



City of Greenbelt
Department of Planning & Community Development
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**PRELIMINARY PLAN OF SUBDIVISION
GREENBELT METRO**

**STAFF REPORT
August 23, 2019**

Revisions: 8/29/2019, 9/6/2019, 9/23/2019

I. General Information

Applicant/Property Owner:	The NRP Group LLC
Subject:	Preliminary Plan of Subdivision
Project Name:	Greenbelt Metro
Location:	6400, 6410, and 6420 Cherrywood Lane, Greenbelt MD 20770. Located on the north side of Cherrywood Lane, approximately 800 feet west of its intersection with Kenilworth Avenue (MD 201)
Acreage:	15.89 (gross tract area) Net developable area is 10.44
Existing Zoning:	C-O (Commercial Office) /D-D-O (Development District Overlay)
Existing Land Use:	Undeveloped
Proposed Land Use:	Multi-family residential

II. Background Information

The NRP Group LLC (NRP) is a developer, builder, and property management company headquartered in Cleveland, Ohio. In early 2018, NRP met with the City of Greenbelt to present a development proposal concept for new construction of multifamily housing, and a small amount of retail space in the Capital Office Park at the intersection of Cherrywood Lane and Ivy Lane. The meeting with the Greenbelt Advisory Planning

Board (APB) took place on January 18, 2018 and the City Council Work session was held on March 5, 2018.

The applicant has filed a Preliminary Plan of Subdivision (PPS) application with the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the PPS is scheduled to be considered by the Prince George's County (The County) Planning Board on October 10, 2019. The PPS has been referred to the City for review and comment.

The subject properties were subject to a Preliminary Plan of Subdivision in 1994, that created the three subject lots, and a 24 acre outlot. The outlot is subject to a 100 year floodplain easement. The PPS conditionally approved the development of 556,000 gross square feet of office space.

III. Proposed Development

The PPS proposes two 5-story apartment buildings and an amenity building. The two apartment buildings will consist of 354 residential units altogether with the one, two, and three bedroom apartments allocated as 212, 123, and 19 respectively. There is no retail component associated with the current proposal, with the applicant citing it was determined not to be marketable. The on-site amenities will include a clubhouse with a swimming pool and a wellness/fitness center; a dog park; and a dog spa which will be housed in the building adjacent to the dog park. The majority of surface parking (454 spaces) provided is behind the apartment buildings however two (one level) parking garage buildings requiring paid (subscription) usage will be provided as well. These will be a total of 36 spaces, 18 in each. A total of 130 bicycle racks are proposed most of which will be indoors (in the basement level of one of the buildings). Six (6) electric vehicle charging stations will be provided, with locations to be determined at Detailed Site Plan (DSP).

IV. Analysis

A. Zoning

The project area is zoned Commercial-Office (C-O) with a Development District Overlay Zone (DDOZ). This zoning provides for multi-family housing. The project is required to conform to the requirements of the *2013 Approved Greenbelt Metro Area and MD 193 Corridor Plan and Sectional Map Amendment* (Sector Plan).

The C-O zone allows density up to 20 dwelling units (du) per net acre, however, M-NCPPC planning staff has indicated that the Greenbelt DDOZ modified the table of uses for the C-O Zone, and allows multi-family development at a density to be approved at the time of Detailed Site Plan. Staff requested clarification from M-NCPPC planning staff on its determination that the subject development is not subject to the density requirements of the C-O Zone (20 du per acre or 208 units), M-NCPPC planning staff response is that they have determined that the footnote does not apply as the use table does not

specifically reference the footnote. They have also added that this will be discussed and further explained in the technical staff report to provide clarification on this issue.

B. Environment

Primary Management Area (PMA)ⁱ

This site contains a total of 5.77 acres of PMA comprised of a 100-year floodplain, steep slopes that extend outside of the PMA, and stream buffer. The PMA is located along the northwest property line extending to approximately half of the northeast property line, covering 36.3% of the subject property. Floodplains, wetlands, streams, and steep slopes are required to be protected under the County's Subdivision Regulations.

- **Floodplain Impacts:**

The project proposes a new pond to attenuate a 100-year storm event. The proposed pond will have floodplain impacts and the County is requiring the applicant to create compensatory storage within the floodplain area to off-set the impacts. The pond will also require the removal of 1,600 SF (0.037 acres) of woodlands.

The applicant is proposing a 0.82 acre reduction of the PMA from 100-year floodplain because of the installation of the pond.

- **Stream Buffer Impacts:**

Temporary impacts are proposed to the stream buffer along the eastern property line for the installation of utilities and to grade the site such that it is viable for the overall development. The stream buffer is very lightly wooded with the vegetation occurring closer to the stream channel. Much of the vegetation is invasive species including the Bradford pears.

Less than 700SF of forest within the stream buffer is proposed to be disturbed and it is located at the head of the stream buffer. All proposed impacts are temporary for grading and utilities and on site elements are proposed to be placed within the stream buffer. The buffer will be planted and/or allowed to afforest over time.

Woodlands

The site is subject to the provisions of the Woodland Conservation Ordinance and 3.28 acres of woodland conservation is required. The applicant has prepared a Tree Conservation Plan (TCP). The applicant originally proposed fee-in-lieu for the value of 3.28 acres, however, at the Subdivision and Development Review Committee (SDRC) review session it was clarified that the County generally does not accept a fee-in-lieu (for woodland conservation requirement) in excess of 1 acre. Historically, the City has also been opposed to fee-in-lieu and has advocated for tree mitigation to occur within the

watershed being impacted, preferably within the City. The applicant is willing to work with the County and City to find an appropriate bank with available acreage to meet woodland mitigation requirements. It should be noted that the last eligible woodland mitigation site in the City was subject to an approved Detailed Site Plan for the vacant parcel adjacent to Capitol Cadillac. Staff is working to determine the current status of this mitigation site in light of a new DSP being prepared for the Capitol Cadillac site.

Noise

The site is located in the vicinity of Edmonston Road and is adjacent to I-95/495 Capital Beltway both of which are roadways that are regulated for noise. The applicant has submitted a noise study, which concludes that, for both buildings in certain areas, noise levels may exceed acceptable levels, per County and State requirements.

The units exposed will require further analysis and may require modifications to proposed standard building construction. Modifications could include increased window/door STCⁱⁱ ratings. The report also states that further analysis would be required to determine the exact mitigation designs necessary, which would be established once architectural plans (building elevations, window/door schedule, unit plans) are further developed.

The City will review and approve a noise attenuation plan and the applicant will be required to comply with Prince George's County residential noise regulations as well as the State of Maryland requirements.

Low Impact Development and Green Infrastructure

The project will be integrated with the ongoing Cherrywood Lane Complete and Green Streets retrofit project which applies low impact development strategies as well as green infrastructure. The applicant will either fund or construct Phase 2 of the project once engineered designs are completed. There may be other opportunities for green infrastructure and/or for low impact development (in addition to ESDs which are incorporated in the project, see storm water management) however, these will be evaluated more closely at the time of detailed site plans.

C. Storm water Management (SWM)

A Site Development Concept Plan was filed with Prince George's County on January 4, 2019 and approved on May 31, 2019. There is an existing SWM pond on the western corner of the tract that serves the adjacent commercial development on Ivy lane. The applicant is proposing to construct an additional SWM pond. Planning staff had concerns about this second SWM pond taking up open space where there might have been an opportunity for functional (recreational) programming. The preference would have been if the applicant could upgrade the existing pond in its obligation to meet the County's floodplain policy requirements. In response to planning staff's concern, the applicant has provided a study and exhibits to demonstrate their findings that retrofitting the existing

SWM facility will require significantly more space with greater impacts compared to providing a second SWM facility and therefore having two (2) ponds.

The Stormwater Management Act of 2007 calls for implementing environmentally sensitive design (ESD) to the maximum extent practicable. The project site will incorporate several types of ESD storm water facilities (up to 36) distributed throughout the property. These provide curbside storm water management benefits by integrating site design, natural hydrology and smaller controls to capture and treat runoff. They also minimize impervious surfaces.

D. Transportation

Traffic Impact Study

This site is the subject of a 1994 approved PPS. The same parcels J, K, and L were approved for the development of 556,000SF (~12 acres) of office/commercial development. This approval proposed an access drive off Cherrywood Lane, at its intersection with Ivy Lane. Associated with the approved PPS, was a 1992 traffic study which the County has indicated is still valid for the PPS currently under consideration.

Based upon this information, the current applicant submitted a Transportation Guidelines Checklist, which has been approved by the County, and a Memorandum (Memo). The Memo points out that the resolution for the previous PPS indicates the trip cap at 945 AM and 875 PM peak hour trips. The Memo also reports that the applicant's traffic/transportation consultant has estimated that 354 multifamily residential units would generate 184 AM and 212 PM peak hour trips, numbers well below the cap and as such determining that a full Traffic Impact Analysis (TIA) is not required and that the proposed development meets the transportation conditions of the 1994 PPS proposal without requiring additional traffic mitigation.

The city planning staff has expressed concerns with a full TIA not being submitted with this application. Those concerns include:

- Based on the 1992 TIA the Cherrywood Lane and Ivy Lane intersection at some point would not function at an acceptable level without signalization - the timing of this is unclear.
- Traffic counts/numbers in the study were based on assumptions and future projections, since then, the Greenbelt Metro station has opened and the US Federal Courthouse has been built, actual numbers could be provided.
- The 1992 report, on page 4 of the study, states that Cherrywood lane was "a newly constructed five-lane roadway from Greenbelt Road to Kenilworth Avenue." Since then, the capacity of the roadway has been reduced.
- Finally, with two new access drives being proposed off Cherrywood Lane and the modifications that have been made to Ivy Lane and Cherrywood Lane to accommodate bike lanes and medians, a traffic study/traffic signal warrant study is need to ensure safety.

Pedestrian and Bicycle Improvements

The applicant has conducted a bicycle and pedestrian analysis and submitted a Bicycle and Pedestrian Impact Statement (BPIS) to the County per guidelines. The statement shows the total cap for proposed off site bicycle and pedestrian facilities (given a cap of three hundred dollars (\$300.00) per unit of residential development proposed in the application) as:

$$\$300 \times 354 \text{ units} = \$106,200$$

The applicant is pursuing Capital Bikeshare installation on site and proposes to implement this using the above stated fee. Coordination with the Department of Public Works and Transportation (DPW& T) will be required. The applicant is proposing bus stop improvements for the bus stop located in immediate proximity to the project, including installation of a bus shelter designed to the new city standards.

The applicant will be required to install a contiguous sidewalk along its frontage and staff is working with the applicant on being in conformance with the City's recently approved Complete and Green Street Policy and on ensuring the implementation of the improvements identified in the *Preliminary Concept Design Report: Cherrywood Lane Complete and Green Street Project* along the applicant's Cherrywood Lane frontage (only required to address half width of Cherrywood Lane).

E. Parks and Recreation

The subdivision regulations of Prince George's County require that residential subdivisions address park and recreation needs through the following means:

1. Dedication of land to the appropriate public agency which can then be used by the public for parks and recreation activities. The area of land to be dedicated increases as the project density increases. Under this scenario the land area to be dedicated for the subject development would be 1.6 acres.
2. Provision of adequate private recreation facilities to service the development. There is no formula or standard which defines what is considered adequate, so this determination is subjective, and is usually negotiated between the developer and the public agency involved.
3. Payment of a fee-in-lieu of equal to five percent (5%) of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation. Staff is working with the City Treasurer on calculating this payment amount.
4. A combination of two or three of the above referenced options.

The subdivision regulations require that any new residential development provide sufficient recreation and open space/and or resources to satisfy the needs of the new residents of the proposed development. For the subject development, the population to be served is 354 housing units, which would result in a population of approximately 850 new residents at the rate of 2.4 persons per du. The applicant is proposing to meet its mandatory parkland dedication requirements through the provision of on-site private recreation amenities. Amenities proposed include a clubhouse with a swimming pool and a wellness/fitness center; a tot lot, a dog park; a dog spa which will be housed in the building adjacent to the dog park, and community gardens. The applicant has submitted an estimated value of the proposed on-site private recreation facilities.

As Greenbelt lies outside of the Maryland-Washington Metropolitan District, the proposed project is subject to Mandatory Parkland Dedication requirements, but staff believes it is at the discretion of the City, and not the County Planning Board. Staff is currently working with the City Treasurer and Acting Directors of the Department of Recreation to identify the city's added recreation needs as a result of the proposed development and as it relates to the applicant's requirement to meet mandatory parkland dedication requirements.

F. Schools

It is estimated that the proposed development will yield 42 elementary students, 19 middle school students and 26 high school students. As of September 30, 2017, the Prince George's County Official Enrollment report found that schools in the City of Greenbelt are over capacity. The utilization of Greenbelt schools ranges from 107% (Greenbelt Elementary) – 150% (Springhill Lake Elementary). While there is concern for the impact the proposed development will have on schools, the County's Subdivision regulations do not require a finding of adequacy for schools, and therefore a PPS cannot be denied based on school adequacy. Instead, all new residential development is required to pay a school facilities surcharge fee for every residential unit. Per County Council Resolution 55-2019 the school facilities surcharge for developments located outside the Capital Beltway is \$16,698 per unit. Therefore the subject development is required to pay a school facilities surcharge fee totaling \$4,992,702 calculated as:

$$(354 \text{ multifamily units} - 55 \text{ studio apartments}^1) \times 16,698 = \$4,992,702$$

G. Public Safety

The County Subdivision regulations require that the PPS address the issues of the adequacy of fire and rescue and police services (although only as it relates to County services). The City provides full police service to the project area. The proposed project is subject to a public safety surcharge fee. Pursuant to Section 10-192.11(2)(A) of the County code, "at least twenty five (25%) of the revenue collected from a surcharge imposed on construction that is located in a municipal corporation that maintains a police department shall be distributed to the municipal corporation's police department." The

¹ Studio apartments are not factored in school facilities surcharge calculations

public safety surcharge fee for fiscal year 2020 is \$2,630 per building permit in the developed tier, resulting in the City receiving \$232,755 towards public safety.

V. Recommendation

At this time staff recommends conditional support of the Preliminary Plan of Subdivision for Greenbelt Metro Station (Capital Office Park). The conditions are as follow:

1. The applicant shall obtain a construction in the right-of-way permit from the City of Greenbelt for the construction of the proposed access drives on Cherrywood Lane, and frontage improvements prior to the issuance of the first building permit. The access permit application shall include a traffic impact study. The traffic impact study shall be conducted in accordance with the adopted M-NCPPC Transportation Guidelines, which shall also include an unsignalized intersection analysis for the Cherrywood Lane and Ivy Lane intersection. If that intersection fails the applicable unsignalized intersection analysis, the applicant shall then provide a signal warrant analysis, as required by the M-NCPPC Transportation Guidelines. The traffic impact study shall be reviewed by the City, and if traffic improvements are required as a result of the findings of the traffic impact study, said improvements shall be funded and constructed by the applicant, with timing to be agreed upon prior the issuance of the first building permit.
2. The applicant shall construct frontage improvements along Cherrywood Lane that include sidewalk, bike lane, lighting, bus stop/shelter, and street trees consistent with the City's approved Complete and Green Street Policy. In addition, the applicant agrees to contribute \$100,000.00 towards the City's Cherrywood Lane Complete and Green Street Project. Timing of said contribution shall be agreed upon prior to the issuance of the first building permit by the City.
3. The applicant agrees to provide off-site woodland mitigation/conservation in conformance with and pursuant to Subtitle 25 of the County Code and the Woodland and Wildlife Habitat Conservation Technical Manual, and agrees to work with the City to identify if there are any suitable woodland mitigation banks within the City. All costs associated with such mitigation shall be the responsibility of the Applicant.
4. Excluding non-native invasive species, the applicant agrees to mitigate the loss of trees (≥ 6 inches in caliber) in the stream buffer associated with utility installation and grading operations. At the time of Detailed Site Plan, a mitigation plan shall be submitted for review by the City of Greenbelt.
5. At the time of Detailed Site Plan, the applicant shall submit a Phase II noise study in accordance with M-NCPPC guidelines for review by the City.
6. At the time of Detailed Site Plan, the applicant shall submit a recreation package to the County and to the City of Greenbelt that includes details of the private

recreational facilities in accordance with the standards outlined in the Prince Georges' County Park and Recreation Facilities Guidelines to include a pool and associated club house and amenities, pet spa, pet wash equipment, dog park, tot lot, and community garden. In addition, the applicant agrees to contribute \$50,000.00 to the City's Parks and Recreation Department for use towards City improvements planned for the Springhill Lake Recreation Center. Timing of said contribution shall be agreed upon prior to the issuance of the first building permit by the City.

7. Prior to the submission of a final record plat, the Applicant agrees to execute a Private Recreation Facilities Agreement with the City to provide for the retention and future maintenance of proposed private recreation facilities. The executed agreement shall be recorded among the land records of Prince Georges County.

ⁱ Primary Management Area - A vegetated buffer preserved and/or restored along all regulated streams outside the Chesapeake Bay Critical Area Overlay Zones, which at a minimum includes:

- (A) All regulated streams and associated minimum stream buffers;
- (B) The one hundred (100) year floodplain as defined by Section 27-124.01;
- (C) All wetlands and associated wetland buffers that are adjacent to the regulated stream, stream buffer or the one hundred (100) year floodplain;
- (D) All areas having slopes of fifteen (15%) or greater adjacent to the regulated stream or stream buffer, the one hundred (100) year floodplain, or adjacent wetlands or wetland buffers;
- (E) Adjacent critical habitat areas

ⁱⁱ STC - Sound Transmission Class