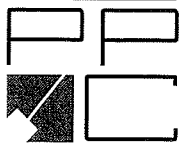


MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



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

September 11, 2012

Greenbelt Metropark, LLC
5450 Branchville Road
College Park, MD 20741

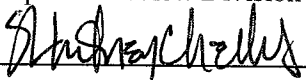
Re: Notification of Planning Board Action on
Preliminary Plan 4-01026
Greenbelt Station

Dear Applicant:

This is to advise you that on **September 6, 2012** the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice **September 11, 2012**.

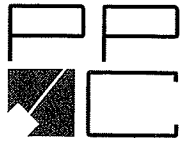
Very truly yours,
Alan Hirsch, Chief
Development Review Division

By: 
Reviewer

c: Persons of Record

PGCPB No. 01-130(A)/3

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 01-130(A/3)

14741 Governor Oden Bowie Drive
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File No. 4-01026

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

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

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

WHEREAS, the application for approval of the Preliminary Subdivision Plan, also known as Preliminary Plan 4-01026 for Greenbelt Station was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

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

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

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

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

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

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

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

*†Denotes Tertiary Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

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

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

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

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

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

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

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

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

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

*†Denotes Tertiary Amendment

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

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

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

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

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

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

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

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

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

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

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

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

~~*†(4) MD 201 from Cherrywood Lane to Sunnyside Avenue: Widen to four-lane roadway with two northbound and two southbound lanes, including the associated improvements to the MD 201/Sunnyside Avenue intersection, or other improvements that create equivalent capacity.~~

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

*†Denotes Tertiary Amendment

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- f. The impact of existing uses to Indian Creek.
7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,360.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Springhill Lake Elementary and Roosevelt High Schools.
8. No building permits for residential structures shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
9. Detailed Site Plans for the residential portion of the development shall include a review of private recreation facilities. The applicant shall demonstrate to the satisfaction of the Planning Board that adequate provisions have been made to ensure future maintenance and retention of the proposed facilities.
10. Prior to approval of any final plat including residential units, the applicant shall submit three original, executed Recreational Facilities Agreements (RFA) to the Department of Parks and Recreation. Upon approval, the RFAs shall be recorded among the land records of Prince George=s County.
11. Prior to application for building permits for residential units, the applicant shall submit to the Department of Parks and Recreation (DRD) a performance bond, letter of credit, or other suitable financial guarantee, in an appropriate amount determined by DRD.
12. The applicant shall provide a trail extension to the Indian Creek Stream Valley Trail. The trail shall be a minimum of 10 feet wide and accessible to the public. The exact location of this trail shall be determined at the time of Detailed Site Plan review.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
14. Prior to approval of detailed site plans in the north core, the Planning Board shall determine whether mandatory dedication of parkland to the City of Greenbelt should be

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

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

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

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

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

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

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

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

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The 100-year floodplain delineation as shown on the plan meets the requirements. The wetlands delineation had been previously examined in the field and determined to be correct. The 25-foot wetland buffers are shown. Fifty-foot stream buffers are correctly indicated. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and should be reviewed by the Environmental Planning Section prior to signature approval. In addition, the following note should be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There are no other environmental issues at this time.

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

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

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

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

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

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

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

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

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

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

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

Summary of Traffic Impact Study

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

- MD 193/Rhode Island Avenue - signalized now and in the future
- MD 193/Greenbelt Road - signalized now and in the future
- MD 193/south site access - future signalized intersection
- MD 193/Branchville Road/58th Street - signalized now and in the future
- MD 193/Cherrywood Lane/60th Street - signalized now and in the future
- MD 193/MD 201 Southbound Ramps - signalized now and in the future
- MD 193/MD 201 Northbound Off-Ramp - signalized now and in the future

MD 193/MD 201 Northbound On-Ramp - signalized now and in the future
Cherrywood Lane/Springhill Drive - 3-way stop-controlled now and in the future
Cherrywood Lane/Metro Access Roadway - stop-controlled now and in the future
Cherrywood Lane/Ivy Lane - stop-controlled now and in the future
MD 201/Cherrywood Lane - signalized now and in the future
MD 201/Beltway Inner Loop Off-Ramp - signalized now and in the future
MD 201/Beltway Outer Loop Off-Ramp - signalized now and in the future
MD 201/Crescent Road/SHA Access - signalized now and in the future
MD 201/Ivy Lane - signalized now and in the future
MD 201/Sunnyside Avenue - signalized now and in the future
Beltway Outer Loop Off-Ramp/USDA Access Road - future signalized intersection
Beltway Inner Loop On-Ramp/USDA Access Road - future roundabout
Beltway Outer Loop On-Ramp/Metro Access Roadway - future signalized intersection

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

Staff Analysis of Traffic Study

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

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

The most questionable component within background traffic is the inclusion of the proposed interchange at the Capital Beltway and the Greenbelt Metro Station. Although the Scoping Agreement indicated that this interchange would be considered, it was agreed upon given the possibility that a funding agreement could be achieved prior to a traffic study review. Furthermore, the access roadway to USDA was not recognized or noted in the Scoping Agreement. While staff understands that this interchange is of great benefit to the subject development, it cannot be a part of background development until it is funded. Also, it is not clear that the new access roadway is environmentally feasible or if the USDA agrees with the concept. Aside from the question of funding, the traffic study clearly has not evaluated the full impact of the addition of new ramps at the subject interchange, along with the addition of an access roadway to the USDA complex along Sunnyside Avenue. In staff's estimation, the interchange would have the following impacts:

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

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

In considering the impact of the site, staff believes that it is most appropriate to analyze 2005 conditions WITHOUT assuming that the interchange would be constructed. This will establish a level of development which can occur if environmental approval for the

new ramps is not granted or if the ramps are not funded for construction within the near term.

Phase I development as indicated in the initial traffic study would include the following: 250,000 square feet of general office, 850,000 square feet of retail, 775 multifamily residences, and 175 senior housing residences. However, given that staff is considering Phase I to be the quantity of development which can be accommodated without the proposed new ramps, the transportation staff is presenting Phase I as the quantity indicated by the applicant on page 2 of the 6/1/01 addendum. This would include: 180,000 square feet of retail, 550 multifamily residences, and 350 senior housing residences. Staff has the following comments about site trip generation:

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

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

2. Given the above discussion, it is not at all clear why the applicant opted to analyze the senior housing residences using the traffic consultant=s own study. While the rates assumed appear to be reasonable and consistent with published data, ITE does include trip rates for various types of senior housingCand given the above rationale the traffic study should probably have used one of the ITE use categories. Furthermore, the *Guidelines* specifically require that the use of anything besides published rates be fully documented, and there is no documentation included (even by reference) in the traffic study.
3. Attachment C is the initial page of the discussion of trip rates for General Office in the ITE Manual. This page includes specific instructions for the use of the published rates, and these instructions have clearly not been followed.

- a. Attention should be given to the two paragraphs in bold. These suggest that the aggregate amount NOT be used; rather, they suggest that either the Office Park category should be used or that trip generation under General Office be calculated for each building separately and then summed. The first method would seem to apply best within an area which is primarily office development. The second method would seem to best apply in cases where office buildings might occur among other uses and the buildings are not interrelated.
- b. In all but one case (in nearly 600 observations documented for the General Office and Office Park uses) used in the ITE Manual, the quantity proposed by the applicant is outside of the range of data observations. This would suggest that an inaccuracy could be introduced if the data relationship were extrapolated. The trip rates actually used are 30-40 percent less than those shown in the *Guidelines*. Even if the ITE rates are used correctly, the office trip generation would be somewhat lower than that which would be computed if the trip rates from the *Guidelines* were used. This reflects that some trips within larger office buildings are internally satisfied; this is not the case for typical office buildings which exist in the county.

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

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

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

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

Residential development—The data in the 1989 Ridership Survey indicates that transit mode share very clearly declines from about 70 percent for development about 0.1 miles from a rail station to approximately 25 percent near the half-mile point. Staff measured walk distances from the Greenbelt Metrorail station to the various housing blocks shown on the conceptual plan, determined average walk distances to each block, and computed an average walk distance for the residential component to be approximately 2,700 feet computed appropriate modal shares. This walk distance, according to the data and regression models presented in the 1989 Ridership Survey, would suggest a mode share between 24 and 34 percent not the 60 percent utilized in the traffic study.

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

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

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

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

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

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

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

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

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

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

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

Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Office - 0 square feet	0	0	0	0	0	0
Retail (North Core) - 0 square feet	0	0	0	0	0	0

Retail (South Core) - 180,000 square feet	103	67	170	289	313	602
Hotel - 0 rooms	0	0	0	0	0	0
Multi-Family Residences - 550 units	29	153	182	139	69	208
Senior Housing - 350 units	25	35	60	74	49	123
Total Net Auto Trips	157	255	412	502	431	933

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

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

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

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

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

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

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

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

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

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

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

*† Denotes Tertiary Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

Traffic Impacts: Phase II: Table 5 shows the traffic impacts of Phase II development. This is analyzed WITH improvements which would be constructed as a part of Phase I. The analysis also includes proposed ramps to the Capital Beltway which would allow traffic to directly access the subject property to and from the east. With proposed Phases I and II development and roadway network, as analyzed by staff, one intersection in the study area would operate unacceptably in at least one peak hour. With improvements which have been proffered by the applicant, the following service levels are obtained:

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

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

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

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

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

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

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

Plan Comments

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

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

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

*[Findings and Recommendations]

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

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

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

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

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

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

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

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

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

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

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

Transportation *[Staff] Conclusions

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

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

*†Denotes Tertiary Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

*†Links and signalized intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

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

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

Projected Impact on Affected Public Schools

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

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

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

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

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

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

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

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

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

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

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

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

Council bills CB-35-1998 and CB-47-2000 established what the District Council termed a Metro Planned Community. As part of the reconsideration request on the preliminary plan, the applicant put forth that the unique nature of a Metro Planned Community should allow

for flexibility in the lotting pattern. Additionally, the applicant noted “[n]o other site in the County is able to develop in the manner set forth in the Zoning Ordinance for a Metro Planned Community...” In fact, the purposes stated in the legislation for a Metro Planned Community contain:

Sec. 27-475.06.03. Metro Planned Community.

(a) **Purposes.**

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

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

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

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

allow for appropriate input from the public entities responsible for future permitting and maintenance and it allows for that input to be provided at the appropriate stage of the development process.

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

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 2, 2006, in Upper Marlboro, Maryland.

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

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

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

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

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

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 8/22/12

