

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 May 30, 2013 regarding Detailed Site Plan DSP-13009 for Cafritz Property at Riverdale Park, the Planning Board finds:

- 1. **Request:** The subject detailed site plan (DSP) application requests approval of a mixed-use development including 855 multifamily units, 126 townhouses, and approximately 187,277 square feet of commercial space distributed on 37.73 acres of land known as the Cafritz Property at Riverdale Park, pursuant to the Town Center Development Plan.
- 2. **Development Data Summary:** The following information relates to the overall plan encompassing the DSP application:

	APPROVED
Zone	M-U-TC (35.71 ac) R-55 (2.02 ac)
Use(s)	Retail (164,677 sq. ft.) Office (22,600 sq. ft.) Dwelling units (981 total) Multifamily (304 units*) Townhouse (126 units)
Acreage	37.73
Lots	126
Outlots	0
Parcels	39

*Actual number of units to be approved will be determined with the specific DSP.

- 3. **Location:** The Town of Riverdale Park Mixed-Use Town Center (M-U-TC) Zone is mostly located in the Town of Riverdale Park, Council District 3, Planning Area 68, within the Developed Tier, as defined by the 2002 *Prince George's County Approved General Plan*. More specifically, the property is located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue. This 37.73-acre site in the M-U-TC and R-55 (One-Family Detached Residential) zones is located on the east side of Baltimore Avenue (US 1), where it intersects with Van Buren Street. The majority of the subject property is located within the Town of Riverdale Park, but two small portions (2.02 acres), in the north and northeast, lie in the R-55 Zone within the City of College Park.

4. **Surrounding Uses:**

- North—** Vacant property owned by the Washington Metropolitan Area Transit Authority (WMATA) in the R-55 Zone.
- East—** CSX railroad tracks. Beyond the railroad tracks to the east is the Engineering Research Corporation (ERCO) Historic Site (68-022) located on land owned by the University of Maryland.
- South—** A U.S. Postal Service facility in the R-55 Zone and the Riverdale Park town center in the M-U-TC Zone (of which this property is an extension).
- West—** Baltimore Avenue (US 1), and beyond to the west are single-family detached dwellings in the R-55 Zone within the Town of University Park.

5. **Previous Approvals:** The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Town of Riverdale Park M-U-TC Zone Development Plan) and corresponding M-U-TC Zone was approved by the Prince George's County Council on January 20, 2004 by County Council Resolution CR-05-2004. The approved plan amends the May 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68.

On February 2, 2012, the Prince George's County Planning Board recommended approval of rezoning 35.71 acres of the subject site from the R-55 Zone to the M-U-TC Zone through Primary Amendment A-10018, with 27 conditions, of the Cafritz Property at Riverdale Park Town Center Development Plan (Development Plan). On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of 35.71 acres of the subject site and amended the 2004 Town of Riverdale Park M-U-TC Zone Development Plan boundary to include the site. The District Council approved Primary Amendment A-10018 (Zoning Ordinance No. 11-2012), subject to the 27 conditions, as approved by the Planning Board.

Preliminary Plan of Subdivision 4-13002 was approved by the Planning Board at a public hearing on May 16, 2013, subject to 41 conditions (PGCPB Resolution No. 13-55).

Secondary Amendment SA-130001 was approved by the Planning Board at a public hearing on May 23, 2013, subject to 11 conditions (PGCPB Resolution No. 13-57).

6. **Parcel-By-Parcel Description:** The following is a parcel-by-parcel description of the development proposal. The original DSP plans were submitted on March 28, 2013, and a revised set of plans, with minor changes to labeling and lot/parcel lines, was submitted on April 18, 2013. However, the following description and subsequent findings are based on the final revised set of plans submitted May 1st through the 6th, 2013.

a. **PARCEL A: Building 1**

Request: The DSP for PARCEL A proposes development of 8,822 square feet of retail space within Building 1 (a one-story tenant building) and associated surface parking

compound. Parcel A also includes the most northern portion of the greenway entrance feature along Baltimore Avenue (US 1).

Development Data Summary for PARCEL A, Building 1

Use(s)	Retail
Area	43,516 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA)	8,822 sq. ft.

	Spaces Provided
Parking-surface	24
Loading	2

PARCEL A: PARCEL A is located in the northwest corner of the site and has frontage on Baltimore Avenue (US 1) and Woodberry Street. The front of the parcel is part of the gateway entrance feature along Baltimore Avenue (US 1). To the north is the WMATA property and to the south is proposed Parcel B, which is a continuation of the commercial portion of the development.

PARCEL A is proposed to contain a multi-tenant building with a surface parking compound located on the west side of the structure. The parking compound will accommodate approximately 24 parking spaces. Loading is proposed to be concealed within the building by garage doors proposed on the east elevation.

Architecture: The architecture proposed is a one-story building, primarily brick painted white with a two-story arcade along the front. The front façade is reminiscent of an old fashioned market place, and is a reasonably attractive structure for such a high-visibility location. The side elevations feature limited window fenestration and a flat roof. The rear is concrete masonry block and will be substantially concealed by a retaining wall nearly the height of the building. This building is the subject of a secondary amendment to reduce the height of the building from two- to three-stories to one story.

b. **PARCEL B: Buildings 2A and 2B, and a Parking Structure**

Request: The DSP for PARCEL B proposes development of 7,402 square feet of retail space within Building 2A and 22,600 square feet of retail/office space within Building 2B. Both buildings (2A and 2B) appear to contain multiple tenants. Associated with this development is a parking garage which is partially buried on the west and northwest, surrounded on the east by proposed Building 2B, and partially screened by proposed Building 2A on the south side. In addition, a plaza is proposed along Van Buren Street, flanked on the east by Building 2A, on the north by the parking garage, and on the west by a retaining wall. The plaza will contain bicycle racks and perhaps a bike share station. The plaza provides a connection to Van Buren Street from both levels of the parking garage.

Development Data Summary for PARCEL B

Use(s)	Office	Retail
Area		96,965 sq. ft.
Area within 100-year floodplain		0
Gross Floor Area (GFA)		30,002 sq. ft.
Building 2A		7,402 sq. ft.
Building 2B	12,000	10,600 sq. ft.

	Spaces Provided
Parking-Structure	132
Loading	2

PARCEL B: PARCEL B is located in the central western portion of the site and has frontage on Baltimore Avenue (US 1), proposed Woodberry Street, 45th Street, and Van Buren Street. The front of the parcel is part of the gateway entrance feature along Baltimore Avenue (US 1). To the north is Woodberry Street and beyond is Parcel A with proposed Building 1. The parking compound will accommodate approximately 132 parking spaces.

Architecture: The architecture is designed so that the parking structure sits into the landscape and is partially buried, which results in a one-story building appearance from Baltimore Avenue (US 1) and a full two-story building as viewed from 45th Street. The building provides sufficient attention to architectural detail through window fenestration, door openings, exterior finish, and color, and will contribute to an attractive vibrant landscape.

c. **PARCEL C: Building 3**

Request: The DSP for PARCEL C proposes development of 61,396 square feet of retail/office space within Building C. This multi-tenant building includes a grocery store as the main anchor, a drive-through bank, and additional retail with office located on the second floor area.

Development Data Summary for PARCEL C

Use(s)	Retail	Office
Area	223,029 sq. ft.	
Area within 100-year floodplain	0	
Gross Floor Area (GFA)	51,396 sq. ft.	10,000 sq. ft.

	Spaces Provided
Parking-surface	258
Loading	2

PARCEL C: PARCEL C is located in the southwestern portion of the site and has frontage on Baltimore Avenue (US 1) and proposed Van Buren Street. PARCEL C is nearly square in shape. The front of the parcel is part of the gateway entrance feature along Baltimore Avenue (US 1). To the north is Van Buren Street and beyond is PARCEL B with proposed Buildings 2A and 2B. To the east is the future hotel site and the U.S. Postal distribution center. To the south is the U.S. Armory site. A right-turn only entrance with appropriate traffic control and design features (per SHA) into Parcel C from Baltimore Avenue (US 1) northbound will accommodate access for both large trucks and passenger vehicles.

PARCEL C is proposed to be developed with 61,396 square feet of retail/office space and a substantial surface parking compound located on the west side, as well as limited parking to the south and east of Building 3. The parking compound will accommodate approximately 258 parking spaces. Loading for the major grocery store tenant is located at the southeast corner of the building. At the far south end of the building is a proposed drive-through bank. Along Van Buren Street, multiple tenants are proposed on the first floor and office above.

Architecture: The building elevations provide sufficient attention to detail and provide for an attractive front elevation along both Baltimore Avenue (US 1) and Van Buren Street.

d. **PARCEL D: Building 4**

Request: The DSP for PARCEL D proposes development of 81,156 square feet of retail space within Building 4, which is a two-story, multi-tenant building; one tenant is proposed as a health club. The majority of the space for this tenant is on the second floor of the structure.

Development Data Summary for PARCEL D

Use(s)	Retail
Area	65,013 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA)	81,156 sq. ft.

	Spaces Provided
*Parking	0
Loading	2

*Parking for this building is proposed within Building 5 located across 46th Street from the subject site, on PARCEL E.

PARCEL D: PARCEL D is located in the western central portion of the site and is surrounded on all sides by proposed roadways, including Van Buren Street, 45th Street, Woodberry Street, and 46th Street. Parcel D is rectangular in form. The building extends to the streetscape on all four sides. The parking for this building will be provided in Building 5, which is located directly across 46th Street.

Architecture: The architectural elevations of the building activate the streetscapes at both the first and second stories of the building along Van Buren and Woodberry Streets. A portion of the streetscape along 46th Street is relatively blank and without window fenestration. The applicant has explained that 45th Street is the main north/south commercial corridor and that the façade along 46th Street is emphasized at the second story rather than the first story because the first story is retail shelving and storage. The second story bank of windows, which is proposed as the health club, will provide for “eyes on the street.”

e. **PARCEL E: Building 5**

Request: The DSP for PARCEL E proposes development of 266,517 square feet of retail/residential uses within Building 5. The proposed building height is approximately 62 feet.

Development Data Summary for PARCEL E

Use(s)	Retail/Residential
Area	150,935 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA) Total	266,517 sq. ft.
Retail	5,300 sq. ft.
Multifamily – 228 units	261,217 sq. ft.

	Spaces Provided
Parking-structure	870
Loading	2

PARCEL E is located roughly in the center of the site and is surrounded on all sides by proposed roadways, including Van Buren Street, 46th Street, Woodberry Street, and Rhode Island Avenue. PARCEL E is proposed to be developed with 5,300 square feet of retail located on the first floor of the building along Van Buren and 46th Streets. The building proposes 228 units of residential located on floors one through five. A parking structure is located on the west side of the block with frontage on 46th Street and it is surrounded on three sides by units. The parking structure is six stories in height and will accommodate approximately 870 parking spaces. The parking garage is intended to serve the 228 dwelling units within Building 5, the 76 dwelling units within Building 6, and all of the retail in Buildings 4 and 5.

Architecture: The building is primarily brick with attractive façades and varying rooflines that will complement the commercial core and provide a well-designed transition into the residential neighborhood to the east.

f. **PARCEL F: Building 6B**

Request: The DSP for PARCEL F proposes a five-story multifamily building for 76 dwelling units, which includes 76,348 square feet of GFA. The proposed building height is approximately 62 feet.

Use(s)	Residential
Area	74,990 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA)	76,348 sq. ft.
Multifamily Units	76

	Spaces Provided
Parking	0
Loading	1

PARCEL F is located in the central western portion of the site, just north of the U.S. Postal distribution site, and has frontage on Van Buren Street and Rhode Island Avenue. The parcel is proposed to include the multifamily Building 6B on the eastern half of the block and a future proposed hotel with structured parking on the western half of the block. The hotel footprint is identified on the plan along with the proposed number of rooms; however, a special exception is required for this use prior to the approval of any building permits. The parking for the multifamily building is proposed within Building 5.

Architecture: This building reflects the same design elements as Building 5 and will complement the streetscape.

g. **PARCEL G: Open Space**

Parcel G is an open space parcel that is square in shape and is the visual terminus of Van Buren Street. The square is bordered on all sides by roadways and is designed as a pocket park for the community. The space is proposed to be maintained by the homeowners association, but will actually be used by the community as a whole as the only real programmed open space other than the trolley trail proposed to traverse the community from north to south. Within this space is a sidewalk system, benches for seating, lighting, and a few pieces of play equipment for the youngest members of the population. The outer edge of the square is approximately 150 by 170 feet in size with sidewalk in an oval form in the center. At each of the corners of the square are seating areas between the curb and the interior sidewalk. Other sitting areas are located on the east side of the square; on the west there is a playground area that includes a slide, a trellis with two swings, and a wood gazebo. The play areas are not fully developed in accordance with the *Park and Recreation Facilities Guidelines*, nor are there enough details and specifications for the

equipment shown to build the equipment. Wood is generally not recommended for play equipment because it tends to degrade quickly and splinters.

h. **PARCEL K: Building 7**

This parcel is proposed as a future multifamily building, with no commercial uses. Therefore, per Section 27-547(c) of the Zoning Ordinance, the use requires a Special Permit application. A condition has been adopted by the Planning Board requiring a DSP and SP at a later date, in accordance with Part 3 Division 9 of the Zoning Ordinance.

i. **PARCEL L: Building 8**

This parcel is proposed as a future multifamily building, with no commercial uses. Therefore, per Section 27-547(c) of the Zoning Ordinance, the use requires a Special Permit application. A condition has been adopted by the Planning Board requiring a DSP and SP at a later date, in accordance with Part 3 Division 9 of the Zoning Ordinance.

j. **PARCEL M: Building 9**

This parcel is proposed as a future multifamily building, with no commercial uses. Therefore, per Section 27-547(c) of the Zoning Ordinance, the use requires a Special Permit application. A condition has been adopted by the Planning Board requiring a DSP and SP at a later date, in accordance with Part 3 Division 9 of the Zoning Ordinance.

Parcels K, L and M (Buildings 7, 8 and 9) are multifamily parcels to be developed with multi-story residential buildings with associated structured parking as part of the approved anticipated multifamily density of 855 multifamily dwelling units as approved in the preliminary plan of subdivision, subject to DSP approval and the applicable trip caps.

k. **LOTS 1–126: Townhouse Development and associated lands**

The proposed townhouse lots, as purely residential, require a Special Permit application per Section 27-547(c) of the Zoning Ordinance. That application, SP-130002, was reviewed and approved by the Planning Board (PGCPB Resolution No. 13-64) in conjunction with this DSP-13009.

The townhouse lots are proposed in a variety of sizes and widths. The basic concept shown is that the lots are 16, 18, and 20 feet wide, and all units are proposed as 40 feet deep. There are a few corner lots that are wider, up to 30 feet in width, so it is assumed that the unit on those lots will be one of the larger units. The depths of the lots vary, and the total sizes of the lots vary. The site plan does not provide typical details of footprints of the townhouse units or the lead walks, so the plans should be revised to provide this information. The landscape plan does not clearly provide for on-lot plantings. Parking is proposed on both sides of the majority of the streets. In some locations, the width of the pavement is shown as 49 feet. The street tree planting area is too narrow. The Planning Board finds that Woodberry Street should be revised to narrow the roadway pavement. A portion of the area now shown as pavement should be converted to street tree plantings and yards along both the north and south sides of the street.

The proposed architecture for the townhouse units is attractive and will provide an urban appearance and character. The exterior finish materials are primarily brick and composite siding or paneling. The window and door fenestration and architectural detailing are well developed; however, the roof slope on some of the units seems rather flat, which detracts from the appearance of the community. A minimum 7/12 roof slope would be more appropriate.

7. **Recreation Facilities:** The subject DSP application proposes a total of 126 townhouses and 855 multifamily units, which will result in a projected population of approximately 2,045 new residents. The approved Preliminary Plan of Subdivision (PPS) application included a description of proposed private on-site recreational facilities within the parcels that include multifamily residential uses. The preliminary plan lists the following recreational facilities proposed for each of the multifamily parcels:

OUTDOOR

Swimming pool with barbeque and fire pit

INDOOR

Fitness center
Club room
Recreation room
Fireplace
Media center
Business center
Wi-Fi lounge

The program of facilities for each of the multifamily buildings listed above should be further analyzed to determine which of the amenities qualify as a recreational benefit to the inhabitants of the building, for year-round active recreational benefit, and for facilities that provide activities for all ages.

The applicant states that the proposed 1.12 acre land dedication to M-NCPPC for the trolley trail meets the mandatory park dedication for the 126 townhomes; however, this assumption provides no other private recreational facilities for the residents of the townhomes, as presumably use of the facilities within the multifamily parcels will be limited to those residents. Townhouse occupants often include young children and they should be provided outdoor recreational facilities as part of the overall private facilities package.

The recreational facilities package should be considered as a whole for the entire property. Therefore, consistent with the PPS calculations, the value of the private on-site recreational facilities, minus a proportional value for the proposed 1.12 acre land dedication to M-NCPPC, should be a minimum of \$585,462 dollars. This should be distributed throughout the site in order to provide convenient and accessible facilities for all residents.

Despite what was described on the PPS, the submitted DSP provides little information in regard to the details, sizes, specifications, floor plans, or even a list of private indoor recreational facilities for the multifamily units, other than a few outdoor facilities. Details and specifications were provided for the outdoor private recreational facilities including the gateway park area, which has some benches, walkways and lawn space, the Village Square, which includes some benches, decorative pavers, and a fountain, and the central Village Green, which includes a gazebo, walkways, a lawn space, and separate wooden slide and swing play structures. While more details were provided for the outdoor facilities than for the indoor facilities, there still was no quantifiable list provided to demonstrate the value of the proposed facilities. In addition, the proposed facilities shown are not detailed sufficiently to provide a thorough review, and those that are shown should be revised to ensure they are low-maintenance and user-friendly. The plans should also demonstrate conformance to the Parks and Recreational Facilities Guidelines. Again, this information should be revised, submitted, reviewed and approved by the Planning Board or its designee, prior to plan certification. Additionally, the DSP should specify the construction schedule requirements.

8. **Zoning Ordinance 11-2012:** On July 12, 2012, the District Council approved an Ordinance to amend the Zoning Map for the Maryland–Washington Regional District in Prince George’s County, by approving a Primary Amendment to the 2004 Town of Riverdale Park M-U-TC Zone Development Plan, subject to 27 conditions and 5 considerations. Of the conditions and considerations attached to the rezoning, the following are applicable to the review of this DSP:
 1. **The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:**
 - a. **Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**

This application for the DSP is being reviewed in accordance with Part 3, Division 9 of the Zoning Ordinance. This resolution contains only the DSP review; the SP review, SP-130002, is a separate resolution, PGCPB No. 13-64.

- b. **The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and**

circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.

The detailed site plan is in general conformance with Concept Plan B, particularly in regard to the proposed circulation and the featured central recreational area located at the terminus of Van Buren Avenue. During the review of the Primary Amendment, it was recognized that the level of detail included on the concept plan was illustrative only and that, as the plans continued through the development review process, regulations that were not applicable at the time of the zoning would become enforceable.

Numerous conditions of the zoning approval were anticipated to have an effect on the ultimate design layout and circulation within the property. It was recognized that adequacy of public facilities and the protection of the environmental features of the site would be further analyzed at the time of the preliminary plan. Some elements of the development concepts as previously shown on Concept Plan B have slightly changed in the review of the preliminary plan due to the requirements of Subtitle 24. The plans have evolved to address the requirements of Subtitle 24 and to accommodate the several possible locations proposed for the CSX crossing. In this evolution, the plans have adhered to the concept plan as much as possible. It should be noted that the trolley trail location has moved to its historic alignment which resulted in the relocation of the townhouses and in the creation of 47th Street. In addition, the preservation of the ice house has generated change to the plans that was not anticipated in the early review of Concept Plan B.

The applicant's proposed DSP reflects an approach that implements Concept Plan B as specified in the revised Cafritz Property Design Standards and Guidelines (July 12, 2012). Maps 1 and 2 for Concept Plan B identify a number of residential blocks that are further detailed in Table 1 on pages 1 and 2. These blocks (7a, 7b, 7c, 8a, 8b, 8c, 9a, and 9b) are clearly identified for residential uses by the Town Center Development Plan as approved by the District Council with the approval of the Cafritz Zoning Map amendment (A-00018). Since the applicant proposes residential uses with no commercial uses on all of these blocks, they are making a good faith effort to implement the recommended land use of the development plan.

Additional information has been submitted that has influenced the location of elements in the design of the project, such as the circulation plan for the various modes of transportation through the site. Among the most important has been the Maryland State Highway Administration's (SHA) review of the project's impact on Baltimore Avenue (US 1). The southernmost access point into the site is recommended to be a right-turn-in

only entrance from Baltimore Avenue (US 1) northbound, and the northernmost access is recommended to be right-turn-in and out to Baltimore Avenue (US 1) northbound. The truck traffic exhibit, submitted with the preliminary plan, indicates that 18-wheeler trucks will be required to enter at the southernmost entrance and travel north on 46th Street to Woodberry Street to exit the site. Despite these adjustments, the DSP and the SP are found to be in conformance Concept Plan B.

With regard to the sub-clause of the required Planning Board finding that the site plan needs to be in conformance with the guidelines and specific criteria for the particular (residential) use, the Planning Board finds the proposed residential component of the Cafritz Property development to be in substantial conformance with the approved Town Center Development Plan standards and guidelines.

- c. **All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for Planning Board level revisions.**

The plans were sent to the Town of Riverdale Park for review by the M-U-TC Design Committee. At the Planning Board hearing, Alan Thompson, chair of the MUTC committee presented a letter from the committee, dated May 21, 2013, that reads as follows:

“At a meeting on May 08, 2013, the Riverdale Park Mixed-Use Town Center Local Design Review Committee voted to recommend APPROVAL WITH CONDITIONS of SA-130001, Secondary Amendments for the Cafritz Property, to include the following conditions:

- “1. Because the committee considers it important that the width of Van Buren remain as narrow as possible (as shown on special permit plans stamped 5/1/2013), the committee would recommend that the bike lanes remain on Woodberry Street and not be added to Van Buren.
- “2. Because the committee is concerned with pedestrian safety and traffic speeds, we do not support widening any parallel parking spaces from 7 feet to 8 feet, as recommend in the M-NCPPC staff report. We understand the motivation to improve bicycle safety, but believe the increased traffic speeds will more than offset this effect.
- “3. The committee supports as much tree canopy as possible, recognizing that there are competing goals, and agrees that street trees 30 feet to 40 feet on center where possible should be planted in the project.

- “4. With the relocation of the CSX overpass to van Buren and associated changes in the project, we support the one-way couplet of Rhode Island and 47th Street as proposed by the applicant.
 - “5. In an attempt to provide as much visitor parking to the residential uses as possible, provide a pedestrian buffer, and improve traffic calming, we support parallel parking on both sides of 47th Street.
 - “6. We agree with the staff recommendation relating to the standard that one-story buildings should be no less than 20' tall as it applies to Building 1. However, because the building has a unique arcade feature facing onto Woodberry Street, we do not believe the design of the façade or roof should extend to a side elevation, and instead would recommend design changes that distinguish the front of the building from the sides of the building. We agree that if space is available having cafe-style outside seating is highly desirable.
 - “7. We fully supported the applicants revision to provide town houses in lots 1 through 7 to improve intermingling of retail and residential uses, and do not support changes that would diminish that goal. Recreational facilities are provided in other locations on the site and nearby.
 - “8. The committee supports M-NCPPC staff recommendations on Parcel C with regard to lot coverage and building façade requirements.
 - “9. The committee supports M-NCPPC staff recommendations on the height of townhouse entrances above grade. Although we still believe that every effort to elevate the entrance above grade is an important goal, we recognize that topographic reality may not allow universal success on this goal.
 - “10. The committee wholeheartedly supports the 5/2/2013 Building 5 West Elevation treatment of the parking garage.
 - “11. The committee agrees with M-NCPPC staff recommendation that HVAC units that are behind townhouses do not need to be screened, but believes that HVAC units visible from the street must still be screened.
 - “12. The committee endorses the existing Signage standards, but will allow a departure for the Whole Foods signs on Building 3.
- “Because the committee met before it had access to the final staff report, the committee did not have a full understanding of the rationale behind many of the staff recommendations (in particular for committee conditions 1 and 5 as numbered above).

“The committee also reviewed the Detailed Site Plan, DSP-13009, and recommended APPROVAL WITH A CONDITION, namely that the applicant be strongly encouraged to have street entrances for ground-floor residential units in order to promote more pedestrian activity along the streets. The committee’s review of M-U-TC standards found that all significant non-compliance with the existing M-U-TC standards had been removed by the secondary amendments discussed above.

“The committee was concerned about compliance at the permit stage with design guidelines that are not fully specified in the DSP. Although the committee did not make a statement to this effect, I believe that the committee members, in order to assist M-NCPPC staff, would be willing to provide an informal technical review of compliance with mandatory M-U-TC requirements at the permit stage for any building in the development.”

The Planning Board considered the Committee’s comments in their review of the plans and included some of their opinions in the final decision of the case.

d. In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
- (2) The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
- (3) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.**

The applicant has not submitted any request for departure from the strict application of the Guidelines. However, this case was reviewed in accordance with the Guidelines as amended by Secondary Amendment application SA-130001, approved on May 23, 2013 by the Planning Board (PGCPB Resolution No. 13-57).

4. When off-site parking is necessary to meet parking requirements, the applicant shall provide satisfactory documentation such as affidavits, leases, or other agreements to show that off-site parking is available permanently.

The submitted application does not propose any off-site parking.

5. **The Historic Preservation Commission shall review the preliminary plan of subdivision and any subsequent plans of development for their impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts, including recommendations as to the proposed location and options with respect to the bridge over the CSX railroad.**

The submitted application was reviewed by the Historic Preservation Commission and their recommendations are discussed in Finding 13(a) below.

6. **Prior to approval of any detailed site plan, the following shall be provided:**
 - a. **Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.**
 - b. **The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.**

The submitted plans include curb extensions, pedestrian refuges, and crosswalk at many locations. The DSP should be revised to include ADA curb cuts and ramps at all locations where sidewalks intersect with roadways on-site. The high-visibility crosswalk and pedestrian signals at Van Buren Street and Baltimore Avenue (US 1), as well as appropriate traffic controls and design features (per SHA standards) to prohibit through traffic movement between existing Van Buren Street west of Baltimore Avenue (US 1) and proposed Van Buren Street, should be marked and labeled on the DSP, and details should be provided.

- c. **The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.**

Prior to signature approval, the submission of a bicycle parking exhibit showing the location, number, and type of bicycle parking spaces on the subject site consistent with the LEED-ND Bicycle Network and Storage Credit is recommended in accordance with this condition. The design standards for public space in the approved Development Plan also include the following guidance regarding bicycle racks:

4. Businesses are encouraged to provide a minimum of one bicycle rack. Bicycle racks shall be located so that bikes do not extend from the landscaping/pedestrian amenity strip into the pedestrian right-of-way or into the street. Multiple bike racks may be provided for groups of businesses (Development Plan, page 18).

7. **Prior to approval of a detailed site plan, the plans shall minimize the amount and location of surface parking lots and parking structures and their impacts on the pedestrian zone and streetscape environment. The surface parking lots located between the buildings and Baltimore Avenue, shall be mitigated with a building along Van Buren Street, a monument, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a “pedestrian oasis” in the middle of the block to improve pedestrian safety and mobility consistent with the Riverdale Park Gateway Park concept dated January 7, 2012.**

The DSP has clearly provided the features of the gateway park as listed above. Parking lots have been minimized and designed to reduce their visibility as much as possible.

10. The Environmental Planning Section recommends the following conditions:

- a. **All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.**

The DSP application contains a valid approved Natural Resources Inventory (NRI). No additional information is needed for conformance with this condition.

- b. **At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).**

This condition was addressed with the Preliminary Plan of Subdivision 4-13002 that was approved on May 16, 2013. The woodland conservation threshold for this site is 5.75 acres based on the M-U-TC and R-55 zoning. The site contains 33.12 acres of woodland. The Type 2 tree conservation plan (TCP2) proposes a total of 0.62 acre of woodland conservation within forest stand three. In a revised letter dated March 27, 2013, the applicant submitted a description and justification for the limited on-site woodland conservation with the proposed development. The letter states that the site is proposed to be developed with 1.20-1.95 million square feet of mixed-use development, including a total of 981 residential units and an elevated crossing of the CSX right-of-way. In addition to the high-density proposed, a vegetated buffer at least 90 feet wide will be

provided along the frontage of Baltimore Avenue (US 1) and an above-ground stormwater management facility is also proposed. The on-site regulated environmental features are minimal, which include a small isolated wetland and a small area of floodplain along the southernmost boundary of the site. The site was previously developed in the 1940s with work-force housing but has since been unoccupied for more than 50 years while the surrounding sites have been fully developed with residential lots and public facilities. Based on the site history, existing conditions, and surrounding development, the property meets the description of an infill site.

In consideration of the applicant's justification in the review of the Preliminary Plan of Subdivision, the Planning Board supported the limited woodland conservation on-site. The subject site is zoned M-U-TC, which requires the site to provide a variety of uses including high density residential and commercial. The requirements to provide safe circulation, parking, stormwater management and necessary infrastructure for a site envisioned with a mixture of high-density development in the Developed Tier make it challenging to fully meet the woodland conservation threshold on site, particularly on infill sites with very minimal regulated environmental features.

In addition to the design requirements, the site area will be limited by the required buffer along the frontage of the site, and an elevated crossing to the east side of the CSX right-of-way. This buffer area will be devoid of woodland, but will be designed as a vegetated area that will retain some existing specimen trees and be enhanced with other landscaping. The eastern perimeter of the site will also retain some specimen trees and two small areas of woodland totaling approximately 0.31 acres. Contiguous woodland conservation along the frontage of the site or within the interior areas of the site would conflict with the M-U-TC design goals to create an urbanized town center.

Based on the proposed design, every effort has been made to meet the woodland conservation threshold on-site to the fullest extent practicable for development within the M-U-TC and R-55 zoned property.

- c. **At the time of preliminary plan, a condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.**

This condition was addressed with the Preliminary Plan of Subdivision 4-13002 that was approved on May 16, 2013. A condition analysis was performed for all specimen trees on-site and submitted and reviewed with the preliminary plan application. The condition ratings for the trees ranged from 53–89 percent. A variance request was received for the removal of twenty-five of the thirty-five existing specimen trees and the retention of ten specimen trees. Eight of the trees are located within Stand 3 and two trees are located within Stand 1. Attempts were made, and previous plans showed the preservation of four additional specimen trees; however, it was determined that those trees could not be shown as saved because they would be located within the required right-of-way

dedication. Although those four trees are shown to be removed, the applicant stated that every effort in the field will be made to preserve those four trees during the implementation of the required right-of-way improvements.

Within Stand 1, Tree 255 is noted to be in poor condition and Tree 281 is in fair condition. Within Stand 3 Trees 262 and 270 are in poor condition; Trees 264 and 265 are in good condition; and Trees 266–269 are in fair condition.

Previous submitted plans showed the preservation of more specimen trees; however, those trees had to be shown as removed because of their location within the required right-of-way dedication. Based on the proposed design, it is unlikely that Specimen Trees 255 and 281 will survive the construction process due to limited preservation of the trees' critical root zones.

The Type 2 tree conservation plan (TCP2) shows an area within the proposed buffer along Baltimore Avenue (US 1) where no grading is proposed. The area is labeled "Trees." The landscape plan indicates that several existing trees will remain on-site within the buffer area. Several of those trees appear to be specimen trees proposed to be removed. The TCP and Landscape plan need to be consistent with regard to proposed disposition of the specimen trees and other trees to remain on-site.

The current plan demonstrates that efforts have been made to preserve specimen trees on-site to the extent possible. The Planning Board adopted conditions relating to the preservation of specimen trees.

- d. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.**

The plans meet the ten percent tree canopy coverage requirements.

- f. At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.**

A revised stormwater management concept plan (11589-2010-01) was approved on May 7, 2013, which shows the use of bioretention, extended detention, infiltration, green roofs, pervious pavement, and 100-year attenuation. The TCP shows the general location of the proposed stormwater management features, which include a pond, bioretention areas, porous pavement, and green roofs. The approved stormwater management concept plan includes reference to green roofs on Buildings 4 and 6A. Therefore, the Planning

Board finds that the DSP should be revised to provide details and specifications for these features prior to certification.

- g. At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cut-off optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.**

This condition has not been fully addressed. A photometric plan has been submitted; however the photometric measurements appear to be based on lighting without full cut-off optics according to the lighting detail so conditions were adopted in order to demonstrate full cut-off optics.

- 12. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail portion of the right-of-way shall be completed and open to the public.**

This requirement will be enforced at the time of building permit; therefore, the condition has been carried forward as a condition of this approval to ensure enforcement.

- 13. Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.**

The plan shows a buffer of 105 feet from the existing right-of-way, and a dedication line for Baltimore Avenue of 45 feet from the existing center line. In the review of the preliminary plan, a condition was included that states the following:

- 1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:**
 - h. Revise the PPS and tree conservation plan to reflect the Baltimore Avenue (US 1) buffer (gateway feature) to be shifted in its entirety to the east, outside of the US 1 dedicated right-of-way.**

In any case, the final DSP should demonstrate the minimum 90 foot depth, and this should be required prior to signature approval of the plans.

The applicant proposes to preserve six specimen trees; however, if those trees are determined to be located within the SHA right-of-way dedication, the trees could be removed in the future.

16. The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.

The applicant submitted evidence with the PPS of submittal and approval of a Smart Location and Linkage (SLL) Prerequisite review dated August 10, 2012. Per this condition, the applicant should now pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval.

At the Planning Board hearing, the City of College Park provided a proposed condition that reads as follows:

- “5. Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:
- A. Prior to DSP certification, the Applicant shall:
 - 1) Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED

AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.

- 2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.
- B. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.”

The Planning Board reviewed the City of College Park’s proposed condition, but upon consideration of the enforceability and legality of such requirements, it did not adopt their recommendation. However, the Planning Board did note that the LEED-ND certification score card in the record indicated that up to Gold certification may be pursued if all the credits shown are attained. The Planning Board did adopt Condition No. 1.a.(9) requiring the applicant to submit evidence of conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval prior to certification of the DSP.

- 20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described**

in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.

A traffic signal warrant study has been submitted to SHA for review and approval. The traffic study indicates that the signal is warranted and additional geometric improvements are needed.

21. Prior to approval of a detailed site plan the plans shall provide or demonstrate:

a. After completion of construction of the first multi-family building in the project:

- (1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and**

The applicant has submitted a Parking and Phasing Analysis, dated April 25, 2013, that indicates approximately 87 percent of the parking for the overall development will be in structured parking.

- (2) The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.**

The applicant submitted a Parking and Phasing Analysis, dated April 25, 2013 that proposed 282 off-street parking spaces for the nonresidential land use types. This number is well under the cap of 80 percent of the minimum number required, which is 657 spaces.

b. Design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.

The applicant has submitted a LEED for Neighborhood Development Credit Scorecard, dated May 1, 2013 that provides a delineation of how this project specifically addresses the following:

- Smart Location Linkage (SLL)
- Neighborhood Pattern and Design
- Green Infrastructure and Buildings
- Innovation Design Process
- Regional Priority Credit

c. Termination of Van Buren Street at a building or enhanced park feature.

The plan demonstrates a park feature at the terminus of Van Buren Street.

- d. A soils study identifying the top soils and subsoils and their appropriateness to support the use of porous pavements.**

The applicant has submitted a soil study titled “ECS, Preliminary Report of Subsurface Exploration, Laboratory Testing, and Geotechnical Engineering Analyses” consisting of 198 pages. The Planning Board reviewed the SWM Concept Plan and found that the plan had been approved with areas shown as porous pavement areas, so they adopted a condition relating to the same information being required to be shown on the DSP prior to signature approval.

- 23. Prohibit clear-cutting or re-grading any portion of the development until a detailed site plan for that portion of the site has been approved.**

The subject DSP is for the entire site, so this condition has been fulfilled.

- 25. Prior to the approval of a Preliminary Plan of Subdivision (the “Preliminary Plan”), the applicant shall do the following, subject to the opportunity for review and comment by Prince George’s County, the Town of Riverdale Park, and the Town of University Park:**

- b. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.**
- d. Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any. Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.**

The applicant has submitted a commitment letter regarding the establishment of a funding mechanism, financial assurances, and a timetable for construction of the CSX Crossing. The commitment letter is dependent on the granting of a special taxing district by the District Council, for which a hearing was held on May 14, 2013. The Planning Board took notice that the District Council had approved the special taxing district in CR-28-2013, thereby fulfilling this condition.

The following considerations were included in the approval of Primary Amendment A-10018:

Consideration 1 Extending the Rhode Island Avenue Trolley Trail across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.

This has been shown on the detailed site plan.

Consideration 2 Establishing a parking district to promote shared parking within the Town of Riverdale Park town center and with the adjacent Armory with the cooperation of the United States.

The Planning Board adopted a condition relating to this consideration, requiring that prior to the release of any building permits for Buildings 6B, 7, 8, or 9, the applicant should provide evidence of good faith efforts to work with the Town of Riverdale Park to establish and authorize a shared parking district pursuant to Article 21A of the County Code. The Planning Board recognizes that the initiation of a shared parking district is the responsibility of the City of Riverdale Park.

Consideration 3 Provide residential uses above commercial uses in order to create a vertical mix of uses.

The detailed site plan has provided residential dwellings above retail uses in Building 5.

Consideration 4 Consistent with the spirit of the circulator bus, initiate or contribute to a Regional Economic Partnership along the Corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.

The Planning Board adopted a condition relating to this consideration, requiring that the applicant consider participating in a regional economic partnership along the corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west. This condition preserves the intent of a consideration as set forth in Zoning Amendment No. A-10018, which encourages participation in a regional economic partnership should one be established.

Consideration 5 Pursue with Riverdale Park a “Quiet Zone” for the CSX line at appropriate times, so long as it can be demonstrated to be safe.

The Planning Board considered the inclusion of a recommended condition requiring the applicant to provide evidence of good faith efforts to work with the Town of Riverdale Park to obtain a “Quiet Zone” in regard to the CSX noise impacts on the town center, per this consideration. However, after hearing testimony from Town officials that this issue has to be requested of CSX by a municipality, the Board finds that no such condition should be required of the applicant.

9. **The requirements of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan:**

The Town of Riverdale Park Mixed-Use Town Center Zone Development Plan.

The Cafritz Property Town Center Development Plan established development standards and land use recommendations for the site. The M-U-TC Zone permits dwelling units in a building containing commercial uses on the first floor as a by-right use, whereas all other residential uses must request that a special permit be granted. The intent is to encourage a mix of uses in town centers where a concentration of commercial and retail establishments will activate the street level and encourage pedestrian movement in the commercial corridors. The plan should be revised to identify which parcels are the subject of the Special Permit.

The plans were reviewed by the M-U-TC Design Committee and they have provided an analysis of the conformance of the plans to the Development Plan. In their analysis, they identified certain plan elements for which conformance can only be ensured by additional design detailing on the plans. Planning Board found that these design details should be provided prior to signature approval of the plans, or prior to the issuance of the applicable building permit as appropriate, to be determined by the Urban Design Section at the time of certification of the plans.

10. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-U-TC Zone, the R-55 Zone and Airport Compatibility, Part 10B, of the Zoning Ordinance:

- a. Regulations and allowed uses in the M-U-TC Zone come from the approved Town Center Development Plan. The uses as proposed in the DSP are permitted uses.
- b. The portion of the subject property that is zoned R-55, approximately 2.02 acres, is only proposed to contain a stormwater management pond and part of the proposed trolley trail, neither of which present any issues regarding conformance to the regulations and allowed uses of the R-55 Zone.
- c. A portion of the subject property, in the northeast corner, is located within Aviation Policy Area (APA) 6 under the traffic pattern for the small general aviation College Park Airport. 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.**

Townhouses, with a maximum height of approximately 43 feet, and two multifamily residential buildings, Building 7 and Building 8, both with a maximum height of approximately 65 feet, fall within the APA-6 area on-site. The proposed building height is inconsistent with the building height restriction of APA-6. However, the DSP was referred to the Maryland Aviation Administration and in a memorandum dated April 11, 2013, that agency stated that, in accordance with COMAR 11.03.05, the proposal is not considered an obstruction or hazard to air navigation at the College Park Airport.

- 11. **Preliminary Plan of Subdivision 4-13002:** Preliminary Plan of Subdivision 4-13002 was approved by the Planning Board at the public hearing dated May 16, 2013. The plans were reviewed for conformance to the preliminary plan and various conditions were removed from, added to or revised in the approval of the subject DSP to accomplish full compliance with that plan. Additionally, Condition 1.(a)(1) requires that the DSP be revised to conform to the approved PPS 4-13002 prior to certification.
- 12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodlands. A Type 2 Tree Conservation Plan (TCP2-010-13) has been submitted.

The Woodland Conservation Threshold (WCT) for this site is 15.25 percent of the net tract area or 5.75 acres. The total woodland conservation requirement is 17.61 acres. The plan proposes to meet the woodland conservation requirement with 0.65 acres of woodland preservation and 16.96 acres of fee-in-lieu. The proposed preservation area is located along the west boundary and contains eight specimen trees.

Per Section 25-122(d)(8) of the County Code, the Planning Board may approve the use of fee-in-lieu to meet woodland conservation requirements that total one acre or larger if the project generating the requirement is located in the Developed Tier, or if the approval of the use of fee-in-lieu addresses an identified countywide conservation priority. The subject application is located in the Developed Tier. The Planning Board approved the option for the use of fee-in-lieu

with the preliminary plan. A note is shown on the Type 2 Tree Conservation Plan TCP2-010-13 stating “The option of using fee-in-lieu of off-site woodland conservation has been approved with Preliminary Plan 4-13002 approval.” The proposed TCP2 is found to be in conformance with the proposed TCP1. However, the worksheet on the TCP2 indicated the wrong factor for the fee-in-lieu calculation, which should be \$0.90 per square foot, and this should be revised prior to certification of the DSP. No additional information is needed with regard to woodland conservation.

In accordance with the State Forest Conservation Act, Section 25-122(b)(1)(G) of the Woodland Conservation Ordinance requires a variance if a specimen, champion, or historic tree is proposed to be removed. Tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees. If after careful consideration has been given to preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. A variance was approved with the PPS application for the removal of 25 specimen trees.

Planning Board included conditions relating to the approval of the DSP to show the specimen trees on the DSP and requiring evaluation by a certified arborist.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—At their April 16, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regard to its relationship to Archeological Site 18PR259 located on the property; adjacent ERCO Historic Site (68-022); Riverdale Park (68-004), University Park (66-029), and Calvert Hills (66-037) National Register historic districts. After a detailed presentation of the application and discussion with the applicant, the HPC determined that elements of the DSP may require revisions that might not be available in time for review by the Planning Board. As a result, their recommended condition language below provides for additional review of these revisions before the certification of the detailed site plan, if these revisions are not available at the time of the Planning Board hearing. The HPC voted 6-0-1 (the Chairman voted “present”) to forward the following findings, conclusions, and recommendations to the Planning Board for its review of Detailed Site Plan DSP-13009 Cafritz Property:

The HPC provided a summary of the background of the subject property and the affected historic sites and districts.

HPC Findings

- (1) The subject DSP application provides for the development of residential, commercial, hotel, and office uses within the M-U-TC (Mixed-Use Town Center) Zone and based on a set of site-specific design guidelines. The proposed plans include up to 1,542,000 square feet of residential space (981 multi- and single-family dwelling units); up to 26,400 square feet of office space; up to 201,840 square feet of retail/flex space; and up to 145,080 square feet of hotel space within a network of streets that are extensions of the nearby grid established to the west in University Park and to the south in Riverdale Park.
- (2) The subject DSP application, and the associated preliminary plan of subdivision, provides for the retention-in-place of the nineteenth century ice house, the property's most significant remaining historic and archeological feature. The subject application includes the ice house within a landscaped portion of the parking area associated with the proposed grocery store near the southwestern portion of the property. The application provides some conceptual details for the final form of the feature, but does not specifically address the design, materials and construction techniques to be used, or the number and content of interpretive measures to be installed. The applicant's Phase III mitigation plan should include these details and address preservation of the ice house in place, data recovery for the carriage barn site and the required interpretive measures.
- (3) The illustrative plans for the proposed development indicate a number of the large, multi-story buildings on the property that may have a visual impact on the adjacent National Register Historic Districts.
- (4) At the historic preservation commission meeting dated April 16, 2013, the HPC voiced concern about future access to the ice house for archeological investigation and the preservation of the materials inside the structure. The plans do not provide any details of how the structure will be ventilated. The HPC directed Planning Board to work with the applicant to finalize some of the details of the ice house feature before the review of the DSP by the Planning Board, if possible. These details include the establishment of a limit of disturbance (LOD) to safeguard the ice house during grading and construction, the establishment of an archeology easement, more detailed specifications for the design and construction of the ice house enclosure, and more precise character and location of interpretive signage.

HPC Conclusions

- (1) A detailed site plan for interpretive signage and other public outreach measures focused on the history and significance of the MacAlpine property, the Calvert Homes development, the ERCO factory, and the historic trolley right-of-way, should be developed as part of the DSP process affecting the subject property.

Because of the short time frame associated with the submittal of the subject application, the applicant has been unable to provide many of the details associated with the retention and interpretation of the ice house before review of the subject application by the Historic Preservation Commission (HPC). Therefore, the applicant should be required to submit specific details for the design elements to the Historic Preservation Commission for review before certification of the detailed site plan, so that these details and specifications can be included on the certified plans.

- (2) The ERCO Historic Site (68-022) and its 13.71-acre environmental setting will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east. However, because the historic site is the subject of a Memorandum of Agreement between the University of Maryland and the Maryland Historical Trust providing ultimately for demolition, the impact of the railroad crossing should be considered de minimis. Archeological site 18PR258 will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east.
- (3) The applicant proposes the use of traditional and historicist design elements, materials, and details throughout much of the development. As such, to the extent that the taller buildings within the developing property may be visible from the adjacent National Register Historic Districts which are low-rise and residential in nature, the new development should have no negative visual impact on the historic districts.

Four of the five HPC recommended conditions are proposed to be included in the PPS report as recommended conditions and therefore, are not needed here. The single condition relevant to this application is included.

At their May 22, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regards to the revised alignment for the CSX railroad crossing (alignment "J") and the relocation of two multifamily buildings. Through a discussion, the HPC reaffirmed its conclusion that the ERCO Historic Site (#68-022) will be demolished through an agreement between the University of Maryland and the Maryland Historical Trust, regardless of the revised alignment of the railroad crossing and the relocation of two multifamily buildings within the developing property. As a result, the HPC voted (7-0-1, the Chair voted "present") to reaffirm, without revision, its findings, conclusions, and recommendations on the subject application.

- b. **Community Planning**—The subject applications are consistent with the development pattern policies of the 2002 *Prince George's County Approved General Plan* for corridors in the Developed Tier. The proposed mix of uses will fulfill several goals for the Developed Tier by encouraging more intense, high-quality housing and economic development in corridors, maintaining or renovating existing public infrastructure, and

promoting transit-supporting, mixed-use, pedestrian-oriented neighborhoods. The application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The vision for the Developed Tier is a network of sustainable transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 2002 General Plan designated the Riverdale MARC station in the southern portion of the M-U-TC zone development plan area as a possible future community center. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

The subject property is also located along the Baltimore Avenue Corridor as designated by the 2002 General Plan. The vision for Corridors is “mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.” (See policy 1, 2002 General Plan, p. 50). This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.

The subject applications conform to the Approved Cafritz Property at Riverdale Park Town Center Development Plan, dated July 12, 2012, amended and the purposes of the M-U-TC (Mixed-Use Town Center) Zone.

The Cafritz Property at Riverdale Park Town Center Development Plan amends the design standards of the approved 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (as amended by Zoning Ordinance No. 11-2012) for the Cafritz property only and not for the remainder of the Riverdale Park M-U-TC Zone properties.

The following comments are based on a selective analysis of the submitted DSP to determine conformance with the approved the Cafritz Property at Riverdale Park Town Center Development Plan. If a particular standard or guideline of the Amendment Development Plan is not discussed below, it should be assumed that the submitted application conforms to that standard or guideline in full. All page references are taken from the certified copy of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012).

SITE DESIGN

A drive-through area is indicated as part of a bank attached on the southern edge of Building 3; Standard 3 on page 5 strongly discourages drive-through windows, but allows for their consideration if they are accessed by alleys and located on the rear of the property, as is the case with this proposed drive-through.

Fencing, Screening, and Buffering (page 6)

The parking lot associated with Building 3 adjoins Van Buren Street; Standard 7 on page 6 recommends that a wall or fence should not be used to separate parking lots from the adjacent street, but it is a permissive guideline not a required standard. The

applicant's proposed wall and fencing screening method complies with the crime prevention through environmental design best practices while simultaneously improving the visual quality of the proposed development by using a low decorative brick wall to screen cars from public streets and incorporating wrought iron to allow for visual surveillance from public streets into parking areas.

Access and Circulation (Page 7)

The application meets the standards and guidelines for access and circulation.

Services, Utilities, and Stormwater Management (Pages 7 and 8)

The submitted site plans meet the standards and guidelines. Rain gardens and green roofs, bioretention, pervious pavement, and community stormwater ponds are all used throughout the site to improve the stormwater conditions, and micromanagement techniques are scattered throughout the site per Standard 7 on page 8.

Parking and Loading Design (Pages 9 and 10)

The submitted DSP generally meets the design standards and guidelines specified on pages 9-10. With regard to Standard 1 on page 9, the applicant should provide additional trees on landscape islands in the surface parking lot serving Building 3.

Planning Board notes that Standards 12 and 13, which deal with structured parking facing primary streets, are guidelines and not required standards. This is pertinent to the garages fronting 46th Street, Woodberry Street, and Maryland Avenue, none of which are considered primary streets at the locations fronting the structured parking facilities.

Signage (Pages 10 and 11)

The submitted detailed site plan drawings indicate the proposed development will comply with the standards and guidelines for signage with the exception of Standard 9 on page 11 and Building 3. The proposed Whole Foods development incorporates signage that consists of individual, internally lit channel letter signage, which is permitted per approval of Secondary Amendment SA-130001, to Standard 9.

Architecture (Pages 13 and 14)

Most proposed buildings reflect the tripartite (base, middle, top) composition required by Standard 1 on page 13. Building 1 features a more modern architectural design with an understated, short "base" area. The Planning Board adopted conditions relating to required revisions to Building 1.

Building 3 incorporates a more horizontal approach that departs from the traditional vertical tripartite composition, but is attractive, nonetheless. Standard 1 allows for buildings without a tripartite design "if they (a) are architecturally unique and (b) enhance the overall appearance of the town center through conformance to the Cafritz Property development plan's overall design principles." The Planning Board finds that Buildings 1 and 3 meet the "architecturally unique" criteria.

No trademark buildings are proposed on the subject property.

The western façade of Building 5 should be articulated with additional architectural elements, high quality materials, and detailing to improve the overall quality of the design of the buildings and reduce the visual impact of the parking structure on Building 5.

Building Openings (Pages 15 and 16)

The submitted detailed site plan drawings appear to comply with the standards and guidelines for building openings. However, the applicant needs to revise the architectural elevations of the proposed buildings to incorporate notations regarding the percentage of each façade and story that is occupied by transparent windows to fully demonstrate compliance with the standards and guidelines.

PUBLIC SPACE

Sidewalks (Page 17)

The submitted detailed site plan drawings reflect large and inviting pedestrian zones and sidewalks throughout the subject property. However, it does not appear the submitted plans comply with Standard 3 on page 17 to continue the pattern and material of sidewalks across driveways and alleys “to signal that pedestrians and bicyclists may be present in the crosswalk and shall have priority.” The applicant should ensure the materials and design of the sidewalks is continued across the driveways and alleys that provide access to the interior of the proposed blocks within the subject property.

Landscaping and Pedestrian Amenity Zone (Pages 17 and 18)

The submitted detailed site plan drawings do not reflect the minimum eight-foot-wide landscaping/pedestrian amenity strip along Baltimore Avenue (US 1) between the sidewalk edge and the proposed face-of-curb as required by Standard 1 on page 17.

While several bicycle racks are indicated throughout the property, additional racks should be located near the entrances to both the commercial establishments and the multifamily residential buildings to encourage additional bicycle use.

Seating (Page 20)

There appear to be numerous opportunities for seating and gathering places within the proposed development. Planning Board has no concerns or additional comments regarding conformance with this section of the approved development plan.

Other Comments

The applicant includes information on the proposed mix of uses on the DSP cover sheet in General Note 16. However, the applicant needs to provide more specific numbers (rather than a range) of the development program prior to the approval of the detailed site plan. Additionally, these figures indicate an office component is proposed on the subject property but the applicant does not clearly identify the location of the office component.

Furthermore, the future hotel cannot be included on this detailed site plan submittal as anything other than a general indication of a future hotel on a lot or parcel since a hotel use in the M-U-TC Zone Development Plan requires the approval of a special exception, before it can be approved on a detailed site plan.

Every effort should be provided to ensure safe and convenient pedestrian and bicycle access to the historic core of Riverdale Park along the Rhode Island Avenue Trolley Trail and Maryland Avenue. Maryland Avenue proposes a sidewalk on the west side of the street to provide a link to the lands south of the Cafritz Property.

Van Buren Street should be designed to incorporate bicycle lanes in both directions as the major east-west street through the subject site. Additionally, the median of Van Buren Street, east of 46th Street, should be planted with street trees and should not remain a grassy lawn. The addition of street trees in this location will contribute to the site's tree canopy coverage and provide an avenue/park-like character for much of Van Buren Street, contributing to the monumental and celebratory gateway approach feel of this important street.

- c. **Transportation Planning**—In a memorandum dated May 21, 2013, the Transportation Planning Section offered the following comments. Additional conditions are included in this report relating to transportation issues.

The Transportation Planning Section has prepared this revised memorandum to reflect the changes and modifications approved by the Prince George's County Planning Board during its public hearing on Thursday, May 16, 2013, for Preliminary Plan of Subdivision No. 4-13002. The Planning Board approval of the Preliminary Plan includes a new CSX railroad crossing identified as the University of Maryland J-Crossing (Version J.3.300). This memorandum supersedes the Transportation Planning Section memorandum dated April 17, 2013.

The subject property consists of approximately 37.73 acres of land, of which about 35.83 acres are in the M-U-TC (Mixed-Use Town Center) zone and the remaining 1.90 acres are in the R-55 zone. The M-U-TC zone for the subject property was approved by the District Council through approval of the Zoning Map Amendment application ZMA A-10018 on July 12, 2012. The Preliminary Plan for the subject property was approved by the Planning Board on May 16, 2013.

The property is located along the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of US 1 and East-West Highway (MD 410), south of US 1 and Albion Road, and west of the CSX railroad tracks.

The subject property is covered by the *2009 Approved Countywide Master Plan of Transportation (MPOT)*, and the *Approved Cafritz Property at Riverdale Park (Zoning Ordinance no.11-2012)*, which amended the *2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*.

The submitted plans propose the site to be developed with 430 residential units (304 multifamily and 126 townhouses), 164,677 Gross Square Feet (GSF) of commercial retail space, and 22,000 GSF of office space. The remaining 551 residential units, which must include 219 senior housing units, will be part of subsequent DSP and/or SP applications. In order to meet the approved Preliminary Plan trip caps, conversion of all or any portion of the 219 senior housing units would result in a significant reduction in the remaining number of multifamily residential units that can be included in any future DSP/SP applications. The proposed trips from the future 120-room hotel were included in the approved Preliminary Plan trip caps, but the hotel use is not part of this DSP and SP application, as provision of a hotel use on this site requires the approval of a Special Exception.

The M-UTC Parking standard No. 1 (page 8 of the Cafritz Development Plan) states: “The maximum number of off-street surface parking spaces permitted for commercial (nonresidential) land use types shall be equal to 80% of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance”. The most recent submitted development and parking data provided by the applicant, dated May 21, 2013, proposed 258 off-street surface parking spaces. The applicant states that the total number of off-street surface parking for the entire proposed development shown in the submitted plans is limited to 282 spaces, which is 306 spaces less than the allowed maximum surface parking spaces (using the 80% of the minimum number of required off-street parking spaces and for the propose uses in accordance with Section 27-568(a) of the Zoning Ordinance).

The M-UTC Parking standard No.3 (Page 8 of the Cafritz Development Plan) states: “off-site shared parking can be used to the greatest extent possible to meet parking requirements.” The submitted plans do not propose any off-site shared parking for the proposed development.

The M-UTC Parking Standard No. 4 (Page 8 of the Cafritz Development Plan) states: “Where shared parking is utilized, the applicant shall provide details of the development’s proposed uses and required parking....The applicant shall also provide information on the times when the uses operate so as to demonstrate the lack of potential conflict between multiple uses.” The submitted plans lack the necessary information for the several shared parking lots and/or structures proposed throughout the site.

DSP Review Comments

Conformance to the Approved Plans

ZMA A-10018 contains several transportation- related conditions and considerations. The Preliminary Plan for the subject property also contains several transportation related conditions and findings. The status of the transportation conditions and considerations are summarized below:

a. For ZMA A-10018:

“6. Prior to approval of any detailed site plan, the following shall be provided:

“a. Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.

“b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.”

The submitted plans include curb extensions pedestrian refuges, sidewalks, and cross walks at many locations throughout the site. The plan does not show the provision of 12-foot wide curb lanes or 11-foot travel lanes, as suggested by DPW&T, for most of the proposed roadway cross sections, nor does it show ADA accessible ramps at all proposed curb cuts, ramps, and at all locations where sidewalks intersect with roadways. The submitted plans should also include the provision of wide crosswalks at all internal intersections, especially the required high visibility cross walks along with appropriate traffic controls and design features per SHA standards at all three proposed US 1 entrances to the site. The submitted plan should also include notes regarding the provision of appropriate pedestrian and bike signal controls at the intersection of Van Buren Street and US 1, and provisions for safe crossing of US 1 by pedestrians and bikers. The intersection must be designed to prohibit through vehicular movement between existing Van Buren Street west of US 1 and proposed Van Buren Street east of US 1.

“20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as

noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.”

A traffic signal warrant study has been submitted to SHA for review and approval. Even though the condition requires that “Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out”, per the requirements of SHA, the submitted plans correctly show the southern access (opposite Underwood Street), as right-in only from US 1 northbound. The plan lacks provision of approved appropriate traffic controls and additional design features and traffic channelization by SHA. As required by the above condition, full provision of these items is necessary prior to the issuance of any permits for the subject property, as required by Condition 1a.(5).

“25(b). Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.

“Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding

mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.”

The submitted plan includes the approved University of Maryland J-Crossing (Version J.3.300) for the proposed CSX crossing, as recommended by the Planning Board on May 16, 2013. The Planning Board in the approved Preliminary Plan, including the applicant’s proffer to contribute an amount not to exceed Five Million Dollars (\$5,000,000), found conformance to the above condition. On May 14, 2013, the County Council adopted CR-28-2013.

b. For the Preliminary Plan of Subdivision (4-13002):

“1.(s). Revise the CSX Bridge crossing alignment in accordance with the conditional approval of the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300).”

The submitted plan shows the University of Maryland J-Crossing (Version J.3.300) for the proposed CSX crossing, as approved by the Planning Board on May 16, 2013.

“1.(v). Along the property frontage with US 1, show a dedication area of at least 59 feet from the existing centerline from the southern limit of the property to the northern limits of the property.”

The submitted plan does not show the required dedication area of at least 59 feet from the existing center line along the property’s frontage with US 1, which is deemed sufficient by SHA for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and the provision of continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1. The Planning Board adopts Condition 10(a) to ensure compliance with this condition.

“1.(x). Show the locations for the planned car sharing location, taxi-cab loading and waiting zone, and a main bus stop with a shelter and bench along proposed Van Buren Street Extended.”

The submitted plans do not show the approved car sharing location, taxi-cab loading and waiting zone, nor a main bus stop with shelter and bench along the proposed Van Buren Street, however, as a condition of the preliminary plan, Condition 1(a)(1) will ensure compliance with the above condition.

“33.(b) Provide a seven-foot-wide sidewalk along the subject site’s entire frontage of Baltimore Avenue (US 1) at the time of the frontage improvements, per the Riverdale Park M-UTC Plan.”

The submitted plan does not show continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1, because the continuous sidewalk is subject to SHA approval. The Planning Board adopts Condition 10(a) to ensure compliance with this condition.

“34. The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development.”

The submitted DSP proposes 430 residential units (304 multifamily and 126 attached townhouses), 164,677 Gross Square Feet (GSF) of commercial retail space, and 22,000 GSF of office space. The resulting AM, PM, Midday, and Saturday peak hour vehicle trips that would be generated by the proposed development (as shown on the worksheet that will be presented at the Planning Board hearing) are less than the approved maximum weekday AM, PM, midday and Saturday Peak-hour vehicle trip caps used in making the required transportation adequacy findings for the Preliminary Plan, as stated above.

“35. Prior to signature approval of the detailed site plan, the plans shall be revised to:

“a. Limit the proposed southern access from Baltimore Avenue (US 1) northbound to right-in-only movement by appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards, and placement of “Do Not Enter” signs along the westbound direction of Underwood Street per Department of Public Works and Transportation (DPW&T) standards and requirements.

“b. Prohibit through traffic movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street east of US 1 at the US 1 intersection by incorporating appropriate traffic channelization islands and appropriate traffic controls subject to approval by the Town of University Park and per Maryland State Highway Administration (SHA) standards.

“c. Limit the proposed northern access to and from Baltimore Avenue (US 1) to right-in and right-out-only movement by

appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards.”

The submitted plans correctly show the southern access as right-in only from US 1 northbound, as recommended by SHA and the Planning Board approval of the Preliminary Plan. The submitted plans, however, should be revised to include: (1) the provision of high visibility cross walks, and (2) notes for the provision of appropriate traffic controls and design features per SHA standards at all three proposed US1 entrances, and (3) specific traffic channelization, control and signalization deemed appropriate by SHA at the intersection of Van Buren Street and US 1, that will allow for safe crossing of US 1 by pedestrian and bikers and (4) prohibition of through vehicular movement between existing Van Buren Street west of US 1 and proposed Van Buren Street east of US 1. This information will be shown on the plans proposed for frontage improvements for review by SHA and is not part of the DSP.

“36. Prior to approval of any detailed site plan for the property:

- “a. The applicant must demonstrate that all specific standards identified in the applicant’s completed Guidelines TOD checklist (which is included in the submitted traffic impact study dated March 5, 2013) have been incorporated in the plan as justification for meeting the 2012 Transportation Review Guidelines, Part 1 designation as “excellent” transit oriented development.**
- “b. The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies.”**

With the incorporation of (1) continuous sidewalk along US 1 frontage within the dedicated right-of-way, (2) the provision of appropriate traffic controls and design features per SHA standards at all three proposed US 1 entrances, (3) the provision of 12-foot wide curb lanes or 11-foot travel lanes, as suggested by DPW&T, for most of the proposed roadways, (4) the provision of ADA accessible ramps at all proposed curb cuts, ramps, and where sidewalks intersect with roadways, (5) the provision of a car sharing location and taxi-cab loading and waiting zone, and (5) a main bus stop with a shelter and bench along proposed Van Buren Street Extended, the submitted plans would be in full compliance of the TOD checklist.

During its review of the preliminary plan the Planning Board found that the applicant has committed to a public/private partnership as the funding

mechanism, including Tax Increment Financing (TIF) approved by the Town of Riverdale Park, a Special Tax District approved by the County with the adoption of CR-28-2013 on May 14, 2013, and private funds of up to five million dollars.

“37.(e). The construction of the proposed CSX crossing with at least 36 feet of road pavement to accommodate on-road bike lanes, six-foot-wide sidewalks, and two-foot barriers, as well as the bridge extension to Rivertech Court and associated improvements at the Rivertech Court intersection, and as required by DPW&T and per DPW&T and CSX standards and specifications.”

The submitted plans should be revised to show the extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court and the provision of sidewalks and on-road bike lanes, as well as any associated improvements at the Rivertech Court intersection required by DPW&T.

On-Site Circulation and Access Review and Findings

The subject property is adjacent to US 1. As proposed, the subject site will be served by three new access streets from US 1, two of which are proposed to be stop-controlled and limited to right turns. On the east, the site is served by a CSX railroad crossing that will extend to River Road, and on the south, a street connection to Maryland Avenue. The main access street intersection along US 1 will be at the existing Van Buren Street intersection.

The intersection of the main access street with US 1 will be constructed with special channelized islands per SHA standards which would prohibit the vehicular traffic cross movement at US 1 and access to the existing west leg of the US 1/Van Buren Street intersection. This main access street is proposed as a four-lane divided roadway with a wide median to be used as a plaza for public gatherings. To the east, it transitions to a two-lane roadway and extends west to Rivertech Court across the existing CSX tracks with a bridge structure and approach roadways that at minimum must include 12-foot wide travel lanes, on-road bike lanes, and continuous sidewalks.

The typical street sections, the intersection turning radii, roadway width, and lane width for all internal roadways and alley ways will require approval from the Prince George’s County Department of Public Works and Transportation (DPW&T) and the Town of Riverdale Park.

Transportation Recommendations

Based on the preceding findings, the Transportation Planning Section recommends the following conditions of approval for the submitted Detailed Site Plan, Special Permit applications and the proposed Secondary Amendments to the approved Cafritz Development Plan:

1. Prior to the signature approval, the submitted plans must be revised to include:
 - a. Provision of the required information for the proposed shared parking lots and structures throughout the site in order to demonstrate that adequate parking is provided for all uses and there would not be any potential conflict in parking usage between uses.
 - b. The provision of (1) 12-foot wide curb lanes or 11-foot travel lanes, as suggested by DPW&T, for most of the proposed roadway cross sections and (2) ADA accessible ramps at all proposed curb cuts, ramps, and at all locations where sidewalks intersect with roadways.
 - c. The provision of wide crosswalks at all internal intersections and the required high visibility cross walks along with appropriate traffic controls and design features per SHA standards at all three proposed US 1 entrance.
 - d. The provision of appropriate pedestrian and bike signal controls, and traffic channelization per SHA standards at the intersection of Van Buren Street and US 1 in order to provide safe crossing of US 1 by pedestrian and bikers, while prohibiting through vehicular movements between existing Van Buren Street west of US 1 and proposed Van Buren Street east of US 1.
 - e. The provision of at least 59 feet of right-of-way dedication from the existing center line along the property's frontage with US 1, as deemed sufficient by SHA for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1.
 - f. The provision of the approved car sharing location, taxi-cab loading and waiting zone, and a main bus stop with shelter and bench along proposed Van Buren Street.
 - g. The provision of continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1.
 - h. The extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court, including sidewalks and on-road bike lanes, as well as any associated improvements at the Rivertech Court intersection required by DPW&T.
2. Prior to the issuance of any building permit, the applicant and/or the applicant's heirs, successors, or assigns shall demonstrate that the following improvements

(a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the applicant and/or the applicant's heirs, successors, or assigns, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1) of the Zoning Ordinance, or (d) there is incorporated within the adopted County Capital Improvements Program (CIP) or the current State Consolidated Transportation Program (CTP) with one hundred percent (100%) construction funding allocated during the six years:

- a. The extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court including sidewalks and on-road bike lanes, as well as any associated improvements at the Rivertech Court intersection required by DPW&T.

The Planning Board reviewed the suggested conditions and incorporated them where appropriate, in conformance with the approved PPS and Basic Plan. However, those conditions that were already contained within PGCPB Resolution No. 13-55 were not repeated.

- d. **Subdivision Review**—The Planning Board reviewed the resolution of approval for the applicable Preliminary Plan of Subdivision 4-13002 (PGCPB No. 13-55) in relation to the subject DSP application and incorporated or revised conditions as appropriate to find conformance with it.
- e. **Trails**—The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

The MPOT includes the following project description for the Rhode Island Avenue Trolley Trail project:

Rhode Island Avenue Trolley Trail

Provide a shared-use trail along this former trolley right-of-way. Several segments of this trail have been implemented by the City of College Park. Planning work is also being done in Riverdale Park and Hyattsville. Where an existing roadway is within the former trolley right-of-way, bikeway and sidewalk improvements may be appropriate. Designated bike lanes shall be provided from Greenbelt Road north to Quimby Avenue (MPOT, page 31).

The submitted plans have relocated the trolley trail back to its historic right-of-way. Previous plans had reflected it along a proposed road approximately one block away. The Transportation Planning Section strongly supports this modification and believes that it will help to ensure that the Trolley Trail is the premiere regional facility and amenity intended in the master plan. This trail will connect to the historic Riverdale Park core, as well as Hyattsville to the south and College Park to the north.

The applicant has submitted a March 8, 2013 memorandum that adequately documents that the right-of-way for the Trolley Trail has been abandoned and acquired by the applicant.

Internal Sidewalk Connections

The internal road network includes (1) seven-foot-sidewalks on commercial roads (2) five-foot-sidewalks on residential roads (3) eight-foot-sidewalks on the Van Buren Entry configuration and (4) seven-foot-sidewalks on the Woodberry Entry configuration. This appears to be adequate to accommodate pedestrian movement through the site and to both Baltimore Avenue (US 1) and the Rhode Island Avenue Trolley Trail. Condition 3(e) of Primary Amendment A-10018 requires that an east-west trail/bicycle connection be provided through the site between Baltimore Avenue (US 1) and the trolley trail. This connection is currently shown along Woodberry Street with the provision of standard or wide sidewalks and designated bike lanes along both sides. This location was originally preferable due to the previously proposed location of the bridge over CSX. However, as the bridge has been relocated further to the south and the bikeshare station is proposed along Van Buren Street, and the majority of the commercial destinations are along Van Buren Street, the relocation of the designated bike lanes from Woodberry to Van Buren Street is recommended.

The transportation demand management plan has been amended to include a discussion of bicycle parking and a potential bikeshare station. The submitted plans have also been modified to include a location for the future station. Planning Board supports this location, however, more detail needs to be provided regarding the location, number, and type of bicycle parking provided, particularly with regards to how it meets current LEED-ND standards. Bike rack locations should be determined at the time of the Detailed Site Plan, and should be consistent with Condition 6(c) and the approved Design Standards for Public Space in the Development Plan.

Two additional improvements are recommended at the location where the Trolley Trail crosses Van Buren Street. The stop bar for traffic along eastbound Van Buren Street shall be placed before (or two to the west of) the Trolley Trail in order to prevent vehicles from stacking up in the crossing. And, a raised crosswalk is recommended at this location in order to slow the speed of turning traffic and raise the visibility of the crossing.

Major or outstanding issues

- (1) The exact number, type, and location of the bicycle parking should be reflected on the DSP, consistent with LEED-ND standards.
- (2) Redesign the alley on the northern edge of the subject site per the Planning Board exhibit. This will eliminate an additional crossing for the Trolley Trail and help to minimize trail user conflicts with motor vehicles.
- (3) Currently, all road cross sections proposed are labeled as private roads. However, it is recommended that the major roads on the subject site be maintained in public ownership. This is particularly important for Van Buren Street, Maryland Avenue, Rhode Island Avenue, the road within Parcel "P", and the bridge over the CSX tracks. The major bicycle and pedestrian routes should be within the public realm.
- (4) Due to the relocation of the CSX crossing to the south and the placement of the bikeshare station, the east-west bicycle and pedestrian connection is recommended along Van Buren Street.

The Transportation Planning Section has reviewed the detailed site plan in light of the Planning Board's approval of PPS 4-13002 and the relocated "J" bridge crossing and provided the following comments in a memo dated May 21, 2013. The background text and analysis provided in the April 19th memorandum (from Shaffer to Lareuse) remains unchanged, but the conditions of approval have been revised below to reflect the following changes made by the Planning Board as part of the preliminary plan approval:

- The relocation of the CSX bridge crossing.
- The approval of the bike lanes along Van Buren, rather than Woodbury Street.
- The retention of the at-grade crossing of the Trolley Trail at the northernmost alley.

The relocated bridge crossing provides for a more direct bicycle and pedestrian connection from US 1 to the CSX bridge. This revised bridge location and alignment enhances bicycle and pedestrian access through the site by providing a more direct east-west connection (rather than a more circuitous route) through the site and more from US 1 to the CSX crossing over prior alignments proposed. Other than the relocated bike lanes required by the Preliminary Plan approval, the rest of the network for pedestrians and bicyclists remains largely unchanged.

Conclusion and Revised Recommendations

In conformance with the 2009 Approved Countywide Master Plan of Transportation, 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (MUTCD), approved A-10018, and approved 4-13002, the applicant and the applicant's heirs, successors and/or assigns shall provide the following prior to signature approval:

- a. Revise the plans to include a raised crosswalk where the Trolley Trail crosses Van Buren Street and Woodberry, unless modified by DPW&T or Riverdale Park.
- b. Revise the plans to show a raised speed table and crosswalk where the Trolley Trail crosses the alley, Parcel EE, between Lot 31 and Lot 32, in order to reduce the conflict of trail users and motorists at this location. Stop signs shall be provided along the alley on each side of the trolley trail in order to provide the right of way to the trail users.
- c. Revise the plans to include ADA curb cuts and ramps at all locations where sidewalks or trails intersect with roadways.

The issues in a-c above have been incorporated in the conditions of this approval and the preliminary plan approval and must be completed prior to signature approval of the plans.

- f. **Department of Parks and Recreation (DPR)**—In a memorandum dated April 24, 2013, DPR provided a description of the background of the case and the following summarized comments:

The applicant submitted a Preliminary Plan of Subdivision which proposes subdivision of the property in order to provide for mixed-use development that will include Office, Retail/Flex, Hotel and Residential. The conditions of approval for the Preliminary Plan state that the applicant shall dedicate 1.12 acres of land (to M-NCPPC) along with a 30-foot-wide Public Use Easement to allow for a continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The conditions also require that the applicant construct and maintain Private Recreation Facilities to satisfy the remaining portion of the requirements for Mandatory Parkland Dedication for the Preliminary Plan. The applicant has shown Private Recreation Facilities which are being reviewed by the Urban Design Section of the Planning Department.

DPR Recommendations

The Park Planning and Development Division of the Department of Parks and Recreation recommends to the Planning Board that approval of this DSP application be subject to the following condition:

- (1) The applicants, their successors, and/or assigns, shall design and construct the Master Planned Trolley Trail within the dedicated areas and the Public Use Easement.
 - (a) Along with the submission of the first record plat, the applicant shall submit detailed construction drawings for the Master Planned Trolley Trail and review and approval by DPR.
 - (b) The approval of the Trail Construction Plans shall be obtained prior to the signature of the first record plat.
 - (c) Prior to the signature of the first record plat for the subdivision, the applicant shall submit three original, executed Public Recreational Facilities Agreements (RFA). Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and noted for reference on the record plats.
 - (d) Prior to the start of any trail construction, the applicant shall have the location of the trail staked in the field and approved by DPR.
 - (e) Prior to the release of any building permits, the applicant shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee for the Master Planned Trail Construction, in an amount to be agreed upon with DPR.
 - (f) As per Re-Zoning Amendment, A-10018, the ten-foot-wide master planned trail shall be completed and ready for use prior to the issuance of the Third building permit.

DPR's recommended conditions were adopted by the Planning Board's approval of the PPS (as modified Conditions 12 and 14) or they have been incorporated in this approval, as appropriate.

- g. **Permit Review**—No Permit Review Section comments were provided on the subject application.
- h. **Environmental Planning**—The site is subject to the environmental regulations in Subtitles 24 and 25 that became effective on September 1, 2010 and February 1, 2012.

Site Description

This 37.73-acre site is split zoned, with 35.83 acres in the M-U-TC zone and 1.90 acres in the R-55 zone. The property is located on the east side of Baltimore Avenue (US 1) where it intersects with Van Buren Street. The site is 88 percent wooded. A review of the available information indicates that streams and steep slopes 15 percent or greater are not found to occur within the limits of this application; however, a small isolated wetland and

a small area of 100-year floodplain exist on-site. The CSX right-of-way is adjacent to the eastern boundary of the site and has been identified as a transportation-related noise generator with potential vibration impacts. The soils found to occur according to the United States Department of Agriculture (USDA) National Resource Conservation Service (NRCS) Web Soil Survey (WSS), are in the Croom, Leonardtown, Sunnyside, and Urban Land series. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Northeast Branch watershed of the Anacostia River basin. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains Evaluation Areas and Network Gaps. The property is further located in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

An approved Natural Resource Inventory, NRI/121/06-01, was submitted with the application. This plan was updated to reflect the current code requirements and was approved as the '-01' revision to the plan on March 19, 2012. Subsequent to the last approval, land was added to the overall preliminary plan application increasing the land area. The total area of land within the current application is 37.73 acres and the total amount of woodland has increased from 32.73 acres to 33.12 acres. A revised NRI is not required at this time.

A small isolated wetland and a small area of 100-year floodplain exist on-site.

From the information approved with the NRI, the forest stand delineation (FSD) indicates the presence of six forest stands totaling 32.73 acres and 35 specimen trees. Stand 1 is a late successional oak forest dominated by willow oak and Southern red oak, is located along the eastern portion of the site, is designated as high priority for retention, and totals 4.91 acres. Stand 2 is a mid-successional mixed hardwood forest dominated by Black Cherry and Sweetgum, is located centrally on the site, is designated as low priority for retention, and totals 9.61 acres. Stand 3 is a mid to late-successional mixed hardwood forest dominated by white oak, sweetgum, and hickory, is predominately located along the northeastern portion of the site, is designated as moderate priority for retention, and totals 5.51 acres. Stand 4 is a mid-successional Virginia pine forest located on the central portion of the site, is designated as low priority for retention, and totals 1.54 acres. Stand 5 is an early to mid-successional mixed hardwood forest dominated by black locust, is located on the southeastern portion of the site, is designated as low priority for retention, and totals 7.77 acres. Stand 6 is an early to mid-successional Kentucky Coffee tree dominated forest located on the eastern portion of the site, is designated as moderate priority for retention, and totals 3.39 acres.

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the

Subdivision Regulations. The on-site regulated environmental features include a small isolated wetland and a small area of 100-year floodplain.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary 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 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 in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/ or minimized and should include 8½ by 11 exhibits of the proposed disturbance.

A letter of justification for the proposed impacts was stamped as received by the Environmental Planning Section (EPS) on December 10, 2012 and associated exhibits stamped as received December 18, 2012. The justification was reviewed with the preliminary plan application. The plan proposes impacts to the isolated wetland and wetland buffer for the installation of streets and residences and impacts to the floodplain for residential development and roadway extension.

Impact area 1 proposes 937 square feet of impact to the isolated wetland and wetland buffer for the installation of a street and residences. The central location of the isolated wetland would make preservation difficult because of grading constraints as well as negatively affecting the overall vehicular and pedestrian patterns.

Impact 2 proposes 2,488 square feet of impact to the floodplain for residential development and a required connection to Maryland Avenue. Because the floodplain is located along the length of the southern property boundary where the existing Maryland Avenue right-of-way is located, a road connection necessitates impacting the floodplain. 100-year floodplain attenuation has been addressed in the approval of Stormwater Concept Plan (11589-2010-00).

Planning Board supports the request for the proposed impacts to the isolated wetland, wetland buffer, and floodplain for the reasons stated above.

Planning Board reviewed the revised Detailed Site Plan, Landscape Plan and Type 2 Tree Conservation Plan stamped as received by the Environmental Planning Section on May 3, 2013. The revised plans reflect a relocated CSX crossing from the previous plan stamped as received on April 19, 2013, for which a memorandum was provided on April 23, 2013.

CSX Crossing

The original plans, received March 28, 2013, proposed a crossing over the CSX at the north portion of the site, through an area of existing specimen trees that would be impacted as a result of the crossing. The previous plan, received April 19, revised the location of the crossing to be at the south section of the site, through a section of townhouse lots. Staff supported the revised location because it resulted in the preservation of more specimen trees and woodland conservation along the northeast boundary of the site. The May 3rd plan shows the crossing relocated through the central portion of the site. This location will have no impact on the specimen trees and woodland conservation areas previously proposed for preservation.

Noise

The previous layout in the April 19 plan showed several lots and two buildings within a location that would be impacted by noise levels 65dBA ldn or higher. Based on that layout, a noise wall was proposed as recommended by the noise study submitted with the application. The layout has been revised and now shows fewer lots within the 65 dBA ldn noise contour. For most of the lots within the upper and lower level, it appears outdoor and interior noise impacts will be mitigated by the three proposed buildings adjacent to the CSX. For the proposed buildings and lots 43-46, special building materials will be required to mitigate interior noise levels to below 45dBA Ldn.

Stormwater Management

The site has an approved Stormwater Management Concept letter and plan (11589-2010-01). The letter requires the following stormwater management controls: bioretention, extended detention and filtration. The plan shows a series of bioretention areas within the green buffer area along US Route 1. A pond is proposed in the northeast corner of the site. The concept is correctly reflected on the revised TCP2 and DSP.

Woodland Conservation

With regard to woodland conservation, impacts to regulated environmental features, removal of specimen trees, the plan is consistent with the previously submitted plan and in general conformance with the approved preliminary plan of subdivision. There are no changes in the specimen trees to be preserved.

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 installation of

streets and residences over an isolated wetland and wetland buffer and impacts to the floodplain for residential development and roadway circulation.

- i. **Zoning Section**—In regards to zoning, the subject application is generally consistent with the Amended Cafritz Development Plan (DP) for Riverdale Park.
- j. **Prince George’s County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- k. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated May 15, 2013, DPW&T offered the following summarized comments:
 - “(1) Baltimore Avenue (US 1) is a State-maintained roadway; therefore, coordination with SHA is required. DPW&T would prefer that any proposed sidewalk along US 1 be located within the US 1 right-of-way. Sidewalk along US 1, whether on-site or within the right-of-way, will not be maintained by the County.
 - “(2) The site lies within the Town of Riverdale Park. The Town of Riverdale Park has requested DPW&T conduct the review and permitting of the internal streets. An agreement has been reached stating that DPW&T will do so. After construction, the maintenance of the streets will be determined by the Town of Riverdale Park. Streets will not be maintained by the County.
 - “(3) The internal streets carrying bus traffic are to have the adequate width and curb return radii to ensure that bus traffic can navigate the site safely. Travel lanes are to be a minimum of 11 feet in width and all curb lanes are to be a minimum of 12 feet in width.
 - “(4) The constructed CSX crossing bridge is to be structurally maintained by the County. The maintenance of the normal wear and tear of the pavement driving surface and snow and ice control are to be undertaken by the Town of Riverdale Park in conjunction with the maintenance of the associated roadway connections to the bridge. The bridge will need to be reviewed and approved by the Maryland Department of Transportation (MDOT) and the Maryland Transit Authority (MTA).
 - “(5) The applicant shall obtain all the necessary environmental permits that will be impacted by this proposed CSX crossing and associated roadway connection, but not limited to wetlands and Waters of the US.
 - “(6) The site has an approved Stormwater Management Concept Plan Number 11589-2010-01, dated May 7, 2013.

- “(7) Additional profile information is needed demonstrating that the proposed bridge approach lengths and grades will accommodate the required 30 mph design speed. The bridge approach lengths may require adjustment.
- “(8) The Rivertech Court extended approach to Lafayette Street should be shifted seventy five feet south to comply with University of Maryland requirements.
- “(9) The applicant shall solely obtain all the necessary permits, including the CSX permit, to construct the proposed CSX crossing and the associated roadway connections. The proposed roadways which will connect the CSX crossing to Rivertech Court are to be owned and maintained by the Town of Riverdale Park.
- “(10) The construction cost estimates of the proposed CSX crossing and the associated roadway connections shall be reviewed by DPW&T.
- “(11) Some of the standards regarding the bridge design will include the following: bridge is to be 36 feet road pavement and six-foot sidewalks and two-foot barriers.
- “(12) A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for the proposed buildings, may be required.”

All of the above comments should be noted by the applicant. In regard to the comments about roadway dimensions, ownership and maintenance, these issues were determined at the time of preliminary plan of subdivision (PPS), which reviews for adequate circulation, and the DSP should be revised to match.

1. **Prince George’s County Police Department**—In a memorandum dated May 21, 2013, Corporal Kurt Schnitzenbaumer of the Police Department offered the following comments:

“After visiting the site and reviewing the revised plans there are a few CPTED related concerns regarding the site plan submitted. In regards to the retaining walls and barrier walls I recommend using a pre-cast concrete that is made to look like a limestone wall or other type of stone. The main aspect of designing these is to not provide the blank canvass opportunity for graffiti. Another example would be using a textured concrete wall so as not to provide the “blank canvas.”

“I am requesting the architectural plans for the ramp crossing over the railroad tracks in order to review any security concerns. Some of the points I would like to review is whether or not the area under the bridge is going to be enclosed or open. If it is going to

be enclosed what type of fencing or wall is going to be used. Also, what type of lighting is going to be used under the bridge? All of these can have security risks. Such as providing a “blank canvass” for graffiti and places for persons to hide and conduct criminal activity. Understanding the access control will assist law enforcement in how we would respond to calls for service.

“I am also requesting any plans that MNCPPC might have describing the design of the trolley line to the north and south of the CAFRITZ property. It is my understanding that MNCPPC will be maintaining this land. I am curious as to what type of lighting will be used and landscaping will be done along this trail.”

The Planning Board reviewed the Police Department’s comments and incorporated conditions into this approval requiring the applicant to provide design plans for the trolley trail and CSX bridge crossing to the appropriate policing agency for review.

- m. **Prince George’s County Health Department**—In a memorandum dated April 12, 2013, the Environmental Engineering Program of the Prince George’s County Health Department provided the following comments on the subject application:

“(1) The site is adjacent to the CSX Washington Subdivision rail line, a major north-south train corridor for CSX intermodal freight and MARC Camden Line commuter passenger trains utilizing diesel locomotives. Published scientific reports have found links between diesel air pollution exposure and increased rates of asthma, stroke, heart attack and cancer. Study and modeling of the particulate air pollution from diesel locomotive sources should be completed to determine the associated potential health impacts on the susceptible residential population, and any recommended modifications, adaptations or mitigation should be implemented.”

The Planning Board is not authorized to impose conditions in DSP applications that are intended to deal with exposure to air pollution.

“(2) Numerous residential units are proposed within the 65 dBA noise zone adjacent to the CSX Washington Subdivision rail line. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. Accordingly, the Department supports the Environmental Planning Section’s recommendations relative to noise modifications/adaptations/mitigation intended to reduce adverse health impacts on the susceptible residential population.”

The Environmental Planning Section reviewed and commented on the noise impacts on the subject property as discussed in Finding 13(h) above.

- “(3) Western portions of the property are located in the recharge area for the Patuxent aquifer, a groundwater supply that serves the city of Bowie. Conversion of woodlands/green space in this recharge area to impervious surface could have long term impacts on the sustainability of this important groundwater resource.”

The subject property, as part of the rezoning under A-10018, was included in the Riverdale Park Town Center and planned for the mixed-use development proposed with the subject applications. The subject DSP does show the retention of some existing trees and open green space in the western portion of the site, adjacent to Baltimore Avenue (US 1).

- “(4) There are five carry-out/convenience store food facilities, but zero markets/grocery stores within a half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores, compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The applicant’s proposal to include a Whole Foods Market in the project will provide alternative nutritional food choices for area residents/office workers and could therefore be expected to foster positive health outcomes.”

This comment has been noted.

- “(5) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity, and promote the role of public health in improving quality of life. The applicant/developer should consider setting aside space for a community garden.”

The applicant should take note of this suggestion and is encouraged to preserve the possibility of the future homeowners developing a shared community garden.

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

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

“(7) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.”

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

n. **Prince George’s County Department of Environmental Resources (DER)**—In a memorandum dated April 18, 2013, DER stated that it appears that the request for a referral should be forwarded to DPW&T which is now responsible for stormwater management review and they had no further comment.

o. **Maryland State Highway Administration (SHA)**—In a memorandum dated April 12, 2013, SHA offered the following summarized comments:

Baltimore Avenue (US 1) is a State secondary roadway with posted speed limit of 35 MPH in the vicinity. The Average Annual Daily Trip (AADT) volume at this location is 24, 221 vehicles per day. The subject property abuts SHA right-of-way along the east side of Baltimore Avenue (US 1) for a distance of approximately 860 feet. Improvements associated with this project along Baltimore Avenue (US 1) within the right-of-way may include, but not limited to grading, paving, installation of curb and gutter, sidewalk, ramps, drainage structures, new traffic signal, pavement markings and signing. The proposed work within the SHA right-of-way will require an access permit. Note that access permits are subject to review and approval per SHA standards and policies. Based on our preliminary review, the SHA comment letter concludes that more detailed information is required and must be consistent with State Highway requirements.

The Planning Board reviewed the issues regarding the Baltimore Avenue (US 1) dedication and improvements in the PPS 4-13002. In that approval a condition was included that the plan should provide at least 59 feet of right-of-way dedication from the existing center line along the property’s frontage with Baltimore Avenue (US 1) for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and a continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1, or provide evidence of approval of a reduction to not less than 52 feet from existing centerline from the State Highway Administration (SHA). However, it was recognized that the ultimate design and right-of-way requirement for the Baltimore Avenue (US 1) frontage improvements will be approved by SHA at the time of access permit. A condition, in conformance with the approved PPS, has been included in this approval relating to the Baltimore Avenue (US 1) dedication and improvements.

p. **Washington Metropolitan Area Transit Authority (WMATA)**—WMATA did not offer comments on the subject application.

- q. **Maryland Aviation Administration (MAA)**—In a letter dated April 11, 2013, the Maryland Aviation Administration offered the following summarized comments:

The Maryland Aviation Administration has received the referral request for the Cafritz Property, near College Park Airport, a Maryland licensed public-use facility located in College Park, Maryland. Based on the information received, MAA determines the proposed permanent structures will reside beneath both the Horizontal and Conical Surfaces at College Park Airport with no penetrations of those surfaces. In accordance with COMAR 11.03.05, Obstructions to Air Navigation, the proposal is not considered an obstruction or hazard to air navigation. Not included in this determination are any temporary cranes that may be utilized during the construction phase of this project and will require separate analysis and determination.

In a subsequent letter, dated May 6, 2013, the MAA indicated that in review of the revised DSP with the CSX bridge location known as Option J.

- r. **Washington Suburban Sanitary Commission (WSSC)**— In a memorandum received April 2, 2013, WSSC offered comments regarding needed coordination with other buried utilities, suggested modifications to the plans to better reflect WSSC facilities, including mains and outside meter vaults, needed rights-of-way, avoidance of the existing 30-inch water main that runs through the property, and procedures for the applicant to follow to establish water and sewer service.
- s. **Verizon**—Verizon did not offer comments on the subject application.
- t. **Potomac Electric Power Company (PEPCO)**— In an e-mail dated April 15, 2013, from Tiffani Langdon, PEPCO offered the following comments:

PEPCO prefers for the public utility easements (PUEs) to be ten feet wide in order to accommodate all utilities and provide the appropriate separation between each. PEPCO did not find that the PUEs are adequate to facilitate feeder extension throughout the entire property. Additional PEPCO easements will have to be granted to allow for our feeder extension. PUEs established under sidewalks or paved surfaces do not allow PEPCO to direct bury its facilities. The financial responsibility of the cost difference to modify our design and installation specifications (material and labor) will be borne by the customer/owner/developer.

These comments were addressed by the applicant through the Preliminary Plan of Subdivision, when PUEs are established, or at the time of permitting when the details of utility locations are finalized.

- u. **University of Maryland**—In an e-mail dated April 26, 2013, from Ed Maginnis, University Counsel, stated that the University supports the Option J.3.300 alignment for the crossing of the CSX railroad tracks and subsequently the preliminary plan noted that

in letter dated May 7, 2013, from the University of Maryland, they agreed with the proposed location for the bridge landing.

- v. **City of Hyattsville**—The City of Hyattsville did not offer comments on the subject application.
- w. **City of College Park**— The City of College Park provided the following comments in letter dated May 22, 2013 from Terry Schum, AICP, Director of Planning, Community and Economic Development to Chairman Hewlett:

“The City of College Park City Council met at their regular meeting on May 14, 2013 and voted 6-2-0 to recommend DISAPPROVAL of DSP-13009, Cafritz Property, for the following reasons:

- “1. Critical information and materials needed as part of the review of the application were missing, revised and/or submitted after the deadlines established by the Maryland-National Capital Park and Planning Commission for receipt of such information.
- “2. Several conditions that were placed on the property at the time of the rezoning approval, and that are required to be met at the time of application for the preliminary plan, have not been satisfied by the Applicant. If the preliminary plan is not approved, a detailed site plan, by law, cannot be approved.

“In addition, the City Council asks the Planning Board to give consideration to the following conditions should the Planning Board act to approve the application:

- “1. Prior to signature approval of the DSP, revise the Site Plan to:
 - “A. Show pedestrian-oriented street lights between the curb and sidewalk along the Route 1 frontage that are 14' in height and spaced not more than 50' apart in compliance with the Development Plan. The Applicant should also consider replacing existing street lights on utility poles with upgraded fixtures.”

The Planning Board recognized that street lighting within the right-of-way along Baltimore Avenue (US 1) is under the jurisdiction of the Maryland State Highway Administration. The Applicant objected to this proposed condition. The Planning Board agrees, and determines this condition is not necessary.

- “B. Show building heights in feet for all buildings.”

The Planning Board found that the heights of the buildings were shown on the architectural elevations plans but adopted Condition 13(m) that requires this information to be shown on the site plan.

- “C. If Parcel H is dedicated to the City of College Park, submit detailed design plans of the Trolley Trail including landscaping and signage elements to be reviewed and approved by the City of College Park.”

Through the Planning Board’s approval of Preliminary Plan of Subdivision No. 4-13002, it was determined that the Applicant will dedicate Parcel H to the M-NCPPC, however, the Planning board adopted a similar condition that requires the design plans for the linear park should be sent to the City of College Park.

- “D. Ensure two-way travel the entire length of Woodberry Street.”

The plans demonstrate two-way travel along Woodberry Street.

- “2. Prior to signature approval of the DSP, revise the Landscape Plan to:

- “A. Conform with the Development Plan requiring trees to be planted [or saved] in the US 1 landscaping/pedestrian amenity strip every 30 to 40 feet (relative to full growth size). The size of the trees to be planted shall meet the required minimum of 2 ½ inch to 3-inch caliper.”

This issue is requiring street trees within the SHA right-of-way to be a minimum size. The Planning Board recognized that the determination of the improvements within the right-of-way is wholly the authority of that agency and that they will control the street tree planting. Nevertheless, the Planning Board adopted a similar condition addressing the street tree plantings, subject to SHA review and approval.

- “B. Provide landscaping details for the entirety of Parcel H including trees to be saved and planted and all existing conditions, easements and improvements.”

The design plans for the trolley trail will be reviewed by the Department of Parks and Recreation and the Urban Design Section. The review shall incorporate the above items as well and other issues of concern relating to safety and maintenance. The Planning Board did not adopt the condition as proposed.

- “3. Prior to signature approval of the Detailed Site Plan, the Applicant shall provide a grading and construction phasing plan that includes a timetable and dates for grading and construction listed by building permit.”

The Planning Board adopted a similar condition relating to the submission of an estimated phasing plan estimating the timing of grading and construction of buildings.

- “4. Prior to issuance of the first use and occupancy permit, the Applicant shall construct a sidewalk (a minimum of 5' wide) along Route 1 between Albion Road and the subject site, across the property owned by WMATA, and subject to the Applicant obtaining a public use easement from WMATA, if SHA ROW is not available.”

This proposed condition is inconsistent with Condition No. 38 imposed by the Planning Board in its approval of Preliminary Plan of Subdivision No. 4-13002, and the Planning Board, therefore, did not impose this condition.

- “5. Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:

“A. Prior to DSP certification, the Applicant shall:

- “1) Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.
- “2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.

“B. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification

statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.”

As stated earlier in this resolution, the Planning Board considered these conditions requested by the City during its consideration of Preliminary Plan of Subdivision No. 4-13002 and upon advice of its legal counsel, the Planning Board did not adopt the proposed condition, but found that the condition was adequately addressed in Condition No. 1(a)(24).

- x. **Town of Edmonston**—The Town of Edmonston did not offer comments on the subject application.
- y. **Town of Riverdale Park**— On May 19, 2013, the Riverdale Park Town Council voted to recommend approval with conditions of Detailed Site Plan DSP -13009 for the Cafritz Property subject to acceptance by the Planning Board of the requests for conditions and changes to conditions set forth below:

“**Town requests to STRIKE staff recommendation 1.a.(1)**, which as written reads:

“1.a.(1) The section of Woodberry Street from the Baltimore Avenue (US 1) right-of-way to the parking compound entrance on the north side of the street, shall be narrowed from 32 feet of paving for drive lanes to 16 feet in width to accommodate one-way traffic. The intersection of Woodberry Street with Baltimore Avenue (US 1) shall be reconfigured to reduce the length of the pedestrian crossing and expand the greenway entrance feature.

“**Town requests to REPLACE 1.a.(1) with the following language:**

“The Woodberry Street entrance from Baltimore Avenue (US 1) shall remain as proposed by the applicant with a Right turn in from, and a Right turn out onto, Baltimore Avenue.”

The Planning Board considered and properly addressed this issue in the review and approval of Secondary Amendment Application No. SA-130001, Secondary Amendments D.4 and D.5., and Condition No. 12. Condition 1.a.(1) as adopted by the Planning Board requires the Detailed Site Plan to be revised to comply with the approved Secondary Amendment Application No. SA-130001.

“**Town requests to STRIKE staff recommendations 1.a.(2), 1.a.(3), and 1.a.(5)**, which as written reads:

“1.a.(2) The section of Woodberry Street from the first parking compound entrance on the north side of Woodberry to the intersection with 46th Street shall be narrowed from 32 feet of paving for drive lanes to 26 feet in width to accommodate two-way traffic including truck traffic.

“1.a.(3) The section of Woodberry Street from the east side of 46th Street to the terminus of Woodberry shall be narrowed from 32 feet of paving for drive lanes to 22 feet in width for drive lanes.

“1.a.(5) Space resulting from the narrowing of Woodberry Street in accordance with the above Conditions (1), (2) and (3), shall be green area added to the front yards of the townhouse units and added space for street tree plantings located approximately 30 feet on center within a continuous planting bed. Expansion of building footprints into these areas is not permitted.

“Town requests to REPLACE 1.a.(2), 1.a.(3), and 1.a.(5) with the following language:

“The width of Woodberry Street shall be reduced to 11-foot lanes or a 22-foot travel way, with 7-foot parking on each side, from Baltimore Avenue to the terminus, and the space resulting from the narrowing of Woodberry Street shall be distributed between front yards, tree-planting strips, and other streetscape elements in a way to be determined by the applicant.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Secondary Amendments D4 and D5, and Condition 12. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendations 1.a.(6) and 1.a.(9), which as written reads:

“1.a.(6) The parallel parking spaces shown on the plans along the east side of 47th Street shall be eliminated in front of multifamily Buildings 7, 8, and 8A, and a seven-foot-wide continuous planting bed shall be provided with street trees planted approximately 30 feet on center.

“1.a.(9) Eliminate the parallel parking spaces shown on the plans along the east side of 47th Street in front of multifamily Buildings 7, 8, and 8A, and provide a seven-foot-wide continuous planting bed with street trees planted approximately 30 feet on center.

“Town requests to REPLACE 1.a.(6) and 1.a.(9) with the following language:

“The parallel parking spaces shown on the plans along the west side of 47th Street shall be eliminated in front of the townhouses. This additional 7 feet of land shall be incorporated into street tree planting strip(s), front yards, or other streetscaping, as to be determined by the applicant. Parallel parking spaces shown on the plans along the east side of 47th Street shall remain.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 3. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(7), which as written reads:

“1.a.(7) Provide two five-foot-wide bike lanes along Van Buren Street.

“Town requests to REPLACE staff recommendation 1.a.(7) with the following language:

“Provide two four-foot-wide bike lanes along Van Buren Street as agreed to in the PPS. These dedicated bike lanes would be taken out of the applicant’s proposed 15’-0” wide travel lanes on each side of the street so that no additional width will be added to the street. At the entry to Van Buren from Baltimore Avenue, flexibility is to be given to the applicant regarding the exact location of the two bike lanes.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 1. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(8), which as written reads:

“1.a.(8) Provide additional landscaping along the streetscape on the east side of Building 2A in the form of either foundation plantings or street trees in a continuous planting bed.

“Town requests to REPLACE staff recommendation 1.a.(8) with the following language:

“Provide street trees and landscaping substantially similar to those shown on Drawing L1-01 of the Landscape Drawings, dated 3-26-13, as submitted with the applicant’s original submission accepted on 4-1-13.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 2. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1a.(10), which as written reads:

“1a.(10) Increase the height of Building 1 to a minimum of 20 feet. The west elevation shall be enhanced with windows, door(s), and the standing seam metal roof on the south elevation shall wrap the west elevation. The roof of the towering element on the south elevation shall be upgraded to a slate or a standing seam roof.

“Town requests to REPLACE staff recommendation 1.a.(10) with the following language:

“Increase the height of Building 1 to a minimum of 20 feet, and enhance the western elevation with more fenestration, openings, a trellis, and/or architectural elements so that it has a more aesthetically pleasing visual presence when viewed from Baltimore Avenue.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 4. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(11), which as written reads:

“1.a.(11) Provide a three- to four-foot-high wall along the parking lot edge along the Baltimore Avenue (US 1) frontage on Lots 1, 2, and 3 where the parking lot is adjacent to the greenway entrance feature. Location, details and specifications shall be provided for review and approval by the Urban Design Section.

“Town requests to REPLACE staff recommendation 1.a.(11) with the following language:

“Provide a three- to four-foot-high hedge along the parking lot edge along the Baltimore Avenue (US 1) frontage on Lots 1, 2, and 3 where

the parking lot is adjacent to the greenway entrance feature. Location, details and specifications shall be provided for review and approval by the Urban Design Section.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 5. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(12), which as written reads:

“1.a.(12) Delete or relocate Lots 1-7 along Woodberry Street and create a common play area within this space with appropriate buffering and screening from Lot 1.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, as reflected in Secondary Amendment I. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(13), which as written reads:

“1.a.(13) Add 12–14 shade trees within the confines of the surface parking lot located on Lot 3 or provide the maximum number of trees for which there is space, without loss of parking spaces and without conflict with light poles or bio-retention areas.

“Town requests to REPLACE staff recommendation 1.a.(13) with the following language:

“Landscaping shall be implemented for Lot 3 as shown on the Revised Landscape Plan.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 7. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(15), which as written reads:

“1.a.(15) Delete the green screen along the 46th Street parking garage and upgrade the structure to address the exterior finish of the building in

such a way that it is in keeping with the design principles for exterior finish compatible with the overall development.

“Town requests to REPLACE staff recommendation 1.a.(15) with the following language:

“The 46th Street parking garage shall be developed and constructed as shown on the Revised Architectural Plan dated April 30, 2013.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 10. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(28), which as written reads:

“1.a.(28) Provide a raised crosswalk where the Trolley Trail crosses Van Buren Street, unless modified by the Department of Public Works and Transportation (DPW&T).

“Town requests to REPLACE staff recommendation 1.a.(28) with the following language:

“Provide a raised crosswalk where the Trolley Trail crosses Van Buren Street, Woodberry Street, and the alley behind Woodberry Street, unless modified by the Department of Public Works and Transportation (DPW&T).”

The applicant agreed to the Town’s proposed additional location for a raised crosswalk, and also to one more location; the driveway south of Building 6b. The Planning Board agreed with the negotiated condition and adopted Condition 1.a.(28).

“Town requests to STRIKE staff recommendation 1.b.(4), which as written reads:

“1.b.(4) The 16-foot-wide townhouse model shall be deleted and a 22-foot-wide townhouse model shall be included in the architectural package. Lots shall be adjusted in size accordingly.

“Town requests to STRIKE staff recommendation 1.b.(5), which as written reads:

“1.b.(5) Two-car garages shall be provided as a standard feature for all models of townhouses.”

The Town and the applicant both support a wide variety of housing types to allow for a diversity of users and price points, as well as fewer garage spaces to encourage public transportation. Staff also reconsidered their original position on the conditions above and agreed with the town and the applicant. The Planning Board agreed that the proposed conditions should not be adopted.

“**Town requests to STRIKE staff recommendation 1.b.(6)**, which as written reads:

“1.b.(6) Composite exterior finish material for the townhouses shall be predominately in the form of clapboard siding.

“**Town requests to REPLACE staff recommendation 1.b.(6) with the following language:**

“Any composite exterior finish material for the townhouses shall be predominately in the form of clapboard siding.”

The Planning Board, Town and the Applicant agreed that the alternative wording of this condition as suggested by the Town more accurately reflects the intent of this condition.

“**Town requests to STRIKE staff recommendation 4**, which as written reads:

“4. Prior to the issuance of building permits for Parcels K, L and M, a Detailed Site Plan and Special Permit application shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.

“**Town requests to REPLACE staff recommendation 4 with the following language:**

“Prior to the issuance of building permits for Parcels K, L and M, a Detailed Site Plan and Special Permit application for those parcels, limited to height and other bulk issues, architectural features and other site elements, shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.”

The Planning Board did not agree with the wording proposed by the Town and finds that staff’s Condition 4 is correctly worded and allows for the detailed site plan requirement for these parcels to be limited to each of these parcels only

(rather than the overall site) and the Planning Board adopted the staff-recommended condition.

“As part of the Town Council’s recommendation, the Town Council urges the Planning Board to include the following conditions as part of the Planning Board’s approval of the DSP:

- “1. Where the attached Matrix (Revised May 5, 2013) identifies a Riverdale Park M-U-TC Design Guideline with respect to a particular building or parcel with the notation “Applicant to Conform, Review at Permit” (Matrix item ## 22, 23, 35, 37-40, 59, 67, 71-73, 75-79, 81-86, 88-95, 98-99, 101, 121-122, 126-128, 135-136, 139-143, 150-155, 159-161, 171-172, 174 and 176), the plans shall be revised to conform to the Guideline before the issuance of a building permit for that building or parcel.”

The Planning Board adopted a similar condition that combined both the staff and the Town’s recommendation on the same issue, and adopted an amended Condition 7.

- “2. Amend Findings 6.f., 6.h., and 6.i. on pages 10-11 of the staff report to insert the following sentence in each finding: Street entrances for ground-floor residential units in multifamily buildings promote more pedestrian activity along the streets.”

The Planning Board agrees with the applicant and staff that additional street entrances for ground-floor residential units for the multifamily buildings approved through these current applications is not appropriate at this time as the architecture is not designed either exteriorly or interiorly to accommodate direct unit entrances to the street. However, the applicant proffered two additional entrances for Building 5, at least one of which will be located on Woodberry Street, and the Planning Board adopted Condition 13(f).

- “3. Prior to certification of the DSP, revise the detailed site plan and special permit plans to show an additional exterior entry to Building 5.”
- “4. Prior to certification of the DSP, revise the detailed site plan and special permit plans to show an additional exterior entry to building 6b.”

Consistent with the comment above related to additional street entrances, the Planning Board agrees with the applicant that an additional street entrance for Buildings 5 or 6b is not appropriate at this time, as the architecture is not designed on either the exterior façade or the interior to accommodate direct unit entrances to the street.

- “5. Prior to certification of the DSP, revise the detailed site plan and special permit plans to identify and show shrubbery and trees to screen the CSX railroad tracks and the Post Office site.”

The Planning Board agreed that the CSX railroad tracks need to be buffered and/or screened from ground-level view, and the Planning Board adopted Condition 13h.

“6. Prior to certification of the DSP, revise the detailed site plan and special permit plans to show street planting strips at 6 feet or larger instead of 5 feet.”

The Planning Board agreed with this proposed condition and adopted Condition 13i.

“7. Prior to first occupancy permit, public art shall be incorporated into the greenway entrance feature along Baltimore Avenue (US 1), as proposed in the rezoning process.”

The Planning Board reviewed the timing of the proposed condition and agreed with the applicant that public art should be incorporated into the greenway entrance feature along Baltimore Avenue (US 1), but it should more properly occur prior to issuance of the third building permit, and adopted Condition 11.

“8. Prior to certification of the DSP, revise the detailed site plan and special permit plans to include a general note indicating that signage shall follow the MUTC signage guidelines, except as otherwise approved as part of a Secondary Amendment, where signs with internally-lit channel letters may be used.

“9. The MUTC development plan guidelines on synthetic modern sidings shall be followed.”

The Planning Board recognized that the Town’s proposed Conditions 8 and 9 do no more than reflect the pre-existing legal requirements of the Riverdale Park M-U-TC Development Plan and, therefore, are not necessary to be imposed as separate conditions.

z. **Town of University Park**—The Town of University Park provided the following comments in letter dated May 22, 2013 from Mayor Tabori to Chairman Hewlett:

“The University Park Mayor and Town Council (hereinafter the Council) have spent many hours reviewing the plans and specifications submitted by the Applicant as part of DSP-13309, Special Permit SP-13002 and the Secondary Amendment. We note again that the Council’s review of these plans has been hampered by late filings, which have then resulted in submission of referral responses from Maryland National-Capital Park and Planning Commission (“M-NCPPC”) staff and others well after the issuance of the technical staff report, including several received on May 22, 2013. We have appreciated the cooperation of M-NCPPC staff in keeping us informed of the status of the project, however, it is not possible to be fully informed of important aspects of this case for the reasons previously stated in our letter with respect to the Preliminary Plan.

“Further, with the Detailed Site Plan hearing following the Preliminary Plan hearing by one week, we have not had the benefit of seeing the Board’s Resolution with respect to the Preliminary Plan. The Board’s vote was taken after a hearing that took many hours and involved numerous changes to proposed conditions and submission of documents. This has further complicated our review of the applications in this case, especially in view of the fact that the Town was not represented by counsel at that hearing due to a conflict. The Town Council has met on three separate occasions in the last week to discuss these development issues, in addition to attending an M-NCPPC staff meeting and the May 16 Planning Board hearing.

“As the Board knows, the Town supported the rezoning application for this property, which resulted in Zoning Ordinance No. 11-2012, Case No. A-10018 (“A-10018”). This support was specifically based on the conditions that were adopted as a part of that Ordinance. Based on the failure of the Preliminary Plan of Subdivision to comply with those conditions, the Council voted last week to recommend disapproval. For the same reasons, as much as we would like to be able to support this project on May 22, 2013 the Town Council voted 6-0 to recommend denial of Detailed Site Plan DSP-13309, Special Permit SP-130002 and Secondary Amendment SA-130001, based on the fact that the Plans fail to satisfy the requirements of Condition 25 of Zoning Ordinance No. 11-2012, Case No. A-10018. Further, it appears that the wording adopted by the Board in the Preliminary Plan, and proposed for adoption as part of the DSP, would redefine the requirement in Condition 25 of A-0018 that if the manner of public finding required for the CSX crossing requires approval of the County Council or other government body or entity, “the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property”.

“The Town’s concerns with the Applicant’s development have been presented to the Board throughout this process. As noted, these concerns were addressed in A-10018 through certain conditions. These concerns, in sum, are:

- “1. **Traffic management through the provision of a shuttle, circulator bus, effective traffic management plan (“TMP”) and a TDMD.** The Town worked with the Applicant, and the Towns of College Park and Riverdale Park to come to agreement on the wording for the TMP, which included shuttle bus, circulator bus and bikeshare provisions. This TMP was presented to the Planning Board at the Preliminary Plan hearing, with a request that it be substituted in its entirety for the TMP provided by the Applicant in response to Condition 17 of A-10018. We understand that the TMP submitted by the Town has been substituted for the TMP originally submitted by the Applicant to comply with Conditions 17 and 18 of A-10018. However, the Town’s request that it be involved in the process for final approval of the plans was not granted by the Board.

“2. **A required “buffer” or gateway entrance feature along the Route 1 frontage facing University Park.** The required buffer, ranging in width from 90’ to 110’ and shown on the Preliminary Plan approved by the Board, is now represented in the proposed DSP as a 90’ wide buffer, which is not consistent with the adopted Preliminary Plan. The width of the buffer on the Preliminary Plan is consistent with the dimensions shown to the Town by the Applicant on plans dated 3/13/2013. For whatever reason, it is now inconsistent with the Board decision, which we believe adopted the staff recommendation as follows:

“The PPS reflects the buffer along Baltimore Avenue (US 1) extending east from the right-of-way. The PPS proposes two streets (Woodberry and Van Buren) extending east into the site from US 1. The buffer is shown as a part of development Parcels A, B, and C. As recommended as requested by the Maryland State Highway Administration (SHA) and the master plan. In conformance with this condition, and as recommended by staff, the buffer should be shifted in its entirety to the east consistent to the amount of right-of-way dedication with no reduction in its size and configuration (size and width), prior to signature approval of the PPS.”

“3. **Construction of the CSX Crossing.**

“As noted in the Town’ letter concerning the Preliminary Plan, Condition 25b of A-10018 has not been met. The funding mechanism for the bridge has not been established as of the time of the Town’s review and was not established at the time of the writing of the Planning Staff report. While the applicant received County Council approval for a special taxing district on May 14, 2013, this does not establish a funding mechanism sufficient to cover the costs associated with the bridge. If that funding mechanism is used, we have no basis to ascertain or verify that the funding stream is sufficient to cover all associated costs, including acquisition of land, costs of capital, design, engineering, and construction. As noted in the May 21, 2013 report from the Transportation Planning Section:

‘The submitted plan includes the approved University of Maryland J-Crossing (Version J.3.300) for this proposed CSX crossing, as recommended by the Planning Board on May 16, 2013. However, as of this writing, the applicant has not provided staff with the required governmental approvals for every component of the proffered funding mechanism to the Planning Board in the approved Preliminary Plan... (at p. 4).’

“The Transportation Planning Section recommends a condition that requires submission of the required government approvals prior to signature approval of the DSP. However, Condition 25 of A-10018 requires this to be provided prior to approval of the DSP.

In its deliberations on the Applicant's Preliminary Plan of Subdivision on May 16, the Planning Board adopted a revised Condition 37 proposed by Staff in their Report of May 9, 2013. This condition appears to expand the infrastructure improvements eligible for funding, particularly those that are on Baltimore Avenue. In addition, it requires that the condition be met by the time of the "approval of a building permit". The Town would note that when the A-10018 Conditions were developed, none of the parties involved contemplated any form of public infrastructure funding or subsidy beyond the CSX crossing. More importantly, the negotiating parties established a series of triggers that are embodied in Conditions 25 and 26, to insure that the CSX crossing would actually be constructed. This was done in order to ensure that the ground was not graded if the CSX Crossing could not be achieved. If the land were to be graded and the CSX Crossing could not be permitted by the time of the approval of "a building permit," then that would leave both the surrounding communities and the Applicant in a difficult position.

“In addition, the Town notes that Condition 25 contains a sub condition that is relevant at the DSP stage, i.e., the second part of Condition 25d requires that "if the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities *must be obtained prior to the approval of any detailed site plan for the subject property.*" (emphasis added.) While the staff argues that this condition has been met, the Town would note that the Special Taxing District authorizing process contains two steps, the first of which is to authorize a Special Taxing District and define its boundaries, the second of which is to implement the taxing district by establishing the cost of the project and the ad valorem tax to be assessed. The first step of this process was met by vote of the County Council on May 14 to establish a Special Taxing District covering substantial portions of the Applicant's property. The second part of the process has not yet been initiated.

“After review of the M-NCPPC staff reports with respect to the Detailed Site Plan, Special Permit and Secondary Amendment, the Town Council voted as follows. We apologize for using what may be “old” paragraph numbers and other references from the staff report, which we understand may be amended.

DETAILED SITE PLAN

“1. The Town supports City of College Park conditions 1(b), 3 and 5.”

See Planning Board comments above in response to the recommendations relating to the City of College Park.

“2. The Town requests the following condition:

“Applicant shall be required to phase the grading of the property, to the fullest extent practicable, to maintain as much of the mature tree canopy and other screening in the greenway entrance feature, Parcels A, B and C in place until grading is required by construction activity on adjacent parcels.”

This Planning Board adopted Condition No. 13(l) to address this issue.

“3. The Town requests the following condition:

“Prior to the issuance of the first grading permit, the Applicant, its heirs, successors and assigns shall demonstrate that the extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court with at least 36 feet of road pavement, five foot sidewalks and on-road bike lanes, plus a two foot barrier (a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the Applicant and/or the applicant’s heirs, successors, or assigns, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1) of the Zoning Ordinance or (d) there is incorporated within the adopted County Capital Improvements Program (CIP) or the current State Consolidated Transportation Program (CTP) with one hundred percent (100%) construction funding allocated during the six years. In addition, the Applicant must submit for review and comment the completed, revised funding plan for the CSX Crossing (Bridge) to the Office of the Executive, Prince George's County; the Office of the Mayor, Town of Riverdale Park; and the Office of the Mayor, Town of University Park, which shall be allowed 10 days to review and comment prior to the issuance of a grading permit. If no comment is received, the permit may be issued.”

This proposed condition involves the adequacy of public facilities, which was the subject of Preliminary Plan of Subdivision No. 4-13002, and was addressed in Condition No. 37(e) of that approved application. The Planning Board found, based on advice of legal counsel, that imposition of this proposed condition is improper for a Detailed Site Plan application within the statutory scheme of the County Code.

“4. Delete Condition (C)(34) and substitute the following:

“Demonstrate the full 90 to 110’ depth requirement of the gateway entrance feature on Parcels A, B, and C, consistent with the approved Preliminary Plan of Subdivision.”

Condition No. 13 of Zoning Amendment No. A-10018, as approved through Zoning Ordinance No. 11-2012, requires that “a 90-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable....” The Planning Board believes that the zoning condition requires only a minimum buffer width of 90-feet and adopted the condition of staff as originally proposed.

ADDITIONAL CONDITIONS

“The Town Council adopted a number of conditions in January, 2013 when it first reviewed the Preliminary Plan, which it wished to see adopted by the Planning Board. It reviewed and approved these conditions again on May 13, 2013. These conditions are as follows:

“1. Prior to approval of the Detailed Site Plan, the applicant shall submit a draft easement for the protection and maintenance of the 90 to 120 foot wide buffer required by Condition 13 of Zoning Ordinance No. 11-2012 for Zoning Map Amendment A-10018 to the benefit of the Town of University Park and the Town of Riverdale Park. The easement for the protection and maintenance, which is subject to approval by the Town of University Park and Town of Riverdale Park, shall include language that sets forth the rights, responsibilities, and liabilities of the applicant and the applicant’s heirs, successors, and/or assignees with respect to maintenance of the buffer, consistent with the requirements of the detailed site plan.

“The easement shall be reviewed and approved by the Planning Board or its designee.

“2. Prior to approval of the final plat, the applicant, and the applicant’s heirs, successors, and/or assignees, shall submit a fully executed easement for the protection and maintenance to the benefit of the Town of University Park and the Town of Riverdale Park for the entire buffer delineated on the approved detailed site plan. The liber/folio of the easement shall be reflected on the final plat prior to recordation.”

The applicant testified in opposition to this recommended condition in that they stated that the Town of Riverdale Park would be the enforcing agent if the frontage of the project were not maintained in the manner approved in the DSP. The Planning Board did not adopt the proposed condition.

In addition to the issues raised above, the Town of University Park also submitted a Summary of Remarks to the Planning Board on May 30, 2013 which is provided below and includes additional recommended conditions:

“These comments are intended to expand upon the Town’s letter dated May 22, 2013, which was accepted as part of the Secondary Amendment hearing as University Park Exhibit 1 and is requested to be included in this record also.

“The Town of University Park (“Town”) has participated in the development process for the Cafritz Property at Riverdale Park from the beginning. The Town previously supported the rezoning application for this property, which resulted in Zoning Ordinance No. 11-2012, Case No. A-10018 (“A-10018”). This support was specifically based on the conditions that were adopted as a part of that Ordinance which the Town felt adequately addressed its concerns at that stage. The Town’s major concerns have been and continue to be the following:

- “1. **Traffic management through the provision of a shuttle, circulator bus, effective traffic management plan (“TMP”) and a TDMD.**
- “2. **A required “buffer” or gateway entrance feature along the Route 1 frontage facing University Park with a width of between 90 and 120 feet.**
- “3. **Timely construction of the CSX Crossing.**

“**Traffic Management**–The Town states its disappointment with respect to the status of the traffic management concern. A traffic management plan (“TMP”) was proposed by the Applicant as part of its traffic study. The TMP was found by M-NCPPC staff and the surrounding jurisdictions to be deficient in satisfying Conditions 17, 18 and 19 of A-10018, which were to have been complied with by Preliminary Plan. The Town, College Park and Riverdale Park, together with the Applicant, worked on a revised TMP that also included provisions concerning the shuttle bus and circulator bus, which was included in the record at the hearing before the Board with respect to the Preliminary Plan. The Board has adopted conditions with respect to Conditions 17, 18 and 19, that extend the deadline from Preliminary Plan to prior to approval of final plat. The conditions do not include the TMP presented and do not include it as a building block for inclusion in the future covenant or transportation management agreement, nor do they include participation by the Town.

“Required buffer or gateway entrance.—M-NCPPC staff correctly references that the plans reviewed at Preliminary Plan included a 90 to 110 foot buffer, now referenced as the gateway entrance or feature. This is consistent with the representations made by the Applicant at numerous Town meetings. It is now suggested by M-NCPPC staff that the DSP plans be revised to show a 90 foot depth requirement for the gateway entrance feature on Parcels A,B and C. We understand the Applicant supports this condition.

“The buffer is required by Condition 13 of A-10018. This condition requires “a 90-120 –foot-wide buffer” along the entire length of the property frontage on Baltimore Avenue. If the District Council intended to require only a minimum of 90 feet, as is now contemplated in the DSP, it would have done so. Instead, it provided a required range to complement the overall plan for this area as a transition place. Limiting the buffer to 90 feet is not consistent with Condition 13.

“Further, there is no actual delineation of the buffer, which should be available at DSP. We understand that this can be variable depending upon required SHA right of way.

“Timely construction of CSX crossing.—Condition 25 of A-10018 was carefully crafted to insure that a viable financing structure would be provided before any permit was issued, to avoid grading of the site until this was more than a possibility. The Board has accepted the County Council adoption of a special taxing district as sufficient evidence of establishing a funding mechanism. At DSP, the Applicant must demonstrate that any required governmental approval must be obtained prior to approval of any detailed site plan. It is clear that this has not occurred. While a special taxing district has been enabled, the legislation required to make any financing a reality, as opposed to a concept, does not exist.

“Further, the construction of the bridge is now required to demonstrate adequate public facilities. At this point, the Applicant does not control the land needed to comply with these requirements. The cost for the acquisition will affect the financing, which again points to the current inability to obtain required governmental approval.

“Although the information has been requested, the Applicant has not provided a cross section, profile, architectural renderings or elevations of the bridge.

“In addition, to further the objectives of the Town’s position, the Planning Board should consider adopting the following conditions:

- “1. Prior to certification of plans, provide a profile, cross sections, architectural renderings and of the bridge crossing for review by Urban Design and the Town of University Park.”

The Planning Board did not agree that the bridge review should be conducted by the Town, as the bridge design and structural aspects of it fall under the jurisdiction of the Department of Public Works and Transportation. However, the Planning Board did adopt another condition that is similar to the above and may address some of the concerns of the Town.

- “2. Prior to certification of plans, Applicant shall show on the plans the final disposition of the improvements required by SHA and the extent of the gateway feature. If a sidewalk is included in SHA improvements, there should be a showing that it meets ADA requirements.”

The Planning Board recognized that the timing of the final determinations of the requirements of the SHA and their approval usually occurs at the time of the building permit when the applicant will be required to file for an access permit. To hold the certification of the plans until such time would not allow the grading of the property in a timely manner and would be inconsistent with previous approvals. However, the Planning Board did adopt another condition that is similar to the above and may address some of the concerns of the Town.

- “3. Prior to first building permit, require that the Applicant demonstrate final approval of an agreement with the University of Maryland (including approval by the Board of Public Works) with respect to the transfer of the property required to land the bridge to the Applicant.”

The Planning Board did not adopt the proposed condition above.

- “4. Prior to issuance of a grading permit, require proof of payment of \$50,000 to the University of Maryland by the Applicant.”

The Planning Board did not adopt the proposed condition above.

- “5. Prior to certification of plans, include a sheet that references all applicable conditions, including A-10018, the Preliminary Plan and the Detailed Site Plan.”

The Planning Board did not adopt the proposed condition above.

- “6. Prior to issuance of a grading permit, the Applicant must file and obtain approval for any required detailed site plan or mandatory referral for the property where the bridge will land.”

The Planning Board did not adopt the proposed condition above.

The Planning Board made the following additional findings during the public hearing:

14. Based upon the changed configuration of the multifamily site and other site design details a noise wall may not be required. The applicant should provide evidence of whether a noise wall is required to the satisfaction of the Urban Design Section.
15. In order to assess the impact of any proposed free standing walls and retaining walls, the actual details and specifications should be provided to the Urban Design Section.
16. It is noted that at the time of signature approval the range of building square footage should be replaced with an exact square footage calculation for each building.
17. Interim grading and landscaping should be added to the plan for Parcels K, L, M, where the multifamily buildings are proposed, and the portion of Parcel F, where the future hotel is proposed.
18. In reviewing the landscape plans, the Planning Board determined that there was a need to provide landscaping in the form of low plantings and shade trees in the grass strip along the southern edge of the parking lot planned for building 3 near Underwood Drive. Shade trees should be located approximately 30 feet on center to the extent practicable. It was recommended that a landscape proposal be submitted to the Urban Design Section for review and incorporated into the landscape plan.
19. The Planning Board determined that given the proximity of the play area proposed in the northeast corner of the Village Green to the CSX crossing, relocation of that play area to the northwest corner of the Village Green would be a more appropriate location.
20. In addition to raised crosswalks already proposed on the plan, it was recommended that additional raised crosswalks be added near the CXS crossing to connect pedestrians from the multifamily buildings to the Village Green for safety purposes, subject to the review and approval of DPWT.
21. The Board noted the Applicant’s approved stormwater management concept plan includes reference to green roof technologies on Buildings 4 and 6A and that the plans did not provide for details and specifications of the green roofs.
22. The Planning Board finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 (TCP2-010-13) and further APPROVED Detailed Site Plan DSP-13009 for the above-described land, subject to the following conditions:

1. Prior to certification of the DSP, the applicant shall revise the plans as follows or provide the specified documentation:
 - a. Revise the detailed site plan as follows:
 - (1) Revise the detailed site plan to be in conformance with Preliminary Plan of Subdivision No. 4-13002, as approved, and with secondary amendments approved through Secondary Amendment Application No. SA-130001.
 - (2) Provide details and specifications, subject to review and approval by the Historic Preservation Commission and The Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist for:
 - (a) The design and construction of the ice house feature to be retained to specifically address the techniques to be used to safeguard the archeological feature during construction; the design and materials of the exterior of the ice house and its roof, in order to ensure the long-term preservation of the feature and to ensure proper drainage and ventilation;
 - (b) The design, number, and location of interpretive signs to be erected and public outreach measures to be based on the findings of the archeological investigations; the interpretive measures shall also address the significance of the nearby ERCO factory, the Calvert Homes development, and the trolley right-of-way through the subject property.
 - (3) 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.
 - (4) 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.
 - (5) Revise the plans so that the intersection of proposed Van Buren Street with Baltimore Avenue (US 1) is reconfigured employing the appropriate traffic controls and design features per Maryland State Highway Administration (SHA)

standards that prohibit through movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street.

- (6) Revise the plans to indicate high visibility crosswalks and pedestrian signals at Van Buren Street and Baltimore Avenue (US 1). Details for the crosswalks and pedestrian signals shall be provided for the review of the Urban Design Section, unless modified by SHA.
- (7) Revise the plans so that the intersection of proposed Underwood Street with Baltimore Avenue (US 1) is reconfigured employing appropriate traffic controls and design features per SHA standards that limit vehicular access at this location to right-in-only from Baltimore Avenue (US 1).
- (8) A revised photometric plan showing a detail of full cut-off optics shall be submitted. The lighting intensity shall be revised as necessary to be consistent with the use of full cut-off optics.
- (9) Submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 Stage 1 (pre-entitlement) approval.
- (10) Provide a cross section of the proposed Trolley Trail for approval by The M-NCPPC Department of Parks and Recreation (DPR) and place on the plans.
- (11) Revise the locations of the stop bar along Van Buren Street at Rhode Island Avenue west of the Trolley Trail crossing, unless modified by the Department of Public Works and Transportation (DPW&T).
- (12) The Trolley Trail shall be raised where it crosses the following: Van Buren Street; Woodberry Street; the alley north of Woodberry Street; and the driveway south of Building 6b; unless modified by the Department of Public Works and Transportation (DPW&T).
- (13) Provide for bicycle parking showing the location, number, and type of bicycle parking spaces consistent with the LEED-ND Bicycle Network and Storage Credit to be approved by the Transportation Planning Section.
- (14) Revise the plan to include Americans with Disabilities Act (ADA) curb cuts, ramps and special paving for crosswalks at all locations where sidewalks or trails intersect with on-site roadways. Details and specifications shall be added to the plans, unless modified by DPW&T.
- (15) Revise the landscape plan to identify all specimen trees to be preserved in accordance with the specimen tree variance request as approved with the PPS. Identify each specimen tree to be preserved by number.

- (16) Provide the location of the noise wall, with ten-foot clearance on all sides, and details and specifications, if the noise wall is required.
- (17) Demonstrate the full 90-foot depth requirement of the gateway entrance feature on Parcels A, B and C.
- (18) Provide details and specifications for all free-standing walls and retaining walls for review and approval by the Urban Design Section.
- (19) The general notes shall be revised to indicate the exact square footage of uses for each building, rather than a range of square footages. Remove any notation relating to a hotel use on the plans and/or general notes.
- (20) The median within Van Buren Street shall be planted with street trees and/or shrubs, with species and size to be reviewed and approved by the Urban Design Section.
- (21) Detailed design plans of the Trolley Trail including landscaping, screening and signage elements, shall be reviewed and approved by the Urban Design Section and the Department of Parks and Recreation (DPR), with referral to the appropriate public safety agency for its comments, and a copy provided to the City of College Park.
- (22) The stormwater management concept plan and detailed site plan shall be consistent in detail and design.
- (23) Prior to certification of the plans, the applicant shall submit the following information regarding private recreational facilities:
 - (a) Provide complete details, sizes, specifications, floorplans, and/or lists of all private indoor and outdoor recreational facilities on-site. These facilities shall be distributed among the residential areas on-site in order to provide convenient and safe recreational opportunities to all residents. They shall include a comprehensive approach to the design of the facilities considering recreational benefit to the targeted residents, year-round active recreational benefit, activities for all age groups, and shall include a minimum of two additional outdoor multi-age playground facilities. All of these facilities shall be of a high-quality design with the use of high-quality, low-maintenance materials, not including wood.
 - (b) Provide a schedule for the timing of the construction of all facilities. The outdoor facilities shall be completed, at a minimum, in phase with the surrounding development, whether it be roads or buildings, and the indoor facilities shall be completed no later than prior to the issuance of a use and occupancy permit for the related building.

- (c) Provide information regarding all private on-site recreational facilities to be reviewed and approved by the Planning Board or its designee, and reflected on the final plan set.
 - (d) The plans shall be revised to conform to the Parks and Recreation Facilities Guidelines.
 - b. Revise the Type 2 tree conservation plan (TCP2) as follows:
 - (1) All specimen trees shall be survey located and accurately reflected on all plans.
 - (2) Specimen trees 255, 281, 262, and 265 shall be evaluated by a certified arborist for construction tolerance based on the final site conditions and include the following information: recommendations for treatment prior to, during, and after construction. Treatments may include options such as the placement of protection devices and signs, root pruning, crown pruning, fertilization, and watering. Details of all required treatments and protective devices shall be provided on the TCP2.
 - (3) Revise the worksheet to show the correct fee-in-lieu factor of \$.90 per square foot, or change the worksheet to reflect off-site mitigation.
 - c. Revise the TCP2 and landscape plan as follows:
 - (1) Revise the label on the TCP2 from "Trees" to "Existing Trees to be Preserved (See Landscape Plan)"
 - (2) Demonstrate conformance to the requirement of ten percent tree canopy coverage, per the Development Plan.
- 2. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail, and associated interpretive/commemorative features, shall be completed per the approved design plans and open to the public.
- 3. Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.
- 4. Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.
- 5. Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.

6. The plans shall be revised to conform to the Cafritz Property at Riverdale Park Town Center Development Plan, as modified by any approved secondary amendments. The M-U-TC Guidelines Compliance Matrix (“Matrix”), dated May 5, 2013, shall serve as the instrument to guide the revisions to the plans at either time of certification or prior to building permit, as determined by the Urban Design Section. The Matrix shall be revised upon review to identify which outstanding guidelines and standards should be addressed at the time of certification of the DSP, and which should be reviewed before the issuance of a building permit for a specific building or parcel.
7. Prior to approval of a final use and occupancy permit for Parcel C, the applicant shall install the on-site commemorative/interpretive features for the ice house and complete other agreed-upon outreach and education measures.
8. Prior to issuance of the third building permit, public art shall be incorporated into the greenway entrance feature along Baltimore Avenue (US 1).
9. Prior to approval of permits for construction of the bridge, the applicant shall submit the following to the Urban Design Section (M-NCPPC) for review of aesthetic and functional impacts, and to the Prince George’s County Police Department for review of crime prevention through environmental design (CPTED) measures as follows:
 - a. The elevations, profiles and cross sections of the bridge design with sufficient detailing to address the materials and design of retaining/abutment walls and or posts. All surfaces should be designed to limit graffiti.
 - b. The plans shall be reviewed and comments provided in regard to proposed enclosures of space under the bridge, such as fencing or walls, lighting, and access control.
10. Prior to certification of the detailed site plan, the applicant shall revise the plans as follows or provide the specified documentation:
 - a. Revise the plan to provide at least 59 feet of right-of-way dedication from the existing center line along the property’s frontage with Baltimore Avenue (US 1) for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1, or provide evidence of approval of a reduction to not less than 52 feet from the existing centerline from the State Highway Administration (SHA).
 - b. Revise the plans to provide for porous pavement in the surface parking compound areas to the extent that subsurface conditions are suitable in regards to percolation and structural support, as stated in the soils report.
 - c. Indicate on the plans the lots and parcels that are the subject of Special Permit SP-130002.

- d. Revise the plans to show the interim grading and landscaping proposed for Parcels K, L, M, and the portion of Parcel F where the future hotel is proposed.
 - e. Revise the M-U-TC Guidelines Compliance Matrix to correspond to the lots, parcels, and building designations as shown on the approved detailed site plan.
 - f. Revise the plans to show two additional exterior entries to Building 5, at least one of which shall be located on Woodberry Street
 - g. Revise the plans to show and identify shrubs and trees to buffer and/or screen the CSX railroad tracks to the extent feasible in the space available.
 - h. Revise the plans to show street planting strips a minimum of six feet wide.
 - i. Revise the plans to show the Baltimore Avenue (US 1) landscaping/pedestrian amenity strip with shade trees planted approximately 30 to 40 feet on center. The size of the trees to be planted shall be a minimum of 2.5- to 3-inch caliper, subject to Maryland State Highway Administration (SHA) approval.
 - j. Provide a timetable with estimated dates for grading of the site and construction of buildings.
 - k. Prior to issuance of a rough grading permit, a plan shall be submitted to the Urban Design Section (M-NCPPC) and the Town of University Park to describe phasing of the grading of the property to maintain as much as possible of the mature tree canopy and other screening in the greenway entrance feature on Parcels A, B, and C, until such time as grading is required by construction activity on adjacent parcels.
 - l. Revise the site plan to show the building height in feet for all buildings.
 - m. Provide landscaping and shading trees 30 feet on-center along the southern edge of the parking lot along driveway access (Underwood Street) on Parcel C as approved by the Urban Design Section as designee of the Planning Board.
 - n. Revise the location of the play area shown in the northeast corner of the Village Green to the northwest corner.
 - o. Provide raised crosswalks at 47th Street at the Van Buren intersection to the Village Green to the adjacent multifamily parcels, subject to DPW&T approval.
11. Prior to the release of any building permits for Buildings 6B, 7, 8, or 9, the applicant shall provide evidence of good faith efforts to work with the Town of Riverdale Park to establish and authorize a shared parking district pursuant to Article 21A of the County Code.

12. The applicant should consider participating in a regional economic partnership along the corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.
13. Prior to signature approval, provide details and specifications of the proposed green roof technologies to be employed, at a minimum on buildings 4 and 6A, consistent with the approved stormwater concept plan.

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 Geraldo, with Commissioners Washington, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 30, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator