

**R E S O L U T I O N**

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

WHEREAS, in consideration of evidence presented at a public hearing on July 17, 2014 regarding Detailed Site Plan DSP-12034-01 for Keane Enterprises, Inc. – Phase 2, the Planning Board finds:

1. **Request:** The subject application is for an addition to the area of the detailed site plan (DSP) of 2.12 acres of land, which is to be redeveloped from an existing commercial office use to a seven-story, 275-unit, multifamily residential apartment building with 1,000 square feet of commercial retail use.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Commercial	Multifamily Residential
Acreage	3.15	5.27 (2.12 additional)
Parcels	1	2
Square Footage/GFA	33,051	398,635 (new)

OTHER DEVELOPMENT DATA

**Parking Requirements per the Sector Plan**

**Phase 2 – Proposed Uses**

	<b>Spaces Required</b>
Residential Use (275 units @ 1.5 spaces per unit)	413
Retail Use (1,000 sq. ft. @ 4 spaces per 1,000 sq. ft.)	4
Total	417
Allowed Shared Parking Factor	1.2 for residential and retail
<b>Total Required</b>	<b>348</b>

**Phase 2 - Total Parking Approved**

**318\***  
 307 standard @ 8.5 feet x 18 feet\*\*\*  
 3 compact @ 8 feet x 16 feet  
 5 handicapped  
 3 van-accessible handicapped

### **Bicycle Spaces per the Sector Plan**

<b>Phase 2 - Required</b> (1 space per 3 parking spaces)	<b>116</b>
<b>Phase 2 - Approved</b>	<b>116</b>

**\*Note:** The number of parking spaces provided requires an amendment to the D-D-O Zone standards as discussed in Finding 7 below.

<b>Phase 2—Loading Spaces</b> (per Section 27-546.18(b)*** of the Zoning Ordinance):	
Multifamily Dwelling (100–300 units)	1 space (interior)

**\*\*\*Note:** The applicable D-D-O Zone does not have a standard for required loading spaces or parking space size. Therefore, per the M-U-I regulations, when a mix of residential and commercial uses is proposed on a single parcel, the site plan shall set out the regulations to be followed. The subject site plan proposes one loading space, internal to the building. No height for the loading space access door was provided. Therefore, a condition has been included in the approval of this DSP requiring a label of the height of all loading space access doors as at least 15 feet.

- Location:** The subject site is located in Planning Area 66, Council District 3, within the City of College Park. More specifically, the site is located approximately 300 feet southeast of the intersection of Baltimore Avenue (US 1) and Berwyn House Road, at 4700 Berwyn House Road. The site is zoned Mixed Use–Infill (M-U-I) and is subject to the Development District Overlay (D-D-O) Zone standards found in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA).
- Surrounding Uses:** The subject property is bounded to the north by the undeveloped public right-of-way of Osage Street with the M-U-I-zoned Phase 1 portion of the development, including a hotel and retail uses, beyond; to the northeast by single-family detached homes in the One-Family Detached Residential (R-55) Zone, outside of the D-D-O Zone; to the east by a multifamily residential building in the Multifamily High Density Residential (R-10) Zone, outside of the D-D-O Zone; to the south by the right-of-way of Berwyn House Road, with a multifamily residential building in the R-10 Zone beyond, outside of the D-D-O Zone.
- Previous Approvals:** The new Phase 2 being added with the subject application is identified as existing Parcel B, Berwyn House, as recorded in Plat Book NLP-103-15 on May 12, 1979. Parcel B is subject to Preliminary Plan of Subdivision 4-79032, which was approved by the Prince George’s County Planning Board on April 12, 1979 without conditions. The property is improved with a 33,051-square-foot office building, which was built prior to 1980. The original Detailed Site Plan DSP-12034 was approved by the Planning Board on April 11, 2013, and subsequently approved by the District Council on July 8, 2013, subject to seven conditions. The subject property has a Stormwater Management Concept Plan, 29175-2013-00, which was approved on November 12, 2013.

6. **Design Features:** The subject Phase 2 property is roughly triangular in shape and is surrounded on two sides by public rights-of-way, Berwyn House Road to the south and undeveloped Osage Street to the northwest. The DSP revision application proposes to develop this 2.12-acre Phase 2 portion of the property with a seven-story, 82-foot-high, 398,635-square-foot building to include 275 multifamily residential units and 1,000 square feet of commercial retail space. The applicant did not specify a bedroom mix for the proposed units. The majority of the lowest two stories of the roughly rectangular-shaped building will be a parking garage containing 318 vehicular spaces and 110 bicycle spaces. Other uses on the lowest two levels include the residential lobby, the retail space at the far southwestern corner, and the interior loading, trash, and mechanical rooms at the far southeastern corner of the building. These levels are designed in order to accommodate the floodplain, which covers the majority of the site. The grade slopes on the site such that the full seven levels are above ground along the southern edge, but along the northeastern edge of the building only the five residential levels are above grade.

Two short driveways access the site from Berwyn House Road at each end of the southern side of the building, which is set back approximately 16 feet from the right-of-way line. The third building level will contain some residential units along with the building's amenities, including a 1,800-square-foot fitness room, a 2,210-square-foot lounge, a 3,750-square-foot courtyard with a pool along the building's southwestern edge, and a 5,450-square-foot courtyard with tables, chairs, benches, and a lawn area internal to the building at the eastern end. Building levels four through seven contain the remainder of the residential units. The building is set back only approximately ten feet from each property line, excluding areas at the western and eastern ends for micro-bioretenion facilities. The main entry plaza is located at the far southwestern corner of the building along the Berwyn House Road frontage, closest to Baltimore Avenue (US 1). Benches, bike racks, and pedestrian-scaled lighting round out the list of provided pedestrian amenities.

In regard to architecture, the building is composed of multiple sections. The far southwestern corner of the building, along both the southern and western façades, is proposed to be faced in an orange brick veneer with beige, cast stone, horizontal trim pieces; beige metal panels and trim; and multiple glass windows and doors. A metal canopy distinguishes the main pedestrian entry and a metal sign distinguishes the main vehicular garage entry. The middle portion of the southern façade of the building includes only the two parking levels, which will be mostly open with metal railings and cementitious panel columns. A metal trellis borders the pool courtyard and the building remains pushed back in this area. The upper five levels of the eastern end of the southern façade are proposed to be faced largely in orange brick veneer with dark gray cementitious panel trim pieces, which is also used as the main finish along the top level of the building. The lowest two parking levels will be open, except for orange brick columns, black metal grills, and a beige cementitious panel horizontal span. The entrance to the one internal loading/trash area is located at the eastern end of this southern façade, behind a beige, metal, roll-up door. Multiple dark-gray-trimmed windows and, along the third level, sliding doors with metal Juliet balconies punctuate this building façade.

The northwestern façade of the building has multiple angles and is proposed to be finished in horizontal beige cementitious panels with multiple dark-gray-trimmed windows and sliding doors

with metal Juliet balconies. The northeastern façade of the building, which is only five stories high, is proposed to be faced with orange brick along the lowest level and light beige cementitious panels along the upper four levels with dark gray cementitious panel trim pieces. Multiple dark-gray-trimmed windows and sliding doors, with walk-out patios along the lowest level, punctuate this building façade. The southeastern façade will continue the same materials as the eastern end of the southern façade, with mainly orange brick, dark-gray cementitious panel trim pieces, and as the main finish along the top level, and dark-gray-trimmed windows and sliding doors with metal Juliet balconies. The courtyard façades will be mainly finished with horizontal beige cementitious panels and multiple dark-gray-trimmed windows and sliding doors with metal Juliet balconies. Both courtyard façades are very plain and should be revised to provide additional visual interest, high-quality materials, and detailing, such as a cornice and additional articulation around the windows and doors. Additionally, plantings that will grow up the trellis along the south side of the pool courtyard should be considered if it is determined that plants would be healthy and attractive in this location.

7. **The 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone:** The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA) defines long-range land use and development policies, detailed zoning changes, design standards, and a Development District Overlay (D-D-O) Zone for the US 1 Corridor area. The land use concept of the sector plan divides the corridor into four inter-related areas, walkable nodes, corridor infill, existing neighborhoods, and natural areas, for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are provided for six distinct areas within the sector plan: Downtown College Park, the University of Maryland, Midtown, Uptown, Autoville and Cherry Hill Road, and the Hollywood Commercial District. The overall vision for the Central US 1 Corridor is a vibrant hub of activity highlighted by walkable concentrations of pedestrian- and transit-oriented mixed-use development, the integration of the natural and built environments, extensive use of sustainable design techniques, thriving residential communities, a complete and balanced transportation network, and a world-class educational institution.

The sector plan recommends commercial land uses for the subject property (see Map 8, page 60). These land uses are described on page 57 of the sector plan. Commercial land uses emphasize commerce, office, and wholesale services and include associated yards and parking areas. The proposed development of 275 multifamily dwelling units complemented by up to 1,000 square feet of retail space is not in conformance with the land use recommendations of the sector plan. However, the subject property is within the M-U-I Zone, which permits a mix of land uses, including high-density residential land uses, by right.

The proposed development is located in the corridor infill character area, as shown on the diagram on page 61 of the sector plan, and on map 27 on page 230. The corridor infill character area consists of mixed-use, but primarily residential development with park-like landscaping and easy accessibility to goods and services, and is intended to facilitate the redevelopment of existing strip-commercial development along Baltimore Avenue (US 1) while serving as a transition from the

more intensive walkable nodes to existing residential areas adjacent to the corridor. With the requested amendment to the development standards to permit a seven-story residential building and associated amendment requests to minimize the required step-back transition and/or landscape buffer, the proposed development is not in conformance with the intent of corridor infill areas to serve as a transition from walkable nodes to the existing residential areas adjacent to the corridor.

### **Requests to Amend Development District Standards**

The submitted application and justification materials indicate the need to deviate from a number of development district standards to accommodate the proposed development on the subject property. These standards are discussed as follows (all page numbers reference the sector plan):

**Building Form: Lot Coverage**—The applicant requests an amendment to the lot coverage requirements of the corridor infill character area to increase the maximum allowable lot coverage from 70 percent of the site to 74.1 percent, citing issues with the shape of the property and the extent of the floodplain. The floodplain is also used by the applicant to justify the proposed increase in building height (see below), but the applicant does not provide sufficient information to fully evaluate the extent of impacts due to the floodplain. However, the Planning Board found that the shape of the property and the overall development proposal support an amendment to the lot coverage maximum to allow for a higher-quality development on the site.

**Building Form: Height**—The applicant requests three additional floors of height above the maximum four stories permitted within the corridor infill area, citing impacts of the floodplain as the primary reason. These floodplain impacts drive the location and provision of parking to serve the residents of the proposed multifamily development, necessitating a vertical parking solution in the form of an integrated podium-style parking structure with habitable space above.

The Planning Board found that the requested amendment is supportable and would be complementary to the approved Phase 1 of the Keane Property, which included a six-story hotel and two-story pharmacy, but has concerns regarding compatibility with the existing residential area to the north and northeast of the property. These concerns are discussed in more detail below.

**Building Form: Step-back Transitions and Landscape Buffers**—The applicant requests an amendment from the required step-back transition and/or landscape buffer when a corridor infill site shares a rear property line with an existing residential area, as this property does along its northern property line. The applicant believes the proposed building meets the purpose of the step-back transition with respect to the existing seven-story multifamily residential area located across Berwyn House Road and the two- to three-story single-family community to the north and northeast. They state that the proposed seven-story building will be equal in height to the top of the two-story homes set atop the 50-foot-high hill adjacent to the north of the site. Additionally, approximately ten feet of planting is provided along the rear property line, which has been identified as landscaped buffer.

The Planning Board does not concur with the applicant and does not support these requested amendments, unless the architecture along the northern-oriented façades of the proposed building

is improved. The primary concern pertains to the view of existing homeowners in the single-family neighborhood to the north and northeast of the subject site. While in summer foliage the existing retained landscaping on the hill provides sufficient visual buffer, in the winter months, when the trees are bare, homeowners will be looking at the entirety of the upper two stories of the north side of the proposed building, which currently incorporates a plain and relatively uninteresting architectural design of light beige cementitious panels.

The size of the proposed building essentially forms a monolithic horizon for these homeowners, who will have little else to look upon from the rear of their properties. This condition is not consistent with the sector plan's emphasis on compatibility with existing neighborhoods. The Planning Board found that the applicant should provide a step-back transition to six stories in the rear of the site or revise the architecture to incorporate a more visually engaging design. Similarly, it is unclear if mechanical structures and other appurtenances on the roof will be visible to the residents of this neighborhood. Additional detail as to the roofscape design should be provided.

The hill cited by the applicant, combined with a seven-story building that would block southern exposures, raises questions as to the viability of landscape plantings along the northern property line. Even if a ten-foot landscape buffer were deemed sufficient to meet the standard, which it does not, the lifespan and viability of most landscape plantings would be in question since most of them would likely be in continual shade. However, in an effort to improve on the provided buffer, the Planning Board found that evergreen trees should be added to the landscaped strip along the northern and northwestern property lines. Various conditions in this approval address these issues and elevate the proposed architectural quality of the building.

**Building Form: Parking and Bicycle Parking**—The applicant requests an amendment to the parking standards to reduce the amount of required parking from 348 spaces to 318 spaces. The applicant proposes to use the sector plan's shared parking calculations to reach the required parking figure of 348 spaces.

The number of spaces that would be required for the proposed development program without use of the shared parking factor is 417 spaces for the corridor infill area. The application's close relationship to the abutting walkable node, in combination with proposed transportation management techniques, provides sufficient justification to use the shared parking factor of 1.2 for the proposed development and to reduce the number of required parking spaces to 348.

Therefore, the applicant requests a 30-space reduction from the required number of parking spaces. The Planning Board supports this request, but the 30 proposed motorcycle or moped parking spaces used to justify the reduction in part are not particularly helpful. However, since the applicant has proffered these spaces, a condition has been included in this approval requiring these to be shown. The Planning Board recommends that the applicant also consider other transportation management approaches, such as electric car charging stations or car share spaces. These proven transportation demand management approaches are likely to be more successful to support reduced single-occupant automobile parking/use, rather than the proffered motorcycle/moped parking.

**Building Form: Structured Parking**—The applicant requests an amendment to the requirement of a minimum 50-foot setback of parking structures from the property lines of all adjacent thoroughfares. The parking garage proposed on the submitted DSP is set back only approximately 15–25 feet to accommodate the design of the building and associated podium parking structure. The size of the site and other unique characteristics, including floodplain mitigation, contribute to the need to reduce the structured parking setback.

The Planning Board found this request to be reasonable with the caveat that the exterior design of the segment of the parking podium structure beneath the proposed pool courtyard should be enhanced to be more visually attractive and more compatible in architectural design to the rest of the structured parking visible from the street. The incorporation of architectural columns, brick and other high-quality materials, and other techniques would add architectural quality and interest to this portion of the structured parking area and would constitute significant upgrades from the current design solution of metal pipe-style fencing and plain concrete. Additionally, the remainder of the southern façade of the parking garage is proposed to be faced in a plain grid-like metal grill and this should be switched to a decorative architectural grill to provide more visual interest. A condition has been included in this approval to address this issue.

**Architectural Elements: Signage**—The submitted DSP does not request any amendments to the signage standards, which require no freestanding signs and limit the area of building-mounted signage to ten percent of the commercial portion of the building. The submitted architectural elevations show potential sign areas that most likely exceed the ten percent allowed given that only 1,000 square feet of the building is proposed for commercial use. However, no dimensions or labeling was provided to clarify this issue and no amendment requests were submitted. Therefore, a condition has been included in this approval requiring the architectural elevations to be revised to be in conformance with all applicable standards and to provide further labeling of the signage areas.

**Sustainability and the Environment**—The proposed application is not designed to obtain Leadership in Energy and Environmental Design (LEED)® or equivalent certification. While such certification is not a requirement of corridor infill sites, the subject property is impacted by significant floodplain concerns and the applicant requests a number of amendments to development standards that seek to support a development concept much more in keeping with the walkable node recommendations and policies of the sector plan than with those of the corridor infill character area. All development in the walkable node character area must meet a minimum certification level of LEED®-Silver. The Planning Board found that the applicant should be strongly encouraged to pursue every effort to obtain green building certification for the proposed building and to incorporate green and sustainable building practices in every stage of development and occupancy. A condition has been included in this approval to address this issue.

Finally, the applicant requests amendments to standards pertaining to water efficiency and recharge and stormwater management and the Paint Branch Stream Valley. The Paint Branch stream is an extremely sensitive environmental feature with noted flooding and erosion issues as identified in the sector plan. The standards established on page 257 are intended to ensure the

protection of Paint Branch. The applicant requests amendments from the requirements for underground or above-grade cisterns to be integrated within new development to reduce the amount of stormwater flowing into Paint Branch, to store water on-site for uses such as landscape irrigation, and the standard to use pervious materials for at-grade walks and pathways.

The Planning Board approved these amendment requests, but recommends the applicant continue to explore the use of cisterns or other water retention systems and the use of pervious pavement, and notes that these features can contribute to LEED scoring while benefiting the site, adjacent properties, and Paint Branch.

8. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-U-I Zone, Airport Compatibility, Part 10B, and the requirements of the Development District Overlay (D-D-O) Zone of the Zoning Ordinance:

a. Section 27-546.19(c), Site Plans for Mixed Uses, of the Zoning Ordinance requires that:

(c) **A Detailed Site Plan may not be approved unless the owner shows:**

1. **The site plan meets all approval requirements in Part 3, Division 9;**
2. **All proposed uses meet applicable development standards approved with the Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;**

The site plan does not meet all of the site design guidelines and development district standards of the Central US 1 Corridor Sector Plan and SMA as discussed in Finding 7 above.

3. **Proposed uses on the property will be compatible with one another;**
4. **Proposed uses will be compatible with existing or approved future development on adjacent properties and an applicable Transit or Development District; and**

The application proposes primarily multifamily residential use and a small commercial/retail use component within one building. The proposed uses on the subject property will be compatible with each other and will be compatible with existing or approved future development on adjacent properties, including the existing multifamily residential uses to the east and south and the adjacent single-family detached residential properties to the northeast, due to the grade difference.

5. **Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:**



**(A) Proposed buildings should be compatible in size, height, and massing to buildings on adjacent properties;**

The properties adjacent to the subject site include the proposed six-story hotel and two-story commercial building to the west, existing two-story single-family detached homes to the north, and an existing six-story multifamily residential building to the east. The proposed seven-story residential building is generally compatible in size, height, and massing to these buildings, except for the single-family homes to the north. This issue is discussed further in Finding 7 above. The Planning Board found that enhancements to the building's architecture, the proposed landscaping, and the existing vertical grade change between the two sites will mitigate the impact of the proposed building so as to make it compatible with the adjacent property.

**(B) Primary façades and entries should face adjacent streets or public walkways and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and driveways;**

The proposed multifamily residential building features only one main pedestrian entry, in the southwestern corner facing Berwyn House Road. Sidewalks connect this entrance to the public walkway within the right-of-way without the need to cross parking lots or driveways.

**(C) Site design should minimize glare, light, and other visual intrusions into and impacts on yards, open areas, and building façades on adjacent properties;**

The site plan provides labels for proposed pedestrian street lights and building-mounted lighting on-site along with a photometric plan. The provided notes indicate that all lighting will utilize full cut-off optics. However, the photometric plan does not incorporate the building-mounted lighting, which is necessary to demonstrate that light impacts have been minimized on adjacent properties. Therefore, a condition has been included in this approval requiring the building-mounted lighting to be added to the photometric plan prior to certification to ensure this requirement is met.

**(D) Building materials and color should be similar to materials and color on adjacent properties and in the surrounding neighborhoods, or building design should incorporate scaling, architectural detailing, or similar techniques to enhance compatibility;**

The main proposed building materials for the building include an orange brick veneer and beige and light beige cementitious panels, with details in metal and dark gray cementitious panels. These building materials and colors are relatively similar to other residential developments in the surrounding neighborhood. However, the extensive use of cementitious panel materials on the northwestern and northeastern façades is not similar to adjacent properties, nor do those façades include sufficient scaling or detailing to ensure compatibility. Therefore, a condition has been included in this approval requiring these façades to be revised prior to certification.

**(E) Outdoor storage areas and mechanical equipment should be located and screened to minimize visibility from adjacent properties and public streets;**

The DSP does not propose any outdoor storage areas and the majority of the proposed mechanical equipment will be internal or located on the roof. However, there are two proposed transformers located near the southeastern corner of the building between it and the public right-of-way of Berwyn House Road, which is shown to be surrounded by a proposed screening fence. However, no detail of this fence was provided. Therefore, a condition has been included in this approval requiring this to be added to the plan prior to certification to ensure this requirement is met.

**(F) Signs should conform to applicable Development District Standards or to those in Part 12, unless the owner shows that its proposed signage program meets goals and objectives in applicable plans; and**

The submitted architecture provides some basic details regarding the proposed building-mounted signage on-site. The DSP does not request any amendments to the applicable development district standards for the signs. Therefore, all of the standards must be met, including a maximum sign area of ten percent of the façade area of the commercial portion of the building. The architectural elevations should be revised to provide the calculations for the façade area of the commercial portion and the maximum allowed sign area. Additionally, the designated “sign” areas should be revised to be labeled as “potential signage locations subject to all standards.”

**(G) The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:**

**(i) Hours of operation or deliveries;**

The proposed multifamily dwellings will not have any regular deliveries that would cause adverse impacts on the adjacent properties and surrounding neighborhood. The applicant did not provide the hours of operation or deliveries for the proposed commercial space; however, given its small size, it is unlikely to represent any substantial adverse impacts on the surrounding neighborhood.

**(ii) Location of activities with potential adverse impacts;**

No activities with potential adverse impacts are proposed on-site, except for the loading and trash facilities, which are located internally to the building.

**(iii) Location and use of trash receptacles;**

Proposed trash receptacles are located internal to the building, behind a vehicle access door. As long as this door remains closed when the trash area is not being accessed, this area should have no adverse impact on adjacent properties. To ensure this, a note should be added to the DSP that all vehicular access doors shall remain closed except during times of entrance and exiting of vehicles.

**(iv) Location of loading and delivery spaces;**

One loading and delivery space is provided internal to the building, screened by a vehicle access door. As long as this door remains closed when the loading space is not being accessed, this area should have no adverse impact on adjacent properties. To ensure this, a note should be added to any approval of this DSP that all vehicular access doors shall remain closed except during times of entrance and exiting of vehicles.

**(v) Light intensity and hours of illumination; and**

The site plan provides a photometric plan for the lighting on-site confirming there are minimal adverse impacts on adjacent properties and the surrounding neighborhood, except for building-mounted lighting. Therefore, a condition has been included in this approval requiring this to be added.

**(vi) Location and use of outdoor vending machines.**

The subject DSP does not propose any outdoor vending machines.

- b. The subject application is located within Aviation Policy Area (APA) 6 under the traffic pattern for the small general aviation College Park Airport. The DSP should be revised to note this on the coversheet. The applicable regulations regarding APA-6 are discussed as follows:

**Section 27-548.42. Height requirements**

- (a) **Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulation Part 77 or the Code of Maryland, COMAR 11.03.05, Obstruction of Air Navigation.**
- (b) **In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with FAR Part 77.**

The subject application proposes a seven-story building with a maximum height of 82 feet. The proposed building height is inconsistent with the building height restriction of APA-6. Prior to issuance of the building permit, the applicant shall provide proof of compliance with Federal Aviation Regulation (FAR) Part 77.

- c. Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets the applicable development district standards in order to approve a DSP. As discussed in Finding 7 above, this DSP requests multiple amendments to the applicable D-D-O Zone standards. The Planning Board found that the requested amendments to the development standards would benefit the development district and would not substantially impair implementation of the Central US 1 Corridor Sector Plan and SMA, if the plan is revised as conditioned below.
9. **Detailed Site Plan DSP-12034:** Detailed Site Plan DSP-12034, for Keane Enterprises, was approved by the Planning Board on April 11, 2013 and, subsequently, approved by the District Council on July 15, 2013, subject to seven conditions, of which the following are relevant to the review of this revision:
1. **Prior to certification, the applicant shall revise the plans as follows or provide the specified documentation:**

a. **Revise the detailed site plan (DSP) as follows:**

- (2) **Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control;**

This note has been provided on the DSP for both phases.

- (3) **Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code;**

This note has been provided on the DSP for both phases.

- (4) **Indicate that all proposed exterior light fixtures will use full cut-off optics and be shielded and positioned so as to minimize light trespass caused by spill light;**

This note has been provided on the DSP for Phase 2.

- (10) **Provide written documentation from the City of College Park agreeing to the conveyance of the portion of the Berwyn House Road and Osage Street rights-of-way which are proposed to be included in the DSP;**

This issue applies to Phase 2 also, but the necessary documentation was provided prior to certification of DSP-12034.

- (13) **Add a note to the DSP that all loading area access doors shall remain closed, except during times of entrance and exiting of vehicles;**

This issue was addressed on the original DSP prior to certification, but is also a concern on the subject application for the proposed loading area. Therefore, a similar condition has been included in this approval.

10. **2010 Prince George's County Landscape Manual:** The Central US 1 Corridor Sector Plan and SMA states that Sections 4.2, 4.3, and 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) do not apply within the applicable development district. Therefore, the proposed development is only subject to the requirements of Sections 4.1, 4.4, 4.5, and 4.9 of the Landscape Manual. The Planning Board has reviewed the submitted plans against the requirements of these sections and found them to be in conformance.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The property under discussion is subject to the environmental regulations of the Zoning Ordinance that

came into effect on September 1, 2010 because there are no previously approved development plans. The project is subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective on September 1, 2010 because there are no applicable previous tree conservation plan approvals.

- a. **Tree Conservation**—This property is subject to the provisions of the WCO because the gross tract is in excess of 40,000 square feet in size and contains more than 10,000 square feet of existing woodland, and because it is part of an expanded site that has an approved Type 2 Tree Conservation Plan (TCP2-002-13). A revised Type 2 Tree Conservation Plan, TCP2-002-13-01, has been submitted.

According to the TCP2, the site has a woodland conservation threshold of 0.22 acre and a total woodland conservation requirement of 0.55 acre. The TCP2 proposes to meet the requirement with 0.46 acre of on-site woodland preservation and 0.09 acre of fee-in-lieu. Although there is a discrepancy in the acreages, the proposed TCP2 is in general conformance with the WCO. Conditions have been included in this approval to address the technical deficiencies in the submitted plan.

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

The previous TCP2 approved the removal of one specimen tree (ST-1) with a variance. The latest revision proposes another specimen tree (ST-3) for removal with a variance request. A Subtitle 25 Variance Application, a statement of justification in support of a variance, and a tree removal plan were stamped as received on February 18, 2013. The revised specimen tree table on the TCP2 shows the removal of one additional specimen tree. The limits of disturbance on the plan also show that this tree is to be removed.

Section 25-119(d) 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 specimen tree to be removed. The Planning Board agreed with the approach to the analysis to remove the one specimen tree because of the close proximity to the existing development, existing contours, and the need for a level site that prevents this tree from being saved.

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

The topography on the site is such that the existing slope occupied by the specimen tree (ST-3) is extremely steep and must be removed in order to bring the

site to a grade that is suitable for development. Preservation of the specimen tree is not feasible given the amount of cut required. The applicant is preserving one Specimen Tree (ST-2) located on the property, as well as providing a woodland conservation area as shown on the TCP2.

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

Enforcement of this rule will prevent the applicant from utilizing the developable area of the proposed site. Other developed properties within and immediately adjacent to the site are not subject to the same topographic issues.

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

Other developed properties within and immediately adjacent to the site are not subject to the same topographic issues. Therefore, granting this variance would not convey a special privilege that 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;**

The topographic conditions are not a 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 existing topographic conditions are not related to land or building use on a neighboring property.

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

Water quality will remain unaffected and will be subject to the requirements of the Maryland Department of the Environment (MDE) and the Prince George's County Soil Conservation District.

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree (ST-3).

- c. **Environmental Impacts**—The site contains significant environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 27-285(b)(4) of the Zoning Ordinance. A significant portion of the site is located within the 100-year floodplain. This feature is included within the primary management

area (PMA) on the subject property. The on-site PMA is associated with the Paint Branch stream system located west of Baltimore Avenue (US 1).

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by Prince George's County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted. A letter of justification dated June 9, 2014, stamped as received June 10, 2014, has been submitted. The applicant also provided four exhibits showing the areas within the PMA that are proposed for impacts for the entire project area. Some of the exhibits show multiple impacts of different types.

The project area is encumbered by 100-year floodplain which comprises 72 percent of the site. There are existing buildings and parking areas within this floodplain which will be removed as part of the development. The subject DSP proposes to impact the PMA in order to construct a new mixed-use development project. A portion of the site has been approved to impact the PMA in the previous DSP approval. This application proposes 1.45 acres of permanent PMA impacts to the 100-year floodplain.

The applicant indicates that attempts were made to avoid all impacts to the regulated environmental features of the site, but no practicable alternative could be found to achieve complete avoidance because of the amount of floodplain and the topography of the site.

According to the letter of justification, the applicant is proposing a total of approximately 1.45 acres of impacts for a garage, apartments, and landscape/hardscape. At least one of the impacts will result in the restoration of green space currently impacted by parking. The other impacts are considered permanent; however, the proposed stormwater management facilities will result in pervious areas that will continue to have some natural infiltration functions.



The following chart summarizes each impact as shown on Exhibit B. The applicant commentary, acreage, and the Planning Board's decision is also included.

<b>Exhibit Number</b>	<b>Impacts</b>	<b>Quantity of Impact</b>	<b>Decision</b>
1	Residential and Parking Structure	1.04 acre	Supported
2	Surface Parking and Road Access	0.05 acre	Supported
3	Stormwater Management	0.07 acre	Supported
4	Landscaping/Hardscaping	0.29 acre	Supported

Because a significant portion of the site is encumbered by floodplain, the Planning Board found that there is no practical alternative to avoid or minimize the floodplain impacts. To deny the applicant's request would impose an undue hardship and render the site undevelopable.

Authorization from the Department of Public Works and Transportation (DPW&T) will be required for the proposed development in the floodplain and to ensure that the design is in conformance with the Floodplain Ordinance and state regulations. Submission of the approved final stormwater management plans is acceptable in lieu of written authorization.

Based on the review of the impacts, along with discussions with the applicant, the Planning Board approved the requested impacts with conditions.

12. **Prince George's County Tree Canopy Coverage Ordinance:** A ten percent tree canopy coverage requirement applies to this M-U-I-zoned site per the Prince George's County Tree Canopy Coverage Ordinance. This amounts to approximately 9,235 square feet or ten percent of the subject 2.12-acre Phase 2 site. The submitted plans provide the correct schedule showing the requirement being met through the proposed tree plantings on-site.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:
  - a. **Historic Preservation**—The Planning Board found that the subject application will have no effect on identified historic sites, resources, or districts.
  - b. **Archeology**—The Planning Board found that a Phase I archeological survey is not required on the subject 2.12-acre property located at 4700 Berwyn House Road in College Park, Maryland. The subject property is currently developed with the University Professional Center Condominium, a two-story building, and associated parking, constructed about 1979. 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. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.

- c. **Community Planning**—The Planning Board reviewed an analysis of the subject DSP’s conformance with the D-D-O Zone as discussed in Finding 7 above. They also reviewed the following additional information:
- (1) **Aviation Policy Area**—This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area (APA) regulations adopted by Council Bill CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in APA 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to the evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6, unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77.
  - (2) **Plan Conformance**—The *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035) places the site within one of the county’s three employment areas. Employment areas emphasize employment uses and target four identified economic development drivers. Plan Prince George’s 2035 establishes 12 land use policies to guide future growth in Prince George’s County. Pertinent policies to the review of this application include 1, 4, 6, and 7. Additionally, Plan Prince George’s 2035 establishes a comprehensive implementation plan building on a strategic investment program. Each of these main elements will be discussed in detail below.

**Plan 2035 Land Use Policies**

Policy 1 directs a majority of new residential and employment growth to the regional transit districts and establishes a growth management goal table wherein four percent of new dwelling units (or 2,520) between today and 2035 will be placed within the county’s three employment areas. Land use strategy LU1.1 clarifies the intent of the policy by encouraging new residential and employment growth to concentrate in regional transit districts, particularly those classified as downtowns, to support areas best suited in the near term to become economic engines for the county and models for future development.

In response to Policy 1, the applicant indicates that the proposed project calls for 275 dwelling units and will not exceed the projected increase in dwelling units in employment areas. This is true, but 275 dwelling units is more than ten percent of

the total anticipated and desired growth within the employment area over the next 21 years.

Land Use Policy 4 focuses on the phasing of new residential development to coincide with public facilities provision. This application proposes residential development in an area well-served with public facilities and services and believes there will be no conflict with this policy, so long as any transportation impacts generated by the project area are sufficiently mitigated, particularly along the US 1 corridor.

Land Use Policy 6 is specific to employment areas and calls for alignment of the county's Economic Development Corporation work program with the Plan 2035 growth policy map, with a particular emphasis on the innovation corridor. Policy 6 also refers to Policies 1-212 and associated strategies in the economic prosperity element of Plan 2035. These policies and strategies generally have little direct relationship with the proposed residential use of this application.

In response to Policy 6, the applicant argues the proposed development will create new jobs and increase the tax base within the county. It should be noted that the application consists of a primarily residential development with 275 dwelling units and up to 1,000 square feet of retail space, so the number of full-time jobs that will be created is relatively low.

Land Use Policy 7 would limit future mixed-use land uses outside of regional transit districts and local centers. The US 1 corridor is not a regional transit district or local center, so Plan 2035 suggests limiting projects such as the current application in this part of the county.

#### **Plan 2035 Strategic Investment Program**

The county's designated innovation corridor is, along with the three identified Downtowns, one of the targeted areas of the county "best suited to become economic engines and models for future development in the county." As such, the innovation corridor is targeted for growth, county funding, and programmatic support to achieve the county's goals for this area. The implementation element of Plan 2035 dedicates Policy 2 to discussion of the innovation corridor. The three accompanying policies emphasize the need for an implementation plan "required to meet the needs of the county's premier regional employment area," designate the innovation corridor for "tax incentives and targeted infrastructure improvements to retain existing and attract new employers," and to coordinate with agencies, municipalities, employers, and civic and business organizations "to build on and leverage synergies between technology and healthcare and life science firms, business incubators, and research facilities." Until an implementation plan for the innovation corridor is approved, it is difficult to

determine if any project is consistent with the overall policies and strategies for its implementation.

**Plan 2035 Consistency**

The general plan policies, strategies, and recommendations for employment areas and the innovation corridor are primarily focused on economic and employment growth and do not seem to contemplate or anticipate significant residential or mixed-use development projects in these areas.

However, Plan 2035 also includes a housing and neighborhoods element, wherein Policy 2 and Strategy 2.5 support expanding the range of housing types and targeting student housing to reduce housing and transportation burdens. Additionally, the housing and neighborhoods goal is to “Provide a variety of housing options—ranging in price, density, ownership, and type—to attract and retain residents, strengthen neighborhoods, and promote economic prosperity.” The subject application is fully consistent with this important countywide goal and the housing and neighborhoods recommendations of Plan 2035.

The intent of Plan 2035 is to recognize and defer to existing master and sector plans with regard to land use policy and other pertinent recommendations. The plan administration section of Plan 2035 states “All planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 shall remain in full force and effect, except the designation of tiers, corridors, and centers, until those plans are revised or superseded by subsequently adopted and approved plans...Plan 2035 is intended to represent a new vision which will be implemented over many years, through the adoption of small area sector, master and other development plans and studies, as well as through zoning via sectional map amendments. In the interim, prior to adoption or approval of superseding small area plans, and, as appropriate, Plan 2035 policies may be noted and discussed for purposes of required master plan conformance analysis.”

With regard to the subject application, the applicant notes and the Planning Board found that consistency with the General Plan is not a required finding for approval of detailed site plan applications.

A condition regarding conformance to APA requirements has been included in this approval.

- d. **Transportation Planning**—The required parking for the proposed 275 multifamily dwelling units, and 1,000 square feet of commercial retail using the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment (US 1 Plan)* Parking Standards is 348 spaces. The plan proposes the provision of only 318 structured parking spaces, or 30 spaces less than the required 348 spaces. The required parking of 348 spaces

was calculated by applying the recommended 1.2 shared parking reduction factor for the proposed mixed-use (retail and residential) development.

In addition to an amendment request to the Development District Standard for the number of parking spaces, the applicant is proffering to provide 30 motorcycle/moped parking spaces, in addition to the 116 bicycle parking spaces that will be provided. Furthermore, the Phase 1 development was approved with 173 spaces over the maximum allowed number of parking spaces.

The access to the Phase 2 development will be limited to a separate access driveway from Berwyn House Road, approximately 100 feet east of the planned access driveway serving the approved development in Phase 1. Berwyn House Road is a two-lane undivided roadway with allowed on-street parking, which is owned and maintained by the City of College Park.

The findings outlined below are based upon a review and analysis of relevant and submitted materials, all conducted in accordance with the requirements of the US1 Plan, and the “Transportation Review Guidelines, Part 1.”

**Detailed Site Plan Review and Findings**

On May 12, 2014, the applicant submitted for review a comprehensive traffic analysis, dated September 15, 2013. This study was referred to Maryland State Highway Administration (SHA), the Department of Public Works and Transportation (DPW&T), and the City of College Park for their review and comments.

The proposed development will generate 145 AM and 168 PM peak-hour vehicle trips. The AM and PM peak-hour trip totals include the recommended reduction for pass-by trips for the proposed commercial use. In addition to the site’s generated traffic, the traffic impact study includes the calculated annual growth of one half of one percent per year for six years, and the projected 1,751 AM and 2,912 PM peak-hour trips for 21 approved, but not yet built or occupied development applications within the study area.

The table below shows the reported weighted average of the critical lane volume (CLV) and level of service (LOS) under existing, background, and total traffic for the AM and PM peak periods for the US 1 corridor between Campus Way/Paint Branch Parkway and Greenbelt Road. The designated corridor includes the signalized intersections of US 1 with Greenbelt Road (MD 193), Berwyn Road, Berwyn House Road/ University View Drive, Melbourne Place/ The Varsity, and Lakeland Road.

<b>Study Period</b>	<b>Existing Traffic CLV / LOS</b>	<b>Background Traffic CLV / LOS</b>	<b>Total Traffic CLV / LOS</b>
AM peak Period	968 / A	1,192 / C	1,203 / C
PM peak Period	1,092 / B	1,511 / E	1,522 / E

The minimum acceptable average CLV/LOS for any of the three corridor segments per the approved and adopted adequacy standards of the US 1 Plan is 1,600 / E.

The US 1 Plan contains a number of recommendations and policies for exploring the diversion of shorter vehicle trips to transit, walking or biking trips. The walkability, complete streets, and urban design discussions of the US 1 Plan include and identify the need for provision of safe and adequate street crossings, as well as pedestrian and bike accommodations at intersections throughout the study area and especially in the downtown areas. To this end, the Planning Board found that the applicant should work closely with the City of College Park toward the implementation of a city-wide bike sharing program and installation of a bus shelter, per the City standards, at the University of Maryland shuttle bus stop near the proposed site access on Berwyn House Road. Both of these actions, when fully implemented would improve travel options for the proposed development.

It is important to note that the US1 Plan recommends the establishment of a corridor-wide Transportation Demand Management (TDM) district and a self-sustaining Transportation Management Association (TMA) to manage it. As of this writing, the US 1 TDM district has not been established.

### **Transportation Conclusions**

Based on the preceding findings, the Planning Board approved the requested amendment to reduce the required number of parking spaces by 30 spaces, and concludes that existing transportation facilities will be adequate, as required by the US 1 Plan, to serve the proposed redevelopment of the site as shown on the submitted detailed site plan, if the approval is conditioned on the following:

- (1) Total development within the subject property shall be limited to development which generates no more than 145 AM and 168 PM peak-hour vehicle trips. These levels are in addition to the approved AM and PM peak-hour trip caps for Phase 1, as stated in PGCPB Resolution No. 13-36.
- (2) Prior to the issuance of any building permits within the subject property the following improvements shall (1) have full financial assurance, (2) have been permitted for construction by the SHA for part (a), and the city of College Park for (b), and (3) have an agreed-upon timetable for construction with the SHA and the City:
  - (a) The provision of any traffic signal modifications, pedestrian/ bike push buttons and count-down displays at all approaches, and inclusion of highly visible and well delineated pedestrian cross walks and stop bars on all approaches at the intersections of US1 with Berwyn House Road per the SHA and the City of College Park Standards.

- (b) The provision of wide pedestrian cross walks on all approaches of proposed site access with Berwyn House Road and US 1, if deemed necessary by the City of College Park.

The suggested conditions have been included in this approval with some clarification to the wording.

- e. **Subdivision Review**—The original DSP-12034 was approved on April 11, 2013 (PGCPB Resolution No. 13-36) for a hotel and a pharmacy for the area of Parcel 1. At the time of DSP-12034, the subject site was comprised of Lots 6–26, 29–37, Parcel 121, and Osage Street, and the subject property was recorded in Plat Book BDS 1–30 on July 6, 1906. Subdivision Review completed the evaluation of DSP-12034 and submitted a memorandum that evaluated the status of the lots and Osage Street and provided the following finding:

**The subject site and right-of-way were recorded in Plat Book BDS 1-30 on July 6, 1906. In accordance with the Prince George’s County Code, 7-132, all platted rights-of-way dedicated to public use by plat after 1908, are automatically accepted without any action required on the part of the public entity within the County. Platted rights-of-way, which were dedicated by plat prior to 1908, are subject to the common law rule regarding the method by which government entities may obtain public rights-of-way. The common law rule provides that land may be dedicated to public use if there is both an offer and an acceptance. A government entity may accept the dedication of public right-of-way either by deed, by action through operating and maintaining the road with public funding, or by long continued use by the general public. In the absence of one of these acts of acceptance, the right-of-way dedication is not deemed to have been completed, and is therefore not available for public use until completion of the dedication. Based on the archive aerial photos of the site on PGAtlas, the alley (Parcel 121) and Osage Street do not appear to have been fully graded, maintained or operated as a public right-of-way. Therefore, it appears that the right-of-way dedication of the alley and Osage Street was not completed based on the common law rule. The alley and Osage Street are considered as part of the abutting lots and will not require a vacation (Section 24-112). Staff would recommend that the applicant file a final plat for property in accordance with Section 24-108 of the Subdivision Regulations for which no preliminary plan is required to incorporate Osage Street into the lots and to clarify the new property line.**

Since the approval of DSP-12034, the applicant has submitted and obtained approval of a final plat to consolidate all of the lots and incorporate Osage Street into Parcel 1. Parcel 1

was recorded in Plat Book MMB 239-83 on January 30, 2014. The record plat contains four notes and the following notes relate to the review of this application:

- 1. Approval of this plat will have no impact on the existing public water and sewer systems. The approval of future building permits will be based upon public water and sewer capacities being available prior to construction.**
- 2. This plat is done in accordance with Section 24-108(a)(3) to consolidate lots shown on a plat recorded in 1906 prior to the enactment of Chapter 619 of the Laws of 1908 (now codified as Section 7-132 of the county code.) This plat is no way intended to abrogate the rights or restrictions of the plat recorded in 1906.**
- 3. Portion of Osage Street right of way hereby quitclaimed by deed dated July 5, 2013 and recorded in Liber 35421 Folio 261.**
- 4. Development of this property must conform to detailed site plan DSP-12034 which was approved by the Prince George's County District Council on July 8, 2013, or as amended by any subsequent revisions thereto.**

This application, DSP-12034-01, does not show the current configuration of Parcel 1. The DSP should be revised to delineate the configuration of Parcel 1 with the bearings and distances as reflected on the record plat. The record plat does not delineate a ten-foot-wide public utility easement (PUE) on Parcel 1. This DSP does not propose any changes or modification to the development approved with the original DSP-12034 within the area of Parcel 1.

Parcel B is subject to Preliminary Plan of Subdivision 4-79032, which was approved by the Planning Board on April 12, 1979 without conditions. Parcel B was recorded in Plat Book NLP 103-15 on May 12, 1979. A new preliminary plan is not required for the proposed multifamily building on Parcel B. The record plat does not delineate a ten-foot-wide PUE on Parcel B. The DSP shows the bearings and distances on Parcel B as reflected on the record plat, except for the northern and eastern property line. The DSP should be revised to delineate all of the bearings and distances on Parcel B as reflected on the record plat.

A 15-foot-wide right-of-way dedication for Osage Street from Parcel B was also recorded in Plat Book NLP 103-15. In accordance with the County Code, Section 7-132, all platted rights-of-way dedicated to public use by plat reference as of the year 1908 are automatically accepted without any action required on the part of the public entity within the county. Since the 15-foot-wide right-of-way dedication for Osage Street was recorded in a plat after 1908, it is considered as a completed dedication to public use and, therefore,



a vacation would be required. Detailed Site Plan DSP-12034-01 proposes a new multifamily building on Parcel B and within the 15-foot-wide right-of-way dedication of Osage Street. Prior to building permits, approval of a vacation petition for the 15-foot-wide right-of-way of Osage Street should be obtained pursuant to Section 24-112 of the Subdivision Regulations. The DSP should no longer label that portion of Osage Street as right-of-way, which was incorporated by record plat now known as Parcel 1 (MMB 239-83), and must clearly label that area of existing right-of-way to be vacated.

This DSP has some inconsistencies that need to be addressed. It appears that no easements are provided for utilities on the DSP; therefore, an approved utilities plan should be provided to determine that adequate area exists for the installation of utilities and if a PUE should be required.

Subdivision Review Section conditions are as follows:

- (1) Prior to certificate approval, the DSP shall be revised as follows:
  - (a) Delineate the configuration of Parcel 1 with the bearings and distances as reflected on Record Plat MMB 239-83.
  - (b) Delineate all of the bearings and distances on Parcel B as reflected on Record Plat NLP 103-15.
  - (c) Add a note next to the 15-foot-wide right-of-way for Osage Street as “To be vacated.”
- (2) Prior to M-NCPPC approval of any building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall vacate the existing 15-foot-wide right-of-way of Osage Street (Plat NLP 103-15) pursuant to Section 24-112 of the Subdivision Regulations, in accordance with Detailed Site Plan DSP-12034-01.

Failure of the site plan and record plats to match, including bearings, distances, lot sizes, and the extent and location of easements will result in permits being placed on hold until the plans are corrected.

- f. **Trails**—The subject property is located on Berwyn House Road. The property is within the Corridor Infill area as described in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (area master plan).

The subject property is within the Central US 1 Corridor Development District Overlay (D-D-O) Zone. The D-D-O Zone is superimposed over the Central US 1 Corridor sector plan area to ensure that the development of land meets the goals and objectives of the sector plan. The development district standards are specifically intended to address new

development and redevelopment proposals in the development district. The standards establish a consistent design framework to ensure quality in future development.

The applicant is proposing 275 units of residential development on the property, known as 4700 Berwyn House Road. The property is zoned M-U-I and the subject application includes property that was the subject of a previously approved site plan (DSP-12034).

The area master plan recommends that the developer/property owner is required to construct and maintain all of the streetscape improvements of the proposed development (page 302). These improvements may include, but are not limited to, the installation of sidewalks, curbs and gutters, street trees, street furnishings, and the undergrounding of utilities where feasible. The proposal is for a mixed-use building, and the applicant proposes the installation of sidewalks, curbs and gutters, street trees, and street furnishings. Adequate sidewalk facilities are shown on the applicant's DSP.

#### **Corridor Infill Sidewalk Standard**

The Corridor Infill character area's sidewalk standard is between four and eight feet in width. The proposed sidewalks are a minimum of four feet wide along Berwyn House Road. The proposed widths do not conflict with the district standard. A wider sidewalk area is proposed at the main entrance to the building. The area master plan recommends that sidewalk widths may vary to fulfill the vision of the sector plan (page 263). It is recommended that the sidewalks on Berwyn House Road be a minimum of five feet in width, rather than the four feet proposed by the applicant. The reason that a wider sidewalk is needed at this location is because of the large number of residential units that are proposed.

#### **Master Planned Bikeways**

Berwyn House Road is recommended to contain a shared-lane bikeway in the area master plan. There is sufficient road width at the subject property location to implement a shared-lane bikeway at this location. Because Berwyn House Road is recommended to contain a shared-lane bikeway in the area master plan, and because it is a City of College Park right-of-way, it is recommended that the applicant provide a "SHARE THE ROAD" sign (MUTCD W16-1P combined with W11-1 sign assembly) to be installed along the subject property frontage, subject to modification or refusal by the City of College Park.

#### **Corridor Infill Bicycle Parking Standard**

The Corridor Infill character area's bicycle parking standard is a minimum of one bicycle parking space for every three vehicular parking spaces. The applicant is proposing 275 units of residential development on the property. The vehicular parking standard of the zone would be 413 spaces, but the proposal includes an "alternative" to the district standards. The proposal is for a lower amount of vehicular parking spaces (318), which results in 110 bicycle parking spaces.

There are several types of bicycle parking that could be utilized by the applicant. Some bicycle parking should be located along the street frontage of Berwyn House Road and near the main entrance to the building. All u-shaped bicycle parking spaces should be anchored in concrete. Bicycle parking is recommended to be located within the parking garage for the residents. Today, it is common to find secure bicycle parking, such as bicycle cages, within the parking garages of residential and commercial office buildings.

### **Conclusion**

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities exist to serve the proposed use with the following conditions:

- (1) Because Berwyn House Road is recommended to contain a shared-lane bikeway in the Central US 1 Corridor Sector Plan and SMA, and because it is a City of College Park right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall install a "SHARE THE ROAD" sign (MUTCD W16-1P combined with W11-1 sign assembly) along the subject property frontage of Berwyn House Road, subject to modification or refusal by the City of College Park.
- (2) Locate the approved amount of bicycle parking spaces near the main entrance to the building and generally along Berwyn House Road, and within the parking garage within a secured facility. The locations of all bicycle parking spaces shall be shown on the detailed site plan prior to certification of the plan.
- (3) All u-shaped bicycle parking spaces shall be anchored in concrete, and the details of all u-shaped or otherwise shaped bicycle parking spaces shall be provided on the detailed site plan prior to certification of the plan.
- (4) Construct minimum five-foot-wide sidewalks along Berwyn House Road.

The DSP was revised to include a bike rack detail, anchored in concrete, and to show bicycle parking spaces both within the parking garage and near the main entrance to the building, within the right-of-way of Berwyn House Road. The Planning Board found that the proposed spaces within the right-of-way should be moved onto the subject property closer to the main entrance to the building for security and convenience, and the condition has been modified accordingly. Otherwise, the conditions have been included in this approval.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated May 29, 2014, DPR indicated that they had no comments on the subject application as private recreational facilities were being provided on-site.

- h. **Permit Review**—Permit Review comments have either been addressed by revisions to the plan or in the conditions below.
- i. **Environmental Planning**—The Planning Board reviewed a discussion of the DSP’s conformance with the Woodland and Wildlife Habitat Conservation Ordinance as discussed in Finding 11 above, and the following additional comments:

The subject site has two approved Natural Resources Inventory plans (NRI-007-12 and NRI-097-14), dated March 20, 2013 and June 10, 2014, that were included with the application package. The two NRIs are associated with the overall Keane site. Natural Resources Inventory NRI-097-14 is for the portion that is the subject of this DSP revision application. The site does not contain any streams or wetlands, but has 100-year floodplain associated with an off-site stream. The 100-year floodplain and other existing features are shown correctly on the TCP2, with the exception of the site and woodland acreages.

According to the combined statistics of each NRI compared with the overall revised TCP2, the total site area of the NRIs is 5.08 with a total of 0.11 acre of woodland within the 100- year floodplain and 1.08 acres of woodland on the net tract. The TCP2 worksheet shows that the total site area is 5.33 acres with 0.22 acre of woodland in the 100-year floodplain and 1.15 acres of woodland on the net tract. The discrepancies in the acreages need to be resolved and reflected correctly and consistently on all plans.

The approved DSP has an approved Stormwater Management Concept (23848-2012) for that portion of the project with a plan and letter dated October 2, 2012. The concept plan appears to show all of the stormwater to be directed to two micro-bioretention ponds and then ultimately conveyed to the county stormdrain system. There are two landscape planter boxes that will also infiltrate stormwater into the subsurface. According to the approval letter, water quantity and quality control on-site are not met and a fee is required.

The new additional area for the project has an approved Stormwater Management Concept Plan and Letter (29175-2013) dated November 12, 2013, which were submitted with the subject application. The concept plan appears to show all of the stormwater to be directed to two micro-bioretention ponds and then ultimately conveyed to the county stormdrain system. There is one landscape planter box that will also infiltrate stormwater into the subsurface. According to the approval letter, water quantity and quality control on-site are met and no fee is required. The DSP and TCP2 are consistent with the concept plan. No additional information with regard to stormwater management is required.

According to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), the predominant soils found to occur on-site include the Christina-Downer Complex, Christina-Downer-Urban land complex, Codorus-Hatboro-Urban land complex, and Urban land-Woodstown complex. According to available information, Marlboro clay is not found to occur on this property, but Christiana complex soil types are present. This information is provided for the

applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit review process.

Conditions to address the Environmental Planning issues have been included in this approval.

- j. **Prince George's County Fire/EMS Department**—In a memorandum dated May 3, 2014, the Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- k. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 19, 2014, DPIE offered the following summarized comments on the subject application:
  - (1) This site does not impact any county-maintained roadways. Coordination with the City of College Park is required. Baltimore Avenue (US 1) is a state-maintained roadway; therefore, coordination with the Maryland State Highway Administration is required.
  - (2) The right-of-way for Osage Street was dedicated prior to 1908 and was never accepted for maintenance by the City of College Park. We have no objection to the land being included in the development.
  - (3) Floodplain waiver approval is required for the proposed development.
  - (4) The proposed DSP is consistent with approved Stormwater Management Concept Plan 29175-2013, dated November 12, 2013.
  - (5) The proposed site plan reflects one parking level at grade. Due to existing 100-year floodplain present on-site, the first floor elevation of the garage must be increased to one foot above floodplain.
  - (6) Final permit plans must be designed in accordance with the County Code. The applicant needs to demonstrate compliance with Sections 32-206, 32-207, and 32-209.
  - (7) The applicant shall execute a declaration of covenants to address maintenance and operational obligations for this building, in response to the presence of the building within the floodplain.
  - (8) Final permit plans to reflect the piped stormdrain conveyance system on the northern side of building.

- (9) 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 area has not been provided;
  - (c) Proposed grading is shown on the plans;
  - (d) Delineated drainage areas at all points of discharge from the site have not been provided;
  - (e) Stormwater volume computations have not been provided;
  - (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and location of ESD devices and erosion and sediment control practices are not included in the submittal; and
  - (g) A narrative in accordance with the Code has not been provided.

The majority of DPIE's comments are required to be addressed prior to issuance of permits at the time of technical plan approvals. The DSP has been revised, though, to increase the first floor elevation of the garage as requested.

- l. **Prince George's County Police Department**—In a memorandum dated March 22, 2014, the Police Department indicated that they reviewed the DSP and there are no crime prevention through environmental design (CPTED) related issues at this time.
- m. **Prince George's County Health Department**—In a memorandum dated June 23, 2014, the Environmental Engineering Program of the Health Department indicated that they had reviewed the subject application and had no comments or recommendations.
- n. **Maryland Aviation Administration (MAA)**—In an e-mail dated April 30, 2014, MAA indicated that they had received insufficient data to review the proposed building and provided information regarding the necessary forms. The applicant has decided to proceed with the subject DSP approval and delay provision of this information until prior to approval of a building permit. If these issues ultimately require changes to the building, a revision to the DSP will have to be submitted for review.
- o. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum received June 11, 2014, WSSC offered comments regarding needed coordination with other buried

utilities, suggested modifications to the plans to better reflect WSSC facilities, and procedures for the applicant to follow to establish water and sewer service.

- p. **Verizon**—In an e-mail dated June 12, 2014, Verizon provided standard comments regarding their requirements for a ten-foot-wide public utility easement (PUE).

The record plat for existing Parcel B does not have a delineated PUE and one cannot be required at this time.

- q. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
- r. **University of Maryland**—The University of Maryland did not provide comments on the subject application.
- s. **City of College Park**—In a letter dated July 16, 2014, the City of College Park stated that their City Council voted on July 15, 2014 to recommend approval of DSP-12034-01, Keane Enterprises, with seven conditions.
- t. **Town of Berwyn Heights**—The Town of Berwyn Heights did not provide comments on the subject application.
- u. **City of Greenbelt**—In an e-mail dated April 21, 2014, the City of Greenbelt indicated that they had no comments on the subject application.

14. The subject application, as approved with conditions below, adequately takes into consideration the requirements of the D-D-O Zone and the Central US 1 Corridor Sector Plan and SMA. The amendments to the development district standards required for this development would benefit the development and the development district as required by Section 27-548.25(c) of the Zoning Ordinance, and would not substantially impair implementation of the sector plan.

Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan, as approved with conditions below, 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 cost and without detracting substantially from the utility of the proposed development for its intended use.

15. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

- (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.**

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impacts approved are for the construction of a residential and parking structure, bioretention facilities, paved areas, and landscaping/hardscaping.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-002-13-01) and further APPROVED Detailed Site Plan DSP-12034-01 for the above-described land, subject to the following:

- A. The Planning Board approved alternative development district standards for the following:
1. Page 233—The maximum lot coverage of 70 percent (to allow a maximum lot coverage of 74.1 percent);
  2. Page 233—The principal building height of four stories maximum (to allow a seven-story building);
  3. Page 238—A required step-back transition and/or landscape buffer adjacent to existing residential area (to allow enhanced architecture, minimal landscaping, and vertical grade change to serve as a transition);
  4. Page 239—The required number of parking spaces for the proposed residential and retail uses (to allow a smaller number of provided parking spaces, specifically 318);
  5. Page 243—The minimum 50-foot setback from property lines for parking structures (to allow for a minimum setback of 15 feet with no liner building)
  6. Page 257—All at-grade walks and pathways shall be constructed with pervious materials (to allow the applicant to use impervious materials for all paving);
  7. Page 257—Underground or above-grade cisterns shall be integrated into the site plan (to allow the applicant not to provide cisterns, but rather use bioretention ponds and planters for stormwater purposes).
- B. The Planning Board approved Detailed Site Plan DSP-12034-01 for Keane Enterprises, Inc. – Phase 2, Type 2 Tree Conservation Plan TCP2-002-13-01, and a variance for removal of one specimen tree, subject to the following conditions:
1. Prior to certification, the applicant shall revise the plans as follows or provide the specified documentation:



- a. Revise the NRI, TCP2 and DSP as necessary to correctly and consistently show the acreages for the total site area, net tract area, 100-year floodplain, woodland within the 100-year floodplain, woodland on the net tract, and total woodland.
- b. Revise the detailed site plan (DSP) as follows:
  - (1) Add a note to the DSP that all loading area access doors shall remain closed, except during times of entrance and exiting of vehicles.
  - (2) Delineate the configuration of Parcel 1 with the bearings and distances as reflected on Record Plat MMB 239-83.
  - (3) Delineate all of the bearings and distances on Parcel B as reflected on Record Plat NLP 103-15.
  - (4) Add a note next to the 15-foot-wide right-of-way for Osage Street as “To be vacated.”
  - (5) Move the proposed bike racks within the Berwyn House Road right-of-way onto the subject property and closer to the main entrance to the building.
  - (6) Provide a detail of the proposed screening fence located around the proposed transformers.
  - (7) Add a note to the DSP that the subject property is within Aviation Policy Area (APA) 6.
  - (8) Revise the DSP to correctly identify and demonstrate all approved Development District Standard amendments.
  - (9) Provide documentation regarding the green and sustainable building practices to be incorporated into the proposed development.
  - (10) Provide details for all bicycle parking spaces, which shall be anchored in concrete.
  - (11) Revise the plan to show minimum five-foot-wide sidewalks, and a minimum six-foot-wide tree strip, along the subject property’s frontage of Berwyn House Road, subject to modification by the City of College Park.
  - (12) Revise the landscape plan to include evergreen trees within the landscape strip along the northern and northwestern property lines to serve as a year-round screen.

- c. Revise the architecture as follows:
- (1) Demonstrate the location of, and method of marking, the compact parking spaces in the parking garage.
  - (2) Label the height of all loading space access doors as at least 15 feet.
  - (3) Incorporate all of the building-mounted lighting into the photometric plan and demonstrate that light impacts have been minimized on adjacent properties.
  - (4) Revise the northern and northeastern façades to incorporate additional high-quality materials and residential detailing, similar to that on the southwest façade, to create a more visually engaging design and ensure compatibility with adjacent properties, especially the single-family neighborhood to the north and northeast of the subject site. These revisions are to be approved by the Urban Design Section, as designee of the Planning Board, with comment provided by the City of College Park, or its designee (consistent with Applicant's Exhibit B, drawing 2).
  - (5) Revise the signage sheet to indicate the area of the commercial portion of the northwest and southwest façades, and the maximum signage area allowed as ten percent of this area. Revise the red box areas to be labeled as "Potential Signage Areas Subject to Signage Standards" and label heights, widths and square footages of each area, along with a designation of the signage type.
  - (6) Provide details of the proposed roof plan demonstrating that any mechanical structures or other appurtenances will be minimally visible from all adjacent properties.
  - (7) Revise the southwest façade of the parking levels, beneath the proposed courtyard, to add architectural quality and interest, such as architectural columns, brick or other high-quality materials, and make it more compatible with the architectural design of the rest of the parking levels visible from Berwyn House Road. Revise the metal grill along the southern facade of the parking garage to be more decorative and architectural. These revisions are to be approved by the Urban Design Section, as designee of the Planning Board, with comment provided by the City of College Park, or its designee.
  - (8) Revise the building façades within both courtyards to provide additional visual interest, high-quality materials, and detailing, such as a cornice and

additional articulation around the windows and doors. Consider providing plantings that will grow up the trellis along the south side of the pool courtyard. These revisions are to be approved by the Urban Design Section, as designee of the Planning Board, with comment provided by the City of College Park, or its designee (consistent with Applicant's Exhibit C, drawings 2, 3, and 4).

- (9) Provide at least 25 motorcycle/moped parking spaces within the parking garage.
  - (10) Change all beige metal railings and fencing to dark gray metal.
- d. Revise the Type 2 tree conservation plan (TCP2) as follows:
- (1) Add a note "The original TCP approved one specimen tree (ST-1) for removal through the variance process and the latest revision of the plan approves the removal of another specimen tree (ST-3) through the same variance process."
  - (2) Revise the approval block to the current approval block (added development case column).
  - (3) Revise approval block to include TCP2-002-13.
  - (4) Add "C. Schneider December 3, 2013" to the first line of the approval block.
  - (5) Add signed "Owners Certification" block to plan.
  - (6) Revise the worksheet as necessary to correctly reflect acreages or provide a note on the plan with regard to the discrepancy in acreages, as it relates to the approved NRI plans.
  - (7) Have the revised plan signed and dated by the qualified professional preparing the plan.
- e. Provide for a minimum of 116 bicycle parking spaces.
2. Prior to M-NCPPC approval of the building permit, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Provide proof of compliance with Federal Aviation Regulation Part 77.

- b. Vacate the existing 15-foot-wide right-of-way of Osage Street (Plat NLP 103-15) pursuant to Section 24-112 of the Subdivision Regulations, in accordance with Detailed Site Plan DSP-12034-01.
3. Prior to M-NCPPC approval of the first grading permit, copies of the final stormwater and sediment and erosion control plans shall be submitted to the Environmental Planning Section.
4. The applicant, and the applicant's heirs, successors, and/or assigns, shall install a "SHARE THE ROAD" sign (MUTCD W16-1P combined with W11-1 sign assembly) along the subject property's frontage of Berwyn House Road, subject to modification or refusal by the City of College Park.
5. Total development within the subject property shall be limited to development which generates no more than 145 AM and 168 PM peak-hour vehicle trips. These levels are in addition to the approved AM and PM peak-hour trip caps for Phase 1, as stated in PGCPB Resolution No. 13-36.
6. Prior to M-NCPPC approval of any building permits within the subject property, the following improvements shall (1) have full financial assurance, (2) have been permitted for construction by the Maryland State Highway Administration (SHA) for part (a), and the City of College Park for (b), and (3) have an agreed-upon timetable for construction with SHA and the City:
  - a. The provision of any traffic signal modifications, pedestrian/ bike push buttons and count-down displays at all approaches, and inclusion of highly-visible and well-delineated pedestrian crosswalks and stop bars on all approaches at the intersection of Baltimore Avenue (US 1) with Berwyn House Road, per SHA and the City of College Park Standards.
  - b. The provision of wide pedestrian crosswalks on all approaches of proposed site access with Berwyn House Road and Baltimore Avenue (US 1), if deemed necessary by the City of College Park.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 17, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:JK/SA:arj