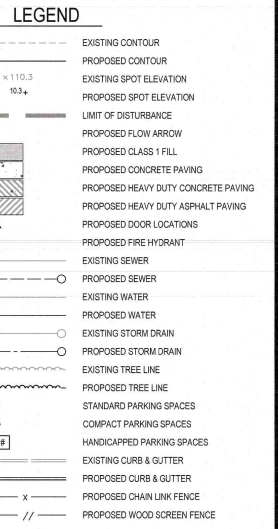
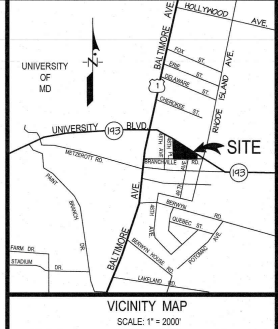
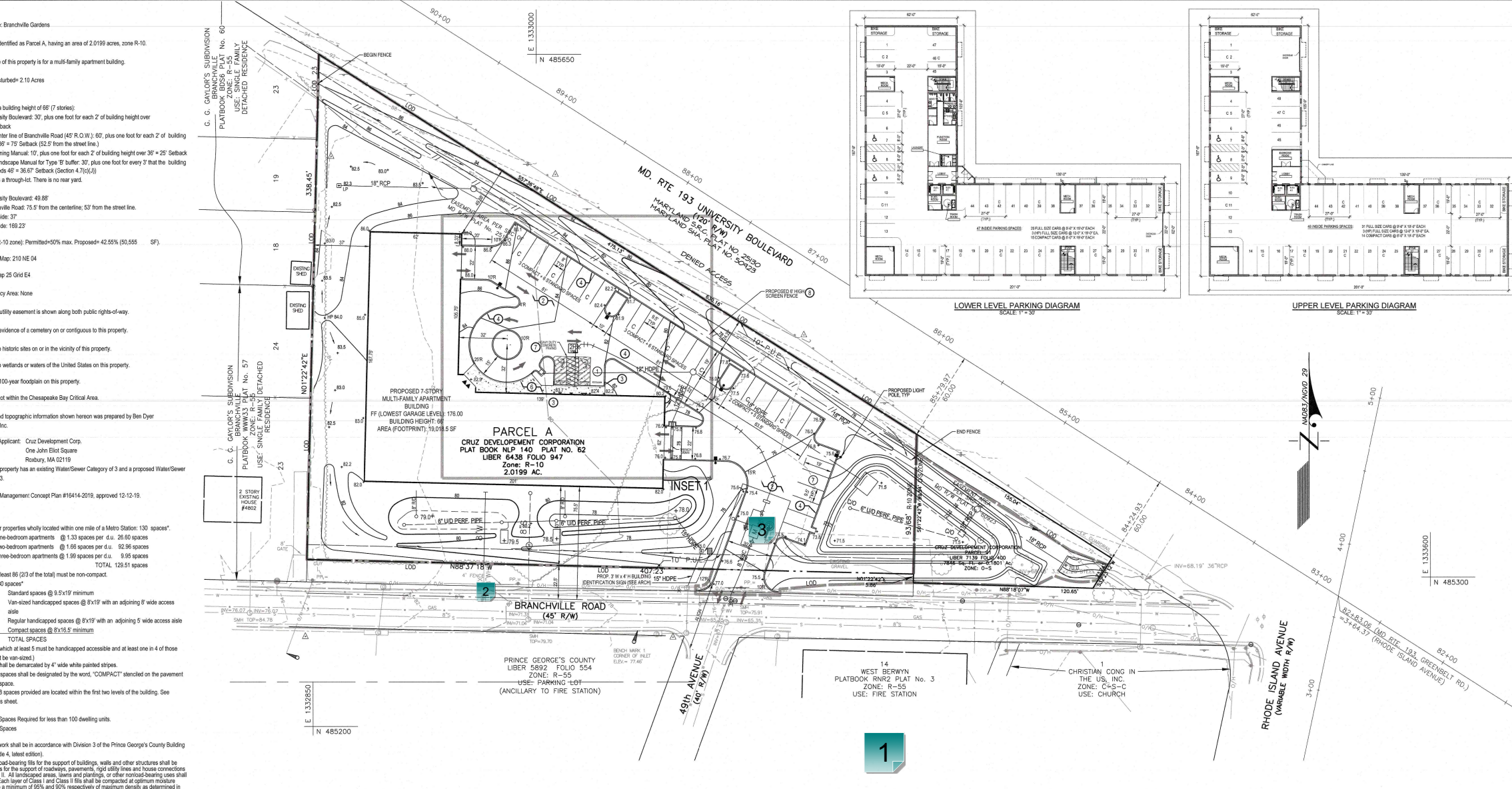
Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>



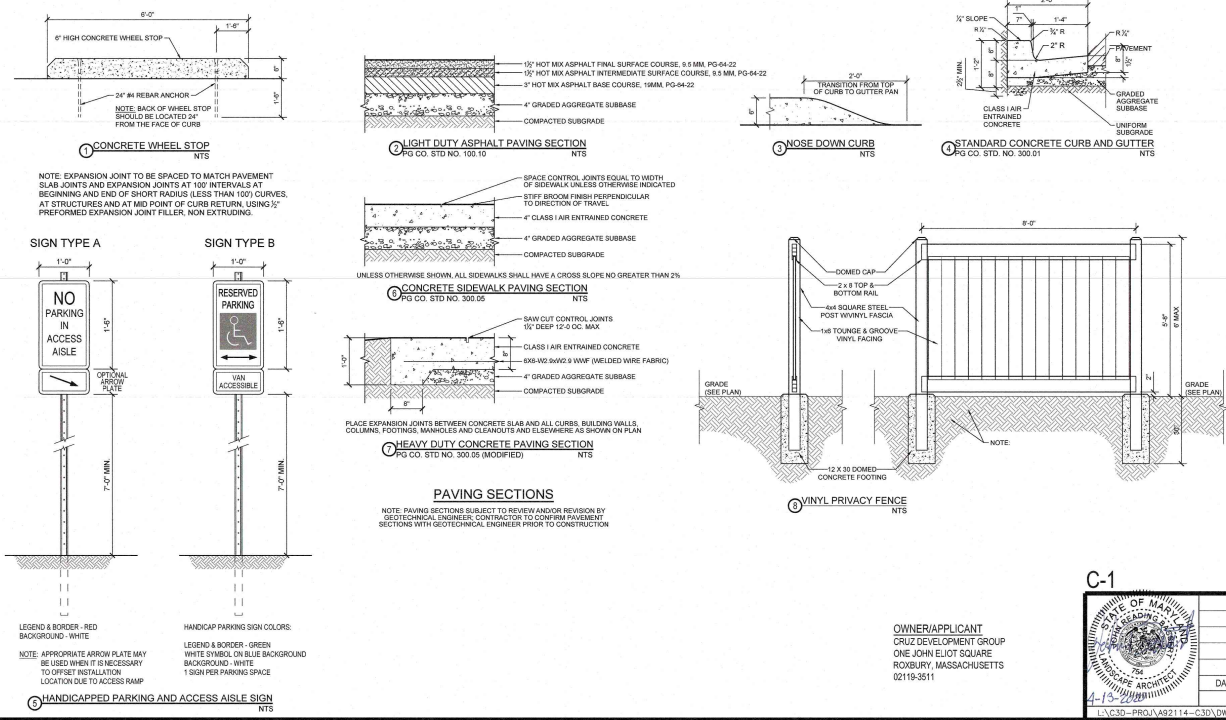
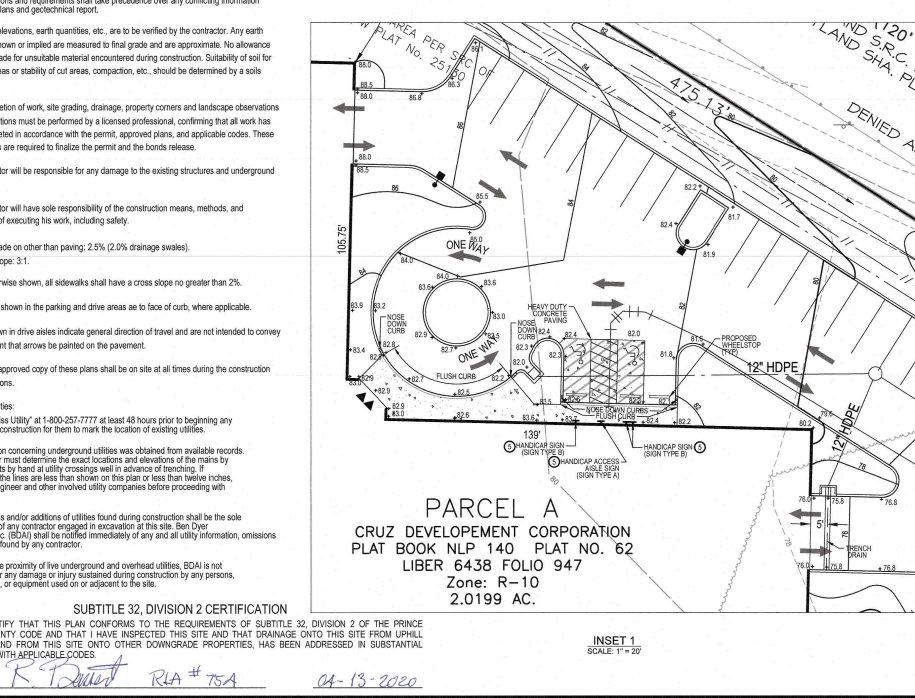
From: ePlan <ePlan@ppd.mncppc.org>
Sent: Wednesday, May 13, 2020 11:43 AM
To: Smith, Tyler <Tyler.Smith@ppd.mncppc.org>; Stabler, Jennifer <Jennifer.Stabler@ppd.mncppc.org>; Hall, Ashley <Ashley.Hall@ppd.mncppc.org>; Brake, Michelle <Michelle.Brake@ppd.mncppc.org>; Henderson, Tamika <Tamika.Henderson@ppd.mncppc.org>; Franklin, Judith <Judith.Franklin@ppd.mncppc.org>; Green, David A <davida.green@ppd.mncppc.org>; Dixon, June <june.dixon@ppd.mncppc.org>; Chaconas, Sheila <Sheila.Chaconas@ppd.mncppc.org>; Holley, Edward <Edward.Holley@Pgparcs.com>; Larman, Brooke <Brooke.Larman@ppd.mncppc.org>; Walker, Tineya

GENERAL NOTES

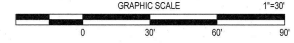
- Subdivision name: Branchville Gardens
- This property is identified as Parcel A, having an area of 2.0199 acres, zone R-10.
- The proposed use of this property is for a multi-family apartment building.
- The area to be disturbed: 2.10 Acres
- Setbacks:
 - A. Required, for a building height of 66' (7 stories):
 - From University Boulevard: 30', plus one foot for each 2' of building height over 36' = 45' Setback
 - From the center line of Branchville Road (45' R.O.W.): 60', plus one foot for each 2' of building height over 36' = 75' Setback (52.2' from the street line)
 - Side, per Zoning Manual: 10', plus one foot for each 2' of building height over 36' = 25' Setback
 - Side, per Landscape Manual for Type "B" buffer: 30', plus one foot for every 3' that the building height exceeds 46' = 36.67' Setback (Section 4.7(C)(ii))
 - Rear: This is a through-lot. There is no rear yard.
 - B. Provided:
 - From University Boulevard: 49.88'
 - From Branchville Road: 75.5' from the centerline; 52' from the street line.
 - From West side: 37'
 - From East side: 169.23'
- Coverage (R-10 zone): Permitted=50% max. Proposed= 42.55% (50,555 SF)
- WSSC 200 Map: 210 NE 04
- Tax Map: Map 25 Grid E4
- Aviation Policy Area: None
- A 10' public utility easement is shown along both public rights-of-way.
- There is no evidence of a cemetery or contiguous to this property.
- There are no historic sites on or in the vicinity of this property.
- There are no wetlands or waters of the United States on this property.
- There is no 100-year floodplain on this property.
- This site is not within the Chesapeake Bay Critical Area.
- Boundary and topographic information shown hereon was prepared by Ben Dyer Associates, Inc.
- Owner and Applicant: Cruz Development Corp. One John Eliot Square Roxbury, MA 02119
- The subject property has an existing Water/Sewer Category of 3 and a proposed Water/Sewer Category of 5.
- Stormwater Management: Concept Plan #16414-2019, approved 12-12-19.
- Parking:
 - A. Required, for properties wholly located within one mile of a Metro Station: 130 spaces.
 - 20 one-bedroom apartments @ 1.53 spaces per d.u. = 29.60 spaces
 - 55 two-bedroom apartments @ 1.65 spaces per d.u. = 90.75 spaces
 - 5 three-bedroom apartments @ 1.55 spaces per d.u. = 9.55 spaces
 - TOTAL 129.90 spaces
 - B. of which at least 86 (2/3 of the total) must be non-compact.
 - Provided: 130 spaces
 - 85 Standard spaces @ 8.5x11' minimum
 - 2 Van-sized handicapped spaces @ 8x12' with an adjoining 5' wide access aisle
 - 6 Regular handicapped spaces @ 8x12' with an adjoining 5' wide access aisle
 - 37 Compact spaces @ 8x10.5' minimum
 - 129 TOTAL SPACES
 - (* of which at least 5 must be handicapped accessible and at least one in 4 of those must be van-sized)
- All spaces shall be demarcated by 4" wide white painted stripes.
- All compact spaces shall be designated by the word, "COMPACT" stenciled on the pavement within each space.
- 55 of the 129 spaces provided are located within the first two levels of the building. See diagrams this sheet.
- Loading: 0 Spaces Required for less than 100 dwelling units. Provided: 0 Spaces
- All grading work shall be in accordance with Division 3 of the Prince George's County Building Code (Subtitle 4, latest edition).
- All proposed load-bearing fills for the support of buildings, walls and other structures shall be Class I. All fills for the support of roadways, pavements, top utility lines and house connections shall be Class II. All landscaped areas, lawns and plantings, or other non-load-bearing uses shall be Class III. Each layer of Class I and Class II fills shall be compacted at optimum moisture content and to a minimum of 95% and 90% respectively of maximum density as determined in the laboratory by the standard proctor test. (ASTM D-1557, AASHTO T-99, ASTM D-958). In-place density tests shall be provided by a licensed geotechnical engineer.
- A geotechnical analysis and report prepared by a Maryland licensed Geotechnical Engineer shall be prepared and used to provide details for pavement sections, fill thickness, compaction, drainage, and any other site specific recommendations and requirements. These recommendations and requirements shall take precedence over any conflicting information between the plans and geotechnical report.
- All grades, elevations, earth quantities, etc., are to be verified by the contractor. Any earth quantities shown or implied are measured to final grade and are approximate. No allowance has been made for unstable material encountered during construction. Suitability of soil for use in fill areas or stability of cut areas, compaction, etc., should be determined by a soils engineer.
- Upon completion of work, site grading, drainage, property corners and landscape observations and certifications must be performed by a licensed professional, confirming that all work has been completed in accordance with the permit, approved plans, and applicable codes. These certifications are required to finalize the permit and the bonds release.
- The contractor will be responsible for any damage to the existing structures and underground utilities.
- The contractor will have sole responsibility of the construction means, methods, and techniques of executing his work, including safety.
- Minimum grade on other than paving: 2.5% (2.0% drainage swales). Maximum slope: 3:1.
- Unless otherwise shown, all sidewalks shall have a cross slope no greater than 2%.
- Dimensions shown in the parking and drive areas are to face of curb, where applicable.
- Arrows shown in drive aisles indicate general direction of travel and are not intended to convey a requirement that arrows be painted on the pavement.
- An agency-approved copy of these plans shall be on site at all times during the construction and inspections.
- Existing Utilities:
 - A. Notify "Mass Utility" at 1-800-257-7777 at least 48 hours prior to beginning any excavation or construction for them to mark the location of existing utilities.
 - B. Information concerning underground utilities was obtained from available records. The contractor must determine the exact location and depth of the utilities by digging test pits by hand at utility crossings well in advance of trenching. If utilities of the lines are less than shown on this plan or less than twelve inches, contact the engineer and other involved utility companies before proceeding with construction.
 - C. Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at the site. Ben Dyer Associates, Inc. (BDA) shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
 - D. Due to the proximity of live underground and overhead utilities, BDA is not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.



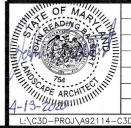
THE CONTRACTOR SHALL NOTIFY MASS UTILITY 1-800-257-7777, FORTY-EIGHT (48) HOURS BEFORE STARTING WORK SHOWN ON THESE DRAWINGS.



DSP-19042
 DETAILED SITE PLAN
 PARCEL A
 BRANCHVILLE GARDENS
 BERWYN DISTRICT NO. 21
 PRINCE GEORGE'S COUNTY, MARYLAND



C-1



DATE	DESCRIPTION	BY	SCALE	PROJECT NO.
02/19/2019	REVISIONS	BC	AS SHOWN	6.002-Z

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF SUBTITLE 32, DIVISION 2 OF THE PRINCE GEORGE'S COUNTY CODE AND THAT I HAVE INSPECTED THIS SITE AND THAT DRAINAGE INTO THIS SITE FROM UPLAND PROPERTIES, AND FROM THIS SITE ONTO OTHER DOWNSTREAM PROPERTIES, HAS BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES.

Ben Dyer RIA # 75A 04-13-2020

1 - General Comments

Created by: Andres Villarraga
On: 05/28/2020 01:41 PM

Water and sewer lines as well as proposed connections need to be included on the plan in order for WSSC to be able to comment.

Realign water service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance.

Existing water mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.

Provide proper protection of water supply where water main is below or parallel to sewer main, building drain, sewer house connection or septic field and when pipe crosses other utilities.

There is a 8- inch diameter water main located on or near this property. WSSC records indicate that the pipe material is Ductile Iron (DI). Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.

Water pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.

Condominiums in Prince George's County. Pursuant to State law, condominium or cooperative ownership projects in Prince George's County (or conversions to condominium or cooperative ownership) may not be served by a master meter. Each unit must have a separate meter, account and shutoff valve in accordance with the WSSC 2019 Plumbing and Fuel Gas Code. See WSSC 2019 Development Service Code 702.5.1

Add the proposed pipeline alignment with sewer house connection to the plan. Additionally, if easements are required their limits and locations must be shown. See WSSC 2017 Pipeline Design Manual Part Three, Section 2; easements and Construction Strips.

For sewer pipelines 12-inch and smaller in diameter, provide a minimum separation from a building or dwelling the greater of the following: fifteen (15) feet horizontal separation or a distance on a 1:1 slope from the bottom of the foundation of the existing or proposed building or dwelling to the bottom edge of the pipeline trench

Existing sewer mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.

Revise the plan to realign any sewer pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC 2017 Pipeline Design Manual.

OUTSIDE METERS - 3-inch and larger meter settings shall be furnished and installed by the utility contractor in an outside meter vault. Show and label vault and required WSSC easement. WSSC prefers an outside meter in a vault, however and indoor meter may be allowed under certain conditions. See WSSC 2019 Plumbing & Fuel Gas Code 111.5.7 & 603.4.1

Geotechnical and Corrosion Submittal will be required. It appears that sources of stray current

have been identified within 2,000 feet of this site. See WSSC 2017 Pipeline Design Manual Part Three, Section 20

Site Utility System reviews are required for projects with proposed water connections greater than 2-inch or sewer connections greater than 4-inch. Contact the WSSC Permit Services Unit on (301) 206-8650 for submittal requirements or view our website.

Submit a hydraulic planning analysis package for review.

----- 0 Replies -----

2 - WHC

Created by: Andres Villarraga
On: 05/29/2020 09:34 AM

is this an existing connection ? label as such

----- 0 Replies -----

3 - Meter Vault

Created by: Andres Villarraga
On: 05/29/2020 09:38 AM

you may not need a meter vault, per new WSSC guidelines

----- 0 Replies -----

From: [Karyn Keating-volke](#)
To: [Bishop, Andrew](#)
Subject: Re: DSP-19042, Branchville Gardens, College Park
Date: Friday, August 7, 2020 10:28:54 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[scan0016.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Yes, please find it attached, although it is a little marked up!

Karyn Keating, Associate Broker
BHHS PenFed Realty
c: 410.320.7301
o: 410.266.0600

I'm never too busy for your referrals!



*Certified Residential Specialist, CRS
Graduate Realtor's Institute, GRI*

*Never wire funds to a bank for any reason without verbally verifying the account information
with the recipient.*

WIRE FRAUD IS REAL!

On Fri, Aug 7, 2020 at 10:07 AM Bishop, Andrew <andrew.bishop@ppd.mncppc.org> wrote:

Karyn,

Do you have a copy of the original agreement that staff can review?

If you could provide this it would be appreciated.

Thanks

N. Andrew Bishop

Senior Planner | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4897 | andrew.bishop@ppd.mncppc.org



From: Karyn Keating-volke <karyn.keating@penfedrealty.com>
Sent: Wednesday, August 5, 2020 6:12 PM
To: Bishop, Andrew <andrew.bishop@ppd.mncppc.org>; Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>; mbader@collegeparkmd.gov; Hunt, James <James.Hunt@ppd.mncppc.org>; Terry Schum <tschum@collegeparkmd.gov>; mcall <mcall@collegeparkmd.gov>
Cc: Bob Catlin <catcprtc@aol.com>; Ealisayd triplett <ttriplett13@comcast.net>; Jim Nealis <jenealis@aol.com>; Cameau, Ron <camcorp11c@gmail.com>; Chad Stern <stevealan87@gmail.com>; Lily Fountain <lilyfountain2015@gmail.com>; Kelly Jordan <kellypjordan@gmail.com>; Karyn Keating <karyn.keating@penfedrealty.com>; Kyle Shohfi <kyleshohfi@gmail.com>; Emily Shohfi <emilyshohfi@gmail.com>
Subject: Re: DSP-19042, Branchville Gardens, College Park

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello,

Thanks for reaching out again. I've been busy with a little vacation and making up work time so I haven't gotten back to you yet. Also, I was collecting additional feedback from Berwyn neighbors who hadn't yet weighed in.

First I want to say that I have found no one that currently opposes this project. Years ago, there was extreme opposition from pockets of people in the community but we sat down and negotiated acceptable terms. Many are of the opinion that our area needs affordable housing for working families and feel Berwyn is a great community. We are intent on preserving and protecting the property values of all properties in the surrounding and adjacent properties of Berwyn and Branchville. However, many folks have issues with items that relate to the original agreement between Cruz and BDCA. They feel that in 1986 /1987, Cruz would not have been able to get this project / subdivision to final record plat without the support of BDCA. That is why their lawyers spent many, many months and hours negotiating with BDCA to come to an agreement that satisfied the community. On March 26, 1987, Cruz Development and BDCA executed an agreement. Things are obviously done differently today, but Berwyners feel that, without this agreement, Cruz would not have succeeded with getting their final subdivision to record plat.

There are those who say that since the subdivision no longer requires a special exception or variance and that Cruz is currently using a new site plan that the Agreement might no longer be valid or enforceable. An argument can also be made that "This agreement shall be binding upon the heirs, successors and assigns of all parties hereto and may not be modified except in writing" as the agreement states. Further, the approval of NLP-140-62 had a Condition #4, specifically hand written, that said "Development of this property must conform to the site development plan which was approved by the Prince George's County Planning Board on February 18,1988 No SP87165 or as amended by any subsequent revisions thereto."

Regardless of whether or not the Cruz / BDCA Agreement is currently binding, there were a number of issues that Cruz agreed to in that agreement. In general, Berwyn feels that respect is still due them and that Cruz should honor the promises made 33 years ago. It is those promises that expedited Cruz to successfully get the subdivision.

1. Developer must include an adequate turn radius to be incorporated into the DSP as a condition of your approval. I understand that Branchville Volunteer Fire Dept, the city engineer and the Director of Planning - City of College Park / Terry Schum have been working on finding a suitable solution.

2. Strict enforcement of the maximum permitted percentage occupancy and gated or

permitted parking is a necessity. The original agreement required a dwelling unit to be provided for an on site residential property manager who could monitor and prevent problems in these areas. Cruz is no longer agreeing to provide a resident on site manager. Berwyn feels this is the strongest and primary gatekeeper to insure the stability of the culture of the project.

3. Developer must replace newly installed plant materials (landscaping and trees) that do not survive the initial 1 year warranty period or that may be destroyed.

4. BDCA wants to see traffic calming at or near the entrance / exit of the property on Branchville Rd, which we believe is being designed. Further, residents are extremely concerned about Branchville residents leaving the property onto 49th Ave and turning left onto Greenbelt Rd. Greenbelt Rd is already a problem area regarding turns and residents want some assurance that safe traffic control at that intersection will be designed. Based on the fact that the project has changed from 84 total units in 1987 (132 bedrooms) to 81 total units today (147 bedrooms), BDCA believes the number of cars and the amount of traffic may be different from what was planned in 1988. The traffic study then didn't consider these changes or the amount of traffic that has increased in the last 33 years. We understand that the project's inevitable traffic has been included as background traffic in subsequent traffic studies, but most likely with incorrect data. We request the city to request from SHA a signal warrant analysis at 49th Ave and Greenbelt Road.

I hope this information is clear, concise and correct. Should you have any questions, please contact me.

Karyn Keating

Co-President Berwyn District Civic Association

Karyn Keating, Associate Broker

BHHS PenFed Realty

c: 410.320.7301

o: 410.266.0600

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Certified Residential Specialist, CRS

Graduate Realtor's Institute, GRI

Never wire funds to a bank for any reason without verbally verifying the account information with the recipient.

WIRE FRAUD IS REAL!

On Wed, Aug 5, 2020 at 1:14 PM Bishop, Andrew <andrew.bishop@ppd.mncppc.org> wrote:

Karyn,

Good afternoon.

I wanted to follow up on this application and let you know that this case has moved to September 29, 2020, and wanted to see if you had put together the detailed list of questions and concerns discussed in my email below. If you could please let me know I will do my best to try and find answers And back in touch with you as quickly as possible.

Thank you.

N. Andrew Bishop

Senior Planner | Development Review Division

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4897 | andrew.bishop@ppd.mncppc.org



From: Bishop, Andrew
Sent: Wednesday, July 15, 2020 5:45 PM
To: karyn.keating@penfedrealty.com
Subject: DSP-19042, Branchville Gardens, College Park

Karyn,

Thank you for taking my call earlier today.

As discussed if you could please provide me with a detailed list of your questions and concerns I will do my best to try and find answers for them.

Thank you.

N. Andrew Bishop

Senior Planner | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4897 | andrew.bishop@ppd.mncppc.org





AGREEMENT

THIS AGREEMENT is made this 26th day of March, 1987, by and between the Cruz Development Company, Inc., hereinafter referred to as, "The Property Owner" and the Berwyn District Civic Association, Inc.,

WHEREAS, The Property Owner desires to make use of his property located in College Park, on the northside of Branchville Road at its intersection with 49th Avenue, specifically identified Tax map 25, E-4, Parcel Numbers 8, 9, 10 and 133 and hereinafter referred to as "The Property", in a manner consistent with the R-10 (Multiple Density, High Density Residential) zoning classification of Prince George's County, Maryland for Prince George's County, Maryland and;

WHEREAS, The Property Owner filed for a special exception to allow an increase in the number of two (2) bedroom units as provided to in Section 27-439(e) and 27-419 of the Prince George's County Zoning Ordinance", and;

WHEREAS, The Property Owner has also filed for a Variance as provided in Section 27-230 of the Zoning Ordinance for Prince George's County, from the "green space" requirements as provided in Section 27-442 at Table II of the Zoning Code for Prince George's County, entitled "LOT COVERAGE & GREEN AREA, and;

WHEREAS, The Property is located within the boundaries of the Berwyn District Civic Association and that it is the desire of the parties to this Agreement to work together to promote appropriate and permitted uses of The Property in a manner that preserves and protects the property values of all parties to this Agreement, including the R-55 (one-family, detached residential) zoned properties of the surrounding and adjacent to Branchville community, and;

WHEREAS, the City of College Park, Maryland National Capital Park and Planning Commission, the Zoning Hearing Examiner the Board of Appeals and the County Council for Prince George's County sitting as a District Council will ultimately make recommendations and decisions regarding the Special Exception

and Variance and in making such decisions will look to the Berwyn District Civic Association for their recommendation as to the subject property, and;

WHEREAS, the Berwyn District Civic Association has held duly constituted meetings to discuss the subject property and the requested Special Exception and Variance and have adopted a decision(s) which shall become a part of the record before the City of College Park, Maryland National Capital Park and Planning Commission, the Zoning Hearing Examiner, the Board of Appeals and the District Council for Prince George's County, Maryland:

NOW THEREFORE BE IT RESOLVED that in consideration of the mutual covenants between The Property Owner and the Berwyn District Civic Association, Inc., all hereto agree as follows:

1. The Property Owner has filed with the Maryland National Capital Park and Planning Commission a special exception application affecting all of The Property as set forth in the special exception site plan which is marked Addendum No. 1 to this Agreement. The proposed special exception will allow The Property to be improved with a "high rise" Residential structure that will have an excess of two bedroom dwelling units as mandated under Section 27-419, entitled "Bedroom Percentages of the Zoning Code for Prince George's County, Maryland for R-10 (Multi-family, High Density Residential) zone.

2. The Property Owner has also filed with the Prince George's County, Maryland Board of Zoning Appeals an application for a variance affecting the "Green Space" requirements for all of The Property as set forth in the Addendum No. 2 to This Agreement. This "variance" will allow The Property to be improved with a "high rise" structure of a Residential nature that will have less than the fifty (50) percent minimum "Green Area" as mandated under Section 27-442 at Table 2 of the Zoning Code for Prince George's County, Maryland, entitled "Lot Coverage and Green Area, Minimum Percentage of Net Lot Area, Multi-family Dwelling having four (4) stories" for the R-10 (Multi-family, High density Residential) zone.

3. The Property Owner, upon construction of the on site parking required for The Property under Division 2 of Part 11, entitled "Parking Facilities" as found in the Zoning Code for Prince George's County, Maryland, will establish a "controlled parking facility". The "controlled parking facility" may be by a "permit" or by a gate with tenant "cardage control", or any other system that will not cause the tenants of The Property to increase the already congested parking on adjacent residential streets in the "Branchville" community and also to allow the tenants of The Property not to be disturbed in the use of their assigned parking spaces by nearby residents or the guests of the "Branchville" community.

4. The Property Owner will strictly enforce through its leasing agreement instrument and its residential management operation, the maximum permitted percentage occupancies provided in the Prince George's County, Housing Code, July 1, 1981 edition, under the ("Minimum Housing Standards Code for dwellings and multi-family dwellings") at Section H-423.0, entitled "REQUIRED SPACE IN SLEEPING ROOMS" of Prince George's County, Maryland and the City of College Park, Maryland.

5. The Property Owner agrees to provide a dwelling unit on The Property for an "on site residential" property manager and to have the "residential" property manager, his/her designated assistant responsible for the property at all times.

6. The Property Owner shall allow limited and restricted access along the westerly side of the Property, as provided in the special exception site plan marked as Addendum No. 1, only to those abutting R-55 (One-family, Detached Residential) who own a fee simple title and reside in the adjoining properties. This limited and restricted access shall not be for "everyday use" but rather limited for "necessary" access to the "rear" of the lots owned by the abutting fee simple property owners and for no other purpose.

7. The Property Owner agrees to provide maintenance and care of all the "Green Areas" as provided in the special exception "Site Plan" and to provide replacement of newly installed plan materials that do not survive the initial one (1) year warranty period or that may be destroyed by an Act of God.

8. The Property Owner agrees to make every effort within their power to oversee construction of improvements on the Property so that storm water runoff from the Property will not increase into an already overloaded storm water management system.

9. The Property Owner agrees that following the approval of the District Council for the special exception and the issuance of the appropriate building permits, The Property Owner shall make no application for a change in the Zoning, the Special Exception, the Subdivision or request any variances or exceptions thereto without giving prior notice to the Berwyn District Civic Association, Inc. by certified mail. It is the intent of all parties to this Agreement that any proposed changes in the Zoning, the Special Exception, the Subdivision or any request for any variance or special exception shall be achieved by working together for a mutual satisfactory resolution.

10. The Berwyn District Civic Association agrees to testify before the Mayor and City Council of College Park, the Board of Appeals of Prince George's County, Maryland, the Zoning Hearing Examiner for Prince George's County, Maryland, the Planning Board and the County Council sitting as a District Council stating that the Berwyn District Civic Association is not in opposition to the granting of Special Exception No. 3774 or Board of Appeals No. 8461 and will not testify against the granting of the Special Exception or Variance.

11. This Agreement shall be binding upon the heirs, successors and assigns of all parties hereto and may not be modified, except in writing.



12. No financial liability for performance of the Special Exception Application, the Request for Variance Application or Subdivision obligations as set forth in this Agreement shall be placed upon the Berwyn District Civic Association, Inc. by the execution or agreement to the terms of this Agreement.

Site plan doesn't exist

Crzy withdrew application

13. In the event that The Property Owner's request for Special Exception, Variance and Subdivision is not granted, this Agreement shall become null and void at the option of The Property Owner or the Berwyn District Civic Association, Inc. and upon the election of such option, all parties to the Agreement shall be released from all terms herein enumerated.

Co Denied initially Approved on appeal now expired

14. The parties hereto agree that the obligations of the Property Owner as set forth herein this Agreement are subject to the approval of the applicable public authorities. All parties to this Agreement recognize that the requirements of any such public authorities for the development of The Property may supercede or exceed the obligations as set forth in this Agreement. If any public authority establishes requirements that supercede or exceed the obligations as set forth in this Agreement, then all parties to this Agreement hereto agree to cooperate fully in carrying out the content of this Agreement and any additional obligations as set forth by the applicable public authorities.

IN WITNESS WHEREOF, The Property Owner and the Berwyn District Civic Association, Inc. commit their seals this 26th day of March, 1987

BERWYN DISTRICT CIVIC ASSOCIATION, INC.

ATTEST: [Signature]
3/26/87

By: David S. Ross
President 3/26/87

CRUZ DEVELOPMENT CORPORATION, INC.

ATTEST: [Signature]

By: [Signature]



CITY OF COLLEGE PARK

DEPARTMENT OF PLANNING, COMMUNITY & ECONOMIC DEVELOPMENT

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK, MD 20740 | 240.487.3538 | COLLEGEPARKMD.GOV

September 9, 2020

Elizabeth M. Hewlett
Chair, Prince George's County Planning Board
M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Detailed Site Plan-19042, Branchville Gardens

Dear Chair Hewlett,

The City of College Park City Council, at their meeting on September 8, 2020, voted 8-0-0 to recommend approval of Detailed Site Plan-19042 with conditions, as follows:

1. Prior to certification of the Detailed Site Plan, the Applicant shall:
 - a. Construct an asphalt turning area to accommodate Branchville Volunteer Fire Department fire trucks as shown in Exhibits 1 and 2 with a public use easement agreement to the City, as needed. Construction plans shall be submitted to the City of College Park Engineer for review and permitting.
 - b. Provide recycling facilities in the trash room and additional washers and dryers in the laundry room, if they cannot be provided in the individual units.
 - c. Submit a lighting photometric plan.
 - d. Provide a raised crosswalk across the driveway at the entry to the lower level garage.
 - e. Provide at least one electric car-charging space, one car-sharing space and designate an area of surface parking for visitor parking.
 - f. Provide a no left-turn sign at the western corner of the driveway as you exit on to Branchville Road.
 - g. Provide sidewalk access from the building to the eastern terminus of Branchville Road as shown in Exhibit 3, a crosswalk across Branchville Road, and a public use easement agreement to the City, as needed. Construction plans for sidewalk in the Branchville Road right-of-way shall be submitted to the City Engineer for review and permitting.
2. Prior to certification of the Detailed Site Plan, the Applicant shall revise the Architectural Plans to:
 - a. Provide a detailed drawing showing a more prominent front entrance and plaza area around the circular drive. Curbs shall be flush and additional seating provided.
 - b. Provide a detail of the parking garage window screening.
3. Prior to certification of the Detailed Site Plan, the Applicant shall revise the Landscape Plans to:



CITY OF COLLEGE PARK

DEPARTMENT OF PLANNING, COMMUNITY & ECONOMIC DEVELOPMENT

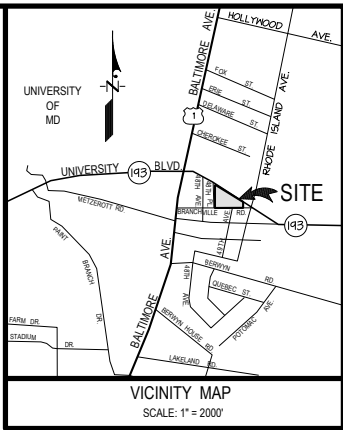
8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK, MD 20740 | 240.487.3538 | COLLEGEPARKMD.GOV

- a. Erect a 6-foot high fence along the entire western boundary line.
 - b. Add amenities, as feasible, to the area of the eastern stormwater management facility to include seating, a trash receptacle, and a pet waste disposal stand.
 - c. Correct Tree Canopy Coverage Schedule from 10% to 15% and total square footage required from 8799 square feet to 13,199 square feet.
 - d. Provide ornamental trees within the landscape strip along the Branchville Road right-of-way west of 49th Avenue.
4. Prior to Planning Board approval, execute a Declaration of Covenants Agreement with the City in substantially the form attached. Any of the foregoing conditions not included in the Planning Board resolution will be added to the Declaration of Covenants by amendment or included by other Agreement.

Sincerely,

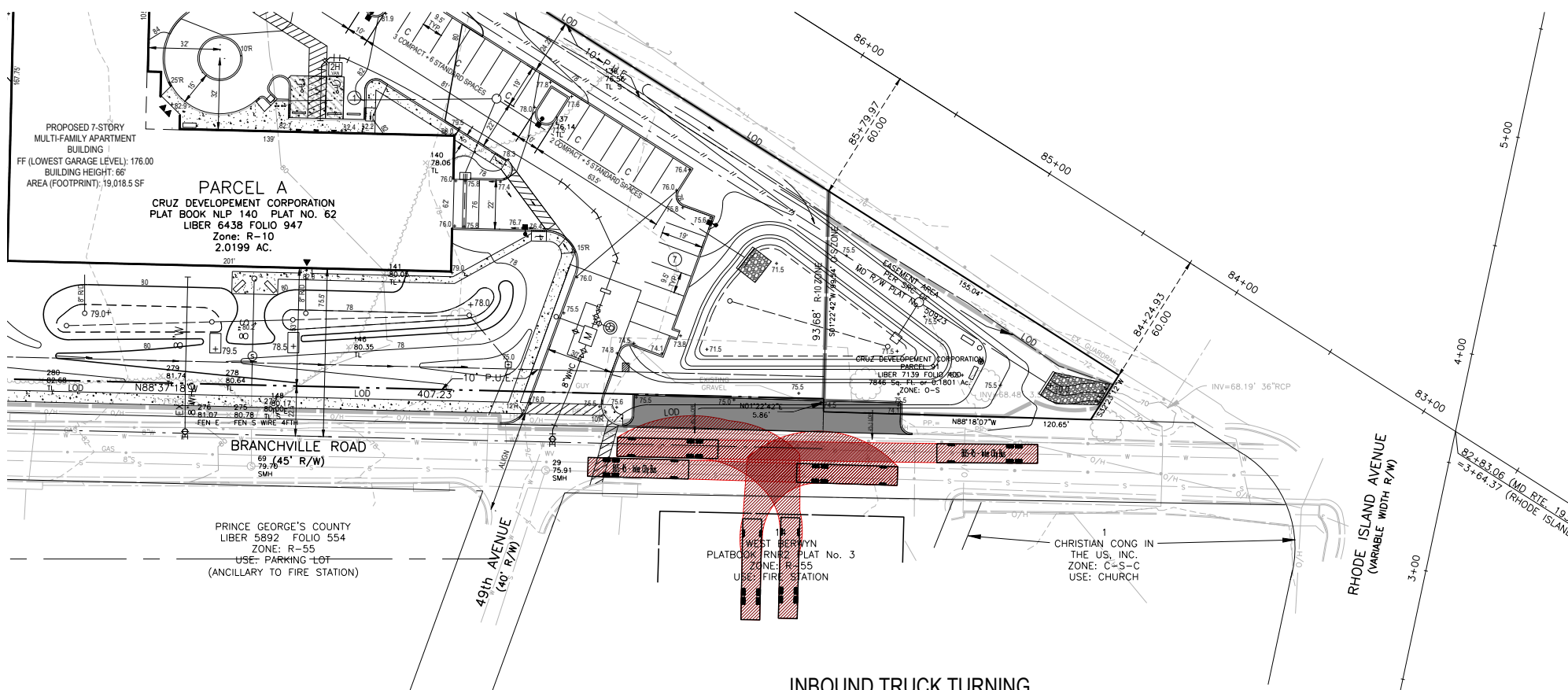
A handwritten signature in black ink that reads "Terry Schum". The signature is written in a cursive, flowing style.

Terry Schum, AICP
Director of Planning, Community and Economic Development

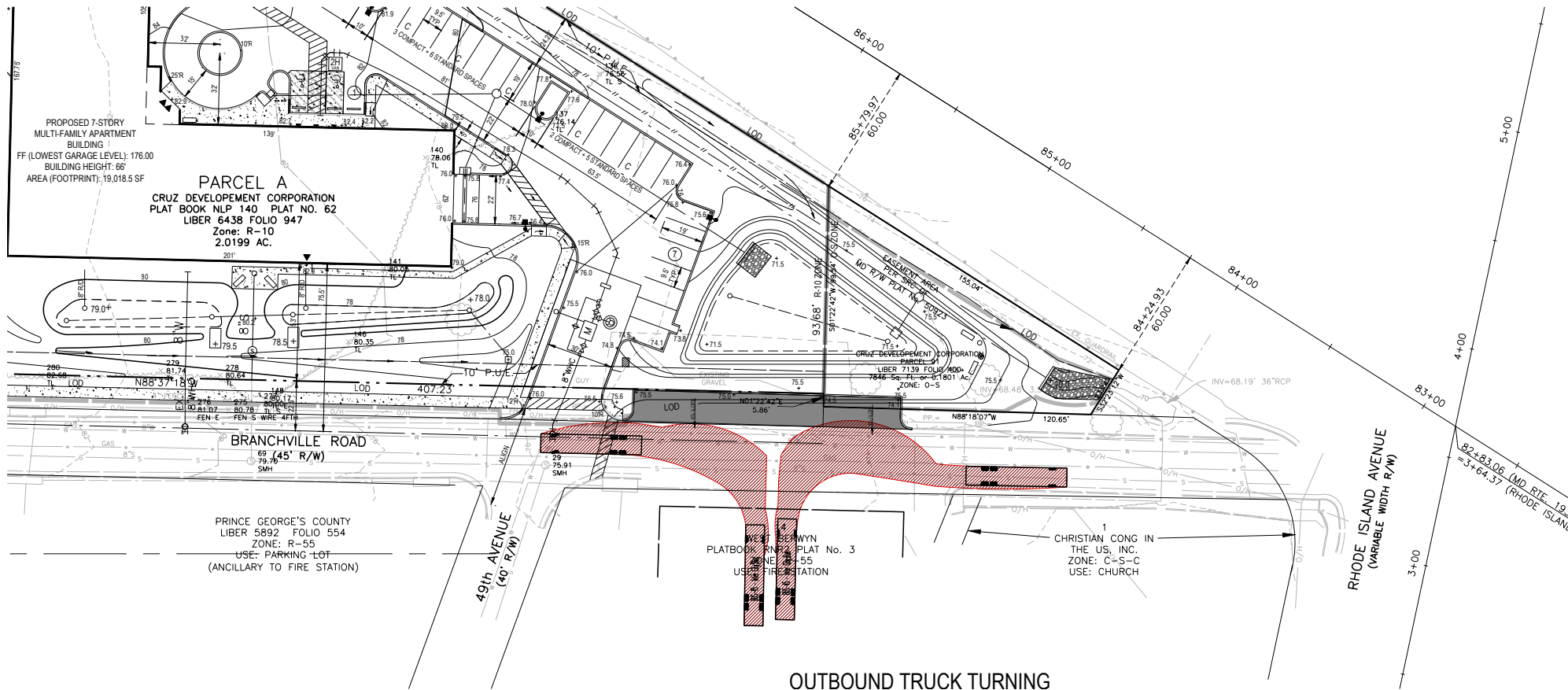


- LEGEND**
- - - - - 78 - - - - - EXISTING CONTOUR
 - - - - - 78 - - - - - PROPOSED CONTOUR
 - × 108.3 × 110.3
08.4 10.4 EXISTING SPOT ELEVATION
 - × 108.3 × 110.3
08.4 10.4 PROPOSED SPOT ELEVATION
 - LOD - - - - - LIMIT OF DISTURBANCE
 - PROPOSED FLOW ARROW
 - [Pattern] PROPOSED CLASS 1 FILL
 - [Pattern] PROPOSED CONCRETE PAVING
 - [Pattern] PROPOSED HEAVY DUTY CONCRETE PAVING
 - [Pattern] PROPOSED HEAVY DUTY ASPHALT PAVING
 - ▲▲ PROPOSED DOOR LOCATIONS
 - FH PROPOSED FIRE HYDRANT
 - S - - - - - EXISTING SEWER
 - - - - - PROPOSED SEWER
 - W - - - - - EXISTING WATER
 - - - - - PROPOSED WATER
 - D - - - - - EXISTING STORM DRAIN
 - - - - - PROPOSED STORM DRAIN
 - - - - - EXISTING TREE LINE
 - - - - - PROPOSED TREE LINE
 - ⊕ STANDARD PARKING SPACES
 - ⊕ COMPACT PARKING SPACES
 - ⊕ HANDICAPPED PARKING SPACES
 - — — — — EXISTING CURB & GUTTER
 - — — — — PROPOSED CURB & GUTTER
 - x — — — — x PROPOSED CHAIN LINK FENCE
 - // — — — — // PROPOSED WOOD SCREEN FENCE

THE CONTRACTOR SHALL NOTIFY MISS UTILITY 1-800-257-7777, FORTY-EIGHT (48) HOURS BEFORE STARTING WORK SHOWN ON THESE DRAWINGS.

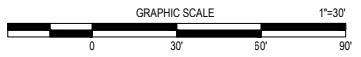


INBOUND TRUCK TURNING



OUTBOUND TRUCK TURNING

TRUCK TURN EXHIBIT
PARCEL A
BRANCHVILLE CROSSING
BERWYN DISTRICT No. 21
PRINCE GEORGE'S COUNTY, MARYLAND



11721 WOODMORE ROAD, SUITE 200 MITCHELLVILLE, MARYLAND 20721		BEN DYER ASSOCIATES, INC. Engineers Surveyors Planners TELEPHONE (301) 430-2000 COPYRIGHT © 2019 BEN DYER ASSOCIATES, INC.	
DRAWN BY SAB	DESIGNED BY BMC	CHECKED BY BMC	RECORD NO. J-A92114
DATE JULY 2020	DESCRIPTION REVISIONS	BY	DRAWING NO. 51.010-Y

Bishop, Andrew

From: Karyn Keating-volke <karyn.keating@penfedrealty.com>
Sent: Wednesday, August 5, 2020 6:12 PM
To: Bishop, Andrew; Chellis, Whitney; mbader@collegetparkmd.gov; Hunt, James; Terry Schum; mcall
Cc: Bob Catlin; Ealisayd tripllett; Jim Nealis; Cameau, Ron; Chad Stern; Lily Fountain; Kelly Jordan; Karyn Keating; Kyle Shohfi; Emily Shohfi
Subject: Re: DSP-19042, Branchville Gardens, College Park

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello,

Thanks for reaching out again. I've been busy with a little vacation and making up work time so I haven't gotten back to you yet. Also, I was collecting additional feedback from Berwyn neighbors who hadn't yet weighed in.

First I want to say that I have found no one that currently opposes this project. Years ago, there was extreme opposition from pockets of people in the community but we sat down and negotiated acceptable terms. Many are of the opinion that our area needs affordable housing for working families and feel Berwyn is a great community. We are intent on preserving and protecting the property values of all properties in the surrounding and adjacent properties of Berwyn and Branchville. However, many folks have issues with items that relate to the original agreement between Cruz and BDCA. They feel that in 1986 /1987, Cruz would not have been able to get this project / subdivision to final record plat without the support of BDCA. That is why their lawyers spent many, many months and hours negotiating with BDCA to come to an agreement that satisfied the community. On March 26, 1987, Cruz Development and BDCA executed an agreement. Things are obviously done differently today, but Berwyners feel that, without this agreement, Cruz would not have succeeded with getting their final subdivision to record plat.

There are those who say that since the subdivision no longer requires a special exception or variance and that Cruz is currently using a new site plan that the Agreement might no longer be valid or enforceable. An argument can also be made that "This agreement shall be binding upon the heirs, successors and assigns of all parties hereto and may not be modified except in writing" as the agreement states. Further, the approval of NLP-140-62 had a Condition #4, specifically hand written, that said "Development of this property must conform to the site development plan which was approved by the Prince George's County Planning Board on February 18,1988 No SP87165 or as amended by any subsequent revisions thereto."

Regardless of whether or not the Cruz / BDCA Agreement is currently binding, there were a number of issues that Cruz agreed to in that agreement. In general, Berwyn feels that respect is still due them and that Cruz should honor the promises made 33 years ago. It is those promises that expedited Cruz to successfully get the subdivision.

1. Developer must include an adequate turn radius to be incorporated into the DSP as a condition of your approval. I understand that Branchville Volunteer Fire Dept, the city engineer and the Director of Planning - City of College Park / Terry Schum have been working on finding a suitable solution.
2. Strict enforcement of the maximum permitted percentage occupancy and gated or permitted parking is a necessity. The original agreement required a dwelling unit to be provided for an on site residential property manager who could monitor and prevent problems in these areas. Cruz is no longer agreeing to provide a resident on site manager. Berwyn feels this is the strongest and primary gatekeeper to insure the stability of the culture of the project.
3. Developer must replace newly installed plant materials (landscaping and trees) that do not survive the initial 1 year warranty period or that may be destroyed.

4. BDCA wants to see traffic calming at or near the entrance / exit of the property on Branchville Rd, which we believe is being designed. Further, residents are extremely concerned about Branchville residents leaving the property onto 49th Ave and turning left onto Greenbelt Rd. Greenbelt Rd is already a problem area regarding turns and residents want some assurance that safe traffic control at that intersection will be designed. Based on the fact that the project has changed from 84 total units in 1987 (132 bedrooms) to 81 total units today (147 bedrooms), BDCA believes the number of cars and the amount of traffic may be different from what was planned in 1988. The traffic study then didn't consider these changes or the amount of traffic that has increased in the last 33 years. We understand that the project's inevitable traffic has been included as background traffic in subsequent traffic studies, but most likely with incorrect data. We request the city to request from SHA a signal warrant analysis at 49th Ave and Greenbelt Road.

I hope this information is clear, concise and correct. Should you have any questions, please contact me.

Karyn Keating
Co-President Berwyn District Civic Association

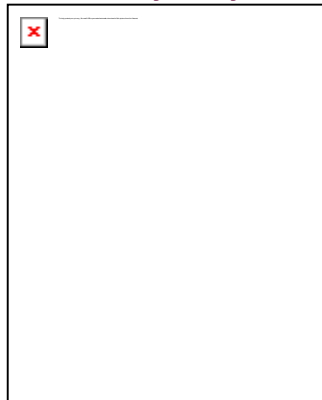
Karyn Keating, Associate Broker

BHHS PenFed Realty

c: 410.320.7301

o: 410.266.0600

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Graduate Realtor's Institute, GRI*

*Never wire funds to a bank for any reason without verbally verifying the account information with the recipient.
WIRE FRAUD IS REAL!*

On Wed, Aug 5, 2020 at 1:14 PM Bishop, Andrew <andrew.bishop@ppd.mncppc.org> wrote:

Karyn,

Good afternoon.

I wanted to follow up on this application and let you know that this case has moved to September 29, 2020, and wanted to see if you had put together the detailed list of questions and concerns discussed in my email below. If you could please let me know I will do my best to try and find answers And back in touch with you as quickly as possible.

Thank you.

N. Andrew Bishop

Senior Planner | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4897 | andrew.bishop@ppd.mncppc.org



From: Bishop, Andrew
Sent: Wednesday, July 15, 2020 5:45 PM
To: karyn.keating@penfedrealty.com
Subject: DSP-19042, Branchville Gardens, College Park

Karyn,

Thank you for taking my call earlier today.

As discussed if you could please provide me with a detailed list of your questions and concerns I will do my best to try and find answers for them.

Thank you.

N. Andrew Bishop

Senior Planner | Development Review Division

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4897 | andrew.bishop@ppd.mncppc.org



Additional Back-up

For

DSP-19042

Branchville Gardens

APPLICANT'S REVISED CONDITIONS OF APPROVAL

BRANCHVILLE GARDENS

DSP-19042

1. Prior to certification of the detailed site plan, the following revisions shall be made to the plans:
 - a. Provide details of the sitting area including additional features such as a pergola, decorative pavement, trash cans, and seasonal landscaping to enhance the space.
 - b. Provide a photometric plan and the details and specifications for the proposed site lighting, and clearly label their locations throughout the site.
 - c. Add the following general plan notes:
 - (1) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Conformance to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, is required.
 - (2) During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code, is required.
 - d. Provide a schedule clearly indicating the area of the proposed freestanding and building-mounted signage in conformance with Sections 27-618(c)4 and ~~27-618~~ of the Prince George's County Zoning Ordinance.
 - e. Include landscaping at the base of the freestanding sign to provide for seasonal interest.
 - f. Revise the Tree Canopy Coverage schedule to reflect the 15 percent requirement for properties in the R-10 Zone.
 - g. Provide an exhibit illustrating that no exterior portion of the building is more than 500 feet from a fire hydrant, as hose is laid by the Fire Department.
 - h. Provide a hydrant or Fire Department connection (FDC) within 200 feet of the building to service the multifamily dwellings units without causing the fire hose to cross the drive aisle.
 - i. Provide a detailed exhibit of the indoor bicycle storage facilities.
 - j. Provide a general note to indicate the total gross floor area proposed with this application.
 - k. Construct an asphalt turning area to accommodate Branchville Volunteer Fire

Department fire trucks, as shown in the City of College Park's Exhibits 1 and 2, with a public use easement agreement to the City, as needed. Construction plans shall be submitted to the City of College Park Engineer for review and permitting.

- l. Provide recycling facilities in the trash room and additional washers and dryers in the laundry room, if they cannot be provided in the individual units.
 - m. Provide a raised crosswalk across the driveway at the entry to the lower level garage.
 - n. Provide at least one electric car-charging space, one car-sharing space, and designate an area of surface parking for visitor parking.
 - o. Provide a no left-turn sign at the exit lane of the driveway onto Branchville Road.
 - p. Provide sidewalk access from the building to the eastern terminus of Branchville Road, as shown in the City of College Park's Exhibit 3, a crosswalk across Branchville Road, and a public use easement agreement to the City, as needed. Construction plans for the sidewalk in the Branchville Road right-of-way shall be submitted to the City Engineer for review and permitting.
 - q. Provide a [faux](#) wrought-iron, estate-style fence with detail, similar to the one currently existing, along the site's entire frontage with Branchville Road, and off-site along Branchville Road between the sidewalk and proposed stormwater management facility.
 - r. Revise the architectural plans to:
 - (1) Provide a detailed drawing showing a more prominent front entrance and plaza area around the circular drive. Curbs shall be flush and additional seating provided.
 - (2) Provide a detail of the parking garage window screening.
 - s. Revise the landscape plans to:
 - (1) Provide a 6-foot-high fence along the entire western boundary line.
 - (2) Add amenities, as feasible, to the area of the eastern stormwater management facility to include seating, a trash receptacle, and a pet waste disposal stand.
 - (3) Provide ornamental trees within the landscape strip along the Branchville Road right-of-way, west of 49th Avenue.
2. Prior to certification of the detailed site plan, the Type 2 Tree Conservation Plan (TCP2) shall be revised as follows:
- a. Adding all standard relevant notes to the TCP2 plan.
 - b. Removing the QR code approval block from the TCP2.

- c. Revising the TCP2 worksheet using the current standard worksheet located on the Maryland-National Capital Park and Planning Commission Environmental Planning Section website.
- d. Adding a column entitled Proposed Disposition to the Specimen Tree Table and stating that Specimen Tree 1 is proposed for removal.
- e. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed).”

- 3. Prior to issuance of the first grading permit, the final stormwater management plan shall be submitted and found to be consistent with the certified Type 2 Tree Conservation Plan TCP2-012-2020 and Detailed Site Plan DSP-19042.

Additional Back-up

For

Detailed Site Plan DSP-19042
Branchville Gardens



THE PRINCE GEORGE'S COUNTY GOVERNMENT



Fourth Floor East
925-5200

March 14, 1988

Robert W. Bell, President
Branchville Volunteer Fire Company
4905 Branchville Road
College Park, Maryland 20740

Re: Branchville Apartments

Dear Mr. Bell:

As you requested, I have listed below those design items that I feel are necessary criteria for resolving adequate ingress/egress from the Branchville Volunteer Fire Company's property, as follows:

1. Design should accommodate the area needed for a modern fire engine or ladder to exit the fire house without stopping.
2. This should dictate the use of a 45 foot turning radius as would be necessary for a "quint" (combination pumper and aerial ladder truck with tandem axles).
3. Since the apparatus doors of the Branchville Fire House are very narrow, the templet should be used with the fire truck at least 7/8's of length outside the fire house to compensate for the inability to start a turn prior to this point.

Enclosed you will find an example of the type of graphical analysis necessary to guarantee adequate design.

Sincerely,

L. C. (Chuck) Smeby
Captain

LCS/lsp



The following presentation is a product of the Branchville Volunteer Fire Company and Rescue Squad, Inc., a Maryland 501(c)(3) corporation and acting as such as owner of property directly impacted by the proposed project.

This document does not reflect the opinions of, or been coordinated with, the Prince George's County Fire and EMS Department and all comments and opinions are ours alone.



Branchville Crossing

Issues and Concerns of the Branchville Volunteer Fire Company and Rescue Squad, Inc.

Thomas L. Tanner
Trustee, BVFCo.



September 24, 2020



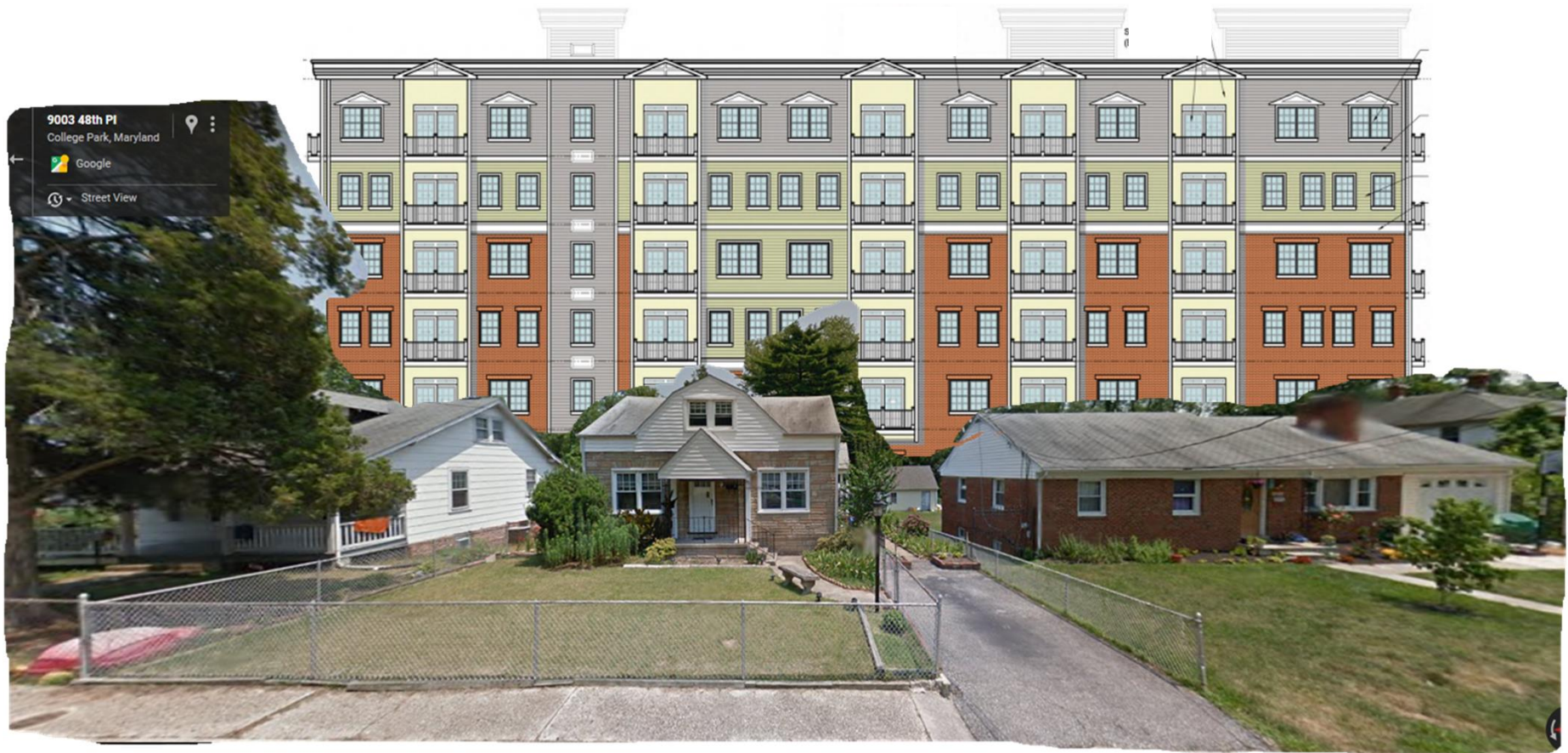
Detailed Site Plan – Feb 2020



Graphic by: T.Tanner/ BVFCo
Graphic Date: 9/23/2020

	Cruz Property
	Firehouse Engine Bay Entrances

Branchville Vol. Fire Co. feels the project is too large for the lot, the size of the structure is not in keeping with the character of the neighborhood, and we have safety concerns.

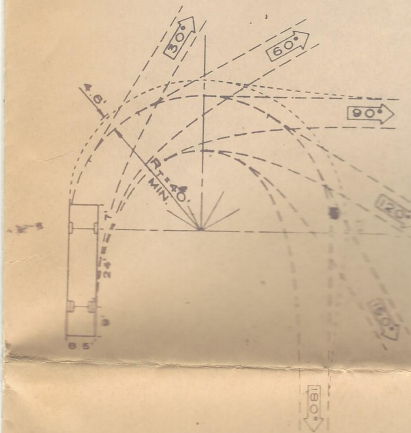


Potential view from 48th Pl

Concern #1 – Adequate turning radius for apparatus departing our station

- Width of Bay Door = 10 feet
- Apparatus Width = 8 feet (body), 9' 4" (mirror to mirror)
- Apparatus Length = 30 feet
- Front ramp of station = 12 feet (wall to curb)
- Branchville Road = 26 feet curb to curb
- Adequate turning radius was condition of 1988 Cruz DSP approval and Cruz incorporated guidance from PGFD to provide 45 foot radius recommended on site plan
 - Cruz providing asphalt pavement north of Branchville Road to their southern property line in front of our engine bays, adequate but not the 45' radius recommended and no room for any unit larger than what we have already
- FYI - Backing into station harder than pulling out!





FIRE TRUCK TURNING RADIUS

PRINT MADE

APR 25 1963

JOHNSON, WILKINSON, THOMPSON

GENERAL NOTES:

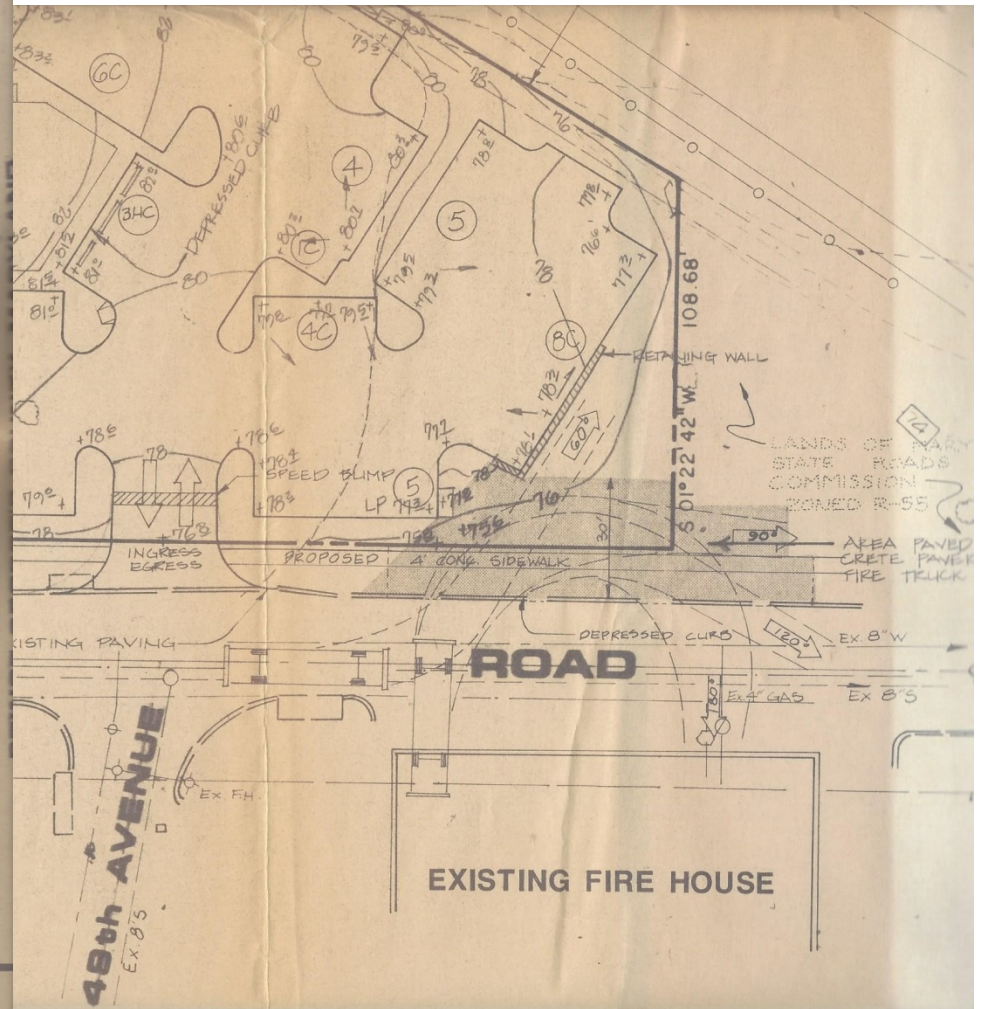
Existing Zoning:	R-10
Proposed Development:	Apartment
Lot Area:	2.16 Acres/94,098 s.f.
Net Lot Area (Less R.O.W. area):	2.02 Acres/87,993 s.f.
Maximum Allowable yield @ 48 d.u./acre:	96.96 Units
Proposed number of units:	96 Units (50% two bdrm; 50% one bdrm)

Parking Required

• 48 @ 1.3 per one bdrm unit:	63.80
• 48 @ 1.66 per two bdrm unit:	79.68
	<u>144.0</u>

(5 spaces of which are for handicapped and 1/3 may be

SITE DEVELOPMENT PLAN
BRANCHVILLE APARTMENTS
 BERWYN (15TH) DISTRICT



PLAN

Concern #2 – Inadequate Onsite Parking

- PG Code Sec. 27-568, project requires **195**
 - 2 per dwelling unit (162)
 - .5 per bedroom in excess of one per unit (32)
- **Cruz proposes 130 onsite parking spaces** based on an opinion from MNCPPC Assoc. GC M. Mills in 2015
- We disagree with this opinion, prompted by Cruz attorney Dan Lynch, that the Cruz property should be considered wholly within one mile radius of a Metro station based on property lines because there is no definition how to measure this in the zoning code.
- Other code sections have defined this measurement as a radius from the entrance to the station (Sec. 5-189.01) or the “center of the transit station platform” (Sec. 27-372.01).
- The assumption is the Council created the rule to allow a reduction in parking requirements as an incentive for developers to build closer to a Metro Station to encourage people to walk / bike to Metro and reduce car usage and traffic.



What do YOU think the Council's intent was?

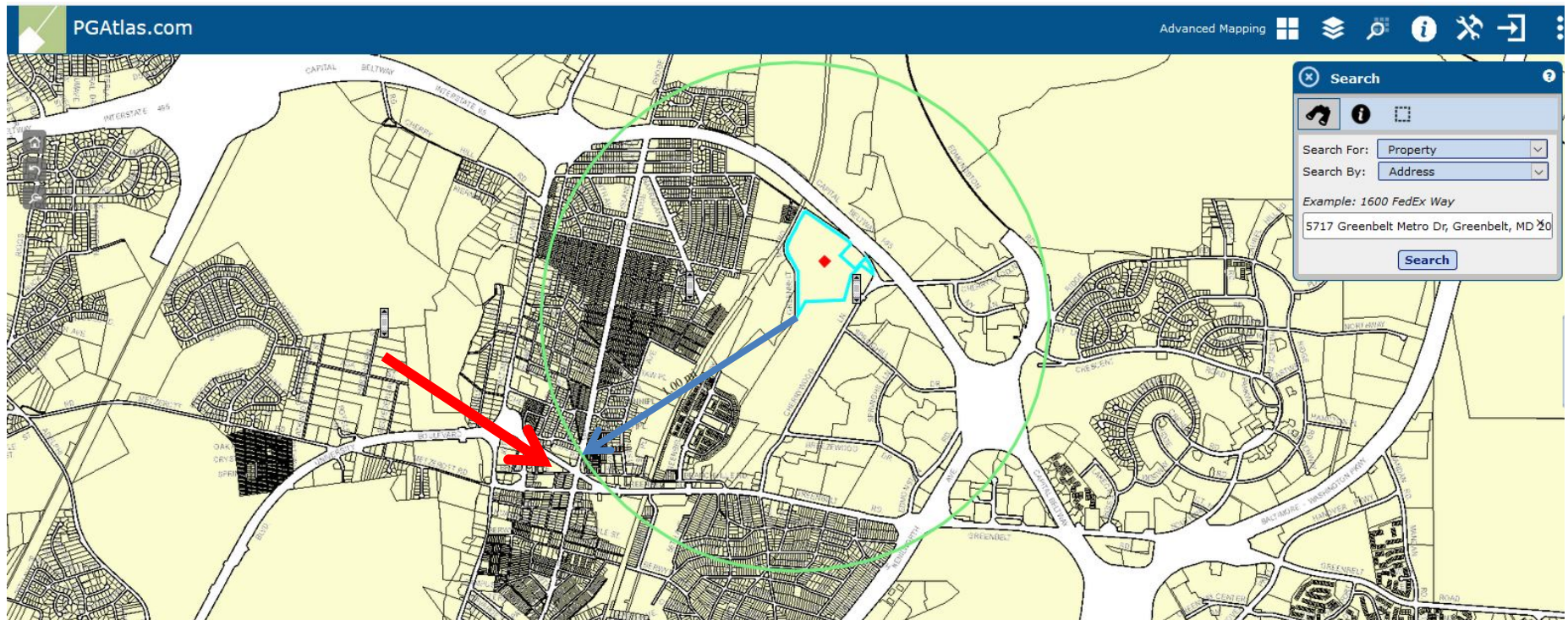
The center of the red circle is the southern point of a WMATA property that serves as part of the stormwater management system at Greenbelt Metro Station, the center of the green circle is the west entrance to Greenbelt Station. WMATA also has track ROW going top to bottom through the middle of the page - that isn't counted, correct?



Note, using points of origin already defined in code and shown in green, the Cruz property is neither touching or wholly within one-mile radius and so the project should be required to provide the full parking requirements of Sec. 27-568.

Greenbelt Metro Station carries an address of 5717 Greenbelt Metro Dr.

- Below, PG Atlas shows the property boundary for the address in Lt. Blue, the green circle is the one mile radius from the closest point of that property boundary, the Cruz property is where the red arrow is pointed.



Unless the Council's and your intent is to declare the 1 mile radius is from ANY Metro property, and if this is the property boundary of Greenbelt Metro Station as defined in Atlas, then using Mr. Mills and Mr. Lynch's logic the Cruz property is not "wholly within one mile radius of a metro station" or even touch the radius and should be required to have the full parking requirements of Sec. 27-568. If that is not the intent, then the previous page's argument applies and full parking requirements are needed. Otherwise any development near a WMATA property or track right of way will qualify for the reduced parking requirement.

Concern #2 – Inadequate Onsite Parking

Why do we care?

- BVFCo is concerned overflow parking will result in residents parking on the street, including the area on Branchville Road in front of the firehouse and/or they will trespass and park on BVFCo property.
- Heavy parking (both sides of street) along 49th Avenue along with the additional traffic going on 49th between Greenbelt Road and the project entrance will potentially cause a hazard or delay our response.
 - Mr. D. Cruz stated at a April 2015 meeting with BVFCo “parking enforcement is local issue, not theirs”

Concern #3 – Scale of Project Too Large for Lot

- Building out of character for Berwyn/Branchville subdivisions of single family homes
 - Cruz compares to Attick Towers (built in 1970's) but their project is more than 50% larger in surface square footage alone
 - No other large structures built in these neighborhoods, and even the large developments on Route 1 and Greenbelt Station Parkway have mostly been limited to 5 stories



Comparison to Attick Towers

	Attick Towers (Sr. Housing)	Feb 2020 Cruz Concept
Lot Acreage	2.49	2.19
Lot Square Footage	108,564	95,843
# Stories	8	7
Bldg Height (ft)	94.75	66
Bldg Dimensions (L x W)	Rectangular 165 x 65	'L' shape 62' thick 201 x 167' 9"
Building Surface Square Footage	~10,725	19,018.5
Total Units	108	81



Other Concerns

- Safety
 - Lack of ladder truck access to south, west and potentially north sides of building
 - Needed for rescues above 3rd floor (1st level of living quarters)
 - Ladder trucks but can't reach south/west sides of the building due to distance and power lines while proposed trees on north side between building and roadway will eventually limit where the ladder can be raised as the trees mature
 - Sec. 11-276(b) calls for access roads for buildings taller than 30 feet and set back more than 50 feet from public road, this project meets these criteria. Sec. 11-276(b)(1) states the roads should be along the longest side of the building, the south side at 201' is the longest continuous wall of the structure and an access road should be provided.
 - Increased number of vehicles travelling illegally in front of station against "Do Not Enter" signs to get to Rt 193



Other Concerns

- Traffic circle at main entrance to building appears to be inadequate
 - Sec. 11-276(g) says follow Prince George’s County DOT standard 200.12 (Urban Cul-de-sac Offset Turnaround)
 - DOT Specifications and Standards for Roadways and Bridges Section 1-35 item 9 states “any roadway with no outlet should be provided with a facility for turning around vehicles, such as fire trucks...” and “the preferred facility is a round cul-de-sac...adequate for turning single unit trucks or buses less than 40 feet in length. For cul-de-sacs of minimum dimensions, a center island is generally not approved. Because it interferes with the aforementioned turning maneuver...”
 - Standard 200.12 provides a table of Cul-de-Sac dimensions, the smallest calling for a radius of 38” from center of circle to face of curb.
 - Cruz is providing a cul-de-sac at the entrance with an overall radius of 25’ to the outer curb face, 10’ feet of which is a grassy center island
 - We recommend the cul-de-sac be brought into compliance



Overall Opinion of BVFCo

- Any development needs to take apparatus turning radius and clear travel lanes into account
- Overall scale of development in the detailed site plan is too large for lot available/shape
 - Inadequate parking
 - Inadequate access for apparatus
- A smaller structure with fewer units meeting greenspace, setback and parking requirements would be more in keeping with the residential nature of the adjacent Branchville, Berwyn and Oak Springs neighborhoods



Questions??

THANK YOU!



Thomas L. Tanner
Trustee
thomas.tanner@bvfc011.com

Visit us online at:
bvfc011.com